

Minutes of Strategic Policy Committee 4
Environmental Protection, Climate Action & Energy
Held on Friday 5th March, 2021 at 11.00am
Remotely by MS Teams

In the Chair: Cllr. Mary Hilda Cavanagh

In Attendance: Cllr. Deirdre Cullen, Cllr. David Fitzgerald, Cllr. Joe Lyons, Cllr. Maria Dollard, Mr. Noel O'Donoghue, Mr. Laurence Conroy, Mr. John Hurley and Mr. James Murphy

Also Present: Mr. Sean McKeown, Director of Service; Mr. Frank Stafford, A/Senior Engineer; Ms. Anne Marie Shortall, Senior Executive Officer, Mr. Tom Brennan, Executive Engineer; Ms. Bernadette Moloney, Environmental Education/ Awareness Officer; Mr. Paul Murphy, Executive Engineer; Mr. Eamonn Morrissey, Executive Scientist; Ms. Catherine Millea, Senior Staff Officer.

Apologies: None

At the outset of the meeting Cllr. M. H. Cavanagh congratulated Ann Marie Shortall in her new role as Senior Executive Officer, Environment and welcomed her to this meeting. Also wished Frank Stafford the very best in his new position.

Item 1 Declaration of, interests

None reported.

Item 2 Confirmation of Minutes

Proposed by N. O'Donoghue, seconded by Cllr. Deirdre Cullen and agreed: *"that the minutes of SPC4 meeting held on the 4th December, 2020, a copy of which was circulated to each member with the Agenda, is hereby adopted,"*

Item 3 Matters Arising

None

Item 4 CARO Projects

Paul Murphy delivered a presentation on CARO Projects. He gave a brief background on the setting up of CARO (Climate Action Regional Offices):-

Four Regional Climate Action Offices established in 2018, in response to the establishment of the National Adaptation Framework planning for a climate resilient Ireland and following on from a business case prepared by CCMA and LGMA to drive climate action at regional and local levels in recognition of the significant obligations to develop and implement climate action measures. Kilkenny is in the Midland and Eastern Region which includes 17 local authorities, with Kildare and Kilkenny County Councils partnering as the lead authorities in this region.

The full presentation to be circulated to all members.

Cllr. Maria Dollard requested that a Notice of Motion should go forward to the next full meeting of the Council, as follows:- "Write to the Minister for the Environment, Climate Action and Communications, to remove the requirement for schools and community centres to require planning permission to erect PV solar panels on their roofs".

S. McKeown stated that the Micro Generation Support Scheme in Ireland (MSS) was established to support new micro-generation deployment, deliver a route to market for citizens and communities to generate their own renewable electricity like from solar panels on their roofs and receive a fair price when they sell the excess into the grid. Local authorities in the South East Region organised a workshop and were facilitated by Three Counties Energy Agency and Tipperary Energy Agency, agreed on a joint submission. This submission will be circulated to all present after this meeting.

S. McKeown stated that Chapter 9 of the draft Development Plan P.120, deals with heritage and culture and contains a strong section which contains a number of objectives, namely, to protect existing woodlands, trees and hedgerows which are of amenity and biodiversity value and another objective is to retain hedgerows and other distinctive boundary treatments and where the loss of the existing boundary is unavoidable, a new hedgerow is planted using native species.

Cllr. David Fitzgerald requested that a message should go to the Oireachtas Members from this meeting, seeking clarification as to why there is not a Forestry Policy in the National Development Plan, especially since woodlands are considered to be the best form of climate change because they act as carbon stores.

Cllr. M. H. Cavanagh proposed that this recommendation should go forward to the members of Kilkenny County Council with a view to the recommendation then being forwarded to the Minister for Environment, this was seconded by Cllr. David Fitzgerald.

A discussion took place on this presentation. Contributions from Cllr. Mary Hilda Cavanagh, Cllr. Maria Dollard, Cllr David Fitzgerald, Cllr. Deirdre Cullen and James Murphy.

Item 5 Climate Change Adaptation Strategy CAS Review

Paul Murphy delivered a presentation on the Climate Change Adaptation Strategy CAS Review

The full presentation to be circulated to all Members present.

Frank Stafford stated that following on from the review carried out by Paul, there are 234 sub actions in place for 2021. These actions are distributed across the whole organisation with a designated person in each section to carry out that action. There is a responsibility on each section to carry out the action within the Plan and therefore take ownership of all the actions within the Plan.

A brief discussion took place on the presentation.
Contributions from Cllr. MH Cavanagh and Cllr. J. Lyons.

Item 6 Progress Report by the Director of Services.

1. RMCEI Plan

The Environment RMCEI statistical return for 2022 has been submitted to the EPA for assessment. Every year we submit our plan for that year and at the end of the year we set targets and various indicators within that plan. The EPA then do an assessment of the plan and it is hoped to have that assessment ready for the next SPC Meeting. Kilkenny is currently one of the highest quartiles in terms of performance in the country and we hope to retain that position.

2. Environment Complaints

There was a 25% increase in the number of complaints mainly in relation to litter and illegal dumping in 2020. In 2021 there has been 266 complaints so far, which is a 20% increase on the same period for last year.

3. Enforcement Action (Litter & Waste)

There were 223 Litter Fines issued under the Litter Pollution Act last year and we are progressing over fifty actions under the Waste Management Acts and some of those are significant court cases. There have been 24 Litter Fines issued so far this year.

4. Waste Management Bye-Laws

One of the big actions that the Department want to achieve nationally is the roll-out of the 3 bin service is that any town of 500 people or more must have a 3 bin service. In 2017 when NOAC (National Oversight Audit Commission) performance indicator report noted that Kilkenny had one of the lowest 3 bin service in the country at only 16%. I am happy to report that at the end of 2020 this has increased to 90% of households now using a 3 bin service. This was due to the Waste Management Bye-Laws which we brought in. There are a number of laneways whereby a branded refuse bag still needs to be used. 117 bin exemptions have been received from around the city and county and all of these have been granted as they were genuine. However, we must become more strict with applications from now on, if we know there is a collection service in that area, in only granting the bin exemption for genuine requests.

5. Anti-dumping initiative

The Department of Communications, Climate Action and Environment on an Annual basis provide funding whereby we can identify significant litter dump sites and we can make applications to have those sites remediated. Last year we received funding for 11 sites in the county and these have been completed. We will complete a list for this year and make an application as soon as the fund is opened.

6. Historic Landfill Sites

We have identified 14 historic landfill sites which are in need of remediation and we provided you with a table showing the current stages of remediation for each. The works are 100% refundable from the Department.

7. Dunmore Civic Amenity Site

We had 68,500 customer visits to Dunmore last year with almost 3,000 tonnes of wet waste and 1,700 tonnes of recycling brought to the facility. There has been a 10% increase over the past year, but the facility is coping well with the increased capacity.

8. Bring Bank Usage

We have 46 Bring Banks throughout the city and county. The usage with the Covid 19 restrictions for 2020 saw an increase of 39% up to year end. In January/February of 2020 there was 325 tonnes of glass and cans deposited at these sites and in January/February 2021 this has increased to 431 tonnes, which represents a 21% increased in tonnages.

9. National Spring Clean

Due to Covid 19, we are not encouraging community groups or Tidy Towns to go out this year, but we are encouraging individuals or family groups or pods to do litter collections and spring clean ups. To-date we have had seventy requests for clean up kits and collection of waste.

10. Casual Trading Bye-Laws Review

We will initiate a review of the Casual Trading Bye-Laws this year. There has been a large increase in applications over the past year, this is due to Covid 19 whereby businesses are looking at other ways of trading. We will look at our policy in relation to this and it will then be presented to this SPC for consideration.

11. ISO 50001

The first audit was carried out in 2020 and the second audit in January 2021. The Auditor was extremely positive and has recommended that we be awarded the ISO 50001. We are awaiting the National Standards Authority of Ireland (NSA) to consider our application and we are confident that we will receive that certification in the next couple of weeks.

12. Animal Welfare Standards Committee

The Animal Welfare Standards Committee had its third meeting recently and continues its work.

13. Horse Bye-laws

We are revising the Horse Bye-laws and they would have been discussed at this SPC previously. We will be bringing these bye-laws for adoption at the March Meeting of the County Council.

As you are aware, these bye-laws provide for horse exclusion zones within Kilkenny City.

14. Dog Shelter

With regard to the Dog Shelter, there were 2 dogs remaining there at the end of 2020, 37 dogs were found abandoned so far this year, of those 13 were reclaimed by their owners, 12 were rehomed by the Dog Shelter, 11 animals were rehomed by Animal Charities and we have a very good relationship with those Charities. 3 dogs remain at the Dog Shelter.

There is a demand for dogs at the present time, and dogs are being stolen which again is another legacy with covid.

15. Sports Capital & Equipment Programme 2021

We have made an application for funding for three projects for 2021, namely an all weather multi use games area in Ferrybank Neighbourhood Park, Dunmore Biodiversity & Recreation Countryside Park and refurbishment of Newpark multi-use games area.

We hope this application will be successful and we will be granted funding.

16. South East (Kilkenny) Greenway

The rail and sleeper lifting works have now been completed. We are now tendering for the main construction works, three lots have been tendered, but we are unable to award tenders until the current government restrictions have been lifted. We have identified a location for Ferrybank Car Park to enable people from outside the area to access the greenway and we are happy with the engagement we had with the local residents there. We are also exploring links from the Greenway to the villages of Glenmore and Slieverue so that the villages on this route can benefit from the economic dividend that we hope the greenway will bring.

Policy Related Items.

17. Amenity Grants

The closing date for applications under the Amenity Grants is 12th March, 2021

F. Stafford acknowledged the input the Elected Members made in securing the budgets for both Amenity Grants and Graveyard Grants for 2021. The Budget for Amenity Grants is €140,000, which is similar to last year. Typically we receive between 160 to 165 applications each year. Applicants in general are awarded between €500 to €2,000 depending on the size of the estate or development they are looking after. This year we are making a slight modification in that consideration will be given to bio-diversity initiatives and we will be looking at that as part of the assessment process when considering applications. The Community Groups are aware of this process so we hope to see some positives as a result of this change.

18. Graveyard Grants

The closing date for applications under the Graveyard Grants Scheme is 26th March, 2021.

F. Stafford stated that the allocation for Graveyard Grants for this year is €23,000. We usually have within the region of 20 to 30 applications. There was a spike in 2019 in the number of applications but now it seems to have settled back to 20 to 30. Applicants are generally awarded in the region of €500 each. We have a small bit of scope this year on that, given the allocation we have for 2021.

19. Decarbonisation Zones

To be discussed at Item 7 on the Agenda.

Other General Items.

20. LAWPRO Update – River Basin Management Planning

Carol McCarthy has provided an update for this meeting.

LAWPRO – Local Authority Waters Programme is a shared service nationally and includes 31 local authorities. Tipperary and Kilkenny County Council's lead that shared service. The SLA we have with the Department ends this year. (2021) There is a business case put forward to the Department to continue this shared service for the next 5 years. The Department are very happy with the service, but we are still required to go through the business case and make the application and that is currently in train.

LAWPRO, at the moment are working on the Third River Basin Management Plan. The draft plan has been prepared but has not been issued yet because of Covid 19 restrictions. It was hoped it would be published before the end of March 2021 and there will be a statutory six month public

consultation period involved as part of that plan. We will bring that draft plan, which will include priority areas for action within County Kilkenny, to this SPC for consideration and C. McCarthy will present this when the public consultation is launched. This may be at the next SPC meeting.

21. Draft Litter Management Plan 2021-2023

Bernadette Moloney will be presenting this plan in a moment.

22. Biodiversity & Recreational Countryside Park at Dunmore

The redevelopment of the Civic Amenity Site at Dunmore is a Part 8 procedure, whereby the change of use of the disused landfill at Dunmore to a recreation and amenity area. The Part 8 went out around Christmas for public consultation and the closing date was 5th February, 2021. There were 17 submissions which have been assessed. We will have a Chief Executive Report & Recommendation to present to the Elected Members at the March Meeting.

Under the Outdoor Recreation Infrastructure Scheme (ORIS) we have sought funding of ½ million, which is the maximum we can seek under Measure 3 of ORIS, if granted, we can undertake Phase 1 of the project. The scale of the redevelopment and repurposing at Dunmore will take a number of years, so hopefully we get the funding under ORIS to commence Phase 1.

This is one of the projects that Frank Stafford, in his new position, will be involved in.

23. Kilkenny Quiet Area

Kilkenny County Council has identified two quiet areas, one at the Woodland Walk in Woodstock Gardens and the second is a section of the Linear Walk at Dukesmeadows. We were given a presentation by Paul Byrne before Christmas on the Noise Action Plan and this is one of the actions that has come out of that plan.

24. CARO Projects and 25. Climate Change Adaptation Strategy CAS Review.

Paul Murphy has already updated the meeting on those items.

MH Cavanagh thanked Sean McKeown for the updates on the progress report.

Cllr. Joe Lyons raised an issue about the availability of bags from service providers who need to continue using bags. He also asked if compost bins could be provided at the bottle banks in addition to what is currently being provided.

Cllr. D. Cullen stated that the best way to combat fly tipping and illegal dumping is CCTV footage and the need for cameras in areas to combat same, therefore we need an amendment to GDPR

Cllr. M.H. Cavanagh agreed with the above and asked why bags could not be left in a specific shop for collection. She also stated that because of Covid 19, we cannot call to houses to see what they do with their refuse and recycling but could we write to people instead.

E. Morrissey stated that the Environment Section generated a postcard and targeted 150 houses in Thomastown, whereby people could go on-line and answer a questionnaire regarding how many bins they have, who is their service provider and so on. To-date only 30% of those households have replied so we are issuing a 21day notice to the remainder. Other local authorities in the South East Region are now copying what Kilkenny started, as they too realise they cannot knock on doors at this time and this is a good way to seek information. He also stated that we are restricted under GDPR in using CCTV, although new legislation is in the process of being drafted to allow us to carry out our duties.

S. McKeown in reply to queries raised, stated that due to National Policy to limit the use of bags and the Waste Management Bye-Laws preclude us from making bags readily available. He has contacted the service providers with a view to posting out bags in some unique instances. He also stated that CCTV and Data Protection legislation as it currently stands needs to change to clarify the situation which will allow us to use CCTV.

Item 7 Consideration of Policy Issues

• **Litter Management Plan**

Bernadette Moloney, Environmental Awareness Officer presented the Litter Management Plan.

The Draft Litter Management Plan 2021-2023 was circulated to the Members. Under the Litter Pollution Act, the Council must review the plan every three years. The Litter Management Plan is going on public display on Monday next and statutory and non-statutory bodies will be informed in order to encourage submissions and foster community involvement around it. The consultation period will run until 5th April, 2021.

Bernadette emphasised Chapter 6 of the plan as being weakest link and the one that requires most resources. The headings are: Temporary Signage, Illegal dumping, bottle banks, provision of litter bins and bag dispensers for dog fouling, scattered roadside litter and dog fouling.

Contributions from Cllr. Deirdre Cullen, Cllr. Maria Dollard and Cllr. MH Cavanagh.

In response to questions B. Moloney stated that there is a sustainable gardening course running at the moment between herself and the Heritage Officer. With regard to provision of public bins, she stated that if any area would like a bin to be provided, the Environment Section would arrange that provided the community were prepared to keep the bin clean and the bag dispensers re-filled. They could then recoup the cost through the anti-litter grant. Dog walkers should leave their house with a bag if they intend walking their dog, and bring the bag home with them and dispose in their own bin. Bin dispensers should only be used as a last resort.

MH Cavanagh thanked B. Moloney for her presentation.

- **Decarbonising Zones**

Sean McKeown delivered a presentation on Decarbonising Zones:-

Every local authority in the country must identify a decarbonising zone in its county and the deadline in identifying this is 30th April, 2021. A workshop was organised on 12th February, 2021 pby John Mulholland, CEO, Laois County Council, and formerly Senior Engineer with Kilkenny County Council. Laois is the first county in the country to identify a decarbonising zone.

Contributions from James Murphy, Cllr. Maria Dollard and Cllr. M. H. Cavanagh.

Sean McKeown agreed to circulate all progress made via email to the members of this Committee. He stated that actions that will be in the plan will be actions that we have control over. Plans that have already been set will require all stakeholders to be on board, but we as a local authority will be required to show leadership.

- **RMCEI – National Priorities**

Eamon Morrissey delivered a presentation on RMCEI – National Priorities as follows:-

RMCEI Plan for 2020 - There are 3,850 routine inspections, 821 non routine inspections, 263 enforcement actions and complaints to close out from 2020. Totalling 4,934 inspections to carry out in 2021. A breakdown of those are waste, litter, water, waste water, air, noise inspections, producer responsibility inspections and planning & development inspections.

Eamon will circulate this presentation to all members after this meeting.

Item 8 Any other business

There was no other business

Item 8 Date of next meeting

The date for the next meeting was set for **Friday 25th June, 2021 at 11.00am.**