

South Tipperary County Council

Minutes of South Tipperary County Council Meeting held in The Council Chamber, County Hall, Clonmel On Monday 1st December, 2008.

In the Chair	Cllr. Tom Ambrose.
Present	Cllrs. L. Ahearn, J. Fahey, J. Crosse, J. Crowe, J. Donovan, M. Fitzgerald, D. Foley, S. Healy, R. Kennedy, C. Kinahan, S. Lonergan, S. McCarthy, A. Moloney, P. Norris, S. Nyhan, E. O'Meara, B. Shoer, D. Landy, M. Maguire, T. Wood, Jimmy O'Brien, M. Anglim, D. Ryan
Apologies	Cllr. Susan Meagher
In attendance	Mr. Ned O'Connor, B. McEvoy, S. Carr, S. Reidy and H. Houlihan
Meetings Administrator	John O'Mahoney
Environmental Awards 2008	The Cathaoirleach reminded members of the Environmental Awards which were being awarded that night in Hotel Minella and informed them that a new initiative for 2009 was being announced to assist a town or village compete in the National Tidy Towns Competition.
Budget Meeting	The Cathaoirleach informed the meeting that members of Comhairle na nOg had requested permission to attend the Budget Meeting and this was agreed.
Local Electoral Boundaries	Mr. O'Mahoney informed the meeting that the Minister had confirmed the revised local electoral boundaries as already circulated.
Minutes	On the proposal of Cllr. Roger Kennedy and seconded by Cllr. John Fahey the minutes from the Council Meeting held on 3 rd November, 2008.
Planning Refusals	<p>The Meetings Administrator advised that there were none.</p> <p>In response to a query by Cllr Healy in relation to the rural housing policy it was agreed that Ms. S. Carr would revert to him with clarification.</p>
Public Notice of Proposed Works	The meetings administrator advised that there were none.

Declaration of Public Road – Abbey Close, The Green, Fethard

It was proposed by Cllr. Jimmy O’Brien
Seconded by Cllr. Eddie O’Meara
And Resolved:

“That we the Members of South Tipperary County Council being satisfied that the road at Abbey Close, The Green, Fethard 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, water mains and drains within the attendant grounds of the development”.

Location of Road	Length of Road to be taken over (m)	Terminal Point of Road
Abbey Close, The Green, Fethard	32m	Co-ordinates E220.999 N135.015

**Conferences/
Seminars**

On the proposal of Cllr. Roger Kennedy and seconded by Cllr. Michael Fitzgerald it was agreed that:

Cllrs. Michael Anglim, Roger Kennedy, Darren Ryan and John Fahey be nominated to attend conference entitled “Homelessness in Ireland” organised by Superior Training to be held in City West Hotel, Dublin on 5th and 6th December, 2008.

Cllr. Liam Ahearn be nominated to attend conference entitled “Information Seminar for Local Action Groups” organised by Pobal to be held at Newpark Hotel, Kilkenny on 10th December, 2008.

Cllr. Sean McCarthy be nominated to attend conference entitled “Ireland in Europe” at European Union House, Dawson Street, Dublin organised by European Commission on 15th December, 2008.

Land at Scoil Mhuire, Newcastle, Co. Tipperary

It was proposed by Cllr. Andy Moloney
Seconded by Cllr. Liam Ahearne
And resolved:

“That in accordance with the provisions of Section 183 of the Local Government Act, 2001 we hereby approve of the disposal of property at Scoil Mhuire, Newcastle, Co. Tipperary containing approximately 0.066 acres to Scoil Mhuire, Newcastle in accordance with the terms of the Notice under the above Section, as circulated on the 18th November, 2008”.

**Property at
Lisvernane, Co.
Tipperary**

It was proposed by Cllr. Michael Maguire
Seconded by Cllr. Roger Kennedy
And resolved:

“That in accordance with the provisions of Section 183 of the Local Government Act, 201 we hereby approve of the disposal of property at Lisvernane, Co. Tipperary containing approximately 0.432 acres to Lisvernane Childcare Committee in accordance with the terms of the Notice under the above Section, as circulated on the 18th November, 2008.

**Finance –
Approval to over-
expenditure 2008**

It was proposed by Cllr. Roger Kennedy
Seconded by Cllr. Derry Foley
And Resolved:

“That in accordance with Section 104 of the Local Government Act 2001 excess expenditure in respect of the financial year ended 31st December, 2008 be and is hereby approved as follows:

Programme	Amount
2.1	€80,000
2.2	€10,000
3.1	€150,000
3.8	€20,000
4.1	€300,000
4.8	€20,000
5.4	€100,000
5.8	€40,000
7.1	€2,000
8.1	€50,000
8.3	€50,000
8.8	€50,000

**Draft
Development
Contribution
Scheme 2009 –
2015**

Ms. S Reidy advised the members that the Draft Development Contribution Scheme for the period 1st March, 2009 to 28th February, 2015 had been prepared. Notices would appear in all local papers inviting submissions/observations. The draft scheme would be available for inspection. Following public consultation a Manager’s Report would be prepared and submitted to the Members.

**District Service
Centre
Enhancement
Schemes**

Ms. S. Reidy informed the meeting that draft District Service Centre Enhancement Schemes had been prepared for Ardfinnan, Ballyclerihan, Dundrum, Killenaule, Kilsheelan and Lisvernane. The purpose of the scheme was to facilitate and guide co-ordinated improvements to the streetscapes of the village centres. Public meetings had been held in each village and submissions were invited. The final schemes were being prepared and would be brought before the members for endorsement in the New Year.

Launch of Water Conservation Awareness Website

The Cathaoirleach introduced Mr. John Fogarty, Water Services Section who made a presentation to the meeting on Water Conservation and Network Management.

Water Conservation and Network Management was an integrated approach to operating, monitoring and leak detecting of the water supply networks and was proven to be a more economic way of extending water supply to meet demand. It involved the maintenance of network records, active leak detection and repairs, monitoring levels of unaccounted for water, strategic planning of water infrastructure and recording of leaks and bursts.

Members welcomed the informative report. Tipperary Area Members referred to improvements in their area as a result of network management.

Members spoke of difficulties with infrastructure in South Tipperary and referred to specific problems in individual areas. Mr. Fogarty responded with details of measures being undertaken through network management, however in some areas mains replacement was the only option. It was agreed that discussions in this regard could also take place at Area Meetings as required.

River Basin Management Plans

Mr. Denis Holland referred to the Strategic Policy Committee meetings that had been held in relation to the draft plans for the River Basin Districts which were currently being prepared and introduced Mr. Ray Spain, Project Co-ordinator, South East River Basin District who referred to presentations already made to all SPC's and outlined the process that would take place.

Concerns were expressed about the implications these directives would have on agriculture and other developments.

Proposed Variation No. 1 of the Clonmel and Environs Development Plan 2008

Ms. S. Reidy informed the meeting that the proposed variation contained two principal elements, the omission of lands adjacent to Kilsheelan village from the Clonmel & Environs Plan and amendments to the zoning matrix. The proposed variations would be advertised and placed on public display. A manager's report would be prepared and circulated to members for consideration.

It was proposed by Cllr. B. Shoer
Seconded by Cllr. D. Ryan
And resolved:

“That the procedures to vary a Development Plan as set out in Section 13 of the Planning and Development Act, 2000 (as amended) and Article 13 (K) of the Planning and Development Regulations, 2001 as inserted by Article 7 of the Planning and Development (Strategic Environmental Assessment) Regulations, 2004 be commenced to vary the Clonmel and Environs

Development Plan 2008 to:

- (1) Omit lands at Kilsheelan village from the Clonmel and Environs Development Plan 2008
- (2) Amend the 'zoning matrix' set out in Chapter 9 of the Clonmel and Environs Development Plan 2008.

Date for January Meeting It was agreed that the January Meeting of South Tipperary County Council will take place on 12th January, 2009.

Date for Standing Orders Meeting It was agreed that the Standing Orders Meeting will take place at 10am on 12th January, 2009.

Manager's Orders for the month of November County Manager's Orders for the month of September were noted.
In response to a query from Cllr. Fitzgerald, it was agreed that the position in relation to fire certificates would be clarified.

Notice of Motion

Ballyvadlea Road, Cloneen The Council considered the following motion in the name of Cllr. Seamus Healy:-

"That the Ballyvadlea Road, Cloneen serving Powers, Hickeys, Mullallys, Egans, Bolands, Dolans and Furnells be repaired and resurfaced urgently as it is in very poor condition".

Routine maintenance works were recently carried out on this road and drainage and other repairs will be completed within the next fortnight.

School Vaccination Programme The Council considered the following motion in the name of Cllr. Tom Wood:-

"That this Council calls on Government to implement the school vaccination programme for all twelve year old girls as announced by the Minister for Health last year".

The motion received the support of the members. It was agreed to circulate the motion to all local authorities.

One off Rural Housing The Council considered the following motion in the name of Cllr. Tom Wood:-

"That the Manager outlines the situation re. one off rural housing resulting from Department of the Environment correspondence with County Manager on the "local needs aspect".

The Department of the Environment issued Circular SP 5/08 on 30th September 2008. This relates to 'Rural Housing Policies and Local

Need Criteria in Development Plans: Conformity with Articles 43 & 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty’.

This states that Section 3.2.3 (Rural Generated Housing) of the Sustainable Rural Housing Guidelines should continue to apply in that persons who are an intrinsic part of the rural community, or persons working full-time in rural areas, should be favourably considered in relation to rural housing. Notwithstanding same a bone fide applicant who may or may not already live in the area, nor have family connections there or be engaged in a particular employment or business classified within the local needs criteria, should be given due consideration subject to the following:

- Such applicants may reasonably be required to satisfy the planning authority of their commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application,
- That they outline how their business will contribute to and enhance the rural community; and
- That they satisfy the planning authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage applicants whose business is not location dependent.

The circular also requires that occupancy clauses should include the 7 year time period.

It is considered the policies and objectives contained in the County Development Plan 2003 (HSG8 refers) in addition to those contained in the Draft 2009-2015 County Development Plan (Sections 5.3.5 and Section 3.5.2.4 refer) satisfy these requirements. The Planning Authority is satisfied the decisions of the Planning Authority will reflect these requirements.

**Ballyvadlea Road,
Cloneen**

The Council considered the following Motion in the name of Cllr. Jimmy O’Brien:-

“I call on the roads section to carry out drainage works and road repairs to the Ballyvadlea Road, Cloneen”.

Routine maintenance works were recently carried out on this road and drainage and other repairs will be completed within the next fortnight.

Cllr. O’Brien stressed the importance of the maintenance of the stretch of road because of use by locals and tourists.

**St. Mary's
Central School,
Killenaule**

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

“That this Council write to the Minister for Education Batt O’Keeffe urging him to review the teacher situation at St. Mary’s Central School, Killenaule. (In the case of Killenaule because of being short one pupil the school are losing two teachers”.

It was proposed by Cllr Fitzgerald, seconded by Cllr Landy and agreed that the motion would be amended as follows by the addition of the following at the end of the first sentence “and all other schools in the county which are effected by the cutbacks”.

Member debated the education cuts at length. Reference was made to the implications on matters such as the pupil/teacher ratio, substitution cover and loss of extra curricular activities. Some members highlighted the increase in the education budget.

Members referred to a protest rally that was taking place in Dublin and it was proposed by Cllr Wood that the Cathaoirleach would represent the Council at this rally. Cllr Ambrose declined to accept this proposal as he felt it would be inappropriate to attend representing the corporate body of South Tipperary County Council and it was a matter for each member to attend as an elected representative.

Correspondence

- (a) Reply dated 3rd November, 2008 from Department of Social & Family Affairs regarding compensation for flood victims.

Cllr Fahey suggested that the relevant local authority would be consulted in relation to any claims received for their areas as they would be in a position to confirm areas affected and it was agreed to write to the Department of Social & Family Affairs in this regard.

- (b) Reply dated 5th November, 2008 from Deputy McGrath and enclosure regarding ambulance service in Carrick-on-Suir.

- (c) Reply dated 10th November, 2008, from N.R.A. regarding attendance at Council Meeting.

Cllr Foley expressed his anger at the response received from the N.R.A. and proposed that a deputation would be sought with the relevant Minister and the Board of the NRA in relation to the overall position with regard to the N24 and the various issues of concern on this issue. This was seconded by Cllr Landy.

- (d) Reply dated 11th November, 2008, from office of the Minister for Health regarding HSE attendance at a Council Meeting.

- (e) Reply dated 11th November, 2008, from office of the Minister for Health regarding regional health authorities.
- (f) Reply from Deputy McGrath dated 10th November, 2008, regarding levy on non principal private residences.
- (g) Acknowledgement dated 13th November from Taoiseach's office re. education cuts.
- (h) Reply dated 14th November, 2008, from HSE re ambulance service in Carrick-on-Suir
- (i) Reply from Deputy Prendergast dated 17th November, 2008, regarding Education Cuts.
- (j) Reply from Deputy Prendergast dated 19th November, 2008, regarding Levy on non principal private residences.
- (k) Reply from Mr. Brian Lenihan's office dated 21st November, 2008, regarding PAYE workers and Social Welfare recipients.
- (l) Reply from Deputy McGrath dated 24th November, 2008, regarding Education Cuts.

**Any other
Business**

Salting of Roads In response to an enquiry by Cllr Landy, Mr. McEvoy confirmed that national and regional roads with high usage were salted as required. However situations would be responded to as required taking into account the limited resources and equipment available.

**Votes of
Sympathy**

Votes of Sympathy were passed to the following:-

- Cllr. Pat Norris on death of his brother.
- Denis Holland on death of his mother in law.

Conclusion

The meeting then concluded.

Signed/_____. Dated/_____.
Cathaoirleach.

Signed/_____. Dated/_____.
Meetings Administrator.

