

## South Tipperary County Council

### Minutes of South Tipperary County Council Meeting held in The Council Chamber, County Hall, Clonmel On Monday 5<sup>th</sup> November, 2007.

- In the Chair** Cllr. John Fahey.
- Present** Cllrs. L. Ahearn, T. Ambrose, M. Anglim, D. Bourke, J. Crosse, J. Crowe, J. Donovan, M. Fitzgerald, D. Foley, S. Healy, R. Kennedy, C. Kinahan, D. Landy, S. Lonergan, M. Maguire, S. Meagher, A. Moloney, P. Norris, S. Nyhan, J. O'Brien, E. O'Meara, R. Prendergast, B. Shoer, T. Wood.
- Apologies** Cllr. S. McCarthy.
- In Attendance** Mr. E. O'Connor, County Manager, B. McEvoy, Director of Services, Ms. E. Drennan, Head of Finance, Mr. Aidan Fennessey, S.E.O. Roads & Water Services, Mr. M. Graham, S.E.E., H. O'Brien, E.P., Ms. A. M. O'Flynn, A.S.O.
- Meetings Administrator** John O'Mahoney.
- Minutes** On the proposal of Cllr. T. Ambrose and seconded by Cllr. D. Foley the minutes of Special Meeting held on 17<sup>th</sup> September and Council Meeting held on 1<sup>st</sup> October were agreed.
- Planning Refusals** The Meetings Administrator advised that there were none.
- Public Notice of Proposed Works** *Ballingarry (Phase 1) – 8 Dwellings.*  
This comprised of the construction of 8 terraced houses on the western side of Ballingarry village. The proposed development had been evaluated and was considered to be consistent with the proper planning and sustainable development of the Ballingarry. No written submissions or observations had been received and it was recommended to proceed with the development. Cllr. J. Fahey welcomed the additional housing for the Ballingarry area.
- Conferences/Seminars** On the proposal of Cllr. T. Ambrose and seconded by Cllr. Nyhan it was agreed that:-  
  
“Cllr. T. Ambrose be nominated to attend conference entitled “Gateway Status...What’s it worth? To be held in the Ballymascanlon House Hotel Dundalk on the 1<sup>st</sup> November”.  
  
“Cllr. T. Ambrose be nominated to attend conference entitled “Where will Ireland get its energy” to be held in Dublin Castle on 8<sup>th</sup> November.”

“Cllr. J. Crosse be nominated at attend conference entitled “Corporate Social Responsibility” to be held in the Meyrick Hotel Galway on 8<sup>th</sup> November”.

“Cllr. T. Wood be nominated to attend conference entitled “National Conference Beyond 2007” to be held in Kirby’s Lantern’s Hotel, Tarbert, Co. Kerry on 14<sup>th</sup> November”.

“Cllrs. J. Crosse, M. Anglim, D. Landy and J. Donovan be nominated to attend conference entitled “Tourism for Changing Lifestyles” to be held in the Falls Hotel, Ennistymon, Co. Clare on 22<sup>nd</sup> to 24<sup>th</sup> November”.

“Cllrs. T. Wood, D. Foley and L. Ahearn be nominated to attend conference entitled “Future for Co-operation on the Island of Ireland” to be held in the City North Hotel, Gormanstown, Drogheda on 24<sup>th</sup> and 25<sup>th</sup> November”.

“Cllr. R. Kennedy be nominated to attend conference entitled “The Distribution of Care Work between Women and Men” to be held in the Fitzwilliam Hotel, Stephen’s Green, Dublin on 20<sup>th</sup> November”.

**Consider  
Manager’s Report  
on proposed  
Amendment No. 4  
of Cahir Local  
Area Plan 2005**

H. O’Brien, E.P. stated that the amendment had been on display and no submissions had been received, he recommended that the members adopt the amendment.

It was proposed by Cllr. A. Moloney,  
Seconded by Cllr. L. Ahearn,  
And Resolved:-

“That pursuant to the provisions of Section 20 of the Planning and Development Act, 2000 as amended, the proposed Amendment (No.4) of the Cahir Local Area Plan 2005 be and is hereby adopted.

**Consider  
Manager’s Report  
on proposed  
Variation No. 11 of  
South Tipperary  
County  
Development Plan  
2003**

It was proposed by Cllr. A. Moloney,  
Seconded by Cllr. L. Ahearn,  
And Resolved:-

“That pursuant to the provisions of Section 13 of the Planning and Development Act, 2000 as amended, the proposed Variation (No.11) of the South Tipperary County Development Plan 2003, be and his hereby adopted”.

**Consider  
Manager’s Report  
on the Review of  
South Tipperary  
County**

H. O’Brien, E.P advised the meeting that this report had been circulated at a recent workshop for the members, and had been on display from 25/5/07 to 23/7/07 with 230 submissions received these submissions were set out in the report. He recommended that the members accept the principle of the report and advised

**Development Plan  
2003**

that it was intended to have a draft plan prepared by 25/1/08. This was proposed by Cllr. T. Ambrose and seconded by Cllr. B. Shoer.

**Water Services  
Investment  
Programme 2007 -  
2009**

Mr. S. Keating referred to his report which was circulated with the agenda. He stated that this programme is mainly an up date of the 2005 – 2007 programme, with an increase from €49m to €75m. The schemes included were already in the previous Programme with the exception of the Grouped Sewerage Schemes Stages 1 and 2 – Feasibility Study. This scheme is a proposal to provide sewerage treatment facilities for a number of villages together as one contract. Members welcomed the programme and hoped that plans would proceed as per the report as it would be of huge value to the County. Members raised queries in relation to water quality, and also to lime in the Clonmel Area supply. Members suggested that adverts be placed in the local media to alert the householders of the high lime content. Mr. S. Keating in reply stated that advertisements had already been placed in this regard.

**Audit Committee**

Mr. E. O'Connor, County Manager advised the members of the obligation of the Council to appoint an Audit Committee. The functions of this committee were principally a) Review of financial and budgeting reporting practices b) fostering of best practice in Internal Audit c) Review Auditor's Report d) Promote efficiency and value for money e) Review risk management systems. The membership of the Committee is to be five, three external members and two either serving or retired Councillors. The Manager nominated Michael Lynch who is a member of the County Enterprise Board, Former President of Munitir Na Tire and a retired Bank Manager, John Condon from Merck Sharpe and Dohme, Ms. Moya Breen, Director, Tipperary Institute. The nominees were agreed. The Manager then requested the members to nominate two members to the committee.

It was proposed by Cllr. T. Ambrose and seconded by Cllr. A. Moloney that Cllr. R. Kennedy be appointed to the Audit Committee.

It was proposed by Cllr. S. Nyhan and Seconded by Cllr. J. O'Brien that Cllr. M. Fitzgerald be appointed to the Audit Committee.

These proposals were agreed.

**Policy on Provision  
and Management  
of Burial Grounds  
2007 - 2011**

A report in relation to policy on the provision and management of burial grounds was dealt with in detail by Michael Graham, S.E.E. Members raised a number of queries in regard to burial grounds at various locations, these were responded to in by Mr. Graham. In response to a query raised in relation to the increase

of charges for spaces the Manager referred to the financial implications of the Burial Ground Development Programme and advised that a cost neutral position needed to be achieved. It was proposed by Cllr. T. Ambrose and seconded by Cllr. M. Maguire to proceed with the Policy document.

Cllr. D. Landy stated that he wished to record his disagreement with the charges proposed.

**South Tipperary  
Environmental  
Awards 2007**

It was agreed that the Environmental Awards 2007 would take place on 3<sup>rd</sup> December, 2007 at 7.30pm in the Hotel Minella.

**Meeting Dates**

The following dates were agreed:-

Special Housing Meeting 26<sup>th</sup> November, 2007 at 10.00 am.  
Budget Meeting 13<sup>th</sup> December, 2007 at 10.00 am.

**Presentation by  
F.A.I Development  
Officer David  
Lenane**

Mr. David Lenane, F.A.I Development Officer made a presentation to the meeting. He stated that this was a joint initiative between the FAI, the County Council and the Rapid Towns of Carrick, Clonmel and Tipperary Town. He outlined the aims of the project and detailed work carried out to date. Members complimented him on the great work he has done in association with the Garda Youth Division which has helped build up a relationship between youths and the Gardai. In response to queries raised by members he stated that the possibility of an inter-town competition would be investigated. He also advised that the initial project was for a three year period and stressed the importance of the Gardai and the positive benefits for local communities.

**Presentation to Mr.  
Jim Healy**

The members made a presentation to Mr. Jim Healy, former Caretaker of County Hall. They wished him a long, happy, healthy and active retirement. They thanked him for all his help throughout the years and complimented him on the excellent job he had done with courtesy and good humour over the years.

**County Manager's  
Orders**

County Manager's Orders for the month of October were agreed.

**Notices of Motion**

**Notification of  
Driving Licence  
Renewal**

The Council considered the following Notice of Motion in the name of Cllr.R. Kennedy:-

*“That all long term (10 year) driving licence holders be notified of their renewal date”*

The reply stated that all Driving Licence records were held on a

National Database at the Vehicle Registration Unit, Shannon, Co. Clare. Reminder notices for 10 year licence were now being issued to all licence holders country wide from Shannon since August 2007. They are issued in the month preceding the expiry of the licence.

**Training of All Fire Personnel in the use of Defibrillators**

The Council considered the following Notice of Motion in the name of Cllr.R. Kennedy:-

***“That this Council ensure all Fire Brigade personnel be fully trained in the use of defibrillators”.***

The reply stated that the Health Service Executive was tasked with the management of medical emergencies and it was currently not the policy of South Tipperary Fire Service, nor were the Council funded to provide such a medical emergency service. There were no agreed national protocols in place concerning the fire service assistance in sudden cardiac emergencies. South Tipperary Fire & Rescue does not carry defibrillators in vehicles. Formal fire service response to such medical incidents was currently not possible as there were additional funding requirements for defibrillators, running a callout system and the area being subject to any agreement with staff and unions. Some fire personnel had already undertaken defibrillator training in their own time. This was regarded positively as it may benefit the community in general.

Members stated that the Fire Personnel are often the first to arrive at a scene and it would be important that at least some members of the Fire personnel would have the expertise to use a defibrillator. They highlighted the importance of the continuous training and retraining of Fire Personnel. They complimented the Fire Personnel on the excellent work done by them over the very busy Halloween period. Members noted that the contract for the New Fire Training Centre had been signed.

**Public Lighting on the Fethard Road Roundabout**

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

***“That the problem with the public lighting on the Fethard Road roundabout be investigated and solved as a matter of urgency.”***

The reply stated that South Tipperary County Council had instructed the E.S.B. to repair the public lighting at the Fethard Road roundabout as a matter of urgency.

**Speed Ramps at Kilknockin View, Fethard**

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

***“That Speed Ramps be provided at Kilknockin View, Fethard, as***

*this area is being used as a rat-run to avoid Kenny's Corner".*

The reply stated that having monitored the area over a number of days, it was considered that Kilknockin View was not being used by motorists as a rat-run. It was however, possibly being used by residents of St. Patrick's Place when travelling from the Killenaule Road, which they were entitled to do as they are all public roads. In the Kilknockin View Estate, there was no necessity to install speed ramps as the estate was too small in length, had sufficient bends and local residents park on both sides of the road. This, in effect, acted as a deterrent to speeding. During the monitoring period, at no stage was it possible to exceed 30km/h. Therefore, it was considered that speed ramps were not required in Kilknockin View.

**Speed ramps and traffic calming on Killenaule Road, Fethard**

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

*"That Speed Ramps and Traffic Calming measures be provided on the Killenaule Road, Fethard".*

The reply stated that proposals for traffic calming at the Killenaule Road, Fethard over a distance of approximately 400m, were currently under consideration for inclusion in the 2008 Programme.

**Road Surface at Moore Abbey**

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

*"That South Tipperary County Council take immediate action to improve the road surface at Moore Abbey where several accidents have occurred and erect proper signage at this junction."*

The reply stated that it was acknowledged that this road required surface dressing and it would be included in the 2008 Surface Dressing Programme. In the meantime, maintenance repairs would be carried out including the provision of improved road signage and markings.

**Connection to Water Supply**

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

*"That this Council explain why it takes so long for people to be connected to the public water supply, when the connection fee and charges have been paid in full."*

The reply stated that it took an average of 4.5 weeks from the date of receipt of a valid application to carry out a connection to the Council's watermain. However, in some cases connections

took longer primarily due to the fact that other works, such as burst water mains, were treated as a priority. It was accepted that there have been delays in the Tipperary Area and a system had been put in place to have outstanding connections done as quickly as possible. Cllr. Fitzgerald accepted the reply but asked if the availability of plumbing staff could be looked so that connections would not fall into a backlog.

**Tipperary Town  
By-Pass**

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

*“That an up-to-date report be given concerning the proposed by-pass of Tipperary Town, as progress seems to be extremely slow in this regard”.*

The reply stated that the Part 8 Planning Process for the N24 Pallasgreen / Bansha Scheme (which incorporated a by pass of Tipperary Town) was completed in January 2005. This enabled the Scheme to be incorporated into the South Tipperary County Development Plan. Work commenced shortly afterwards on the preparation of CPO drawings and a cost benefit analysis. This documentation was submitted to the NRA in June 2006. The CPO drawings were prepared on the basis that the road was going to be a wide single carriageway. However, in August of this year following numerous representations by South Tipperary County Council Roads Section the NRA made a policy decision that the N24 Western Corridor between Limerick and Waterford (which includes the N24 Pallasgreen / Bansha Scheme) was to be 2+2 type carriageway, i.e. a dual carriageway with 1m hard shoulders and a central median. This meant that revised CPO drawings and an EIS needed to be prepared and it was expected that this documentation would be completed and forwarded to the NRA for their approval by mid 2008.

Cllr. Fitzgerald asked that pressure be put on the Department of Transport and the NRA to progress this as a matter of urgency and that a deputation from the Council be sought in conjunction with the application for approval to proceed to the next stage of the project. This was agreed.

**Ballyryan Crossing,  
Monard, Tipperary**

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

*“That this Council ask Iarnrod Eireann to explain the lapse in safety, which has recently occurred on a number of occasions at the Ballyryan Crossing, Monard, Tipperary”.*

It was agreed that Iarnrod Eireann would be written to in this regard.

**Traffic Situation in Rosegreen**

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

*“That in view of the serious traffic situation in Rosegreen due to bulk and speed, the Manager outline what steps will be taken to introduce traffic calming with reference to a pedestrian crossing near the school, additional parking in front of the GAA grounds and other measures necessary to safeguard the school children as promised some years ago”.*

The reply stated that the village of Rosegreen was the subject of Village Renewal Scheme in 2002 and at that time a village scheme was designed which included new footpaths, landscaping and it also included an element of traffic calming. The Council carried out some of the elements of the scheme using the village renewal budget provided at the time.

The traffic calming element, which included gateway arrangements, crossing points and the reshaping of the main carriageway opposite the school were not implemented as the necessary finances for same were not provided at that time. It was hoped however to carry out this work in 2008.

**Oliver Plunkett Park, Cashel**

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

*“That the agreement reached with the residents of Oliver Plunkett Park, Cashel in relation to the Part 8 resolution regarding new road layout be implemented in full”.*

The reply stated that arising out of the construction of the new housing estate through Oliver Plunkett Park (Town Council Housing Estate), the Council agreed and adopted a new access arrangement and estate improvement scheme with the residents of Oliver Plunkett Park. The overall improvements were the subject of a Part 8 planning procedure. The Council were now in negotiation with the developer of the new housing estate in a bid to reach an agreement that the developer would carry out the work or that a suitable contribution could be agreed. This was in accordance with the conditions of planning. The Council would seek to progress the works following the successful outcome of the above procedure.

Members expressed concern that the agreement reached with the residents had been breached and conditions agreed with the Developer had not been fulfilled, Mr. B. McEvoy informed the members that meetings had been held with the Developer in this regard and a further meeting would also be held in order to resolve the issue.

**Windmill, Cahir Road, Cashel**

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

*“That immediate meeting be held with the residents of Windmill, Cahir Road, Cashel with a view to making safe the cul-de-sac recently formed from the new motorway layout”.*

It was agreed that discussions would be held with the residents of Windmill during the course of the next two weeks with a view to agreeing works to be carried out that will ensure no illegal parking in the cul-de-sac.

**Provision of a roundabout at the Junction of Heywood Road with the Frank Drohan Inner Relief Road**

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

*“That South Tipperary County Council in conjunction with the National Roads Authority and Clonmel Borough Council provide a roundabout at the junction of the Heywood Road with Frank Drohan Inner Relief Road, in the interest of pedestrian and traffic safety”.*

The reply stated that it was agreed at previous Council Meetings, that it was accepted that a roundabout would be provided at this junction once development proposals for the adjoining land to the northwest were known because additional land would be required to facilitate the construction of the roundabout. Work on the design of a roundabout at the above location would commence shortly by the Roads Design Section of South Tipperary County Council. When completed it would be forwarded to the NRA for their approval together with an application for funding in 2008 in order to construct the roundabout.

A number of members urged that this be looked at as a matter of urgency as this junction is being used by a huge number of motorists. They requested that additional traffic measures be investigated pending the provision of the roundabout.

**Fethard Regional Water Supply**

The Council considered the following Notice of Motion in the name of Cllr. E. O’Meara:-

*“To ask for an update on Fethard Regional Water Supply and in particular what improvements are planned for the eastern section of same i.e. Mullinahone, Ballingarry, Cloneen and Drangan.”*

The reply stated that a Design Review Report in relation to the Fethard Regional Water Scheme was submitted to the DoEHLG in May 2007 and a decision was expected soon which could allow the Scheme to proceed to contract stage. This major upgrade would see an improvement across all areas served by the

Regional scheme. In the meantime interim measures were being implemented in a number of areas. In relation to the Ballingarry area, a new borehole was recently commissioned in the Commons which had resulted in improvements to the supply in the area. The areas of Mullinahone, Drangan and Cloneen were subject to interruptions to supply due to regular burst watermains and leakage in the distribution system.

The Water Conservation team were working in this area at present in an effort to improve the supply through leak detection and repair and also pressure control measures. Investigations had also taken place in relation to the provision of a borehole supply in the Drangan area which had proved unsuccessful. The question of taking a supply from the Spring River was investigated but found not to be feasible due to source protection concerns. Investigations were taking place on the provision of a borehole supply in the Dualla area which, if successful, would result in an improvement to the supply to the areas concerned.

In response to queries raised the Water Services Section would make every effort to implement short term measures to improve the supply to these areas, pending the completion of the major Fethard Regional Scheme. Mr. A. Fennessey noted that there was a problem with pressure at various locations and a number of options had been investigated without success

**Extension or Replacement of Mullinahone Treatment Plant**

The Council considered the following Notice of Motion in the name of Cllr. E. O'Meara:-

*“To ask the Director what is the up to date position re. the extension or replacement of Mullinahone Treatment Plant and what effect it is having on current and future planning permissions.”*

The reply stated that the Council submitted an “Assessment of Needs” Report for the period 2007-2014 to the DoEHLG in 2006. Mullinahone was included in a group of six villages requiring an upgraded or new treatment plant. Seven villages were included as another grouped scheme. The Water Services Investment Programme 2007-2009 included funding for a Feasibility Study covering both grouped sewerage schemes. The Council would now proceed with the preparation of a brief for the appointment of Consultants to carry out the Study.

The existing plant and site were examined by consultants and found not suitable for upgrading and recommended the provision of a new plant. In response to queries from the members Mr. Fennessey indicated that all options will be investigated including consultation with developers.

## Correspondence

- (a) Reply dated 24/9/07 from Office of the Minister of Environment, Heritage and Local Government regarding finds from archaeological digs. It was requested that a meeting be sought with the Director of the National Museum in this regard.
- (b) Reply dated 12/10/07 from Office of the Minister of State at the Department of Education and Science regarding Fethard Community Youth Project. Members expressed their concerns that this project should be renewed and it was agreed that a deputation to the relevant Minister should be sought with a view to restoring Youth Project Workers in 2008. It was agreed to liaise with the Community and Enterprise Section and to seek assistance from the Oireachtas Members in this regard.
- (c) Letter dated 8/10/07 from An Post regarding the provision of a post box in Killurney.
- (d) Reply dated 18/10/07 from Office of Public Works regarding Rock of Cashel. Cllr. Wood requested that a meeting be arranged between the Economic Planning & Development SPC and the Heritage Policy Unit of the Department of the Environment Heritage and Local Government in this regard.
- (d) Replies from Mr. B. Lenihan T.D. Minister for Justice, Equality & Law Reform, regarding Cahir Courthouse. Following discussions it was agreed to seek further clarification from the Court Services in this regard.

## Resolutions from Other Local Authorities

### Fingal County Council.

*“That Fingal County Council, on foot of the discovery of unsuitable building materials used in the construction of floor plinths in residential dwellings within our jurisdiction, write to the Minister for the Environment, Heritage and Local Government with regard to creating additional regulation for chemical/petrographic analysis of all backfill materials used in excavations, floors, road bases etc. and that the relevant technical guidance documents of the Building Control Act 1990 and 2007 be altered to reflect same”.*

### Kildare County Council.

*“That, the Minister for the Environment, Heritage and Local Government be requested to amend Section 246(b) of the Planning Act 2000 which requires that public representatives pay a statutory fee of €20.00 in respect of a submission made on a planning application. The amendment should abolish the fee requirement for public representatives in their local authority area”.*

## Votes of Congratulations

Votes of Congratulations were passed to the following:-

- Moyle Rovers on winning the County Championship.

- The Gardai on the excellent work done in Cellbridge.
- Eddie Ryan, Cherrymount and Willie Keane, Knockavilla on their success at the Special Olympics in China.

**Votes of Sympathy**

Votes of Sympathy were passed to the following:-

- Mr. Denis Holland, S.E. Environment on the death of his uncle Mr. Tom Logan.
- Ms. Martina Ferncombe, Tipperary Town Council on the death of her uncle Fr. Roger Kinane.
- Mrs Judy Phelan and the Phelan Family, Powerstown on the death of Mr. Michael Phelan.

**Conclusion**

The meeting then concluded.

Signed/\_\_\_\_\_. Date/\_\_\_\_\_.  
**Cathaoirleach.**

Signed/\_\_\_\_\_. Date/\_\_\_\_\_.  
**Meetings Administrator.**