



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 13th February 2023 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 Murchú PG, Ní Chroinín, Ó Conaill, Mac Craith, Uí Daltún, Ó Muircheartaigh, Uí Bhuachalla, De Foite Sean, Daltún Ó Suillebháin, Ní Cheallacháin, Barra, Sheppard, Rasmussen, Ó Conchubair Sean, Ó Conchubair Alan, MacCarthaig Nollaig, Ó Flionn, Uí Bhriain, Ó Laoghaire, Dawson, De Róiste, Ó Muineacháin Bernard, Ó Dubhghaill, Ó Sé Sean Pól, Ó Mhurchú Gearóid, Críod, Ní Mhuineacháin Gobnait, Ó Luanaigh, Ó Cochláin Mairtín, Uí Loinsigh, Ó Luasa, Ó Haodha Padraig, Ó Múrcú Gearóid, Ó Cinnéide, Ó Madaoin, Ó Sé Tony, Léineacháin Uí Foghlú, Ó hÉalaithe, Ó Héigheartaigh, Ní Heachthigheirn, Uí Thuama, MacCarthaigh Susan, Ní Cheallaigh, Ó Cearbhaill, 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, 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, Looney, Coughlan Martin, Lynch, Lucey, Hayes Pat, Murphy Gearóid, Kennedy, Madden, O'Shea T, Linehan – Foley, Healy, Hegarty Michael, Ahern, Twomey, McCarthy S, Kelly, Carroll, Hurley, Coakley, Hayes Paul

Chief Executive, Senior Executive Officer.

[a] CONFIRMATION OF MINUTES

1/2-1

Proposed by Councillor Michael Hegarty

Seconded by Councillor Karen Coakley

RESOLVED:

That the minutes of the Meeting held on 23rd January 2023 be confirmed and signed by the Mayor.

[b] VOTES OF SYMPATHY

2/2-1

TO: Teddy & Ita Carey on the death of their family member Patrick Hurley

TO: Virgil Horgan on the death of his uncle Rev Canon Liam O'Regan

TO: Alex Grassick on the death of his father in law Con Harold

[c] STATUTORY BUSINESS

DISPOSAL OF PROPERTY

SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001:

3/2-1

MUNICIPAL DISTRICT OF EAST CORK:

3/2-1 (a)

Grant of 2 no. Wayleaves at Summerfield, Youghal, 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 3rd February 2023.

Situation: Grant of 2 no. Wayleaves at Summerfield, Youghal, Co Cork, to facilitate Celtic Interconnector Project.

Area: 61m x varying widths and 60m x varying widths

Consideration: €1

MUNICIPAL DISTRICT OF FERMOY:

3/2-1 (b)

Disposal of Old Fire State, Fermoy, 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 3rd February 2023.

Situation: Disposal of Old Fire State, Fermoy, Co. Cork

Area: As outlined on Folio CK125681F.

Consideration: €61,000.00

MUNICIPAL DISTRICT OF MACROOM:

3/2-1 (c)

Disposal of site 6 & 7 Macroom Industrial Estate, Bowl Road, Macroom, 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 3rd February 2023.

Situation: Disposal of site 6 & 7 Macroom Industrial Estate, Bowl Road, Macroom.

Consideration: €150,000.00

MUNICIPAL DISTRICT OF WEST CORK:

3/2-1 (d)

Disposal of site at Dromleigh, Bantry, 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 3rd February 2023.

Situation: Disposal of Site at Dromleigh, Bantry, Co. Cork County Council
Area: 0.027 hectares / 0.068 acres as outlined on map.
Consideration: €6,000.00

Disposal of site at Kilruane, Rosscarbery, Co. Cork

3/2-1 (e)

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 3rd February 2023.

Situation: Disposal of land at Kilruane, Rosscarbery, Co Cork, on the basis of long-standing possession.
Area: 0.045 hectares/0.11 acres
Consideration: €1

Grant of Wayleave at Toughbawn, Drinagh, Co. Cork

3/2-1 (f)

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 3rd February 2023.

Situation: Grant of Wayleave at Toughbawn, Drinagh, Co Cork, for septic tank.
Consideration: €1

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

4/2-1

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

MUNICIPAL DISTRICT OF CARRIGALINE:

Proposed by Councillor John Paul O'Shea

Seconded by Councillor Gobnait Moynihan

Members resolved to approve Part 8 Chief Executive's Report in respect of proposed construction of 24 no. new residential units comprising of 12 no. 1 bedroom units & 12 no. 3 bedroom units and the refurbishment of 7 no. existing residential cottages comprising of 7 no. 2 bed units at Lower Road, Crosshaven, Co Cork and in accordance with the amendments proposed in the Chief Executive's Report and the following further modifications:

- The omission of modification no. 1.5.6 Coastguard Cottages Pedestrian Connection (Pedestrian connection to rear of cottage units 6-11 to village centre).
- The lowering of the existing windowsills to provide access to the Northern Shared open space for Residents 7 – 11 Coastguard Cottages.
- The provision contrast surface colour to allow clear delineation to pedestrian routeway adjacent to school boundary opposite the Fire Station.

During this discussion, the Members made the following points:

- Members wished to thank the Housing Department for their work on this project.
- Members requested that there would be further engagement with the Members of the Carrigaline Municipal District when the project reaches the Construction Management Plan stage.

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

CORPORATE POLICY GROUP

5/2-1 (a)

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

Proposed by Councillor Michael Hegarty

Seconded by Councillor John Paul O'Shea

Recommendations for 2023 Arts Grant Scheme.

5/2-1 (b)

Proposed by Councillor John Paul O'Shea

Seconded by Councillor Patrick Gerard Murphy

During this discussion, the Members made the following points:

- Members wished to thank the Arts Section for its work within the budget allocated.
- Members noted that the Arts Section budget should be increased at budget time as there is huge benefit at community level.

**[f] CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS
COMHFHREAGRAS Ó RANNA RIALTAS**

EPA

6/2-1

Correspondence received 25th January from the EPA in response to the Council's letter dated 12/12/22 in relation to waste criteria to support the circular economy and climate action.

Members noted the correspondence from the EPA.

During this discussion, the Members made the following points:

- Members said the response was positive as the EPA is taking steps.
- Disappointed that the EPA will not be attending a meeting with Council.
- Members are hopeful that it will be completed by the end of 2023.

DEPARTMENT OF SOCIAL PROTECTION

7/2-1

Members agreed to defer consideration of the correspondence to be discussed at the following meeting of Full Council to take place 27th February 2023.

MINISTER FOR FINANCE

8/2-1

Correspondence received 7th February from the Minister for Finance in response to the Council's letter dated 12/12/22 in relation to reintroduce an income tax credit scheme to encourage more Irish people to take out personal health insurance cover.

Members noted the correspondence from the Minister for Finance.

HSE

9/2-1

Members agreed to defer consideration of the correspondence to be discussed at the following meeting of Full Council to take place 27th February 2023.

[g] NOTICES OF MOTION FOGRAÍ RÚN

PROCEDURE FOR PROCESSING HOUSING APPLICATIONS FROM HOMELESS PEOPLE

10/2-1

“That Cork County Council implement an expedited procedure for processing housing applications from homeless people”.

Councillor Gearóid Murphy proposed, seconded by Councillor Seamus McGrath

RESPONSE:

Applicants who present as homeless are assessed upon presentation. If deemed to be homeless and if emergency accommodation is available, they are placed in emergency accommodation. Their application for social housing support is prioritised once a complete application form is received.

During this discussion, the Members made the following points:

- Members thanked Housing Department for its response.
- Wants to know what the procedure is when homeless people present to Councillors as opposed to the Housing Department.
- It is important for anyone presenting as homeless to be eligible for emergency accommodation before full application process is completed as this can take up to 3 months to complete.
- Uniform process should be in place for applications for social housing.
- Clarity is needed on the procedure.
- Staff in the Housing Department have been excellent in dealing with anyone presenting as homeless.
- Members said there is a very high cost on emergency accommodation and suggested a discussion at Development Committee.
- Members said that the Housing department have been very helpful especially in domestic violence situations.
- Members said that there is a need to speed up the process for social housing applications.

The Chief Executive noted that there is a high level of satisfaction with processing housing applications from homeless people and it is a very challenging area. Anyone presenting as homeless does not have

to have an application for housing, in order to access emergency accommodation. Once they have been placed in emergency accommodation, the Council will try and secure a more permanent solution including securing payments for accommodation through HAP. The cost of emergency accommodation is very expensive however 90% of this money can be recouped through the Department and Cork County Council carry the cost of 10% of this. There is a very high level of demand and he acknowledged it has become more difficult to secure accommodation.

TAKING IN CHARGE OF ESTATES

11/2-1

“The need for Cork County Council in accordance with the provision of Planning and Development Acts to take in charge of estates where all residents would have submitted written agreement and if Manager would provide a full report on taking in charge”.

Councillor Liam Madden proposed, seconded by Councillor Kevin Murphy

RESPONSE:

Taking in charge is a formal legal process by which responsibility for certain public areas, structures and services in a private residential development or estate are transferred to, or put in the charge of, a local authority.

The local authority must be satisfied that the development has been completed in accordance with the planning permission any conditions attached.

Section 180 of the Planning and Development Act, 2000 as amended and Section 11 of the Roads Act, 1993 provide the main legal basis for taking in charge.

In the case of a residents application the application form must be accompanied with the signatures of the majority of the home owners.

Once validated the taking in charge application is sent to the relevant Estate Engineer, Area Engineer, Public Lighting Engineer, Water Services and Uisce Éireann for sign off. In the majority of applications by home owners the requisite as-built drawings and surveys are not available and in such circumstances would fall to be procured by the Council, should the funds be available to do so.

When the application is signed off by all relevant sections, the Executive recommends that the estate be taken in charge.

The relevant Municipal District is notified of the intention to take the estate in charge, an advertisement is placed in the local press allowing 6 weeks for third party submissions following which the application is issued to the relevant Municipal District Elected Members to consider passing a resolution to take the estate in charge.

In considering the recommendation of the Executive, the Municipal District Elected Members are responsible for considering submissions regarding the proposal for taking in charge of the roads and services in a development and are ultimately responsible for making the order for taking an estate in charge. This is done by a resolution passed at the relevant MD meeting.

The current position is as follows: Cork County Council has **219** Taking in Charge applications of which **112** are Residents applications. Of the **112** Residents applications **15** are deemed to be unsuitable for taking in charge or invalid.

Of the **97** remaining Residents applications

- **8** estates (with 998 housing units) are currently being progressed to taking in charge status by Council;

- **14** estates contain wastewater treatment plants - taking in charge is subject to Uisce Eireann approval. Uisce Eireann's current policy does not provide for estates with wwtp developer provided infrastructure;
- **10** estates where snags are to be carried out by the developer/receiver.
- **71** estates where the public lighting has been taken in charge.

Cork County Council's current Taking in Charge Policy and procedure dates back to 2008 (revised in 2009) and a commitment has been given to uplift same in 2023, and regarding which the Estates section will update the Councillors.

The Draft Planning and Development Bill was recently published and progress to enactment is expected later in 2023. This may have implications for the taking in charge process which will be reflected in the amended Taking in Charge Policy.

During this discussion, the Members made the following points:

- Members said that legacy estates should be taken in charge whether a bond is in place or not.
- There are many problems with infrastructure and there is a significant cost to complete the necessary works.
- Some bonds are not enough to cover the works that need to be done to bring the estate up to standard to take in charge.
- Householders are paying Local Property Tax and expect a return for this and having to deal with numerous issues within the estates.
- It is important that estates are now taken in charge when requests are made from residents.
- Developers should not receive planning permissions if they have not fulfilled the necessary duties on older estates.
- Asked what is the role of elected members for taking in charge of estates?
- Members requested to apply for government support if no bonds are in place to allow works to be completed.
- Members acknowledged that it can be a tricky process but the bonds are not enough to finish works which is leaving estates in limbo.
- Where there are a number of issues with water it is important to explain to residents that this is the reason for the delay.
- Members asked that where a bond is in place can the bond value be indexed to safeguard against material cost increases?
- Members said that where developers have not completed works on estates, there is a clause in place in the Planning & Development Act to refuse new applications however no local authority has used this clause.
- Members asked that there would be enforcement of completion within the time limits.
- The Planning Department does not have the funds to take in charge these estates.
- Members said it's important to ask the government for funding support on this issue.

Members resolved to write to the Minister for Housing to seek government funding for Local Authorities to carry out works on legacy estates in order to bring them to the standard where same can be taken in charge.

The Chief Executive noted that members received a detailed report and a briefed at local level on this issue in November 2022. There are currently 219 estates and this is significantly reducing in numbers. The Council are working with developers and following up where possible. Developers are required to finish the estates in accordance with planning permission. Council has received funding previously and progressed on some of these issues. This is a reserved function for elected members but only when appropriate to taking in charge. The Council must be prudent in taking in charge to ensure that work is adequately completed. A report will be brought to Development Committee in the coming months.

DEAL WITH COILLTE ON SELLING OF IRISH LAND

12/2-1

“That Cork County Council call on the Government to withdraw from the Coillte deal, with Gresham, on the selling off of Irish Land”.

Councillor Deirdre O'Brien proposed, seconded by Councillor Gobnait Moynihan

During this discussion, the Members made the following points:

- Members said that the Coillte deal with Gresham on the selling of land is not suited to Ireland.
- Lands are being bought by the investor and farmers should be incentivised by a scheme with long term objectives.
- This deal could pit farmers against foresters.
- It is in line with the green party strategy but trees shouldn't be replacing farms.
- Members said that this could price farmers out of the market.
- Members said that the government approved the Climate Action Plan, reforestation is needed and Coillte did not have the funds so they needed a third party investor.
- This foreign investment deal is a result of government policy.
- Funds will be used to buy land.
- Members said foreign companies are competing with farmers for land.
- Government does not need to sign off. Coillte can go ahead and do this without reverting to the Department.
- Members said that there is unease at the proposed partnership.
- Said that it is important to have native species and to continue with rewilding but we need to move away from the for-profit model.
- Members said that scrutiny is warranted.
- Members said vulture funds are taking lands and people are having to fight to safeguard family farms.
- Said if this is signed into law there will be a grab for all of our land.
- Members acknowledged that Coillte has a responsibility for forestry.
- Asked can Coillte do a deal with an Irish investor?
- Members noted that this would take government grants out of the country to organisations with no commitment to the Irish state.
- Members said that the government has the power not to sign the deal and they should resist.

Members agreed to write to the Minister of Agriculture to seek another way to fund besides a foreign investor.

ADDRESS DELAYS WITH DECISIONS FROM AN BORD PLEANALA

13/2-1

“To write to the Minister for Housing, Local Government and Heritage to urgently address the unprecedented lengthy delays with decisions from An Bord Pleanala”.

Councillor Seamus McGrath proposed, seconded by Mayor Councillor Danny Collins

During this discussion, the Members made the following points:

- Members said that there are severe lengthy delays and An Bord Pleanála is taking over 12 months to reach a decision and this is unacceptable to stakeholders.
- Said there is a Planning & Development Bill published with reforms for An Bord Pleanála which is welcome however emergency action is needed.

- An Bord Pleanála needs to address its staffing issues and fill the vacant positions on the Board.
- Members said the Minister needs to fast track decisions as thousands of homes are being held up by this issue.
- Individual houses are also being held up and lives are on hold as an impact of these delays and adding to the housing crisis.
- Emergency action is needed to replace the six An Bord Pleanála Board Members out of 15 posts.
- At the end of 2021 there were nearly 42,000 apartments in Dublin alone with planning permission waiting to commence construction.
- Planning has been under resourced nationally for many years.
- Members said the government could introduce emergency procedures to deal with this crisis.
- Members asked could the draft Planning Act initiated by the Oireachtas have implications for Council for implementing material contravention and for the powers of Members?
- In the context of the County Development Plan members need to ask the Planning & Strategic Development SPC to review the impact of powers on Local Authorities in this Act.
- Members said that decisions must be expedited from An Bord Pleanála.
- Members said that there is a need for temporary staff to be appointed to relieve the backlog as a priority.
- Members said that the new appointees should be reflective of rural Ireland.
- An Bord Pleanála needs funding to deliver decisions in a timely manner.

Members agreed to write to the Minister of Housing, Local Government & Heritage to urgently address the length delays with decisions by An Bord Pleanála and that the filling of Board vacancies be expedited.

The Chief Executive informed the members that the Draft Planning & Development Bill is an extensive document and there will be briefing on this bill brought to the Development Committee. It's also important for Members to engage with TDs and representatives on this also.

ALLOW BIO FUELS IN HOUSEHOLD HEATING MARKET

14/2-1

“Faoi lathair ní h-úsáidtear bithbhreolsa í teamh tithé cosúil le bithbhreosla. Íarr ar an Comhairle moladh, an Aire Comhshaoil, Aeráide, and Cumarsáide; Eamonn Ryan, cead a thabhairt do a leithead tarliunt.

Ask that this Council urge the Minister for Environment, Climate and Communication; Eamonn Ryan, allow bio fuels compete against fossil fuels in the household heating market”.

Councillor Gobnait Moynihan proposed, seconded by Councillor Ian Doyle.

During this discussion, the Members made the following points:

- Members said that taxes and levies need to be removed from biofuels to allow them to compete with fossil fuels.
- Hydrotreated Vegetable Oil (HVO) fuel is made from waste fat and oil and is currently being used by organisations like An Post and Aldi.
- This fuel is currently not used in the household heating industry but is in line with the 2030 Climate Action Plan as biofuels use in the heating market will help Ireland reach targets more efficiently.
- Retrofitting is not happening fast enough to meet the targets of the Climate Action Plan.
- Retrofitting for Air to Water is too expensive so this biofuel could be a win-win for our climate action targets.
- Members asked if this could be looked into for retrofit of Council houses.

- Council could be doing more to reduce fossil fuels and the Minister needs to give more attention to HVO.
- Members said this is forward thinking as Air to Water systems are a huge cost.
- The Agriculture sector has had to make many changes to reduce carbon emissions and this would be a significant solution for households.
- Members said that this is also an issue for transport fuel suppliers.

Members agreed to write to the Minister for Environment, Climate and Communication to allow biofuels compete against fossil fuels in the household heating and transport market.

[h] VOTES OF CONGRATULATIONS

15/2-1

TO: Coláiste Muire U17 Boys for winning FAI Schools Munster Championship Title.

TO: Dr Marianne Foley on being selected as a Global Hero of Hope from 15 countries for her work with the cancer society and the Relay for Life project.

TO: Cork County Board GAA for both Cork Hurling & Football teams for their success so far on the league and wishing them every success in League and Championships for 2023.

TO: Battie O'Neill on being presented with medal relating to 1967 National Junior Cross Country Championship win presented at recent Cork Athletics Awards.

[I] ANY OTHER BUSINESS

16/2-1

LADIES GAA

The Mayor informed the Members that there is a new ruling in Ladies GAA requiring amalgamated teams to play at intermediate level which would mean some local amalgamated teams to jump up many levels. On the proposal of Mayor Cllr Danny Collins, seconded by Cllr Ross O'Connell, the Members agreed to write to the Ladies Gaelic Football Association (LGFA) to ask for Rule 192 to be reviewed to allow amalgamated teams to make their case as this is impacting on a number of teams in the County.

AIR AMBULANCE SERVICE

Members noted that the Air Ambulance has been taken over by the HSE. Members said that it is a fantastic service and a welcome support. On the proposal of Cllr Gobnait Moynihan, seconded by Cllr Ian Doyle, Members agreed to write to the HSE to confirm that the Air Ambulance will remain in Rathcoole and provide the same service to the Cork and Munster area.

BOOK OF CONDOLENCE FOR THE VICTIMS OF THE EARTHQUAKE IN TURKEY

Members agreed that Mayor Collins would send a letter of sympathy to the embassies of Turkey and Syria on the devastating humanitarian crisis resulting from the earthquake on behalf of all the Members. On the proposal of Cllr Seamus McGrath, seconded by Cllr Gillian Coughlan the Members agreed to open a book of condolence for the victims of the earthquake in Turkey and Syria.

~ THIS CONCLUDED THE BUSINESS OF THE MEETING ~