

South Tipperary County Council

Minutes of South Tipperary County Council meeting held in The Council Chamber County Hall, Clonmel On Monday 2nd July, 2007.

- In the Chair** Cllr. John Fahey
- Present** Cllrs. L. Ahearn, A. Anglim, S. Lonergan, A. Moloney, J. Crowe, R. Kennedy, S. McCarthy, T. Wood, T. Ambrose, P. Norris, S. Nyhan, B. Shoer, P. Prendergast, D. Bourke, D. Landy, S. Meagher, J. O'Brien, E. O'Meara, J. Crosse, J. Donovan, C. Kinahan, M. Fitzgerald, M. Maguire.
- Apologies** Cllr. D. Foley.
- In Attendance** Mr. E. Connor, County Manager, Mr. B. McEvoy, Director, Ms. S. Carr, Director, Ms. H. Houlihan, S.O.
- Meetings Administrator** Mr. John O'Mahoney.
- Minutes** It was proposed by Cllr. T. Ambrose and seconded by Cllr. M. Fitzgerald that the minutes of Council Meeting held on 11th June 2007 be agreed.
- Matters Arising.*
Extinguishment of Public Right of Way – Molls Cross, Knockagh, Cahir. In reply to an enquiry by Cllrs. Moloney and Lonergan it was confirmed that the extinguishment of the right of way at Molls Cross was agreed at the June Meeting and arrangements had been made to have these works carried out.
- It was proposed by Cllr. T. Ambrose and seconded by Cllr. S. Nyhan that the minutes of the Special Meeting held on 19th June, 2007 be agreed.
- Casual Vacancy Co-Option** The Cathaoirleach invited nominations for the filling of the casual vacancy as a result of Cllr English's resignation.
- It was proposed by Cllr. B. Shoer, seconded by Cllr. C. Kinahan "that pursuant to the provisions of Section 19 of the Local Government Act, 2001, S. Healy, Scrouthea, Old Bridge, Clonmel, be appointed to the Casual Vacancy which exists on South Tipperary County Council."
- As there were no other nominations Cllr. Healy was deemed elected. The Cathaoirleach and members conveyed their good wishes to Cllr. English and paid tribute to his service as an elected

member and welcomed Cllr. Healy to the Council.

Cllr. Healy thanked the members and said that he looked forward to working with the members and officials. He complimented Cllr. English on his commitment to public life.

**Filling of Vacancies
on Committees**

**Ardfinnan Regional
Water Supply
Committee**

It was proposed by Cllr. B. Shoer,
Seconded by Cllr. C. Kinahan,
And Resolved:-

“That Cllr. Seamus Healy be appointed to the Ardfinnan Regional Water Supply Committee”

**Clonmel Regional
Water Supply
Committee**

It was proposed by Cllr. B. Shoer,
Seconded by Cllr. C. Kinahan,
And Resolved:-

“That Cllr. Seamus Healy be appointed to the Clonmel Regional Water Supply Committee”.

**Committee for the
Promotion of Irish**

It was proposed by Cllr. B. Shoer,
Seconded by Cllr. C. Kinahan,
And Resolved:-

“That Cllr. Seamus Healy be appointed to the Committee for the Promotion of Irish”.

**Clonmel Museum
Advisory Committee**

It was proposed by Cllr. B. Shoer,
Seconded by Cllr. C. Kinahan,
And Resolved:-

“That Cllr. Seamus Healy be appointed to the Clonmel Museum Advisory Committee”.

**Economic Planning
and Development
Strategic Policy
Committee**

It was proposed by Cllr. M. Fitzgerald,
Seconded by Cllr. S. Nyhan,
And Resolved:-

“That Cllr. Seamus Healy be appointed to the Economic Planning and Development Strategic Policy Committee”.

**Vocational
Education
Committee**

It was proposed by Cllr. B. Shoer,
Seconded by Cllr. C. Kinahan,
And Resolved:-

“That Cllr. Seamus Healy be appointed to the Vocational Education Committee”.

Planning Refusals

The Meetings Administrator advised that there were none.

Planning Enforcement

Mr. Jim O'Mahoney gave the members an overview of the legislative basis for planning enforcement and outlined the action taken in respect of unauthorised development. He informed the members that recently new in-house procedures had been put in place to rationalize and speed up the enforcement process. A comprehensive review of all Housing Estate Developments in the County was presently being undertaken. This review would provide full information on the degree of compliance with permission for all housing development dating back 12 years. The new procedures put in place were designed to increase detection, inspection, reporting and enforcement of unauthorised development and non-compliance within the County.

Members expressed concerns regarding the additional workload in the introduction of the use of area offices in the enforcement function and were informed that the use of existing staff represented the best use of resources and that local knowledge was an important factor in the detection of breaches of planning legislation. Mr. O'Mahoney responded to queries in relation to the taking in charge of estates and the enforcement process. He confirmed that the past performance of a developer could be taken into consideration when considering a request for the taking in charge of an estate. 12 years was the timeframe within which the local authority had to pursue a developer to complete works on an estate but this Council would seek to pursue developers after 5 years. In relation to enforcement notices it was confirmed that an enforcement notice came into effect on the date of its service and the application by a developer for retention did not negate enforcement proceedings. In urgent cases the local authority was not obliged to issue Warning Letters and would issue an Enforcement Notice initially.

Public Notice of Proposed Works

The Meetings Administrator advised that there were none.

Conferences/Seminars

It was proposed by Cllr. M. Fitzgerald, seconded by Cllr. T. Ambrose and agreed:-

“That Cllrs. S. McCarthy, S. Nyhan, J. Donovan, P. Prendergast and D. Foley be nominated to attend conference entitled Synge Summer School “Synge and his Contexts” to be held in Rathdrum, Co. Wicklow on 1st to 7th July, 2007”.

“That Cllrs. P. Prendergast, D. Bourke and P. Norris be nominated to attend conference entitled “The Local Government Planning Service” to be held in the Baltimore Harbour Hotel, Baltimore, Co. Cork on the 5th to 7th July, 2007”.

“That Cllrs. P. Prendergast, S. Meagher, D. Foley, C. Kinahan, L. Ahearn and M. Maguire be nominated to attend conference entitled “The John Hewitt International Summer School” to be held in the Marketplace Theatre and Arts Centre, Armagh on 22nd to 27th July, 2007”.

“That Cllrs. T. Ambrose, C. Kinahan, M. Maguire, S. McCarthy, A. Moloney, R. Kennedy and S. Meagher be nominated to attend conference entitled William Carleton Summer School “Carletons Literary Context” to be held in the Corick House Hotel, Clogher, Co. Tyrone on 6th to 10th August, 2007”.

“That Cllrs. J. Donovan, S. McCarthy, D. Landy, T. Ambrose, M. Fitzgerald, M. Anglim, P. Norris, E. O’Meara and J. Crosse be nominated to attend conference entitled “The Parnell Summer School 2007” to be held at Avondale House and Forest Park, Rathdrum, Co. Wicklow on 12th to 17th August, 2007”.

“That Cllrs. S. Nyhan and R. Kennedy be nominated to attend conference entitled “Merriman Summer School” to be held in the Spa Wells Centre, Lisdoonvarna, Co. Clare on 19th to 25th August, 2007”.

“That Cllr. D. Bourke be nominated to attend conference entitled “Local Government and the Arts” to be held in Dooley’s Hotel, Birr, Co. Offaly on 24th to 26th August 2007”.

**Section 183 Notice
Ballingarrane South
(Poppyfield)
Clonmel**

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

“That pursuant to 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 Kiely, Tony Acheson, Trustees, Clonmel Celtic, Football Club and Michael O’Connell, Seamus Mullins, Trustees Clonmel Commercial Gaelic Football Club, c/o James C. Skinner, Solicitor, 3 Dr. Croke Place, Clonmel on a 3 year leasehold basis for a consideration of €1 per annum”.

**Finance
Annual Financial
Statement 2006**

Mr. K. Conway, Acting Head of Finance, referred to the Annual Financial Statement and the County Manager’s Report thereon. He pointed out that the total expenditure for 2006 amounted to €18,500,000, made up of €78,200,000 Revenue and €140,300,000 Capital. He also stated that the total valuation of the Council’s assets at 31st December, 2006 was € 1,729,600,000. It was proposed by Cllr. T. Ambrose, seconded by Cllr. S. Nyhan and agreed that the Annual Financial Statement be adopted.

Approval to Over-Expenditure

It was proposed by Cllr. Ml. Fitzgerald,
Seconded by Cllr. T. Ambrose,
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, 2006 be and is hereby approved as follows:-

Programme	Amount
1.1	€16,500
2.1	€2,366,000
3.1	€78,500
3.2	€6,5000
3.8	€25,500
4.1	€23,000
4.8	€17,500
5.1	€136,500
5.8	€6,000
6.8	€12,000
7.8	€9,000
8.3	€35,500

**Borrowing Resolution
Simon Community
Refurbishment of
Dwelling at 2The
Rink, Clonmel**

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

“That pursuant to the provisions of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 assistance be provided to Simon Communities of Ireland being a body approved for the purposes of the section for the purchase and refurbishment of dwelling at 2 The Rink, Clonmel in the sum of €177,184 (or such greater sum as may be approved by the Department of the Environment, Heritage and Local Government) the amount of such payment to be secured by way of Mortgage/Charge on the Association’s property at 2 The Rink, Clonmel securing the payment thereof with interest over a period of 30 years but with a provision that each half yearly payment due under the said Charge/ Mortgage shall be deemed to have been repaid so long as the Association complies with the terms and conditions upon which the assistance is provided”.

**Borrowing Resolution
Simon Community
purchase and
refurbishment of
dwelling at 15
Raheen Court,
Clonmel**

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

“That pursuant to the Provisions of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 assistance be provided to Simon Communities of Ireland being a body approved for the purposes of the section for the purchase and refurbishment of dwelling at 15 Raheen Court, Clonmel in the sum of €173,017 (or such greater sum as may be approved by the Department of the

Environment and Local Government) the amount of such payment to be secured by way of Mortgage/Charge on the Associations property at 15 Raheen Court, Clonmel securing the payment thereof with interest over a period of 30 years but with a provision the each half yearly payment due under the said charge/mortgage shall be deemed to have been repaid so long as the Association complies with the terms and conditions upon which the assistance is provided”.

**Borrowing
Resolution purchase
and refurbishment
of dwelling at 42
Cooleens Close,
Clonmel**

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

“That pursuant to the Provisions of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 assistance be provided to the Simon Communities of Ireland being a body approved for the purposes of the section for the purchase and refurbishment of dwelling at 42 Cooleens Close, Clonmel in the sum of €177,168 (or such greater sum as may be approved by the Department of the Environment, Heritage and Local Government) the amount of such payment to be secured by way of Mortgage/Charge on the Association’s property at 42 Cooleens Close, Clonmel securing the payment thereof with interest over a period of 30 years but with a provision that each half yearly payment due under the said Charge/Mortgage shall be deemed to have been repaid so long as the Association complies with the terms and conditions upon which the assistance is provided”.

**Borrowing
Resolution purchase
and refurbishment
of dwelling at 22
Raheen Court,
Clonmel**

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

“That pursuant to the Provisions of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 assistance be provided to the Simon Communities of Ireland being a body approved for the purposes of the section for the purchase and refurbishment of dwelling at 22 Raheen Court, Clonmel in the sum of €166,741 (or such greater sum as may be approved by the Department of the Environment and Local Government) the amount of such payment to be secured by way of Mortgage/Charge on the Associations property at 22 Raheen Court, Clonmel securing the payment thereof with interest over a period of 30 years but with a provision that each half yearly payment due under the said Charge/Mortgage shall be deemed to have been repaid so long as the Association complies with the terms and conditions upon which the assistance is provided”.

Appointment of Chairperson to Economic Planning and Development SPC

It was proposed by Cllr. J. Crosse,
Seconded by Cllr. S. Nyhan,
And Resolved :-

“That Cllr. John Crosse be and is hereby appointed Chair of the Economic Planning and Development Strategic Policy Committee”.

Appointment of Chairperson to Physical Planning and Environment SPC

It was proposed by Cllr. T. Ambrose
Seconded by Cllr. M. Maguire
And Resolved:-

“That Cllr. Joe Donovan be and is hereby appointed as Chair of the Physical Planning and Environment Strategic Policy Committee”

Appointment of Chairperson to the Roads Transportation and Water Services SPC

It was proposed by Cllr. T. Ambrose,
Seconded by Cllr. D. Bourke,
And Resolved:-

“That Cllr. Michael Maguire be and is hereby appointed Chair of the Roads, Transportation and Water Services Strategic Policy Committee”

Appointment of Chairperson to the Housing Policy and Social Development SPC

It was proposed by Cllr. D. Landy,
Seconded by Cllr. C. Kinahan,
And Resolved:-

“That Cllr. Tom Wood be and is hereby appointed as Chair of the Housing Policy and Social Development Strategic Policy Committee”

Appointment of Chairperson to the Corporate Affairs and Cultural Development SPC

It was proposed by Cllr. M. Fitzgerald,
Seconded by Cllr. S. Nyhan,
And Resolved:-

“That Cllr. Jimmy O’Brien be and is hereby appointed as Chair of the Corporate Affairs and Cultural Development Strategic Policy Committee”.

Consider Manager’s Report on the submissions received on amendments to the Tipperary Town and Environs Development Plan (Draft) 2006

A report had been circulated to the members reviewing the submissions received on amendments to the Tipperary Town and Environs Development Plan (Draft) 2007. Three submissions had been received and these were summarised in the report.

It was proposed by Cllr. M. Fitzgerald,
Seconded by Cllr. M. Maguire,
And Resolved:-

“That pursuant to the provisions of Section 12 of the Planning and Development Act, 2000 as amended and having considered the:-

- Manager’s Report on submissions received to Draft Tipperary Town and its Environs Development Plan 2006 dated 8th March, 2006.
- Amendments to May Report dated 8th March, 2006.
- Manager’s Report on submissions received on *Amendments* to Tipperary Town and Environs Development Plan (Draft) dated 1st June, 2007.

The Tipperary Town and Environs Plan 2007 be and is hereby adopted”

2007 Scheme of Capital Grants Recreational and Community Facilities & Amenities

A report on the grants under the 2007 Scheme of Capital Grants for Recreational and Community Facilities was presented and approved by the Members who noted their appreciation of the assistance given to applicants by Community and Enterprise staff and also their concern at the failure of some applicants to supply essential details.

Cathaoirleach’s Report County Development Board

The Cathaoirleach’s report on the County Development Board for 2006 was circulated to the Members. The report summarised the highlights of 2006 and the priority actions for 2007/2008. Ms. S. Carr, Director of Services, thanked Councillor Dononvan for his significant input to the Board during his term of office.

Nominations to South Tipperary Sports Partnership (2)

It was proposed by Cllr. T. Ambrose,
Seconded by Cllr. D. Bourke,
And Resolved:-

“That Cllr. S. Meagher be nominated to the South Tipperary Sports Partnership Board”

It was proposed by Cllr. J. O’Brien,
Seconded by Cllr. J. Crosse,
And Resolved:-

“That Cllr. M. Fitzgerald be nominated to the South Tipperary Sports Partnership Board”

Speed Limits

At a recent planning workshop members had highlighted the problems facing planning applicants in rural areas meeting the required sight distance of 160m as set out in the Design Standard Manual for Roads and Bridges. A lengthy discussion took place on this issue with members recommending that the sight distance be reduced on roads where it could be shown that the speed of the majority of traffic on the road, the subject of planning permission, was travelling at less than 80 km per hour. It was agreed that the matter would be considered by the Roads, Transportation & Water Services SPC and the Physical Planning and Environment who would then report to the September Meeting. In the meantime each

application would be assessed on its own merits having regard to the recommendation of the members.

Water Conservation Campaign

Ms. Bernadette Moloney, Public Awareness Office, Environment Section, outlined details of the Water Conservation Campaign being undertaken by the Environment Section. This campaign was being launched to make people aware of small behavioural changes that would make a significance in water conservation. The main activities being targeted were garden, domestic and bathroom and the campaign would be highlighted through local media and schools.

County Manager’s Orders

County Manager’s Orders for the Month of June were noted.

Notices of Motion

Wind Energy Development

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

“That the Council excludes the following townlands from wind energy development: Piperhill, Glencarbry, Foilmacduff, Lackenacreena, Curraheen, Foilaclug, Losset, Blackstairs, Glenmorgan and Glenpaudeen. As those closest to the village of Hollyford as defined under the 2002 Hollyford Local Area Plan”.

Cllr Wood sought the support of the Members. Cllr E. O’Meara proposed an amendment to the motion as follows:-

“That a decision is deferred on the Notice of Motion proposed by Cllr T. Wood in relation to wind energy, until after An Bord Pleanala's decision on the Dualla planning application”.

This was seconded by Cllr J. Crosse.

In accordance with Standing Orders a vote was taken on the amendment as follows:-

Comhairleoir	For	Against	Absent	Abstain
1. Ahearn, Liam	✓			
2. Ambrose, Tom	✓			
3. Anglim, Michael	✓			
4. Bourke, Denis			-	
5. Crosse, John	✓			
6. Crowe, Jack	✓			
7. Donovan, Joe	✓			
8. Seamus Healy		✓		
9. Fahey, John	✓			
10. Fitzgerald, Michael	✓			
11. Foley, Derry			-	

12. Kennedy, Roger	✓			
13. Kinahan, Christy		✓		
14. Landy, Denis	✓			
15. Lonergan, Seanie		✓		
16. Maguire, Michael	✓			
17. McCarthy, Sean		✓		
18. Andy Moloney	✓			
19. Meagher, Susan	✓			
20. Norris, Pat			-	
21. Nyhan, Sean	✓			
22. O'Brien, Jimmy	✓			
23. O'Meara, Eddie	✓			
24. Shoer, Billy			-	
25. Prendergast, Phil			-	
26. Wood, Tom		✓		
Total	16	5	5	

The amendment to the motion was therefore carried.

**Wexford
Strawberry Traders**

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

“That the Manager advise as to the conditions under which the Wexford Strawberry traders are allowed to carry out retail business on the public roads”.

The reply stated that the Casual Trading Act 2005 was the primary legislation concerning the carrying out of Casual Trading. Under the Act, the Minister may make regulations specifying the classes of selling that were not considered to be Casual Trading. The Minister for Enterprise, Trade and Employment made a Regulation “Casual Trading Act 1995 (Section 2(3)) Regulations 2004, S.I. No. 191 of 2004 exempting from the provisions of the Casual Trading Act 1995 the selling of strawberries, raspberries, currants and potatoes between 12th May and 30th September in any year. The exemption is applied to the growers, their servants or agents.

**Position re
additional slip road
to facilitate
northbound traffic
in Cashel**

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

“That in view of the very substantial increase in traffic to and from Cashel since the opening of the by-pass the Manager update the members on the position re additional slip road to facilitate northbound traffic”.

This Notice of Motion referred to the north facing slip roads at the Clonmel road/Fethard road interchange which were omitted at the time of construction of the Cashel By Pass. The situation in relation to the re-instatement of these slip roads was as follows:

A Planning application had been submitted to South Tipperary

County Council for the development of a service station on lands on the Cashel side of the interchange. Included as part of this application was the construction of the two slip roads referred to above. The Planning application was currently being processed.

Provision of Post Box in the vicinity of Killurney National School

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

“That we call on An Post that since Ballypatrick Post Office and shop is now closed, an additional Post Box might be placed in the vicinity of Killurney National School. Without the facility of a shop in Ballypatrick it seems unfair to ask the public from around the Killurney area of this district, to travel to Ballypatrick just to post a letter”.

Correspondence

(a) Reply from Iarnrod Eireann dated 13/6/07, regarding Donohill (Grange) Railway Level Crossing.

(b) Letter and enclosure from Waterford City Council dated 7/6/07 regarding cancer services in South East.

Resolutions from Other Local Authorities

Clare County Council

“I propose that Clare County Council seeks the support of all County Councils affected by the lack of sewerage schemes either because of shortage of funding or failure to get foreshore licences to their towns. That funding is put in place to expedite those schemes from the relevant Department.

Kilrush Town Council

“To ask this Council to call on the Minister for Trade & Employment to lift the embargo on recruitment via FAS Job Initiative Scheme”

Any Other Business

Cahir Local Area Plan

Mr. Jim O’Mahoney informed the meeting that it was proposed to amend the Cahir Local Area Plan 2005. The proposed amendment referred to a change in the zoning from agricultural use to industrial use of 9.2 hectares of land in the townland of Kilcommon More North, located to the south of Cahir town and would also require an extension to the development boundary of the Local Area Plan. The Plan would be put on public display and submissions would be invited.

Votes of Sympathy

Votes of Sympathy were passed to the following:-

- John Croke, Jamestown, Mullinahone on the death of his mother Tessie.
- The Family of Mary O’Brien, Ballyhohan, Cahir.
- Mrs. Nora Molumby, Suirside, Cloghaleigh, Golden on the

- death of her husband Dick.
- Margaret Rea, Farmleigh House, Ballylooby, Cahir on the death of her husband Joe.
 - Mrs. Ann Ryan, Dundrum on the death of her husband Michael.

Conclusion

The Meeting then concluded.

Signed/_____. Dated/_____.
Cathaoirleach.

Signed/_____. Dated/_____.
Meetings Administrator.