

## South Tipperary County Council

### Minutes of South Tipperary County Council Meeting held in The Council Chamber, County Hall on 6<sup>th</sup> September, 2010

<b>In the Chair</b>	Cllr. Sean McCarthy
<b>Present</b>	Cllrs. T. Acheson, L. Ahearn, S. Ambrose, M. Anglim, J. Brennan, S. Cooney Sheehan, J. Crosse, J. Crowe, J. Donovan, P. English, J. Fahey, M. Fitzgerald, M. Hanna Hourigan, S. Healy, D. Landy, D. Leahy, S. Lonergan, R. Molloy, M. Murphy, MI Murphy, J. O'Brien, T. Wood.
<b>Apologies</b>	Cllrs. E. O'Meara, D. Ryan
<b>In attendance</b>	E. O'Connor, B. McEvoy, S. Keating, C. Curley, S. Carr, P. Slattery, A. Fennessey, D. Walsh
<b>Meetings Administrator</b>	Mr. John O'Mahoney
<b>Casual Vacancy – Co-option</b>	<p>On the proposal of Cllr. Jack Crowe and seconded by Cllr. M. Fitzgerald And Resolved: -</p> <p>“That pursuant to the provisions of Section 19 of the Local Government Act, 2001, Louise McLoughlin be appointed to the Casual Vacancy which exists on South Tipperary County Council”.</p> <p>Members welcomed Ms. McLoughlin to the membership of South Tipperary County Council and offered her their assistance and support. Ms. McLoughlin thanked the members for their kind sentiments and pledged her commitment to work for the people of the Cashel Electoral Area and South Tipperary.</p>
<b>Tipperary – All Ireland Hurling Title</b>	The Cathaoirleach congratulated the Tipperary Team on their brilliant performance to win the All Ireland Senior Hurling Final. He paid tribute to all involved in this great achievement.

**Filling of casual vacancies on various Committees**

It was proposed by Cllr. Michael Fitzgerald  
Seconded by Cllr. Marie Murphy  
And Resolved:-  
"That Cllr. Louise McLoughlin be appointed to the following committees:-

- County Museum Committee
- Traveller Accommodation Consultative Committee
- Planning Advisory Committee
- Roads, Transportation and Safety Strategic Policy Committee
- Housing Policy and Social Development Strategic Policy Committee
- South East Regional Authority
- Joint Libraries Committee
- South Eastern River Basin District Council
- Joint Policing Committee

**Minutes**

On the proposal of Cllr. Joe Brennan and seconded by Cllr. Tom Acheson the Minutes of the Annual General Meeting held on 30<sup>th</sup> June, 2010 were adopted.

On the proposal of Cllr. Joe Brennan and seconded by Cllr. Tom Acheson the Minutes of the Council Meeting held on 5<sup>th</sup> July, 2010 were adopted.

**Matters Arising**

Water Supply – Clonmel North

In reply to a request for an update from Cllr. Seamus Healy, Mr. John Fogarty, Water Services section confirmed that mains testing was being carried out and the provision of a reservoir was actively being pursued.

Fethard Water Supply Scheme

Cllr. O'Brien expressed dissatisfaction at the recent interruption to the water supply in Mullinahone over a particularly busy weekend for the residents.

Galteen Water Supply

Cllr. Leahy expressed dissatisfaction at the interruption to the water supply in Emly.

Mr. John Fogarty outlined the circumstances and works undertaken in both cases.

Waste Licence Permit – In reply to an enquiry by Cllr. Sylvia Cooney Sheehan the meeting was informed that a letter has been sent to the Minister for the Environment in this regard but that no reply had been received. The matter would be followed up.

### **Conferences/ Seminars**

On the proposal of Cllr. MI Fitzgerald and seconded by Cllr. J. Brennan, it was agreed that: -

Cllr. Tom Acheson be nominated to attend conference organized by CIF entitled "The Economics of Ireland's Recovery" to be held at Convention Centre Dublin on 10<sup>th</sup> September, 2010

Cllr. Michael Fitzgerald be nominated to attend conference organized by LAMA entitled "Suicide is Everybody's Business" to be held at Cavan Crystal House, Cavan on 18<sup>th</sup> September, 2010

Cllr. Tom Acheson be nominated to attend conference organized by Esperanza Enterprises entitled "Performance Management and Development for the Elected Representative" to be held at Esperanza Enterprises on 17<sup>th</sup> – 19<sup>th</sup> September, 2010

Cllrs. Tom Acheson, Siobhan Ambrose, Sylvia Cooney Sheehan, Denis Leahy be nominated to attend conference organized by Respond Housing Association entitled "Anti-Social Behaviour – Symptoms, Solutions and Strategies to be held in Heritage Hotel, Portlaoise on 15<sup>th</sup> September, 2010

Cllrs. Denis Leahy, Sean McCarthy, Tom Wood and Darren Ryan be nominated to attend conference organized by AMAI at Inishowen Gateway Hotel on 9<sup>th</sup>-11<sup>th</sup> September, 2010

Cllr. Siobhan Ambrose be nominated to attend conference organized by Richard Cantillon School entitled "Entrepreneurs & Economists – Consensus or Conflict"? on 8<sup>th</sup> September, 2010

at Ballygarry House Hotel, Tralee, Co. Kerry

Cllr. Richie Molloy be nominated to attend conference organized by Michael Noonan, TGR Seminars entitled "Computer and IT Development Skills for Councillors" on 3<sup>rd</sup> – 5<sup>th</sup> September at Keadeen Hotel, Newbridge, Co. Kildare

Cllr. Denis Leahy be nominated to attend conference organized by Ashford Building Services entitled "Planning Applications – Professional Indemnity to be held at The Glenlo Abbey Hotel, Bushypark, Co. Galway on 24<sup>th</sup> – 26<sup>th</sup> September, 2010

**Section 183  
Notice – Lease  
of lands at  
Ballingarrane  
South, Clonmel  
(Poppyfield) to  
Clonmel  
Commercials  
Gaelic Football  
Club**

It was proposed by Cllr. Seamus Healy  
Seconded by Cllr. Siobhan Ambrose  
And Resolved: -

"That in accordance with the provisions of Section 183 of the Local Government Act, 2001 we hereby approve of the Lease of Changing rooms, car park and playing pitch (2.47 acres or thereabouts) at Ballingarrane South Clonmel (Poppyfield) to Michael O'Connell and Seamus Mullins Trustees, Clonmel Commercials Gaelic Football Club, C/O James C. Skinner, Solicitor, 3 Dr. Croke Place, Clonmel in accordance with the terms of the Notice under the above Section as circulated on 11<sup>th</sup> August, 2010".

**Section 183  
Notice –  
Disposal of  
dwelling at  
Carrigane,  
Mitchelstown**

It was proposed by Councillor Liam Ahearn  
Seconded by Councillor Joe Brennan  
And Resolved: -

"That in accordance with the provisions of Section 183 of the Local Government Act, 2001, we hereby approve of the disposal of dwelling house and cartilage, the total of which amounts to 0.190 hectares (0.4695 acres) at Carrigane, Mitchelstown, Co. Cork to Martina O'Connor, 12 Boherash, Glanworth, Fermoy, Co. Cork in accordance with the terms of the notice under the above Section as circulated on the 30<sup>th</sup> July, 2010".

**Section 183  
Notice –  
Disposal of  
property at  
Irishtown,  
Clonmel  
consisting of  
land and  
buildings to the  
Minister for  
Education and  
Skills**

It was proposed by Councillor Pat English  
Seconded by Councillor Michael 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 property at Irishtown, Clonmel consisting of land and buildings containing 1.374 acres or thereabouts to the Minister for Education and Skills, Department of Education and Skills in accordance with the terms of the notice under the above Section as circulated on 23<sup>rd</sup> July, 2010”.

**Draft Cahir  
Local Area Plan  
2010**

The Manager’s report on submissions, considerations and recommendations in relation to the Draft Cahir Local Area Plan 2010 had been circulated to the Members. Ms. Caroline Conway, Planning Section, outlined the process that had been undertaken to date. As the amendments set out in Section 20 (3) Managers Report and Members Directions were deemed to be Material Amendments, they would require a further period of public consultation and consultation with the prescribed bodies e.g. the Minister and DEHLG.

It was therefore proposed that the Material Amendments would be made available for public consultation for a period of 4 weeks during which time further submissions would be accepted from the public.

Any submissions received would be summarised with recommendations, in a further Manager’s Report, which would then issue to all of the Elected Members for their consideration.

**Update on the  
current status  
of the N24  
Major Schemes**

It was agreed to take Notice of Motion No. 21 in the name of Councillor Michael Fitzgerald with this item as follows: -

**“That in view of recent announcements that the Director give a report on the present status of the proposed**

## **Pallasgreen-Bansha, Bansha-Cahir road incorporating the Tipperary Town ByPass”.**

A report had been circulated to the members updating them on the current status of the N24 Major Schemes which comprised the Carrick on Suir ByPass, Clonmel Outer ByPass and Pallasgreen to Cahir.

### N24 Carrick on Suir Bypass

The Route Selection Report for the above scheme was approved in 2003 and the Part 8 Planning process for a wide single carriageway was complete in December 2004.

A review of the preferred route for the scheme was initiated in 2008. A new Route Selection Report had been prepared. Due to the identification of this new preferred route corridor, it is proposed to undertake a new public consultation process in order to inform the public and consult with affected landowners. The next phase in the scheme programme is the publication of an Environmental Impact Statement (EIS) and a Compulsory Purchase Order (CPO).

### N24 Clonmel Outer Bypass

The emerging Preferred Route was submitted for public consultation in 2006. Following the public consultation exercise, a review of the section of route crossing the townlands of Orchardstown, Ballyvaheen, Caherclogh and Kilmore was initiated. The review had now been concluded and a Route Comparison Report had been prepared to record its findings. A partially amended preferred route had been identified and it was proposed to consult directly with the affected landowners and undertake a new public consultation process. The objective at present was to close out the Route Corridor Selection Phase of the project and establish the route corridor for the Scheme in 2010. The next phase in the scheme programme was the publication of an Environmental Impact Statement (EIS) and a Compulsory Purchase Order (CPO).

### N24 Passasgreen to Cahir

The Route Selection Reports for the N24 Pallasgreen to Bansha and the N24 Bansha to Cahir Road Improvement Schemes were approved in 2003 and the Part 8 Planning Process for a wide single carriageway for the Pallasgreen to Bansha Section was completed in December, 2004.

The above Scheme now incorporated the previous Pallasgreen to Bansha, and Cahir to Bansha schemes into a single project. As part of a strategic review of the N24 corridor, following an NRA decision to ensure the route can be constructed to dual carriageway standard, a potential new route option has been identified for the Cahir to Bansha section of the route. This section of the scheme also crosses the River Suir, a designated European conservation site. Further studies are being undertaken on the proposed river crossing location to ensure any potential impacts on the conservation site are minimised. Once this study is completed a Route Comparison Report for the Cahir to Bansha section shall be published to document the findings of the review. It is anticipated that this report will be published before the end of 2010, following which public consultations would be held. Members spoke of their concerns for funding of these projects and frustration of the lack of progress. They stressed the urgent need for a bypass of Tipperary Town and Carrick on Suir and asked that consideration be given to the provision of a ring road for both these towns.

In response Mr. McEvoy outlined the reasons that favoured the progression of the schemes as outlined. The County Manager acknowledged the concerns of the members but stressed that government policy favoured the schemes as outlined in the report circulated. It was important therefore to proceed as proposed in the report in order to be able to avail of funding for any element of the scheme as soon as it becomes available.

**County  
Managers  
Orders for  
months of July  
and August**

County Managers Orders for the months of July and August 2010 were noted.

**County  
Librarians**

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

“Due to retirements, 6 counties are now without a county librarian (by the end of the year this will rise to 9). The current embargo is inhibiting services and this is to the detriment of all users of the libraries. Within the S.E.R.A. region, 3 areas are affected, Waterford County, Kilkenny and Carlow. I propose that this Council would send a letter to the Minister for the Environment and the Minister for Finance looking for a derogation on the moratorium”.

It was agreed to write to both Ministers in this regard.

**Extensions to  
one off housing**

The Council considered the following Notice of Motion in the name of Cllrs Seanie Lonergan and John Crosse: -

**“We the undersigned propose that because of the severity of penalties in respect of one off housing, concerning extensions that have been made to homes without permission that applicants be given 12 months to get their affairs in order. We feel that in the present climate that not enough time is afforded”.**

The statutory obligations of the Planning Authority as they relate to Enforcement are set out under Part VIII of the Planning & Development Act 2000, as amended. The statutory provisions of same provide for the issue of warning letters and enforcement notices within best practice timelines to help avoid damage to the environment and the natural & built heritage, and to help avoid

erosion of public confidence in, and undermining of, the integrity of the planning system.

In all cases we encourage (in writing) any persons served with correspondence relating to unauthorised development to communicate with the Planning Authority at the earliest possible opportunity. This policy ensures a speedy resolution is reached, without recourse to the service of enforcement notices or the initiation of legal proceedings, where possible.

This policy of communicating directly with the persons engaged in unauthorised development also allows individuals to present their particular circumstances: in this way all matters are considered on a case-by-case basis, within the confines of our statutory requirements.

The case-by-case approach in addition to our statutory obligations preclude the Planning Authority from adopting a policy of providing persons that carry out unauthorised development with '12 months period to get their affairs in order', before carrying out our prescribed duties. However we can confirm that we adopt a reasonable approach, and where possible seek to resolve matters without recourse to court proceedings: in this context we will consider appropriate timelines for regularising unauthorised development based on the particular circumstances of a specific case where the developer engages with the Planning Authority in a meaningful and reasonable manner.

**Repairs to  
estate roads in  
Knockeevan  
Terrace,  
Clerihan**

The Council considered the following Notice of Motion in the name of Cllr. Pat English: -

**“That South Tipperary County Council repair the estate roads in Knockeevan Terrace, Clonmel, as soon as possible”.**

There are currently no plans in the 2010 Clonmel Area Roadworks Programme to carry out works on Knockeevan Terrace, other than ordinary maintenance works.

**Funding to  
Disability  
Service  
Providers**

Roads Section will communicate with the Housing Department in relation to the possibility of carrying out complete re-surfacing works which could be included as part of the 2011 Roadworks Programme.

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

**“ That this Council calls on the Ministers for Finance and Health to ensure that the HSE ring fence all funding to Disability Service Providers to prevent any reduction on service provision and furthermore that all respite services in both Adult and Children’s services be retained”.**

Cllr. Ryan had requested the deferral of this motion to the October meeting in his absence.

**Conditions at  
Clonmel Garda  
Station**

The following Notice of Motion was not moved in the absence of Cllr. Darren Ryan: -

**“That this Council write to the Minister for Justice, Equality & Law Reform, Mr. Dermot Ahern, TD requesting him to visit Clonmel Garda Station to inspect the deplorable conditions members of Clonmel Gardai have to work in and secondly to see how inadequate the Public Office space is”.**

Cllr. Ryan had requested the deferral of this motion to the October meeting in his absence.

**Bends on the  
Ballyhurst –  
Croque Road**

The Council considered the following two Notice of Motions in the name of Cllrs Michael Fitzgerald and Mary Hanna Hourigan: -

**“That this Council remove the very bad bends on the Ballyhurst – Croque road about one mile from Tipperary Town on the Cashel Road as several accidents have occurred at this location and a very large list of signatures who are genuinely concerned has been sent to the Council”.**

**“That the dangerous bends on the Croguemore/Ballyhurst area of the N74 be removed as there has been a huge number of near accidents on this perilous stretch of road”.**

It is accepted that this section of road is substandard with poor horizontal and vertical alignment. It should be noted that asphalt road resurfacing works have been completed at this location during the past month and additional signage and road markings will also be installed to warn drivers to slow down at approaches to the series of bends on this national secondary road.

Various sections of the N74 have been improved over the past decade on receipt of funding from the National Roads Authority. The long term solution is to realign this section of the road at Corregmore, Ballyhusty. However the N74 will be traversed by the proposed N24 Pallasgreen – Bansha Major Scheme at approximately this location and a precise realignment cannot be decided until the design of the proposed N24 is finalised and approved by the NRA. In the meantime, a submission will be made to the NRA for funding to undertake some road realignment in advance of the major scheme.

Cllr. Mary Hanna Hourigan read an extract from a letter received from the residents of this area, and Tipperary Area members acknowledged the recent improvements to this stretch of road.

**Commercial rates for small businesses**

The Council considered the following Notice of Motion in the name of Cllr. Mary Hanna Hourigan: -

**“In view of the severe difficulties that small business’s are currently experiencing, that due consideration will be given when the commercial rates are being reviewed by South Tipperary County Council”.**

The commercial rate for next year will be determined by the adoption of the 2011 Budget at the budget meeting. The preparation of the budget includes a detailed review of all income and expenditure of the Council and the services which it provides in conjunction with the Corporate Policy Group.

There are large elements of our expenditure budget over which we have no discretion, such as pensions, loan charges, statutory demands, payroll costs, insurances etc.

When reviewing and estimating our potential income for 2011 we will be making every effort to keep costs to our customers at a minimum. We are acutely conscious of the current economic climate and the difficulties faced by both the commercial sector and individuals personally. Our funding from Central Government by way of Local Government Fund and Road Grants have reduced significantly over the past 2 years, yet the level of services required have not reduced. Preparing a balanced budget for 2011 will be challenging as we must continue to provide the best possible service to the people of South Tipperary, support and encourage economic development, and build stronger communities, all in the context of diminishing resources.

However this Council must prepare and adopt a balanced budget for 2011 and in preparing the Draft Budget for the Members consideration, all aspects of income and expenditure, will be closely examined.

Members spoke in support of the motion and referred to the many problems facing small businesses in the current climate and suggestions were made in relation to consultation with the Small Business Association and incentive schemes for new businesses.

The County Manager urged small businesses that were facing problems to discuss their

situation with the local authority. The preparation of the 2011 Budget had commenced and he outlined the difficult task ahead. The majority of expenditure was ringfenced in relation to statutory functions and there was limited scope to increase income.

**National Cancer Control Strategy**

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

**“That South Tipperary County Council write to the Minister for Health asking her to amend the National Cancer Control Strategy so that St. Luke’s Cancer Hospital, Rathgar, Dublin is retained as a “Satellite” of St. James’s and Beaumont Hospitals”.**

This motion received the support of the members.

**Water running off the N24 at Ballyhennebry, Cahir**

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

**“That steps be taken to prevent water running off the N24 at Ballyhennebry, Cahir into the property of the Murphy family”.**

On 14<sup>th</sup> September 2009 a 250 mm diameter water main burst on the R640 near the Murphy family’s entrance. Strengthening works were carried out on this section of R640 earlier this year and for this reason a number of entrances including the Murphy’s need to be altered. Work on the entrances will commence in the next 3 to 4 weeks which should resolve the issue.

**Children with special needs**

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

**“That we call on the Minister for Education to ensure that children with special needs, resident in South Tipperary, attend the special schools at Cashel and be provided with School transport under the**

**Department of Education School Transport Scheme to attend these schools”.**

Members spoke in support of the members.

**Votes of  
Congratulations**

- John Cash, Golden on winning an award at the New York Film Festival
- Muintir na Tire – Tipperary Town for winning a Community Alert Award
- Danny O’Reilly for winning the National Boy 4 Champion, 46kg award in Irish Amateur Boxing

**Votes of  
Sympathy**

- Cllr. John Fahey on the death of his mother Eileen
- Michael Fitzgerald on the death of his mother Mary and his father Patrick
- O’Donoghue family, Cashel on the death of Maureen O’Donoghue

**Any other  
Business**

Cllr. Sylvia Cooney Sheehan referred to the operation of clamping for unauthorised parking in railway stations and suggested that this system be replaced by the issue of on the spot fines. It was agreed to write to Iarnrod Eireann in this regard.

The meeting then concluded.

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

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