Report of the Carlow Boundary Review Committee

to

The Minister for Housing, Planning, Community and Local Government

December 2016
Report of the Carlow Boundary Review Committee

Summary

1. Introduction:
   1.1 Establishment and membership of the Committee
   1.2 Work of the Committee:
      1.2.1 Meetings of the Committee
      1.2.2 Liaison and Support Group
      1.2.3 Secretariat
      1.2.4 Joint Committees
      1.2.5 Evaluation Framework
      1.2.6 Extensions of Timeframe
   1.3 Acknowledgements

2. Consultations:
   2.1 Introduction
   2.2 Meetings with Carlow and Laois County Councils
   2.3 Meetings with relevant public bodies

3. Submissions:
   3.1 Submissions process:
      3.1.1 Area of Interest
      3.1.2 Boundary Review website
      3.1.3 Notifications
   3.2 Overview of submissions:
      3.2.1 Numbers and format
      3.2.2 Processing and data protection
   3.3 Summary of the main issues raised:
      3.3.1 Issues raised by respondents opposed to boundary change
      3.3.2 Issues raised by respondents in favour of boundary change

4. Setting the context:
   4.1 Relevant contextual issues arising from the Historical Development of Carlow and Graiguecullen
   4.2 Brief description of the Area of Interest and its setting within both Carlow town and Co. Laois
   4.3 Joint Spatial Plan

5. Consideration of options:
   5.1 International comparative analysis
   5.2 Performance of the current boundary arrangements assessed according to the stated Criteria:
      5.2.1 Efficiency
      5.2.2 Economic and social development
      5.2.3 Governance, accountability and local democracy
      5.2.4 Identity
      5.2.5 Service delivery
      5.2.6 Financial impact and complexity
   5.3 Status quo – the No Change Option
   5.4 Options for Change
5 **Recommendations:**
   5.1 Overall recommendation
   5.2 Joint Spatial Plan
   5.3 Delivery of services by other public bodies

Annex 1: Terms of reference
Annex 2: Public notice
Annex 3: List of those who made submissions
Executive Summary

The Carlow / Laois Boundary Review Committee terms of reference require it to “Make such recommendations with respect to that boundary, and any consequential recommendations with respect to the area of the Metropolitan District of Carlow, that it considers to be necessary in the interests of effective and convenient local government”.

The Committee’s considerations are summarised as follows:

1. The public consultation invited by the Committee as part of its work elicited 113 submissions, not including those from Carlow County Council and Laois County Council themselves. Of these 109 opposed any change in the existing boundary. The dominant basis upon which these public submissions were based related to the challenge to / potential loss of identity with Laois County where this threat was seen as possible.

2. The Committee’s review had, of necessity arising from its terms of reference, to consider all relevant matters, particularly practical issues related to the most effective administration of the functions of local government in an area that is proximate to a centre of population in the county town of Carlow.

3. In relation to delivering efficiencies through re-designation, there has already been significant reform, by way of a focus on the most efficient means of service delivery by Local Government since 2009, arising from the threat to the financial stability of the state due to the international financial crisis. Both local authorities in this case have demonstrated a high level of commitment to their respective communities and it is the Committee’s view that there is very limited scope, if any, for delivery of further efficiencies in day-to-day service delivery costs through a range of reconfiguration of boundaries that it has examined.

The investigation carried out by the Committee has identified a high level of collaborative engagement between authorities in the delivery of both day-to-day services by each authority to its constituent populations and at strategic level in the joint development of the Joint Spatial Plan for Carlow town that straddles both administrative areas. In addition, there exists a number of Section 85 agreements in place between the two local authorities the most significant of which are in respect of Fire and Emergency Services and Housing, including that the estate management of significant housing areas is operated through the exercise of joint responsibility by the Laois and Carlow housing authorities.

Carlow and Laois Local Authorities sought and were awarded funding to make the Carlow more pedestrian and cycle friendly under the Active Travel Town Scheme. Of the grant of nearly €1 million, around €300,000 was allocated to works in Graiguecullen, Co. Laois.
There is ongoing liaison between the Laois County Council Area Engineer and the Carlow Town Engineer on matters of mutual concern including road works programme, issues with cross county roads and also recently on flooding issues where sections of roads flooded straddled both counties.

4. The support and dedication of the elected Councillors in each area was abundantly in evidence as real servants of their respective communities notwithstanding the complex boundary between them. The foresight shown in developing and jointly adopting that shared plan as their statutory means to develop their respective areas is exemplary in that respect.

5. The fact that the current configuration of boundaries is determined by sight-lines and not through physical land or property-based boundaries this has not proven material in the sharing of responsibility between authorities across the river Barrow.

The summary of the Committee’s recommendation to the Minister is as follows:

A. The Carlow Boundary Review Committee recommends that there be no change to the existing boundary designation between Carlow and Laois counties as it is currently designated in the Graiguecullen area.

B. In arriving at a recommendation on the matter of change of boundary the Committee recognises the extent to which both Carlow and Laois County Councils have, in relatively recent times, invested very significant strategic focus on the joint strategy whereby the joint interest of both authorities is incorporated in the Plan for Carlow town.

The evidence for that level of cooperation was there during the course of the Committee’s work when the extent of the new ring road was lengthened in the direction of the proposed additional crossing of the river Barrow on the southern end of the town by Laois County Council within its administrative area. This will help to effect the consolidation of Carlow town centre. Both authorities have planned the confinement of development to protect this consolidation.

David O’Connor Chairman of the Committee
Oliver Killeen Member of the Committee
John Martin Member of the Committee

December 2016
Chapter 1  Introduction

1.1  Establishment and membership of the Committee

Mr. Alan Kelly, T.D., (then) Minister for the Environment, Community and Local Government, appointed a statutory Committee on the 19th of June 2015 to review the administrative boundary between County Carlow and County Laois; one of four such reviews of local authority boundaries throughout the country.

Under Section 28 of the Local Government Act 1991, the Committee was asked to:

a) Carry out a review of the boundary between County Carlow and County Laois;
b) Make such recommendations with respect to that boundary, and any consequential recommendations with respect to the area of the Municipal District of Carlow, that it considers to be necessary in the interests of effective and convenient local government; and
c) Prepare and furnish to the Minister for the Environment, Community and Local Government, a report in writing of that review and its recommendations.

The Committee is independent in the performance of its functions and the Terms of Reference clearly set out the basis upon which the Committee’s recommendations were to be drawn and the scope of the Report that follows. The full Terms of Reference for the Committee are set out in Annex 1.

The Committee was chaired by Mr. David O’Connor, the original membership of which included Mr. Ciaran Lynch, Mr. Ollie Killeen. In September 2015, for reasons unrelated to the work of the Committee, Mr. Ciaran Lynch withdrew and the Committee’s work was suspended pending the appointment of a replacement. Mr. John Martin was appointed in October 2015 and the work of the Committee recommenced. The same membership formed the Waterford Boundary Committee. Reviews of Drogheda and Athlone town boundaries are being conducted by a separate Committee under the chairmanship of Mr. Jack Keyes.

1.2  Work of the Committee

The Committee progressed its work through a number of methods.

1.2.1 Meetings of the Committee
During the course of its work the Committee met formally on 9 occasions during the course of its work.

The Committee held a total of 6 meetings with representatives of both Councils. The Committee organised to meet the elected public representatives (Councillors) of both Authorities at the initiation of the process and again at the end of the public consultation period, as a formal recognition of their status as the elected nominees of their respective
communities. Both Meetings arranged for Laois Councillors were held whereas the introductory meeting with Carlow only was held. The Carlow second meeting did not proceed. Meetings were also held with the Chief Executives of both Councils at commencement and at the end of the consultation period.

1.2.2 Liaison and Support Group
A Liaison and Support Group was established to facilitate effective co-ordination and communication between the Committee, both Councils and the Secretariat. The members of this group in addition to the Committee included Ian McCormack (Laois County Council), Eamonn Brophy (Carlow County Council), and Angelo McNeive (Institute of Public Administration).

1.2.3 Secretariat
Carlow County Council was requested by the Department to perform a secretariat function on behalf of the Committee. The secretariat role would involve service of meetings, e.g. minutes, preparation of documentation, etc., and carrying out any ad hoc research as necessary at the request of the Committees.

With the kind assistance of Fingal County Council, an online document management system (Alfresco) was implemented for the respective Boundary Review Committees/Liaison and Support Groups. Given the volume of documentation received and generated for each review, this greatly facilitated the administration and work of the Committees.

1.2.4 Joint Committee Meetings
There has been a high level of co-operation between the boundary review Committees. The Committees met jointly on 5 occasions with for the purpose of establishing a substantially common approach to each review, to share learning across all reviews with regard to the process and to conduct consultations with a number of national stakeholder organisations.

1.2.5 Evaluation Framework
The respective Boundary Committees jointly developed an Evaluation Framework, based on their Terms of Reference, to ensure a level of consistency and efficiency across all four reviews. The Framework addressed the requirements of the Committees with regard to: necessary contextual and background information; a detailed evidence base from the respective local authorities to inform the Committees’ deliberations; and a method for the conduct of public consultations.

A substantial volume of background documentation was provided by both local authorities in hardcopy and/or soft copy. The Committee acknowledges both Councils’ support in providing the Committee members with this important information.

The detailed evidence base provided by the Committee to both local authorities set out indicative data against each of the requirements in its Terms of Reference. This was provided as an input to the consultation process with the Councils and for their consideration in the preparation of their submissions to the Committee.
The Boundary Committees agreed to utilize a standard approach to the public consultation process across the four reviews.

1.2.6 Extensions of Timeframe

The timeframe for conduct of the review has extended significantly. Initially an extension was required in order to re-constitute the Committee. Subsequently following the period for public submissions it became clear that the volume of submissions received would place a significant administrative burden on the Secretariat and IT resources in the first instance. It was also evident that review and consideration of submissions by the Committee, in addition to the other consultation activities described in Chapter 2 below, would be a substantial block of work. As a result, the Committee requested the Department for a further extension to ensure appropriate consideration of all the submissions received across both reviews under its remit. The Committee wish to acknowledge the support of the Department, Councils, public and stakeholders in this regard.

1.3 Acknowledgements

The Boundary Committee would like to thank the elected members, the chief executives, management teams and staff of both local authorities for their assistance with the Committee’s work. In particular, the Committee wish to acknowledge the extensive administrative and technical support provided by Eamonn Brophy, Ian McCormack and their colleagues. The Committee wishes to express its appreciation for the professionalism and commitment of both Councils’ management and staff in supporting its work.

The Committee wishes to acknowledge the assistance received from officials of the Department of the Environment, Community and Local Government. It would also like to thank the members of the public, organisations and public representatives who made submissions to the Committee. The Committee also acknowledges the significant work put into submissions received from both councils and the respective local representatives. The contributions to the consultation process from national stakeholder organisations is also appreciated.

The Committee would also like to thank the Institute of Public Administration for their support and in particular Richard Boyle, Angelo McNeive and Mark Callanan who provided research support for the Committee. Lastly, the Committee is grateful to Fingal County Council, its Head of IT Dominic Byrne and his team who greatly facilitated the respective work of all four Boundary Committees by providing an online repository and ongoing support.

The Committee particularly appreciates the generosity of Tipperary County Council who, through the kind offices of its Chief Executive Joe McGrath, provided facilities and support for half of the Committee’s meetings that were held in the Nenagh offices of the Council so as to minimise travel for all members.
Chapter 2: Consultations

2.1 Introduction

The Committee has consulted extensively in order to develop a comprehensive view of existing local government arrangements and the appropriateness or otherwise of any change. In conducting the consultation process, the Committee sought the views of the general public, executives of the respective local authorities, elected members of the Councils and relevant public bodies.

The review process generated a significant level of public interest which was reflected in the volume of submissions received, in particular from individual members of the public. Chapter 3 below provides further details.

With the assistance of the Liaison and Support Group, the Committee conducted two site visits to the area, prior to and following the change of Committee membership. This afforded the Committee the opportunity to orientate themselves with the assistance of Council staff from key functions in both authorities. As a result, the Committee was well placed to define its Area of Interest and develop an initial understanding of key issues and opportunities in the area.

2.2 Meetings with Carlow and Laois County Councils

Two meetings were scheduled with respective delegations of elected members from Carlow County Council and Laois County Council. The second of these meetings, in May 2016, afforded the elected members the opportunity to offer a considered response to the submissions received by the Committee and to further elaborate their views. The Committee found these meetings particularly helpful in clarifying a range of issues raised and appreciates the constructive engagement of members in the process.

The Committee’s consultative efforts also included meetings with the Chief Executives and other executives from both local authorities. Based on their review of the background documentation and submissions received, the Committee engaged with both authorities to clarify a variety of issues and seek further information/analysis. The information received has been a valuable input to the Committee’s deliberations.

2.3 Meetings with relevant public bodies

The final component of the consultation process was to engage with relevant public bodies as national stakeholders. The Joint Committees met Transport Infrastructure Ireland, IDA, the Regional Assemblies, Irish Water, and the Planning Division of the (then) Department of Environment, Community and Local Government. These meetings assisted the Committees by providing a national, strategic perspective on a number of the issues emerging from the other consultation efforts.
This process has helped the Committee identify the objectives and challenges which its recommendations address.
Chapter 3  Submissions

3.1  Submissions Process

3.1.1 Area of Interest

In order to facilitate data gathering for the evidence base, undertake analysis, conduct the public consultation process and evaluate alternatives, it was essential to set some indicative limits to the area under consideration along the existing boundary. Therefore, the Committee identified an ‘Area of Interest’ presented in Figure 1 below. The Area of Interest did not represent a proposal for a new boundary.

Figure 1: Carlow Boundary Review Area of Interest
3.1.2 Boundary Review Website

A stand-alone website http://www.carlowboundaryreview.ie was developed and hosted by Carlow Council who also provided secretariat support.

The website provided important background information, including a statement from the Chairman, the Terms of Reference, biographies of the Committee members, press releases and a map of the Area of Interest. It also gave guidance on making a submission by way of a standard set of question derived from the Terms of Reference and offered the option to make submissions electronically if so wished.

3.1.3 Notifications

As required by section 33(4) of the Local Government Act 1991, a formal Public Notice inviting submissions was published on 8th December 2015. It was published in the local press and online. The period for receipt of submissions closed on 25th February 2016.

3.2 Overview of Submissions

3.2.1 Numbers and Format

A total of 111 submissions (excluding the respective County Councils) were received from the general public, political representatives and sporting organisations. Submissions received from the respective County Councils are being examined separately.

Of the submissions received, 99 submissions were received in template form. Given the proportion of template submissions received as a proportion of the total received it is important to highlight the arguments made. Section 3.3 below provides a summary.
Of the total, 4 submissions argued in favour of boundary change while the remainder were not in favour. In addition to the 99 template submissions, eight submissions argued against any change to the existing boundary or an alternative to extend the area of County Laois.

The Committee has considered all of the submissions received in its deliberations. Particular attention was given by the Committee to the substantial submissions made by both Councils as they encapsulated many of the issues raised in the other submissions.

3.2.2 Processing and Data Protection
All submissions received, along with the name of the individual or organization, are publically available on the Carlow Boundary Review website, which will continue to act as a public repository and record.

Every submission in every category – electronic or hard copy individual submission or hard copy according to one of the six standard formats - has been individually registered. Each submission has been associated with an individual name, but with the address that is associated with an individual withheld from publication in each case - in compliance with Data Protection legislation. However, all information, including names and associated addresses submitted is available to the Boundary Review Committee in its entirety. Both Carlow County Council and Laois County Council have made submissions as requested by the Committee.

3.3 Summary of Main Issues Raised

The Committee has considered all of the submissions received in its deliberations. Particular attention was given by the Committee to the substantial submissions from the two local authorities, both in their own right and as they encapsulated many of the issues raised in the other submissions. The following summarises these third-party submissions and the main points made in favour or opposed to boundary change. The submissions in full can be viewed at www.carlowboundaryreview.ie.

3.3.1 Issues Raised by Respondents Opposed to Boundary Change

Summary of Template Submissions
• Respondents expressed deep concern with regard to the establishment of the Committee.
• Respondents highlighted their identification with County Laois and the level of investment in the area by Laois County Council. The Northern Ring Road, Graigue Village and Barrowside Business Park were cited in particular as examples of this investment.
• Also highlighted was their concern that the level of local authority support for the area would lessen, impacting on its economic performance.
• In addition, the jurisdiction of the Laois County Board over Graiguecullen GAA club could be questioned should the boundary change. As members of the club they were opposed to any change.
Other Points Raised
Concerns with regard to the potential impact of a boundary change on County Laois were highlighted. In particular, respondents argued that

- a boundary extension into County Laois would reduce the level of funding available and increase the cost of public services in the county.
- The efficiency and value for money of service delivery in the rural areas adjacent to a new boundary would be hindered as a result.
- It was also suggested that boundary change would negatively impact ongoing efforts by Laois County Council and other state agencies to promote tourism, inward investment and economic development in the county.
- The importance for the county as a whole of existing infrastructure/amenities in the Area of Interest was also put forward as a rationale for the status quo remaining.

The form of any boundary change was also considered with a proposal that the boundary should instead be defined by the River Barrow. Some suggested that an extension into County Laois would not reflect the sense of identity that residents in the area feel, with the attendant sporting, cultural and historical ties that implies.

With regard to current local government arrangements, respondents put forward the view that existing joint planning arrangements between Counties Carlow and Laois, the small size of County Laois and the suitability of the existing boundary, argue against any change.

In addition to planning, several submissions cited the close co-operation between the respective local authorities. It was also questioned whether boundary change would set a precedent and imply Portarlington should be transferred into Laois. Concerns were raised that implementation of recent local government reforms including the new municipal districts are only now bedding in and a boundary change would result in unnecessary change of these structures.

Within the Area of Interest, it was proposed that

- the impact of a boundary change would have a negative impact on service delivery due to loss of local knowledge and on economic performance as a result of lower prioritisation by Carlow County Council.
- The extent of investment by Laois County Council to date was cited as evidence of this latter point.
- Various planning and development issues were raised including the suggestion that any change would be contrary to the National Spatial Strategy and Midland South East Region Strategy.
- The relative priority given to the Area of Interest as a result of existing political representation arrangements would not continue, it was argued.
- Rather than integrating the Area into Carlow, the proposal was put forward that Graiguecullen be designated a town in its own right.
3.3.2 Issues Raised by Respondents in Favour of Boundary Change

Those in favour of a boundary change took a contrarian view to the above on a number of similar themes including the potential impact on the Area, the status of Graiguecullen, existing local government arrangements, the impact on identify and political representation, and the form any boundary change should take.

It was argued that
- an extension into the Area of Interest would improve service delivery across a range of services including health and emergency services.
- it would also benefit long-term planning and development in the area. The status of Graiguecullen also would be enhanced as a result.
- that Carlow County Council would have a better understanding of local needs, arguing that development in the area has been poor relative to Carlow Town. Anomalies in the provision of social housing pose challenges for those seeking housing in the Laois portion of Graiguecullen.
- Respondents also cited disadvantages in terms of water quality, broadband access and policing arising from existing arrangements.

Submissions raised the challenges associated with
- accessing health services in Portlaoise and the resulting hardship imposed on residents on the Laois side of the boundary, while in such close proximity to services in Carlow. As a result, this limits access to services by the elderly, children and young adults. It was argued that existing arrangements run contrary to the intent of Putting People First.

The question of identity was viewed differently, with
- those in favour citing the development of Carlow over time resulting in population growth in the Area of Interest. As a result, they argued that people in the area work, shop and use amenities including schools in Carlow Town and thus identify with Carlow. The strength of local representation in the Dáil was also identified as a weakness of existing political representation resulting in a lower prioritisation of the area relative to Portlaoise.
Chapter 4  Setting the context

4.1 Relevant contextual issues arising from the Historical Development of Carlow and Graiguecullen

Carlow was established as a borough by the Normans in the 12th century; construction of the castle probably began around 1180. The town developed around the castle on the eastern bank of the river Barrow; the earliest borough charter on record is that of William Marshall, Earl of Pembroke, granted about the close of the 13th century. Town walls were built in the 14th century when the Exchequer of Ireland was located for a time in Carlow, but no remains of the walls survive above ground. Located as it was on the edge of the Pale, Carlow was a prime target for attacks from the Irish, and the Exchequer was moved back to Dublin in 1394.

Graigue (from the Irish gráig, a village) developed as a suburb of Carlow on the western side of the Barrow. The stone arched bridge dates from 1569; it was widened in 1815 and named after Wellington, the victor of Waterloo. The town of Graigue is essentially one long street extending for about one kilometre running parallel with the west bank of the Barrow. Graigue had already attained a considerable size by the mid-17th century, when it had a population of 106 families; the borough of Carlow had 560 families, 271 of them English, at that time.

When Samuel Lewis wrote his well-known Topographical Dictionary of Ireland in 1837, Graigue had a population of just under 2,000:

It comprises 114 acres, and includes 234 houses, a large flour-mill, two tan yards, and a distillery which manufactures more than 36,000 gallons of whiskey annually. It is a constabulary police station, and has fairs on Jan. 6th, Feb. 18th, April 1st, and Oct. 6th. The parochial church (a handsome new building with a curious arched roof of stone), the R. C. chapel, and the parochial and national schools, are in the village; near which about 600 of the men who were killed in the attack upon Carlow, in 1798, were buried.

At that time, the borough and market town of Carlow had a population of about 9,600. According to Lewis,

The river Barrow is navigable from Athy, where the Grand Canal from Dublin joins it, and thence to its confluence with the river Suir below Waterford; boats consequently pass from this place to Dublin, Ross, and Waterford; there is a lock on the river, and good quays have been constructed for the accommodation of vessels employed in the trade.

Graigue was renamed Graiguecullen in the 1920s in honour of a popular local priest, Fr. Hugh Cullen. Whereas the Barrow forms the boundary between Counties Carlow and Laois, a triangular-shaped piece of land in Graigue was added to Co. Carlow; the boundary there is unusual being based on the Church of Ireland spire and in some cases it bisects residential estates and buildings.
4.2 Brief description of the Area of Interest and its setting within both Carlow town and Co. Laois

The Area of Interest (see Fig. 1, above) comprises an area of 543 hectares to the west of Graiguecullen, within the administrative area of Laois Co. Council, and extending into the rural area outside the currently-built section of the Carlow Northern Relief Road. That section of the road (N80) encloses the north-west quadrant of Graiguecullen; when completed, the Relief Road will form an arc enclosing the entire Graiguecullen area.

The Area of Interest includes important social and economic infrastructure including the Talbot Hotel, a pharmacy, a doctor’s surgery, along with a Retail Park which includes Dunnes Stores & The Dome, all located inside the Northern Relief Road. Other important facilities include an Educate Together Primary School, Saint Fiacc’s National School, the Killeshin Church of Ireland, an agri-business depot, Graiguecullen GAA Club and sports grounds, the Laois Co. Council Customer Services Office and a petrol service station. Graiguecullen Laois also contains other commercial users in the Shamrock Business Park located off the Castlecomer Road and off the Sleaty Road.

Graiguecullen consists of two local electoral districts, Graigue Urban which is in Carlow and Graigue Rural which is in Laois. The population of the electoral district of Graigue (Carlow) in common with other urban areas has been in decline over the last three census with a decline of 25% between 2002 and 2011. In contrast the electoral district of Graigue (Laois) increased by, 150% during the same period. There is an older age profile in Graigue (Carlow) and an older housing stock. The location of the boundary between Carlow and Laois has given rise to a situation where some residential estates are divided between both counties and some individual properties are also bisected by the boundary.

As outlined in section 4.1 above, Graiguecullen constitutes an integral part of the greater Carlow urban area. Carlow is an important county town in the south-east, located about 80 km from Dublin, and is the principal centre of economic activity in Co. Carlow. People living in Graiguecullen benefit from retail, third-level education, cultural, recreational and other facilities located within Carlow town, as well as from the services listed above located in Graiguecullen itself.

4.3 The Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018

4.3.1 Introduction
Submissions from both Carlow and Laois Co. Councils have highlighted the extent to which the two local authorities (and the former Town Council in Carlow) have worked closely together both in relation to the co-ordination of service provision and other issues which impact on the area of interest. There are many practical examples of the good working relations between the Councils, but the most significant demonstration is the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018, which is probably unique in the Irish planning system.
4.3.2 The Joint Spatial Plan

The Joint Spatial Plan, comprised of the Carlow Town Development Plan, Graiguecullen and Carlow Town Environs Local Area Plans, was prepared jointly by the Carlow Local Authorities and Laois County Council on a shared-service basis. Prior to this Plan, the development strategy for the Greater Carlow Graiguecullen Urban Area was set out in three policy documents relating to different parts of the Area, prepared by three planning authorities and running over three time horizons.

The joint approach emphasises the unitary functioning of the Greater Urban Area instead of the traditional focus on administrative areas. It lends itself to the preparation of a single coordinated development strategy which plays to the strengths of the composite areas and takes account of their environmental sensitivities. In addition, a joint approach lends itself to more integrated, effective and measurable evaluation of the environmental effects of implementing planning policy in the Greater Carlow Graiguecullen Urban Area. The approach has been welcomed by elected members and State organisations.

The Joint Spatial Plan is a wide-ranging policy statement dealing with issues such as population and settlement patterns; economic and employment trends; retail, commercial and industrial development; education, healthcare and community facilities; environmental management and heritage protection; infrastructure provision relating to transportation, energy and communications, waste-water treatment and water supply. The Plan sets out a shared vision for the wider urban area:

A high-functioning, inclusive, compact and accessible greater urban area, underpinned by a robust and diverse local economy comprising retail, commercial, industrial, education and tourism uses; with characteristics including a strong sense of place, a vibrant and vital town centre, opportunities for education and cultural experiences for all, a network of linked open spaces, recreational uses and other social infrastructure elements to provide for a good quality of life and increased emphasis on sustainable forms of transport and patterns of development.

The joint retail hierarchy prepared as part of the Plan places the core retail area in Carlow, followed by the remainder of the town centre, at the top of the hierarchy, followed by the District Centres at Sleaty and Sandhills, and then smaller neighbourhood centres.
**Chapter 5 Consideration of options**

### 5.1 International comparative analysis

The Committee as part of its work also sought to investigate international experiences with boundary changes and inter-local authority working as a means of informing its work – indeed a number of the submissions made to the Committee (including the submission from Kilkenny County Council) referred to international examples of joint working between adjoining local authorities.

While it is of course instructive to look at international examples in terms of ideas that could potentially be replicated in Ireland, it is also necessary to acknowledge the different range of powers, responsibilities and roles assigned to local authorities across different countries, and sometimes even within countries. Local authorities vary in their range of functions, their population size, their decision-making structures, their revenue raising powers, and so on. Amongst these can be included:

- Differences in functional responsibilities and the suite of services provided by local government – arrangements in other jurisdictions may relate to the the choice of service delivery models that may be relevant to the provision of services provided by local government in that country. Depending on the country in question, this can include public services that are not delivered by local authorities in Ireland, including primary and secondary education, childcare, public transport, primary healthcare, social services, or (in the case of North America) policing.

- Differences in the size of local government units – arrangements in other jurisdictions may relate to the size of local government units in that country (typically measured in terms of population size). For example, local authorities (often referred to as municipalities) in continental Europe and North America on average are considerably smaller than the 31 county and city councils in Ireland, and some decisions around service delivery models may relate to the relatively smaller size of local government units.

- Differences in local government financing – local government systems vary in terms of the extent to which local authorities have financial discretion in raising revenue and the extent of central government controls over local government expenditure. This can relate to differences in the balance between local sources of revenue and central funding, as well as the balance between central discretionary grants and central specific grants, and the buoyancy of local sources of revenue.

In addition to these fundamental differences between systems of local government, there are also differences between jurisdictions in the nature of boundary change. For example, in the United States, the most common form of boundary change comes from instances where a municipality expands its territory through taking responsibility for an area that is not serviced by another municipality (a so-called ‘unincorporated area’). This is a process that is

---

not directly comparable to the current proposal concerning Waterford, namely the proposed change to the boundary of one local authority to include an Area of Interest currently serviced by another local authority.

These differences in scale, service responsibility and financial resources are significant in influencing the criteria used in considering proposals for boundary changes. Different forms of revenue streams for local authorities produce different potential financial implications arising from boundary change. The nature of distinctive service responsibilities has to be considered in assessing proposals for boundary change. The process for undertaking boundary reviews varies from country to country (and sometimes between different regions / states within the same country). All of this means that identifying directly comparable ‘like-for-like’ cases as a means of assessing the Waterford situation is highly unlikely.

The Committee therefore concluded that in the case of Carlow Boundary Extension this must be considered on its own merits, and that an approach based on searching for a direct ‘like-for-like’ comparator with Carlow would lack validity. Nevertheless, the Committee was conscious of drawing on international experience in terms of the criteria and methodologies that can be used to evaluate proposed boundary change in different jurisdictions, even if these would have to be adapted to suit the particular characteristics of the Irish local government system.

5.2 Performance of the current boundary arrangements assessed according to the stated criteria

In assessing the performance of the current boundary arrangements, the Committee has had regard to the criteria set out in its terms of reference (see Annex 1).

Examination of the historical evolution of the boundary between Carlow and Laois – from the centre of the Barrow through the extension that have been designated on the west or Laois side following the evolution of the area known as Graigue and latterly Graigecullen – as set out in Section 4.1 above, illustrates that the configuration of the existing boundary, delineating diverse responsibilities to Carlow and Laois Councils, has little direct relevance to the day-to-day lives of people working in these areas as regards the delivery of services delivered by the local authorities.

5.2.1 Efficiency
To establish what efficiencies, if any, could be achieved as a result of a boundary change it is necessary to look at developments in Local Government in recent years. These comprise:

a) Structural reforms, including the abolition of 80 town councils and the mergers of Waterford City and County Council, North and South Tipperary County Council and Limerick City and County Council, have resulted in the reduction of the number of elected representatives from over 1600 to less than 1000.

b) New funding and governance arrangements including the introduction of a local property tax to fund local services, and performance monitoring with the establishment of the National Oversight and Audit Commission.
c) Local Government was also affected by the general moratorium on recruitment and promotion and incentivised early retirement and career break schemes, resulting in an overall staffing reduction of approx. 20%. Both the Croke Park and Haddington Road agreements also introduced pay reductions and additional working hours.

d) The establishment of Irish Water has also removed a key service that had been provided by Local Authorities and the assignment of staff, for at least the period of the Service Level Agreement, together with the as yet unresolved issue whether the sector may yet bear the burden of the Pensions burden for those employees have had significant impact on the operational and strategic role of Councils. Shared services have become more prominent in areas such as payroll and superannuation, procurement, waste collection permitting and the Housing Assistance Payment Scheme. Based on the submissions from both authorities and evidence assembled, it is the view of the Committee that a boundary alteration will not realise any further efficiency, and that both authorities

5.2.2 Economic and social development

As regards services from both authorities in respect of support for economic and social development, both authorities can be seen to be attentive to the social and community needs of their respective communities. In that respect, the Graigue (Laois) residents can avail of the benefit, in common with the population of the sub-region generally, from the facilities provided in Carlow town.

Both Carlow and Laois Councils have adopted Local Economic and Community Plans under section 36 of the Local Government Reform Act 2014. While the making of such plans is a statutory requirement, the result is that two separate plans apply within the greater Carlow / Graiguecullen area.

5.2.3 Governance, accountability and local democracy

Since the introduction of the Local Government (Reform) Act 2014 there has been ongoing liaison including meetings between the elected members of Carlow Municipal District and Graiguecullen and Portarlington Municipal District. This is a continuation of the relationship which existed between Carlow Town Council and Laois County Council.

The Local Government Boundary Sub-section (2) provides that –

permission must be granted for a development where the planning authority is satisfied that the development, if carried out in accordance with the application for permission or any conditions to which the permission may be subject, would be consistent with the planning scheme.

(It should be noted that, as for any development, development in a strategic development zone must be carried out in accordance with planning permission and any conditions to which it is subject. Review of 2013 determined that there would be two Municipal Districts in Carlow. The Carlow Municipal District which includes some of the area of interest has 10 members and based on the 2011 Census has a ratio of 3,273 persons per elected member. Muinebheag has 8 members with a ratio of 2,735 per Councillor. It was a requirement of the terms of reference of this Committee that the variance between the ratios of members
per head of population would not be more than plus or minus 10% of the county average. If the boundary is reviewed to include the area of interest into Carlow Municipal District then it is estimated that the Carlow ratio will be 10% higher than Muinebheag. This may result in a requirement to redraw the boundaries of the Municipal Districts in County Carlow.

5.2.4 Identity
As indicated in chapter 3 (Consultations), there were mixed responses in relation to the issue of identity. Some respondents suggested that an extension into County Laois would not reflect the sense of identity that residents in the area feel, with the attendant sporting, cultural and historical ties that implies. However, some of those in favour of boundary change cited the development of Carlow over time resulting in population growth in the Area of Interest; as a result, they argued that people in the area work, shop and use amenities including schools in Carlow Town and thus identify with Carlow.

In relation to sporting organisations, the Committee is of the view that there is no necessary correlation between sporting and local authority boundaries, and that it is entirely a matter for those organisations to determine their own geographic boundaries.

5.2.5 Service delivery
The area of Graiguecullen has been pragmatically administered and managed by the adjoining Local Authorities collaboratively for over 100 years. Practical examples of such cooperation in the delivery of Local Authority services in the Area of Interest (apart from the Joint Spatial Plan – see section 4.3.2 above) include:

- There are a number of Section 85 agreements in place between the two local authorities the most significant of which are in respect of Fire and Emergency Services and Housing. In respect of a fire service response in the Area of Interest and other adjoining areas in Co. Laois, the provision of first turnout for emergencies is provided by Carlow Fire and Emergency Services. Under a Section 85 agreement Carlow and Laois County Councils successfully collaborated in the construction of 96 houses (social and voluntary) in Tommy Murphy Park, Fruithill, Graiguecullen, which is in the Area of Interest. The estate management of this estate is the joint responsibility of the Laois and Carlow housing authorities.
- Carlow and Laois Local Authorities sought and were awarded funding to make the Carlow more pedestrian and cycle friendly under the Active Travel Town Scheme. Of the grant of nearly €1 million, around €300,000 was allocated to works in Graiguecullen, Co. Laois.
- There is ongoing liaison between the Laois County Council Area Engineer and the Carlow Town Engineer on matters of mutual concern including road works programme, issues with cross county roads and also recently on flooding issues where sections of roads flooded straddled both counties.

However, the submission from Carlow Co. Council notes that:

The administrative area for the HSE and Tusla regions extends to the Carlow / Laois county boundary only. Therefore, if e.g. a housing applicant local to Carlow is allocated a tenancy in County Laois then responsibility will transfer to the Midlands region which requires attendance in most instances to Portlaoise as distinct to Carlow. This has a serious impact on individuals and families as it can
often take some time for the services to re-engage with clients. This requires vulnerable individuals and families to set up new relations with the relevant agencies.

5.2.6 Financial impact and complexity
Carlow County Council in their submission indicate that in the absence of detailed information a full due diligence process would need to be undertaken to establish a clear understanding of the financial implications for Carlow County Council should a boundary alteration proceed. Laois County Council in their submission state that based on 2015 figures a gross commercial rate loss of €782,531 would arise, in addition to a further loss from the potential reduction in the global valuation on public undertakings. The submission also outlines a potential loss of €289,000 from Local Property Tax.

It is the view of the Committee that if a boundary extension were to be recommended both authorities could work together to ensure a common understanding of the financial impact and to negotiate an equitable arrangement.

5.3 Status quo – the No Change Option
The first issue to be resolved by the Committee is whether there is any need to change the existing boundary in Graiguecullen.

The Committee acknowledges that the existing ‘triangular’ boundary, dating from the first half of the 19th century, is entirely arbitrary, completely without reference to topography it cuts across not only property boundaries but also the suburb of Graiguecullen as it has developed since then. Other things being equal, the Committee also accepts that a rational argument can be made for having a single local authority being responsible for the entire urban area, in order to facilitate co-ordinated development planning and the efficient delivery of services.

However, the Committee has been impressed by the extent of co-operation which has been developed between Carlow and Laois County Councils (and also the former Carlow Town Council). Nowhere is this better demonstrated than in the shared preparation and adoption of the Joint Spatial Plan for the greater Carlow / Graiguecullen area (see section 4.3.2 above), which we understand is a unique example of such a shared service. Both authorities have cited many other examples where they work effectively together in the Area of Interest.

The Committee has also to take into account that there appears to be no significant popular or political demand for a boundary change. Even Carlow Co. Council, which would probably gain an additional area, adopted a cautious approach in its submission:

Any decision in relation to a change of the boundary would have to have regard to the possible implications for Carlow County Council in terms of payment of compensation to Laois County Council for the loss of current income and also possible future income both revenue and capital ... In the absence of a detailed due diligence process it would
not be possible for Carlow County Council to have a clear understanding of the implications for our funding base. In addition it would not be possible to have clarity on the implications that the payment of compensation may have in respect of the Council’s ability to continue to provide the current level of service provided in County Carlow. Therefore any decision to amend the boundary would have to be on the basis that it did not have a negative impact on service and infrastructure provision for the existing residents and businesses in County Carlow or for the residents and businesses in the area of interest.

The Committee is of the view that a substantive case for boundary change has not been made, and that the possible disruptive effects of change would outweigh any putative benefits.

However, the Committee also notes the point made by several elected representatives that other public bodies, notably the HSE, should recognise that all of Graiguecullen is effectively a part of Carlow town, and should therefore take a more pragmatic view of the delivery of their services which would facilitate all the residents of the area. We will return to this issue in our recommendations.

5.4 Options for Change

If there were to be a boundary change, there are various options, such as extending the boundary of Co. Carlow to the line of the Northern Relief Road (on completion of the road), or alternatively restoring the ancient Laois boundary along the river Barrow.

As the Committee considers that a sufficient case for boundary change has not been made, such options are moot, and are not discussed further.
Chapter 6  Recommendations

6.1 Overall recommendation

For the reasons set out in the previous chapter, the Committee recommends that there should be no change to the existing boundary between Counties Carlow and Laois at Graiguecullen.

6.2 Joint Spatial Plan for the greater Carlow / Graiguecullen area

The Joint Spatial Plan has proved effective in providing a co-ordinated platform for the forward planning of the entire Carlow urban area, regardless of Council boundaries, and the existence of the Joint Plan has been a major factor in shaping the Committee’s recommendation. While the Committee’s remit extends only to the issue of boundary change, it hopes that this excellent model of shared services will continue into the future.

6.3 Delivery of services by other public bodies

Many local representatives drew attention to the fact that some other public service providers, notably the HSE and Tusla, operate on the basis of existing county boundaries, to the possible detriment of citizens living in Graiguecullen, Co. Laois. Although these people live within the built-up area of Carlow town, they may be obliged by the service providers to travel to Portlaoise to access services. Again, while this issue is strictly outside the Committee’s statutory remit, it recommends that the Department should consider initiating discussions with such public bodies to see if a pragmatic management approach (treating Carlow as a single catchment area) would result in a more convenient service for those affected by the current arrangements.

David O’Connor  Chairman of the Committee

Oliver Killeen  Member of the Committee

John Martin  Member of the Committee

December 2016
1. The Minister for the Environment, Community and Local Government hereby establishes the Carlow Boundary Committee under section 28 of the Local Government Act 1991, hereinafter referred to as “the Committee”.

2. The following persons are hereby appointed as members of the Committee: -
   - David O’ Connor (Chair);
   - Ciaran Lynch;
   - Ollie Killeen.

3. The Committee shall be independent in the performance of its functions and shall stand dissolved on submission of its final report to the Minister for the Environment, Community and Local Government.

4. In accordance with sections 32 and 33 of the Local Government Act 1991, the Committee is hereby required to:
   - carry out a review of the boundary between County Carlow and County Laois;
   - make such recommendations with respect to that boundary, and any consequential recommendations with respect to the area of the Municipal District of Carlow, that it considers to be necessary in the interests of effective and convenient local government; and
   - prepare and furnish to the Minister for the Environment, Community and Local Government, a report in writing of that review and its recommendations.

5. In the event of a recommendation that the boundary between County Carlow and County Laois and the area of the Municipal District of Carlow should be altered, the report shall contain relevant supporting information, analysis and rationale relating to or arising from such recommendation, including the following matters: -
   
   (a) The financial and other relevant implications, including the potential outcomes to be achieved, and likely benefits and costs.
   (b) Any significant issues that are considered likely to arise in the implementation of revised arrangements and how these should be addressed.
   (c) Measures that should be taken consequential to or in the context of the recommended arrangements, including any measures in relation to financial arrangements.
   (d) Any matters in relation to which provision should be made in a primary order or a supplementary order (providing for matters arising from, in consequence

---

2 Replaced by John Martin
of, or related to, the boundary extension) within the meaning of section 34 of the Local Government Act 1991, including any financial adjustments required.

(e) Any interim measures which should be taken, if necessary, in advance of, or in preparation for, the full implementation of the recommendations.

(f) The appropriate timescale for implementation of recommendations, including any interim measures.

6. In carrying out its review and formulating its recommendations, the Committee shall address the following matters in particular, insofar as relevant to the requirements of articles (4) and (5):

(a) The need to take full account of:
   (i) current demographic and relevant spatial and socio-economic factors, including settlement and employment patterns;
   (ii) detailed information to be provided by the relevant local authorities in relation to their structure, services, finances and operations or other matters relevant to the Committee’s functions;
   (iii) Government policy in relation to local government as set out in the Action Programme for Effective Local Government, Putting People First, and in relation to the public service and the public finances.

(b) The need to maximise efficiency and value for money in local government.

(c) The need to ensure that the arrangements recommended are financially sustainable and will not result in an ongoing additional cost to central Government through increased subvention.

(d) Staffing, organisational, representational, financial, service delivery and other relevant implications or requirements.

(e) The need to ensure effective local government for Carlow and its hinterland, with particular regard to the need to maximise the economic performance and potential of the area; to facilitate the delivery of efficient and good value local authority services; and to ensure effective and accountable democratic representation.

(f) The need to have regard to the identity and cohesion of local communities.

(g) Any weaknesses in current local authority arrangements or operations that need to be addressed.

(h) Any additional matters that the Minister may specify.

7. The Committee shall make such recommendations with respect to the requirements at (4) and (5) and (6) as it considers necessary in the interests of effective and efficient local government. It shall prepare and furnish to the Minister, no later than 31 March 2016, a report, in writing, of its review and recommendations, which the Minister shall publish.
Annex 2: Public Notice²

BOUNDARY COMMITTEE PUBLIC NOTICE AND INVITATION OF SUBMISSIONS
Review of the administrative boundary in Graiguecullen between Carlow County Council and Laois County Council - Part V of the Local Government Act 1991

Notice is hereby given that Mr Alan Kelly TD, Minister for the Environment, Community and Local Government has established a boundary Committee to carry out a review of the local government boundary in Graiguecullen between Carlow County Council and Laois County Council and to prepare a report under Part V of the Local Government Act 1991.
The terms of reference, details of members of the Committee, guidance on the making of submissions and other information are available on www.carlowboundaryreview.ie.

The boundary Committee is independent in the performance of its functions. The task of the Committee is to identify the most appropriate administrative boundary between the two Councils concerned which would be required in the interests of effective and convenient Local Government. It should be clearly noted that any changes in administrative boundaries would have no implications with regard to boundaries used for sporting or other cultural purposes.
Submissions, in writing, are invited in relation to the boundary review. Submissions should be provided via the Review website at www.carlowboundaryreview.ie using link provided. Alternatively, or in addition, submissions in writing can be made to the address below. Submissions should be received not later than 5th February, 2016, and will be published on the Review website.

Following consideration of submissions of the matters included in the terms of reference, and of the outcomes of such consultation as may be carried out by the Committee, the Committee will make such recommendations with respect to the administrative boundary of Carlow and Laois County Councils and any consequent recommendations that they consider to be necessary in the interests of effective and convenient local government in due course. The Committee will prepare and furnish to the Minister a report in writing of that review and its recommendations.

Maps, showing the existing boundary, are on display for public inspection at Carlow County Council, Athy Road, Carlow, and Carlow County Library, Tullow Street, Carlow, until 5th February, 2016. The maps are also available at www.carlowboundaryreview.ie. The Terms of Reference for the boundary Committee are also available for viewing at each of the locations.

Boundary Review Secretariat, or Carlow County Council,
Athy Road,
Carlow

Boundary Review Secretariat, Laois County Council,
Áras an Chontae,

² See link to the Public Notice at www.carlowboundaryreview.ie
Appendix 3: List of submissions
http://carlowboundaryreview.ie

A total of 113 submissions were received by the Boundary Review Committee by the deadline of 5th February 2016. Of these submissions 106 were received in electronic format and the remaining 7 were received in hard copy. Each of these individual submissions has been scanned and is available to view, in common with the electronic submissions, on the website.

Finally, in one case, multiple copies of the same submission were received from different people. These have been counted as part of the total number of submissions.

Every submission in every category - electronic, hard copy individual submission has been individually registered. Each submission has been associated with an individual name, but with the address that is associated with an individual withheld from publication in each case - in compliance with Data Protection legislation. However, all information, including names and associated addresses submitted is available to the Boundary Review Committee in its entirety.

Electronic Submissions [7]

<table>
<thead>
<tr>
<th>Declan Alcock</th>
<th>Sean Fleming TD</th>
<th>Andrew Kelly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gerald Byrne</td>
<td>Ashleigh Keane</td>
<td>Cllr Aidan Mullins</td>
</tr>
<tr>
<td>Charles Flanagan TD</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

By individual letter [8]:

<table>
<thead>
<tr>
<th>Cllr Anne Ahern (Nee Long)</th>
<th>Graigcuillin Cumann Luthcleas Gael</th>
<th>Brian Stanley TD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cllr Padraig Fleming</td>
<td>Laois County Council Michael Regan</td>
<td>Carlow County Council C.E Submission</td>
</tr>
<tr>
<td>Jennifer Murnane O’Connor</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>