

**COMHAIRLE CATHRACH AGUS CONTAE PHORT LÁIRGE
WATERFORD CITY AND COUNTY COUNCIL**

**COUNCIL MEETING HELD ON 9th February 2023 IN COUNCIL CHAMBER,
DUNGARVAN, WATERFORD.**

Present

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|----------------------------|------------------------|
| Cllr. John O’Leary (Mayor) | Cllr. Cristiona Kiely |
| Cllr. Donal Barry | Cllr. Jason Murphy |
| Cllr. Liam Brazil | Cllr. Pat Nugent |
| Cllr. Joeanne Bailey | Cllr. Seamus O’Donnell |
| Cllr. Declan Clune | Cllr. Lola O’Sullivan |
| Cllr. Joe Conway | Cllr. Thomas Phelan |
| Cllr. Tom Cronin | Cllr. Jody Power |
| Cllr. Conor McGuinness | Cllr. John Pratt |
| Cllr. Declan Doocey | Cllr. Eamon Quinlan |
| Cllr. Pat Fitzgerald | Cllr. Frank Quinlan |
| Cllr. Damien Geoghegan | Cllr. Mary Roche |
| Cllr. Jim Griffin | Cllr. Seamus Ryan |
| Cllr. John Hearne | Cllr. Mairead Tobin |
| Cllr. Joe Kelly | Cllr. Adam Wyse |
| Cllr. Stephanie Keating | Cllr. Ger Barron |
| Cllr. Seanie Power | |

Officials in Attendance

Mr. M. Walsh, Chief Executive
 Mr. K. Kehoe, Director of Services, Corporate Services, Culture and Planning
 Mr. I. Grimes, Director of Services, Housing
 Mr. M. Quinn, Director of Services, Economic Development
 Mr. F. Galvin, Director of Services, Roads, Water and Environment
 Mr. B. O’Kane, Management Accountant
 Mr. B. Duggan, Senior Executive Officer, Economic Development
 Ms. H. Dunphy, Meeting Administrator
 Ms. A. Flynn, Corporate

Following the prayer and reflection a short video was played in the chamber to mark the visit of Maurice Barron, wife Candice and daughter Ava to the White House for President Biden’s State of the Union address on 8th February 2023. Cllr. Barron acknowledged his thanks for sharing the video with the members noting it has been a difficult few years as Ava received her treatment and he can now look forward to the family visiting during the summer.

The Mayor proposed a vote of sympathy on the death of former Fianna Fáil Councillor Geoff Power who passed away on February 9, 2023. Cllr. Fitzgerald seconded the proposal offering his condolences to his family, supported by all.

1. Confirmation of Minutes

Plenary Meeting held on 8th December 2022 Proposed by Cllr. Nugent, seconded by Cllr. J. Power and agreed by all.

Special Meeting held on 14th December 2022 Proposed by Cllr. Brazil, seconded by Cllr. Geoghegan and agreed by all.

Special Meeting held on 20th December 2022 Proposed by Cllr. F. Quinlan, seconded by Cllr. Ryan and agreed by all.

Special Meeting held on 12th January 2023 Proposed by Cllr. Roche, seconded by Cllr. Fitzgerald and agreed by all.

The Mayor asked M. Walsh, CE to clarify for the members if Waterford City & County Council had prior knowledge in relation to the situation regarding Lismore House Hotel. The CE reaffirmed that that there had been no consultation between the International Protection Accommodation Services (IPAS) and Waterford City & County Council and WC&CC had no prior knowledge of Lismore House Hotel becoming a direct provision centre.

2. Matters Arising

Cllr. McGuinness asked about his proposal for a cross party delegation of members to meet with Transport Infrastructure Ireland (TII) and Minister for Transport to discuss the N25. He also requested an update in relation to the legislation around short-term lets and the registering of short-term lettings.

F. Galvin, DoS said that TII are agreeable to meeting a delegation of members in Dublin, date to be confirmed.

K. Kehoe, DoS noted he was not familiar with the unpublished updated regulations announced recently in relation to short-term letting stating the Planning Department currently deal with short-term letting regulations for the City & County.

3. Land Disposals

K. Kehoe, DoS outlined details of the land disposal for approval.
Proposed by Cllr. Kelly, seconded by Cllr. Bailey and agreed by all.

4. Monthly Management Report

Cllr. Phelan asked for clarification in relation to the number of houses completed in 2022 under the energy efficiency retrofitting scheme and the target for 2023, at the current rate it would take many years to retrofit our own housing stock.

Cllr. J. Power asked for an update on the appointment of a Community Climate Action Officer and also requested an update around the supply of Waterford corporate gifts. He asked if the Ferrybank pump station is to cater for the whole of Waterford on the north side of the city and the whole of South Kilkenny and would a contribution be sought from Kilkenny County Council.

Cllr. Geoghegan asked for clarification in relation to housing in high amenity areas. He said the City & County Development Plan stated that development proposals by existing landowners with a genuine economic, social or local need for a first home for their own permanent occupation would be facilitated. However he said it was his understanding that the same rules would apply in

high amenity areas as anywhere else in relation to the children or relatives of a landowner and this he said did not appear to be the case.

I. Grimes, DoS said he did not have the exact figure for the houses completed under the energy efficiency retrofitting scheme in 2022 but it would have been close to the overall target. He said the number of properties for 2023 was not yet available.

Kehoe, DoS noted that expressions of interest to supply corporate gifts were sought, the submission date was now closed and those submissions received were being assessed. In relation to the City & County Development Plan he said it is easy to demonstrate local need where people have a genuine local need and the planning department work with applicants to make sure their housing need is satisfied.

Cllr. Geoghegan asked for a more detailed response given that people are running into difficulties on the basis that they are not the actual land owner but perhaps a son or daughter.

K. Kehoe, DoS outlined that without getting into the specifics of an application, noting where there is a genuine housing need based on the local need we can generally satisfy that housing need. He said green belt areas are an added complication but work with applicants to reach a resolution.

F. Galvin, DoS outlined that a Community Climate Action Officer has been appointed and has recently commenced work in the Environment Department.

M. Quinn, DoS noted that the Ferrybank pump station is being developed by Irish Water.

Cllr. Kelly asked about recent announcement in relation to the Croí Cónaithe scheme and enquired if Waterford was included in this new government initiative. He noted it appears that a number of people are failing in their applications for loans requesting this to be reviewed. In relation to modular housing enquired if there are any plans to engage with this process which would be helpful in reducing the number on the housing list and in housing refugees and immigrants.

Cllr. Barry raised the question of access to the Metal Man in Tramore, the development and opening up of the site to the public and creating a safe coastal path as a priority to help Tramore maintain its position as a top-class seaside destination in Ireland. In light of the Metal Man being 200 years old this year he requested that talks commence with all concerned to address the issues. He requested an update on discussions with Kilkenny County Council in relation to charging for the provision of fire services.

Cllr. McGuinness asked about one bed apartments being advertised on Choice Base Letting and those allocated a unit discovering that it is a bedsit or a studio apartment. He said a studio apartment would not be considered suitable for long term or permanent accommodation and asked about the basis for such allocations. He enquired if there were any plans for additional resources in Homeless Services as more people may find themselves homeless given that the ban on evictions is due to expire at the end of the month. He also asked in relation to emergency accommodation in West Waterford saying that those who find themselves homeless must also uproot in order to take up emergency accommodation in the city.

I. Grimes, DoS outlined that in relation to the Croí Cónaithe scheme nothing has been approved for Waterford. In relation to housing loans he said the loan is aimed at people who have been declined by the banks and in general the reason why a loan application fails has to do with the required credit checks. As regards modular housing he said the council would be open to modular housing projects. He outlined that there is no further update in relation to the fire charge issue with Kilkenny County Council other than it has gone to arbitration. He noted there are no plans to provide additional staff for Homeless Services saying Homeless Services is adequately staffed while acknowledging the uncertainties once the current ban on evictions is lifted. He stated that

there is emergency accommodation available in Dungarvan. He noted comments in relation to bedsits on CBL and will review.

M. Quinn, DoS outlined that previous attempts were made to develop the Metal Man as a walkway but that there were significant cost issues and issues with landowners. He said it is a project that we would like to see come to fruition and is one that will be raised again as part of the Tramore Local Area Plan.

Cllr. Clune mentioned the Irish Business Against Litter (IBAL) results where Waterford was once again judged to be Ireland's cleanest city. He noted the very positive comments and wished to acknowledge the work of F. Galvin, DoS and his team. He also mentioned the Community Safety Draft Plan and noted its launch date of 27th March 2023. He asked if a representative from Irish Water could be asked to meet the Plenary Council in light of the difficulty experienced by the Councillors as Public Representatives to get replies from Irish Water to questions posed by them. Cllr. Keating said in relation to the inspections of Housing Assistance Payment (HAP) dwellings and the high number non-compliant that small and often accidental landlords are being forced out of the HAP scheme because of some of the compliance criteria. She said she appreciated that there were national regulations, and no-one wanted substandard accommodation but asked what can be done to encourage small landlords to stay in the market.

Cllr. E. Quinlan asked whether Waterford City & County Council would consider reaching out to those housing applicants who exceeded the previous income limit of €30,000 who may now be within the increased income limit of €35,000. He asked if the Council would consider tackling those new estates which were unfinished with creches not provided, roads and lighting not finished. He also asked if Waterford City & County Council would coordinate with other Local Authorities on a homeless amnesty to allow people who are living rough where they have no local connection to avail of Homeless Services.

F. Galvin, DoS, outlined there is a process with Irish Water in relation to the queries of councillors, he will raise the concerns highlighted directly with Irish Water.

I. Grimes, DoS noted in respect of HAP inspections that often the reasons for non-compliance are not serious and only minor works are required to bring the accommodation up to the required HAP standard. In relation to previous housing applicants who may now qualify for social housing under the increased income criteria, the appropriate approach will be reviewed at the next Housing SPC meeting. In relation to Homeless services he outlined that the same policy applies across every local authority in the country highlighting that nobody would be refused emergency accommodation.

K. Kehoe, DoS outlined that there is a challenge in relation to the delivery and provision of crèches and will need to work with developers to ensure adequate provision.

Cllr. Hearne commented that the provision of water services should revert back to local authorities due to the continuous issues raised in relation to Irish Water.

Cllr. Kiely asked if the provision of solar lighting for more isolated areas had been considered, requested update on provision of water safety signage in Ukrainian. She requested update on active travel and on her previous request for a workshop on water pollution along with when use of CCTV in litter black-spots can be used.

Cllr. Murphy noted that the role of Councillors has been eroded over the years by successive governments noting that Part 8 developments will no longer be brought to the members for examination until November 2024. He asked the CE if Part 8 developments could continue to be brought before the members for examination and scrutiny by them as public representatives.

F. Galvin, DoS, outlined that the provision of water and wastewater services is the responsibility of Irish Water and will not be changing. In relation to public lighting, he outlined that the Public Lighting Energy Efficiency Project to retrofit public lights with energy efficient LED luminaires had commenced in Waterford with surveying of public lighting ongoing. Solar lighting could be used in some locations but in its current technological state he doesn't see it as a public lighting option. Active Travel and the current status of the projects will form part of the upcoming roads workshops planned for each district and a workshop on water pollution can be arranged. In relation to CCTV at litter black spots we are awaiting guidelines around the implementation of the legislation which are expected in the coming months. In relation to signage in Ukrainian he said that all languages could not be accommodated on signage and symbols are simpler and universally accepted.

K. Kehoe, DoS noted in relation to Part 8 developments that regulations were being brought forward that will change the process for Local Authority housing developments over next number of years, workshops around the process will be arranged for the members.

Cllr. O'Sullivan requested an update on taking in charge, outlined that the Metal Man is a National Monument and is in need of repainting, the council needs to review options for accessibility to the monument.

Cllr. Fitzgerald enquired about the volumes being managed at the Ferrybank Pumping Station, if it will reduce the frequency of sewage overflows and whether it will enhance the environment.

Cllr. Bailey enquired about the location of the houses as part of the Energy Efficiency Retrofitting Scheme, in relation to HAP inspections and the compliance criteria she asked that the importance of ventilation be explained to tenants. Enquired if there will be a drop off for emergency equipment as a result of the earthquake in Turkey and Syria.

K. Kehoe, DoS informed members the taking in charge policy is currently being reviewed and will be brought before the Planning SPC in coming weeks. Noted that there has been an increase in funding under the capital programme which will allow for legacy estates to be completed.

F. Galvin, DoS said in relation to the difficulties experienced by Councillors in getting information from Irish Water that he would try to get Irish Water to engage in a process to facilitate information sharing. Regarding the Ferrybank Pumping Station it was a relocation of an existing Irish Water pumping station and as such there would be no increase in the volume being pumped.

I. Grimes, DoS noted that he did not have details on the location of houses being retrofitted but it is across each of the electoral areas. In relation to ventilation guidance issued recently around ventilation in rented properties which he would circulate to members.

Cllr. S. Power spoke in support of Cllr. Geoghegan in relation to housing in high amenity areas and requested a definition of green belt in relation to the City & County Development Plan.

Cllr. Cronin enquired if council tenants could undertake house extensions to avoid moving, he supported Cllr. Geoghegan and Cllr. S. Power point in relation to building on green belt. Supported by Cllr. O'Donnell who also enquired about the provision of group water schemes.

K. Kehoe, DoS said he would circulate to members an exact definition of green belt noting there have been no changes.

I. Grimes, DoS noted that extensions for tenants instead of transfers can be an option and is looked at on a case-by-case basis.

Cllr. Conway noted that Waterford has only two dog wardens to cover all open spaces, beaches, playgrounds, streets etc. outlining his concern with the increase in dog attacks enquiring is

additional resources could be added to this area. He enquired if there is land that can be disposed of in relation to the new council yard in Tramore.

Cllr. Pratt enquired about the €900,000 surplus in 2022 on the Revenue Account.

Cllr. Nugent said that the Minister for Finance had recently confirmed that farmland is excluded from the Residential Zoned Land Tax (RZLT), now that submissions have been made to exclude land or otherwise what is the current view of the zoned lands and the annual tax calculated at 3% of the market value of zoned lands. He also asked where a farm with more than one residence is handed over to a son, would the son be granted planning permission for his own home on the land.

Cllr. Ryan asked that a letter issue from the council on behalf of the members asking that the eviction ban be extended to the end of this year. He also enquired in relation to the provision of a mobile library service in light of the €50,000 which is being set aside each year for the next four years in the Capital Plan. He asked if there was any tree planting scheduled in which local communities could get involved and asked that housing applications be revisited given the changes to the income limit. He welcomed and extended his support and that of the people of Waterford to all refugees coming to Waterford.

Cllr. Griffin enquired as to what history is taken into account in relation to a person's credit rating, he enquired if lands could be leased near smaller beaches to help alleviate traffic congestion in these areas.

Cllr. Roche asked if the members could have a report of all properties in Waterford City & Council ownership together with an assessment of whether or not they could be used for housing.

F. Galvin, DoS, noted that in terms of productivity the Council compares well with other local authorities of a similar size as regards dog control services. He acknowledged that the Dog Wardens do have a lot of ground to cover and in responding to incidents as they arise. In relation to the new council yard he said there are proposals to progress it this year and surplus lands, if any, may be disposed of to third parties. There is a tree planting schedule for 2023 and outlined that the council will look at any deficits in terms of parking provision at beaches and said that public liability insurance is an issue regarding the leasing of private land.

I. Grimes, DoS noted that a credit check looks at a person's financial history, he advised Cllr. Ryan that he would talk to him directly in relation to the housing application he referred to.

B. O'Kane, Management Accountant said that the figure of approximately €900,000 is an estimate to end of January. He said the final figure will be available end of March and will reduce the overall deficit of €2.7m.

K. Kehoe, DoS noted in relation to the RZLT that clarification had been received and said the tax will not apply to mixed use land, in relation to rural housing he said where there is a genuine housing need based on the local need. In relation to the provision of a mobile library service he said it depends on capital funding which is not available at the moment, once available will apply for it with match funding. Noted that a list of properties in council ownership can be provided.

F. Galvin outlined that group water schemes are separate from Irish Water and if a group wishes to install a waste water system or a drinking water system they should first contact the Council.

5. Festival and Events Funding 2023

M. Quinn, DoS presented the recommended allocations under the Festival and Events Funding 2023 seeking approval from the members.

Proposed by Cllr. Kelly, seconded by Cllr. Keating and agreed by all.

Cllrs. Geoghegan, Fitzgerald, Ryan, Kelly, J. Power, Kiely, Hearne, Roche, Wyse, Phelan, S. Power & Cllr. Doocey all contributed to the discussion in support of the scheme which aims to help support events across Waterford which help contribute towards making Waterford a more vibrant and sustainable place.

6. Development Contribution Scheme 2023 - 2029 – For Approval

K. Kehoe, DoS gave presentation in relation to the Development Contribution Scheme 2023 – 2029 with Chief Executive recommendation of no change to the proposed contribution rates and requesting adoption by the members. In presenting the Scheme he said Waterford now has the most competitive commercial contribution rate of all the cities in Ireland and is attractive for new business and for existing businesses to extend and this an important message to communicate.

The resolution to adopt the Development Contribution Scheme 2023-2029 was proposed by Cllr. Phelan, seconded by Cllr. Geoghegan subject to the following amendment and was unanimously agreed by the members.

‘ The redevelopment of regeneration and opportunity sites such as those identified in Appendix 21 of the Waterford City and County Development Plan 2022-2028 may be subject to a 50% reduction of the normal rates unless Waterford City & County Council has provided alternative financial support for the development of the site’ and ‘In exceptional circumstances the required development contributions may be reduced where this is warranted, having regard to the particular economic, employment generating, social or cultural benefits of the development and/or having regard to the Strategic Outcomes of the Waterford City and County Development Plan 2022 – 2028’.

Cllrs. Power, Brazil, Griffin and Kelly all spoke in support of the Scheme.

Cllr. Kelly enquired about the submission received which said that residential construction companies now have to pay a separate charge to Irish Water on top of their development contributions to the local authorities.

K. Kehoe, DoS said that before the establishment of Irish Water development contributions were charged by Council but now connections are got from Irish Water and the charge is set by them and payable to them. In relation to the €500 increase in contribution for dwellings less than 125sqm the CE report shows the €500 increase equates to less than 0.15% of the current asking price for a typical newly built three bed semi-detached dwelling in Waterford City (€350k).

7. Control and Prevention of Litter Bye Laws

F. Galvin, DoS recommended that these amended byelaws which were endorsed by the SPC be adopted. He said the draft byelaws aim to introduce enhanced responsibilities on businesses that contribute to litter to provide litter receptacles and to clean up litter generated by their businesses in the vicinity of their businesses.

Proposed by Cllr. Fitzgerald, seconded by Cllr. Phelan and agreed by all.

Cllr. Wyse said in relation to the Council and litter prevention that he had an ongoing litter issue at a specific location in respect of which he had received photographic evidence and said that this privately owned railed area is the responsibility of the Council under the Litter Act and asked that the appropriate action be taken.

Cllr. Phelan, Cllr. Barry, Cllr. Kelly, Cllr. Ryan, Cllr. Fitzgerald, Cllr. Geoghegan and Cllr. J. Power all contributed to the discussion in support of the amended byelaws with the emphasis being on enforcement. The Mayor also welcomed the amended byelaws calling on everyone to abide by them.

8. Annual Service Plan 2023

K. Kehoe, DoS outlined that the purpose of the plan is to provide a corporate document that sets out the objectives for service delivery and performance standards to be achieved in 2023.

Proposed by Cllr. Geoghegan seconded by Cllr. Doocey and agreed by all.

An extension of Standing Orders was proposed by Cllr. Phelan, seconded by Cllr. Geoghegan and agreed by all.

9. Correspondence

Proposed by Cllr. Conway seconded by Cllr. Wyse and agreed by all.

It was agreed that Cllr. Clune, Cllr. Geoghegan, Cllr. Conway and Cllr. Cronin could be added to the list of approved attendees for the AILG Training Module 1 “A Briefing on the Electoral Reform Act” on Saturday 25th February.

10. Notice of Motions

1. Motion in the name of Cllr. Conor D. McGuinness

“Waterford City and County Council calls on the Government to:

- instruct Coillte to immediately halt their proposed joint venture with Gresham House*
- publish the new forestry strategy as a matter of urgency and ensure that the new strategy prioritises afforestation undertaking by local communities, farmers and landowners and public bodies above investment management ventures.*
- review their 2022 forestry licensing throughput, set in place an ambitious licensing target for 2023 and commit to meeting licensing targets for both Coillte and non-Coillte applicants”.*

Reg No. PF/2023/224 (dated 23rd January 2023)

Motion proposed by Cllr. McGuinness, seconded by Cllr. Griffin and agreed by a majority show of hands.

Cllr. McGuinness in proposing the motion noted that to sell off land to a British based private investment vehicle is an unprecedented sell off of precious natural resource and is nothing less than a corporate land grab. Instead of selling off huge tracts of land to investment funds we should be supporting communities, farmers and the public sector to support our afforestation targets instead of frustrating, delaying and preventing their involvement. This Government has seen Ireland fall far short each year on its annual afforestation target of 8,000 hectares, with the 2022

figure of just over 2,000 hectares the lowest level since World War 11. The rate of afforestation has all but collapsed since this Government came to office. He said applications for tree planting have been paused and no new applications are being accepted by the Department. He said if we fail on forestry then we will fail on Climate Action.

11. AOB

None.

This concluded the business of the meeting.

Signed: _____
Mayor of Waterford City & County Council

Dated: _____



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

**Resolution of the Elected Members
Waterford City and County Council, Metropolitan District
9th February, 2023
Ref: 2023/04**

In accordance with the requirements of Section 48 of the Planning and Development Act 2000 (as amended) and DoECLG Development Contributions Guidelines for Planning Authorities the Development Contribution Scheme 2023-2029 is made in accordance with the Draft Scheme published on the 18th of October 2022 with the incorporation of the Waterford City and County Four Year Capital 2023-2026 (including any superceeding plans) as an Appendix to the Scheme.

CERTIFIED RESOLUTION OF THE Plenary Council of Waterford City & County Council that the scheme as presented and amended and after consideration of submissions, proposed by Cllr. Phelan seconded by Cllr. Geoghegan and agreed unanimously THAT THE SCHEME AS PRESENTED IS ADOPTED.

Signed:

Councillor John O’Leary
Plenary Mayor

Witnessed:

Honor Dunphy
Meetings Administrator