



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 March at 11am.

I LATHAIR

Comhairleoir Seamus McGrath, Leas-Mhéara

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

PRESENT

Councillor Seamus McGrath, Deputy Mayor, presided.

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

Deputy Chief Executive, Administrative Officer Corporate Services

[a] CONFIRMATION OF MINUTES

1/3-1

Proposed by Cllr. John Paul O'Shea

Seconded by Cllr. Karen Coakley

RESOLVED:

That the minutes of the Meeting held on 28th February, 2022 be confirmed and signed by the Chairperson.

[b] VOTES OF SYMPATHY

2/3-1

TO: Minister Frank Feighan on the death of his mother Helen Feighan

TO: Richard Cahill on the death of his father in law Thomas Corroon

TO: Paul Mangan on the death of his wife Noreen Mangan

[c] STATUTORY BUSINESS

3/3-1

**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 COBH:

Proposed by Councillor Anthony Barry

Seconded by Councillor Alan O'Connor

RESOLVED:

Part 8 for Phase 1 of the Carrigwohill to Middleton Inter-urban Cycleway was approved.

The project will be delivered in two phases:

- Phase 1 runs from Wisers Road, west of Carrigwohill to Ballyadam, east of Carrigwohill
- Phase 2 will commence at Ballyadam and connect in with infrastructure at Water-Rock, Middleton

The purpose of this scheme is to provide safe pedestrian and cycling facilities along the route as well as facilitating a switch to an alternative and sustainable form of transport. The proposed facilities will provide high-quality safe connections between employment and residential areas, the proposed Carrigwohill schools campus, and Carrigwohill Railway Station. It will also provide a recreational amenity for pedestrians and cyclists.

MUNICIPAL DISTRICT OF MACROOM:

Proposed by Councillor Gobnait Moynihan

Seconded by Councillor Michael Creed

Part 8 Chief Executive's Report on Planning Application for St Colman's Church, Macroom (former Church of Ireland) Project was approved.

The proposed works are to provide a community and enterprise facility. Retention of partially completed 1990's rear extension and provision of new universally accessible entrance within existing fabric. Site development works, including external hard landscaping, entrance lighting, and all associated site services above and below ground with the addition of off-street bike parking spaces.

During this discussion Members made the following points:

- Members said this project will be of great benefit to Macroom
- Stated the completed project will attract tourists to the town
- Members asked for the graves on the site to be protected during the works

SECTION 19 OF THE LOCAL GOVERNMENT ACT 2001:

4/3-1

Filling of the Casual Vacancy arising from the resignation of Cllr Katie Murphy.

“That Ms. Caroline Cronin be co-opted as a Member of Cork County Council to fill the vacancy created by the resignation of Councillor Katie Murphy.”

Proposed by Councillor John Paul O’Shea

Seconded by Councillor Marie O’Sullivan

At this juncture Councillor Caroline Cronin joined the meeting.

Members said it was a great privilege to nominate Caroline Cronin and said she will be a great asset to the Council. Members said Councillor Cronin will bring great ideas and said they are delighted to have another female elected member on board. The Deputy Mayor welcomed Councillor Cronin to the Chamber and to the Council. Members of the West Cork MD welcomed Councillor Cronin to the Chamber. The Deputy Chief Executive welcomed Councillor Cronin on behalf of the executive. Councillor Cronin thanked all for their well wishes and said she looks forward to working with everyone.

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

CORPORATE POLICY GROUP

5/3-1

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

Proposed by Councillor John Paul O’Shea

Seconded by Councillor Joe Carroll

6/3-1

ARTS FUNDING:

- a. Creative Ireland Grants Scheme 2022
- b. Local Live Performance Programming Scheme (LLPPS)

Proposed by Councillor John Paul O’Shea

Seconded by Councillor Michael Looney

CHIEF EXECUTIVE'S MANAGEMENT REPORT TO COUNCIL:

Finance Department

Quarterly report of the Finance Directorate for the 3-month period up to 31st December 2021.

Members noted the Finance Directorate Quarterly Report.

[h] **NOTICE OF MOTIONS**

SEEK AN UPDATE FROM THE LGMA ON COMMUNITY CCTV SYSTEMS:

Councillor Danielle Twomey proposed, seconded by Councillor John Paul O'Shea

“That this council would seek an update on the pending policy from the Local Government Management Agency (LGMA) on Community CCTV systems. And, that the Chief Executive would clarify the position of Cork County Council in becoming the Data Controller for the 22 systems we have within the county and those due to be installed or be turned on. Also, to clarify if funding for the operational and set up costs will be funded by the Local Authority or the Department of Justice, and if clarification on same can be sought from the department.”

RESPONSE:

In February 2022, the LGMA informed us that there are no further updates to the pending Bill relating to the proposed legislative model for Community CCTV.

I confirm that Cork County Council is awaiting the approval of this Bill before considering the implementation of additional Community CCTV Schemes, and that funding mechanisms are contiguous with the passing of same. Patricia Liddy, Director Corporate Services.

During this discussion the Members made the following points:

- Members noted the importance of CCTV as a prevention and deterrent
- Said Gardaí find it harder to do their jobs efficiently without CCTV
- Members said there are towns around the county where CCTV is installed but not turned on
- Said they were told weeks away from a standard protocol in 2021
- Queried if Cork County Council are seeking an update
- Members said this needs to be a priority and the LGMA and Gardaí need to sign off on this
- They noted the importance of CCTV, but said it is important to get it right to avoid a data breach
- Said GDPR issues need to be resolved and cost not should play into it as much as it does
- Members expressed concern with the delays in implementing protocols around data control

- They gave examples of towns where funding was provided as far back as 2017, cannot but it cannot be put into operation due to issues around the data controller
- Members suggested local authorities should come together to have one data controller
- Stated it is time to get instruction and protocol to understand what the delay is
- Members agreed to write to the LGMA, Minister for Justice and Minister for Finance
- Members also agreed for the issue to be brought up in JPC

The Deputy Chief Executive said a legislation model needs to be put in place. He said he supports members in writing to the Department of Justice and that funding will become a national issue. Mr. Fogarty said one data controller will not solve this. He said a bill and legislation will need to be enacted. Members welcomed comments from the Deputy Chief Executive.

9/3-1

PROVIDE AN UPDATE ON THE COMPLETION OF WASTE WATER TREATMENT PLANTS:

Councillor Karen Coakley proposed, seconded by Councillor John Paul O'Shea

“ I am calling on Cork County Council to provide an update on the completion of waste water treatment plants within the Developer Provider Infrastructure Scheme”.

RESPONSE:

Prior to Irish Water coming in to being in **2014** Cork County Council was the water services authority responsible for the taking in charge process and ongoing maintenance of infrastructure. Now Irish Water must agree to take responsibility for the ongoing responsibility and maintenance of water services infrastructure before Council takes an estate in charge because the local government sector is no longer resourced for same.

That said Irish Water does not accept responsibility for Developer Provided Infrastructure wastewater treatment plants in accordance with the provisions of a Memorandum of Understanding informing Local Authority/Irish Water arrangements as regards taking in charge.

Council is aware of, and has engaged fully with, two national level initiatives that are considering matters relating to DPI.

1. The Multi-Annual Developer Provided Water Services Infrastructure Resolution Programme 2019 – 2021
2. A Pilot Study of Developer Provided Infrastructure (DPI) in residential estates is being carried out by Irish Water (IW)

Multi-Annual Developer Provided Water Services Infrastructure Resolution Programme 2019 – 2021

Cork County Council’s initial submission to the DHLGH, dated 18th September 2019, was in respect of **42 estates** these estates were categorised as follows:

- Category 1** Estates in towns where the solution could be to connect to the public wastewater network
- Sub-Categories
- 1A** – sufficient capacity/headroom presently and is compliant with the wastewater discharge authorisation **(6 developments)**
- 1B** – insufficient capacity to take a connection but is included in the current Irish water Investment Plan **(12 developments)**
- 1C** – insufficient capacity and is not included in the current Irish Water Capital Programme **(5 developments)**
- Category 2** Estates with 50 or over residential units located in larger villages outside the public wastewater network **(9 developments)**
- Category 3** Estates with under 50 residential units located in smaller rural settlements outside the public wastewater network **(10 developments)**
- Category 4** Estates with under 5 residential units in rural townlands or hinterlands relying on small scale wastewater treatment systems

Please note the following definition of **Developer Provided Water Services Infrastructure (DPI)**:

“... a particular category of residential estates, specifically estates that are served by infrastructure such as wells, water treatment plants and wastewater treatment plants and associated pumping stations that were provided by developers as part of housing developments. Such infrastructure is stand alone and is not connected to public water and sewerage networks for which Irish Water is now responsible. For convenience, such infrastructure is described as developer provided water services infrastructure”.

An Expert Panel was convened by the Department in February 2020 to evaluate the bids. The initiative focused on estates in which the DPI could be integrated with the public system (eg function as pumping stations). As such the work of the Expert Panel was focussed and had the result of reducing the number of applicable estates with DPI wastewater infrastructure considerably.

Cork County Council were requested to remove some category 1 Estates from our final submission due to many factors such as:-

- Estates progressing towards a satisfactory resolution following ongoing engagement between Cork County Council and other stakeholders developer / receiver / Irish water
- Premature – projects through Untreated Agglomeration Scheme (UTAS) being designed
- Premature – major Irish Water Capital Project due to commence for the agglomeration
- Premature – Irish Water in talks with developers to provide a DPI in the future

The Expert Panel report / recommendations was considered by the Minister who has accepted these in full and the Circular dated **21st September 2020** informs local authorities of these decisions.

Four estates were recommended for funding in County Cork. Cork County Council was required to contribute funds as the monies made available were insufficient.

County	Estate Name	Location
Cork	Ard Carrig	Skibbereen
Cork	The Hawthorns	Skibbereen
Cork	Cois Na hAbhainn	Clonakilty
Cork	Castlewoods	Old Chapel Bandon

Castlewoods, Bandon project – All works have been completed and the DPI was demobilised on **18th January 2022**

Works on the other three remaining estates are being carried out under one contract, as procured by Cork County Council, and the contractor is due to commence work on site on **Monday 14th March 2022** (works to be completed within 2 months).

Furthermore, as advised in Circular L(DPI)01-2020 Approval of Bids under the Multi-annual Developer Provided Water Services Infrastructure Resolution Programme that issued to Cork Co Co on 22 September 2020, Crossbarry (Gleann Alainn, Cluain Na Croise, Cul Na Greine and Lissagroom Meadows estates) was identified by the Panel as a **demonstration project** with potential for resolution, on a collective basis, of the DPI estates at this location. Separately a feasibility study has also been requested from Cork County Council for Shanagarry (requested on 22 September 2020). **It is important to note that Cork County Council has submitted both reports as requested and is currently awaiting feedback.**

A Pilot Study of Developer Provided Infrastructure (DPI) in residential estates is being carried out by Irish Water (IW) nationally to assess the water services infrastructure in a sample of DPI estates and determine more detailed costings of on-site specific solutions which can then be extrapolated to determine a more accurate overall cost to progressively fully resolve DPI.

The findings are to be used to inform stakeholders on the appropriate policy and funding options for the progressive resolution of DPI including future operation and maintenance in perpetuity having regard to the dispersed spatial distribution of many of these housing estates in smaller rural settlements, townlands, and associated hinterlands.

The estates within Cork County that were selected for the Pilot Study are as set out below. At time of writing it is our understanding that the Irish Water appointed consultants have carried out site investigations, and Cork County Council is awaiting feedback.

IW Ref	ESTATE NAME	ADDRESS	COUNTY	NUMBER Of UNITS	PLANNING REFERENCE
102	Grange Manor	Kilumney, Ovens	Cork Co	266	00/4814

128	An Garran	Templebryan South, Shaanovale, Clonakilty	Cork Co	11	00/6752
202	Heatherfield	Waterfall	Cork Co	61	99/2256
304	Greenvale	Newtwopothouse	Cork Co	22	03/4988
305	Woodside	Dunderrow	Cork Co	16	00/5441

Matters relating to upgrading and maintenance of DPI wastewater infrastructure in housing estates such that same can be taken in charge in perpetuity are complex and multi-faceted; requiring an appropriate national solution that can address development specific matters. In this regard Cork County Council has engaged fully with the programmes and initiatives introduced by the DHLGH and Irish Water to consider and evaluate issues relating to DPI wastewater infrastructure serving housing estates; and Council will continue to engage fully, providing all available supporting information relating to the 42 such developments in County Cork. Michael Lynch, Director of Services, Planning.

During this discussion the Members made the following points:

- Welcomed the response and said it is very positive
- Members said the focus is on estates that were not taken in charge by local authorities
- Stated no update has been received since September 2020 and further funding is required to address more items
- Need to ensure waste water services in estates can function properly and said it is unacceptable that these estates have not already been taken in charge
- Members said it is not acceptable that Cork County Council has to part fund works on estates
- They said funding must come from Central Government
- Said works would cost approximately €10,000 per estate
- Members said DPI's need to be addressed
- Stated any planning issues that prevent the estate being taken over needs to be looked at
- Members referenced a meeting with Director of Planning that highlighted 90 estates in the county that need attention
- Members discussed delays with Irish Water and that works are not expected to start for another 5 years
- The County Development Plan will then have expired
- Members said there is some progress being made
- Stated work has been completed in Coachford & Dripsey, where development had previously been delayed
- Members agreed to write to the Minister for Housing and Local Government to expediate further funding

The Deputy Chief Executive said DPIs are no longer allowed on planning applications. He said the County Engineer should be made aware of the letter that will be sent to the Minister.

10/3-1

IMPACT OF HIGHER FUEL PRICES:

Councillor John O'Sullivan proposed, seconded by Councillor Marie O'Sullivan

That Bandon Kinsale Municipal District recognises the impact of higher fuel prices on all sectors of the economy, However, rural Ireland is adversely affected with a lack of adequate public transport alternatives for commuters. In addition, agricultural contractors and hauliers have seen their fuel costs increased by 100%. This has a knock-on for the cost of living and inflation in the economy. In light of the hardship that is being caused by high fuel prices, we call on the Minister for Finance to

- (a) Temporarily reduce the excise duties on diesel and petrol
- (b) Extend the Section 664A exemption – which applies at present only to farmers – to farm and forestry contractors on their use of green diesel from 1st May 2022.”

During this discussion the Members made the following points:

- Members discussed the impact of higher fuel prices on agriculture and contractors
- Highlighted the impact on food costs and food production
- Said there are some retailers of fuel that are taking more than they should
- Stated there will be increases over the coming months, leading to an increase in transport and food costs
- Stated the cost of diesel is crippling the haulier industry
- Members stated fishing fleets are also being impacted
- Stated there is no infrastructure for e vehicles in Rural Ireland
- Members said that the government should forego the carbon taxes that are due to applied this year
- They agreed to write to the Minister of Finance & Minister of Transport to request for costs to be reduced and to forego the carbon taxes that are due to be applied this year

[I] ANY OTHER BUSINESS

11/3-1

RETAINED FIREFIGHTERS AND THEIR BENEFITS:

Members said the debate held on firefighters and their benefits at Full Council on 28/02/22 was a very healthy debate. Members said they have been speaking to a member of the fire crew who is trying to apply for full time work and not having any success in getting a full time position, including as a General Operative with Cork County Council. Members said the Council should be encouraging members of their staff to be part of the fire service. Mayor noted the points made.

12/3-1

CLOSURE OF DURSEY CABLE CAR:

Members queried if there was an update on Dursey Cable Car. Deputy Chief Executive advised there is no update but will bring it to the attention of the County Engineer. The Director of Corporate Services said there are ongoing interactions between the Department and Cork County Council. The Deputy Chief Executive said he would get an update to Members today.

13/3-1

BOOK OF CONDOLENCES FOR UKRAINE:

Members proposed a Book of Condolence for those in Ukraine. Members said we should be supporting efforts as much as we can. Members discussed how the Council can support those in Ukraine and renovate buildings for this purpose.

14/3-1

HEDGE CUTTING:

Members thanked all those around the County who have cut and maintained their ditches and hedgerows, ensuring safety for road users.

~ THIS CONCLUDED THE BUSINESS OF THE MEETING ~