



Comhairle Contae Chorcaí

Cork County Council

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork and by Microsoft Teams on 27th September 2021 at 11am.

I LATHAIR

Comhairleoir Gillian Uí Chochláin, Méara Chontae

Comhairleoiri: Ó Dubhghaill, Ó Sé, Sean Pól, Ó Murchú, Gearóid, Críod, Ní Mhuineacháin G, Ó Luanaigh, Ó Chochláin, M, Uí Loinaigh, Ó Luasa, Ó hAodha, Padraig, Ó Murchú, Gearóid, Ó Cinnéide, Ó Madaoin, Léanacháin - Uí Foghlú, Ó Héigheartaigh, Ní hEachthigheirn, Uí Thuama, MacCarthaigh S, Mac Uaid, Ní Cheallaigh, Ó Cearbhaill, Ó Muirthile, Uí Chaochlaioich,, Ó Haodha Pól, Uí Chochláin G, Ó Colmáin, Ó Murchú, Caoimhín, Ó Suilleabháin, Sean, Uí Shuilleabháin Máire, Ó Coileáin, D, Ó Murchú PG, Ó Conaill, Mac Craith, Uí Daltún, Ó Muircheartaigh, Uí Bhuachalla, O'Conchubair L, Daltún Ó Suilleabháin, Ní Cheallacháin, Barra, Sheppard, Rasmussen, Ó Conchubair S, Ó Conchubair A, MacCarthaigh N, Ó Flionn, Uí Bhriain, Ó Laoghaire, Dawson, De Róiste

PRESENT

Councillor Gillian Coughlan, County Mayor, presided.

Councillor: Doyle, O'Shea JP, Murphy Gerard, Creed, Moynihan G, Looney, Coughlan M, Lynch, Lucey, Hayes Pat, Murphy Gearóid, Kennedy, Madden, Linehan – Foley, Hegarty, Ahern, Twomey, McCarthy S, Quaide, Kelly, Carroll, Hurley, Coakley, Hayes Paul, Coughlan G, Coleman, Murphy Kevin, O'Sullivan J, O'Sullivan M, Collins D, Murphy P.G, O'Connell, McGrath, D'Alton, Murtagh, Buckley, O'Connor L, Dalton – O'Sullivan, O'Callaghan, Barry, Sheppard, Rasmussen, O'Connor S, O'Connor A, McCarthy N, O'Flynn, O'Brien, O'Leary, Dawson, Roche,

Chief Executive, Ms. Loraine Lynch, Head of Finance, Senior Executive Officer.

CHANGE TO DURATION TIME OF MEETING TO 1 HOUR 55 MINUTES DURING COVID-19 RESTRICTIONS:

Proposed by Cllr. Gillian Coughlan

Seconded by Cllr. Seamus McGrath

The Mayor outlined the Public Health Restrictions at the beginning of the meeting and reminded Members of the COVID-19 SOP management requirements of the meeting.

[a] **CONFIRMATION OF MINUTES**

Proposed by Cllr. James Kennedy

1/9-2

Seconded by Cllr. Michael Paul Murtagh

RESOLVED:

That the minutes of the Meeting held on 13th September, 2021 be confirmed and signed by the Mayor.

1(a)/9-2

Proposed by Cllr. Michael Hegarty

Seconded by Cllr. Seamus McGrath

RESOLVED:

That the amended minutes of the Meeting held on 26th July, 2021 be confirmed and signed by the Mayor.

[b] VOTES OF SYMPATHY

2/9-2

TO: Mr. Paul Hickey on the death of his brother Paul Hickey.

TO: Mr. Colman Walsh on the death of Peig Walsh.

TO: Mr. David O Reagan and Family on the death of his brother Finbarr.

[c] STATUTORY BUSINESS

3/9-2

DISPOSAL OF PROPERTY:

SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001:

Members noted the following disposal:

MUNICIPAL DISTRICT OF KANTURK/MALLOW:

Disposal of land at Meelin, Newmarket, Co. Cork .

3(a)9-2

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 17th September, 2021.

SITUATION: Disposal of land at Meelin, Newmarket, Co. Cork.

AREA: 0.0042 hectares/ 0.0104 acres

CONSIDERATION: €1

Disposal of land at Gouldshill, Mallow, Co. Cork .

3(b)9-2

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 17th September, 2021.

SITUATION: Disposal of land at Gouldshill, Mallow

AREA: 0.0156 hectares/ 0.039 acres

CONSIDERATION: €500

MUNICIPAL DISTRICT OF WEST CORK:

Grant of 3 no. wayleaves at Woodlands & Beechgrove, Clonakilty, Co. Cork.

3(c)9-2

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 17th September, 2021.

SITUATION: Grant of Wayleave for 3 no. wayleaves at Woodlands & Beechgrove, Clonakilty.

AREA: (1) 122.8m x 10m wide and 22.7m x 10m wide
(2) 1044m x 10m wide
(3) 799m x 10m wide

CONSIDERATION: €1

4/9-2

**PART 8 MANAGER'S REPORT SECTIONS 179(3) OF THE PLANNING & DEVELOPMENT ACT 2000
(AS AMENDED)**

RESOLUTION UNDER SECTION 179 OF THE PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

MUNICIPAL DISTRICT OF KANTURK/MALLOW:

Part 8 - Chief Executive's Report for Mallow Town Hall Redevelopment, Mallow, Co. Cork

Proposed by Councillor Gearóid Murphy

Seconded by Councillor Liam Madden

RESOLVED:

Noting that in accordance with Section 179 of the Planning & Development Act 2000, (as amended), notice of the proposed development was published, 3 submissions were received in respect of the proposal, approval pursuant to Section 179 of the Act is given for the following:
Proposed Redevelopment to Mallow Town Hall.

5/9-2

MUNICIPAL DISTRICT OF EAST CORK:

Part 8 - Chief Executive's Report for Youghal Lighthouse, Co. Cork.

Proposed by Councillor Danielle Twomey

Seconded by Councillor Susan McCarthy

RESOLVED:

Noting that in accordance with Section 179 of the Planning & Development Act 2000, (as amended), notice of the proposed development was published, 40 submissions were received in respect of the proposal, approval pursuant to Section 179 of the Act is given for the following: Proposed development to Youghal Lighthouse.

MUNICIPAL DISTRICT OF CARRIGALINE:

Part 8 - Chief Executive's Report for Ringaskiddy Village Centre, Co. Cork

Proposed by Councillor Seamus McGrath

Seconded by Councillor Michael Paul Murtagh

RESOLVED:

Noting that in accordance with Section 179 of the Planning & Development Act 2000, (as amended), notice of the proposed works was published, 11 submissions were received in respect of the proposal, approval pursuant to Section 179 of the Act is given for the following: Proposed Public Realm Enhancement of Ringaskiddy Village Centre.

**[e] REPORTS AND RECOMMENDATIONS OF OFFICERS
TUAIRISCÍ AGUS MOLTAÍ OIFIGI**

7/9-2

CHIEF EXECUTIVE'S MANAGEMENT REPORT TO COUNCIL:**Finance Department**

Quarterly report of the Finance Directorate for the 3-month period up to 30th June 2021.

Members noted the Finance Directorate Quarterly Report.

During this discussion the Members made the following points:

- Members asked about Derelict Sites.
- They also suggested that vacant properties should be utilised.

The Chief Executive stated that a report will be presented to the Members at a future Development Committee meeting regarding town activation, derelict sites and vacant sites.

[h] NOTICE OF MOTIONS

8/9-2

HOW FUNDS ALLOCATED IN 2020 AND 2021 BUDGES FOR 'CLIMATE ADAPTATION AND BIODIVERSITY' WAS SPENT

Councillor Alan O'Connor proposed, seconded by Councillor Liam Quaide

“That a report be provided on how the €365,000 allocated in the 2020 and 2021 budgets for ‘climate adaptation and biodiversity’ was spent. This allocation is referred to in page vii of the Chief Executive’s ‘Report & Budget’ for both the 2020 and 2021 budgets”.

RESPONSE:

Cork County Council plays a pivotal role for the county in adapting to Climate Change. We work through our services delivery and with the people of Cork to ensure we deliver a better future for all. Cork County Council is committed to mainstreaming Climate Change in the delivery of its services and affecting change in terms of climate adaptation by reducing the carbon footprint of the organisation and supporting communities to do so.

An initial allocation of €365,000 was provided in the 2020 Annual Budget for climate adaptation and biodiversity, with this service delivery level maintained for 2021.

In 2020 the funding was committed for Climate Change Initiatives for areas including:

- Green Schools Programme roll-out in association with An Taisce and the Schools Gardens initiative.
- Environmental Awareness: Grant scheme to community groups and social enterprises for waste prevention activities including support to town and villages anti-litter activities such as national programmes such as “Stop Food Waste”, "National Recycling Week & Reuse Month", etc. Cork County Council also provided support to community environment initiatives via Community Environment Action Fund (CEAF).
- Audit and improvement of conditions of Corporate Buildings including solar panel installation and lighting upgrade to more energy efficient lighting

The Councils investment in biodiversity in 2020 included

- wildflower meadows and maintenance across the county e.g., Middleton Lodge Public Park.
- Provision for the maintenance of greenways and cycleways including Clonakilty greenway
- Pollinator Plans: Pollinator Plans were developed for the towns of Carrigaline, Kinsale, Bantry, Macroom, Kanturk and Fermoy. These plans guide the Council’s management of publicly owned spaces within the towns, to ensure bees, and other insects that helpfully pollinate our flowering plants, are encouraged and supported.

2021 has continued and built on some of the initiatives of 2022:

- Pollinator Plans: The implementation/rollout of pollinator plans. The plans clearly outlined where actions are to be taken across the towns to identify and protect existing habitats, move to pollinator-friendly mowing regimes, plant pollinator-friendly beds, trees and bulbs, provide wild pollinator nesting habitat, and reduce or eliminate the use of pesticides. It also helps to raise awareness through training with staff actively involved in monitoring and recording biodiversity
- Citizen Awareness: Raising general awareness of climate change through advertising/ Newsletters/ Workshops /Seminar. This included advertising in relation to the Council's Climate Adaptation Strategy and our Heritage Office raised awareness through supporting the Gardening for Biodiversity Publication and the distribution of over 500 trees across the County.
- Climate Strategy
 - Implementation of the Climate Adaptation Strategy
 - Liaising with Community groups on the adaptation of strategy
- Energy audits being concluded for 14 Local Authority buildings with recommendations for investment and improvement including solar panel installation and lighting upgrade to more energy efficient lighting
- Indoor Lighting projects for 38 buildings (switching to LEDs); surveys and project implementation

- Maintenance of open spaces such as Harpers Island and Haulbowline Recreation Park which has been extensively landscaped with over 200 trees, wildflower areas and is rich with biodiversity and wildlife.

It is important to note the service delivery across all operations is being adapted to ensure the Council maximises our capacity to address Climate Change.

The Council has modified practices through our Municipal Districts & Area Offices in terms of maintenance of parks and open spaces to encourage biodiversity. Climate Adaptation measures and Biodiversity are key considerations included on all future developments with public realm design work putting pedestrian and cycling facilities to the fore.

Our Heritage Office raised awareness through supporting the Gardening for Biodiversity Publication and the distribution of over 500 trees across the County.

The contract selected for the Public Lighting Energy Efficiency Project – South West Region. This programme of retrofitting is a significant contributor towards us achieving our 2030 energy efficiency targets with a retrofit of upwards of 31,000 lights to LED lights which will provide at least 38% energy reduction by end of project 2024 and will achieve significant cost savings for the Council. In the interim the Council continues a programme of new or upgraded lighting units installed under the programme in a geographical spread covering all the Municipal Districts. All lights installed were low energy consuming LED lights.

Fleet represents 26% of the energy consumed by the Council. Following an energy audit of the fleet (2019) the Council has embarked on a Fleet Replacement Programme to upgrade the fleet, with newer technologies to achieve efficiencies where possible, for fuel efficiency purposes to meet its 2030 climate change targets. This includes Euro 6 energy efficient engines and lightweight bodies, as well as a fully Electric Street Sweeper for use in Mallow town, for a “green” street clean.

The Council’s ongoing commitment sustainable transport is reflected in projects such as the Midleton-Youghal Greenway, the first part of the East Cork Cycleway, from Dunkettle to Midleton, which has been completed. The Council’s Planning and Transportation Section continue to work with the NTA and TII, for the funding of transport infrastructure to ensure sustainable travel solutions are provided for the development Cork County for which Cork County Council received a 2021 allocation of €15.8 million, including Active Travel and Climate Change Adaption measures which benefits communities through improved accessible walking and cycling infrastructure.

The Council has also committed to working on minor coastal erosion projects with funding from both OPW and Cork County Council under the Minor Flood Mitigation Works and Coastal Protection Scheme.

Cork County Council continues to focus heavily on Climate Action, both Mitigation and Adaptation within and across all our business areas.

During this discussion the Members made the following points:

- Members thanked Ms. Loraine Lynch, Head of Finance for the Response.
- Members asked how the Council is engaging with climate change across all services?
- Said that the report was very interesting but asked for a more detailed report.
- Stated that actions must not compound another problem if it is solving one problem.
- Noted that the budget allocated to climate adaptation and biodiversity is a very small fraction of the overall budget.

- Acknowledged that climate action does not always need extra funding but change in how things are done.
- Noted that the budget for the maintenance of public spaces was also used for climate change costs and requested that another budget be allocated for this.
- Stated that this budget was very small for the size of the county.

The Mayor stated the Budget decisions needed to be ‘greenwashed’ in light of the Intergovernmental Panel on Climate Change report which was described as a ‘Code Red’ for humanity.

The Chief Executive stated the report does not reflect the full extent of funding across the organisation in relation to climate action activity. In November the Director of Services, Environment and the Climate Action Regional Office will brief the Development Committee on the full amount spent on capital and revenue schemes to address climate change and biodiversity issues. Local Authorities will have specific responsibilities under future low carbon legislation

9/9-2

REPORT ON MEETING REGARDING AIRO INDEPENDENT REPORT OF 26TH JULY 2021

Councillor Ben Dalton O’Sullivan proposed, seconded by Councillor Danny Collins

“That a full report would be made available to all members of the Council on the meeting which took place on 26/7/21, which was requested by the previous Mayor, which was held between the current Mayor, Chief Executive and An Taoiseach, and subsequent discussions with An Taoiseach and government departments surrounding the AIRO Independent Report published by Maynooth University which confirmed a number of areas which Cork County Council is underfunded by National Government.”

RESPONSE:

An Taoiseach visited County Hall on Friday 23rd July 2021. This was both a courtesy visit by An Taoiseach and a response to the letter from the Mayor to An Taoiseach requesting a meeting to discuss the findings of the All Ireland Research Observatory (AIRO) report on the assessment of grant funding to Local Authorities by central government.

An Taoiseach was briefed in detail on the findings of the report and said he recognised the position of Cork County Council as set out. He confirmed that the findings require assessment and consideration at government level.

The Department of Public Expenditure and Reform (DPER) is reviewing the report under the remit of the Minister and the division within DPER that is carrying out the review has been engaging with Cork County Council in respect of same.

The Chief Executive, the Deputy Chief Executive, the County Engineer and the Director of Services for Planning and Development accompanied the Mayor to the meeting and discussed other matters of a strategic nature including housing delivery, infrastructure development, the performance of local government during the Covid 19 pandemic and the welcome support of government to local government and to Cork County Council during the pandemic period.

During this discussion the Members made the following points:

- Members said it will take 52 years to bring the county’s roads up to adequate standard at a cost of €750m.
- The Council got the lowest Clár funding for its disadvantaged areas per Capita of all the local authorities in 2019 enough though Cork County has the highest Clár population.

- The Council received the fourth lowest Leader funding amounting to €42 per capita.
- Members said the Council is not asking for extra money, they said they are asking for money that is deserved based on size and population.
- They fear the report will be forgotten about in Government Departments.
- Members pointed out that recently, funding had been withdrawn by TII for an upgrade of a dangerous section of the N73 (Mallow to Mitchelstown Road) which was an absolute disgrace.
- Stated some roads in the county are a disgrace and the roads in West Cork are very low standard compared to other counties.
- Acknowledged that pressure must be kept on the Government to deliver the funding.
- It is vital the Council get Ministers and TDs on its side.
- Thanked the Taoiseach for his visit to the County Hall.
- Stated that there was no question the Government and National Representatives in Cork are taking the matter seriously.
- Complemented Area Engineers on how they allocate the funding they receive.
- Suggested a delegation should be arranged to meet with the Minister to discuss same.

The Mayor thanked the Taoiseach for his visit and giving his time to discuss the matter. She paid tribute to the Former Mayor for arranging the meeting. She stated the meeting was a success and that it was a tribute to the Members that the Taoiseach gave his time. There is a unit in DPER reviewing the findings of the report and the Council will hear regarding reassessment in due course.

The Chief Executive stated that the Taoiseach was briefed in detail on the report. He is satisfied that the Taoiseach and Minister McGrath understood the challenges facing the Council regarding the inequity in funding. He said that Cork County Council is the only Local Authority with 3 Local Community Development Committees. He confirmed that DPER are actively engaging with Council staff.

He stated the other matters discussed with An Taoiseach were housing delivery and affordability, water infrastructure and planning development.

10/9-2

PROPOSAL TO INTRODUCE A GRANT AIDED WASTEWATER SCHEME FOR COMMUNITY GROUPS

Councillor Kevin Murphy proposed, seconded by Councillor Anthony Barry

“That Cork Co Council would agree to write to Irish Water and the Ministers for ‘Environment, Climate and Communications’ and ‘Housing, Local Government and Heritage’ to immediately introduce a Grant aided Waste Water scheme for Community Groups similar to the Group Water Grant, to assist those who wish to upgrade faulty or malfunctioning systems in the interest of health and the Environment”

RESPONSE:

The Department of Housing, Local Government & Heritage operates a grant assistance scheme under the Multiannual Rural Water Programme. Measure 6 of this programme relates to Community Connections (Water and Waste Water) providing grant assistance for the extension of a public water or sewer system into a currently unserved area. It does not provide for standalone wastewater systems. The local authorities administer the scheme on behalf of the department, receiving and referring applications and providing assistance and advice to community groups on approved schemes. The grant available for Community Wastewater Connection Networks is 75% of the cost subject to a maximum grant of €6,750 per house (effectively the cost limit per house for the project is €9,000). In our experience, the cost of community wastewater schemes do not usually fall within this threshold. As a result, there have been no approved wastewater schemes in recent years.

If the members resolve to write to the department on this issue, the appropriate department would be Housing Local Government & Heritage which operates the Rural Water Programme.

During this discussion the Members made the following points:

- Members thanked Mr, Kevin Morey, County Engineer for his Response.
- They stated there was already a grant in place, but it is completely dysfunctional. It needs to be revamped.
- They suggested that local groups could do improvement schemes if the money was made available.
- The issue here is the amount of funding that is available for wastewater schemes. The Grant limit per house of €9,000 is too low. Households cannot afford the remainder of the cost to upgrade these schemes.
- There are also environmental issues, health and safety issues that need to be addressed. Grey water is seeping from septic tanks and wastewater is leaking into rivers.
- Every effort must be made to push this matter as the current scheme is not fit for purpose.
- Many communities affected by private Wastewater Treatment Plants that are not functioning properly. Irish Water is not assisting with improving the environmental issues.
- Irish Water needs to come up with a scheme that works.
- Mentioned the Individual Domestic Well grant that provides a grant payment of 85% of the costs to install a new well and suggested that a letter be sent requesting a similar grant for upgrading private septic tanks.
- The Council is in limbo at the moment with the County Development Plan as there is a lack of water services for some zoned areas. Water and sewages issues must be addressed by Irish Water.
- Council needs to seek engagement with Irish Water and suggested they be invited to Development Committee.

The Chief Executive referred to the County Development Plan report that was issued to the Members last Friday 24th September. He said there was a significant issue with wastewater and water infrastructure. He acknowledged there is a challenge for the county and will continue to work with the Members through the Development Plan process.

“Members agreed to write to Minister for Housing, Local Government and Heritage, to introduce additional grant funding for: (a) Group Waste Water Schemes, (b) Private Septic tank upgrades and (c) Private Treatment Plants not taken in charge.”

11/9-2

STRICTER GUIDELINES BE PUT IN PLACE, AT A NATIONAL LEVEL REGARDING THE USE OF SPECIFIC UNIFORMS, SCHOOL JACKETS AND BOOK RENTAL SCHEMES.

Councillor Danielle Twomey proposed, seconded by Councillor Gearóid Murphy

“In order to highlight the crippling costs of back to school for families, Cork County Council shall write to the Department and the minister, and all members of the education committee, and request that stricter guidelines be put in place, at a national level regarding the use of specific uniforms, school jackets, and book rental schemes. And request that measures are put in place nationally to help reduce these costs for families at governmental and departmental level, and funding be allocated to support these measures.”

During this discussion the Members made the following points:

- Members stated that crested uniforms can cost up to €250 in some secondary schools. Crested jackets are very expensive and in some schools, students are told they need not buy them but cannot wear other jackets.
- Said school books are very expensive. It is an upfront cost. Book rental schemes are not available in every school.
- It can cost up to and over €1,500 to send a student to Secondary School.
- Voluntary fees are sought by many schools and this puts a lot of pressure on families.
- There is no assistance available for working families.
- Members stated a Circular letter (0032/2017) outlining measures to be adopted by schools to reduce the cost of school uniforms and other costs was issued to schools by the Department of Education and Skills in 2017 but has not been implemented.
- Suggested that Book Rental Schemes needs Government funding.
- A strict uniform policy needs to be managed.
- Members suggested simple schemes are needed and this will have a huge impact for families.
- Current funding is not sufficient.
- Said fully branded uniforms or partially branded uniforms increase the going back to school costs.
- Suggested that the Department of Education and Skills must address this issue in a practical way.
- Measures need to be put in place to reduce the costs.

“Members agreed to write to Minister for Education and Skills, Norma Foley and all members of the education committee, and request that stricter guidelines be put in place, at a national level regarding the use of specific uniforms, school jackets, and book rental schemes. And request that measures are put in place nationally to help reduce these costs for families at governmental and departmental level, and funding be allocated to support these measures.”

12/9-2

DEPARTMENT OF EDUCATION AND SKILLS PROVIDE THE NECESSARY SUPPORTS TO SCHOOLS TO ENABLE THE USE OF SCHOOLS FACILITIES

Councillor Seamus McGrath proposed, seconded by Councillor Susan McCarthy

"This Council requests that the Department of Education provide the necessary supports to Schools to enable the use of school facilities, such as gymnasiums and pitches, by community groups outside of school hours. Many of these facilities are badly needed by community groups and practical reasons, such as the need for a Caretaker to be on duty, prevent schools from accommodating local groups."

During this discussion the Members made the following points:

- Members said it is very frustrating that facilities cannot be used by community groups because there is not a caretaker on duty.
- Guidelines are needed from the Department to enable sharing of facilities.
- Stated that it is important to structure resources to have better impact on communities.
- Acknowledged the cost of insurance makes it difficult for community groups to use these facilities.
- Suggested that the Department of Education and Cork ETB need to deal with this issue and facilitate community groups.
- Noted that there are great school facilities lying idle in the evenings, weekends and holidays.

- Taxpayers money was used to build these facilities. A small charge should be put in place to cover putting a caretaker on duty when required.
- Schools have little spare funding, so this is an issue for the Department of Education and Department of Community and Rural Development might also contribute.
- Some schools are in Public Private Partnership arrangements. Private partnerships have the use of the Sports Facilities outside of School hours and seek a commercial charge for use.
- This is a practical issue. A support mechanism and guidelines for schools are needed from the Department of Education so the facilities can be used by community.

“Members agreed to write to Minister for Education and Skills and request the necessary supports to Schools to enable the use of school facilities, such as gymnasiums and pitches, by community groups outside of school hours. Many of these facilities are badly needed by community groups and practical reasons, such as the need for a Caretaker to be on duty, prevent schools from accommodating local groups.”

13/9-2

PUBLIC AND PRIVATE RIGHT OF WAYS

Councillor Audrey Buckley proposed, seconded by Councillor Gobnait Moynihan

“I would ask that Cork County Council protect our Public Rights of Way in County Cork. I would ask what measure are put in place by Cork County Council for a public awareness campaign to help clarify for landowners and the public regarding *Public & Private Rights of Way* before the registration deadline in November 2021. With the amount of walkers using these public walks, we need to protect these historic walks for future generations”.

RESPONSE:

The deadline referred to of 30 November 2021 is the deadline for registration of private rights of way which have been acquired by long use.

Currently the law requires 20 years use but on 1st December 2021 provisions of the Land and Conveyancing Law Reform Act 2009 were to come into force which would reduce that period to 12 years and mean that from then on a right of way which has been registered in the land registry would be extinguished once it has not been used for 12 years. This is essentially a *use it or lose it* provision and was designed to ensure certainty about what private rights of way affect land by requiring their registration.

It now appears that this deadline will not come into force because at the cabinet meeting on 21st September 2021 Minister Heather Humphreys obtained cabinet approval to introduce amending legislation removing it.

The Minister said that there was a concern that the deadline would lead to a large number of court cases and that in order to address the matter a short amending bill will remove the changes that were to take effect from 1st December 2021. Due to time pressure on the matter, the Minister is seeking a waiver of pre-legislative scrutiny and early signature of the bill.

There is no change to the requirements for public rights of way. Section 10(2)(O) of the Planning and Development Act 2000 requires the Development Plan to contain an objective for the preservation of public rights of way. This matter has been addressed in the Draft County Development Plan.

During this discussion the Members made the following points:

- Members noted that the Private Rights of Way registration had been moved back from 31st November 2021.

- Noted that many public Rights of Way are excluded from County Development Plans.
- Private citizens cannot challenge landowners.
- Members recommended that the Council would establish historic walks, preserve them and register them.
- There is a lack of clarity between public and private Rights of Way. An Awareness Campaign is needed.
- Noted that it is a complex topic as there are issues with public Rights of Way on private land.
- Requested legal opinion on public Rights of Way access.
- Acknowledge that landowners have already blocked Rights of Way in some areas.
- Suggested that the County Development Plan is not the way to catalogue Rights of Way across the county and a separate report should be prepared.
- It is critical that the Council starts to catalogue and formally recognise public Rights of Way.
- Stated that there can be issues between landowners and communities. Rights of Way can run through places of businesses so it is not always straightforward. In these cases, landowners could be asked if they could suggest alternative routes.
- It was good that the date was deferred. They would have been many legal issues.
- Life stock and dogs could be an issue. The maintenance of Rights of Way could also be an issue. Respect must be on both sides.
- Public Rights of Way access issues can arise in planning applications.
- Local issues have arisen in the Municipal Districts. Rights of Way have been eroded and it is impossible to get rights back once gone.
- The public should be made aware of what is involved in Rights of Way.

The Mayor suggested that a Register of Rights of Way would be useful. A National Register is needed. She also said clarity is needed so people know where they stand. It is important that both parties are served.

The Chief Executive said that Rights of Way will be discussed in the County Development Plan process – an objective must be provided and this have been done in the Draft Plan. He said it was a long legislative process to include individual Rights of Way in the County Development Plan. Only the Attorney General can bring a case to protect Rights of Way.

14/9-2

SCÉIMEANNA NA MBÓITHRE AGUS ÁISE

Councillor Gohnait Moynihan proposed, seconded by Councillor Gillian Coughlan

“Íarr ar Aire Stáit na Gaeltachta an mbeidh an allúntas Scéimeanna na mBóithre agus Áise á chur ar fail i mbliana do thograí bóithre Gaeltachta.”

Ask the Minister for the Gaeltacht if Scéimeanna na mBóithre agus Áise will be available for the Gaeltacht roads this year.

During this discussion the Members made the following points:

- Members said this scheme is similar to the Local Improvement Scheme but for roads in the Gaelacht area and suggested writing to the Minister and having it reopened. The matter was already raised with the Minister of State for Gaeltacht Affairs and Sport, Mr. Jack Chambers.
- This was a wonderful scheme when it was in place as it took pressure off other Grant Schemes.

“Íarr ar Aire Stáit na Gaeltachta an mbeidh an allúntas Scéimeanna na mBóithre agus Áise á chur ar fail i mbliana do thograí bóithre Gaeltachta.”

“Members agreed to write to the Minister of State for Gaeltacht Affairs and Sport, Jack Chambers, and request that Scéimeanna na mBóithre agus Áise scheme be reopened.”

[K] VOTES OF CONGRATULATIONS

15/9-2

TO: Former Rachel McCarthy, on the birth of her son.

TO: Araglin Club on winning the Cork County Junior B Football Championship.

TO: Killara Club on winning the Rebel Óg U 15 Premier Hurling County Final.

[I] ANY OTHER BUSINESS

16/9-2

16a/9-2

RETURN TO COUNCIL CHAMBER FOR MEETINGS

Members asked if there was a return date to the Council Chamber for meetings. They acknowledged that the blended meetings were a success to a point but noted some technical issues.

The Chief Executive stated there was no change at the moment but will brief the CPG meeting on the next phase of re-opening. Any change will be subject to public health advice. He also noted that some Members want the option to attend meetings remotely. He said the requirement for 2 metre social distancing remained in place.

Members enquired if there would be any changes to the Municipal District meetings. The Chief Executive stated that the same guidance applies to the MD meetings and stated that new technology was being worked on for the meetings.

16b/9-2

ACCESS TO HISTORIC MEETING PACKS ON QUICK MINUTES

Members asked that historic meeting packs would be available on Quick Minutes.

The Chief Executive said that a Response would be made available at the next CPG meeting.

~ THIS CONCLUDED THE BUSINESS OF THE MEETING ~