

**Minutes of the Fermoy Municipal District Meeting
held on 21st February 2023**

In Attendance: Cllrs. Kay Dawson, Noel McCarthy, Deirdre O' Brien, Frank O' Flynn, William O' Leary, Frank Roche;
Seán O' Callaghan SEO, Brendan O' Gorman SEE, Margaret O' Donoghue MDO, Lydia Kelly ASO.

1. MINUTES

a. Minutes of Mitchelstown RRDF Part 8 Presentation held on 10.1.2023

The Minutes were agreed on the proposition of Cllr. William O' Leary, seconded by Cllr. Kay Dawson.

b. Minutes of Meeting with Direct Route held on 17.1.2023

The Minutes were agreed on the proposition of Cllr. Frank Roche, seconded by Cllr. Noel McCarthy.

c. Minutes of 'In Committee' Meeting held on 17.1.2023

The Minutes were agreed on the proposition of Cllr. Frank O' Flynn, seconded by Cllr. Kay Dawson.

d. Minutes of Fermoy MD January 2023 Meeting held on 17.1.2023

The Minutes were agreed on the proposition of Cllr. Deirdre O' Brien, seconded by Cllr. William O' Leary.

2. DISPOSALS, GRANTS, LEASES ETC.

a. proposed Taking-in-Charge of Mullavale (Nos. 1-11 & 75-83), Castletownroche - "that being satisfied that a public right of way exists over it, and the road is of general public utility, Cork County Council hereby declares pursuant to Section 11(1) of the Roads Act 1993 the following road to be a public road : ESTATE NAME Mullavale 1-11 & 75-83 LOCATION Castletownroche LINER METRES 223".

The Members noted the information and map submitted in relation to this proposal, and it was agreed on the proposition of Cllr. Frank O' Flynn, seconded by Cllr. Kay Dawson.

3. Mitchelstown draft Pollinator Plan

The Pollinator Plan draft proposal was taken as read. Cllr. Kay Dawson expressed her appreciation to those involved in the formulation of this Pollination Plan saying she is absolutely delighted to see this being introduced in Mitchelstown. Further to a query from Cllr. Deirdre O' Brien, Margaret O' Donoghue MDO confirmed that on approval at the meeting today this plan can be implemented straight away. On the proposition of Cllr. Kay Dawson, seconded by Cllr. Frank O' Flynn and agreed by the elected Members the draft Pollination Plan for Mitchelstown was adopted.

4. REPORTS AND RECOMMENDATIONS

a. REPORT : February 2023 MDO Report

Margaret O' Donoghue MDO went through her report which was uploaded to QuickMinutes and displayed onscreen. Seán O' Callaghan SEO explained to the elected Members that there was a slight delay on the commencement date of the Part 8 Procedure public consultation for the Mitchelstown RRDF project, but confirmed that the four-week public display and consultation will be ready to proceed imminently and the public will have six weeks from the start date to make submissions. The elected Members will be notified of the commencement date of this Part 8 process. Other items raised in relation to the MDO report included:

- the RRDF proposals for Fermoy are not yet ready for publication, however, the elected Members were assured they will be the first to be informed when these plans and proposals are available.
- Cllr. Kay Dawson enquired if applications can now be submitted for funding under the recently announced Community Recognition Fund 2023 to which Seán O' Callaghan SEO replied yes, this fund is now open and available and relevant applications can be prepared and submitted.

- further to a query from Cllr. William O' Leary on behalf of Community Grants applicants, Margaret O' Donoghue MDO replied that part-filled and/or un-completed applications will be examined and contact made with the applicants to assist with completion. No application will be disregarded or excluded for reason of omissions.
- Cllr. William O' Leary enquired if all works previously indicated for villages under the VES projects will still proceed, to which Margaret replied, yes, all planned works are still on the list for completion. Brendan O' Gorman SEE confirmed that works in Rathcormac are due to recommence soon (deferred for Irish Water / Developer works), saying the Contractor has been appointed and will be on site accordingly.
- dates and times for the planned Civic Receptions were noted and agreed by the elected Members.

b. REPORT : Derelict Sites Progress Report (November 2022 - January 2023)

Margaret O' Donoghue MDO went through this report which was uploaded to QuickMinutes and displayed onscreen. Questions raised in relation to the MDO report included the following:

- Cllr. William O' Leary asked what recourse there is for someone who is experiencing littering / environmental issues at an adjoining property where there may not be dereliction. Seán O' Callaghan SEO replied that such environmental matters are under the remit of the Environment Section of Cork County Council, he did recommend, however, that any such concerns can be notified to the local Council office and action will be taken to examine and identify a resolution. If required the issue will be referred to the appropriate Council section for investigation. Brendan O' Gorman SEE and Seán O' Callaghan SEO gave the following definition of a 'derelict site' versus a 'dangerous structure', noting that different legislation applies to each of these situations; a derelict site is one which detracts from visual amenity and these are governed under the Derelict Sites Act 1990. This can also include for significant structural dereliction where loose masonry, falling plaster, significant cracks, structural defects, generally ruinous conditions are bordering on dangerous. A dangerous structure is any part of, or anything attached to a building, wall or other structures of any kind that, in the opinion of the Sanitary Authority, is or is likely to be dangerous to any person or property, and this is governed by the Local Government Sanitary Services Dangerous Structures Act 1964.
- Cllr. Frank O' Flynn asked for an update on 'The 59' premises in Fermoy to which Seán O' Callaghan SEO responded that the required notices have been served on this property owner under Dangerous Structures legislation. Legal action has been ongoing and it is the intention of Fermoy MD, with the relevant legal permissions and pending advice from a consultant Engineer, to take the remedial actions required to make the building safe, all costs for which to be recouped from the proprietors. The start date for these works has not yet been determined.
- Seán O' Callaghan SEO replied to a request from Cllr. Kay Dawson for an update on the collapsed building at 49 Upper Cork Street, Mitchelstown that legal proceedings are ongoing.
- Cllr. Kay Dawson commented that it was encouraging to see that the *Vacant Property Refurbishment Grant Croí Cónaithe (Towns) Fund* grant being utilised to combat dereliction and said she hopes more property owners will avail of this resource.

c. RECOMMENDATION : Drainage Programme Proposals 2023

The drainage programme for 2023, uploaded to QuickMinutes and displayed onscreen at the meeting was taken as read and agreed by the elected Members. Brendan O' Gorman SEE confirmed, further to a query from Cllr. William O' Leary, that discretionary drainage works will be carried out and that any such requirement that may arise in locations not included in the Roads Works Programmes can be notified to the Area Office for attention.

In relation to CIS (Community Involvement Scheme) projects for 2023, Brendan O' Gorman SEE informed the elected Members that there are nine such proposals for this year in this district and, to date, eight have been accepted and agreed locally. He will provide updates to the members of any and all progress on these schemes as the year continues, subject to final funding of approved schemes.

d. RECOMMENDATION : Footpath Programme Proposals 2023

Brendan O' Gorman SEE went through this programme which includes uncompleted works carried forward from the 2022 programme and those newly proposed for 2023. The total fund available which includes the unspent monies from 2022 is €363,000. Queries in relation to this update included:

- in reply to a question from Cllr. Deirdre O'Brien, Brendan explained that, due to limited funding, works are only carried out on the portions of footpaths most in need of repair in any location, with the most damaged and dangerous sections being prioritised, and that new surfaces will blend in with older sections when weathering occurs.
 - in reply to a query from Cllr. Frank O' Flynn, Brendan replied that the 2023 footpath works contract must go out to tender this year, which may result in the appointment of a new Contractor. With regard to this, Cllr. William O'Leary asked if there are any works currently ongoing to which Brendan replied that 2022 footpath programme works are continuing under the current Contractor, who has two crews on site and working.
 - Cllr. O' Leary asked if funding for the continuation of the footpath required between Ballynoe GAA and the National School can be sought from CLÁR to which Brendan replied every effort will be made to secure extra funding for the continuation of this footpath.
 - Cllr. O' Leary asked if drainage issues in Dispensary Lane, Rathcormac can be addressed to which Brendan replied, yes, all drainage requirements will be dealt with when footpath works are being carried out.
 - Cllr. Kay Dawson sought an update in relation to the varying footpath materials being used in Mitchelstown and also enquired if parking can / will still occur on the Convent Hill footpath. Brendan O' Gorman SEE replied that the slabs lifted from outside SuperValu will be re-laid in other sections of Lower Cork Street to ensure uniformity of appearance here. Bollards (cast iron) will be installed at Convent Hill to prevent cars parking on the widened footpath. Also, Brendan confirmed that lowered 'dishes' will be included on sections of the footpath edge, where required, to maintain and ensure accessibility.
 - further to a query from Cllr. Frank Roche, Brendan O' Gorman SEE confirmed that footpath widths planned for the Killavullen Cemetery footpath to the village will not impede agricultural or heavy goods vehicles in this area.
 - in relation to a query from Cllr. Noel McCarthy, Brendan O' Gorman SEE replied yes, that the footpath works in Oliver Plunkett Hill area of Fermoy could certainly be continued if applications for funding are successful. Brendan also clarified the areas of footpath to be repaired in Connolly Street and Duntaheen Road for Cllr. McCarthy, further to his enquiry.
- The 2023 Footpath Programme was agreed on the proposition of Cllr. Frank O' Flynn, seconded by Cllr. Kay Dawson.

e. RECOMMENDATION : Amenity Park - Promenade, Rathealy, Fermoy

Brendan O' Gorman SEE informed those at the meeting that this area includes a parcel of land which had been ceded to the Council, intended to be used as an amenity area. There is now a request for the provision of this amenity area, and to cease its use as carparking (its current use). Brendan is now suggesting the installation of some seating and planters at this location to increase its amenity value. Further to a request from the elected Members, Brendan agreed to prepare a plan / drawings of his proposals for this area and forward to the elected Members for their consideration and subsequent decision.

f. RECOMMENDATION : Cycle Stands, Doneraile Main Street

Brendan O' Gorman SEE is recommending the installation of bicycle stands on the Main Street in Doneraile, on a suitable area at a raised buildout at the junction opposite the town park pedestrian entrance and sought the approval of the elected Members to proceed accordingly. Further to a brief discussion, and subsequent request from the elected Members, Brendan agreed to prepare a map / diagram of his proposals and email to them for their consideration, prior to their final decision.

In relation to the previously proposed additional car parking for Doneraile, Cllr. O' Leary enquired if there is any progress to which Brendan replied this is a high priority for the district and it is hoped that suitable lands can be purchased to achieve this additional parking into the future.

5. NOTICES OF MOTIONS

Cllr. Noel McCarthy

1. "that this Committee would receive an Engineer's report on the possibility of more traffic calming measures being carried out on the Cork Road, Fermoy for entering and exiting the Texaco Garage and Duntaheen Relief Road at this location".

We have provisional plans for a new roundabout and single access to the service station and will advance detailed designs in the background. The lands have been ceded to the Council for this purpose under the conditions of the stations relevant planning application. The development costs of this roundabout will be met by future development levies on zoned lands off the relief road adjacent. (BO'G)

Further to a query, Brendan replied that the timeframe for the works outlined in this reply to commence will be determined by the receipt of the future development levies. He confirmed that this proposed roundabout is the optimum solution for this location.

Cllr. Kay Dawson

2. "call on Cork County Council to put an 'Age Friendly' parking space on Lower Cork Street, Mitchelstown (Doody's Pharmacy)".

I would support same if universally agreed by the elected members, perhaps funded from TDF. (BO'G)

This motion was supported by all the elected Members, who agreed this is a perfectly suited location for this 'Age Friendly' parking space within close proximity to a pharmacy, a physiotherapist and the mobility aids shop. It was also agreed this could be financed from Town Development Funding.

Cllr. Frank O' Flynn

3. "that Cork County Council give an update and timeframe for the much needed proposed road realignment and safety works at Leary's Cross, Castlelyons in the interest of safety".

We have just secured funding of €75,000 from the county 2023 Safety Improvement Scheme allocation. This will allow us to complete land purchase on Phase 1, finish off embankment works on Phase 1, commence land acquisition on Phase 2 and prepare Phase 2 to Part VIII planning in 2023. Overall Phase 2 scheme cost €250,000. (BO'G)

The elected Members welcomed this reply and news of progress on the works at this location. In relation to the €250,000 required for works proposed in Phase 2, Brendan suggested a strategic improvement grant could be sought here to secure this funding. He informed those present that the design has been done to 'off-set' the junction and this will go the Part 8 in due course. He stated that a roundabout is not a suitable option at this junction. Brendan confirmed he has sought the provision of a 'Gatso Go-Safe' speed van at this location.

Cllr. William O' Leary

4. "that this Council would consider the provision of extra road markings particularly the yellow strips on the R639 on the approach to the Dr Barry's Bridge junction as you come down the hill from the Cork side".

Will be done. Area at the junction is now within a 60kph zone. (BO'G)

Cllr. Noel McCarthy

5. "that this Committee would discuss the possibility of a Skate Park for the Fermoy Municipal District with Fermoy Town Park being considered as a possible location".

Best practice in the development of skate parks suggest they be located in areas with passive surveillance (i.e. passing traffic). This is the case in Carrigaline and Bandon where skate parks have been developed and also in Mallow where a skate park is proposed. We will investigate if such a site is available to develop a skate park within the municipal district. As suggested the town park will be included in this investigation. (MO'D)

All the elected Members supported this motion to investigate the possibility of the provision of a skate park within the municipal district in Fermoy. A suitable location would need to be identified, the significant cost for same (circa €300,000) would need to be secured and a *Part 8 Planning Procedure* would need to be undertaken to proceed with any such skatepark provision.

Sean O' Callaghan SEO advised that there are currently two completed local authority skateparks in Cork county in Carrigaline and Bandon, and a skate park in Mallow has received Part 8 planning and will be constructed before year end as soon as funding has been secured. Margaret O' Donoghue MDO undertook to make enquiries of the three relevant MDs to get advice and information for the provision of such a facility and will revert to the elected Members in due course.

6. "that this Committee would receive an Engineer's report on the possibility of road works being carried out at Boolabwee Cross L-5860 to Clondulane to improve visibility entering the N72 at this location".

All lands required to take away the bend/ditch are on private property. If there is a willingness by the landowner for the ditch to be ceded to the Council to undertake clearance works, we can advance same. (BO'G)

Brendan added to this reply that the onus is on the landowner to approach Cork County Council to initiate the ceding of land required to carry out such works, and he asked the elected Members to convey this to the landowners in question.

Cllr. Kay Dawson

7. "call on Cork County Council to include resurfacing of Clonmel Road, Mitchelstown on future RI Programme".

We have €370,000 earmarked for a SMA overlay scheme here in 2025/2026. (BO'G)

8. "call on Cork County Council to fill potholes and consider full restoration of road L-5705-0 Dromleigh".

Potholes will be filled. We have €27,800 earmarked for a wetmix overlay scheme here in 2025/2026. (BO'G)

Cllr. Frank O' Flynn

9. "that Cork County Council put in place traffic calming measures in the interest of safety at Convent Road, Doneraile".

Speed surveys will be carried out which will determine the type of calming required. No budget allocation to this district for traffic calming however. (BO'G)

10. "that Cork County Council would replace the damaged entrance gates at the new graveyard in Killavullen, paint the boundary walls and resurface the parking area outside the graveyard"
Replacement gates have been ordered and will be fitted within the next 4-6 weeks. I will organise painting of boundary walls. I will request report from Engineer in relation to request for resurfacing of the parking area outside the graveyard. (MO'D)

Brendan O' Gorman SEE advised that this is not a public road and that the cost to resurface this parking area would be approximately €30,000, which is not currently available from public funds.

Cllr. William O' Leary

11. "that this Council would amend the winter service plan to include the main Araglen / Kilworth Road L-1422 for future night time gritting when required, owing to the severe difficulties faced by people a number of weeks ago particularly those attending school in Fermoy".

Cork County Council does not have the driver resources or plant on a nightly call-out basis to cede to this request on local roads. We have numerous higher category regional routes that are also un-gritted on a nightly basis during adverse weather conditions. These routes and other Priority 3 routes are attended to during the day during prolonged freeze conditions as our local resources permit. (BO'G)

Further to this reply Cllr. O' Leary asked if the winter maintenance plan could be amended to include this road (circa nine miles in length) as icy conditions had prevented numerous children attending

school for several days. This request was supported by the other elected Members, all of whom had received similar representations. Brendan explained that the current winter maintenance plan extends for the entire north-east region of the county with six trucks out for four to six hours each to complete a full run. This may extend to two runs over a single night. Accordingly, many similar status roads to the one in this motion are not included in the plan. Brendan did commit, however, to prioritising roads that serve rural schools for winter maintenance day treatment when the need arises going forward. He also confirmed, further to a query, that arrangements for the provision and storage of grit can be put in place for schools, to be spread locally by volunteers when icy weather conditions prevail and the need arises.

12. “that this Council would provide an up to date position with respect to the taking in charge process of the Cois Coillte Estate, Kilworth”.

Following completion of all snag works by the developer to the satisfaction of Council technical staff and under a Memorandum of Understanding and Protocol in place between Uisce Éireann (UÉ) and all Local Authorities, the Planning Department has sent its recommendation to UÉ that the estate is ready to be taken in charge. A response from UÉ is awaited.

If UÉ approves, the Planning Department will commence the statutory Taking in Charge process and our Legal Department will engage with the developer/landowner’s legal representative to formalise the transfer of title of common areas in the estate. Finalisation of the Taking in Charge statutory procedure (where the Elected Members of Fermoy MD are asked to pass a Motion declaring the estate road to be a public road) will take place when our Legal Department confirms that they are in possession of the documentation required to formalise the transfer.

(Liam Murphy ASO, Estates Section, Planning and Development)

6. **CORRESPONDENCE**

None

7. **TO CONSIDER MATTERS ARISING FROM THE MINUTES**

None

8. **ANY OTHER BUSINESS**

(1) Cllr. Frank O’ Flynn - request for additional lighting in Fermoy town -

On behalf of the Loreto Secondary School YSI (Young Social Innovators) TYI group in relation to women’s safety, that Cork County Council would put in place extra lighting in the interest of safety in Waterloo Lane and Fermoy Town Park where it is dark and they feel unsafe walking there.

Waterloo Lane will be included in our PL 2023 upgrade plans. Fermoy Town Park is closed at night so to comply with our energy reduction and sustainability regime in the county, it is not appropriate to light this park, save for upgrades on the lanterns on the perimeter which is on our radar. (BO’G)

(2) Cllr. Frank O’ Flynn - update on roadworks at Derryvillane, Kildorrery -

That Cork County Council would give a commencement date on when the proposed works on the N73 dangerous stretch of road at Derryvillane Kildorrery will commence in the interest of safety.

These works are imminent. Preferred tender identified. Just waiting on final approvals now from TII. Scheme managed by our NRO. (BO’G)

(3) Cllr. Deirdre O’ Brien - Up to date on the repairs to footpath at 1 King Street, Mitchelstown caused by a leaking sewer pipe.

Brendan O’ Gorman SEE advised that this is the responsibility of a private landowner and Irish Water with whom he has been in contact to resolve this issue. He will revert to the elected Members with an update in due course.

(4) Cllr. Deirdre O' Brien - cleaning of the left kerb side of road on Clonmel Road, Mitchelstown (just before gated access from lights side)

Cllr. O' Brien explained the roadway here gets 'mucky' and is requesting this be cleaned.

(5) Cllr. Deirdre O' Brien - the railing on the green area on roadside at Roches Heights and Captain Keanes be repaired.

This will be investigated by Margaret O' Donoghue MDO for attention.

(6) Cllr. Noel McCarthy - that Fermoy MD write to Environment Section & Nuala McNamara in relation to ongoing dog fouling.

Cllr. McCarthy said dog fouling is an huge issue in Fermoy town and he is proposing the Environment Section be requested to carry out an information / education programme in an attempt to resolve this problem.

(7) Cllr. Noel McCarthy - that an extra ramp be included in Clondulane by the Manor.

Brendan O' Gorman SEE advised that a driver feedback sign is to be installed here in the near future, this sign having been 50% funded by the local community and the balance by local road operations.

(8) Brendan O' Gorman SEE - Speed Limit Review for National Roads.

Brendan informed those present that the Speed Limit Review for National Roads is now available from the TII and will be presented to the elected Members at the March 2023 meeting for their consideration and discussion. This includes a proposal for the reduction from 100kph to 80kph from Leacht Cross to Ballyhooly village which is to be welcomed.

(9) Brendan O' Gorman SEE - Recommendation re: installation of '15-Minute' parking bays

Brendan is recommending the installation of two additional '15-Minute' parking bays at Shinnick's Shop, Fermoy and is now seeking the approval of the elected Members. This was agreed on the proposition of Cllr. Kay Dawson, seconded by Cllr. Noel McCarthy. Brendan further advised that '15-Minute' parking bays have now been provided in Rathcormac, as per previous notices of motion.

Signed _____

Date _____