



# Comhairle Contae Chorcaí

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## 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 13<sup>th</sup> March 2023 at 11am.**

### **I LATHAIR**

#### **Comhairleoir Déaglán Ó hUrthuile, Leas-Mhéara**

Comhairleoiri: Uí Chochláin G, Ó Colmáin, Ó Suilleabháin S, Uí Shuilleabháin M, Ó Donnabháin, Ní Chroinín, Ó Conaill, Mac Craith, Uí Daltún, Ó Muircheartaigh, Uí Bhuachalla, De Foite Sean, Ní Cheallacháin, Barra, Sheppard, Rasmussen, Ó Conchubair Sean, Ó Conchubair Alan, MacCarthaigh N, Ó Flionn, , 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, Ní Heachthigheirn, Uí Thuama, MacCarthaigh Susan, Mac Uaid, Ní Cheallaigh, Ó Cearbhaill, Uí Chaochlaioich, Ó Haodha Pól.

### **PRESENT**

#### **Councillor Declan Hurley, Deputy Mayor, presided.**

**Councillor:** Coughlan, Coleman, O'Sullivan J, O'Sullivan M, O'Donovan, , Cronin, O'Connell, McGrath, D'Alton, Murtagh, Buckley A, White J, O' Callaghan, Barry, Sheppard, Rasmussen, O' Connor S, O'Connor A, McCarthy N, O'Flynn, 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, Ahern, Twomey, McCarthy S, Quaide, Kelly, Carroll, Coakley, Hayes Paul

Deputy Chief Executive, Director of Services Roads & Transportation, S/Senior Executive Officer Corporate Services

### **SUSPENSION OF STANDING ORDERS**

*Proposed by Councillor Anthony Barry*

*Seconded by Councillor John Paul O'Shea*

Members agreed to suspend standing orders at 1 pm to discuss a report in the Irish Examiner discussing Cork County Council's application for Vacant Property Officers.

### **[a] CONFIRMATION OF MINUTES**

**1/3-1**

*Proposed by Councillor John Paul O'Shea*

*Seconded by Councillor Seamus McGrath*

**RESOLVED:**

That the minutes of the Meeting held on 27<sup>th</sup> February 2023 be confirmed and signed by the Mayor.

**[b] VOTES OF SYMPATHY**

2/3-1

**TO:** Noreen Cunningham on the death of her husband Patrick Cunningham

**TO:** Lisa O’Riordan on the death of her mother Maeve O’Riordan

**TO:** Harold Atkinson on the death of his wife Marretta Atkinson

**[c] STATUTORY BUSINESS**

**DISPOSAL OF PROPERTY**

**SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001:**

3/3-1

**MUNICIPAL DISTRICT OF WEST CORK:**

*Disposal of land at Ballineen, Co. Cork*

3(a)/3-1

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 3<sup>rd</sup> March 2023.

**Situation:** Disposal of land and pump house at Ballineen, Co. Cork. Plan 20 CK165087F.

**Consideration:** €26,500.00

**MUNICIPAL DISTRICT OF MACROOM:**

*Disposal of site 6 & 7 Macroom Industrial Estate, Bowl Road, Macroom, Co. Cork.*

3(b)/3-1

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 3<sup>rd</sup> March 2023.

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

**Consideration:** €150,000.00

**MUNICIPAL DISTRICT OF CARRIGALINE:**

*Grant of Right of Way at Ballinphellic, Ballinhassig, Co. Cork*

**3(c)/3-1**

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 3<sup>rd</sup> March 2023.

**Situation:** Grant of Right of Way at Ballinphellic, Ballinhassig, Co Cork, for access to private residence.

**Area:** 8.5m x 4.5m wide approx.

**Consideration:** €1

**MUNICIPAL DISTRICT OF KANTURK/MALLOW:**

*Disposal of Site No. 5, Pairc an Claonan, Freemount, Co. Cork.*

**3(d)/3-1**

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 3<sup>rd</sup> March 2023.

**Situation:** Site No. 5, Pairc an Claonán, Freemount, Co. Cork

**Area:** Site measuring 0.053 hectares (0.132 acres) as outlined on map (part of Folio CK91798F)

**Consideration:** €25,000.00

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

4/3-1

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

**MUNICIPAL DISTRICT OF KANTURK/MALLOW:**

*Proposed by Councillor Pat Hayes*

*Seconded by Councillor Gearóid Murphy*

Members resolved to approve Part 8 Chief Executive's Report for the development of a community sports ground at Carhookeal, Mallow, Co. Cork.

**During the discussion Members made the following points:**

- Members said that Mallow Basketball Club were originally included in the submission and plans
- Members received correspondence that Mallow Basketball Club are no longer in the plan and asked if they could be brought into the plan
- Said it will be a great resource for the clubs in the area
- Said it is disappointing that the basketball court and inhouse clubhouse have not been included at this stage
- Asked if it would be possible to get the clubhouse expedited
- Said funding cannot be raised until the project has started
- Members noted on page 2 of the Chief Executives Report that it will be included as a later date
- Members said there is an inconsistency between what it is saying on page 2 of the Chief Executives Report and the drawings that the Members were given
- Members proposed to amend a location within the site has been identified for the development of a clubhouse/changing area/indoor basketball court, however this will form a separate and future Part 8

The Deputy Chief Executive said the clubhouse development would be the subject of a part 8.

5/3-1

**CLIMATE ACTION AND LOW CARBON DEVELOPMENT ACT 2015 TO 2021**

Members resolved to approve Correspondence received from the Minister for the Environment, Climate and Communications, pursuant to the provisions of the Climate Action and Low Carbon Development Act 2015 to 2021, and Section 14B(2)(a) thereof, from Minister Eamon Ryan requesting Cork County Council to make its first Local Authority Climate Action Plan (LACAP).

*Proposed by Councillor Alan O'Connor*

*Seconded by Councillor Anthony Barry*

**During the discussion Members made the following points:**

- Members queried staffing levels and asked if those positions are currently filled
- Noted the body of work will be a huge challenge to the organisation
- Said public consultation is very important in this process
- Members said the timeline is tight to have it up and running by February 2024

The Deputy Chief Executive said Cork County Council is actively seeking to recruit those positions.

**6/3-1**

#### **HOUSING ALLOCATIONS**

Members resolved to approve amendments to Housing Allocations Scheme on the recommendation of the Housing SPC.

*Proposed by Councillor Seamus McGrath*

*Seconded by Councillor Frank O Flynn*

**During this discussion, the Members made the following points:**

- Members said they had detailed discussions about these changes at Housing SPC

**7/3-1**

#### **LOCAL GOVERNMENT ACT, 2001 (BYE-LAWS) SECTION 199**

Members resolved to make Cork County Councils Library Bye-Laws, 2023.

*Proposed by Councillor John Paul O Shea*

*Seconded by Councillor Alan O'Connor*

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

#### **CORPORATE POLICY GROUP**

Approval of attendance by Members at Conferences/Training on the Conference list for March 2023.

*Proposed by Councillor John Paul O'Shea*

*Seconded by Councillor Frank O'Flynn*

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

**IRISH TIMES**

9/3-1

Correspondence received 1<sup>st</sup> March from the Irish Times in response to Council's letter dated 23/01/23 in relation to the moderation of their social media platforms to reduce racism, xenophobia and misinformation in their comments section.

*Members noted the correspondence from the Irish Times.*

**During this discussion, the Members made the following points:**

- Members said the response does not fully address the motion
- The letter speaks about its own website rather than social media platforms
- Members said it is encouraging to see better monitoring overall of social media platforms

**UISCE ÉIREANN**

10/3-1

Correspondence received 1<sup>st</sup> March from Uisce Éireann in response to Council's letter dated 09/01/23 expressing dissatisfaction with Uisce Éireann Councillor Clinics and to ask for Liaison Officers to be considered for given areas to ensure effective communication with Elected Members.

*Members noted the correspondence from the Uisce Éireann.*

**During this discussion, the Members made the following points:**

- Members said they are very disappointed with the response received back from Uisce Éireann, and said a follow up letter needs to be sent back to Uisce Éireann
- Members said they did not attend the Councillor Clinic in February as they were still waiting on responses to their queries from the October Clinic
- Stated the Councillor Clinics have failed
- The Clinics are of no value and Members regularly do not get responses to their queries
- Said they are frustrated in their dealings with Uisce Éireann and replies back are lukewarm at best
- Said it is very difficult as Elected Members not being able to get responses or updates from an organisation
- Members agreed that communication from Uisce Éireann is totally unacceptable
- Said a dedicated liaison officer is needed to ensure consistency with queries
- Members said it is beyond belief that there is a public sector organisation operating as they are

- Said the County Development Plan was hugely dictated by Uisce Éireann
- Remedial works by Uisce Éireann are of a poor standard
- Members said they are requesting to have physical meetings Uisce Éireann executives on a quarterly basis

The Deputy Mayor said the response back from Uisce Éireann is unacceptable. Deputy Hurley said the letter needs to be sent back to Uisce Éireann and a proper response is needed. He said the fact that Members are not attending Councillor Clinics is a visible protest.

Members agreed to write back to Uisce Éireann, the Minister for Housing, AILG and LAMA requesting physical meetings with Uisce Éireann on a quarterly basis and a dedicated liaison officer for queries.

### **EVICTION BAN**

11/3-1

“That this council will write to the Minister Darragh O'Brien, requesting that the current Eviction Ban be extended until the end of the calendar year. That the scope of the ban be extended to all private rental tenants on a notice to quit, whether it be before the implementation of the current ban or not”.

*Councillor Danielle Twomey proposed, seconded by Councillor Frank Roche*

**During this discussion, the Members made the following points:**

- Members said they are terrified for families that have nowhere to go
- Single people, families, pensioners will be impacted by the lifting of the eviction ban
- Said an extension on the eviction ban would give some breathing room to housing staff that are at the pin of their collars
- Said it is soul destroying for people to be locked out of house ownership
- Stated the Landlord Association is the only association supporting the suspension of the ban
- Members said they oppose this motion as it is too broad
- Members argued that it is widely understood that this ban will further increase homelessness across the country
- Referenced recent reports in the media that said the eviction ban will make the housing crisis even worse
- Said it was a temporary measure and it did not work
- It resulted in a surge in homelessness and an increase in notices to quit
- Said there would never be a good time to stop the eviction ban
- Said introducing an eviction ban in the first place caused an imbalance in the market
- The eviction ban has meant landlords are leaving the private rental market in droves
- Said this ban is creating another form of homelessness and putting pressure on landlords who need their properties back
- The Department is recommending that the Council should buy more houses but that is a very slow process
- Members asked what can be done with tenants who need to move out of their properties over the coming weeks
- Emergency accommodation is full
- Asked is it known how many tenants will be losing their homes over the coming weeks
- Members said a plan will need to be put in place to deal with the crisis

- Said as Elected Members it would be better to try and identify solutions to help people on the ground
- Said there needs to be more flexibility from the Housing Capital Section
- Members said there needs to be more flexibility to go in and buy a house where the tenant is already there
- The eviction ban is creating more problems than it is solving
- Members said landlords need to stay in the market and the market is better served with the traditional type landlord
- Members said they could not support the written format of the motion as it is

The Deputy Chief Executive said the Council does everything in its power for anyone who is made homeless. Mr. Fogarty said it is a national issue and needs a national solution. He said the Council is governed by national policy and can only make solutions within the confines of national guidelines.

Members agreed to amend the wording of the motion as follows:

***Councillor Danielle Twomey proposed, seconded by Councillor Liam Quaide***

“That this council will write to the Minister for Housing requesting an extension on the current no fault eviction ban. That in this time a commitment be given by the minister to accelerate any schemes like the affordable cost rental scheme, and the tenant in situ scheme. And that a commitment be given to Local Authorities that they will be provided with sufficient resources be given to alleviate any increase in demand for homeless accommodation”.

The Mayor called for a vote to be taken on the amended motion as follows:-

**FOR:** Councillor O’Connell, Rasmussen, O’Connor Alan, Roche, Twomey, Quaide, Hurley  
[7]

**AGAINST:** Councillor Coleman, O’Sullivan Marie, O’Donovan, Cronin, McGrath, Murtagh, Buckley, White, O’Callaghan, Barry, McCarthy Noel, O’Flynn, Doyle, O’Shea John Paul, Creed, Looney, Lynch, Lucey, Hayes Pat, Murphy Gearóid, Madden, O’Shea Tony, Ahern, Kelly, Carroll  
[25]

**ABSTAIN:** Councillor Murphy Gerard, Coughlan Martin, Coakley  
[3]

The Mayor declared the motion failed.

**DEVELOPMENT CONTRIBUTION SCHEME**

**12/3-1**



“Íarr ar an Comhairle Contae athrúcháin a dheanamh ar an Development Contribution Scheme , chun spreagadh tithe "passive/ BER A" a thógaint.

Ask this Council to make relevant changes to the Development Contribution Scheme in order to encourage the building of passive/ BERA houses.”

*Councillor Gohnait Moynihan proposed, seconded by Councillor Seamus McGrath*

**RESPONSE:**

Members noted the response from the **Director of Services, Planning Department** which outlined as follows:-

The Cork County Council Development Contribution Scheme was adopted by Council in 2004. A review of the scheme is scheduled to commence in 2023.

The primary objective of the development contribution mechanism is to partly fund the provision of essential public infrastructure, without which development could not proceed.

A reduction in the Development Contribution at the local authority level will impact on Councils capacity to deliver essential services in local communities-the very services that support sustainable communities.

The design and construction of buildings is regulated under the Building Control Acts 1990 to 2014. The energy performance requirement of new buildings are governed by the Building Regulations issued by the Department of Housing, Local Government and Heritage. Part L of the Building Regulations Conservation of Fuel and Energy in Dwellings, sets the energy and carbon dioxide emissions requirements for new and existing buildings to achieve a near zero energy building performance ( NZEB). As of 1<sup>st</sup> November 2019, all new dwellings have to achieve a minimum BER rating of an A2 standard.

As such while the energy rating requirement for new builds is a national standard, the achievement of the energy rating will not result in a reduction in Councils service delivery costs and accordingly it is considered the Development Contribution Scheme is not the appropriate mechanism for State funding supports.

**During this discussion, the Members made the following points:**

- Said the motion is regarding the Development Contribution Scheme that is already in place
- Members said they are asking that applicants would get a portion of the money back
- Said they are open to suggestions of how much applicants could get back
- Said the process should be made as simple as possible
- Members said the focus should be to help young couples ease costs when building a new home
- Said they are regularly asked by constituents what the contribution fund is
- Members said that any amendments that can make houses energy passive and any incentive for that is welcome
- Said anything that can be done to help the environment is welcome
- Said if applicants are seen to be going in the right direction to help the environment, they should be compensated for that
- The combined act of reducing the cost of building a house and better energy is a lot to achieve
- Members asked for this matter to be referred to the Planning SPC for further discussion

The Deputy Chief Executive said this matter will be under review in 2023. The dates for the review are not confirmed yet. Mr. Fogarty said people benefit from the Development Contributions. He said there needs to be caution around taking money away from funding for capital projects on roads, footpaths etc.

Members said the Planning SPC should look at how this works in other councils.

### **Extension of Time to 2pm**

*Proposed by Councillor John Paul O'Shea*

*Seconded by Councillor Seamus McGrath*

## **SUSPENSION OF STANDING ORDERS**

**13/3-1**

Members agreed to suspend standing orders to discuss a report in the Irish Examiner discussing Cork County Council's application for vacant property officers.

### **During this discussion, the Members made the following points:**

- Members said they previously raised this issue and were made aware that this funding would be raised
- Said there are in excess of 12,000 vacant properties as of the 2022 census
- Said they are concerned about vacancy and dereliction
- Members said they raised a motion previously about Vacant Homes Officers
- Said they believe there are now two Vacant Homes Officers
- Asked for clarity as to whether these are full time or part time positions
- Said it is important to have a Vacant Homes Officer for each division
- Members said they want three full time Vacant Homes Officers working, one per division
- Asked for an explanation from the Executive why the funding has not been sought
- Said there has been good progress in setting up the Property Activation and Regeneration Unit
- Members said vacant properties have an important role to play in the housing shortage
- Said the easiest and cheapest way to bring back houses is through the vacant houses and derelict sites in towns and villages

The Deputy Chief Executive said the issues needs a multi-disciplinary team working together. He said one officer working by themselves will not sort this issue. He said he will revert to the Chief Executive with the comments from today's meeting and the issue will be discussed at a later date.

## **[k] VOTES OF CONGRATULATIONS**

**14/3-1**

**TO:** The West Cork Islands Forum, who worked with The National Ambulance Service with communities on Bere, Cape, Heir, Long, Whiddy and Sherkin Island to develop their community resilience at both a public and responder level.

**TO:** Skibbereen Rugby Club Ladies team who were presented with The Celtic Ross Southern Star 103FM West Cork Sports Star Team of the year.

**TO:** Siobhan Courtney & Rachel Whelton on behalf of Castlehaven Senior ladies football team on receiving the Special Achievement Award.

**TO:** Skibbereen Community School ladies senior football team and their coaches who were crowned LGFA Munster Schools C Champions.

**TO:** Enda O'Halloran on all his work with Cork County Council over the years and wishing him all the best in his new role with Louth County Council.

**TO:** Mark Condren on winning the Press Photography of the year for a record sixth time.

## **[I] ANY OTHER BUSINESS**

**15/3-1**

### **CLOSURE OF R613**

Members said there has been severe traffic congestion in Carrigaline following the closure of the R613. Members said it was the wrong decision to close the road, these works should have been done during the summer months. They said they would have liked to have been better informed of the road closure in advance of the works. Members asked they be notified when there is a road closure.

The Director of Services Roads & Transportation joined the meeting. Mr. Barrett said the works that are being undertaken involve the replacement of a water main that has burst over 60 occasions in 5 years. He said the road has needed to close each time the water main has burst. He said Members can be notified of a road closure each time going forward. He said the road closure was deemed urgent and necessary. He said Uisce Éireann is the licence holder here and it would be helpful for Members to convey their issues to Uisce Éireann.

### **EVICTION BAN**

Members said the second element of the motion raised earlier in the meeting is warranted. Members agreed to write to the Minister for Housing, Local Government and Heritage to ensure that Local Authorities have the funding needed to deal with the housing crisis that will be further impacted by the lifting of the eviction ban.

**~ THIS CONCLUDED THE BUSINESS OF THE MEETING ~**