



COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 9 July, 2018.

I LATHAIR

Comhairleoir P.G. Ó Murchú, Méara Chontae

Comhairleoiri MacCraith, Mac Seafraida, Ní Fhúarthain, D. Ó'Donnabháin, Ó Cainte, S. Ó Coileán, M. Ó Murchú, Ó hEarchaí, R. Mhic Cárthaigh, Ó Colmáin, Lombard, C. Ó Murchú, Ní Cochláin, J. Ó' Donnabháin, G. Ní Mhuimhneacháin, Críod, Ó Gráda, Ó Luasaigh, Ó Riain, Ó Conbhuí, P. Ó Suilleabháin, C. MacCárthaigh, Ó Ceocháin, Sheppard, De Barra, Ó Cadhla, Rasmussen, N.Ó Coileán, Ó hEachteirn, Uí Thuama, Ó hEigeartaigh, 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, T. Ó Coileán, Ó Cearúill, J. Ó Suilleabháin, C. Ó Suilleabháin, Uí hEigeartaigh, Ó hAodha, D. Ó hUrthuile.

PRESENT

Councillor Patrick G. Murphy, County Mayor presided.

Councillors McGrath, Jeffers, Forde, O'Donovan, 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, McCarthy, Keohane, Sheppard, Barry, Ó Cadhla, 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, T. Collins, Carroll, J. O'Sullivan, C. O'Sullivan, Hegarty, Hayes, Hurley.

Chief Executive, Senior Executive Officer.

CONFIRMATION OF MINUTES

1(a)/1-7

Proposed by Councillor Kevin Murphy

Seconded by Councillor Seamus McGrath

RESOLVED:

“That the minutes of the Annual Meeting of the Council held on 22nd June, 2018, be confirmed and signed by the Mayor.”

Proposed by Councillor Michael Hegarty

Seconded by Councillor Seamus McGrath

RESOLVED:

“That the minutes of the Meeting of the Council held on 25th June, 2018, be confirmed and signed by the Mayor.”

VOTES OF SYMPATHY

2/1-7

TO: Bridie Collins on the death of her husband, Stephen.

TO: Bishop William Crean on the death of Rev. Fr. Martin O’Riordan.

TO: The Forde Family on the death of their mother, Geraldine.

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

Members noted the following disposals.

3(a)/1-7

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 28th June, 2018.

Situation: 27 Parknamore Rise, Ballincollig, Co. Cork

Consideration: €98,127.33 (subject to change depending on month and year of redemption)

3(b)/1-7

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 19th June, 2018.

Situation: Rectification of Title at 8 James Connolly Place, Donnybrook, Douglas, Cork

Consideration: € 100.00 plus €500.00 administrative costs together with Cork County Council’s legal costs of approx €1,200.

MANAGER'S REPORT PERSUANT TO THE REQUIREMENTS OF ARTICLE 83, PART B OF THE PLANNING AND DEVELOPMENT REGULATIONS, 2001, AS AMENDED

4/1-7

PART 8 REPORT: L1515 EMMET STREET PEDESTRIAN CROSSING, FERMOY

Proposed by Councillor Frank O'Flynn

Seconded by Councillor Seamus McGrath

Resolved:

"Noting that in accordance with Article 83 Part B of the Planning and Development Regulations, 2001, as amended, notice of the proposed development was published, 4 No. submissions were received in respect of the proposal, approval pursuant to Article 83 Part B of the said Act is given for the following:-

L1515 Emmet Street Pedestrian Crossing, Fermoy.

PART VIII OF PLANNING & DEVELOPMENT REGULATIONS 2001-2018

5/1-7

Members noted the Part 8 reports for the proposed construction at Beechgrove, Clonakilty, of 51No. Social Houses and the conversion of Lower Tawnies Cottage & Outhouses into 6 No. Social Houses

Members welcomed the report for the construction of social housing, and during the discussion that followed members raised the following points;

- Japanese Knotweed is present on site and locals living next to the site have raised concerns.
- The manner outlined in the report to treat the knotweed on site will set a precedent.
- Why are we dealing with the issue on site so close to another housing estate?
- This may have insurance implications for those people living close by who paid for their own houses

The Chief Executive asked members to note section 9.4 of the part 8 report, and outlined that the management proposal for the Japanese Knotweed is as per the recommendations of the specialist environmental report submitted with this application. The knotweed will be entombed in a sealed receptor cell below ground and will be located in the public open space area to the south of the manor house. This was adopted as the most suitable and sustainable solution. The Chief Executive stated he is satisfied that the issue will be dealt with in an appropriate environmental manner.

Members then commented as follows;

- The best advice is to treat knotweed on site.
- Provided rules and guidelines are followed there will not be an issue.
- The Council have proposed a suitable measure that will adequately address the knotweed issue on this site.
- The original plans for this development were put forward in July 2014 and are only going to Part 8 now.

The Mayor said that a specialist environmental report has been drawn up to deal with the Japanese Knotweed issue and he recommended the part 8 proposal proceed.

Proposed by Councillor Paul Hayes

Seconded by Councillor Kevin Murphy

Resolved:

“Noting that in accordance with Article 81 of the Planning and Development Regulations, 2001- 2018, notice of the proposed development was published, 11 No. submissions were received in respect of the proposal, approval under Section 179(3) of the Planning and Development Act, 2000, is given for the following:-

Construction at Beechgrove, Clonakilty, of 51 No. Social Houses and the conversion of Lower Tawnies Cottage & Outhouses into 6 No. Social Houses.

SECTION 221 OF THE LOCAL GOVERNMENT ACT 2001

ADOPTION OF ANNUAL REPORT 2017

6/1-7

Proposed by Councillor Kevin Murphy

Seconded by Councillor Seamus McGrath

RESOLVED:

“Noting that in accordance with Section 221 of the Local Government Act 2001, the Annual Report for 2017 be hereby approved”

FILLING OF VACANCIES ON COMMITTEES AND EXTERNAL BODIES

7(a)/1-7

Proposed by Councillor Des O’Grady

Seconded by Councillor Melissa Mullane

RESOLVED:

“Councillor Eoghan Jeffers be appointed to the Cork Education and Training Board, replacing Councillor Des O’Grady”

7(b)/1-7

Proposed by Councillor Des O’Grady

Seconded by Councillor Melissa Mullane

RESOLVED: *“Councillor Daniel Twomey be appointed the HSE Regional Health Forum, replacing Councillor Rachael McCarthy”*

REPORTS & RECOMENDATIONS OF COMMITTEES

CORPORATE POLICY GROUP

8/1-7

Conference List July 2018

Proposed by Councillor Frank O’Flynn

Seconded by Councillor Kevin Conway

Resolved:

“That the Conference List for July, 2018, is approved.”

NOTICE OF MOTIONS

DEBATES AT SPCS AND OTHER COMMITTEES

9/1-7

Councillor Diarmaid Ó Cadhla proposed, seconded by Councillor Sinead Sheppard, the following notice of motion:-

That in the interests of facilitating and informing debate at SPCs and other committees and in respecting the contributions of the members, that Council resolves to adopt the following as policy:

·That the proposer of any Notice of Motion, policy or other matter, wherever originating (in committee, Municipal District or full Council), that is referred to another body for consideration, be invited to present such matter to whatever body it is referred to.

·That presenting of such referred matters to an SPC or other body would be done on a guest basis, with speaking rights on the particular matter only, but without assigning any voting privileges that don’t already exist.

· In exceptional circumstances Council may decide, for stated reasons, that someone other than the proposer be invited to present the referred matter.

During the discussion the followed, member’s comments included as follows;

- The purpose of the motion is that members should be invited to the relevant Strategic Policy Committee (SPC) meeting as this would be respectful of the member’s contribution concerning their notice of motion.
- It is important that councillors can give presentations on their motions at SPC.
- Some motions/policy matters agreed SPC’s have not been referred back to full council for consideration.
- Members asked are there any barriers preventing councillors attending SPC.
- Members noted that only members of council and those nominated to the SPC can contribute and comment at the SPC meetings.
- A review of Standing Orders needs to be undertaken.
- All members should be furnished with the agendas of all SPC’s.

The Mayor referred to **Circular LG 07/2014** – *“Establishment of New Strategic Policy Committees (SPCs) and Corporate Policy Group – Strategic Policy Committee Guidance”*, issued by the Department of Housing, Planning and Local Government, and informed the chamber that full

participation in meetings of SPC's should be confined to the members of the SPC. Where policy matters of particular interest to other councillors or local interest groups arises, the SPC at their discretion could meet with the relevant municipal district members or groups.

The Mayor commented that the next review of Standing Orders will be carried out in 2019, and as part of the review process there will be consultation with the elected members.

The Chief Executive said that the SPC's are committees of Cork County Council and the Chair of the SPC is responsible for ensuring the relevant matters are referred to the Corporate Policy Group and in turn to full council.

The Mayor stated that only decisions on policy matters are referred back to full council for decision.

LOCAL PROPERTY TAX

10/1-7

Deputy Mayor Councillor Mary Linehan Foley proposed, seconded by Councillor Noel Collins, the following notice of motion:-

“Asking that Cork County Council write to the Department of Housing, Planning and Local Government, and request that all Property Taxes collected be kept in their particular areas to help enhance communities in our towns and villages.”

Members noted the report from the Head of Finance, which outlined as follows:-

The current system by which the allocation of non-programme funding to local government is informed derives from the historic annual contribution from Central Government, adjusted by the Needs & Resource model and subsequently the General Purpose Grant (GPG) allocations were largely based on the pattern of allocations over preceding years. It was replaced by Local Property Tax (LPT) from 2015, when local retention of LPT began.

Under this new funding model, 20% of all LPT collected nationally is paid into the Equalisation fund. 20% of each and every LA LPT is paid into this fund. As every local authority is entitled to receive a minimum amount of funding under the LPT allocation process, the Equalisation fund is then re-distributed to local authorities, within the context of the annual allocations of LPT, to ensure that all authorities receive, at a minimum, an amount equivalent to their Baseline.

The remaining 80% of all LPT receipts is retained within the local authority area where the Tax is raised. Some local authorities will receive greater levels of funding from the Local Government Fund as a result of local retention of LPT compared to their Baseline. For these Local authorities the surplus allocated in two ways:

- Part of the surplus up to the equivalent of 20% of total expected LPT income can be used as additional income by local authorities for the authority's own use as part of their normal budgetary process; and
- The remainder of the surplus, if any, will then be available to the local authority to fund services in the housing and/or roads areas thereby replacing Central Government funding for some of these services.

As Cork County Council is in a surplus position when expected (2018) LPT receipts are compared to the 2018 Baseline, the Council is required to self-fund services in the Housing and Roads areas.

2018 LPT allocation	€
Projected 100% LPT Income for County	40,842,506
Less 20% allocated to Equalisation Fund	8,168,501
80% LPT retained locally	32,674,005
Allocated as follows:	
Baseline 2018(GPG & PRD 2014)	8,402,758
Assigned for discretionary purposes - including variation of basic rate	8,168,501
Balance to self-fund Housing and Roads Services	16,102,746
Total LPT funding to be provided 2018	32,674,005

Cork County Council is a net contributor to the equalisation fund and does not retain the full LPT raised in the County for the provision of services in the area. 20% of the LPT is remitted to the Equalisation fund and 39% is used to replace grants, or self-fund, Housing and Roads Services. Cork County retains 41% of the LPT raised in the area of which €8.4m (baseline) replaced existing funding.

The Minister for Finance conducted a review to consider the operation of the Local Property Tax (LPT), and, in particular, any impacts on LPT liabilities due to property price developments. The review was to examine the operation of the LPT and to make recommendations in relation to issues that arose from the review. The review, undertaken by Don Thornhill, was published in 2015 which included the following recommendation:

“Over the medium term, the Government should consider moving to a system whereby local authorities retain 100 percent of the LPT revenues raised in their areas. Authorities with weaker tax bases would consequently need to receive supplementary Exchequer funding”

Subsequently the Department of Finance commenced a review of LPT in April 2018 looking in particular at the impact on LPT liabilities in the context of property price developments in advance of the revaluation date on the 1st November 2019 and having particular regard to:

- Providing a basis for future review as property values vary over time;
- The relationship between property price movements and tax liability;
- Mechanisms for ensuring relative revenue stability and providing a level of certainty in terms of liability for 2020 and beyond;
- The considerations around continuing to operate the current range of LPT exemptions and deferral options;
- The outstanding recommendations of the 2015 Thornhill review of the LPT

It is intended that the report of the review group will be presented to the Minister for Finance in summer 2018, for publication in due course and may be considered in the context of Budget 2019

Members thanked the Head of Finance for the comprehensive report and during the discussion the followed member’s comments included as follows;

- At the time of introducing the Local Property Tax (LPT) it was widely understood that all LPT would be retained locally and not just percentages of the tax.
- The LPT is essentially a central tax.
- 100% of LTP collected locally should be spent locally.
- We need all the funding available to maintain staff numbers.

- The €100 household charge was used by the Government to fund Irish Water
- Some members outlined they could not support the notice of motion as proposed and stated we must be mindful of what we are actually seeking in this motion.
- Wealthy areas of the county cannot be allowed to retain all their LPT receipts.
- The LPT is a regressive tax and should be abolished.
- It is an unfair tax that does not take into account people's ability to pay.
- The Sinn Fein Party's position has been for the creation of an equalisation fund in perpetuity.
- Areas with higher property prices are subsidising weaker parts of the county.
- All citizens should receive the same level of services.
- Members requested a breakdown of the LPT amount collected per MD, and what will be LPT implications for the area and the households within that area that will move to the new Cork City boundary.
- The Thornhill Report recommended that 100% of LPT receipts would be retained by local authorities.
- People would be more willing to pay their property tax if 100% was retained locally leading to higher accountability in how the tax is expended.
- It is clear that the notice motion is calling for that all LPT collected in the county remains in the county.
- The LPT is substituting and replacing government grants.
- We should be allowed to keep 100% of LPT collected and use it as additional funding.

Deputy Mayor Councillor Mary Linehan Foley agreed to amend the notice of motion, as follows;

Asking that Cork County Council write to the Department of Housing, Planning and Local Government, and request that all Property Taxes collected in the County of Cork be kept in the County of Cork to help enhance communities in our towns and villages, and that the Local Property Tax collected should be used by local authorities as additional funding instead of substituting and replacing Government grants.

Members agreed to write to the Department of Housing, Planning and Local Government on the matter.

OBJECTIVE 4-5: ARCHITECTURAL CONSERVATION AREAS

11/1-7

Councillor John O'Sullivan proposed, seconded by Councillor, the following notice of motion

"That a report be provided on the operation of objective 4-5: Architectural conservation Areas.

- a) Does Architectural Conservation legislation supersede national building regulations and guidelines in relation to living standards on Health and Welfare and energy conservation.*
- b) What circumstances would allow for the replacement of listed structure.*
- c) What level of supports are available to support applicants that have had an Architecture Conservation Area designation enforced on their property.*
- d) Is there a compensation scheme in place where it can be shown that designation will devalue a property.*
- e) Is it open to a property owner to question the accuracy of the designation of a property or a location.*
- f) Are these designations National or local Authority."*

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

The ACA designation and the building regulations (i.e. Building Control Act) do not supersede each other. One relates to legal requirements in the construction of new buildings and the other is a

designated historic area supported by planning policies and objectives. It is of note that the ACA designation does not cover the interior of a property to which owners can upgrade, renovate etc at their discretion.

Protected Structures (listed buildings are the equivalent UK designation) and ACAs are not one of the same. An ACA can include protected structures or may not include any protected structures. The provision for protected structures, their removal from the RPS, and/or removal, partial removal are outlined under Section 57 (10)(b) of the Planning and Development Act 2000 (as amended). This is further explained in Chapter 6 the 'Architectural Heritage Protection; Guidelines for Planning Authorities, published in 2004.

ACAs are designated as part of the development plan process. Applications for buildings located within Architectural Conservation Areas can be made under the Built Heritage Investment Scheme and Structures at Risk Fund, where in the opinion of the local authority, a need for such works to enhance the character and the appearance of the ACA is demonstrated. Other schemes can often use the Architectural Conservation Area designation as criteria for eligibility and/ or a priority for funding. The local authority also provides very extensive pre-planning for owners and/or occupiers of properties located within Architectural Conservation Areas, as well detailed guidance documents such as *Guidelines for the Management and Development of Architectural Conservation Areas*, *'Shopfronts of County Cork A Design Guide for the Historic Setting'*. The Heritage Unit is currently preparing a further guidance document on Historic Streetscapes. Staff of the Heritage Unit are always available to provide advice and assistance to any member of the public relating to the architectural and archaeological heritage.

ACAs are designated as part of the development plan process and subject to normal statutory provisions of the same. During the normal course of the making/reviewing of a development plan, members of the public may make submission in relation to ACA designations. The ACA designation is generally considered positive in terms of cultural, social and economic benefits, and in the certain instances members of the public have put forward submissions to have particular areas/streetscapes considered for inclusion in an ACA. I am unaware of any compensation schemes for lands/areas designated and/or zoned etc in accordance with the Planning and Development Acts.

During the normal course of the making/reviewing of a development plan, members of the public may make submissions in relation to ACA designations.

Architectural Conservation Areas are a national designation. ACAs were introduced 18 years ago under the Planning and Development Act 2000. Particulars relating to the same are set out in Part IV, Chapter II *Architectural Conservation Areas*, of the aforementioned Act. Architectural Conservation Areas are not specific to Ireland but are present internationally, being adopted as early as 1925 in the parts of the United States and established in 1967 in the United Kingdom. ACAs in Cork County have been operational for 15 years. The designated ACAs are listed individually within the county development plan or town plans, while the boundaries of each area are identified in a separate map section. Objectives for the preservation of the character of these areas are included in the main text section of the relevant plan. For further information relating to ACAs I would refer to Cork County Council's *'Guidelines for the Management and Development of Architectural Conservation Areas'* which was published in 2011. The document provides an introduction to ACAs and deals with the characteristics of ACAs, development within ACAs, and considerations when carrying out development within ACAs. I would further refer to the relevant national guidance document which was published by the Department of Environment, Heritage and Local Government in 2004, which comprehensively deals with all matters relating to architectural heritage protection, including ACAs, development control and detailed guidance notes on technical aspects.

During the discussion that followed, members raised the following points;

- An important issue the response does not deal is what grounds can someone replace a structure in a conservation area.
- People are prepared to rebuild structures in the same design, however the cost involved as the objective provides are prohibitive.
- The objective appears to becoming a blunt instrument.
- Where there are serious structural issues we need to be more practical and flexible.
- Do we want to be protecting structures that are not up to living standards?

INFRASTRUCTURE FEE (DEVELOPMENT LEVY) FOR ONE OFF HOUSES

12/1-7

Councillor Seamus McGrath proposed, seconded by Councillor Eoghan Jeffers, the following notice of motion;

“This Council resolves to ask Irish Water to facilitate stage payments in relation to the Infrastructure fee (Development levy) for one off houses.”

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

Cork County Council facilitated phased payments in relation to the infrastructure fee for one-off houses. A similar policy would involve a change of approach by Irish Water.

During the discussion on the matter, members raised the following points;

- Unlike Cork County Council’s planning contribution scheme, there is no flexibility under Irish Water.
- It is a stringent and unfair approach that leads to people putting off building a home
- Irish Water will not facilitate stage scheduled payments.
- A one off upfront fee is a harsh penalty for anyone to pay.
- It is too strict and unfair and we must keep pressure on Irish Water.
- The current system is onerous and not workable.
- Communication from Irish Water is pitiful.

Members agreed that the matter should also be raised with the Minister for Finance and the Minister for Planning, Housing and Local Government.

VOTING AGE FOR LOCAL AND EUROPEAN ELECTIONS

13/1-7

Councillor Bernard Moynihan proposed, seconded by Councillor Des O’Grady, the following notice of motion;

“That the voting age be reduced to 16 years of age for local and European elections 2019.”

During the discussion on the matter, members' comments included as follows;

- We need to encourage younger people to have an interest in the political system.
- Sinn Féin is proposing a bill in Seanad Éireann to reduce the voting age in local and European elections to 16.
- The Government promised a referendum on this previously.
- Young people should be able to register to vote when they are attending secondary school.
- They should have a say on the makeup of local authorities and the Oireachtas.
- Why would the Oireachtas not something that would be very inclusive of young people.
- It is crucial to involve young people in the political system.
- It would encourage young people to be responsible.

Members agreed to amend the motion, requesting that the Government ensure that electoral registration be made available to young people in secondary schools.

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

ROLL OUT OF NEW GOVERNMENT AND FINANCIAL SERVICES TO POST OFFICES

14/1-7

Councillor John Paul O'Shea proposed, seconded by Councillor Michael Murphy, the following notice of motion;

"That Cork County Council call on An Post to publish a detailed plan and timeline for the roll out of new Government and financial services to Post Offices, which was agreed recently as part of the €50m investment plan for the postal network."

During the discussion on the matter, members' comments included as follows;

- News of the Government's investment plan for post offices is welcomed.
- Post Offices play a huge part in our daily lives and they should play a more critical role into the future.
- The future of towns and villages is paramount to this council, and this includes post offices.
- The Bobby Kerr report is sitting on the Minister's desk gathering dust.
- The reality is the number of services provided by post offices needs to be enhanced.
- Why can't the renewal of motor tax be administered through post offices.
- We should also write to the Minister of Social Protection write to Minister and ask that the tender for future social welfare payments be awarded to An Post.
- In October 2017, representatives from An Post were meant to attend Development Committee to discuss An Post's future plans for post offices.

The Mayor informed the chamber that the letters would issue to An Post and the Minister of Social Protection, and that he would seek an update regarding An Post attending Development Committee.

BUDGET 2019

15/1-7

Councillor Noel Collins proposed, seconded by Councillor John Paul O'Shea, the following Notice of Motion:-

"That this council call on the government to introduce in budget 2019 new taxes aimed at discouraging property speculators from cashing in on rocketing house prices."

During the discussion on the matter, members raised the following points;

- A system of tax loopholes have emerged that allow investors to flip properties and pay no taxes.
- There is evidence of people being granted tax relief on the sale of the family home multiple times over a short period of time.
- The tax system is urgently in need of reform.

Members agreed to write to the Minister for Finance & Public Expenditure and Reform.

VOTES OF CONGRATULATIONS

TO: Bill Cooper and Séamus Harnedy on winning the Munster Hurling Final with the Cork Under 21 Hurling Team.

TO: Donncha O'Connor on his retirement from the Cork Senior Football Team.

TO: Sophie O'Sullivan on winning silver in the 800m at the European Championships.

TO: Conor Lehane on winning the National Macra Na Feirme Stock Judging Competition.

ANY OTHER BUSINESS

Local Electoral Boundary Committee

Councillor Des O'Grady sought clarification regarding the Local Electoral Boundary Committee maps that were circulated to members at the meeting, and asked the Chief Executive when the draft electoral register would be available.

The Chief Executive stated that Cork County Council is currently working with Cork City Council on updating the electoral register. The Chief confirmed that the draft electoral register will be published on the 1st November, 2018.

Opening of Tenders

The following tenders were opened at the meeting:-

- 4 tenders for the Ballintubber Flood Relief Scheme (Consultancy Services).

This concluded the business of the meeting.