COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 11th April, 2016.

I LATHAIR

Comhairleoir J. P. Ó Sé, Méara Chontae

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

PRESENT

Councillor J. P. O'Shea, County Mayor presided.

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

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

CONFIRMATION OF MINUTES

1/4-1

Proposed by Councillor T. Collins

Seconded by Councillor S. Sheppard

RESOLVED:

"That the minutes of meeting of the Council held on 29th March, 2016, be confirmed and signed by the Mayor."

Suspension of Standing Orders – Flooding East Cork

Councillor M. Linehan-Foley proposed, seconded by Councillor Ml. Hegarty the suspension of Standing Orders to discuss the flooding in East Cork at the weekend.

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

VOTES OF SYMPATHY

2/4-1

TO: Mary Lucey, Housing Section, on the death of her partner, Finbarr.

TO: Eileen Lynch, Environment Department on the death of her husband, Celsus O'Leary, former staff Member Bandon Office.

The Chief Executive said that on behalf of the staff, he wished to be associated with the expressions of sympathy to Mary Lucey and Eileen Lynch. He said that Celsus was employed in the Bandon Area Officer and was a highly regarded member of staff. A Book of Condolences has been opened in County Hall on the passing of Celsus O'Leary.

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

DISPOSAL OF LAND AT BROOKPARK, DUNMANWAY, CO. CORK.

3(a)/4-1

DISPOSAL OF LAND AT SLIP, BANTRY, CO. CORK.

3(a)/4-1

DISPOSAL OF COUNCIL STORE, MART CAR PARK, SKIBBEREEN, CO. CORK.

3(c)/4-1

The Mayor advised that these disposals were considered at the last meeting of the Council.

DISPOSAL OF 57 BARRETTS PLACE, MACROOM, 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 10th March, 2016.

LAND HELD UNDER LEASEHOLD INTEREST:	**57 Barretts Place, Macroom, Co.Cork**
	Folio No. 6597L
FREEHOLD INTEREST:	Folio No. CK26430
FROM WHOM ACQUIRED:	Unknown
PERSON TO WHOM FREEHOLD	

INTEREST IN LAND IS TO BE DISPOSED OF: **Kay O'Sullivan**

CONSIDERATION: € 350.00 inclusive of administration charges
COVENANTS, CONDITIONS AND AGREEMENTS: Conditions pursuant to Housing Act, 1966 and Landlord & Tenant Acts, 1947 – 1984.

FILLING OF VACANCIES ON COMMITTEES & EXTERNAL BODIES

4/4-1

Arts & Culture SPC:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor G. Moynihan, was nominated to the Arts & Culture SPC.

On the proposal of Councillor M. Mullane, seconded by Councillor D. O'Grady, Councillors D. O'Grady and D. Twomey were nominated to the Arts & Culture SPC. Cllr. D. O'Grady was nominated as Chairperson of the SPC.

Environment SPC:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillors D. O'Brien and G. Moynihan were nominated to the Environment SPC.

Housing SPC:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor G. Coughlan, was nominated to the Housing SPC.

On the proposal of Councillor M. Mullane, seconded by Councillor D. O'Grady, Councillor E. Jeffers, was nominated to the Housing SPC.

On the proposal of Councillor D. Hurley, seconded by Councillor K. Conway, Councillor D. Collins, was nominated to the Housing SPC.

Roads & Transport SPC:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor G. Coughlan, was nominated to the Roads & Transport SPC.

Social Inclusion & Community SPC

On the proposal of Councillor M. Mullane, seconded by Councillor D. O'Grady, Councillors E. Jeffers, and D. Twomey were nominated to the Social Inclusion & Community SPC.

On the proposal of Councillor D. Hurley, seconded by Councillor K. Conway, Councillor D. Collins, was nominated to the Social Inclusion & Community SPC.

Tourism SPC:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor D. O'Brien was nominated to the Tourism SPC.

International and European Affairs:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor D. O'Brien was nominated to the International & European Affairs Committee.

Southern Regional Drugs Task Force:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor D. O'Brien was nominated to the Southern Regional Drugs Task Force.

Regional Assembly:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor D. O'Brien was nominated to the Regional Assembly.

Rural Water Monitoring Committee:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor D. O'Brien was nominated to the Rural Water Monitoring Committee.

National Monuments Committee:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor D. O'Brien was nominated to the National Monuments Committee.

Cork ETB:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor G. Coughlan was nominated to the Cork ETB.

Coastal Management Committee:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor G. Coughlan, was nominated to the Coastal Management Committee.

On the proposal of Councillor D. Hurley, seconded by Councillor K. Conway, Councillor D. Collins, was nominated to the Coastal Management Committee.

1916 Committee:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor G. Moynihan was nominated to the 1916 Committee.

On the proposal of Councillor M. Mullane, seconded by Councillor D. O'Grady, Councillor E. Jeffers, was nominated to the 1916 Committee.

Udaras na Gaeltacht:

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor G. Moynihan was nominated to Udaras na Gaeltacht.

AILG (Permanent Delegate):

On the proposal of Councillor S. McGrath, seconded by Councillor B. Ryan, Councillor G. Moynihan was nominated to the AILG as a permanent delegate.

JPC:

On the proposal of Councillor M. Mullane, seconded by Councillor E. Jeffers, Councillor D. O'Grady was nominated to the Joint Policing Committee.

Traveller Consultative Committee:

On the proposal of Councillor M. Mullane, seconded by Councillor D. O'Grady, Councillor D. Twomey, was nominated to the Traveller Consultative Committee.

CASP Policy:

On the proposal of Councillor M. Mullane, seconded by Councillor D. O'Grady, Councillor E. Jeffers, was nominated to the CASP Policy Committee.

Planning & Development (Strategic Infrastructure) Act, 2006:

SID APPLICATION – WASTE TO ENERGY FACILITY AT RINGASKIDDY

5/4-1

The Chief Executive advised as follows:-

This planning report sets out the relevant planning issues for consideration in relation to a proposed Strategic Infrastructure Development (SID) application for a Resource Recovery Centre/Waste-to-Energy (WTE) facility at Ringaskiddy, Co. Cork. As An Bord Pleanála (ABP) are the decision making authority and the Planning Authority are a consultee in the process I have attached a list of suggested deferral points and conditions in the event the Board decides to seek further information or to grant permission for the proposed development.

The main points arising from Cork County Councils assessment of the development proposal are the following:

- The adopted amendment to policy objective ZU 3-7: Appropriate Uses in Industrial Areas of the Cork County Development Plan (2014-2020)(CCDP), following a Section 31 Ministerial Directive, facilitates the use of lands designated as industrial areas for "*strategic large scale waste treatment facilities including waste to energy recovery facilities.....subject to the requirements of National Policy, future Regional Waste Management Plans and the objectives set out in local area plans.*" In this regard the proposed development is acceptable in principle from a local planning policy perspective subject to normal proper planning and sustainable development considerations.
- There is an identified national need for the thermal recovery of non-hazardous waste (300,000 tonnes per annum, {tpa}) and hazardous waste (50,000 tpa) identified in the *Southern Region Waste Management Plan (2015-2021)*(SRWMP). The Senior Engineer of the Environment Department has reported that inadequate information has been provided in the Environmental Impact Statement (EIS) regarding the nature of the proposed facility and that further information is required to fully assess it in context of the aforementioned national thermal recovery need. Specifically in relation to the classification of the facility as a "*recovery centre*", the approximate quantity of municipal waste to be processed at the facility and further consideration of alternatives.
- The visual impact of the proposed development is acceptable and not overly visually dominant having regard to the site context and setting relative to the existing industrial

installations and industrial zoning in the vicinity and to the recent large scale developments in the area together with the industrial/infrastructural expansions due in the immediate future (e.g. Port of Cork, Haulbowline Remediation & M28).

- If ABP decide more detail is needed to adequately assess the impact of this proposal together with other matters mentioned in this report a list of the items of possible further information/clarification is attached in Appendix A. In the event ABP decide to grant permission a list of suggested conditions are attached in Appendix B.

There are four attached appendices to this report:

Appendix A: Suggested Further Information/Clarification
Appendix B: Suggested Conditions
Appendix C: Copies of Internal Technical Reports
Appendix D: Copy of previous ABP refusal reason ref: 04.PA0010

2.0 Site Location and Context

The subject site is located at the north easterly tip of the Ringaskiddy peninsula (see Figure 1) fronting onto Cork Harbour approximately 15km south-east of Cork City. Ringaskiddy village is located approximately 500m to the west of the site with the existing public road (L2545) representing a continuation of the N28 which terminates at Ringaskiddy Ferry terminal to the west. Spike Island is located directly east of the subject site with Haulbowline Island and the naval base to the north. Given the sites prominent position it is visible from wider views in the Harbour as it is located within the visual envelopes of Monkstown Creek and Cobh to the north and Whitegate to the east.

Figure 1: Site Location Map

The site was formerly in use as agricultural land and much of the area has become encroached with scrub over the past 10-15 years. It encircles a permitted metal waste recovery facility (Hammond Lane) and there is an existing internal access track running through the site which extends to and runs

parallel with the rear site boundary. The site is bounded by a shingle beach/clay cliffs and the lower channel of Cork Harbour to the east, the local L2545 road to the north, and by agricultural lands to the south and west. An existing public parking area is located at the north-eastern corner of the site adjacent to Gobby beach. The Martello Tower (listed on the Record of Protected Structures (RPS), ref: RPS ID: 00575, in the CCDP (2014-2020) is located c.70m from the southern perimeter of the site.

The National Maritime College of Ireland (NMCI) and the Irish Maritime and Energy Research Cluster (IMERC) including the recently constructed Beaufort Research Buildings, access to the Irish Naval Base at Haulbowline and the Coastal Marine Resources Centre (CMRC) are all located to the north of the road opposite the proposed development site with Spike Island directly to the east (see Figure 2 below).

Figure 2: Site context

The Lower Harbour is in essence a bowl shaped busy, sheltered coastal mixed use zone interspersed with low ridges which also happens to be the principle gateway for bulk imports to the Cork region and is of national significance. The mixed uses include; residential, industrial, commercial, transportation (Naval Services), recreational and amenity and tourism facilities. Cork Harbour is defined succinctly in the CCDP (2014-2020) as follows in paragraph 6.6.1:

"*Cork Harbour is one of the finest natural harbours in the world. The Harbour area is the focal point for key industries such as the pharmaceutical industry….while much of the land is in agricultural use; the coastline supports habitats and species which are of international importance*."

Cork Harbour is also of crucial importance to Cork's economic, leisure, amenity, marine, transport and heritage activities as identified in paragraph 11.3.3 of the EIS submitted with the application. Ringaskiddy is a significant contributor to employment in the Cork region which combined with Carrigaline has an employment base of about 8000 (Carrigaline Electoral Area Local Area Plan 2015, 2nd Edition). Furthermore a considerable land bank of 236ha remains available for future industrial development and is zoned accordingly in the Local Area Plan.

The Lower Harbour area is undergoing continual change in recent years. Recent changes to the Lower Harbour include the erection of three 150m high wind turbines, the completion of the Beaufort Buildings in the Irish Maritime and Energy Research Cluster (IMERC), the development of Biomarin biopharma plant and the commencement of the remediation of Haulbowline Island. Furthermore, planning permission has been granted for the upgrade of the Port of Cork deep water berths and relocation of the container facility from Tivoli in Cork City to Ringaskiddy. The Lower Harbour treatment plant and network is also currently under construction by Irish Water to the south of Shanbally on the Ringaskiddy peninsula.

The Lower Harbour includes two Napoleonic Martello Towers (Ringaskiddy and Haulbowline), the three major 19th Century forts of Fort Mitchell on Spike Island, Fort Carlisle or Davis in Corkbeg and Fort Camden on Crosshavenhill as well as Haulbowline Military Barracks on Haulbowline Island. These have been given due recognition in the County Development Plan and are Recorded Monuments.

The Council has acquired Spike Island which is centrally located in the middle of the Lower Harbour within one kilometre of the subject site. The Council has also published a brochure entitled "*Spike Island Historical Trail*", which identifies Spike Island as a place apart and have also produced a Masterplan for its future development. It is the intention of the Council to develop Spike Island, and Fort Mitchell on it, as a major tourist destination in the Lower Harbour and to eventually include Fort Camden in Crosshaven as part of a historical/cultural trail. Restoration work has commenced on these two forts and both are currently open to tours by visiting members of the public especially during the summer months.

In conclusion, having regard to the above, the site context now is much changed from that of 2008 at the time of the assessment of the previous application. The recent addition of 3 no. wind turbines have established themselves as part of the landscape in the area, the recent aforementioned new building additions directly north of the site, upgrade of the vehicular access bridge to Haulbowline island which is presently undergoing remediation and development proposals underway at Spike Island, all represent recent changes to the site context which are taken into consideration in assessment of the current development proposal.

During a discussion which took place, Members commented as follows:-

- Regrettable that the Council finds itself in this position yet again.
- Numerous objections have gone in for this including from TDs, HSE, PD Fora and An Taisce.
- The previous Executive put a more negative report forward, regret that the same approach has not been taken now.
- Policy context has changed in 5 years but disgracefully our views were overturned by Minister Coffey.
- Other changes to the Harbour area are beneficial to communities, such as development of Fort Camden, Haulbowline etc., and an incinerator would be completely incompatible with what the Council is are trying to achieve.
- Road network is inadequate and the number of road users has increased. The Port of Cork and Shannonpark Masterplan are putting further pressure. The N28 is 6 years away and the road is not able to sustain extra traffic.
- Coastal Erosion and flooding need to be taken into account.
- Very disappointed that Cobh was not mentioned and not included for any meetings. Government has gone a long way to cleaning up the East Tip, invested €80m.

Councillor M. D'Alton commented as follows:-

The report says that the incinerator proposal is in line with the Southern Region Waste Management Plan, which is true but does not reflect is that with every waste treatment process, there are negative effects on the locality.
The Word Health Organisation has outlined areas which are generally unsatisfactory for hazardous incinerator developments, which include coastal areas subject to floods and areas with limestone deposits.

Areas which are inherently unsuitable for such incinerators. They include areas with unstable or weak soils such as soft clay. This site has that. They include areas with saturated soils such as found in coastal environments. This site is that. They include areas that flood. This site floods. They include areas with atmospheric conditions such as inversions that prevent emissions from dispersing properly. This site is in such an area. They include historic locations or structures, locations of archaeological significance. This site is in such a location. They include sites close to stationary populations. This site is such a site, with the National Maritime College merely 20 metres from its boundary.

Indaver bought this site in 2000 when Cork Harbour was a very different place. They bought it from the receiver of Irish Ispat and set about making it work.

At the time, the site was attractive because it was close to the pharmachem centre in Ringaskiddy and a major centre of hazardous waste production. But even in 2008, this was changing. Many of the industries have moved from chemical to biological based processes. Most of those who still use chemical based manufacture have their own incinerators. And in any event, the incinerator that is proposed this time round for Ringaskiddy is the wrong technology to treat strong hazardous wastes coming from the Ringaskiddy pharmachems.

Indaver says the site is suitable because it is close to Cork City, a centre of waste generation. But the site is at the very bottom of the south of the county and on the wrong side of the River Lee. This incinerator is to treat all waste being produced outside of the eastern region. We could see waste coming from as far north as Donegal to this plant and all of it will come through the Jack Lynch Tunnel.

Indaver says the site is good because it is close to good emergency services. It doesn't matter how good the emergency services are if they cannot get to the site. The site is at the end of a cul de sac to which there is only one road in and one road out. If there is an explosion, as there was in recent weeks in the Indaver flagship facility in Antwerp, the emergency services will have to approach the fire to tackle it. Site selection is supposed to minimise risk.

Indaver says the site is suitable in terms of geology and hydrogeology. Nothing could be further from the truth. Gobby Beach is a recognised earthcache. That means that people come from all over the world to this beach to learn about geology. Even when I was a student in UCC, my class was taken to Gobby Beach. But the coastline is eroding and the coastal protection measures Indaver proposes will destroy the geology of Gobby.

From a hydrogeological point of view, it couldn't be worse. Even the Environmental Impact Statement says that landslides may occur during construction and that the groundwater is extremely vulnerable.

Indaver says that the site is suitable in terms of housing and sensitive locations. But the National Maritime College is just 20 metres from the boundary of the site. It cost €52m to build, has 60 staff and nearly 800 students. UCC's Beaufort facility is next door. It is the largest marine energy research group in the world. It cost €15m and has 135 staff in research.

The Naval Base is 500 metres away. All the 1,000 personnel on the Naval Base would have to pass the site when going to Haulbowline Island. And Imerc is the latest collaboration between the three.

Imerc is a national research centre responding to EU maritime policy which aims to produce 70 new research jobs by the end of this year.

And that's not to mention the 45,000 people living within a 5 km radius of the site.

Where the CE's report does the greatest disservice is possibly in the discussion of visual impact. In the County Development Plan, Cork Harbour is described as a key tourism asset. They are the words used. They are not mentioned in the CE's report. The Carrigaline Electoral Area Local Area Plan says that Cork Harbour tourism is a significant industry. That Cobh Cathedral and the Cobh Heritage Centre are key tourist attractions of national importance with significant numbers of visitors every year. That's not mentioned in the CE's report. Nor that the visiting cruise liners bring in over 100,000 people each year. Cork County Council's planned development of Spike Island aims to attract 100,000 visitors each year. It will have a concert venue to hold 6,000 people, all of whom will park their cars on the rehabilitated Haulbowline Island. All of them will have to pass the incinerator site.

The Local Area Plan says that "it is clear that as a recreational resource, the Harbour cannot be underestimated". But it notes that water access is increasingly difficult and that waterside sites are subsumed by activities which don't need water access. This is one such activity. The CE's report doesn't mention this. Nor does it mention RCI 9-1(a) in the County Development Plan which has an aim to "encourage developers to recognise the limited capacity of many coastal areas for accommodating development on a large scale".

The Local Area Plan says that "the tourism industry relies on the quality and attractiveness of the built and natural heritage". The Spike Island Masterplan which we as a Council commissioned, says that maintaining a high quality environment both on land and in the water is a "vital issue" to building on the natural heritage that is Cork Harbour. The CE's report doesn't mention that either.

But the CE's report does tell us that the National Hazardous Waste Management Plan recommends a national 50,000 tonne incinerative capacity for us to become self-sufficient in hazardous waste management. And it is wrong. That was what the old National Hazardous Waste Management Plan said. The new one says that we need incineration if we want to be self-sufficient in hazardous waste management but because there is such overcapacity in the incinerators in Europe, if operators think it is more profitable to travel abroad, they can.

The CE's report doesn't comment on the climate change implications of the development at all, something we have committed to strongly in the County Development Plan. Nor does it mention odour. It talks about lots of other things, but not odour. Odour is that which is most complained about from Indaver's existing incinerator at Duleek, Co. Meath.

- Opposed to this incinerator because of air pollution, toxic fumes and fly ash.
- Clear contrast of overall vision for a clean harbour.
- This is next to a vulnerable coastline and prone to flooding and the emissions would be felt throughout the whole county.
- Was further information requested by the Council from Indaver?
- Has the Council met with Indaver regarding the application?
- 3rd time is a front and "bullying" is being used.
- The community has put all their resources on the line.
- Indaver said they would respect the democratic decision but they have not done this.
- Incinerator would irreversibly damage Cork Harbour and is an unacceptable risk to those living and working in the area. This is not just a Ringaskiddy problem.
- The residents need to be listened to, everything is being dumped in Ringaskiddy.
- The visual impact of this needs to be taken into account. An 8 storey building – 45.7 m on an elevated site on entering our beautiful harbour, has to be opposed.

- Serious concerns with international perception of milk being produced in the vicinity of an incinerator.
- Cobh will also be affected. Cork Harbour is mentioned as a national asset why would we destroy this.
- The governance has changed, Putting People First has since been brought in to strengthen the local government system.
- Unfortunate that the Chief Executive would not come down stronger on the proposal. This is the only place where people can have their views heard and 3 minutes is not enough.
- The tourism product is crucial, vista for all the people who experience Cork Harbour their first view will be smoke
- Cobh has been decimated by job losses and was told it must rely on tourism. The whole harbour could be undermined and jeopardised.
- People are opposed to this that it will create poison and ill health in the area. Cobh has a high level of cancer already. This will only lead to death and destruction.
- Transport will be an issue, where will all the trucks go.
- Hope that Indaver and An Bord Pleanala will get the message this time
- Erosion of democratic system. This is bigger than a county problem, this is a national problem. There is something wrong if companies are being encouraged by a Minister to apply again and again.
- Is it economically viable to have an incinerator of this size just for the island of Ireland? If we allow an incinerator to be built in the second largest natural harbour in the world, waste will be imported from other countries.
- Biggest issue is the health of the residents of Cork City and County.
- This would not be that far removed from Kinsale and we were not consulted. We have a duty to oppose rigidly.
- Every development has a shelf life and this has gone well beyond it. There is an impression that the system is being manipulated. Letter from CHASE, industry still has a part to play in lower harbour, very important part of economic development.
- This would not happen if the receiver had not sold the site. There is no regulation on them and who they sell to. Receivers need to be regulated.
- Indaver are using job creation as a big stick. Bio technology is what we want for Cork Harbour Indaver put not being honest about pressures on traffic and emergency services access. The site is wrong and nothing will change it.
- Planning should not be considered after so many objections made.

Councillor McGrath proposed, seconded by Councillor O'Grady the following proposal:-

"This Council strongly recommend that An Bord Pleanála rejects this application by Indaver for Incineration Facilities in Ringaskiddy.

Numerous reasons apply, including:-

1. *Risk of flooding as stated by An Bord Pleanala in 2011.*
2. *Risk of coastal erosion as stated by An Bord Pleanala in 2011.*
3. *Infrastructural deficiency, particularly the road network uncertainty over the M28;*
4. *Incompatibility with promotion of Cork Harbour as a recreational and tourist amenity, in addition to a renowned research location.*
5. *Profound unfairness of the planning system, resourceful company against a weary community, 3rd attempt is one too many."*

The Chief Executive said that on 19th February a presentation was made to Full Council and briefings took place at 2 Municipal District Meetings. Any objections or submissions are made to An Bord Pleanala and not to the Council. He said there were no meetings with the applicants and that he would not be in a position to meet with other interested parties as the integrity of the whole process needs to be upheld.

The Chief Executive advised that the matters regarding fire access etc., are dealt with through a different process after planning permission. All reports have been done independently by various staff in the Council and the Senior Planner assesses them all for the Chief Executive. He said the whole process is highly regulated in the organisation to ensure integrity. He said he would take on board technical reports that come before him and include Members' comments.

The Chief Executive said that no further information has been requested from the applicant by the Council and that this would be a matter for An Bord Pleanala.

It was agreed that the proposal and the Meetings Administrator's notes would be forwarded to An Bord Pleanala.

Local Government Reform Act 2014 and Article 15 of the Local Government (Audit Committee Regulations 2014:

REPORT OF THE AUDIT COMMITTEE ON ITS ACTIVITIES IN 2015

6/4-1

On the proposal of Councillor F. O'Flynn, seconded by Councillor K. Murphy, the report of the Audit Committee on its activities for 2015 was approved.

Section 121 (3) of the Local Government Act 2001 as amended by Section 60 of the Local Government Reform Act 2014:

REPORT OF THE AUDIT COMMITTEE ON THE LOCAL GOVERNMENT AUDITORS REPORT & ANNUAL FINANCIAL STATEMENT FOR 2014

7/4-1

On the proposal of Councillor D. O'Grady, seconded by Councillor S. McCarthy, the Report of the Audit Committee on the Local Government Auditors Report & Annual Financial Statement For 2014 was approved.

REPORTS & RECOMMENDATIONS OF COMMITTEES

Corporate Policy Group:

CONFERENCE LIST APRIL, 2016

8/4-1

Proposed by Councillor D. O'Grady

Seconded by Councillor M. Linehan-Foley

RESOLVED:

"That the Conference List for April, 2016, be hereby approved."

Fermoy Municipal District:

BROADBAND IN CLONDULANE

9/4-1

Councillor F. O'Flynn proposed, seconded by Councillor I. Doyle, the following motion:-

> "That Cork County Council calls on the Broadband providers to improve its service in Clondulane and surrounding areas".

During a discussion, Members made the following points:-

- Some areas in the County have no coverage;
- Providers need to improve the coverage, unacceptable;
- Many areas in West Cork have no phone or broadband service;
- This is a countywide issue not just Clondulane.

It was agreed to amend the motion to include all areas in the County and forward to the Minister for Communications and Comreg.

REPORTS & RECOMMENDATIONS OF OFFICERS

QUARTERLY REPORT OF CHIEF EXECUTIVE ON LIBRARY AND FIRE

10/4-1

On the proposal of Cllr. D. Hurley, seconded by Cllr. M. Linehan-Foley, the Quarterly Report of the Chief Executive on the Library and Fire Service was approved.

CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS

DETENTION CENTRE IN THE CORK AREA

11/4-1

Members noted letter dated 1st April, 2016 from the Department of Justice and Equality, in response to Council's motion of 14th March, 2016, regarding a detention centre in the Cork Area for young offenders.

It was agreed to refer the matter back, as there is an urgent need for a detention centre in the Cork Area and families have to travel over 300 km for facilities. Members asked that a detention centre be provided in Cork, similar to what was previously on Spike Island.

NOTICES OF MOTION

PRIVATE RENTED SECTOR

12/4-1

Councillor D. O'Grady proposed, seconded by Councillor M. Mullane, the following notice of motion:-

> "To seek a written report on the inspection programme carried out by Cork County Council on the private rented sector in 2015. The report to contain:

a) The number of inspections carried out.
b) The number of dwellings inspected.
c) The number of dwellings inspected that failed to meet standards.
d) The number of HAP units inspected.
e) The number of HAP units inspected within 8 months of start of tenancy.
f) The number of HAP units that failed to meet standards.

The report to also contain the amount of Government Payments made to Cork County Council for carrying out inspections in 2014."

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

A total of 602 private rented inspections were carried out by the Council in 2015, with 559 dwellings inspected. 524 dwellings failed to meet the standards (including 178 HAP units).

The most common reasons for not complying are as follows:

Article 5 – Structural Condition, e.g. fixtures and fittings in need of attention
Article 7 – Heating Facilities, e.g. insufficient ventilation for open fires and solid fuel stoves
Article 9 – Ventilation, e.g. lack of mechanical extract vents in bathrooms
Article 11 – Fire Safety e.g. insufficient number of smoke alarms/fire blankets
Article 13 – Electricity and Gas, generally certification not provided at time of inspection.

Landlords are immediately provided with a written schedule of requirements following inspection detailing the deficiencies to be rectified in the property.

A total of 179 properties were inspected under the HAP scheme in 2015 with 105 inspected within 8 months of start of tenancy. Of the number of inspections carried out that were outside of 8 months, the majority would have been within a week or two of the 8 month period expiring.

Quite a number of inspections are postponed/rescheduled by either landlord or tenant which may result in the inspection being pushed back beyond the 8 month period. Rescheduled appointments are generally inspected on the next full day scheduled in the given area, in order to maximise the use of resources.

178 of the HAP units failed to meet the standards.

A sum of €82,300 was received by the Council in 2015 from the DECLG for inspections carried out in 2014.

During a discussion, Members made the following points:-

- There is a 99.9% failure rate and the government is cutting back on inspections;
- Forcing people into the private rented sector which they cannot afford;
- This is as a result of government policy;
- Ventilation and fire safety are huge problems;
- Is there any onus on auctioneers to stop a failed house from being put on the market again;
- There is a lack of suitable housing in the county;

It was agreed to write to the Auctioneers of Ireland regarding the re-letting of properties which failed inspections.

Suspension of Standing Orders – Flooding in East Cork

It was agreed to suspend Standing Orders to discuss the recent flooding in East Cork.

Members made the following points:-

- Youghal had tidal flooding but did receive advance warnings from the Council;
- Everything was put in place and commended the emergency services and the RNLI;
- Youghal Town Council provided funding previously for flood walls but the work was not complete;
- Call on the Minister and the OPW to provide funding to finish flood walls as promised by the Minister;
- Residents in Midleton suffered also, call for more funding;
- What is the status of other Flood Relief Schemes in the County;
- Commend staff in Skibbereen who responded to flooding;
- This type of flooding will come again with high tides, walls are too low.

It was agreed to write to the Minister for the Environment and the OPW regarding flood protection walls in Youghal and for an update on all Flood Relief Schemes in the County.

As the time was now 1.15 pm an extension of time was agreed on the proposal of Councillor P. Hayes, seconded by Councillor D. O'Grady

REQUEST FOR SCHOOL WARDENS

13/4-1

Councillor S. McGrath proposed, seconded by Councillor K. Dawson, the following notice of motion:-

> "That this Council revisits the request for additional School Wardens in Cork County. This was previously discussed at the Council meeting on January 12th, 2015, and subsequently at the Budget meeting in November, 2015. "

During a discussion, Members made the following points:-

- There is a huge demand for this service across the County but we need to be cognisant of resources;
- Recruitment embargo is no longer an issue;
- Children's lives are being put at risk, it must be prioritised;
- There is no cover if a School Warden is absent this needs to be addressed;
- The onus should be on the Department of Education to provide School Wardens, make it a condition of planning permission;
- There is a need for School Wardens in Charleville while they wait for the bypass;
- There are 5 primary schools in Midleton and none have a School Warden;
- The Department of Education have indicated that they would look favourably on a request for School Wardens from the Chief Executive;
- Council should look at volunteers to backup the service;
- Council needs to be more innovative with its resources;
- Junior School Warden Schemes are huge success and work in conjunction with the Gardai.

The Chief Executive advised that he said previously that he would be happy to progress a School Warden Scheme but there is a huge demand and there would be associated capital costs. He said there may be some solution and the Council could look at a mix of voluntary work and secondary school students. He said he would discuss the matter further with the Director of Roads and Head of Personnel and that there may be an opportunity to engage with the primary school Principals in the County.

It was agreed that the matter would be referred to the Roads & Transport SPC, for further consideration.

LEGISLATION FOR CYBERBULLYING

14/4-1

Proposed by Councillor N. Collins

Seconded by Councillor M. Linehan-Foley

RESOLVED:

"That this Council request the Minister for Justice to introduce appropriate legislation so that the perpetrators, not the victims, pay the price of the pernicious practice of cyberbullying."

HOUSING CRISIS

15/4-1

Proposed by Councillor C. Cullinane

Seconded by Councillor N. Collins

RESOLVED:

"That this Council would support the open letter by the Master of the High Court to acting Minister for the Environment Alan Kelly and its immediate call to action re the housing crisis. That we, as a Local Authority identified in this letter, are not willing to wait 2 to 3 years to build social housing but instead immediately acquire houses from vulture funds through compulsory purchase which would be both morally and legally appropriate."

Members made the following points:-

- The Council should be in charge of any compulsorily purchased houses;
- HAP & RAS are helping the landlord not the tenant;
- Introduce rent controls;
- NAMA should not be wound down, should continue to 2021 and give dividends to the State;
- The housing crisis is deepening, great to see the Master of the High Court speaking out;
- Timeframe for housing is not good enough, more needs to be done.

VOTES OF CONGRATULATIONS

16/4-1

TO: Pat Kinevane, on winning an Olivier Award for Outstanding Achievement in an Affiliate Theatre.

TO: Dee Forbes, native of Drimoleague, on her appointment as Director General, RTE.

TO: Eli Lilly, Kinsale, for their investment of €35m in the company.

TO: Adam O'Flynn, Midleton, on winning 3 gold medals and 1 bronze in the World Kickboxing Championships Qualifiers, Under 9.

TO: Cliodhna Sargent, Togher, on receiving 200th cap for Ireland playing hockey.

This concluded the business of the Meeting