

South Tipperary County Council

Minutes of South Tipperary County Council Meeting held in Cahir Castle, Cahir on Monday 14th June, 2010

In the Chair	Cllr. Liam Ahearn
Present	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, E. O'Meara, D. Ryan, T. Wood.
Apologies	Cllr. J. O'Brien
In attendance	E. O'Connor, B. McEvoy, M. Graham, G. Walsh, D. Holland
Meetings Administrator	Mr. John O'Mahoney
Welcome	The Chairman welcomed the members and officials to the stunning setting of Cahir Castle. It was an honour for him to hold the meeting in such an impressive setting. He thanked the staff at Cahir Castle for their assistance in arranging the meeting.
Industrial Action	The County Manager informed the members that he had received notification from unions that industrial action had been suspended with immediate effect and he thanked the members for their patience and understanding through the difficult period.
Minutes	<p>On the proposal of Cllr. John Crosse and seconded by Cllr. Pat English the minutes of Council Meeting held on 10th May, 2010 were adopted.</p> <p>On the proposal of Cllr. S. McCarthy and seconded by Cllr. Joe Brennan the minutes of the Special Meeting held on 30th April, 2010 were adopted.</p> <p>On the proposal of Cllr. S. McCarthy and</p>

seconded by Cllr. D. Ryan the minutes of Council Meeting held on 1st March, 2010 were adopted.

Matters Arising

Water Charges

Cllr. M. Fitzgerald informed the meeting that as Chairman of the Association of City and County Councils, together with representatives from the Association of Municipal Authorities of Ireland and the Local Authority Members Association, he had met with Minister Gormley to discuss various issues concerning members and the proposed imposition of water charges was one of the topics discussed. Minister Gormley had confirmed that a proposal was being examined by his department and further discussions would take place. He suggested that Motion No 12 in the name of Councillor Pat English would be deferred to a future meeting. This was not agreed to by Councillor English.

Public Notice of Proposed Works – Rosegreen Traffic Calming Scheme

The Planning Report in relation to the proposed Traffic calming Scheme at Rosegreen, including details of the proposed works, submissions received and the responses to the submissions were circulated and discussed.

It was noted that the proposals were considered to consistent with principle of proper planning and development and the proposed developments were therefore recommended. In discussion which Cllr. McLoughlin queried entrance and exit points for traffic to the school and Mr. MI Graham clarified the proposed arrangements that had been agreed in conjunction with the parents council and school principal. The operation of the revised arrangements would be kept under review. It was agreed to proceed as proposed.

Conferences/ Seminars

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

Cllr. Siobhan Ambrose be nominated to attend conference organised by Esperanza Enterprises on 4th – 6th June, 2010 at Carlton Hotel, Tralee

entitled "Transformation of the Public Service Insurance for the Public Service, Will the Croke Park deal deliver?"

Cllrs. Eddie O'Meara and Michael Fitzgerald be nominated to attend conference organised by Institute of Public Health in Ireland at The Clarian Hotel, IFSC, Dublin on 10th June entitled "Ireland on the move: Enhancing opportunities for physical activity in the build environment".

Cllrs. Mary Hanna Hourigan, Marie Murphy, Siobhan Ambrose, John Crosse, Catherine McLoughlin, Michael Fitzgerald be nominated to attend conference organised by Tipperary Peace Convention at Ballykisteen Hotel & Golf Resort on 17th – 20th June, 2010 entitled "International Peace Conference".

Cllrs Joe Brennan and Joe Donovan be nominated to attend conference organised by Celtic Conferences at The Silver Tassie Hotel, Letterkenny on 18th – 20th June, 2010 entitled "A practical guide to embracing Social Networking as the modern medium for Councillor".

Cllrs. Denis Leahy, Sylvia Cooney Sheehan, and Jack Crowe be nominated to attend conference organised by Carlow Tourism on 24th – 26th June, 2010 at Mount Wolseley Hotel, Tullow entitled "8th National Tourism Conference: Tourism – The Way Forward".

Cllrs. John Fahey, Eddie O'Meara and Michael Anglim be nominated to attend conference organised by Wexford County Council at the Christian Brothers School, Gorey on 25th – 27th June, 2010 entitled "Byrne Perry Summer School".

**Section 183
Notice –
Disposal of
lands at
Poulavala, Cahir**

It was proposed by Cllr. S. Lonergan
Seconded by Cllr. Marie Murphy
And resolved: -

"That in accordance with the provisions of Section 183 of the Local Government Act, 2001,

we hereby approve of the disposal of 0.0304 hectares (0.0751 acra) at Poulavala, Cahir, Co. Tipperary in accordance with the terms of the Notice under the above Section as circulated on the 24th May, 2010”.

Raising of loan for the Capping of Cell 2 of Donohill Landfill

It was proposed by Cllr. J. Brennan
Seconded by Cllr. J. Donovan
And resolved: -

“That in accordance with Section 106 of the Local Government Act, 2001, we the members of South Tipperary County Council approve of the raising of a loan in the sum of €1,000,000 (1 million euro) to finance the capping of Cell 2 of Donohill Landfill site, Donohill, Co. Tipperary.

Overdraft Accommodation

It was proposed by Cllr. S. McCarthy
Seconded by Cllr. R. Molloy
And resolved: -

“That Overdraft Accommodation in the sum of €250,000 be approved for 6 month period from 1 July 2010 to 31 December 2010.”

Proposal to declare a public road at The Mill Race Housing Estate, Abbey Street, Cahir

It was proposed by Cllr. S. Lonergan
Seconded by Cllr. D. Ryan
And Resolved: -

“That we the members of South Tipperary County Council being satisfied that the road at The Mill Race Housing Estate/Apartment/Commercial Block, Abbey Street, 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		
Location of Road	Length of Road to be taken over (m)	Terminal Point of Road
The Mill Race Housing Estate/Apartment/Commercial Block, Abbey Street, Cahir, Co. Tipperary	43 Metre length and 1.8 wide public footpath along the western roadside of Abbey Street, Cahir	N-24-18
	22 Metre length and 1.4 wide public footpath along the eastern roadside of Abbey Street, Cahir	L3124-0

Annual Report

It was proposed by Cllr. S. McCarthy
 Seconded by Cllr. M. Fitzgerald
 And Resolved
 "That the Annual Report for 2009 be and is hereby adopted."

Corporate Plan

It was proposed by Cllr. S. Ambrose
 Seconded by Cllr. Ml. Murphy
 And Resolved:-
 "that pursuant to Section 134 of the Local Government Act 2001, the Corporate Plan for 2010 to 2014 be and is hereby adopted."

Higher Education Grant Scheme

It was proposed by Cllr. Sean McCarthy
 Seconded by Cllr. Joe Donovan
 And resolved: -
 "That the 2010 Higher Education Grant Scheme be and is hereby adopted".

Appointment to Corporate Affairs and Cultural Development Strategic Policy Committee

It was proposed by Cllr. S. McCarthy
Seconded by Cllr. S. Ambrose
And resolved: -

“That Larry Creamer be appointed as the Tipperary Town Council representative on the South Tipperary County Council, Corporate and Cultural Development Strategic Policy Committee”.

County Managers Orders

Waste Facility Permit

Cllr Cooney Sheehan expressed concerns about the operation of a waste facility in Carrick-on-Suir. Mr. D. Holland outlined the current status of the permit application submitted by the operators of the facility and the delays in obtaining clarification from the E.P.A. on the application. Members asked that the Minister be informed of the unacceptable delay.

Housing Assessments.

Cllr Leahy referred to the delays in having housing assessments carried out and the difficulties this caused applicants especially those dependant on rent supplement. Mr. Ger Walsh stated that the delays were due to the volume of applications that were to be assessed and that every effort was being made to reduce the waiting time.

Re-introduction of Water Charges

Cllr English proposed the following motion.
“That South Tipperary County Council oppose the imposition of water charges on the citizens of South Tipperary and request that Minister Gormley reject the re-introduction of water charges as was agreed by Government as part of the revised Programme for Government”.

Cllr Healy seconded the motion.

Cllr Fitzgerald proposed the following amendment

“That South Tipperary County Council defer a decision to oppose the imposition of water

charges on the citizens of South Tipperary until the relevant legislation is published.”

Cllr S. McCarthy seconded the amendment.

A vote was taken on the amendment as follows: -

Comhairleoir	For	Against	Absent
1.Acheson Tom	✓		
2.Ahearne Liam	✓		
3. Ambrose, Siobhan	✓		
4.Anglim, Michael	✓		
5.Brennan , Joe	✓		
6.CooneySheehan, Sylvia	✓		
7.Crosse, John	✓		
8.Crowe, Jack	✓		
9.Donovan, Joe	✓		
10.English, Pat		✓	
11.Fahey, John			✓
12. Fitzgerald, Michael	✓		
13.Hanna Hourigan Mary	✓		
14.Healy, Seamus		✓	
16.Landy, Denis	✓		
17.Leahy, Denis		✓	
18.Lonergan, Seanie	✓		
19.McCarthy, Sean	✓		
20.McLoughlin, Catherine	✓		
20. Molloy, Richie	✓		
21.Murphy, Marie	✓		
22.Murphy, Michael	✓		
23.O'Brien, Jimmy			✓
24.O'Meara, Eddie	✓		
25.Ryan, Darren	✓		
26.Wood, Tom	✓		
Totals	21	3	2

The amendment was carried by 21 votes to 3.

Public light at Cluen, Bansha

This motion was deferred to the July Meeting

Commercial Rates

The Council considered the following Notice of Motion in the name of Cllr. Tom Wood: -

“That the Manager advise as to the possibility of providing an element of commercial rates for use by ratepayers on

new initiatives to help Town Centre traders and commercial businesses overcome the dual challenges of trade downturn and urban degeneration”.

The County Council in conjunction with the Town Councils are actively working with interested groups in a number of towns to see if there are ways through which we can tackle the issues facing the towns on a partnership basis. To date, the Council has drawn up economic action plans in conjunction with the relevant community groups (traders, retailers, tidy towns etc) for the towns of Cahir and Carrick-on-Suir and it is currently underway in Tipperary Town. There are a number of varied initiatives with respect to each of these areas and these address the particular requirements of each of these towns from an economic perspective. The success of these action plans is dependent upon each of the actors fulfilling their commitment shown in those towns where such a plan has been agreed.

The Council is anxious to work with any group who is seeking to upgrade their town centre and are open to exploring any initiative which will assist in providing a thriving and sustainable town centre. As with all initiatives, there may be numerous options around how these initiatives might be funded and implemented and all options will be explored. However, for any such programme to be successful, it needs genuine buy in from all the relevant stakeholders and all stakeholders need to be willing to carry their share of the responsibility.

Funding required for any of these initiatives would be considered as part of the preparation of the 2011 Budget.

Traffic Calming at Rosegreen

The Council considered the following Notice of Motion in the name of Cllr. Tom Wood: -

“That in view of the urgency of the long awaited traffic calming measures for Rosegreen, the Manager outline the cost of same and what measures can be taken to secure the funding”.

The cost of the proposed works in relation to the Rosegreen Traffic Calming Scheme as circulated to the Members is as follows: -

Year 1 – 2010

Construct car park, paving works at school & pedestrian crossing €100,000

Year 2 - 2011

(a)Traffic Calming Works €147,000

(b)Road Pavement Surfacing €140,000

Scheme Total Estimated Costs
€387,000

It is proposed to funding the scheme in Year 1 – 2010 from our own resources/Development Contribution Fund. Funding in Year 2 – 2011 for the traffic calming (€147,000) and road surfacing elements (€140,000) of the proposed works will be sought from the Department of Transport.

“Rural Ireland says enough”

The Council considered the following Notice of Motion in the name of Cllr. Catherine McLoughlin and Cllr. Denis Landy: -

“That South Tipperary County Council note the increased level of country wide support of the “Rural Ireland Says Enough” campaign and shares the concerns it is highlighting over legislation currently being proposed by the Minister for the Environment John Gormley, T.D. That this Council calls on the Government to listen to the concerns being expressed, involve all stakeholders involved in rural sporting activities i.e. hunting, fishing, coursing etc. in full consultation and to respond appropriately”.

In speaking to the motion Cllr. McLoughlin and Cllr. Landy sought the members support in writing to the Minister to take note of the viewpoint of the people of rural Ireland. Members indicated their support of the motion and Cllrs. P. English, S. Healy and S. Cooney Sheehan supported the motion but stressed that they were opposed to stag hunting.

Unfinished Private Housing Estates

The Council considered the following Notice of Motion in the name of Cllr. John Crosse: -

“In view of the large number of unfinished private housing estates around the County that steps be taken by the Council to ensure that the developments are completed in accordance with their Planning Permission”.

The Planning Section of the Council has in recent months been carrying out an assessment of residential estates to ascertain those where the planning permissions have been carried out and completed and those estates that are unfinished.

In recent years 20 estates have been taken in charge by the Council and there are a further 19 application on hands for taking in charge which are currently being dealt with by the Council. It is estimated that there are approximately 89 other residential estates which have commenced in the period 1999 to 2008.

As far as can be ascertained at present, the majority of the estates (c.57) have been completed to a reasonably satisfactory standard and whilst no application has been made by the developers to seek their taking in charge, the Council will now be proposing that we proactively engage with the developers on the taking in charge process in relation to these estates. Details of these estates will be discussed at the next local area meeting with members to be held in June.

The steps that can be taken by the Planning Authority to ensure compliance with permission

include: enforcement proceedings, calling in of bonds and discussions with developers and residents. In relation to the estates which remain unfinished, 32 approximately, the above methods are being actively employed to ensure that the developments are completed in accordance with the permissions.

It should also be noted that the Department of Environment, Heritage and Local Government are carrying out a survey throughout the country on "unfinished estates" and will be issuing recommendations and a manual on best practice on dealing with unfinished estates when this has been completed later this year. This Authority is co-operating with the Department on this issue

Ban on Recruitment of Local Authority Staff

The Council considered the following Notice of Motion in the name of Cllr. Seamus Healy: -

"That we call on the Government to immediately lift the ban on recruitment and replacement of local authority staff to ensure Local Authority services are provided to the public".

Cllr. Pat English seconded the motion and a number of members supported it. Cllr. McCarthy suggested that the outcome of the Croke Park agreement be awaited.

Support for Tidy Towns and Village Groups

The Council considered the following Notice of Motion in the name of Cllr. Michael Fitzgerald: -

"That South Tipperary County Council continue to support and help the many tidy towns and village groups throughout the County who are working so hard and are making a real effort to improve and enhance our Environment".

The Council has had a proactive approach to support for Tidy Towns Committees for many years. Since Emly won the National Tidy Towns Competition last September the Council has witnessed a revival of Tidy Towns in South

Tipperary. This is a very welcome development and to encourage the many new groups which have recently either formed for the first time or reformed after a few dormant years, and also to assist the 22 long standing Tidy Towns and Village Committees in South Tipperary, the Councils Public Awareness Officer and Heritage Officer came together to organise an Information Evening for everyone involved with Tidy Towns last February, which was attended by almost 30 groups. Going forward, this Council will continue to support and help the tidy towns and village groups in South Tipperary subject to the necessary resources being available.

This year we have already provided support through the National Spring Clean, with over 150 groups taking part in South Tipperary alone. We are once again running the Environment Campaign and are actively assisting Emly Tidy Towns with their entry to the Entente Florale Competition 2010. The Public Awareness Officer, Heritage Officer and other Council staff try to respond to all groups as requests for assistance are received and will continue to do so throughout the year.

Members joined Cllr. Fitzgerald in praising the many groups for their efforts.

**Open drain at
new residence**

The Council considered the following Notice of Motion in the name of Cllr. Michael Fitzgerald:-

“That South Tipperary County Council pipe the open drain at the entrance to a new residence of John and Marion Bourke at Ballynamargough, Kilross, Tipperary or alternatively provide the Bourke’s with the materials to carry out the work themselves”.

It was agreed Cllr. Fitzgerald would be contacted in relation to this matter.

Grass verges at crossroads and junctions

The Council considered the following Notice of Motion in the name of Cllr. Marie Murphy: -

“That this council, in the interests of health and safety ensure that the grass verges at crossroads and junctions, are cut back to provide good sightlines for motorists. Also where the council has removed dangerous bends and erected post and rails it is vital that weeds and foliage are cut back”.

As part of the Roads Maintenance Programme of Works, verge cutting is carried out on Regional Roads and school bus routes annually.

In 2010, priority will be given to crossroads, junctions and road signs in order to provide adequate sightlines and advance motorist information regarding signage.

It should be noted that the level of service/maintenance operations in 2010 will be reduced as a result of reduced funding allocations. The priority this year is to protect the integrity of the existing road network as much as possible within the resources available.

New Council houses in Ballyporeen

The Council considered the following Notice of Motion in the name of Cllr. Marie Murphy: -

“That an up-to-date report be given concerning the new council houses in Ballyporeen, as its over a year since houses were awarded to tenants and they still haven’t received their keys”.

The Housing Scheme in Ballyporeen will be completed and ready for occupation with effect from Wednesday 23rd June, 2010.

It is intended to distribute the keys to the tenants on the morning of the 23rd June, 2010 following which the official opening of the scheme will be carried out by the Chairman of the Council at 2.30p.m.

**Privately owned
Derelict
Buildings**

The Council considered the following Notice of Motion in the name of Cllr. Marie Murphy: -

“That the Manager outlines the Council’s policy re. privately owned derelict buildings”.

I wish to confirm that the governing legislation in relation to derelict buildings is the Derelict Sites Act 1990. Section 3 of the Act defines a derelict site as meaning any land which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of –

- (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or
- (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or
- (c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.

The Council’s policy in relation to privately owned derelict sites can be outlined as follows:

- (1) Once a building comes to the attention of the Environment Section as being potentially derelict, an early inspection is carried out to determine whether it comes within the above definition of a derelict site.
- (2) If details of ownership are not readily available, a search is undertaken with the Property Registration Authority to ascertain same.
- (3) The Council gives notice to the owner and occupier of its intention to enter the land in question on its derelict sites register and that it will consider any

representation received from that person within a specified period before making the entry. The entry may be modified on foot of consideration of any such representation. Once the entry has been made, notification is forwarded to the owner and occupier.

- (4) If the land in question continues to be derelict, the Council serves a notice listing measures to be undertaken to prevent the land continuing to be derelict and specifying a period within which such measures are to be completed. The person on whom the notice is served may make representations in respect of the notice, as a result of which the Council may amend or revoke the notice.
- (5) If the requirements of the notice have not been complied with, the Council may prosecute the person on whom the notice was served for non-compliance. It may also take such steps as it considers reasonable and necessary to give effect to the notice, including entry onto the land in question. The Council may recover its costs in such cases from the person on whom the notice was served.
- (6) If the Council considers it beneficial to do so, a derelict site may be acquired by agreement or compulsorily. The Act, as amended, sets out detailed procedures for the compulsory purchase acquisition.

Derelict sites should not be confused with dangerous buildings and places, which are governed by the Local Government (Sanitary Services) Act 1964, which are defined in that Act as buildings and places being or likely to be dangerous to persons or property. The Act lays out procedures for dealing with same.

Mr. Denis Holland agreed to revert to Cllr. Leahy and Cllr. Lonergan in relation to specific derelict site issues.

**Bend at
Ballyboy,
Clogheen**

The Council considered the following Notice of Motion in the name of Cllr. Marie Murphy:-

“That this Council makes improvements to the bend between Walsh’s and McCarthy’s at Ballyboy, Clogheen, (Road no. 7417) in the interest of road safety. There have been a number of accidents at this location”.

It was agreed Cllr. Murphy would be contacted in relation to the matter.

Correspondence

- (a) Letter dated 19th May, 2010, from Richard Dooley, Network Manager, Hospital Group South East, to Cllr Liam Ahearn, Chairman, re hospital services.
- (b) Reply dated 10th May, 2010, from Office of the Minister for the Environment, Heritage and Local Government, regarding planning regulation for head shops.
- (c) Letter and enclosure dated 25th May, 2010, from North Tipperary County Council seeking support for funding for support groups.
- (d) Letter and enclosure dated 25th May, 2010, from North Tipperary County Council seeking support for regulation of interest rates charged by legal money lenders.

Hospital Services

Cllr. Healy requested that clarification be sought on the consultation process. This was seconded by Cllr MI Murphy.

Head Shops

Cllr. Cooney Sheehan requested that the Minister be asked to introduce regulations to ban or strongly regulate any chemical substance which if consumed would have a mind altering effect. This was seconded by Cllr J. Brennan

**Resolutions
from other Local
Authorities**

Castleblaney Town Council

“That this Council demand that An Taoiseach, Brian Cowen, T.D., Brian Lenihan, T.D., Minister for Finance and the Government provide a

financial aid package or relief's for residential mortgage holders and S.M.E.'s (small and medium enterprises) who find themselves through no fault of their own, having great difficulty meeting their financial commitments at this time".

Cobh Town Council

"That this Council supports that "Justice for Robert Delaney Campaign" and the recently established website www.innocentvictimsofviolence.ie which was set up by the Delaney Family as a forum of support and information for the campaign and furthermore calls on any citizen with information on the callous crime which resulted in Robert's hospitalisation to inform the Gardaí of any such information".

Dublin City Council

"Dublin City Council recognising

1. That Veolia is a leading partner in the consortium contracted to build a light railway system linking Israel to illegal settlements in occupied East Jerusalem;

1. That the Irish government and the U.N. does not recognise Israel's annexation and occupation of East Jerusalem and have repeatedly stated their views that the Israeli settlements in East Jerusalem and the West Bank contravene international law;
2. That Veolia's involvement in the project is in contravention to the UN's stated demand that Israeli settlement activities and occupation should not be supported.

This Council calls on the City Manager not to sign any new or renew any existing contracts with Veolia as it would be in contravention of the wishes of this Council. Galway and Sligo City/County Councils have supported similar motions".

Macroom Town Council

In light of the economic plight we now find ourselves in and the collapse of the building industry, Macroom Town Council call on all local authorities to review their Development Charges. We are no longer in the Celtic Tiger era and we need to make drastic changes to kick start our economy again. In all areas of business, costs are falling and local authorities need to drastically reduce Development Charges to adapt to changing times”.

Monaghan Town Council

“At a recent meeting of Monaghan Town Council the Members called on Brian Lenihan, T.D., Minister for Finance to explore the possibility of re-examining the basis on which rates are levied by Local Authorities on commercial properties throughout the country”.

Shannon Town Council

“In light of the increasing mortgage payment crises, Shannon Town Council call on the Government to introduce a 24 months moratorium for the time mortgages first go into arrears before repossession proceedings can be taken”.

Wexford County Council

Wexford County Council calls on the Minister for Transport in response to “The Marine Pollution Prevention, Preparedness and Response Capabilities Study 2008” to immediately provide Emergency Towing Vessels (ETV) around the Irish coastline in order to protect Ireland’s coastline from Economic and Environmental damage”.

Limerick County Council

That, Limerick County Council calls on the Minister for Finance to amend the legislation requiring Rating Authorities to demand rates from owners or subsequent occupiers of commercial properties, for a vacant period following the departure of a previous tenant, after the date of making the rate for the year”.

**Any other
Business**

Square, Cahir

Cllr Lonergan referred to the trees in the Square, Cahir and it was clarified that developments at the Square were at consultation stage and no decisions had been made. Area members would be reverted to on the issue.

**Votes of
Sympathy**

- Kathleen Prendergast on the death of her mother Margaret
- John O'Mahoney on the death of his uncle Felix Quinn

The meeting then concluded.

Signed/_____. Dated/_____.
Cathaoirleach.

Signed/_____. Dated/_____.
Meetings Administrator.