

## South Tipperary County Council

### Minutes of South Tipperary County Council Meeting held in The Council Chamber, County Hall, Clonmel on Monday 12<sup>th</sup> April, 2010

<b>In the Chair</b>	Cllr. Liam Ahearn
<b>Present</b>	Cllrs. T. Acheson, S. Ambrose, M. Anglim, J. Brennan, S. Cooney Sheehan, J. Crosse, J. Crowe, J. Donovan, P. English, J. Fahey, MI Fitzgerald, M. Hanna Hourigan, S. Healy, D. Landy, D. Leahy, S. Lonergan, S. McCarthy, C. McLoughlin, R. Molloy, M. Murphy, MI Murphy, J. O'Brien, E. O'Meara, D. Ryan, T. Wood.
<b>In attendance</b>	Mr. E. O'Connor, Mr. B. McEvoy, Ms. E. Drennan, Ms. H. Houlihan
<b>Meetings Administrator</b>	Mr. John O'Mahoney
<b>Minutes</b>	On the proposal of Cllr. M. Fitzgerald and seconded by Cllr. J. Brennan the minutes of Council Meeting held on 1 <sup>st</sup> March, 2010 were adopted.

#### **Matters Arising**

##### Social Housing Capital Allocation 2010.

Cllr Michael Murphy expressed his concern over the reduction in the Social Housing Capital Allocation for 2010 and proposed that a letter be sent to the Minister seeking an increase in the allocation. This was seconded by Cllr S. Healy and agreed

##### Roads Maintenance

Cllr Fitzgerald referred to the deplorable state of the roads and a number of members spoke in support. A number of members also referred to the difficulties being encountered by members to carry out their role as public representatives due to the current work to rule.

On the proposal of Cllr. S. McCarthy and seconded by Cllr. J. Brennan the Minutes of the North and South Tipperary Joint Meeting held on 9<sup>th</sup> March, 2010 were adopted.

On the proposal of Cllr. M. Fitzgerald and seconded by Cllr. S. McCarthy the Minutes of the Budget Meeting held on 7<sup>th</sup> December, 2009 were adopted.

**Conferences/  
Seminars**

On the proposal of Cllr. M. Fitzgerald and seconded by Cllr. S. McCarthy it was agreed that:-

Cllrs. M. Hanna Hourigan, M. Anglim, E. O'Meara and J. Crowe be nominated to attend conference organised by LAMA entitled Councillors Role in Changing Climate at Sligo Park Hotel, Pearse Road, Sligo on 9<sup>th</sup> – 10<sup>th</sup> April, 2010.

Cllr. J. Fahey be nominated to attend conference organised by BMW Regional Assembly – Annual Conference 2010 Promoting Growth and Jobs in Irelands Regions, The Cavan Crystal Hotel, Cavan Town to be held on 16<sup>th</sup> April, 2010.

Cllrs. MI Murphy, J. Donovan, E. O'Meara, S. Ambrose, J. Crosse, L. Ahearn and S. Lonergan be nominated to attend conference organised by Esperanza Enterprises entitled Banking Insurance and NAMA, the effect on Local Government, Carlton Hotel, Tralee to be held on 16<sup>th</sup> – 18<sup>th</sup> April, 2010.

Cllr. S. Lonergan be nominated to attend conference organised by Wexford County Development Board entitled Climate Change and You, Enniscorthy, Co. Wexford on 21<sup>st</sup> April, 2010.

Cllrs. T. Wood, D. Ryan, R. Molloy, J. Crosse, M. Murphy be nominated to attend conference organised by Esperanza Enterprises entitled New EPA Guidelines for Single Houses at The Abbey Hotel, Bushypark, Galway on 23<sup>rd</sup> – 25<sup>th</sup> April, 2010.

Cllrs. D. Landy and S. Lonergan be nominated to attend conference organised by BWM entitled Impact of EU Environmental Policy in Ireland at

BWM Assembly Chamber, Ballaghaderreen, Co. Roscommon on 27<sup>th</sup> April, 2010.

**Presentation by  
SERA on  
Regional  
Planning  
Guidelines**

The Cathoirleach introduced Mr. Dominic Walsh of SERA who gave a presentation on the Review of the Regional Planning Guidelines. The South-East Regional Authority had undertaken an update and review of the current Regional Planning Guidelines for the South-East Region and had prepared Draft Regional Planning Guidelines for the period 2010 to 2022. The objective of the Regional Planning Guidelines was to provide a long-term strategic planning framework for the development of the South-East Region for this period and to guide and inform the Development Plans and Local Area Plans of the local authorities in the region.

As part of the process of making the Regional Planning Guidelines the Regional Authority had carried out a Strategic Environmental Assessment and an Appropriate Assessment under the EU Habitats Directive. In this regard, an Environmental Report had been prepared on the likely significant effects of implementing the Guidelines on the environment and habitats as appropriate. A Strategic Flood Risk Assessment had also being undertaken.

As part of this review a public consultation had been initiated by the Regional Authority to ascertain the views of the public and interested parties. Public authorities, community organisations, public and private agencies, interested groups and the general public were invited to make written submissions with respect to the Draft RPG and/or the Assessment Reports by Friday, 7th May 2010.

Members queried aspects of the plan in relation to indigenous industries, South Tipperary General Hospital, Waterford port, N24, flood plains and a National Park. It was proposed by Cllr Marie Murphy, seconded by Cllr C. McLoughlin that a submission would be made by the Council in relation to South Tipperary General Hospital.

**Special Meeting** The Cathaoirleach informed the members that a Special Meeting of the Council would be held on the 30<sup>th</sup> April, 2010 regarding South Tipperary General Hospital. Members of the HSE reconfiguration group would be in attendance.

The County Manager stressed the importance of this meeting which would give members an opportunity to make a formal submission to the HSE review group before their final recommendation was submitted to the Minister. The County Manager would meet with the party whips in advance of the meeting to advise on their presentation.

The Cathaoirleach reported to the meeting on the recent deputation to Minister Harney and outlined the content of the detailed case that had been made for the retention of acute services in Clonmel. Members who had formed part of the deputation outlined their views on the meeting.

It was agreed that the special meeting on 30<sup>th</sup> April afforded members a valuable opportunity to put forward their views to the reconfiguration group.

**Bridget at Silverfort, Fethard** With the permission of the Cathaoirleach, Cllr McLoughlin queried the up to date position regarding repairs to a bridge at Silverfort, Fethard which was closed at present. Mr. P. Britton confirmed that works would take 2/3 weeks.

**Votes of Congratulations**

- Tipperary Under 21 Football Team on winning Munster Football Final and congratulated Peter Acheson on being awarded Man of the Match.
- High School Team on winning All Ireland Colleges "B" Football Final.

**Votes of Sympathy**

- Polish Embassy on recent tragic plane crash.
- Bishop of Waterford and Lismore on death

- of Canon Nicholas Power
- Wife and family of Ramey McLoughney
- Una O’Sullivan on death of father Dan O’Dwyer
- Donncha Commins on death of father Neddy Commins
- Clara Fitzell on death of mother Eva Fitzell
- Liam Burke on death of mother Teresa Burke
- Deputy Mattie McGrath on death of father in law Nicholas Sherlock

**Adjournment**

**Resumption**

**Taking in charge of Knocklofty Road, Marlfield, Clonmel**

It was proposed by Cllr. S. Healy  
 Seconded by Cllr. T. Acheson  
 And Resolved: -

“That we the Members of South Tipperary County Council being satisfied that the road at Knocklofty Road, Marlfield, Clonmel, Co. Tipperary as more particularly described in the schedule set out below is of general public utility and having considered the financial implications for the Council of the proposal declare the road to be a public road in accordance with Section 11 of the Roads Act 1993 and that in accordance with Section 180 of the Planning & Development Act 2000 the Council take in charge all open spaces, car parks, sewers, watermains and drains within the attendant grounds of the development”.

**Schedule**

<b>Location of Road</b>	<b>Length of Road to be taken over (m)</b>	<b>Terminal Point of Road</b>
Knocklofty Road, Marlfield, Clonmel, Co. Tipperary	1000m	Terminal of public road L-3211-1 and 3 No. pump stations

**Taking in Charge of Nash Place & Mullaney Gardens, Cashel Road, Cahir, Co. Tipperary**

It was proposed by Cllr. S. Healy  
 Seconded by Cllr. M. Anglim  
 And Resolved:  
 "That we the Members of South Tipperary County Council being satisfied that the road at Nash Place & Mullaney Gardens Housing Estates, Cashel Road, Cahir, Co. Tipperary as more particularly described in the schedule set out below is of general public utility and having considered the financial implications for the Council of the proposal declare the road to be a public road in accordance with Section 11 of the Roads Act 1993 and that in accordance with Section 180 of the Planning & Development Act 2000 the Council take in charge all open spaces, car parks, sewers, watermains and drains within the attendant grounds of the development".

**Schedule**

<b>Location of Road</b>	<b>Length of Road to be taken over (m)</b>	<b>Terminal Point of Road</b>
Nash Place & Mullaney Gardens Housing Estates, Cashel Road, Cahir, Co. Tipperary	638 M	Terminal of public road 250495E, 125221N

**Taking in Charge of Slievenamon Close Housing Estate, Killenaule Road, Fethard, Co. Tipperary**

It was proposed by Cllr. J. Brennan  
 Seconded by Cllr. S. McCarthy  
 And Resolved:-  
 "That we the members of South Tipperary County Council being satisfied that the road at Slievenamon Close Housing Estate, Killenaule Road, Fethard, Co. Tipperary as more particularly described in the schedule set out below is of general public utility and having considered the financial implications for the Council of the proposal declare the road to be a

public road in accordance with Section 11 of the Roads Act 1993 and that in accordance with Section 180 of the Planning and Development Act 2000 the Council take in charge all open spaces, car parks, sewers, watermains and drains within the attendant grounds of the development”.

**Taking in Charge of Ashlawn Housing Estate**

It was proposed by Cllr. S. Ambrose  
 Seconded by Cllr. T. Acheson  
 And Resolved: -

“That we the Members of South Tipperary County Council being satisfied that the road at Ashlawn Housing Estate, Ballyclerihan, Clonmel, Co. Tipperary as more particularly described in the schedule set out below is of general public utility and having considered the financial implications for the Council of the proposal declare the road to be a public road in accordance with Section 11 of the Roads Act 1993 and that in accordance with Section 180 of the Planning & Development Act 2000 the Council take in charge all open spaces, car parks, sewers, watermains and drains within the attendant grounds of the development.”

**Schedule**

<b>Location of Road</b>	<b>Length or Road to be taken over (m)</b>	<b>Terminal Point of Road</b>
Ashlawn Housing Estate, Ballyclerihan, Clonmel, Co. Tipperary	820M	Terminal of public road L-3205-2

**Taking in Charge of Highfield Housing Estate, Killenaule Road, Fethard**

It was proposed by Cllr. J. Brennan  
 Seconded by Cllr. S. Healy  
 And Resolved: -

“That we the Members of South Tipperary County Council being satisfied that the road at Highfield Housing Estate, Killenaule Road, Fethard, Co. Tipperary as more particularly

described in the schedule set out below is of general public utility and having considered the financial implications for the Council of the proposal declare the road to be a public road in accordance with Section 11 of the Roads Act 1993 and that in accordance with Section 180 of the Planning & Development Act 2000 the Council take in charge all open spaces, car parks, sewers, watermains and drains within the attendant grounds of the development”.

**Schedule**

<b>Location of Road</b>	<b>Length of Road to be taken over (m)</b>	<b>Terminal Point of Road</b>
Highfield Housing Estate, Killenaule Road, Fethard, Co. Tipperary	115M	Terminal of public road L-22101-0

**Extinguishment of Right of Way over Level Crossing XC128, Bishopswood, Dundrum**

It was agreed that this item would be deferred to the May Meeting.

**Draft Corporate Plan 2010 – 2014**

The draft Corporate Plan had been circulated to the members and Mr. O'Mahoney outlined the process used in the formulation of the plan. He invited the members to submit suggestions to the end of April

**Housing Adaptation Grant Schemes – Capital Allocation 2010**

Members had been circulated with a report on the capital allocation for Housing Adaptation Grant Schemes. The allocation for 2010 was €3,126,666 with €48,755 allocated to Disabled Person/Essential Repairs Grants and €3,077,911 allocated to Housing Adaptation Grant for People with a Disability, Mobility Aids Grant and Housing Aid for Older People Grant.

<b>Environment Campaign 2010</b>	<p>Details of the proposed Environment Campaign for 2010 were circulated to the members and noted.</p> <p>Mr. J. Harney responded to queries in relation to the litter campaign, the environmental awards night and the reporting of littering.</p>
<b>South East River Basin District Management Plans</b>	<p>It was agreed to defer this item to the Special Meeting to be held on the 30<sup>th</sup> April, 2010.</p>
<b>Nomination to Physical, Economic &amp; Planning S.P.C.</b>	<p>It was proposed by Cllr. M. Murphy          Seconded by Cllr. S. Healy          And Resolved that: -</p> <p>“Pursuant to the provisions of Section 48 of the Local Government Act 2001 the following listed hereunder are hereby appointed to the following Physical, Economic &amp; Planning Strategic Policy Committee: -</p> <p>Mr. Ger Kennedy, SIPTU, Connolly Hall,          Churchwell, Tipperary</p>
<b>Fix date for May Meeting</b>	<p>It was agreed that the May Meeting would be held on Monday 10<sup>th</sup> May, 2010 at 12 noon.</p>
<b>County Managers Orders for the Month of April</b>	<p>County Managers Orders for the month of March were noted.</p>
<b>Senior Community Development Worker in South Tipperary Community Care</b>	<p>The following Notice of Motion was considered in the name of Cllr. Darren Ryan: -</p> <p><b>“That this Council writes to HSE Local Management &amp; Minister for Health asking them to retain the position of the Senior Community Development Worker in South Tipperary Community Care. The removal of this worker will be detrimental to the community life of South Tipperary.”</b></p>

It was agreed to write to the Minister for Health and the H.S.E. in this regard.

**Litter in the  
Cashel/Boherlahan Road**

The following Notice of Motion was not moved in the absence of Cllr. T. Wood: -

**“That in view of the dreadful litter situation throughout the County, this Council would instigate a co-ordinated effort to tackle the plight clearly depicted recently in a letter received from a concerned citizen re Cashel/Boherlahan road when she wrote “What shocked me most of all was the wide variety of litter – large whiskey and vodka bottles, milk cartons, orange, coke, lemonade and cidona plastic bottles, red bull, Heineken, Budweiser, Guinness and fanta tins, paper coffee and tea cups, take-away food cartons, tayto bags and numerous items of plastic. Occasionally bags of waste are thrown on the grass margins”.**

**Footpath in  
Grange**

The Council considered the following Notice of Motion in the name of Cllrs. D. Ryan, T. Acheson, S. Ambrose, S. Healy, P. English, R. Molloy and MI Murphy: -

**“To call on the County Manager to make funding available for the installation of a footpath in Grange, from the Church to Grange NS, to allow the public to access the school safely, this is in the interest of public safety”.**

It was agreed that Mr. B. McEvoy would meet the Clonmel Area Members on this issue.

**Affordable sites  
or small units  
for persons who  
wish to start  
their own  
business**

The Council considered the following Notice of Motion on the name of Cllr. C. McLoughlin: -

**“That this Council make affordable sites or small units available to persons who wish to start their own business. People are**

**restricted by the County Development Plan from setting up in the countryside or adjacent to their own homes. The rents of customised units in the towns are too high for people with limited capital. Immediate action is necessary to get people back to work”.**

South Tipperary County Council recognises that economic development is a key issue facing the County and in this regard the South Tipperary County Development Plan 2009-2015 provides positively for Enterprise in the Open Countryside under Policy ECON 7 which states:

**Policy ECON 7: Enterprise in the Open Countryside**

It is the policy of the Council to facilitate the development of appropriate start up enterprise in the open countryside subject to compliance with the relevant development management standards set out in Chapter 9 of the County Development Plan.

This policy was formulated to encourage and facilitate economic activity in the open countryside in a manner consistent with the proper planning and sustainable development of the area. When assessing the appropriateness of any economic activity the Planning Authority will have regard to the nature of the proposed development, scale, amenity, traffic and public safety issues.

It is important to note that the County Development Plan expressly provides for economic development within the curtilage of a dwelling.

South Tipperary County Council’s commitment to promoting economic development throughout the County is not confined to the County Development Plan or enterprise in the open countryside. On a day-to-day basis all Sections throughout the Council work to support local enterprise. More specifically we also work through the Strategic Policy Committee’s and County Development Board, and in recent months South Tipperary County Council has engaged the services of Anthony Fitzgerald, Business Development Executive.

At this time it is worth noting that South Tipperary County Council:

- Is a partner in Clonmel Business Park
- Provided incubator start-up units at Ballingarry
- Provided incubator start-up units at Drangan
- Prepared the **South Tipperary Interagency Innovation & Enterprise Strategy** (building on linkages with State Agencies like Enterprise Ireland, IDA)
- Prepared an application to the ***Oireachtas Sub-Committee on Job Creation through use of Renewable Energy Resources*** to ensure Tipperary (North & South) is the focus of economic investment in the renewable energies sector in Ireland – we worked with public and private sector bodies as well as North Tipperary County Council
- Is working closely, through our Economic Land Bank Committee, with the Cappawhite Development Association with a view to making lands available for incubator units – Feasibility Study currently being prepared
- Has created a series of networks linking businesses throughout the County
- Is preparing a website that will provide an economic profile of the county, including details of locations of appropriately zoned lands as well as contact details of key personnel
- Is working with the Social Finance Foundation, County Enterprise Board & South Tipperary Local Development Company to help build on the entrepreneurial spirit in the County and provide much needed access to finance for Small and Medium Enterprises
- Commenced work on the Carrick-on-Suir Economic Strategy

### **Correspondence**

(a) Reply dated 5<sup>th</sup> March, 2010, from Mr. Batt O’Keeffe, TD, Minister for Education and Science regarding special needs assistants.

(b) Acknowledgement dated 12<sup>th</sup> March, 2010, from Office of the Minister for Environment, Heritage and Local Government, regarding Head Shops.

(c) Acknowledgement dated 12<sup>th</sup> March, 2010, from Office of the Minister for Environment, Heritage and Local Government, regarding staff embargo.

(d) Letter dated 24<sup>th</sup> March, 2010, from General Secretary, I.V.E.A. re. V.E.C.

**Resolutions  
from other Local  
Authorities**

**Waterford City Council**

This Council notes:

- The proliferation of 'Head Shops' across the state and their availability locally
- The concern of parents, health professionals and drug awareness workers about the availability and the chemical composition of the products on sale
- The dishonest way products for sale in these shops are marketed and sold and calls for:

Urgent Government intervention to provide a regulatory framework for this industry

- EU and National legislation to deal with the marketing, advertising and packaging of products in this area

- Increased funding for community based drug education programmes.

**Kilrush Town Council**

"That this Council would write to all councils to protest against water rate charges".

**Donegal County Council**

"That Donegal County Council discuss the need to reduce or indeed abolish water charges on community, voluntary and churches in this County".

**Kildare County Council**

"This Council calls on the Government to abandon the policy of leasing houses for social housing rather than buying them and that where the Council is buying a number of homes

in a development that they be scattered randomly throughout the development rather than clustered together”.

**Sligo Borough Council**

“That Sligo Borough Council calls on the Minister for Finance Brian Lenihan to introduce a NAMA Style Scheme for the 44,000 plus households facing serious arrears in meeting their mortgage payments. This scheme to include a provision for writing off or for giving borrowers a slice of their home loans, to bring them more in line with current market values of their homes. This motion to be circulated to all Local Authorities”.

**Sligo Borough Council**

“That Sligo Borough Council support the measures contained in the proposals forwarded to the Minister for Finance Mr. Brian Lenihan in August 2009 to prevent any unwarranted repossessions of family homes in the state by Financial Institutions. It is important that legislative changes are made as soon as possible in advance of the full impact of the decline in the Irish Economy on individual family homeowners and mortgagees”.

**Tipperary Town Council**

“That this Council write to the Minister for Health calling on her to instruct the H.S.E. not to proceed with the downgrading and possible closure of South Tipperary General Hospital as this decision will have a huge effect on people’s health and peace of mind in the County of Tipperary”.

**Clonmel Borough Council**

“This Council calls on the Minister for Education and Science to immediately reverse the shocking decision to reduce the number of “Special Needs Assistants” providing an invaluable service to children in our Education System, and furthermore that this motion be forwarded to all other Local Authorities”.

**Clonmel Borough Council**

“That Clonmel Borough Council requests the Minister for Justice, Equality and Law Reform to introduce legislation to ban or control the sale of dangerous substances from Head Shops throughout the 26 Counties. New laws are urgently needed to cover the sale of dangerous substances from Head Shops”.

**Clonmel Borough Council**

“That Clonmel Borough Council requests the Minister for Health and Children, Mary Harney T.D. to reverse the HSE decision to centralise all Medical Card processing to the PCRS Offices in Dublin. This proposed transfer will result in a total meltdown of medical card processing and will restrict the number of medical cards issued”.

**Balbriggan Town Council**

“Balbriggan Town Council call on the Minister for Education not to cut back on the number of Special Needs Assistants in our Schools”.

**Galway County Council**

“That Galway County Council call on the relevant Ministers, Agencies, including the Department of Social Welfare; Department of Environment, heritage & Local Government; department of Enterprise, Trade & Employment; Local Authorities and Fás to initiate schemes that would give young unemployed men and women in this state meaningful work where they could improve their skills for future employment”.

**Any other Business**

Cllr. T. Acheson requested that this Council write to the Minister for Finance seeking a deferral/derogation of the new carbon tax to be imposed on tractor diesel especially in view of the current economic difficulties faced by farmers. This was agreed.

Signed/\_\_\_\_\_. Dated/\_\_\_\_\_.  
Cathaoirleach.

Signed/\_\_\_\_\_. Dated/\_\_\_\_\_.  
Meetings Administrator.