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**Minutes of Proceedings at Meeting of Cork County Council held by Microsoft Teams on 11th January, 2021.**

**I LATHAIR**

**Comhairleoir Máire Léanacháin - Uí Foghlú, Méara Chontae**

Comhairleoiri: Ó Muineacháin B, Ó Dubhghaill, Ó Sé, Sean Pól, Ó Múrchú, Gearóid, Críod, Ní Mhuineacháin G, Ó Luanaigh, Ó Cochláin M, Uí Loinsigh, Ó Luasa, Ó hAodha, Padraig, Ó Múrchú, Gearóid, Ó Cinnéide, Ó Madaoin, Ó Sé T, Léineacháin Ui Foghlú, Ó Héigheartaigh, Ní hEachthigheirn, Uí Thuama, MacCarthaigh S, Mac Uaid, Ní Cheallaigh, Ó Cearbhaill, Ó Muirthile, Uí Chaochlaoich, Ó hAodha, Pól, Uí Chochláin G, Ó Colmáin, Ó Murchú, Caoimhín Ó Suilleabháin, Sean, Uí Shuilleabháin, Máire, Ó Donnabháin, Ó Coileáin D, Ó Murchú PG, Uí Mhurchú Cáit, Ó Conaill, Mac Craith, Uí Daltún, Lombard, Uí Bhuachalla, Ó Conchubair L, Daltún Ó Suilleabháin, Ní Cheallacháin, Barra, Sheppard, Rasmussen, Ó Conchubair S, Ó Conchubair A, MacCarthaig N, Ó Flionn, Uí Bhriain, Ó Laoghaire, Dawson, De Róiste.

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**PRESENT**

 **Councillor Mary Linehan-Foley, County Mayor, presided.**

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

Chief Executive; Senior Executive Officer, Mr. Michael Lynch, Director of Services, Planning, Mr. Padraig Barrett, Director of Services, Roads & Transportation.

**SUSPENSION OF STANDING ORDERS**

***Proposed by Cllr. Seamus McGrath***

***Seconded by Cllr. Marcia D’Alton***

To discuss the Fire Incident in the R & H Hall Grain Store on Saturday 9th January, 2021. Members agreed to suspend standing orders to discuss this matter after 1.00pm

 **[a] CONFIRMATION OF MINUTES**

**1/1-1**

***Proposed by Cllr. Michael Hegarty***

***Seconded by Cllr. Gerard Murphy***

**RESOLVED:**

“That the minutes of the Meeting held on 14th December, 2020 be confirmed and signed by the Mayor.”

 **[b] VOTES OF SYMPATHY**

**2/1-1**

**TO:** Councillor Ian Doyle on the death of his mother, Nora Doyle

**TO:** Councillor Frank Roche on the death of his father, David Roche

**TO:** Adrian O’Brien on the death of his mother, Helen O’Brien

**TO:** John Murtagh on the death of his mother Teresa Murtagh

**TO:** Betty Lucey on the death of her husband, Eddie Lucey

**TO:** Frank Fahy on the death of his wife, Geraldine Fahy

**TO:** John Hurley on the death of his son in law, Adrian Collins

**TO:** David White on the death of his father, John White

**TO:** Costello family on the death of Kieran Costello

 **[c] STATUTORY BUSINESS**

**3/1-1**

**Disposal of Property:**

**Section 183 of the Local Government Act 2001:**

# *Members noted the following disposals:*

**Municipal District of COBH:**

# *Disposal of land at Bishop Roche Park, Carrignafoy, Cobh, Co. Cork.* 3(a)/1-1

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 18th December, 2020.

**SITUATION:** Disposal of land at Bishop Roche Park, Carrignafoy, Cobh, Co. Cork

# AREA: 0.116 hectare (0.288 acres) together with Right of Way marked A to B on Map

# CONSIDERATION: €181,000

**Municipal District of West Cork:**

# 3(b)/1-1

# *Disposal of ESB Substation site and Grant of Wayleave at Pairc Thiar, The Miles, Clonakilty, 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 18th December, 2020.

**SITUATION:** Disposal of ESB Substation site and Grant of Wayleave at Pairc Thiar, The Miles, Clonakilty, Co. Cork

**CONSIDERATION:** €1.00 plus legal costs of €750 plus VAT

# 3(c)/1-1

# *Disposal of Wayleave at Knockroe, Ballydehob, 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 18th December, 2020.

**SITUATION:** Disposal of Wayleave at Knockroe, Ballydehob, Co. Cork

**AREA:** 13m x 10m wide

**CONSIDERATION:** €1.00

**Municipal District of Fermoy:**

# 3(d)/1-1

# *Grant of way at Wallstown, Castletownroche, 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 18th December, 2020.

**SITUATION:** Grant of way at Wallstown, Castletownroche, Co. Cork

**AREA:** 6.6m x 5m wide

**CONSIDERATION:** €1.00

# 3(e)/1-1

# *Grant of Wayleave at Bridevale, Bridgeland West, Rathcormac, 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 18th December, 2020.

**SITUATION:** Grant of Wayleave at Bridevale, Bridgeland West, Rathcormac, Co. Cork

**CONSIDERATION:** €1.00

# 3(f)/1-1

# *Grant of Wayleave to relocate overhead powerline underground at Kildorrery, 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 18th December, 2020.

**SITUATION:** Grant of Wayleave to relocate overhead powerline underground at Kildorrery, Co. Cork

**AREA:** 0.398 hectares / 0.984 acres

**CONSIDERATION:** €1.00 plus €750 for Council’s legal costs.

**4/1-1**

**Section 31 of the Planning & Devlopment Act 2000, as amended**

Note Ministerial Direction Issued on 23rd December 2020 Pursuant to Section 31 of the Planning & Development Act 2000, as amended, in the Matter of Variation No2 of the Cork County Development Plan 2014 - Retail Outlet Centres.

During this discussion the Members made the following points:

* Members expressed their disappointment at correspondence from the Office of the Planning Regulator (OPR) and Ministerial Direction on the proposed retail outlet centre in East Cork received by Cork County Council on 23rd December 2021
* Members said they had no other option but to seek legal advice regarding a judicial review
* Asked what was the impact on the current Draft Development Plan process of the Ministerial Direction
* Members raised the importance this project would have to the Southern Region for employment and also to attract tourists
* Outlined that East Cork is an ideal location with good public transport accessibility, having rail and bus routes and Port in Cobh nearby
* Members reiterated the importance of preventing the loss of the project to another County
* Members voted in favour of Variation No 2 of the County Development Plan by a large majority
* Expressed their dissatisfaction on an attack on democratic process and on Members’ reserved functions for making policies for the county
* Spoke on the erosion of powers of Elected Members
* Members expressed their disappointment on the lack of support from Senior Cork Minister’s for the project

Michael Lynch, Director of Planning confirmed that there is a joint retail strategy in place between the County and City councils, but it is silent on Retail Outlet Centres. He said that the Ministerial Direction concluded the planning policy process for the retail outlet centre and that Variation no 2 was removed from the County Development Plan. Variation No 1 still stands.

Councillor Frank O’Flynn proposed, seconded by Councillor Michael Hegarty that Cork County Council would seek preliminary legal advice regarding the ministerial direction in terms of a judicial review and the impact on the Draft County Development Plan.

The Chief Executive Mr Tim Lucey confirmed he would seek legal advice as a matter of urgency would revert to Members.

**5/1-1**

**Section 85 Agreement Between Kerry County Council & Cork County Council**

# Section 85 Agreement for works to be undertaken under Munster Bridges Rehabilitation Contract 2020-2021 for which Transport Infrastructure Ireland (TII).

***Proposed by Councillor Michael Hegarty***

***Seconded by Councillor Frank O’Flynn***

 **[f] REPORTS AND RECOMMENDATIONS OF COMMITTEES**

**6(a)/1-1**

**Roads & Transportation SPC:**

**Roadside Memorial Policy:**

# Adoption of Roadside Memorial Policy which was approved by the Roads and Transportation Strategic Policy Committee meeting held on 14th December 2020.

During this discussion the Members made the following points:

* Members requested that the policy include Commemorative Plaques/ Commemorative Memorial Roadside Plaques
* Members sought an extension to commemorate road fatalities from 12 months to 24 months

Members welcomed the policy and said safety measures are needed for commemorations in places where fatalities have occurred.

Members requested the above amendments to the Policy be made which was agreed by the Chairperson of the Roads & Transportation SPC Councillor Declan Hurley and Mr. Padraig Barrett, Director of Roads & Transportation prior to Full Council Meeting on 11th January, 2021.

Members agreed to adopt the policy with the above amendments to be made.

***Proposed by Councillor Kevin Murphy***

***Seconded by Councillor Ann Marie Ahern***

**6(b)/1-1**

**Age Friendly Parking Spaces:**

Draft Age Friendly Parking Spaces Report for Cork County Council.

During this discussion the Members made the following points:

* Members said they were delighted with the recognition of the parking needs of elderly people
* Some Members were dissatisfied that ‘As Gaeilge’ was not used on all the parking spaces.
* Noted that Irish language is to be used on the road markings in the designated parking spaces in Gaeltacht areas in the county
* Noted that the upright signage at the allocated spaces was bi-lingual
* National Policy is needed to identify age friendly parking spaces
* The input of the Older Peoples Council to the policy was acknowledged
* Parking spaces are already prominent in towns and car parks
* The recommended age for persons using the space is 55 & over
* Suggestions were made on various ways to incorporate the Irish language into the road markings on the ground within all the designated spaces
* Insufficient space to use both languages on the parking spaces
* Members were concerned that there would be no confusion for users and that markings would be clear

Councillor Kevin Murphy proposed, seconded by Councillor Kay Dawson to adopt the Age Friendly Parking Spaces Report as presented.

The Mayor called for a vote to be taken which resulted as follows:-

**FOR:** Councillors: Murphy Kevin, O’Sullivan J, O’Sullivan M, Collins D, Murphy P.G, Murphy Katie, D’Alton, Dalton O’Sullivan, O’Callaghan, Barry, Sheppard, Rasmussen, McCarthy N, Dawson, Doyle, O’Shea J.P, Coughlan M, Lynch, Lucey, Hayes Pat, Kennedy, Madden, O’Shea T, Linehan-Foley, Twomey, McCarthy S, Hurley, Coakley

**[28]**

**AGAINST:** Councillors: Coughlan G, Coleman, Buckley, O’Connor A, O’Flynn, O’Brien, Moynihan G, Looney, Murphy Gearóid, Ahern, Kelly, Carroll

 **[12]**

The Senior Executive Officer declared the results as follows: **28** **FOR**, and **12** **AGAINST**. The Mayor declared the motion as passed.

**7/1-1**

**Environment & Emergency Services SPC:**

The preparation of a Fire and Emergency Operations Plan is required under Section 26(1) of the Fire Services Acts, 1981 and 2003.

***Proposed by Councillor Anthony Barry***

***Seconded by Councillor Marcia D’Alton***

**SUSPENSION OF STANDING ORDERS**

**Fire Incident in R & H Hall Grain Store:**

***Cllr. Seamus McGrath proposed, seconded by Cllr. Marcia D’Alton***

During this discussion the Members made the following points:

* Members paid tribute to the Cork County Council Fire & Emergency Services for the professional manner with which they dealt with the fire
* Members highlighted the need for improved communication system from the Port of Cork to residents
* Members said it was not enough for companies to have their own emergency plan
* Members expressed the need for a specific Local Major Incident Emergency Plan be put in place for Ringaskiddy
* Seeking the Council to take the lead in developing a plan for the Ringaskiddy area
* Ringaskiddy is not a suitable area for an incinerator
* A Multi Agency approach is needed while drafting the plan
* A plan should cover the peninsula not just the village of Ringaskiddy
* The need for local residents to be consulted when drafting the Major Incident Emergency Plan
* There was a suggestion for a new text alert messaging system for residents
* A future serious incident could impact other communities in the harbour including Cobh.
* Cork County Council Fire Department has a role to play in carrying out a Risk Assessment
* Issues of air quality and water quality were raised
* Members suggested to put in air monitors with harbour communities
* Asked what materials were on the site of the fire

The Chief Executive commended the Fire and Emergency Services and County Chief Fire Officer for the way they responded to the incident. He said that Cork County Council had the full assistance from the Port of Cork and R&H Hall during the fire incident. He said the Council has an emergency plan in place which involved multiple agencies. He said he would take on board Members’ concerns. The Chief Executive told Members that there would be a post incident review and Members would be notified of the outcome and that the review would identify if improvements are needed in responses to incidents. He said that there would be engagement with the residents and with the members of the three relevant Municipal Districts.

**Extension of Time:**

Proposed by Councillor Frank O’Flynn

Seconded by Councillor Kevin Murphy

**[g] CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS**

**Department of Housing, Local Government & Heritage: 8(a)/1-1**

# developer PROVIDED water services infrastructure resolution programme 2019-2021:

# Members noted correspondence dated 7th December 2020 in response to Council’s letter dated 29th July 2020 in relation to Multi-Annual Developer Provider Water Services Infrastructure Resolution Programme 2019-2021.

During this discussion the Members made the following points:

* Members requested more information on this matter
* Letter only states approvals and allocations

***Members agreed to write to Minister Darragh O’Brien, Minister for Housing, Local Government and Heritage asking when the next round of funding for will be made available to the Developer-Provided Water Services Infrastructure Resolutions Programme.***

**8(b)/1-1**

**Group Wastewater Schemes:**

# Members noted correspondence dated 5th January 2021 in response to Council’s letter dated 16th December 2020 in relation to capital funding for Group Wastewater Schemes.

During this discussion the Members made the following points:

* Members said they were dissatisfied with the response
* Said waste water schemes was not proceeding due to inadequate funding

***Members agreed to write to Minister Darragh O’Brien, Minister for Housing, Local Government and Heritage to request that the issue of an increase in the capital funding for group waste water schemes be addressed.***

**Department of Health: 9/1-1**

# Members noted correspondence dated 10th December 2020 in response to Council’s letter dated 11th November 2020 in relation to Haemochromatosis Screening and Treatment.

Members welcomed the response from the Department of Health.

**10/1-1**

**Office of The Minister for Defence and Minister for Foreign Affairs:**

# Members noted correspondence dated 7th December 2020 in response to Council’s letter dated 11th November 2020 in relation to Jadotville.

Members welcomed the response from the Office of the Minister for Defence and Minister for Foreign Affairs.

**[h] NOTICE OF MOTIONS**

**11/1-1**

**Cllr. Bernard Moynihan:**

*“That Cork County Council fully support the Idea that a greenway be constructed along the route of the M20. This would be a great boost to Economic Development in the region and unlock the tourism potential of the region.”*

***Deferred from Meeting of 14th December, 2020***

***Deferred from Meeting of 11th January, 2021***

***Cllr. Bernard Moynihan requested a deferral of his Notice of Motion until Full Council Meeting on Monday 25th January, 2021.***

**[k] VOTES OF CONGRATULATIONS**

**12/1-1**

**TO:** Greg Tarr on winning this year’s Young Scientist Competition

**TO:** Kieran Cotter on his retirement after 45 years of service with Baltimore RNLI

**TO:** Ronnie Carthy on his retirement after 30 years of service with Baltimore RNLI

 **[l] ANY OTHER BUSINESS**

**13(a)/1-1**

**Nursing Homes & Family Carers:**

***Proposed by Councillor Ben Dalton O’Sullivan***

***Seconded by Councillor Mary Linehan Foley***

# During this discussion the Members made the following points:

* Members praised the staff at nursing homes and family carers
* Members raised concern over the stress level nurses and carers are under

***Members agreed to write to Family Career Ireland to acknowledge their tremendous work during Covid 19.***

**13(b)/1-1**

**CASUAL TRADING BYELAWS**

Members asked if the casual trading bye-laws could be advanced during 2021.

**13(c)/1-1**

**Road Salting:**

During this discussion the Members made the following points:

* Members praised Cork County Council crew on keeping our roads safe
* Priority is needed to grit roads that lead to Covid swab centre routes
* Members spoke on how there was some delays in gritting roads
* Concerns also raised over deterioration of some roads due to bad weather

**~ This concluded the business of the Meeting ~**