



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 Monday 11th December 2023.

I LATHAIR

Comhairleoir Proinsias Ó Flíonn, Méara Chontae

Comhairleoiri: Uí Chochláin G, Ó Colmáin, Ó Murchú C, Ó Suilleabháin Sean, Uí Shuilleabháin M, Ó Donnabháin, Ó Coileáin D, Ó Murchú PG, Ní Chróinín, Mac Craith, Uí Daltún, Ní Charthaigh U, Uí Bhuachalla, De Faoite, Daltún-Ó Suilleabháin, Ní Cheallacháin, Barra, Sheppard, Rasmussen, Ó Conbhuhair Sean, Ó Conchubair Alan, MacCarthaigh N, Uí Bhriain, Ó Laoghaire, Dawson, De Róiste, Ó Muineacháin B, Ó Dubhghaill, Ó Sé Sean Pól, Ó Murchú Gearóid, Críod, Ní Muineacháin G, Ó Luanaigh, Ó Chochláin M, Uí Loinsigh, Ó Luasa, Ó Haodha Padriagh, Ó Murchú Gearóid, Ó Cinnéide, Ó Madaoin, Ó Sé Tony, Léineacháin Uí Foghlú, Ó hÉalaithe, Ó Héigheartaigh, Ní Heachthigheirn, Uí Thuama, MacCarthaigh Susan, Mac Uaid, Ní Cheallaigh, Ó Cearbhaill, Ó Muirthile, Uí Chaochlaioich, Ó Haodha Pól.

PRESENT

Councillor Frank O'Flynn, County Mayor, presided.

Councillor: Coughlan G, Coleman, Murphy K, O' Sullivan J, O'Sullivan M, O'Donovan, Collins D, Murphy PG, Cronin, McGrath, D'Alton, McCarthy U, Buckley A, White, Dalton O'Sullivan, O'Callaghan, Barry, Sheppard, Rasmussen, O'Connor S, O'Connor A, McCarthy N, O'Brien, O'Leary, Dawson, Roche, Moynihan B, Doyle, O'Shea JP, Murphy Gerard, Creed, Moynihan G, Looney, Coughlan M, Lynch, Lucey, Hayes Pat, Murphy Gearóid, Kennedy, Madden, O'Shea Tony, Linehan-Foley, Healy, Hegarty M, Ahern, Twomey, McCarthy S, Quaide, Kelly, Carroll, Hurley, Coakley, Hayes Paul

Chief Executive, Director of Services Economic Development, Head of Finance, Senior Executive Officer Corporate Services.

OPENING OF TENDERS

The following tenders were opened at the meeting:

Opening of Tenders for Letting of Lands 2024.

[a] CONFIRMATION OF MINUTES

1/12-1

Proposed by Councillor Seamus McGrath

Seconded by Councillor John Paul O'Shea

RESOLVED:

That the minutes of the Meeting held on 13th November 2023 be confirmed and signed by the Mayor.

Proposed by Councillor Seamus McGrath

Seconded by Councillor John Paul O'Shea

RESOLVED:

That the minutes of the Meeting held on 13th November 2023 be confirmed and signed by the Mayor.

[2/12-1](#)

Proposed by Councillor Seamus McGrath

Seconded by Councillor John Paul O'Shea

RESOLVED:

That the minutes of the Annual Budget Meeting held on 27th November 2023 be confirmed and signed by the Mayor.

[b] VOTES OF SYMPATHY

[3/12-1](#)

TO: Veronica Dillon on the death of her father Packie Dillon.

TO: Minister Heather Humphries on the death of her mother Emily Stewart.

TO: Councillor Gillian Coughlan on the death of her uncle Jimmy O'Sullivan.

TO: Mary Kelleher on the death of her nephew John Donegan.

TO: Joan McCarthy on the death of her husband Morgan McCarthy.

TO: Eileen Burton on the death of her husband Pat Burton.

SUSPENSION OF STANDING ORDERS

To discuss the change of interpretation on the VAT refund for farmers.

Proposed by Councillor John Paul O'Shea

Seconded by Councillor John O'Sullivan

Members agreed to discuss this matter at 1 pm.

DISPOSAL OF PROPERTY

SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001:

4/12-1

MUNICIPAL DISTRICT OF BANDON/KINSALE:

Grant of Right of Way and Wayleave at Kilcawha, Kinsale, Co Cork.

4(a)/12-1

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 1st December 2023.

Situation: Grant of Right of Way and Wayleave shown in yellow on the attached map, measuring 13m x 6m average at Kilcawha, Kinsale, Co. Cork.

Consideration: €1.00

MUNICIPAL DISTRICT OF MACROOM:

Disposal of Land at Sleaveen East, Macroom, Co. Cork

4(b)/12-1

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 1st December 2023.

Situation: Sleaveen East,
Macroom,
Co. Cork

Area: Land measuring (c.0.0040 hectares/ 0.01 acres)

Consideration: €500

MUNICIPAL DISTRICT OF CARRIGALINE:

Disposal of Site No. 3, Estuary Business Park, Carrigaline, Co. Cork

4(c)/12-1

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 1st December 2023.

Situation: Disposal of Site No. 3, Estuary Business Park, Carrigaline, Co. Cork.

Area: Site measuring c.0.886 hectares/2.19 acres as outlined on map attached.

Consideration: €335,000.00.

Disposal of Site No. 4, Estuary Business Park, Carrigaline, Co. Cork

4(d)/12-1

Situation: Disposal of Site No. 4, Estuary Business Park, Carrigaline, Co. Cork.

Area: Site measuring c. 0.7705 hectares/1.9 acres as outlined on map attached.

Consideration: €380,000.00.

FILLING OF VACANCIES ON COMMITTEES AND EXTERNAL BODIES:

5/12-1

FILLING OF VACANCY ON THE AUDIT COMMITTEE:

Members resolved to approve the appointment of Ms. Kathleen Lombard as a replacement representative on the Audit Committee.

Proposed by Councillor John Paul O'Shea

Seconded by Councillor Seamus McGrath

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

6/12-1

CORPORATE POLICY GROUP

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

Proposed by Councillor John Paul O'Shea

Seconded by Councillor Gearóid Murphy

SOUTHERN COMMITTEE

“That a derogation regarding the burning of agricultural green waste should be extended, in particular to areas of the county that suffered severe flooding during Storm Babet”.

RESPONSE:

Members noted the response from Louis Duffy, Director of Services, Environment, Climate Change, Emergency Services and Rural Broadband as follows:

Under the Waste Management (Prohibition of Waste Disposal by Burning) Regulations 2009, the burning of household, garden, commercial or industrial waste is prohibited. A derogation under the legislation, which allowed farmers to burn green waste generated by agricultural practices had for many years been extended annually by way of Ministerial Order.

It had been flagged over recent years that the derogation would end once best practice guidelines had been developed and published, and earlier this year the Department of Environment, Climate and Communications (DECC) confirmed that it would cease on the 30th of November 2023. From the 1st of December last the burning of green agricultural waste is prohibited.

The Council does not have the power to grant any exemption or derogation under this legislation, it is entirely a matter for the Minister.

Given that best practice guidelines have issued, burning is not good practice and burning of such material has placed demands on Fire Services resources in the past, it is recommended that no further derogation should be sought.

During this discussion, the Members made the following points:

- Members said there are problems with drainage, rivers and waterways
- Said the main issue is the ownership of the drain
- Said the onus is on landowners themselves to clean drains
- Said it is unclear if the OPW or landowner are in charge
- Members said the responsibility is on the landowner to maintain the waterway
- Said owners have a plethora of bodies that have to be contacted first who might delay progress
- Members said they support the call for the extension of the derogation in relation to the burning of agricultural green waste.

The Mayor said farmers are always great for compliance and this is a very responsible request.

Members agreed to write to the Minister for Communications, Climate Action and Environment to request that a derogation regarding the burning of agricultural green waste should be extended, in particular to areas of the county that suffered severe flooding during Storm Babet.

CHIEF EXECUTIVE'S MANAGEMENT REPORT TO COUNCIL:

8(a)/12-1

Quarterly report of the Economic Development Directorate for the 3-month period up to 30th September 2023.

Members noted the Economic Development Directorate Quarterly Report.

During this discussion, the Members made the following points:

- Members said the Economic Development Report presented to them is very positive
- Said that Cork County Council need to look at parcels of land for industrial development in Charleville
- Said the current industrial estates in Charleville are full
- Said there is also a need for industrial land in Mallow to compliment the wide range of operations being done by the LEO's
- Said there are key sites currently for sale in Bandon
- Members asked for an update on the sale of land in Bantry to go on the open market
- Asked for an update on the working hub in Castletownbere

Sharon Corcoran, Director of Services, Economic Development said Cork County Council are in discussions with the ETB regarding the working hub in Castletownbere. Ms. Corcoran said the lands bought previously in Charleville have been successful. She said Mallow, Clonakilty, Midelton, Bandon and Carrigaline are all under pressure. She said an availability study needs to be done to identify the main pressure points and look at land in those areas. Ms. Corcoran said that Cork County Council did not have any discussions with the IDA in relation to land in Bantry.

The Chief Executive said the demand for land is there. She said Cork County Council have always strived to look for land for both commercial and industrial purposes.

8(b)/12-1

Quarterly report of the Finance Directorate for the 3-month period up to 30th September 2023.

Members noted the Finance Directorate Quarterly Report.

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

HSE

9/12-1

Correspondence received 10/11/2023 from the HSE in response to the Council's letter dated 25/09/23 in relation to requesting a service provision plan for Rehabilitation Mental Health services in Cork County.

Members noted the correspondence from the HSE.

During this discussion, the Members made the following points:

- Said the response back from the committee is unclear
- Said the health budget is overstretched
- Said towns around the county such as Cobh, Youghal & Clonakilty do not have these services
- Said the proposal for St. Stephen's hospital would centralise funding for adult mental health residential services in a hospital-campus setting, and that this would be at odds with A Vision for Change.

Members agree to write back to the HSE and the Safety and Quality Committee of the HSE board to request a service provision plan for Rehabilitation Mental Health services in Cork County.

MINISTER FOR EDUCATION

10/12-1

Correspondence received 13/11/2023 and 20/11/2023 from the Minister for Education in response to the Council's letter dated 11/09/23 in relation to the school transport system.

Members noted the correspondence from the Minister for Education.

MINISTER FOR CHILDREN, EQUALITY, DISABILITY, INTEGRATION & YOUTH

11/12-1

Correspondence received 21/11/2023 from the Minister for Children, Equality, Disability, Integration & Youth in response to the Council's letter dated 11/09/23 in relation to the funding of early childhood childcare facilities.

Members noted the correspondence from the Minister for Children, Equality, Disability, Integration & Youth.

MINISTER FOR HEALTH

12/12-1

Correspondence received 27/11/2023 from the Minister for Health in response to the Council's letter dated 23/10/23 in relation to funding for GP practices affected by flooding during Storm Babet.

Members noted the correspondence from the Minister for Health.

During this discussion, the Members made the following points:

- Members said it is important that any further supports that are available from the Department of Health be given to GP practices affected by flooding during Storm Babet.

EIRGRID

13/12-1

Correspondence received 27/11/2023 from Eirgrid in response to the Council's letter dated 23/10/23 in relation to reviewing the proposed route in East Cork.

Members noted the correspondence from Eirgrid.

During this discussion, the Members made the following points:

- Members said they reject the response from Eirgrid.
- Said it has been agreed through their Municipal District to have a meeting with Eirgrid.

LIMERICK CITY AND COUNTY COUNCIL

14/12-1

Correspondence received 20/11/2023 from Limerick City and County Council on the N/M20 Cork to Limerick Project.

Members noted the correspondence from Limerick City and County Council.

[h] NOTICES OF MOTION

WHOLE CATCHMENT FLOOD RELIEF WORKS

15/12-1

Cllr. Liam Quaide proposed, seconded by Cllr. Alan O'Connor

“That Cork Co. Council would liaise with Councils in the UK that have successfully implemented natural defences and land management practices as part of whole catchment flood relief works, with a view to adapting similar solutions, along with hard engineering measures in some cases, to areas of Cork county that are prone to flooding.”

Members noted the response from John Slattery, A/County Engineer, as follows:

RESPONSE:

An assessment of nature-based solutions is included in all ongoing flood relief schemes and will be included in all future schemes in Cork County.

Regarding Midleton Flood Relief Scheme specifically, a Natural Flood Management (NFM) Feasibility report has been undertaken. This assessment was the first of its kind in the country and was led by an expert with extensive experience of the assessment and implementation of NFM in the UK. This expert has acted as a senior advisor to the Environment Agency in the UK on NFM. The NFM report concluded that the reduction in structural flood defence requirements along the Owenacurra would be minimal with the implementation of an NFM approach. It also concluded that NFM measures would not contribute to any reduction in flood defence requirements on the Dungourney as the area requiring defences is also subject to tidal flooding. In the context of the scale of intervention, related costs, landowner engagement required, and the logistics of construction and maintenance of NFM in this area, it was concluded that a NFM solution is not technically viable for Midleton, either as a standalone option or even in combination with other measures. The NFM report is available to view in full on www.MidletonFRS.ie

During this discussion, the Members made the following points:

- Members said some local authorities in Britain had successfully used NFM projects
- Said the town of Pickering flooded four times between 1999 and 2007 with the damage costing millions of pounds
- Said that locals engaged with the Environmental Agency and Forestry Commission to study the root cause of the repeated flooding
- The cause was seen to be water rushing off the hills and dales
- Said Pickering has remained dry in recent years but other towns in the region have been repeatedly flooded by increasingly severe rainfall
- Members said research in Wales found soil under mixed native trees absorbs water 67 times faster than under grass
- Said farmers planted 120,000 trees between 1997 and 2016
- Said they reinstated 26.5 km of hedgerows and created 12 ponds covering 5.4 acres of ground
- Said these ponds are essentially restored natural wetland sites that act as reservoirs
- Said the research found if all farmers followed their example, flooding downstream would reduce by 29%.
- Full reforestation would reduce flooding by 50% or more
- Members said natural measures might be used in conjunction with major flood relief works
- Said they may reduce the need for concrete protection structures that are not always pleasing on the eye

The Chief Executive said Cork County Council is willing to look at the possibility of using NFM on other flood projects, subject to feasibility. She said that a report carried out by an adviser to the British Environmental Agency examining the potential for “natural flood management” measures to protect Midelton found that it would not be feasible for the town. She said it was not a technically viable solution in Midelton either as a standalone option or in combination with other measures.

INTERNATIONAL PROTECTION APPLICANTS

16/12-1

Cllr. Alan O’Connor proposed, seconded by Cllr. Gearóid Murphy

“That this council affirms its support for the right of International Protection Applicants to seek asylum in Ireland, and that this right should be exercised without harassment or intimidation or fear thereof. This motion is in response to the recent general sense of increased hostility towards International Protection Applicants and immigrants in this country.”

During this discussion, the Members made the following points:

- Members said this motion is seeking support for the right of International Protection applicants to seek asylum in Ireland without harassment or intimidation
- Said there has been a general sense of increased hostility towards immigrants and International Protection applicants recently
- Members said Ireland has a moral obligation to people seeking asylum
- Said we have legal responsibilities under the 1951 Geneva Convention
- Said it is important not to put vulnerable groups against each other in areas such as housing
- Said that Irish emigrants emigrated to all corners of the globe for many years

- Members said protesting against housing people of any race, religion or creed is inherently un Irish
- Said International Protection Applicants are a vulnerable group
- Said public representatives have a duty to not feed into myths about this vulnerable group
- Members said it must be explained to the general public that we are not in a position legally to limit the amount of asylum seekers coming into the country
- Said if the numbers of asylum seekers coming into the country are sustainable in terms of numbers
- Members said they are concerned about the impact on services in towns and villages.

[k] VOTES OF CONGRATULATIONS

17/12-1

TO: Castlehaven GAA Club on winning the Munster Senior Football Championship against Dingle.

TO: Kinsale GAA on winning the U16 Premier 2 Football County Final.

TO: Kilnamartyra GAA on winning the AIB Munster Final.

TO: Dungourney Camogie Club on winning Minor County Final & Minor League.

TO: Mary Hickey on her recent retirement from Cork County Council.

TO: Jack Leahy on captioning the UL Team and winning Freshers week

SUSPENSION OF STANDING ORDERS

18/12-1

VAT REFUND FOR FARMERS

To discuss the change of interpretation on the VAT refund for farmers.

During this discussion the Members made the following points:

- Members said Revenue have changed interpretation on the VAT refund for farmers and the decision has come out of the blue
- Said Revenue are refusing to refund VAT on milking parlours
- Said by removing VAT, it has affected investment decisions by young farmers.
- Said farmers are a community that spend money when they have money
- Said loans have been taken out by farmers where VAT refund would have been taken into account
- Said this change in interpretation was not flagged to Farmers in advance

The Mayor said farmers have set out to replace equipment and the goal posts have changed mid-way. He said this decision by Revenue is very unfair.

Members agreed to write to the Minister of Finance to say that this change of direction by Revenue will have a considerable effect on farmers and to ask Revenue to revert to the status quo or bring clarity to the situation.

[i] ANY OTHER BUSINESS

19/12-1

ASHBOURNE HOUSE

Cllr. John Healy proposed, seconded by Cllr. Alan O'Connor

Members said Ashbourne House has been a direct provision centre since the turn of the century. They said some refugees have been housed there for a long time and attend local schools and have jobs in the local community. The Department is now considering moving the refugees housed in Ashbourne House to different parts of the country. Members said they understand the difficulty in housing people and that the Department has to juggle its resources but would ask the Minister to allow families to remain in Ashbourne House if they wish.

Members agreed to write to Minister Roderic O'Gorman to consider allowing the families who want to remain in Ashbourne House to stay and not be transferred to a different area in the country.

20/12-1

SEPTIC TANKS

Cllr. Kevin Murphy proposed, seconded by Cllr. Sean O'Donovan

Members said they welcome the grant aid from the Minister for upgrade, refurbishment and repair of septic tanks. The limit has not been changed as to how many people would qualify and needs to be increased for those in serious malfunctioning areas. Members said applicants cannot be supported if they are not in the right area and there are restrictions in certain parts of the county.

Members agreed to write to the Minister for Housing and the Minister for the Environment to increase the limit as to how many people would qualify for upgrade, refurbishment and repair of septic tanks, especially for those in serious malfunctioning areas.

21/12-1

BOGUS PLANNING SUBMISSIONS

Cllr. William O'Leary proposed, seconded by Cllr. Frank Roche

Members said there need to be implications for people making false submissions using anonymous names. They said the legislation for bogus applications need to be addressed to prevent delays to one off housing or planning developments.

The Mayor said that all applications making appeals should have to provide their PPS number.

The Chief Executive said it is frustrating that the Planning & Development Bill currently going through does not address these issues. She said the legislation gives people the power whether it is spurious or not spurious.

Members agreed to write to the Minister for Housing Darragh O'Brien seeking changes to the Planning and Development Bill to flush out anonymous objectors and seek that all applicants include their PPS number when making applications.

22/12-1

MAYORS COMMUNITY AWARDS

The Mayor reminded the Elected Members that the closing date for submissions for the Mayors Awards is January 9th, 2024.

23/12-1

CIVIC RECEPTION

The Mayor reminded the Elected Members of the Civic Reception taking place for the Munster Rugby Team on Monday 11th December 2023 at 6.00 pm.

~ THIS CONCLUDED THE BUSINESS OF THE MEETING ~