



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 14th February 2022 at 11am.

I LATHAIR

Comhairleoir Gillian Uí Chochláin, Méara Chontae

Comhairleoiri: Uí Chochláin G, Ó Colmáin, Ó Murchú C, Ó Suilleabháin S, Uí Shuilleabháin M, Ó Donnabháin, Ó Coileáin D, Ó Murchú PG, Ó Conaill, Mac Craith, Uí Daltún, Ó Muircheartaigh, Uí Bhuachalla, De Faoite S, Daltún Ó Suilleabháin, Ní Cheallacháin, Barra, Sheppard, Rasmussen, Ó Conchubair S, Ó Conchubhair A, MacCarthaigh N, Ó Flionn, Uí Bhriain, Ó Laoghaire, Dawson, De Róiste, Ó Muineacháin B, Ó Dubhghaill, Ó Sé SP, Ó Murchú G, Críod, Ní Mhuineacháin G, Ó Luanaigh, Ó Chochláin M, Uí Loinsigh, Ó Luasa, Ó Haodha Padraig, Ó Murchú Gearóid, Ó Cinnéide, Ó Madaoin, Ó Sé T, Léineacháin Uí Foghlú, Ó Héigheartaigh, Ní Heachthigheirn, Uí Thuama, MacCarthaigh S, Mac Uaid, Ní Cheallaigh, Ó Cearbhaill, Ó Muirthile, Uí Chaochlaoich, Ó Haodha Pól

PRESENT

Councillor Gillian Coughlan, County Mayor, presided.

Councillor: Coughlan, Coleman, Murphy K, O'Sullivan J, O'Sullivan M, O' Donovan, Collins D, Murphy PG, O' Connell, McGrath, D'Alton, Murtagh, Buckley A, White J, Dalton – O' Sullivan, O' Callaghan, Barry, Sheppard, Rasmussen, O' Connor S, O' Connor A, McCarthy N, O' Flynn, O' Brien, O' Leary, Dawson, Roche, Moynihan B, Doyle, O' Shea JP, Murphy G, Creed, Moynihan G, Looney, Coughlan M, Lynch, Lucey, Hayes Pat, Murphy Gearóid, Kennedy, Madden, O' Shea T, Linehan – Foley, Hegarty M, Ahern, Twomey, McCarthy S, Quaide, Kelly, Carroll, Hurley, Coakley, Hayes Paul

Chief Executive, Senior Executive Officer, Mr Michael Lynch Director of Services, Planning

SUSPENSION OF STANDING ORDERS

Proposed by Cllr. Gbnait Moynihan

Seconded by Cllr. Danny Collins

- a. To discuss An Bord Pleanála's decision to grant planning permission for wind turbines in Gougane Barra

Proposed by Cllr. Danny Collins

Seconded by Cllr. Gobnait Moynihan

- b. To discuss the closure of Dursey Cable Car.

Members agreed to suspend standing orders to discuss these matters at 1.00pm

[a] CONFIRMATION OF MINUTES

1/2-1

Proposed by Cllr. Seamus McGrath

Seconded by Cllr. Pat Hayes

RESOLVED:

That the minutes of the Meeting held on 24th January, 2022 be confirmed and signed by the Mayor.

[b] VOTES OF SYMPATHY

2/2-1

TO: The Buttimer Family on the death of Jerry Buttimer Snr.

TO: Mr. Frank Nyhan on the death of his father Sean Nyhan.

TO: Mrs. Eileen Buckley on the death of her husband Owen Buckley.

TO: Mr. Ted Owens on the death of his mother Elizabeth Owens.

TO: The Daly family on the death of Mr. Jerry Daly.

TO: The Cooney family on the death of Mr. Sean Cooney.

TO: The Morrissey family on the death of Mr. Des Morrissey

[c] STATUTORY BUSINESS

3/2-1

DISPOSAL OF PROPERTY:

SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001:

Members noted the following disposals:

MUNICIPAL DISTRICT OF FERMOY

Grant of Right of Way at James St., Mitchelstown, Co Cork.

3(a)/2-1

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 14th February, 2022.

Situation: Grant of Right of Way at James St., Mitchelstown.

Consideration: €1.00.

MUNICIPAL DISTRICT OF CARRIGALINE:

3(b)/2-1

Grant of Wayleave at Kilnagleary, Carrigaline, Co Cork.

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 14th February, 2022.

Situation: Grant of Wayleave at Kilnagleary, Carrigaline, Co Cork.

Area: 280m x 5m wide

Consideration: €1

**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 BANDON/KINSALE:

Proposed by Mayor Gillian Coughlan

Seconded by Councillor John O’Sullivan

RESOLVED:

Noting that in accordance with Section 179 of the Planning & Development Act 2000, (as amended), notice of the proposed development was published, 2 submissions were received in respect of the proposal, approval pursuant to Section 179 of the Act is given for the following:

Consideration of Part 8 Chief Executive’s Report on Lands at 36 South Main Street, Bandon, Co. Cork.
Cork County Council in partnership with Bandon Geriatric & Community Council CLG propose to undertake the following development:

- The demolition of existing two and three storey structure facing onto Weir Street and the construction of a new three storey development containing 4no. 1 bed residential units, a new community room and support facilities.
- The refurbishment of an existing three storey structure facing onto South Main Street to provide 2no. 1 bed residential units on the 2nd floor and the refurbishment of first and second floor offices and support facilities including:
 - The installation of new windows.
 - Alterations and modifications to the external façade including window and door openings.
 - Hard landscaping including paving and works to boundary walls.
 - Connection to public utilities.
 - All associated site works and ancillary works.

FILLING OF VACANCIES ON COMMITTEES AND EXTERNAL BODIES:

5/2-1

FILLING OF VACANCY ON THE ROADS AND TRANSPORTATION STRATEGIC POLICY COMMITTEE:

Appointment of Mr. Aled Williams, Senior Manager Operations, Bus Éireann, to the Roads and Transportation Strategic Policy Committee

Proposed by Councillor Declan Hurley

Seconded by Mayor Gillian Coughlan

During this discussion, Members made the following points:

- Vacancy on this SPC arose from the retirement of Mr. Martin Walsh, Bus Éireann
- Members thanked Mr. Walsh for his service and contribution to the SPC
- They requested a letter to be sent to Mr. Walsh thanking him for his service

[e] **REPORTS AND RECOMMENDATIONS OF COMMITTEES**
TÚAIRISCÍ AGUS MOLTAÍ Ó CHOISTÍ

CORPORATE POLICY GROUP

6/2-1

6(a)/2-1

Approval of attendance by Members at conferences on the Conference list for February 2022

Proposed by Councillor Gobnait Moynihan

Seconded by Councillor Audrey Buckley

6(b)/2-1

Local Government Act 2001 Section 142-Approval of Members' training

Proposed by Councillor Karen Coakley

Seconded by Councillor Kay Dawson

6(c)/2-1

ARTS GRANT SCHEME:

Arts Grants Scheme 2022 – Report & Recommendations

Proposed by Councillor John Paul O'Shea

Seconded by Councillor Gobnait Moynihan

During this discussion, the Members made the following points:

- Members thanked Ian McDonagh, Arts Officer and his staff
- Members noted the importance of funding for groups, especially now coming out of Covid
- Said that the funding given to various groups and voluntary groups is a great success and needs to continue
- This funding needs to be retained every year and increased if possible
- Members said that funding given previously to various initiatives created a great buzz in towns and villages, and funding needs to be kept for these types of events

- Said engagement with arts and culture makes us fuller human beings

7/2-1

ACTIVE TRAVEL INVESTMENT GRANTS 2022 ALLOCATIONS:

Mr. Michael Lynch, Director of Services gave a presentation on the Active Travel Investment Grants 2022. Mr. Lynch outlined the distribution of amounts across the county. He outlined the location of schemes in each Municipal District. Mr. Lynch outlined the various decision gates for ETA projects. The main points of the presentation were:

Active Travel Investment Grant: 2022 Allocation

- Co-ordinated by Transport Development Division of the NTA
- Programme aims to improve transport options for those choosing alternatives to the private car
- Delivering significant infrastructural change, including: bridges, bus infrastructure improvements, cycle corridors, significant junction improvements, pedestrian and cyclist friendly roundabouts, etc.
- Expenditure in 2021 was confirmed at €12.05 m
- Multi-disciplinary project team being funded by NTA
-

Active Travel Investment Grant: 2022 Allocation

- Annual allocation of funding for multi-annual projects which is facilitating carry over of projects from 2021
- Allocation for 2022 is confirmed at €20,460,000
- €13,443,000 is confirmed for projects within Cork County Metropolitan Area
- €5,897,700 is confirmed for projects outside Cork County Metropolitan Area
- €1,115,845 has been allocated for staffing costs (CCC has been assigned Category 3 status meaning that the NTA will fund 18 person multi-disciplinary team)
- Said some allocations were for across the county projects

The Allocations for each MD are as follows:

- Mallow/Kanturk - €1,471,000
- Fermoy - €139,000
- Cobh - €238,000
- Macroom - €353,000
- Bantry - €1,316,000
- Skibbereen - €528,000
- Bandon/Kinsale - €982,000
- Carrigaline - €1,260,000
- East Cork - €368,000

The Mayor welcomed the multi annual plan and said very important infrastructure is being provided.

After the presentation, a discussion took place where the Members made the following points:

- Members welcomed the report
- Stated that safety around schools is greatly appreciated

- Said there is significant investment for West Cork and the transportation study in Castletownbere set the groundwork for this funding
- These studies ensure funding from government is more accessible
- Members queried the funding for the Mallow Boardwalk
- Members said they are unhappy with the delay on lighting being connected when installed, unhappy with the ESB for this delay
- Stated there are more people walking and exercising in communities and good to see improvements in roads and paths
- Said it is great that pedestrians and cyclists are supported and projects are taking cars off the road
- Members queried the safe route to school and asked if this is separate funding?
- Queried if bus shelters are included?
- Members complimented the TII funding, said it is great value for money and can be transformative
- Said the new link at Glounthane is providing a great facility for locals
- Members queried an update on the footpaths in Thomas Kent bridge Fermoy
- Stated that local people want to have an input into the feasibility study on Thomas Kent bridge in Fermoy
- Members said they were disappointed with the amount allocated for Cobh
- They queried if there are a list of projects in Cobh that did not make the gateway assessment
- Members queried if the list of proposals for West Cork are final and queried if there is any possibility of any input into it now for pedestrian crossings
- Members acknowledged the increase on funding from last year and said it is due to the strength of applications
- Welcomed the large investment for Kanturk / Mallow, people are seeing the benefit of the investment and it is improving the ability of people to live and work in North Cork
- Members queried the footpath programme, and said they want to ensure that footpaths are dished for people with disabilities
- Members asked about a program in Kinsale for the boardwalk, as the area is dangerous for pedestrians/cyclists/road users
- Members asked how the balance is addressed in situations where the balance runs over?
- Said that the leveraging of projects is good work practice and is a good way to go
- Members said it is important to get local consultation and to ensure that locals are happy with proposals
- Queried if it is possible to connect schools to pitches in villages?
- Members said that the initiative is great from an active travel perspective
- Stated it is important to have plans ready when the funding comes in
- Members said they would welcome discussion at MD level

In reply to the Members queries, Mr. Michael Lynch stated any announced project has funding against it. He said the full amounts are being worked on, and will brief members on the exact details later. Mr. Lynch stated that there is €5.9 million available under the Towns and Villages piece, and €13.5 million against the metropolitan funding piece. He said Cork County Council will be working with schools regarding safety. He stated there are over 170 pedestrian crossings being advanced this year and said Cork County Council will be adopting best practice in terms of accessibility. Mr. Lynch said it looks the spend profile might be exceeded. He said Cork County Council meet the NTA monthly and budgets are discussed monthly. Mr. Lynch said they have previously been successful in obtaining additional funding before the end of the year. He said they regularly bring up extra projects to the NTA and will discuss projects at MD level that did not make the final list. He said that it was a whole of organisation initiative.

INSURANCE FOR EQUESTRIAN EVENTS

Correspondence received 20th January in response to the Council's letter dated 12th November 2021 in relation to insurance for equestrian events.

During this discussion, Members made the following points:

- Members accept the response, but stated the insurance issue is still not sorted
- There is current cover in place but it does not cover all aspects of equestrian activities
- They said there needs to be more leadership from government on all equestrian events

9/2-1

BETTER ENERGY WARMER HOMES SCHEME

Correspondence received 20th January 2022 in response to the Council's letter dated 11th October 2021 in relation to the Better Energy Warmer Homes Scheme

Members noted the correspondence from the Department of the Environment, Climate and Communications

10/2-1

MENTAL WELLBEING OF FARMERS

Correspondence received 31st January 2022 in response to the Council's letter dated 26th April 2021 in relation to research into the mental wellbeing of farmers in Co. Cork.

Members agreed to defer this item to the next Full Council Meeting.

[h] NOTICE OF MOTIONS

11/2-1

PROTECTING CONDITIONS OF EMPLOYEES IN WATER SERVICES:

Councillor Tony O' Shea proposed, seconded by Councillor John Paul O' Shea

“That this Council would commend all employees in the water services section on the excellence of the service provided to Customers throughout Co Cork, and fully support the 3,500 workers to protect and secure their full and proper Conditions in the ongoing talks involving the Government, Irish water, local authorities and trade unions, on water sector change, with the holding of an early referendum to place the ownership and the delivery of water infrastructure in public hands for the Common good in the Constitution vital.”

During this discussion, the Members made the following points:

- Employees in Cork County Council continue to provide the water services to meet Irish Water's KPIs
- SLA will be ending in 2025
- Members said these employees are working on the ground delivering services and need to be supported
- Employees are seeking an early referendum to place infrastructure into public ownership
- Members agreed to write to Minister Daragh O'Brien to seek protection of employees full conditions

12/2-1

UPGRADE AND INCLUSIVITY ADAPTATION OF EXISTING PLAYGROUNDS:

Councillor Seamus McGrath proposed, seconded by Councillor Gobnait Moynihan

“To request that a portion of our Capital Budget be set aside each year for the upgrade and inclusivity adaptation of our existing playgrounds. Please prepare a report on this request.”

RESPONSE:

The Council's annual budgetary process provides for a budget for the maintenance and repair of playgrounds. This budget is managed at MD level. In addition, subject to available funding, a revenue provision is made for the development of playgrounds. In 2022, €200k has been provided. This funding is used by Cork County Council to provide match funding to communities to enable playground development works.

The Council works closely with community organisations in the planning and development of playgrounds, with the Council providing technical guidance, planning advice and funding support. The Council also provides financial assistance through the LEADER programme – this is administered by the 3 no. divisional LEADER Local Action Groups and their network of implementing partners.

In terms of playground development, there is only 1 no. national funding programme available. This is administered by the Department of Children and Youth Affairs. Each local authority is restricted to submitting 1 no. funding application per annum. The typical grant awards to each local authority are in the range €10k-€25k.

A programme of works for playground development could be considered for inclusion in the council's overall capital programme. Members would need to be aware that any projects included in such a playground programme would have to be funded. To that end, at MD level, each MD would need to set aside some of its discretionary funding to support such a programme. This could be supplemented by the commitment given during budget discussions to use some of the IPB retained earnings to fund risk improvements and upgrade of playgrounds. It would be considered as part of the Capital Programme 2022 – 2024 which will be presented in Q2 2022.

During this discussion, the Members made the following points:

- Members said playgrounds are a great amenity and communities place huge value on them
- They said playgrounds are not inclusive for children with mixed abilities
- Members are seeking funding to upgrade and adapt equipment

- Stated older equipment can be high in maintenance and some of the equipment needs to be upgraded
- Said it is important that funding is made available for new playgrounds but also for the upgrade of existing playgrounds
- Stated further funding is required for playgrounds
- Members want a clear funding strategy to be put in place
- Said there should be a rolling fund to upgrade mixed equipment every year
- Members said Municipal Districts should also provide funding for local playgrounds
- Said the value of playgrounds is important to the wellbeing of the community
- Members discussed vandalism in playgrounds and queried how can that be prevented
- They spoke about installing CCTV as a deterrent to vandalism
- Members said the work on playgrounds has been an ongoing project over 18 years and great progress has been made to date
- They said new playgrounds are now very good for universal accessibility
- Stated the discussion on playgrounds is aspirational thinking unless funding is set aside in the annual budget
- Members agreed to write to the Minister for Children to request additional funding for the upgrade and maintenance of playgrounds

The Chief Executive said there are a strong network of playgrounds across the county. He said playgrounds consume significant funding. Mr. Lucey said Cork County Council have responded to the universal access piece and will continue to respond. He said there is a case to be made to national government to request extra funding. He said funding for playgrounds will be included in the Capital Budget.

13/2-1

REQUEST TO UPDATE BYE-LAWS:

Councillor Audrey Buckley proposed, seconded by Councillor Deirdre O'Brien

“That Cork County Council will update our bye-laws in County Cork. We need measures in place for the public to feel safe, accountability and that our Garda can enforce the law. Many of us face anti-social behaviour in our areas with no accountability for the type of behaviour that is happening more frequently. On Spot Fines will be a deterrent to anyone thinking of breaking the law. Working with An Garda Siochana and the council like Cork City council are, having recently updated their bye-laws on On Spot Fining.”

RESPONSE:

The powers of enforcement to regulate public behaviour, and to control law and order matters, are vested in An Garda Siochana through public order legislation.

At a Cork County level, specific Bye-laws were adopted by Cork County Council to complement the national law enforcement legislation. These bye-laws include:

1. Drinking in a Public Place Bye-laws (which cover part of the county)
2. Beach Bye-laws (for specific named beaches)

Compliance / Enforcement

Compliance / enforcement of the Beach bye-laws and Drinking in a Public Place bye-laws are generally a matter for An Garda Síochána. An Garda Síochána is empowered to enforce the afore-mentioned bye-laws.

Cork County Council does not have the resources, or expertise, to enforce public order matters, particularly given the likelihood of such incidences taking place at night hours and at weekends.

It is important to note that bye-laws are not necessary to ensure that effective law and order is maintained. The primary legislation in the form of the Criminal Justice (Public Order) legislation exists to provide for same. Therefore, the existence or otherwise of bye-laws will not necessarily address issues that may arise.

The following matters are also worth noting:

- Area covered – a Local Authority can only make Bye Laws for areas of any land, services, or any other matter provided by - or under the control or management of - the local authority. Bye-laws cannot cover areas that the local authority hasn't control or management responsibility for, e.g. private property, church grounds, supermarket car parks, boats, foreshore etc.
- Fines – local authority bye-laws are intended for preventing low level interference – more significant infringements must be dealt with by other legislative instruments

During this discussion, the Members made the following points:

- Members said they do not understand why bye laws cannot be updated
- They referred to the level of anti-social behaviour that has occurred recently in Carrigaline area
- They said locals are dreading the summer months in Crosshaven
- Members said anti-social behaviour is getting increasingly worse, Kinsale & Schull have experienced this
- They asked if an SPC for anti-social behaviour is required similar to the Intoxicating Liquor Committee
- They said the issue needs to be addressed by Cork County Council and cannot be dealt only by the Gardaí
- Stated the issue here is how Gardaí can deal with these issues on the ground
- Members said the request to update bye laws is based on feedback from Gardaí
- Members said updated byelaws will give Gardaí more control and will be a deterrent for anti-social behaviours
- They suggested fines as a means of reducing anti-social behaviour
- Members said there are issues with people drinking close to water
- They stated Covid 19 has increased this anti social behaviour
- Members referred to the cost implications of anti social behaviour to Cork County Council and to already overworked voluntary groups

The Chief Executive said it is appropriate to bring this issue to the Social Inclusion, Community & Rural Development SPC and to seek the views of An Garda Síochána management as to what would be of assistance in management of anti-social behaviour.

SUSPENSION OF STANDING ORDERS

14/2-1

GRANTING OF PLANNING PERMISSION FOR WIND TURBINES IN GOUGANE BARRA:

Councillor Gobnait Moynihan proposed, seconded by Councillor Deirdre Kelly

During this discussion, the Members made the following points:

- An Bord Pleanála has granted planning permission for 7 large wind turbines in Gougane Barra
- The proposed wind turbines will be 178m in height
- Planning for the turbines had been refused by Cork County Council and goes against the recommendations of an Bord's inspector
- An Bord Pleanála's inspector said the development will have significant environmental problems and will be visually domineering
- Members said the wind turbines will destroy the area in Gougane Barra
- They said Gougane Barra is sacred to many people and the sensitivity of the area needs to be respected
- Members said they support wind energy and wind turbines, but Gougane Barra is a revered spot
- Stated too many communities have windfarms and wind turbines need to go out to sea windfarms
- They stated that Cork County Council has always been supportive of wind energy projects, but Gougane Barra is not the right location for these turbines
- Members said this proposal is damaging to the reputation of wind energy and contravenes the County Development Plan
- They said they will support the local community with a judicial review
- Members agreed to write to An Bord Pleanála and to the Minister of Planning and Local Government to note their strong opposition to the granting of planning permission for wind turbines in Gougane Barra and their support for the local community in their opposition.

Extension of Time agreed at 1.15

Proposed by Councillor Patrick Gerard Murphy

Seconded by Councillor Gobnait Moynihan

15/2-1

CLOSURE OF DURSEY CABLE CAR:

Councillor Danny Collins proposed, seconded by Councillor Patrick Gerard Murphy

During this discussion, the Members made the following points:

- Members asked for the planned works on Dursey Cable Car to be delayed from 01/04/22 to 01/05/22
- Said stakeholders require the cable car - residents and farmers
- They said they have been contacted by farmers who asked for this extension as it would help with the busy farming season
- Ferry services could be interrupted up until May due to adverse weather conditions
- Stated that they understand the importance of health and safety, but said that the Minister needs to put mitigation measures in place quickly
- Said the closure will impact Beara & West Cork Tourism
- Said animal welfare will be impacted
- Members requested to write to the Minister for Islands to request funding for a ferry service for the duration of the closure and to ask the Minister to meet a delegation from Cork County Council

The Chief Executive said he fully understands the issues being brought forward in terms of access and he said Cork County Council would help locals in any way possible. The Chief Executive said West Cork Members had been briefed in full 7th February 2022. Said the Department of Rural & Community Affairs has been contacted. Confirmed extensive services available for other islands. Said Cork County Council will continue to liaise with local stakeholders, but the closure is due to a health and safety issue and must be closed by 31st March 2022. He said procurement of the contract for the upgrade works is a priority.

Mayor Gillian Coughlan supported the proposal of a West Cork delegation and said a letter will be sent to the Minister from the Mayor's office to request this.

[I] ANY OTHER BUSINESS

16/2-1

- The Mayor advised two Notices of Motion and Votes of Congratulations to be deferred to the next meeting of Full Council
- Mayor Coughlan also reminded Members of the upcoming deadline for submissions of applications for the Mayor Community Awards

