



COMHAIRLE CONTAE CHORCAÍ

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

I LATHAIR

Comhairleoir D. Ó hUrthuile, Méara Chontae

Comhairleoiri S. MacCraith, Mac Seafraida, Daltúin, Ní Fhúarthain D. Ó Donnabháin, Ní Dheasmhumhnaigh, Ó Cainte, S. Ó Coileán, M. Ó Murchú, Ó hEarchaí, R. Mhic Cárthaigh, Ó Colmáin, Lombard, C. Ó Murchú, G. Ní Mhuimhneacháin, Críod, Ó Gráda, Ó Luasaigh, Ó Conbhuí, P. Ó Suilleabháin, C. MacCárthaigh, Ó Ceocháin, De Barra, O' Cádhlá, Rasmussen, N. Ó Coileán, A. Ó Suilleabháin, Uí Thuama, Ó hEigearthaigh, S. NicCárthaigh, Léanacháin-Foghlú, Ní Bhrian, N. MacCárthaigh, Ó Floinn, Ó Dúghaill, Mhic Dháibhí, J. Uí Mhurchú, Ó Sé, G. Ó Murchú, G. Ó Murchú, Ó Muimhneacháin, Uí Mhaoláin T. Ó Coileán, D. Ó Coileán, Ó Cearúill, S. Ó Suilleabháin, C. Ó Suilleabháin, P.G. Ó Murchú, Uí hEigearthaigh, Ó hAodha

PRESENT

Councillor D. Hurley County Mayor presided.

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

Deputy Chief Executive, A/Director of Services Corporate Services, A/Senior Executive Officer.

CONFIRMATION OF MINUTES

1/7-1(a)

Proposed by Councillor Kevin Conway

Seconded by Councillor Danny Collins

RESOLVED:

“That the minutes of the Annual meeting of the Council held on 23rd June, 2017, be confirmed and signed by the Mayor.”

1/7-1(b)

The Mayor informed Members that in the preparation of the Section 85 Agreement for the Social Housing Public Private Partnership (Bundle 2) for the Council meeting on the 26th June, 2017, a typographical error occurred, where Galway County was named instead of Galway City, whereas Galway City was referenced in the remainder of the briefing note and description of the project.

Proposed by Councillor Kevin Conway

Seconded by Councillor Marcia Dalton

RESOLVED:

“That the minutes of the meeting of the Council held on 26th June, 2017, be confirmed and signed by the Mayor.”

1/7-1(c)

The Mayor informed Members that the resolution to enter into a Section 85 Agreement with Cork City Council for the purposes of Planning and Construction of the junction upgrade that was adopted by Members at the Council Meeting on the 22nd May, 2017, was not recorded into the minutes of the 22nd May meeting adopted by Members on the 12th June, 2017.

The Mayor said that the resolution to enter into a Section 85 Agreement with Cork City Council would be read into the minutes, as follows;

South Douglas Road/N40 off-ramp West Douglas

The Douglas Land Use and Transportation Study (DLUTS) recommended measures across the Douglas area to improve travel conditions for vehicles, pedestrians, cyclists and public transport users. One of the measures proposed is the installation of a signalized junction to replace the existing roundabout at the South Douglas Road/N40 off ramp West Douglas.

The works will involve

- Removal of the existing roundabout
- Installation of traffic signals on three approach roads
- Revised layout of road into Willow Park and Gaelscoil Na Doughlaise, incorporating possible signalisation.
- Revised layout of lanes and the end of N40 off ramp
- Extension of footpaths and construction of a traffic island
- Coordination with signals at West Douglas/N40 On Ramp

Benefits of the proposed scheme

- Roundabout removed and replaced with signalised junction
- Better distribution of time for all traffic at junction
- Safer access to schools for pupils and parents
- Much-improved pedestrian facilities
- Bus Detection enabling improved journey times
- Linking of two traffic signalized junctions at Douglas West with junctions at Douglas East
- Performance example: No blocking back onto the N40
- Performance example: Improved journey times for buses on South Douglas Road

Proposed by Councillor Derry Canty
Seconded by Councillor Joe Harris

RESOLVED:

“It is an objective of Douglas LUTS that the existing roundabout at the junction of the South Douglas Road and the N40 off ramp at West Douglas be upgraded to a signalised junction. Having considered concerns raised by Members of the Ballincollig/Carrigaline Municipal District and following consultations with Cork City Council in relation to the entrance to Willow Park, it is proposed the entrance may be controlled by traffic signals as opposed to a yellow box as had been suggested in the original documentation. The proposal as shown on the attached information note has been changed to reflect this change.

Following the consideration of the Members of the Ballincollig/Carrigaline Municipal District, the agreement of full Council is sought to the entering into a Section 85 agreement with Cork City Council for the purposes of Planning and Construction of the junction upgrade.”

Accordingly, Cork County Council hereby resolves to enter into an Agreement with Cork City Council pursuant to the provisions of Section 85 of the Local Government Act 2001 for the purposes of Planning and Construction of the junction upgrade”

VOTES OF SYMPATHY

2/6-2

TO: The Buckley family, on the death of Gerry Buckley, former employee of Cork County Council Veterinary Department.

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

Members noted the following disposals.

DISPOSAL OF SERVICED SITE AT 20 ARDMANAGH, ESTATE, SCHULL, CO. CORK

3(a)/7-1

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

DISPOSAL OF LAND AT LACKAGHANE, BALTIMORE, CO. CORK

3(b)/7-1

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

REPORTS & RECOMMENDATIONS OF COMMITTEES

CORPORATE POLICY GROUP

CONFERENCE LIST FOR JULY, 2017

4(a)/7-1

Proposed by Councillor Michael Hegarty
Seconded by Councillor Frank O'Flynn

RESOLVED:

“That the Conference List for July, 2017, be hereby approved.”

TOURISM CONFERENCE SEPTEMBER, 2017

4(b)/7-1

Proposed by Councillor Timmy Collins

Seconded by Councillor Kevin Murphy

RESOLVED:

“That attendance the upcoming coming tourism conference 'Working as One on the Wild Atlantic Way - Building Sustainable Communities', be hereby approved.”

ROADS AND TRANSPORTATION SPC

EASY PAYMENT METHOD FOR MOTOR TAX PAYMENTS

5/7-1

Councillor June Murphy proposed, seconded by Councillor Timmy Collins the following notice of motion:-

“That this Council request the Minister for Housing, Planning, Community & Local Government to develop an easy payment method for motor tax payments enabling people to make regular small payments towards their motor tax bills. The Council also calls on the Minister to remove the additional costs for motor tax renewals on a quarterly and half yearly basis”.

Members agreed to write to the Minister for Housing, Planning, Community & Local Government.

MEETING WITH MINISTER FOR TRANSPORT, TOURISM AND SPORT, REGARDING INVESTMENT IN CORK ROADS

6/7-1

Members noted the report from the Director of Services, Roads in connection with the meeting between the cross party delegation from Cork County Council and Minister for Transport, Tourism and Sport on 3rd July, 2017, regarding investment in Cork road which outlines as follows;

Present:

Minister for Transport, Tourism & Sport

Shane Ross TD

Cork County Council (CCC):

Mayor Declan Hurley MCC

Frank O’Flynn MCC,

John Paul O’Shea MCC,

Paul Hayes MCC and

Tom Stritch, Director of Services.

Department of Transport, Tourism & Sport (DTTaS)

Ray O’Leary, Assistant Secretary,

Dominic Mullaney, Principal Adviser

Tony Williams and Ashling Ring,

Transport Infrastructure Ireland (TII):

Geraldine Fitzpatrick, Head of Road Capital Programme,

Paul Moran, Regional Manager South West Region and

Tom Casey, Head of Pavements, Construction Materials & Innovation-Network Management

The Mayor thanked the Minister for meeting with the delegation.

He referred to “Cork 2050- Realising the Full Potential “– Cork’s Submission to the National Planning Framework and Cork County Council’s submission to the Mid-Term Review of the Capital Plan 2017, which identified significant transport related infrastructural requirements in County Cork and requested that the Minister provide the necessary funding for these projects to progress. He referred to the amount of Motor Tax being paid by the population of the County, estimated at almost €6 million in 2016 and the fact that initial funding granted for Roads by the DTTaS in 2016 amounted to less than half of this amount. He highlighted the huge drop in Grant funding for Regional & Local Roads since 2008 and the detrimental effects of this on the condition of the road network.

CCC raised the following:

- “ Cork 2050- Realising the Full Potential “complied with Government Policy in providing a counterbalance to the growth of Dublin, envisaged growth of population in the Cork Region to 850,000 people and the need for an investment of €4.58 billion in transport infrastructure to meet that level of development.
- the historically relatively low level of Road Grants per km to Cork County Council, although corrected in recent years, which had left the county’s road pavements in a below national average condition, justifying an increased share of available funds.
- the acute pavement problems on some of the National Roads in the County at present.
- the poor condition of roads in the Western Division of the County citing in particular the N71, R586 and R572
- the need for funding for road improvements to compliment the Economic and Tourism developments underway such as the rapidly expanding fishing industry in Castletownbere, Carbery Milk Products in Ballineen and the promotion of Wild Atlantic Way.
- the case for upgrading the R586 to National Secondary status in view of its importance as a transport link through the heart of West Cork including the towns and its use by fishery trucks serving Castletownbere.
- the need to restore the M20 project onto the Capital Plan, it being a necessity to the economic development of the Region and its role in linking the second and third cities in the country.

- the importance of the M20 being routed via Charleville and Mallow, not alone to the development of North Cork but also to Limerick and Kerry.
- the need for the N72 Mallow Northern Relief Road, the importance of the dairy industry in the Region, the huge investment by Dairygold in Mallow and the case for the state to support that investment by funding the road.
- West Cork has no National Primary Route; there is a case for upgrading the N71 to National Primary status and the R586 to National Secondary status.
- the “unfinished” Bandon by-pass on the N71,
- the very low level of funding

The Minister stated that there is huge competition for available funding but that Cork County Council has made a strong case. He stated that the midterm review of the Capital Investment Plan will yield some additional funds and that some of the projects highlighted by the delegation will get consideration for funding, but that it will be difficult to get new projects on the Plan. He referred to Taoiseach Varadkar’s desire to progress development of infrastructure and find new ways of funding it and that there will be some realistic hope of catching up. He stated that Motor Tax goes directly to the Exchequer with only a portion of it being returned to his Department but will follow up on the issue raised. He noted that no formal request has been made to his Department in relation to the upgrading of the R586

DTTaS and TII commented that the designation of the N71 as a National Secondary was only marginal due to its relatively low traffic volumes. The case to change the status to National Primary would therefore be difficult to sustain. TII enquired of the rationale for wanting the R586 upgraded. If this was funding related only, this objective would be difficult to achieve as it would be competing for the same funding availability as all other National Routes.

TII stated that there will be no decision on the M20 until the midterm review of the Capital Plan is complete but that €1 million had been allocated this year for early activities and the Minister confirmed that the project is being taken seriously and that he wants to keep it alive.

TII set out the programme for the Dunkettle Interchange and N22 Baile Bhúirne – Macroom Scheme. Dunkettle is currently at Tender, will be a Design and Build scheme with significant planning work to be carried out by the Contractor and work being done off road before the main construction begins in 2019. Advance works are currently underway on the N22 and based on the current funding expectations commencement of the main construction work can be anticipated to take place in 2020, given the funding envelope from the Capital Investment Plan 2016-2021 (CIP). In the event that funding is available earlier than this, TII are confident that CCC will be ready to progress the scheme.

DTTaS highlighted the role of road development in the bigger picture of National Development, in particular Dunkettle contributing to Cork becoming a more sustainable city and the overall contribution of the N22 scheme to the development of the Region. In response to a request that the N22 be expedited, DTTaS advised that TII is doing everything possible to do so, but budgets are restricted.

In response to the point made that the Mallow Northern Relief Road can progress independent and ahead of, but fully compatible with the M20 and that it has been on the agenda for 50 years now, TII advised that the Feasibility Study currently underway will give clarity on the route and related issues. Once the feasibility Study is complete, TII expect that the scheme will progress with the planning and design required to bring it to the statutory process, given that it is in the CIP 2016-2021.

On foot of an enquiry on the timeframe for the M28 Cork – Ringaskiddy Scheme, TII advised that it is a vital scheme for Cork, praised the work of CCC’s National Roads Office in getting it submitted to An Bord Pleanála (ABP) recently and that the timeframe going forward depends on whether there will

be any challenges to ABP on it and the decision of ABP. If there are challenges to the scheme it is envisaged that ABP will hold an Oral Hearing, probably before the end of 2017.

TII acknowledged that the western end of the N71 Bandon By Pass is a bottleneck and that it and the Newmills scheme, which arises from safety issues, have a high priority under its Minor Improvements Programme. CCC is progressing the design of the Bandon extension but there are potential land acquisition complications. CCC acknowledged recent clearance from TII to proceed to Compulsory Purchase Order stage on two schemes on the N73 Mallow- Mitchelstown.

In response to serious concerns expressed by CCC concerning accidents at “Chip Van Corner” on the N71, TII stated that it was carrying out a forensic investigation to find the root cause of the problem but at this stage suspect that it is excessive speed. It is monitoring speeds on a number of other sites with a poor safety record and the results are of serious concern. TII stated that safety is their priority and immediate interventions are undertaken on pavements where skidding resistance issues are identified.

CCC highlighted their concerns in relation to resurfacing projects being deferred due to delays in Irish Water (IW) carrying out mains replacement and pipe work schemes. TII advised that it has regular meetings with IW to overcome these problems and has onerous resurfacing requirements when new surfaces are excavated for water services infrastructure. CCC sought DTTaS support for similar engagement with IW in relation to Regional & Local Roads.

In response to queries on the Cork Northern Ring Road and N25 Carrigtwohill-Midleton scheme, TII confirmed that both remain suspended, that the former has a cost of the region of €500 million and that the closing of crossing points on the latter has addressed the major safety concern there. CCC referred to

- The return of the Strategic Road Grant funding scheme in some counties in 2017, requested that Cork be considered for 2018 funding and acknowledged that DTTaS was willing to consider two applications which are currently being prepared for the Carrigaline Western Relief Road and the East/West link Carr’s Hill to Grange
- the need for more NTA funding to be directed to Cork and in particular the N40 Pedestrian overbridge

In response to a request for funding for Traffic Calming, in particular ramps, in estates where 30 kph speed limits have been adopted, DTTaS is anxious to see what else can be done beside ramps and has given CCC the opportunity to submit some schemes for a pilot project,

CCC outlined the difficulties associated with roadside hedges and the need to extend the hedge cutting season, which will also facilitate following up on notices to land/property owners and the Council’s support for the Wildlife Bill currently being considered by the Seanad, particularly in relation to the cutting of roadside hedges during August. The Minister confirmed that Minister Humphreys is committed to getting the Bill passed into law.

In response to a request from a member of the CCC SPC for improved funding for Bus Eireann, the Minister confirmed that he is meeting the Unions shortly and working on a forum for discussions that will improve relations. He will be seeking additional PSO funding in 2018.

In response to concerns expressed re the condition of some imported part worn tyres and the need for standards for same, the Minister outlined that standards are the responsibility of the Department of Enterprise & Innovation, but that DTTaS has responsibility for road safety and that he will bring the issue to the attention of the relevant Section of his Department and to the Road Safety Authority.

CCC also raised:

- rejection of a request for extension of speed limit on N71 at Glengarriff towards Kenmare by TII – will be brought to attention of relevant personnel there.
- now that transatlantic flights have commenced from Cork, that pre-clearance facilities be provided
- the return of specific funding for Local Improvement Schemes – the Minister confirmed that he is familiar with the issue.

The Minister thanked the Council delegation for coming and stated that he now has a far better picture of the Councils' concerns. He also thanked the TII representatives for their attendance and contribution. He stated that he would like to continue the dialogue with the Council going forward.

The Mayor thanked the Minister, DTTaS and TII representatives for the meeting and expressed the view that face to face meetings were much more satisfactory than exchanging written correspondence.

During a discussion that followed, Members made the following points:

- Members thanked the Director of Services Roads for the report.
- Members were disappointed that there was no representative from South East Cork at the meeting.
- Following recent flooding of the N25, the Ministers said that extra funding would be made be made available for the N25, however, this has not happened.
- That Cork County Council is playing catch up in terms of funding.
- Not even half of what we pay out in motor tax is coming back to Cork.
- Numerous governments have failed to progress the N22 scheme.
- The responses from TII and the Minister are non committal.
- TII have no grasp of the network of roads in Cork County.
- The Minister's response to the M20 seems to indicate that it is not going ahead.
- Similar meets with the Minister for Transport have taken place over the last 10 years and nothing has happened.

The Mayor said the meeting with the Minister was very productive and that all of the concerns regarding the lack of investment in Cork roads raised by Members were taken on board by the Minister.

Members made the following additional points;

- Traffic volumes on West Cork roads are increasing as a result of increased economic/agricultural activity.
- The majority of Cork County's roads are so narrow that they cannot be called national routes.
- The Mallow Relief Road is extremely important and we need to keep pressure on the Minister to ensure that within 12 months funding is received for the Mallow Relief Road.
- TII by failing to progress the M20 is holding back the economic progress of Charleville, Mallow and the entire North Cork region.
- The Minister confirmed that works to upgrade the Dunkettle Interchange will commence in 2019, the N22 will commence by 2020, and that a rigorous reappraisal of the M20 Cork to Limerick road is to be carried out.
- It has cost the tax payer and exchequer millions of Euros to progress the N22 to CPO stage.
- The N71 is grossly underfunded and this is costing jobs, investment, tourism and lives.
- The N71 needs to be upgraded to national primary status
- The €600,000 allocated to Cork County Council for national secondary routes is a disgrace.
- Roads in West Cork are not fit for purpose, and only 1 in 50 roads are resurfaced.

- The Northern Relief Road appears to have been forgotten and with it the economic progression of Ballincollig, Blarney and Glanmire.
- There is pressure from other sources to re route the M20 through Mitchelstown.
- Strategic road grants are critically important if we are to progress roads such as the Carrigaline Relief Road.
- We are the largest county and need to push for a greater allocation of strategic road grants.
- The IDA confirmed that investment will not arrive to certain areas until after the Northern Relief Road has been built.
- The Fota Road and Fota Bridge continue to be an issue for Cobh.
- The recently resurfaced Fota Road still sees a number of accidents every month.
- Members outlined the need for a face to face meeting with the Minister and representatives from TII.

The Mayor said that the discrepancy between Motor Tax and funding received by the Council was raised at the meeting and the Minister acknowledged that Cork has fallen behind in terms of funding for roads. The Mayor said that the case for a direct route as the preferred option for the M20 rather than re routing through Mitchelstown was raised with the Minister. The Mayor confirmed to the chamber that he did an invitation to visit Cork was extended to the Minister.

The Deputy Chief Executive said that Cork County Council's submission to the Capital Review 2017 Process provided the Council's delegation with a strategic approach in relation to the meeting with the Minister and TII. The Deputy Chief Executive said that after the Dunkettle Interchange, the N22 would take second priority, and following completion of the ongoing mid-term review of the National Capital Programme he was confident the N22 project would move ahead by 2019-2020.

The Deputy Chief Executive said that the current levels of grant funding allocated to the Council do not correspond to the length of the county's road network or population; however, the Council is currently doing better than it did in the past in terms of funding. The Deputy Chief Executive said that he was hopeful next year the Council would see increased funding for investment in strategic roads.

The Deputy Chief Executive said the progressing the Northern Relief Road project is very important in relation to delivering parts of the Monard Strategic Development Zone (SDZ), and both the Northern Relief Road and SDZ are referenced in the Council's submission on the the Mid-Term Review of the Capital Plan 2017. The Deputy Chief Executive said he was hopeful that a positive response would be received in connection back from the Council's submission on the Mid-Term Review of the Capital Plan 2017.

The Deputy Chief Executive said he welcomes an opportunity to meet with the Minister in the future and that he was somewhat heartened that the media recently covered the M20 as a priority infrastructure project.

COASTAL MANAGEMENT COMMITTEE

PLANNED DREDGING PROGRAMME

7/7-1

Councillor Michael Hegarty proposed, seconded by Councillor Mary Hegarty the following notice of motion from the Coastal Management Committee;

“That a Planned dredging programme for Cork County be put in place with funding set aside in Cork County Council’s annual budget”

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

The budget process for 2018 will commence on Q3 2017. Any requests for additional funding/resources for specific projects should be made as part of this process. Any such request will need to have a proven business case and cost benefit analysis.

In this instance a determination of service need with a proposed planned schedule is required, together with full costs identified for the scheme. In addition any and all potential sources of funding will need to be identified and pursued, e.g. grant/subvention in order to aid the financing of the proposed programme. Any submitted programme will be considered as part of the overall resources allocation in the budget process. However, the Council has limited resources with multiple and competing demands. The allocation of these resources will need to be prioritised across all services on the basis of both statutory requirements and need.

While the above is the general process applied to requests for new programme funding, the issue of whether a proposed programme of works is within the statutory responsibility of another agency or central government is also a determining factor. This is an issue that would need to be considered in the decision making process on application of council funds to a dredging programme.

During a discussion that followed, Members made the following points:

- Members thanked the Head of Finance for the report.
- Members acknowledged the vast amount of research carried out by Councillor Marcia Dalton.
- Cork County has over 1,200 km of coastline, yet there is not a dedicated marine section in the organisation
- Coastal infrastructure is being forgotten about.
- The coastline has huge potential for economic development”, especially in rural areas.
- The coastal villages of Courtmacsherry, Ring, and Reen Pier in Union Hall are dependent on access to water.
- Courtmacsherry is one of the most active coast guard stations in the Country and its harbour that has not been dredged in over 20 years in silting up. The local lifeboat crew have advised there is only 3 feet of water in the harbour at low tide and this is effecting the operation of the life boat when entering and exiting the harbour.
- In Bantry houses are flooding because dredging is not carried out.
- The sea is as important to the people of West Cork as the M50 is to people in Dublin.
- The Council is not putting sufficient funding in place for coastal management, and the Coastal Management Committee is the Council’s poor relation.
- A little investment in our coastal infrastructure would generate massive returns.
- The Council has legal responsibilities for the upkeep of small piers and pontoons in its role as harbour masters.
- Kerry and Wexford County Councils carry out dredging programmes; however, Cork County Council does not.
- We are way behind other local authorities in maintaining our coastal infrastructure.
- The Council needs to employ more Harbour Masters.

The Deputy Chief Executive said that the Council has undertaken a lot coastal management infrastructure works and that the Council's commitment to coastal management is reflected in the Council's Tourism Strategy and its 2 maritime studies. The Deputy Chief Executive confirmed that a budget of €1.1m was allocated to coastal protection in the current financial year. The Deputy Chief Executive said that from legal perspective the Council is empowered but not obligated to carry out coastal works. The maximum grant available from the Department of Agriculture, Food and Marine (DAFM) to fund dredging schemes is €50,000 and that any expenditure above this would need to be self funded and that this would be challenging. The Deputy Chief Executive said that due to competing demands from other sources the Coastal Management Committee would need to identify the priority areas for funding and that Members would decide on funding decisions during the next budget process.

The Deputy Chief Executive said the Council would examine the possibility of cooperating with other local authorities and with the Port of Cork Company in terms of coastal management works and that he would revert back to the Coastal Management Committee with an update in due course.

NORTHERN COMMITTEE

COMMUNITY EMPLOYMENT SCHEME

8/7-1

Councillor Frank O'Flynn proposed, seconded by Councillor Gearoid Murphy the following notice of motion from the Northern Committee;

“That Cork County Council would in relation to the Community Employment Scheme request Leo Varadkar, T.D., Minister for Social Protection to review the scheme and the rules governing participation as a matter of urgency and increase the number of places in County Cork because many communities have vacancies which cannot be filled and this scheme has been of tremendous benefit to communities in the past. Changes in the scheme are required to enable unemployed people in the older age bracket, especially those aged in the 50's and 60's age bracket, to be afforded the opportunity to participate in these schemes and for these schemes to extend beyond the current duration of twelve months.”

During a discussion that followed, Members made the following points:

- The JobPath and Gateway schemes negatively affect peoples' ability to get on the Community Employment (CE) Scheme.
- The CE scheme is extremely important for communities.
- Unemployment levels are falling and there has been a 30% reduction in the number of people available for the CE scheme.
- Changing economic conditions should lead to a reform of the criteria governing the CE Scheme.
- Individuals are happy to continue on the CE scheme; however the rules don't allow them to.
- It can take people 3 years to get back on the CE scheme.
- The CE scheme is filling a gap in the work that the Council itself should be carrying out on the ground, and we need to recruit more outdoor staff.
- JobPath is outdated and it is the biggest hindrance to the CE scheme
- The Department is contractually obliged to refer people onto the JobPath programme which is being delivered through a third party following a tendering process.

Members agreed to write to the Minister for Social Protection requesting a review of the CE scheme.

CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS

COMPASSIONATE ACCESS PROGRAMME

9/7-1

Members noted letter dated 28th June, 2017 from the Department of Health, in response to Council's motion of 8th May, 2017, regarding broadening of the 'compassionate access programme' to medicinal cannabis. Members acknowledged the Department's response and during a discussion on the matter made the following points:-

- The setting up of the access programme needs to be expedited
- The period of several months referred to in the Department's letter is too vague
- The remit of the programme needs to be widened so that families will not have to travel abroad for treatment.

Members agreed to write to back the Department of Health on the matter.

DOG LICENCES

10/7-1

Members noted letter dated 3rd July, 2017 from the Department of Housing, Planning, Community and Local Government, in response to Council's motion of 13th February, 2017, regarding dog licences and agreed to write back to the Minister requesting that the legislation be extended to those in receipt of disability allowance.

VALUATION ACTS

11/7-1

Members noted letter dated 4th July, 2017 from the Department of Justice and Equality, in response to Council's letters dated 16th June, 2017, regarding amendments to the Valuation Acts.

During a discussion that followed, Members made the following points:

- Members expressed their disappointment with response and felt that the matter has not progressed despite numerous letters to the Department.
- The response shows exactly what they think of Councillors.
- Councillors are treated different to other politicians
- All public representatives should be treated equally with respect to paying rates.

Members agreed write back to the Department of Justice and Equality on the matter. Members also agreed that a copy of the letter together with the Department of Justice and Equality's response to Council dated 4th July, 2017 be sent to the Department of An Taoiseach, Department of Housing, Planning, Community and Local Government. Members also requested writing to the Association of Irish Local Government requesting their support on the matter.

NOTICES OF MOTION

2018 COUNTY DEMAND

12/7-1

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

“That Cork County Council, due to the present economic recession and abnormal climatic conditions, resulting in very serious financial problems for both the commercial sector and local authorities, give consideration to a freeze in the County Demand for 2018, and request the Department of Housing, Planning, Community and Local Government, the Department of Finance and Revenue Commissioners to help businesses meet financial obligations, by way of rates and income tax and to legislate accordingly.”

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

The Annual Rate on Valuation (ARV) for Cork County is 74.75. This ARV has applied since 2008 with no increase in the County Rate over the 2008-2017 period.

The ARV for Cork County cannot be further increased until the harmonisation of ARV’s for the former Town Councils and County Council is complete. As agreed by Council this is taking place over 5 years (post 2015) and the ARV for the County cannot therefore increase until 2021.

A draft general scheme of Rates bill has been agreed by the Government in May 2017 which follows a comprehensive review of existing rates legislation. The draft proposes to consolidate and modernise existing legislation and introduce significant changes to commercial rates to include improved enforcement powers for local authorities to collect rates and provisions to allow local authorities to introduce rates alleviation schemes to support national and local policy objectives.

During a discussion that followed, Members made the following points:

- The current system of imposing rates is unconstitutional
- The rates system inequitable and is putting pressure on businesses
- Rates should be based on profitability and not the size of a property.
- We carrying out road works in towns and villages, footfall in businesses decreases, we need to be considerate of this.
- Members queried what happens in the event that a business rates valuation goes up or down

The Deputy Chief Executive said the County Annual Rate of Valuation (ARV) is currently fixed and cannot be changed until the harmonisation of ARV’s for the former Town Councils and County Council is complete in 2021. The Deputy Chief Executive said the rates are a very important source of income for the Council, and that rents far exceed the amount of rates paid by businesses. Following a revaluation, the rates payable can go up or down as the multiplier can change following the

reevaluation however the rate is currently fixed at 74.75. The Council operates a 100% rates refund scheme for businesses that are vacant or available for letting at the time of striking the rate

The Deputy Chief Executive stated that rates legislation is decided by the government and that a new rates bill is currently going through the Dáil.

LEGAL OWNERSHIP OF OPEN SPACE GREEN AREAS

13/7-1

Councillor Seamus McGrath proposed, seconded by Councillor Frank O'Flynn, the following notice of motion:-

"To seek written clarity on the legal ownership of open space green areas in residential estates that have been Taken in-Charge by the Council. If, as it seems in most cases, the ownership remains with an original landowner or developer what certainty do residents have that such an area will remain open and accessible? Who pays for the public liability insurance in such cases and is it possible for the legal owner to sell such an area of ground? In older estates where the original planning permission does not specify the exact open space area, but where one is clearly established on the ground, can such an open space area be protected for residents in the same manner as one defined in a planning permission. "

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

The Council is responsible for roads, footpaths, car parks, surface water drainage infrastructure and open spaces in estates that are Taken-In-Charge (TIC). As of 1st January 2014, Irish Water is responsible for watermain and foul sewage infrastructure.

Prior to the enactment of the Planning & Development Act, 2000 a "Deed of Dedication" was provided by the developer/landowner dedicating areas to public use. An accompanying map defined these areas.

Post-enactment of the aforementioned Act, the developer provided an as-constructed layout outlining the areas to be TIC, including open spaces.

Whereas it is of course possible that title of lands may be transferred to third parties, in practise any potential purchaser would presumably carry out due diligence to ensure that the lands under purchase can be developed or otherwise. Any areas defined as open space cannot be altered without the benefit of planning permission. Any attempt to privatise public open space would be the subject of Enforcement proceedings under the 2000 Act (once the matter has been brought to the attention of the Planning Authority).

It should be noted that – going forward – the transfer of title of common areas forms part of the TIC process where there is a Developer to nominate a Solicitor to act on their behalf.

During a discussion that followed, Members made the following points:

- The report leaves the window open in terms of the protection of estate's green areas.
- The report does not answer who has responsibility for public liability insurance in terms of green spaces.
- The report does not provide the clarity or certainty that is required.
- Members raised concerns that green spaces can be transferred to third parties and potentially be developed.

- Do residents need to be worried about losing the green spaces in their estates.
- The message needs to go out from the Council that we are serious about protecting open green spaces in estates.
- The process of taking in charge needs to include green areas.
- Is there the possibility that green areas could be developed.
- Had there ever been a CPO on communal parts of housing estates.
- Can we look retrospectively at transferring title over green spaces in estates we have already taking in charge.
- Was there an unintentional loophole in the process of taking estates in charge?
- If developers continue to own green spaces should they be responsible for maintaining the green areas rather than residents.
- Look at the possibility of accepting gifted open spaces from developers.
- There is a legal obligation on solicitors to protect their clients when purchasing a house and a sale contracts need to adequately protect access to green spaces.
- The issue needs to be look at nationally from a legal perspective in order to protect residents.

The Deputy Chief Executive confirmed that once an estate is taken in charge public liability insurance becomes relevant for the Council. The Deputy Chief Executive said that in the event that an application is made to develop a green space, then that application will be subject to the planning control system. The Deputy Chief Executive said that national planning guidance requires a minimum of 14% be retained as open space, which Cork County Council must give consideration to.

The Deputy Chief Executive said that all future estates taken in charges will transfer ownership of green open spaces to Cork County Council. In relation to the gifting of open green spaces, the Deputy Chief Executive said that he would be happy to accept any offer made.

Members said there was a need to be proactive on the issue in order to address the loophole that needs to be closed off. Members agreed that the matter would be referred to the Planning SPC for further consideration.

EXTENSION OF TIME

Proposed by Councillor Eoghan Jeffers
Seconded by Councillor Seamus McGrath

Members agreed an extension of time up until 1.45pm.

PROCESS OF PASSING A RESOLUTION IN COUNCIL

14/7-1

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

“That this Council clarify to members the process of passing a resolution in council; also give clarity on the process of how that passed resolution effects Council policy.”

Members noted the report from the S/Director of Services, Corporate Services, which outlined as follows:-

The rules governing the procedures of Council meetings including the passing of resolutions are contained in the **Cork County Council Standing Orders Regulating the Proceedings of the Council**.

Standing Orders govern the format and order of Notices of Motion. This gives the Mayor, following consultation with the Meetings Administrator and member responsible for the motion, the discretion to refuse or amend any motion in order to secure compliance with Standing Orders.

The Standing Orders also provide for a motion to be proposed without notice for the purposes of dealing with urgent business related to a function of the local authority, subject to the requirement that not less than one half of the total number of the members of the authority vote in favour.

Unless where otherwise stated in the standing orders, or by law, a majority of members present and voting shall suffice to carry any motion or amendment and in case of equality of votes the Chairperson shall have, in accordance with law, a second or casting vote in addition to any vote to which he/she is otherwise entitled. A motion or amendment when not seconded is dropped.

When a resolution is passed by Council the Chief Executive arranges for the resolution to be referred on to the appropriate officer/department/forum for attention/response, provided that it is not unlawful and that it is consistent with other Council policy frameworks. Depending on the resolution this may be forwarded to one or more of the following:

- Council Directorate/Department/Officer
- Strategic Policy Committee Administrator
- Municipal District
- External body/organisation

Where resolutions propose a fundamental shift in Council policy it will likely only be actioned when such policies are next scheduled for review/replacement.

Councillor Melissa Mullane stated that the motion in question refers to a previous resolution adopted by Members at the Council meeting on the 13th March, 2017, as follows;

“That this Council write to the Minister for Housing, Planning, Community and Local Government seeking the following:

- Re-assurance that Family Income Supplement payment is disregarded for the purposes of calculation of rents under the proposed new National Differential Rent Scheme, as is the present practice in Cork County Council
- That the New National Differential Rent Scheme must be adopted by all Approved Housing Bodies.

Members said that at the recent Development Committee meeting they were informed that the new rent scheme will include family income supplement.

The Deputy Chief Executive stated the notice of motion regarding the passing of resolutions in Council did not adequately define what information was sought from management. The Deputy Chief Executive said that he would need to seek clarification from the Housing Directorate and would not comment further on the matter.

LOCAL INFRASTRUCTURE ACTIVATION FUND

15/7-1

Councillor Des O’Grady proposed, seconded by Councillor Seamus McGrath, the following notice of motion.

“To seek a report on the progress of the Local Infrastructure Activation Fund scheme (LIHAF) under which €20.4m is being provided to unlock housing development on 4 sites in County Cork. As the scheme demands that 40% of homes delivered must be 10% below the average cost of market housing in the county the report to include the criteria being used to determine affordability and the number of affordable housing units the council expect LIHAF to deliver out of the total 1,740 projected by 2021.”

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

The Department for Housing, Planning, Community and Local Government (DHPCLG) has issued proposals for a legal agreement with the County Council in relation to each LIHAF project (i.e. four agreements). These will serve to govern the implementation of the LIHAF programme in County Cork and there a number of issues relating to the form and structure of the proposed agreements which need to be clarified. These include issues relating to the delivery of a quantity of reduced price housing as part of the LIHAF funded projects. At present a number of differing approaches to this issue are under discussion with the Department and a report will be made to the Elected Members of the County Council when these discussions are complete

During a discussion that followed, Members made the following points:

- Houses delivered under the scheme will not be affordable
- The scheme will allow local authorities to enter into discussions with developers and decide what is affordable.
- House prices in Cork County have risen between 9 and 10 percent, with average purchase prices of €270,000 in Ballincollig, €250,000 in Glanmire, and €230,000 in Midleton.
- The reality is that not one single house will be made available at an affordable price despite public money being used.
- Public money is benefiting private hands
- The LIHAF scheme is already failing.
- Mortgages are approved at 3.5 times a mortgage applicant’s salary. Individuals will need to earn the following salaries to afford houses in
 - Ballincollig €70,000 p/a
 - Glanmire €64,000 p/a
 - Midleton €58,000 p/a
- The costs of developing houses in Midleton will be significantly higher due to special development contributions such as rail.
- €20.4 million of public money will be given to developers to open up sites for development.
- Developers will sell the houses to vulture funds and make huge profits.
- Can management clearly identify what developments are associated with LIHAF
- Each local authority is carrying out discussions with developers on their own regarding affordability, and that there is a need for a national affordable scheme.

The Deputy Chief Executive said that there is a huge demand for housing and 3,500 new units per annum are need in Metropolitan Cork. The Deputy Chief Executive said he accepted that affordability remains as an issue and that it is critical for more houses to be built; however, this could not happen unless the required infrastructure is first in place.

The Deputy Chief Executive stated that there is 1 development in Glanmire associated with LIHAF, and 1 development in Carrigaline. In Ballincollig, there are multiple developments with multiple owners and developers, and the Deputy Chief Executive said that progress is ongoing regarding the development in Waterrock, Midleton. The Deputy Chief Executive stated that in relation to providing

public money available to developers under the LIHAF scheme, the planning Part V mechanism would return benefits to the Council in terms of delivering housing.

The Deputy Chief Executive said that discussions with the Department regarding LIHAF are ongoing, and a report would be given to Members when discussions are concluded.

Deferred Agenda Items

Members agreed the remaining motions on the agenda would be deferred until the Council Meeting on the 24th July, 2017.

CORRESPONDENCE FROM OTHER BODIES

CORK AIRPORT

22/7-1

Members noted the letter dated 3rd July, 2017 from the Cork Airport Management Team in relation to organising a meeting with Members to discuss future plans for Cork Airport. Members said it would be very beneficial if the media were invited to attend the meeting, and agreed the meeting should take place in Cork airport in October, at a date yet to be decided.

VOTES OF CONGRATULATIONS

23/7-1

- TO: Cork County Branch of the International Japan Karate Association following their recent wins at the World Shotokan Karate Open Championships in UCC.
- TO: Mr. Michael Healy, former Station Officer, Millstreet Firestation, on his recent retirement.
- TO: Ms. Sarah Gilroy, Cloyne on winning gold, silver and bronze medals at the World Championships of Performing Arts in Los Angeles.
- TO: The players and management of the Cork Senior and Minor Hurling Teams following their recent Munster Final wins.
- TO: Mr. Declan Hanlon, Blarney GAA, following the Cork Minor Hurling Teams Munster Final win.
- TO: Mark O' Donovan and Shane O'Driscoll, Skibbereen Rowing Club on their recent win at the World Rowing Cup III Regatta in Lucerne.
- TO: Cork City F.C following their recent 2-0 win over FC Levadia Tallinn.
- TO: Cork City Council for Cork City being recognised as one of eight ideal cities for culture and creativity across the European Union.

TO: Kinsale Town following 27 years of twinning with Antibes, France.

TO: Councillor Aidan Lombard, on the birth of his son.

ANY OTHER BUSINESS

24/7-1

Opening of Tenders

The following tenders were opened at the meeting:-

- Development of 49 No. Housing Units, complete with associated site & infrastructure works at Kilnagleary, Carrigaline, Co. Cork. (8. No)
- Development of 2 No. Housing Units, complete with associated site & infrastructure works at Droum, Castletownbere, Co. Cork. (2. No)
- Consultancy Services for Design of Interventions at Dunkettle & Ballinglanna (5. No)
- Opening of tenders for the Printing of the Local Area Plans (5. No)
- Opening of tenders for Roof Repair Works at Middleton Lodge (2 No.)

Cork to Nice Flights

Councillor Kevin Murphy raised the issue concern the lack of connectivity between Cork and Nice, France and said that a direct flight between the two regions is needed.

Coastal Tillage Farmers

Councillor Alan Coleman requested the Council write to the Minister for Agriculture, Food and the Marine requesting an aid package for coastal tillage farmers following news that payments under the proposed tillage crisis fund would be capped at €5,000 per farmer.

The A/Senior Executive Officer stated that a notice of motion in relation to request would need to be submitted in writing to Corporate Services for inclusion on the next meeting agenda.

This concluded the business of the Meeting