

## **Minutes of Special Meeting held on 31<sup>st</sup> July, 2015 at 11.00 a.m.**

**Chair:** Cllr. MH Cavanagh

**Cllrs:** P. Millea, T. Breathnach, P. Dunphy, J. Brennan, A. McGuinness, M. Doyle, M. McCarthy, P. Fitzpatrick, G. Frisby, M. Noonan, B. Gardner, D. Kennedy, K. Funchion, P. O'Neill, M. Doran, P. McKee, D. Fitzgerald, F. Doherty, E. Aylward.

**Officials:** J. Mulholland, D. Malone, B. Tyrrell, Ml. Delahunty, Ml. Arthurs, T. Lauhoff, and A.M. Walsh.

**Apologies:** Cllrs. M. Shortall, J. Malone, P. Cleere and M. O' Neill.

Cllr. MH Cavanagh opened the special meeting and extended good wishes to Cllr. M. O'Neill following her recent operation and on behalf of all members wished her a good recovery.

It was proposed by Cllr. P. Dunphy seconded by Cllr. P. Fitzpatrick and agreed that the meeting would be adjourned for 30 minutes to allow members to consider a number of issues.

The meeting resumed at 11.35 a.m.

### **1. (a) Planning – Pleanail**

#### **(i) Masterplan and Urban Design Framework for the Smithwick Site and Bateman Quay**

Cllr. MH. Cavanagh advised that the Chief Executive's report on submissions received to the Draft Masterplan for Abbey Creative Quarter has been circulated in advance of the meeting and the report is being taken as read. The Acting Chief Executive has also prepared a report on the progress and process to date on matters relating to the purchase, planning and economic development of the former Smithwicks site and this has been circulated for the information of the members.

Cllr. Cavanagh read the text of the resolution to make the masterplan for the Abbey Creative Quarter for the benefit of the members.

It was proposed by Cllr. K. Funchion seconded by Cllr. B. Gardner that a vote on the draft masterplan be deferred. Cllr. Gardner stated that Kilkenny County Council do not yet own the site and the decision on this is important to Kilkenny. Councillors are allowed 6 weeks to consider the variation. She maintained that there is no need to rush the vote.

Cllr. Cavanagh put this proposal to the meeting and it was defeated.

2 members voting for the proposal – Cllrs. Gardner and Function.

18 members voting against the proposal – Cllrs. J. Brennan, MH Cavanagh, P. Fitzpatrick, Ml. McCarthy, P. Millea, Ml. Doyle, D. Kennedy, A. McGuinness, P. O'Neill, M. Doran, D. Fitzgerald, P. McKee, M. Noonan, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy and G. Frisby.

Cllr. Millea proposed that the draft masterplan be made in accordance with the Chief Executive's report. He stated that members have gone through the plan, have asked questions and there is a need to take a vote on it.

Cllr. Fitzgerald seconded the proposal. He referred to the purchase of the site in 2012 and since then the masterplan has been underway and has been considered by members over the last year. Amendments were made to the original plan following public consultation. Members have ample time to consider it.

Cllr. Cavanagh requested the Acting Chief Executive to outline the stages of the process and the timeframe.

Mr. Mulholland advised that the Local Authority can prepare a master plan on any land irrespective of ownership.

He did not accept that there is a rush to decide on the masterplan. In November 2014 a proposal to vary the development plan was put before the members. Work on the variation commenced and public consultation was undertaken. The site was purchased in 2012. The site will transfer to Kilkenny County Council in December 2015 or in early 2016 following removal of structures by Diageo.

One condition of the approval of loan sanction from the Department of the Environment is that the site is developed for revenue generating initiatives at the earliest opportunity. EPA licence has been surrendered since 29/5/15 and the site will be cleared of most buildings to slab level. Diageo have indemnified Kilkenny County Council for all environmental consequences for a period of 12 years.

Significant time and energy has been put into the masterplan. Agreement has been reached with all statutory bodies. All necessary and relevant reports have all been commissioned and considered in the preparation of the re-visioned Masterplan. Every effort has been taken to develop a plan in accordance with current planning guidelines. There is flexibility to develop the masterplan further. Number of objectives have already been included in the revised plan on foot of the public consultation.

Mr. Malone advised members that the masterplan is not being put on a statutory footing. This will require its own separate variation process.

The purpose of today's meeting is to agree specific elements to be included in the site. If a planning application is lodged, it is not a statutory requirement to consider the masterplan. However, the master plan is well founded and will be a valuable tool in decision making. Further work is required to be done on the masterplan prior to it being a statutory document. Critical documents such as urban design need to be completed.

Contributions were received from Cllr. A. McGuinness, M. Noonan and B. Gardner. Issues raised by members are as follows:

- Is there still flexibility within the masterplan if approved.
- Concerns re: ramped access to CAS – ecology, swans.
- Concerns re: proposed housing and spur road.
- Incomplete content in report – will it be difficult to change plan.

Mr. Malone responded to the queries and advised that Local Authorities can vary a development plan at any stage, subject to statutory process requirements. There will be opportunities to change the Masterplan at any future time if necessary. For any specific developments on site, reports maybe required on ecology and archaeology and issues will require to be addressed at detailed design stage. Ecology has been raised in a number of submissions.

It was proposed by Cllr. P. Millea seconded by Cllr. D. Fitzgerald that “We, the members of Kilkenny County Council, having considered the following:

- The Draft Masterplan for the Abbey Creative Quarter, the Appropriate Assessment (AA) Natura Impact Report and Strategic Environmental Assessment (SEA) Environment Report (with non-technical summary), Flood Risk Assessment and Archaeological all of which were placed on public display on the 23<sup>rd</sup> June 2015, and
- The Chief Executive's Report on Submissions received, published 28<sup>th</sup> July 2015.

Do hereby resolve to make the Masterplan (which will remain a non-statutory plan until such time as it is the subject of a separate and subsequent Variation to the Kilkenny City & Environs Development Plan) in accordance with the recommendations contained in the Chief Executive's Report”.

Members voting in favour of the resolution was eighteen (18) – Cllrs. J. Brennan, MH Cavanagh, P. Fitzpatrick, Ml. McCarthy, P. Millea, Ml. Doyle, D. Kennedy, A. McGuinness, P. O'Neill, M. Doran, D. Fitzgerald, P. McKee, M. Noonan, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy and G. Frisby.

(2) abstained: - Cllrs. B. Gardner and K. Funchion abstained.

Therefore the resolution to make the masterplan for the Abbey Creative Quarter was passed.

**(ii) Proposed variation of Kilkenny City & Environs Development Plan 2014 – 2020**

It was proposed by Cllr. K. Funchion, seconded by Cllr. B. Gardner that a decision on the proposed variation to Kilkenny City and Environs Development Plan 2014 – 2020 be deferred.

Cllr. Cavanagh put this proposal to the meeting and it was defeated.

2 members voting in favour of the proposal – Cllrs. Gardner and Funchion.  
18 members voting against the proposal – Cllrs. J. Brennan, MH Cavanagh, P. Fitzpatrick, Ml. McCarthy, P. Millea, Ml. Doyle, D. Kennedy, A. McGuinness, P. O’Neill, M. Doran, D. Fitzgerald, P. McKee, M. Noonan, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy and G. Frisby.

Cllr. MH Cavanagh read the text of the resolution to make variation No. 1 of the Kilkenny City and Environs Development Plan 2014 – 2020 for the benefit of the members.

It was proposed by Cllr. P. Millea, seconded by Cllr. Ml. Doyle that the members resolve to make the variation in accordance with the recommendations of the Chief Executive’s Report.

Cllr. M. Noonan requested if the objectives could be taken individually and take a vote on each. Cllr. Cavanagh requested a show of hands to take them individually.

4 voting to take them individually – Cllrs. T. Breathnach, K. Function, B. Gardner and M. Noonan.

16 voting to take all the objectives together – Cllrs. J. Brennan, MH Cavanagh, P. Fitzpatrick, Ml. McCarthy, P. Millea, Ml. Doyle, D. Kennedy, A. McGuinness, P. O’Neill, M. Doran, D. Fitzgerald, P. McKee, E. Aylward, F. Doherty, P. Dunphy and G. Frisby.

It was proposed by Cllr. M. Noonan, seconded by Cllr. B. Gardner that the following amendment be made to the proposed variation consisting of 9 development objectives.

Amend objective 6 to read:-

- To develop a Zero Carbon Energy Strategy for the Masterplan Area and advance the provision of Zero Energy and passivhaus standard buildings on site. All renewable energy generated on site shall be managed by Kilkenny County Council using and Energy Supply Company (ESCO) model. The site shall be designated a Sustainable Energy Zone within the City and Environs Plan and revenues accrued from energy generation shall be ring fenced for community projects within the City.

Remove objective 7 and replace with:-

- To pursue park and ride/park and stride opportunities off site and sites in close proximity to the Abbey Quarter Masterplan site but outside of the Architectural Conservation Areas (ACA's) and to advance plans for a 3 vehicle electric shuttle bus for service for the City to serve tourism and local commuter needs.

Amend objective 8 to read:-

- To provide for housing: private, social/ Local authority and cooperative within the Masterplan in suitable location based on Urban Design Principles and way form point sources of vehicle pollution and noise and the areas of the site that offer highest capacity for quality of life for residents.

Remove objective 9 and replace with:-

- To make the site subject to a 'Smarter Travel' Plan where pedestrian and cycle access and the provision of public transport infrastructure are prioritised over private car travel, to improve quality of life and to help the City meet emissions reduction set down by the EU. Local access road infrastructure will accommodate deliveries, residential, business and other activities. The site shall not be connected to the Kilkenny Central Access Scheme (KCAS) due to potential adverse impacts on traffic and mobility and distortion of the traffic projections envisaged in the parent approved scheme. Pedestrian and cycle access will link toward linear and provide routes to schools and work for residents.

Add objective 10:-

- Provision shall be made for the detailed suitable location and design of an all weather public skate park on the main master plan site and not adjacent to or under CAS Bridge.

Cllr. Gardner asked will the 9 objectives become statutory.

Mr. Malone advised that members are requested to vote to put the objectives into the City and Environs Development Plan. It is not intended at this stage to put them into the masterplan. Members can vary the development plans at any stage as necessary for specific purposes, subject to statutory process requirements. Any proposed amendments will need to be assessed for environmental implications. SEA needs to be advertised and go through the statutory process.

Mr. Mulholland advised members that the existing Development Plans contain a lot of objectives as submitted by Cllr. Noonan. There are significant policies already included in the Plan regarding climate change and zero carbon energy strategy. Other policies/regulations will also be applicable to any development such as Building Regulations and Energy Efficiency considerations. The provision of housing will be subject to Part 8 process. The changes to the variation have taken into account a lot of issues raised by the public.

Cllr. Cavanagh put the amendment to the members for a vote.

Three (3) voted in favour of the amendment – Cllr. Gardner, Funchion and Noonan.

Seventeen (17) voted against the amendment – Cllrs. J. Brennan, MH Cavanagh, P. Fitzpatrick, Ml. McCarthy, P. Millea, Ml. Doyle, D. Kennedy, A. McGuinness, P. O’Neill, M. Doran, D. Fitzgerald, P. McKee, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy and G. Frisby.

Therefore the amendment proposed by Cllr. M. Noonan, seconded by Cllr. B. Gardner was defeated.

Contributions were received from Cllr. P. Fitzpatrick, Ml. Doyle, Pat O’Neill, M. Noonan, J. Brennan, B. Gardner and D. Fitzgerald. The issues raised by members are as follows:

- Proposed street – is it designed for pedestrians/cyclists.
- Have there been changes to the objectives since public consultation.
- Can further amendments be incorporated at detailed design stage of projects.
- Problem with location of houses beside busy road.
- Level of traffic within the site.
- Excavation of site.
- Variation is a high level document, reports to be prepared on detailed matters on site such as archaeology, ecology, etc.
- Clarify area around City Wall, archaeology of site extending to Market Yard.

Mr. Malone responded to all queries raised and advised again that the masterplan and variation have come through a process. A number of major changes have taken place such as removal from the plan of the provision of a permanent large car park and bus park. Members are being asked to vote to put the 9 objectives into the Statutory Development Plan only and not the Masterplan.

He reminded members that a document has been circulated notifying them of the errata in the 2 reports and particular note should be given to the insertion in Page 21 of the variation report.

Mr. Mulholland advised that all individual projects will require ecological assessment, archaeological assessment, Part 8 process and all will have to accord with the Development Plan.

At this point Cllr. T. Breathnach proposed the following text be inserted at the end of objective No. 5 “as a separate future variation”.

This was seconded by Cllr. P. McKee. Cllr Cavanagh put this amendment to the meeting.

Twenty members voted in favour of this amendment – Cllrs. J. Brennan, MH Cavanagh, P. Fitzpatrick, Ml. McCarthy, P. Millea, Ml. Doyle, B. Gardner, D. Kennedy, A. McGuinness, P. O’Neill, M. Doran, D. Fitzgerald, K. Funchion, P. McKee, M. Noonan, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy and G. Frisby.

Cllr. Cavanagh asked the members to now consider the resolution to make variation No. 1 as amended.

It was proposed by Cllr. P. Millea, seconded by Cllr. Ml. Doyle that “We, the members of Kilkenny County Council, in accordance with the provisions of the Planning and Development Acts 2000-2014, having considered the following:

- The details of Proposed Variation No. 1 which includes 9 no. objectives as amended and Figure 3.4, an Appropriate Assessment (AA) Screening Report and a Strategic Environmental Assessment (SEA) Environmental Report (with non technical summary) all of which were placed on statutory public display on the 23<sup>rd</sup> June 2015, and
- The Chief Executive’s Report on Submissions received, published 28<sup>th</sup> July 2015.

Do hereby resolve in accordance with Section 13 of said Act to make the Variation to the Kilkenny City & Environs Development Plan 2014-2020 in accordance with the recommendations contained in the Chief Executive’s Report”.

Sixteen (16) voted in favour of the Resolution – Cllrs. –J. Brennan, MH Cavanagh, P. Fitzpatrick, Ml. McCarthy, P. Millea, Ml. Doyle, D. Kennedy, A. McGuinness, P. O’Neill, M. Doran, D. Fitzgerald, P. McKee, T. Breathnach, F. Doherty, P. Dunphy and G. Frisby.

Two (2) voted against the Resolution – Cllrs. B. Gardner and M. Noonan.

One (1) Member abstained – Cllr. K. Funchion.

Therefore the Resolution to make Variation No. 1 of the Kilkenny City & Environs Plan with objective No. 5 amended was passed.

## **2. (a) Economic Development - Forbairt Eacnamaíoch**

### **(i) Update on Draft Agreement with Ireland Strategic Investment Fund (ISIF)**

Mr. John Mulholland referred to report circulated in advance of the meeting. He advised members that the loan sanctioned of €1.2m to complete the purchase from the Department of the Environment is subject to revenue generating initiatives to be explored at the earliest opportunity.

Decision was made by members to purchase the site, further decisions will be required as the site develops.

Each individual project will be subject to its own assessments.

In relation to funding members were advised at a special meeting on 30/3/2015 that expressions of interest had been received from Ireland Strategic Investment Fund (ISIF). There have been ongoing discussions with NTMA and ISIF since then.

The proposal is that a limited partnership be created for the joint venture. The Council will hold an interest of 49% or 50%. The whole site will not form part of the partnership. Initially the brew house and other plots as described to the members will be included. Kilkenny County Council will retain ownership of all public realm areas within the site. ISIF will provide the funding to the partnership.

Equity will be provided to fit out buildings and there will be a marketing campaign carried out. There will likely be legal agreements, limited partnership agreement and shareholders agreement, etc to be approved by members at a later stage. The main focus of the joint venture will be to target regeneration, employment and economic development.

ISIF will not own any part of the site. The majority of the site will remain in the ownership of Kilkenny County Council, such as Riverside park, City walls, St. Francis Abbey and public amenity areas. More particularly members should note that if agreement proceeds, the limited partnership will own a number of plots including the Brewhouse. Members will have to approve their disposal under Section 183 of the relevant act.

There is already 2 interested parties in acquiring space in this site. The proposed agreement will ensure that there will be no liability to Kilkenny County Council. All details regarding ownership, sale of buildings, exit strategy, will need to be considered in detail by members in September.

This is an opportunity to stimulate economic development in this area. Members have new functions under the Local Government Reform Act. There is an onus on the Local Authority to promote economic development. Local Economic Community Plan is also being considered at this stage and it contains provisions for development of Diageo site as an objective.

The Council now have an opportunity to avail of ISIF funds, to assess the risks and make decisions on the risks. Kilkenny County Council will also be applying for ERDF funds for a number of projects.



Mr. Mulholland advised that under the Partnership Act, Planning Acts and Local Government Act, the Local Authority has the power to enter into partnership. Any disposal of part of the site will also be subject to approval of the members under Sec. 183 of the Local Government Act. Members will have a lot of issues to consider and decisions to be made in the forthcoming years in order to have this entire site developed.

Contributions were received from Cllr. D. Fitzgerald, B. Gardner, M. Noonan, J. Brennan, MH Cavanagh and P. Fitzpatrick.

In general members welcomed the principle of the ISIF Fund and the opportunities for economic development in the city which will benefit the entire county. Contributions were as follows:

- Linear Park – have we to match grant aid.
- Clarify who the two interested parties are.
- Consider Community Land Trust Model.
- Digital Hub.
- Funds for energy projects.
- Responsibility of Local Authorities to retain medieval fabric of the city while also developing the city economically.
- Opportunities for public to engage on various individual projects.
- New mandate for Local Authorities – economic development.
- New jobs / investment in Kilkenny.
- Focus on government to make funds available for economic development.
- Opportunity for City to access capital for investment in the site.

Mr. Mulholland responded to queries raised and stated that no funds will be drawn down by Kilkenny County Council. He advised that he is not in a position to name the two interested parties until further decisions are made.

Kilkenny County Council has to provide matching funds for the Linear Park and this is included in the Capital Budget as approved by Kilkenny County Council. The Failte Ireland grant must be spent by end of 2016. Further funds have been applied for.

European funding for the regeneration of urban areas, through the European Regional Development Fund (ERDF) will be announced by the Regional Assemblies in early Autumn. Members will be regularly updated on progress being made with NTMA and ISIF. Mr. Mulholland re-iterated that many decisions will be required by the members to deal with the ongoing development of the Abbey Quarter.

Cllr. Fitzpatrick thanked all those who made submissions and acknowledged that all submissions were considered and dealt with in the documents circulated.

Cllr. M.H. Cavanagh thanked the staff for all the work put into the preparation of the two documents and their availability to the members to clarify any issues. She also thanked the public for their engagement.

She wished John Mulholland every success as Chief Executive with Laois County Council.

Cllr. Cavanagh advised that a meeting of the Steering Group for the Boundary Commission will be called if required within the next few weeks.

Cllr. Cavanagh requested member's approval to hold a Special Meeting in September to discuss the property tax and Budget 2016.

It was proposed by Cllr. P. Millea, seconded by Cllr. P. Fitzpatrick and agreed to hold a Special Meeting at a date to be decided to discuss the property tax and Budget 2016.

The meeting then concluded.

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CATHAOIRLEACH

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DATE