

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

**COUNCIL MEETING HELD ON 11<sup>TH</sup> MARCH 2021 BY ZOOM**

**Present**

Cllr. Ger Barron	Cllr. Jason Murphy
Cllr. Donal Barry	Cllr. Pat Nugent
Cllr. Liam Brazil	Cllr. Seamus O'Donnell
Cllr. Breda Brennan	Cllr. John O'Leary
Cllr. Declan Clune	Cllr. Lola O'Sullivan
Cllr. Joe Conway	Cllr. Thomas Phelan
Cllr. Tom Cronin	Cllr. Jody Power
Cllr. Conor D. McGuinness	Cllr. Seanie Power
Cllr. David Daniels	Cllr. John Pratt
Cllr. Declan Doocey	Cllr. Eamon Quinlan
Cllr. Pat Fitzgerald	Cllr. Frank Quinlan
Cllr. Susan Gallagher	Cllr. Mary Roche
Cllr. Damien Geoghegan (Chair)	Cllr. Seamus Ryan
Cllr. Jim Griffin	Cllr. Adam Wyse
Cllr. John Hearne	Cllr. Eddie Mulligan
Cllr. Joe Kelly	Cllr. James Tobin

**Officials in Attendance**

Mr. M. Walsh, Chief Executive  
 Mr. K. Kehoe, Director of Services, Corporate, Culture, HR & IS  
 Mr. I. Grimes, Director of Services, Housing, Community & Emergency Services  
 Mr. F. Galvin, Director of Services, Roads, Water & Environment  
 Mr. M. Quinn, Director of Services, Economic Development and Planning  
 Mr. B. Pollard, Head of Finance  
 Ms. H. Dunphy, Meetings Administrator  
 Mr. D. Mitchell, Corporate

Meetings Administrator carried out a roll call to confirm meeting attendance.

At the suggestion of Cllr. Geoghegan it was proposed to suspend standing orders and deal with items 5 to 9 in advance of the Management Report (item 4). This was seconded by Cllr. Tobin and agreed by all.

**1. Confirmation of Minutes**

Minutes of Plenary meetings held on the 11<sup>th</sup> February 2021 and 25<sup>th</sup> of February 2021 were proposed by Cllr. Kelly seconded by Cllr. Daniels and agreed by all. **NEED TO CORRECT 8.1 to 18.1M**

**2. Matters Arising**

Cllr. Roche asked the executive to consider providing an archive of the recorded plenary meetings on the Council website. She enquired if the letter to Minister Harris, Minister for Further and Higher Education, inviting him to meet had been sent and if so had a response been received.  
 Meeting Administrator confirmed that invitation had issued to Minister, no response received.

Cllr. Phelan stated that he had contacted the chair of the Audit Committee regarding the content of audit report discussed at the February Plenary meeting.

Cllr. Mulligan asked an update on costs to date on the North Quays and also the Granary Lease.

### 3. Land Disposals

K Kehoe (DoS) listed the proposed disposals for consideration.

Cllrs Hearne, Clune and Fitzgerald proposed a deferral of the decision on the Lafcadio Hearne Japanese Gardens Lease and called for a workshop to discuss its operations and public access.

Cllrs. Kelly, Conway, O’Sullivan, Griffin, E. Quinlan, Daniels, Pratt, O’Leary and Mulligan supported granting the Japanese Gardens lease at this meeting and were happy that ownership of the lands would remain with the council. In relation to public access Cllrs. Conway and O’Sullivan pointed out that other public sites such as those run by the OPW and Mount Congreve charged admission.

M. Walsh (CE) suggested that the disposal was proceeded with and the directors of the gardens or a nominated representative could be invited to meet with the members at a later date.

Cllr. Clune proposed an amendment to defer granting the lease, seconded by Cllr. Brennan. A roll call vote was requested, the amendment was lost 27 votes to 5.

The votes cast were as follows:

<b>Name:</b>	<b>Voted</b>	<b>Name:</b>	<b>Voted</b>
Ger Barron (Lab)	Against	Eddie Mulligan (FF)	Against
Donal Barry (Ind)	Against	Jason Murphy (FF)	Against
Liam Brazil (FG)	Against	Pat Nugent (FG)	Against
Breda Brennan (SF)	For	Seamus O’Donnell (Ind)	Against
Declan Clune (Ind)	For	John O’Leary (FF)	Against
Joe Conway (Ind)	Against	Lola O’Sullivan (FG)	Against
Tom Cronin (FF)	Against	Thomas Phelan (Lab)	Against
Conor D. McGuinness (SF)	For	Jody Power (GP)	Against
Davy Daniels (Ind)	Against	Seanie Power (FG)	Against
Declan Doocey (FG)	Against	John Pratt (Lab)	Against
Pat Fitzgerald (SF)	For	Eamon Quinlan (FF)	Against
Susan Gallagher (GP)	Against	Frank Quinlan (FG)	Against
Damien Geoghegan (FG)	Against	Seamus Ryan (Lab)	Against
Jim Griffin (SF)	Against	Mary Roche (Ind)	Against
John Hearne (SF)	For	James Tobin (FF)	Against
Joe Kelly (Ind)	Against	Adam Gary Wyse (FF)	Against

It was then proposed by Cllr. O Sullivan and seconded by Cllr. Conway that the lease (L857) be granted. A second roll call vote was requested. This resulted in the lease being approved – 28 votes in favour, 3 abstentions and 1 against. The votes cast were as follows:

<b>Name:</b>	<b>Voted</b>	<b>Name:</b>	<b>Voted</b>
Ger Barron (Lab)	For	Eddie Mulligan (FF)	For
Donal Barry (Ind)	For	Jason Murphy (FF)	For
Liam Brazil (FG)	For	Pat Nugent (FG)	For
Breda Brennan (SF)	Abstain	Seamus O'Donnell (Ind)	For
Declan Clune (Ind)	Abstain	John O'Leary (FF)	For
Joe Conway (Ind)	For	Lola O'Sullivan (FG)	For
Tom Cronin (FF)	For	Thomas Phelan (Lab)	For
Conor D. McGuinness (SF)	For	Jody Power (GP)	For
Davy Daniels (Ind)	For	Seanie Power (FG)	For
Declan Doocey (FG)	For	John Pratt (Lab)	For
Pat Fitzgerald (SF)	Against	Eamon Quinlan (FF)	For
Susan Gallagher (GP)	For	Frank Quinlan (FG)	For
Damien Geoghegan (FG)	For	Seamus Ryan (Lab)	For
Jim Griffin (SF)	For	Mary Roche (Ind)	For
John Hearne (SF)	Abstain	James Tobin (FF)	For
Joe Kelly (Ind)	For	Adam Gary Wyse (FF)	For

The remaining disposals were approved as follows:

- Cllrs. O'Sullivan and Conway welcomed the Gleann Doire Disposal (D753) as it regularised a long running issue. It was proposed and seconded by them respectively and agreed by all.
- The Waterford Crystal FC lease (L713) was welcomed and proposed by Cllr. Kelly, seconded by Cllr. Wyse and agreed by all.
- The disposal at Durrow, Stradbally (D730) was proposed by Cllr. Brazil, seconded by Cllr. Cronin and agreed by all.

#### **5. Draft Waterford Cultural Quarter Strategic Plan 2021 – 2025 For Adoption**

Cllr. Mulligan introduced the Draft Plan, explained the process undertaken and proposed its adoption. This was seconded by Cllr. Wyse and Cllr. Griffin who wished to be associated with it.

Cllrs. Barry, Murphy, E. Quinlan, F. Quinlan, Daniels, Brennan and Murphy also spoke in favour of adopting the report. They commended the contributors to the plan.

Cllr. Barry suggested that a business plan and governance needed to be instigated with quarterly reporting of progress with the Cultural Quarter initiative. He also stated that the waterfront needed to be exploited as is an outstanding asset, need to involve residents, local educational institutions and bodies.

Cllr. Kelly added his support for the governance requirements and involvement of residents while Cllrs. Murphy and E. Quinlan highlighted the multi-cultural elements included in the plan.

Cllr. Tobin noted that an hour and ten minutes had been spent on discussing two agenda items that pertained to the Metropolitan area. He suggested that these could have been better addressed and discussed first at the Metropolitan meeting and then brought to the plenary. Cllr. Geoghegan concurred with this view.

#### **6. Draft Litter Management Plan**

F. Galvin (DoS) introduced the plan for acceptance and explained the process undertaken to date.

Cllr. Cronin proposed accepting it, seconded by Cllr. Phelan and Cllr. Fitzgerald (Chair of Environment SPC).

Cllrs. Barry, Fitzgerald, Murphy, J. Power, S. Power, Hearne, Roche, F. Quinlan, Daniels and Ryan all spoke in favour of the plan and commended the outdoor staff on their service delivery.

The following additional points were made:

- Cllr. O Leary enquired if there were any developments in the use of CCTV to police littering.
- Cllr. Phelan enquired if there would be an initiative with regard to cigarette butt recycling. He also stated that there was legislation before the Oireachtas on the CCTV issue.
- Cllr. Ryan enquired about having a single use plastic ban in Waterford.
- Cllr. Kelly questioned the changes to charging for disposal of cardboard stating that it should not be a disincentive to people to recycle on cost grounds.
- Cllr. Roche asked if there might be an amnesty at civic sites to allow items to be disposed of without charge.
- Cllr. J Power asked if oil pollution such as what occurred in the St John River could be added to the plan. He also enquired if the council would support taking plastic out of the river again. The issue of a financial rewards system for the member of the public that reported littering was raised.
- Cllr. Hearne asked that extra effort be made to keep littering on the council's own lands in order.

In response F. Galvin (DoS) stated:

- There was a national initiative to correct the issue of CCTV usage to deter dumping as outlined by Cllr. Phelan. There is also a Deposit Return Scheme for some cans and single use plastics that will come into effect later this year that will help with causal littering.
- The handling of oil pollution had a separate specialist incident response protocol and was not part of Litter Management Plan
- The Recycling of Cigarette butts could be looked at.
- Civic amenity costs were running at a loss and that the charges for cardboard were a reflection of the actual cost to the council if disposal in the current market. An amnesty at Civic sites could be done again with the support of the Department.
- The council would be happy to be involved with any new initiative to take plastics from the river.
- Any single use plastics ban would have to be part of a national initiative and couldn't be done in isolation. There is an EU directive in this area that is being transposed into Irish law this year.
- The rewarding of people who report littering is a matter for national legislation in that the level of fines for littering are set nationally and cannot be varied by local authorities.

## **7. Strategic Infrastructure Development Report**

Overview of the Strategic Infrastructure Development given by M. Quinn (DoS), noting that due to the scale of the development it is lodged directly to An Bord Pleanála, the council is however required to submit a report to An Bord Pleanála for review and inclusion of recommendation of the members.

Cllr. Tobin spoke to fully endorse the Chief Executive's report recommending a refusal of planning permission for the proposed development and proposed its acceptance by the members. He spoke of the calm and dignified response of the citizens living in the areas concerned and his disappointment that the applicant company didn't delay the planning application until pandemic restrictions were lifted so as to allow local consultations and meetings to take place. He hoped that An Bord Pleanála would abide by the views of two councils (Cork and Waterford) and refuse the planning application for the good of the people of West Waterford and East Cork.

Cllr. Pratt seconded Cllr. Tobin's proposal noting that a lot of work carried out by himself, Cllr. Doocey and Cllr. Tobin to have the Development Plan changed in relation to wind energy.

Cllr. D. McGuinness endorsed the CE report, calling on An Bord Pleanála to refuse planning permission in respect of the application. Noted that opposition to this application was not opposition to wind farm

and renewable energies, need to ensure development of wind energy is done carefully and does not create other problems as a result of granting applications. Noted procedural element around this application being a Strategic Infrastructure Development (SID) stating it should have been two separate applications to the local authorities. He outlined that there is no way for the citizen or local authority to challenge acceptance of an application through the procedure of an SID and this needs to be reviewed.

Cllr. O’Leary noted the potential impacts on the community for the proposed development and asked where the council is as regards reaching the targets set for renewable energy.

Cllrs. Brazil, Kelly and Hearne noted that such wind farms should be sited offshore and not on land. Cllr. Kelly also noted need for micro generation, retro fitting of houses and using new technologies to tackle the issue.

Cllrs. Nugent and Brazil outlined their concern with the height, size and proximity to dwellings of the proposed turbines in comparison to other wind farms in the county.

Cllrs. Conway, J Power, Gallagher and Murphy spoke against accepting the Chief Executives Report noting that it is incumbent on us all to carry out our function for the county and the country in light of the impacts of global warming and wind generation was key in achieving this. Time is running out and urgent action is needed.

Cllr. Barry stated that he did not want to see a divided community and that An Bord Pleanála will make the final decision. He pointed out that the location concerned was designated as being suitable for 11 turbines back in 2011 and noted that the council should revisit its policy on wind and renewable energy in the current formulation of the development plan.

Cllr. Murphy recognised the global challenge in relation to environment the need to act on it and need to have an open mind to how it is addressed.

Cllr. Phelan acknowledged the frustration in the debate, need to note that not against wind energy but need to update collective view on approach to renewable energy in the new Development Plan. Need investment in micro generation with every farm and house looking at options for their own renewable energy.

Cllr. Fitzgerald noted that compensation needs to be offered to directly affected homeowners in cases where such wind farms are built. Need to look at effects of offshore proposals also.

Cllr. Tobin thanked all the participants for their input and for their dignity in addressing the report and noted need to put in a proper wind development plan into the new Development Plan. He welcomed suggestion from Cllr. McGuinness to add a statement to the report to the effect that the members of Waterford City and County Council supported the Chief Executives report.

The Strategic Infrastructure Development Report was put to a roll call vote which resulted in 25 votes in favour, 4 against and 1 abstention. Details of the voting are set out below.

<b>Name:</b>	<b>Voted</b>	<b>Name:</b>	<b>Voted</b>
Ger Barron (Lab)	For	Eddie Mulligan (FF)	For
Donal Barry (Ind)	Abstain	Jason Murphy (FF)	Against
Liam Brazil (FG)	For	Pat Nugent (FG)	For
Breda Brennan (SF)	For	Seamus O’Donnell (Ind)	Not Present
Declan Clune (Ind)	For	John O’Leary (FF)	For
Joe Conway (Ind)	Against	Lola O’Sullivan (FG)	For
Tom Cronin (FF)	For	Thomas Phelan (Lab)	For
Conor D. McGuinness (SF)	For	Jody Power (GP)	Against
David Daniels (Ind)	For	Seanie Power (FG)	For
Declan Doocey (FG)	For	John Pratt (Lab)	For
Pat Fitzgerald (SF)	For	Eamon Quinlan (FF)	For
Susan Gallagher (GP)	Against	Frank Quinlan (FG)	For
Damien Geoghegan (FG)	For	Seamus Ryan (Lab)	For
Jim Griffin (SF)	For	Mary Roche (Ind)	For
John Hearne (SF)	Abstain	James Tobin (FF)	For
Joe Kelly (Ind)	For	Adam Gary Wyse (FF)	Not Present

The resolution as agreed by the members:

*Members of Waterford City and County Council fully endorse and support the Chief Executives report and recommendation that the development should be refused permission by An Bord Pleanála. The report as prepared by the Chief Executive under section 37E(4) of the Planning and Development Act 2000, as amended, in respect of the application (ABP Ref. 309121-21) by Curns Energy Ltd. for the development of 17 wind turbines and associated works at Lyrenacarriga and adjacent townlands in Co. Waterford and Co. Cork.*

## **8. Correspondence**

Proposed by Cllr. O' Sullivan, seconded by Cllr. Roche and agreed by all.

## **9. Notice of Motions**

Deferred to next meeting.

## **4. Monthly Management Report**

Cllr. Griffin raised the CBL (Choice Based Letting) Scheme and the length of tenure, he thought people were being misadvised that such lets were “forever homes” when it should be made clear that the properties are long term leases.

Cllr. Mulligan stated that the Harbour Bye Laws were coming up for review and that no strategy documents existed for the harbours and could it be addressed by the Transportation SPC creating a combined marine strategy.

Cllr. D. McGuinness wanted to know the difference in waiting times for the various adaptation schemes, he complimented the Civil Defence for their contribution during Covid.

Cllr. Hearne suggested a change to casual trading bye laws might be required to allow for extra sites.

Cllr. E. Quinlan asked that the civic amenity charge for cardboard disposal be reviewed. He asked for an update on a previous enquiry about the council providing home improvement loans (there was a scheme in Carlow including windows and doors). He also asked if service performance indicators could be made available weekly or monthly.

Cllr. J. Power requested an update on the Migrant Integration Strategy. He also asked when the Traveller Inter Agency Group on housing needs analysis are likely to send a report. With regard to National Tree week he asked about the Tree Management Plan in the new draft development plan.

Cllr. Clune asked for a review of the format of the plenary meetings. This was supported by Cllr. O' Leary. Cllr. Geoghegan stated in response that a proposal to lengthen the duration of the meetings and amendment to standing orders would be reviewed.

Cllr. Phelan asked when the first round of the Business Assistance Scheme would be advertised on the council website. He also asked that the developer from the North Quays project be invited to a workshop with the members. He further enquired if statistics are available with regard to planning enforcement that can be included in the Management Report.

Cllr. Kelly was happy to see that 824 housing units would be delivered plus another 157 through approved bodies but the long-term lease element of CBL means tenure was not certain and this needed to be looked at. He also wanted to commend all involved in the Celtic Routes tourism initiative

Cllr. Daniels enquired about the Rates Waiver under the Covid Supports for Businesses and if it would continue. He also asked if the Mayor could organise a meeting with the IDA for the members.

Cllr. Gallagher wanted to know how the council was engaging in consultation over the Climate Action Plan and she commended the work being done by the council with its bio diversity events.

Cllr. Murphy stated that the delivery of 978 Social housing units was very encouraging and showed that the government and local authority are delivering. He said there is a housing allocation issue as it occurred based on time on the priority list. It needed to include people who are victims of domestic violence and encourage them to come forward.

Cllr. Roche enquired about planning and offshore wind farms and what would be the council's role in the process. She stated that the homelessness number was still high and asked why there were two people sleeping in a doorway on the Quays and how that could be occurring. She also asked how the council is looking at coming out of Covid and how was it working with businesses.

I Grimes (DoS) responded as follows:

- CBL has a mixture on long and short term leases and it could be discussed at the next Housing SPC
- There are two separate schemes for adaptability and disability which are dependent on Department funding but the disability one is usually subject to higher funding.
- He was looking at Home Improvement Loans, but the funding would come from the same budget as the Rebuilding Ireland Home Loan Mortgage Product if there was one. The Carlow scheme was probably not appropriate as 50% of cost was contributed by the tenant and 50% came from the council's maintenance budget.
- The Strategy on Migration Integration will be launched by the minister in the coming months.
- The housing needs of Travellers are analysed annually.
- He will raise the climate action plan with the PPN.
- In response to Cllr. Roche and housing priority he stated that the approach has changed over the past year and victims of domestic violence no longer go in to hostels or are separated. They are been accommodated in own door solutions in designated units across the county.
- In relation to homelessness and the rough sleepers on the quay he stated that there is ample accommodation available and there are outreach workers in the community to assist.

F Galvin (DoS) responded as follows:

- Harbour Bye Laws dealing with day to day operations will come back to plenary in due course for adoption. There would need to be discussion with Economic Development Team to address the strategy outside that.
- The €5 cost for cardboard disposal was reflective of the cost to the council of disposing of cardboard. If people use the domestic recycling segregated green bin collection, there is no extra charge for cardboard disposal.
- The tree management plan is being addressed this year and the council are sourcing a way to manage it.
- A Climate Action Bill is going through the Dáil which will require the council to adopt a climate action plan, there will be full public consultation during the process.

M Quinn (DoS) responded as follows

- The Harbour strategy would be part of the Local Community and Economic Development plan when it is being redone.
- The trading bye laws were only recently revised, it would be preferable to get them working before looking to see if changes should be made. The districts can vary the areas at a later date if required.
- The Small Business Assistance scheme is on the council website but it has a narrower scope
- The SPC will address at Planning Enforcement data and we will look at the outcome of that discussion first.
- The Rates waiver has been extended to June.
- The Offshore Wind Farm application is likely to be submitted directly to An Board Pleanála but if that happened the council will have the opportunity to make a submission.
- There was a high level briefing in the management report on Local Businesses and coming out of Covid – the SPC and the working group are handling this issue in detail.

M. Walsh, CE added that the North Quays contract completion was extended to May and that he would be happy to get the developer in after that.

With regard to Service Performance Indicators he stated that NOAC does the statistics for this annually and the last version was published recently. This can be distributed to all members by the Meeting Administrator.

**10. Notice of Questions**

Noted

**11. AOB**

None

This concluded the business of the meeting.

**Signed:** \_\_\_\_\_  
**Mayor**

**Dated:** \_\_\_\_\_