



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 10th October 2022 at 11am.

I LATHAIR

Comhairleoir Dónal Ó Coileáin, Méara Chontae

Comhairleoiri: Uí Chochláin G, Ó Colmáin, Ó Murchú C, Ó Suilleabháin S, Uí Shuilleabháin M, Ó Donnabháin, Ó Coileáin, Ó Murchú PG, Ní Chroinín, 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 Conchubair A, MacCarthaigh N, Ó Flionn, Uí Bhriain, Ó Laoghaire, Dawson, De Róiste, Ó Muineacháin B, Ó Dubhghaill, Ó Sé SP, Ó Murchú G, Críod, Ó Muineacháin G, Ó Luasa, Ó Haodha Padraig, Ó Murchú Gearóid, Ó Madaoin, Ó Sé T, Léineacháin Uí Foghlú, Ó hÉalaithe, Ó Héigheartaigh, Uí Thuama, MacCarthaigh S, Mac Uaid, Ní Cheallaigh, Ó Muirthile, Uí Chaochlaioich, Ó Haodha Pól

PRESENT

Councillor Danny Collins, County Mayor, presided.

Councillor: Coughlan, Coleman, Murphy K, O'Sullivan J, O'Sullivan M, O' Donovan, Collins, Murphy PG, Cronin, 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, Lynch, Lucey, Hayes Pat, Kennedy, Madden, O'Shea T, Linehan – Foley, Healy, Hegarty M, Twomey, McCarthy S, Quaide, Kelly, Hurley, Coakley, Hayes Paul

Chief Executive, Michael Lynch Director of Planning, Padraig Moore Senior Planner, A/Senior Executive Officer.

MATTERS ARISING

Members said that the motion from Tipperary County Council that was circulated to Members recently should be discussed further. This motion highlights the lack of funding to Local Authorities and requests the Minister for Public Expenditure and Reform to provide additional funding to Local Authorities. Members said the loss of Town Councils has led to a decline in works and maintenance in towns around the County. They said that there are areas around the County that are substantially underfunded and towns are showing neglect. Members asked when a letter was first sent to the Taoiseach in 2019 requesting a delegation and asked for an update on this at the next meeting of Full Council.

The Mayor said that a letter has been sent following the previous meeting of Full Council to the Taoiseach, Minister for Public Expenditure and Minister for Defence requesting a delegation.

[a] CONFIRMATION OF MINUTES

1/10-1

Proposed by Cllr. Karen Coakley

Seconded by Cllr. Seamus McGrath

RESOLVED:

That the minutes of the Meeting held on 10th October 2022 be confirmed and signed by the Mayor.

[b] VOTES OF SYMPATHY

2/10-1

TO: The People of Creeslough on the recent tragedy in their community. Members agreed to open a Book of Condolence for Creeslough.

TO: Ken Murray on the death of his father Maurice Murray.

TO: Mary McCarthy on the death of her husband Jim McCarthy.

[c] STATUTORY BUSINESS

3/10-1

SECTION 31 OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED:

Section 31 Ministerial Final Direction on the Cork County Development Plan, 2022-2028

The Chief Executive said that this concludes the County Development Plan Process that was adopted in April. The Office of the Planning Regulator recommended that the draft direction would be confirmed as a direction on all 7 matters. The Minister has proceeded with a Final direction on 5 matters. The Chief Executive said failure to follow the guidelines does not amount to a breach.

Mr. Padraig Moore, Senior Planner, gave the following presentation.

He outlined the legislative background as follows:

- Section 31, Section 31(AM) and Section 31(AN) of the Planning and Development Act, 2000, as amended, set out the legal requirements/timelines around the issuing of a Ministerial Direction.
- Section 7 of the Planning and Development Maritime Valuations Act, 2002 which came into effect on 24th July 2022 amends Section 31 AN of the Principle Act i.e Minister has 6 weeks from receipt of Report from OPR to confirm of otherwise a Final Direction

Final Ministerial Direction:

- Final Section 31 Direction was issued on Wednesday 28th September 2022 and came into effect on that date i.e. the specific policies of the CDP 2022 which are the subject of the Final Direction are changed as per the Direction.
- This Direction may be cited as the Planning and Development (Cork County Development Plan 2022 – 2028) Direction 2022.

Reasons for the Final Ministerial Direction:

(1) The Development Plan has not been made in a manner consistent with and has failed to implement a recommendation of the Office of the Planning Regulator under Section 31 AM.

(2) The Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;

(3) The Plan is not consistent with National Policy Objectives set out in the National Planning Framework, specifically NPO 3c.

(4) The Plan is not consistent with regional development objectives set out in the Regional Spatial and Economic Strategy for the Southern Region, specifically RPO 35, and RPO 151.

(5) The Plan is inconsistent with Ministerial Guidelines issued under Section 28 of the Act, specifically:

a. the Development Plan Guidelines for Planning Authorities (2007) and the Development Plans, Guidelines for Planning Authorities – (2022);

b. Specific Planning Policy Requirement 4 contained in the Urban Development and Building Height Guidelines (2018),

c. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages (2009).

d. the Spatial Planning and National Roads, Guidelines for Planning Authorities (2012),

and whilst the failure to implement the guidelines is not a failure to have regard to the guidelines per se, the failure to implement the guidelines has not been explained adequately or at all.

(6) The Plan, as made, is not in compliance with the requirements of the Act

Draft Direction versus Final Direction:

The Draft Direction Recommended the Following:

a) Delete replacement paragraph 9.5.7 inserted under MA 1.9.16 relating to the preparation of a Joint Retail Strategy and insert the following objective in Chapter 9 of the Plan:

To complete the preparation of a Joint Retail Strategy with Cork City Council which will jointly determine the scope for retail development generally, and for retail outlet centre development specifically, within the Cork metropolitan area within 12 months of the adoption of both City and County Development Plans and to adopt the Joint Retail Strategy into the Cork County Development Plan by way of a Variation.

b) Delete the amended and additional provisions for “Retail Outlet Centres” inserted under MA 1.9.20, including objective TCR 10-2 Retail Outlet Centre and associated map;

The Minister in the Final Ministerial Direction did not support the inclusion of the above provisions. Therefore the policies as set out in the adopted Plan, Volume One “Main Policy Material”, Chapter 9 “Town Centres and Retail” relating to Joint Retail Strategies (Para 9.5.9, page 198) and Retail Outlet Centres (Para’s 9.11.9 to 9.11.17, Objective TCR 9-17 and Figure 9.2, pages 203 to 205) remain unchanged from those in the Adopted CDP.

Final Ministerial Direction:

- a) Reinstate the zoning objective of those lands subject of zoning objective Bantry BT-R-0X inserted under MA 5.2.6.27(a) to that of the draft Plan i.e. the subject land reverts to BT-AG-01 Agriculture.
- b) Delete the amended residential densities on specific sites under MA 4.2.3.41 Carrigtwohill CT-R-18 to revert to Medium A density and MA 4.2.3.43 Carrigtwohill CT-R-04 to revert to High Density, and
- Reinstate the zoning objectives of the following lands to that of the draft Plan consistent with the recommendations of the Chief Executive’ Report dated 16th March 2022.
 - i. MA 3.1.4.15 - FY-I-05 Fermoy ‘Industrial development’ – reinstate the zoning objective of the subject land to that of the draft Plan i.e. the subject land reverts to Greenbelt 1.
 - ii. MA 3.1.4.16 - FY-X-01 Fermoy ‘Special Policy Area – Expansion of existing mart facilities and provision of an NCT centre’ - reinstate the zoning status of the subject land to that of the draft Plan i.e. the subject land reverts to unzoned.

Relevant Legislation after Issuing of Direction:

Section 31(2) of the Planning and Development Act, 2000, as amended states:

(2) Where the Minister issues a direction under this section the planning authority, notwithstanding anything contained in *Chapter I* or *II* of this Part, shall comply with that direction and the chief executive or elected members shall not exercise a power or perform a function conferred on them by this Act in a manner that contravenes the direction so issued.

During this discussion, the Members made the following points:

- Members said they fought for regional economic and spatial strategy in Bantry but this cannot be enhanced if housing cannot be built there
- All of the land that is currently zoned in Bantry is zoned for planning leaving no options for affordable housing
- Members said they are not happy that land in Bantry is being removed from the Development Plan to be reverted back to agriculture
- Said they fought to have extra housing and extra employment in Bantry
- The Minister is now removing this land which he said he would not do
- Members said they are very disappointed with how the proposed amendments will affect Fermoy
- Said it flies against the face of rural regeneration
- Members said they were told it is their plan and clearly it is not
- Members spoke of the density issues in Carrigtwohill and said they exhausted this issue during meetings of the Plan
- Said they had community groups make representations to them asking that these changes would not be allowed
- Said that it is very frustrating for their decision to be overridden by government officials and Ministers
- There needs to be social infrastructure in Carrigtwohill to match proposed housing growth

- Sustainable settlements need to be built for a sustainable future
- Members said they made the right decisions for their communities when working on the County Development Plan
- Asked why Elected Members should be told by an unelected body that the Development Plan of their County is not right
- Members said Cork County Council has always been very proactive in creating County Development Plans through the years
- Have always been stringent in working through Development Plans and creating outstanding plans
- The work on County Development Plans has driven business and created many homes
- Said what has happened in Bantry, Fermoy & Carrigtwohill is a disgrace
- Members said they must stand up for the greater development of Cork
- They said the County Development Plan is no longer their plan due to the gross interference of outside bodies
- Said they made decisions during the County Development Plan process because they know their areas
- Members said they filtered through the plan to keep items that were worthy on the plan
- They spoke of the lack of facilities, schools and creches in local towns and villages
- Said that Government cannot dictate and put a stop on development and limit the growth of towns and villages
- Said that power is continuously being moved back to the centre
- The undermining of the power of Elected Members is being eroded further each year
- Members said they feel deflated now with the Plan and it is not acceptable for an outside body to have such impact on the Plan
- Members spoke of the effectiveness of the legal action that was taken on the Retail Outlet Centre
- Said the exact same issues now apply with the remaining 5 issues
- This undermining of local government is a national issue
- Said the only way they can override Central Government is through the Supreme Court
- Members said that some Elected Members are considering leaving the role as they cannot influence policy for the benefit of their areas
- Members said they need to pursue this issue through their representational bodies LAMA and AILG
- Said that LAMA and AILG should support the Mayors of each local authority in calling a delegation

The Mayor said that he agrees with the proposal of pursuing a Judicial Review on all 5 issues raised in the Ministerial Direction. He said a letter will be sent to the Mayor of each Local Authority to gain their support on the undermining of Elected Members power in relation to the adoption of Statutory Plans made under the Planning Acts. The Mayor said a letter will be sent to LAMA and AILG from the Mayors Office. Members agreed to hold a special meeting of Development Committee to represent the voices of their constituents and take on board the proposal for a Judicial Review. Members requested that the Executive would have sought legal advice on this matter before the Development Committee Meeting.

The Chief Executive said that Members need to consider at Development Committee if they want to take this further. He said Materiality of Risk must be taken into account and all of the sector is in this situation. He said a significant amount of work was done on Cork County Council's Development Plan and all guidelines were fully complied with. He said different matters are at play here around specific zoning pieces. He said a different view of the 5 matters in the draft direction was presented by the Executive. The Chief Executive urged Members to act with caution and suggested further discussion at Development Committee. Mr Michael Lynch, Director of Planning, echoed the comments of the Chief Executive and said Members need to be cautious at this time. Mr Lynch said the County Development Plan was 3,500 pages long, included 2,472 objectives and is now down to issues around 5 objectives. He said the Plan reflects the view of the Members.

MUNICIPAL DISTRICT OF BANDON/KINSALE:

Disposal of Land at Kilcawha, Kinsale, Co. Cork

4(a)/10-1

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 30th September 2022.

Situation: Disposal of land at Kilcawha, Kinsale, Co Cork.

Area: 0.217 hectares/0.536 acres

Consideration: €5,700

MUNICIPAL DISTRICT OF FERMOY:

Disposal of Land at Stag Park, Mitchelstown, Co. Cork

4(b)/10-1

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 30th September 2022.

Situation: Disposal of land at Stagpark, Mitchelstown, Co. Cork.

Consideration: €10,000.00

MUNICIPAL DISTRICT OF EAST CORK:

Grant of Right of Way over non-public road at Foxhole, Youghal, Co. Cork

4(c)/10-1

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 30th September, 2022.

Situation: Grant of Right of Way over non-public road at Foxhole, Youghal, Co Cork, for access to private property.

Area: 394m x varying width

Consideration: €1

5/10-1

**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 CARRIGALINE:

Proposed by Councillor Ben D’Alton O’Sullivan

Seconded by Councillor Michael Paul Murtagh

Members resolved to approve Part 8 Chief Executive’s Report on proposed traffic calming measures at Ballygarvan village on the R613. The R613 is used by traffic on the southside of Cork City and lies in the Owenabue valley between Myrtle Hill and Meadstown Hill with the road crossing the Annalicka Bridge Stream in the village. Traffic on the R613 comprises of the local commuters travelling between Carrigaline and Ringaskiddy, which is a large employment centre, and towns of Bandon, Kinsale and further south-west areas of County Cork.

During this discussion the Members made the following points:

- Members said that this Part 8 is very important for Ballygarvan
- Complimented the staff of the Roads department for their work on this project
- Said the traffic calming measures in Ballygarvan were badly needed

MUNICIPAL DISTRICT OF MACROOM:

Proposed by Councillor Eileen Lynch

Seconded by Councillor Gobnait Moynihan

Members resolved to approve Part 8 Chief Executive’s Report on the proposed construction of 16 no. residential units in Sleaveen, Macroom, being 4 no. two storey two-bedroom houses & 10 no. one storey, one bed apartments (one over one) & 2 no. one storey two bed apartments (one over one). Provision of set down parking area; new site access and on-site set down for fire tender. Hard landscaping (including boundary walls, footpaths, and street lighting). Soft landscaping (including green areas, planting, and trees) and connection to public and private existing utilities.

During this discussion the Members made the following points:

- Members said this social housing is welcome in Macroom
- Said the one bed units are particularly welcome for elderly and single applicants

MUNICIPAL DISTRICT OF WEST CORK:

Proposed by Mayor Danny Collins

Seconded by Councillor Caroline Cronin

Members resolved to approve Part 8 Chief Executive's Report on the proposed construction of 2 no. two storey blocks in Greenmount Road, Ballydehob, with 8no. one bed, and 4no. two bed apartments. New parking area with entrance from Greenmount Road; Hard landscaping, including new boundary walls, footpaths and street lighting; Soft landscaping including green areas, planting and trees; Connection to public utilities and All associated site works.

During this discussion the Members made the following points:

- Members welcomed this Part 8 for Ballydehob, a village that is growing
- Said it is good to see the building of 1 and 2 bed houses for single people

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

CORPORATE POLICY GROUP

8/10-1

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

Proposed by Councillor Gillian Coughlan

Seconded by Councillor Ann Marie Ahern

**[f] REPORTS AND RECOMMENDATIONS OF OFFICERS
TUAIRISCÍ AGUS MOLTAÍ Ó OIFIGH**

9/10-1

CHIEF EXECUTIVE'S MANAGEMENT REPORT TO COUNCIL:

Quarterly report of the Finance Directorate for the 3-month period 30th June 2022

Members noted the Finance Directorate Quarterly Report.

[g] CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS COMHFHREAGRAS Ó RANNA RIALTAS

10/10-1

MENTAL HEALTH COMMISSION

Correspondence received 27th September from the Mental Health Commission in response to the Council's letter dated 12/09/22 in relation to the proposed recommendation to reduce inpatient beds in the psychiatric unit in Bantry.

HSE

Correspondence received 27th September from the HSE in response to the Council's letter dated 12/09/22 in relation to the proposed recommendation to reduce inpatient beds in the psychiatric unit in Bantry

Members noted the correspondence from the Mental Health Commission and the HSE.

During this discussion the Members made the following points:

- Members said they are not happy with the reply received from the Mental Health Commission
- The reply shows that Bantry Hospital will lose beds from its psychiatric unit
- Said they hope that the Court Case will be successful
- Said if works are needed, the HSE should begin the works now
- Members said that there is a contrast with how this situation is being dealt with against the situation with the Owenacurra Centre
- Some residents of the Owenacurra Centre are being offered alternative placements in shared rooms in long-stay wards in St. Stephen's Hospital and St. Finbarr's Hospital
- These placements are in contrast to their single-room, town centre placements in Owenacurra among their community
- The HSE said that no amount of building works could bring Owenacurra to a standard that was acceptable to the Mental Health Commission
- However the wards being offered as placements are dorm-style and are located a considerable distance outside the residents' community of East Cork

- Members agreed to write to the HSE and the Minister for Mental Health to express concern at the placements that are being offered to residents of Owenacurra Centre

11/10-1

IARNRÓD ÉIREANN

Correspondence received 28th September from Iarnród Éireann in response to the Council’s letter dated 25/07/22 in relation to clarifying how an application for RRDF funding could be progressed and who should be involved as stakeholders.

Members noted the correspondence from Iarnród Éireann.

During this discussion the Members made the following points:

- Members asked for this matter to be referred to the Roads and Transportation SPC for further discussion
- Members agreed to write to Iarnród Éireann and the NTA to ask them to attend the Roads and Transportation SPC

[h] NOTICES OF MOTION FOGRAÍ RÚN

12/10-1

FEASIBILITY STUDY FOR A PET CEMETERY

“That Cork County Council look at carrying out a feasibility study for a Pet Cemetery in County Cork. With a family pet a big part of the family, I would like for Cork County Council to consider a Pet Cemetery for County Cork”.

Councillor Audrey Buckley proposed, seconded by Councillor Ann Marie Ahern

RESPONSE:

Members noted the response from the **Corporate Affairs Directorate** which outlined as follows:-

There are a number of Burial Grounds for pets in the country and these are a recent development. These are commercial operations and are regulated through the planning and developments acts and other environmental legislation.

The concept of such a burial ground is a novel one and it would be appropriate to refer the matter to the Environment Directorate in the first instance for a report to that SPC on environmental / veterinarian considerations. Should the matter be appropriate for further consideration thereafter , it would be a matter for the SPC dealing with Rural/Community affairs as it would come within the remit of Municipal District Operations for delivery of a concept should it be feasible to do so.

During this discussion, the Members made the following points:

- Members said pet owners should have a way to respectfully bury their pets
- A backyard burial is not always the safest option
- A cremation can cost up to €300
- There is a cost of €100 for a pet to be euthanised and left with a vet to go to landfill
- Members said it is very unclear what is allowed legally when burying a pet
- Said the Mayor of New York brought in a motion where a pet can be buried in the family plot
- Said the density of apartment living means that people have nowhere to bury their pets
- Members agreed that equine animals can be added to this motion
- Members agreed for this motion to be sent to the Environment, Climate Action and Biodiversity SPC

Extension of Time

Proposed by Mayor Danny Collins

Seconded by Councillor Seamus McGrath

13/10-1

OCCUPATIONAL INJURY SCHEME FOR HEALTHCARE WORKERS WITH LONG COVID

“That Cork County Council would write to the Minister for Health Stephen Donnelly to urge him to establish as a matter of urgency an occupational injury scheme for healthcare workers with Long Covid who were exposed to the virus in their workplace; recognising both the remarkable sacrifice that these workers made in fulfilling their duties during the Covid-19 crisis, and the considerable or, in some cases, drastic and persistent impact of Long Covid on their quality-of-life and capacity to work”.

Councillor Liam Quaide proposed, seconded by Councillor Michael Paul Murtagh

During this discussion, the Members made the following points:

- Members said many healthcare workers have been unable to resume employment due to the effects of long covid
- Some healthcare workers were not given access to adequate PPE gear or vaccines in good time
- Some admin staff got vaccines before vaccines were administered to healthcare staff on the wards
- Members said the interim pay agreement does not give certainty and the HSE has not agreed to talks
- Said healthcare workers should be compensated for the effect of the symptoms of Long Covid
- These people are now the war wounded and should be compensated for financial loss
- It is important that people are looked after, especially those who continued to work while everyone else was off

- Healthcare workers put themselves in harms way to care for others with Covid
- Members agreed to write to the Minister for Health to urge him to establish an occupational injury scheme for healthcare workers with Long Covid.

[K] VOTES OF CONGRATULATIONS

14/10-1

TO: Shane Hegarty on his award of Man of the Match in the Intermediate ‘A’ Hurling Final

TO: Crosswinds on their performance at St. Matthews Church, Templebreedy on a Hunters Moon evening

TO: Dungourney GAA Club on winning the Cork County Intermediate A Hurling Championship Final

TO: Fr. O’Neill’s GAA Club on winning the Cork County Senior A Hurling Championship Final

TO: Anthony Mason on competing in the World Championships in Kona and becoming Full Iron Men

TO: Maggie O’Mahony on competing in the World Championships in Kona and becoming Full Iron Men

TO: Thomas Curran on competing in the World Championships in Kona and becoming Full Iron Men

TO: Warren Terry on competing in the World Championships in Kona and becoming Full Iron Men

TO: Fr. Ronan Sheehan on being ordained in Newcestown Church on 18th September 2022

TO: Orán Brady on winning a bronze medal in the W.A.K.O World Kickboxing Championships

TO: Oisín Brady on winning the W.A.K.O World Kickboxing Championships

TO: Bernard Brady on coaching Orán and Oisín Brady to their great success recently in the W.A.K.O World Kickboxing Championships

~ THIS CONCLUDED THE BUSINESS OF THE MEETING ~