

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING OF
TIPPERARY COUNTY COUNCIL HELD
IN THE COUNCIL CHAMBER, CIVIC OFFICES, NENAGH
AT 11.00 AM ON 17TH FEBRUARY, 2020**

Present

Cllr. Michael Murphy, Cathaoirleach.

Cllrs: Ambrose, S; Anglim, M; Bonfield, F; Bourke K; Bugler, P; Carroll, J; Coonan, N.J; Crosse, J; Darcy, G; Dennehy, N.; Dunne, D; English, P; Fitzgerald, M; FitzGerald, MI; Goldsboro, I; Hanafin, S; Hannigan, J; Hanna-Hourigan, M; Kennedy, R; Lee, S; Lowry, M; McGrath, H; McGrath (Rocky), J; McGrath, M; Molloy, R; Moloney, A; Moran, E; Morris, S; Murphy, Marie; O'Meara, K; O'Meara, MI; Ryan (Shiner), A; Ryan, J; Ryan, P; Ryan, S; Smith, M.

Also Present

J. MacGrath, Chief Executive, S. Carr, P. Slattery, C. Curley, K. Cashen, Directors of Service, L. McCarthy, Head of Finance, E. Lonergan A/Director of Services, L. Brett, S.E., J. Nolan, S.E., B. Beck, Senior Planner, D. Carroll, C.F.O., D. Dullaghan, County Librarian , Meetings Administrator.

Apologies

Cllrs. Ahearn, G, Black. T, Burgess. D,

Welcome

The Cathaoirleach welcomed all to the February Meeting of the Council.

General Elections

The Cathaoirleach congratulated the successful candidates in the recent General Election and commiserated with the unsuccessful candidates. He stated that the Tipperary Councillors who ran in the Election should be proud of the campaign and he praised their courage to put their name on the Ballot Paper. He specifically mentioned Seamus Healy who had lost his seat for his commitment and positive contribution both locally and nationally.

A vote of sympathy was proposed to the family of Ms. Marese Skehan, General Election candidate and a minutes silence was observed in her memory.

Special Meeting.

The Cathaoirleach thanked the Leas Chathaoirleach and Members for the Special Meeting held in honour of his late mother and for the support of the members and officials in that difficult time for him and his family.

**Vote of
Sympathy/**

Adjournment

A vote of sympathy was proposed to Cllr. F. Bonfield on the death of her father Martin and the meeting was adjourned for a period of 5 minutes as a mark of respect. Cllr. Bonfield thanked the members and officials on behalf of her family for their words of support.

Item 1.1

Noted, no matters were notified to Meetings Administrator.

**Disclosures/or
Conflicts of
Interest**

Item 2.1

**Minutes of Council
Meeting held on
13th January 2020**

Proposed by **Cllr. R. Kennedy**, seconded by **Cllr. Marie Murphy** and resolved

"That the minutes of the Council Meeting held on the 13th January in the Council Chamber, Civic Offices, Clonmel, County Tipperary, as presented be adopted".

Item 2.2

**Minutes of Special
Meeting held on 8th
February, 2020**

Proposed by **Cllr. R. Kennedy**, seconded by **Cllr. S. Ryan** and resolved

"That the minutes of the Special Meeting held on the 8th February in Council Chamber, Town Hall, Parnell Street, Clonmel, as presented be adopted"

Matters Arising

Disposal of land to Cashel Diocesan Trust in Tipperary Town.

**Meeting 13th
January 2020**

It was agreed, at the request of Cllr. A. Ryan, that references to "Courthouse" in this item would be amended to "Bridewell".

Notice of Motion Ref. 1816 – Audit of Housing Strategy

Following a query by Cllr. N. Dennehy, it was clarified by Ms. S. Carr, Director of Services that due to time constraints and staff resource implications a county wide historic housing audit could not be carried out but a review of the housing strategy would be carried out as part of the County Development Plan review in 2020 and public consultation would form part of this review.

Item 3.1

**Conferences
/Seminars
/Training**

It was proposed by **Cllr. J. Carroll** seconded by **Cllr. Marie Murphy** and resolved: -

"That pursuant to Section 142(5) of the Local Government Act 2001 and having regard to (i) the benefits likely to accrue, (ii) the general interest of this administrative area and of the local community (iii) the estimated cost of the proposed attendance and the provision made for such purposes in the annual budget, hereby nominate those listed hereunder to attend the following Conferences/Seminars/Trainings: -

Seminar/ Conference/ Similar Event	Dates	Venue	Nominees
Invitation to attend 50 th Anniversary of St. Patrick's Day Parade in Washington.	11 th - 16 th March 2020	Hamilton Hotel, Washington DC	Cllr. Michael Murphy
SEAI Annual Public Sector Conference	6 th Feb 2020	The Helix DCU	Cllr. J. Carroll Cllr. A. Moloney

AILG "The Development Plan making Process Module 2"	15 th Feb 2020	Dooley's Hotel, Waterford	Cllr. S. Ryan Cllr. M. Smith Cllr. A. Ryan (Shiner) Cllr. K. O'Meara Cllr. R. Molloy Cllr. A. Moloney Cllr. S. Morris Cllr. E. Moran Cllr. M. O'Meara Cllr. J. Carroll Cllr. Ml. FitzGerald Cllr. M. Fitzgerald Cllr. J. McGrath Cllr. G. Ahearn Cllr. J. Crosse Cllr. M. Hanna-Hourigan Cllr. M. McGrath
Cork/Limerick Co. Council "N/M20 cork to Limerick Road Improvement Scheme Briefing"	19 th Feb 2020	Charleville Park Hotel	Cllr. Ml. Murphy Cllr. S. Morris Cllr. J. McGrath Cllr. R. Kennedy Cllr. Marie Murphy
Celtic Conference "Health & Safety in the Workplace"	21 st -23 rd Feb 2020	O'Donovan's Hotel, Clonakilty	Cllr. J. Ryan Cllr. N. Dennehy Cllr. M. Hanna-Hourigan

Item 3.2
Reports on
Conferences

Proposed by **Cllr. J. Carroll** seconded by **Cllr. Marie Murphy** and noted.

Item 4.1
Section 183

Disposal of
property of land
at Ballinacloagh,
Nenagh,
Tipperary to Paul
O'Brien

It was proposed by **Cllr. J. Carroll** seconded by **Cllr. G. Darcy** and resolved

"In accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the **Disposal by transfer of land circa 0.04ha situated at Ballinacloagh, Nenagh, Co Tipperary to Mr. Paul O'Brien**, in accordance with the terms of the Notice under the above Section, as circulated on **Wednesday 22nd January 2020**.

It was noted that this Section 183 Notice was required for change of name of purchaser from Tom O'Brien to his son, Paul O'Brien for completion of transfer. This supersedes Section 183 Resolution of 12/10/2015.

Item 4.2
Section 183

Disposal of Lands
at Glenconnor,

Proposed by **Cllr. N. Dennehy**, seconded by **Cllr. M. McGrath** and resolved

"In accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the **Disposal by**

Clonmel to the Health Service Executive

transfer of land circa 0.0215ha situated at Glenconnor, Clonmel, Co. Tipperary to Health Service Executive, in accordance with the terms of the Notice under the above Section, as circulated on **7th February 2020**.

It was noted that this Section 183 was required to facilitate the development of a New Community Nursing Home.

Item 4.3
Consideration of 3 Year Capital Programme 2020-2022

Mr. Liam McCarthy, Head of Finance, informed members that a report on the 3 year capital programme was required to be brought to the members for consideration in accordance with Section 135 of the Local Government Act, 2001(as amended).

He stated that the manager shall prepare and submit to the elected council a report indicating the programme of capital projects proposed by the local authority for the forthcoming and the following two local financial years having regard to the availability of resources.

A report prepared under subsection (1) may be considered at the local authority budget meeting or at such other meeting as the elected council may by resolution decide.

As such, it was proposed to bring a Report to the March Meeting of the Council and that for future years, the Report be considered at the February Monthly Meeting of the Council.

This was proposed by **Cllr. Marie Murphy**, seconded by **Cllr. J. Carroll** and agreed.

Item 5.1
Ratification of Members to Strategic Policy Committee

Proposed by **Cllr. S. Ryan**, seconded by **Cllr. R. Kennedy** and resolved

"That Mairead O'Donnell representing the Community & Voluntary Sector be and is hereby ratified as Public Participation Network nominee to the Environment & Climate Action Strategic Policy Committee".

Proposed by **Cllr. R. Kennedy**, seconded by **Cllr. S. Hanafin** and resolved

"That Gerard Shanahan representing the Social Inclusion Sector be and is hereby ratified as Public Participation Network nominee to the Infrastructure (Roads, Transportation & Water Services) Strategic Policy Committee".

Item 6.1
Consideration of Management Report

Roads, Transportation, Health & Safety

It was agreed, on the proposal of the Cathaoirleach, to take Notice of Motion, Ref 1836 as part of the Management Report on Roads, Transportation, Health & Safety.

Item 9.1
Notice of Motion
Improvements on the N24

Motion No. 9.1 (1836) was proposed by **Cllr. A. Moloney**

"That the TII carry out immediate improvements on the N24 at Ballydrehid Bridge and from Knockagh to Barne and associated

diversion signage as a matter of urgency due to the volume of incidents in recent months".

The motion was seconded by **Cllr. M. McGrath**

The reply to the notice of motion as follows was noted

1. Clonmel Borough District had revised 6 diversion routes, complete with traffic management plans, to cater for the closures of the N24 from Cahir to Carrick on Suir. Further consultation was now taking place in order to get these implemented. Should this pilot prove beneficial, it would be rolled out to the other Districts.
2. TII had several Safety and Pavement Schemes along the aforementioned section. TCC Roads Department was actively engaged with the TII to progress these.

Cllr. Moloney, stating that the reply did not deal with the contents of the motion, acknowledged that works had taken place on this section of road and noted that the Council were engaging with the T.I.I. in an effort to progress further works, however, he had been contacted by haulage companies regarding works required to the Cahir side of Ballydrehid Bridge to allow trucks space to give access to other road users.

Mr. J. Nolan, SE Roads agreed to investigate this location and revert to Cllr. A. Moloney.

Roads, Transportation, Health & Safety

Clonmel By-Pass

It was confirmed to members that works taking place on the N.24 in Clonmel were being carried out to required T.I.I. specifications. These works were currently at sub-surface levels and only 50% of the contract had been completed to date.

Dangerous Trees

A number of members referred to the danger of roadside trees during storm conditions and were informed that staff did engage with landowners, whose responsibility it was to remove dangerous trees and notices were issued as required. Members were urged to contact their District Engineers with specific locations where trees were of concern to them.

Hedgecutting Pilot Study

A hedgecutting pilot study was being carried out and was at draft stage at present.

N.52 Borrisokane to Nenagh

It was agreed that accident blackspots on this stretch of road, in particular Grange, Ashley Park and Congur would be referred to T.I.I. for consideration.

Bus Shelters

It was agreed to provide members with an update on the provision of bus shelters throughout the County following discussions with the National

Transport Authority.

Retrofit Fencing National Roads

It was confirmed that a budget had been provided for retrofit fencing.

N.52 Nenagh

The erection of safety barriers to protect pedestrians walking on the N52 at Nenagh was not possible as this type of barrier was not suitable for pedestrian safety but designed to deflect at high speed locations.

Local Roads

A number of members referred to the worsening condition of local roads following recent adverse weather conditions and it was agreed that local roads would be prioritised for consideration by respective District members and incorporated into the Council's workshops on the 2020 roadworks programme. In particular, the following local roads were highlighted: -

- Local Roads around Newport
- Ballymakeogh Road, Nenagh
- Road Crossings in Clonmel District
 - Darcy' s Cross
 - Darling Hill
 - Ballybeg

River Mall, Templemore – Flood Relief Scheme

It was agreed that the District Engineer would liaise with the OPW in an effort to progress works on the River Mall.

Junction 22, M7

Following concerns regarding safety at Junction 22 on the M7, it was agreed to discuss this issue with the T.I.I.

Gritting of Roads

It was noted that the Winter Maintenance Gritting Programme was at full capacity and no additional roads could be added to this programme.

CIS and LIS Schemes

It was clarified that these schemes were operated separately and there was not provision to transfer funding between schemes.

Planning

It was agreed, on the proposal of the Cathaoirleach, to take Notice of Motion, Ref 1838 as part of the Management Report on Planning.

Item 9.2

Motion No. 9.2 (1838) was proposed by **Cllr. A. Ryan(Shiner)**

Notice of Motion

Conservation Officer

"That Tipperary County Council recruit and employ a Conservation Officer to serve the county. To promote active conservation of the heritage of Tipperary is one of the three key objectives of our Tipperary Heritage Plan (2017-2021) yet Tipperary County Council

does not have a dedicated Conservation Officer, whose role is to protect the architectural heritage of the county while working closely with the LA Planning Department on County and Local Development Plans.

Minister English, in his address to the Irish Planning Institute (4 October 2019) spoke of his "support of local authorities efforts to enhance their planning capacity" while acknowledging the need for adequate resources and the challenges they face. Minister English urged Local Authorities to contact his department if there are "issues around understaffing or inadequate resources".

In the event that the Council does not have sufficient funding to recruit and employ a Conservation Officer, I move that the Council make any necessary application for sufficient funding, in line with the Minister's recommendation, to recruit and employ a Conservation Officer".

The motion was seconded **by Cllr. D. Dunne**

The reply to the notice of motion as follows was noted:

Tipperary County Council's Workforce Plan did not contain a dedicated "Conservation Officer" post. As a consequence the Council, following a public procurement process, had retained a Grade 1 Conservation Architect to advise the Council on queries which require conservation expertise on an as required basis. This gave the Council flexibility to access experts in the various Conservation fields.

In addition, within the Planning Section there are resources qualified to work on conservation matters, providing mentoring and advice to the planning staff on an ongoing basis. Conservation was also a matter which was placed on the peer learning agenda for staff within the Planning Section.

Following adoption of the draft Corporate Plan later in 2020 the Council would be reviewing its current Workforce Plan and would engage with the Department in relation to same. The question of provision of a dedicated conservation resource would be addressed at that time.

Cllr. Ryan(Shiner) welcomed the response and that the employment of a dedicated Conservation Officer would be considered in the context of the workforce plan.

A number of members spoke in support of the motion.

In response to concerns regarding possible delays currently in obtaining expert opinion, Mr. Brian Beck, Senior Planner, confirmed that he was satisfied that the systems in place were operating satisfactorily.

Water Connections – new developments

Concerns were expressed by members regarding water connection costs and timelines for assessing and completing water connections to new

developments and the potential impact this was having on developers.

It was agreed to write to Irish Water in this regard.

Conservation Grant Scheme

It was agreed to revert to Cllr Marie Murphy on specific queries in relation to grants under this scheme.

Residential Estates – planning guidelines on roadwidths

It was noted that the current Design Manual for Urban Roads and Streets required a lesser road width in residential housing estates. Cllr K Bourke expressed his concerns that the lesser road width would cause difficulties for large vehicles i.e. refuse, oil etc., providing services to residential estates.

Residential Estates – Housing density

A number of members queried an increase in housing density requirements in residential estates. This issue had been a factor in the refusal of a number of applications in the Clonmel area recently.

It was the opinion of the members that the housing densities being sought by An Bord Pleanála under national guidelines were not suitable for urban areas outside of cities.

Mr. Joe MacGrath, Chief Executive, acknowledged that there was an issue whereby An Bord Pleanála were seeking higher densities in residential estates. He had discussed the issue with the Director of Services and there were concerns regarding the ability of the current market to find buyers for that type of high density housing in our towns. There was a demand for new private residential developments in the County and this density requirement posed difficulties.

Mr. Eamon Lonergan, Acting Director of Services, informed the members that he was engaging with the developers in the Clonmel area in an effort to find a solution to their particular development and he was also engaging with other local authorities experiencing similar issues.

Mr. Brian Beck, Senior Planner, confirmed that he was engaging with Senior Planning Advisers in An Bord Pleanála regarding density issues but the Council were obliged to comply with the guidelines contained in Section 28 of the Planning & Development Act, 2000.

County Development Plan

Members were informed that the process for the review of the Development Plan was due to commence. Timelines would be circulated to the members at the March Plenary Meeting and a series of workshops would be held with members to ensure members were fully engaged in the compilation of the Plan.

Section 47, Planning & Development Act, 2000

In response to an enquiry regarding the use of Section 47 of the Planning and Development Act, 2000, whereby a planning authority could enter into an agreement with any person interested in land in their area, for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be specified by the agreement, it was confirmed that such agreements were only entered into in unique circumstances and they were used to facilitate development rather than restrict development and such case was dependent on the

personal circumstances of the applicant. There were no set criteria re occupancy clauses.

Fire & Emergency Services

Fire Services – Major incidents

It was confirmed that the Fire Services had adequate resources to deal with major incidents while still having resources to deal with coinciding events. In such instances it was possible for the Fire Services to utilise resources/services from bordering counties.

Library & Cultural Services

Cahir Library

Members were informed that plans had commenced to relocate Cahir Library to the vacated Craft Granary Building. The plans were at draft design stage and Cahir Members would be consulted once the plans were finalised.

Finance & Information Technology

Annual Financial Statement

It was noted that the A.F.S. would be submitted to the April Plenary Meeting for consideration.

2020 Early Payment Scheme for Commercial Rates

Members were notified that the 2020 Early Payment Scheme for Commercial Rates was in operation. A total of 960 ratepayers had availed of the scheme in 2019. There was no change to the Scheme and all Ratepayers up to €12,000 valuation qualify which accounts for approx. 93% of all Ratepayers.

Rebuilding Ireland Home Loan

Members were informed that interest rates had changed for loans issued under The Rebuilding Ireland Home Loan Scheme as follows: -

- 2.745% fixed interest rate for up to 25 years (previously 2%)
- 2.995% fixed interest rate for up to 30 years (previously 2.25%)

These rates came into effect from the 16th January, 2020

Item 7.1 **Agree Date for** **TCC April Meeting**

It was agreed that due to the Easter Bank Holiday, the March Plenary Meeting would be held on the 20th April, 2020 In Nenagh Civic Offices.

Item 7.2 **Agree Date for** **Housing** **Workshop**

It was agreed that a Workshop to discuss changes to the Housing Grants Schemes would be held on the 2nd March, 2020 at 2 p.m. in Thurles.

Item 8.1
Consideration of
CE Orders for
Period to the 31st
January 2020

Chief Executive Orders and Delegated Officers Orders for the period to 31st January 2020 were noted.

Item 10.1
Notice of Motion
Insurance Cover
- Community
Groups and
Childcare
Facilities

Motion No. 10.1 (1839) was proposed by **Cllr. M. McGrath**

"That this Council would call on the Government to immediately intervene with the Insurance Industry in relation to the many community groups and childcare facilities that are unable to obtain affordable cover, which is detrimental to rural towns and villages across Tipperary".

The motion was seconded by **Cllr. A. Ryan (Shiner)**

It was agreed that this motion would be forwarded to Department of Health and Department of Business, Enterprise & Innovation for consideration and response.

Item 10.2
Notice of Motion
Felling Licence
Approvals

Motion No. 10.2 (1837) was proposed by **Cllr. Mark Fitzgerald**

"I call on the Department of Agriculture, Food and The Marine to revisit the matter of Felling Licence Approvals as a matter urgency".

The motion was seconded by **Cllr. S. Ambrose**

It was agreed that this motion would be forwarded to Department of Agriculture, Food and The Marine for consideration and response.

Item 10.3
Notice of Motion
Deny Licensing
for Rollout of 5G

Motion No. 10.3 (1840) was proposed by **Cllr. P. English**

"That Tipperary County Council opposes the testing and the roll out of 5G in County Tipperary and call on COMREG to deny licensing for the roll out of 5G and furthermore that the Council calls on the Minister for Communications, Climate Change and the Environment to establish the facts about the radiation impact of 5G on the environment and human health with references to the current global scientific knowledge available".

The motion was seconded by **Cllr. D. Dunne**

Cllr English stated that a number of counties in Ireland had supported a similar motion.

Mr. Pat Slattery, Director of Services, stated that representatives of Broadband Ireland would be attending a future Plenary Meeting to outline the rollout of a €100M investment in Tipperary over the next seven years. Nine community broadband points would be identified in Tipperary with masts erected by the end of the third quarter of 2020 with the aim to have free wi-fi in six of the town centres in Tipperary as well as 4G broadband in the community schemes. He confirmed that 5G was a

separate scheme to 4G.

A number of members spoke of the need to have more information on 5G particularly in view of health concerns. The need for expert advice was required before a decision to support the motion before the members was made.

Mr. Joe MacGrath, Chief Executive, advised members that arrangements could be made to hold a Workshop where experts from the EPA would be invited to advise members on 5G. The motion could then be considered at the next Council Meeting following the workshop and members could then make an informed decision on the motion.

After consideration of the proposal, Cllr. English agreed to defer the motion to allow members receive expert advice.

Item 10.4

Notice of Motion
Pandemic
Injection

Motion No. 10.4 (1846) was proposed by **Cllr. S. Ambrose**

“That Tipperary County Council writes to both the Taoiseach and the Minister for Health requesting that they address the outstanding issues for the estimated 100 children and some adults whose health has been directly affected as a result of the Pandemic Injection”.

The motion was seconded by **Cllr. M. Anglim**

It was agreed that this motion would be forwarded to Department of Health for consideration and response.

Item 10.5

Notice of Motion
Parkinson’s
Nurse

Motion No. 10.5 (1847) was proposed by **Cllr. S. Ambrose**

“That Tipperary County Council writes to the Minister for Health requesting that their Department sanctions the position of a Parkinson's Specialist Nurse for the South Eastern Region which would include patients from South Tipperary. Patients in the north of the County have a dedicated Parkinson's Nurse but this nurse is aligned to the Mid Western Area and therefore cannot cater for patients in the South Eastern Region”.

The motion was seconded by **Cllr. M. Anglim**

It was agreed that this motion would be forwarded to Department of Health for consideration and response.

Item 11.1 – 11.4
Resolutions from
Other Local
Authorities

The following resolutions from other Local Authorities as circulated with the Agenda were noted.

Leitrim County Council

The current National Plan, Project Ireland 2040, promotes an urban hierarchy to the detriment of mostly rural counties like Leitrim. Leitrim County Council calls upon the Government to change it and to devise a National Plan which promotes more balanced development and investment across all parts of Ireland.

Roscommon County Council

This Local Authority calls to support the right to Personal Assistance Services (PAS) for disabled people to have freedom, choice and control over all aspects of their lives to enable them to fully participate in an inclusive society as equals.

Independent living means an individual can live with freedom and control to have the same choices in life that everyone else has in terms of housing, transportation, education and employment. PAS is a tool for independent living that allows disabled people to live independently, providing individuals with the freedom and flexibility they need to live their lives as they choose.

Galway County Council

That Galway County Council support the motion passed on November 19th in Dáil Éireann that calls for the provision of Personal Assistance Services to be legislated for as a right for people living with disabilities.

Kerry County Council.

That we write to the appropriate Minister regarding people objecting to planning who are not from the area, they should be 10km from the proposed development.

Item 11.1 **Votes of** **Sympathy**

Votes of Sympathy were extended to the following:

- Siobhan Carroll, Planning Section, Nenagh on the death of her father, Denis O'Sullivan.
- Maria Quinlisk, Finance Section, Nenagh on the death of her brother, Derek Ryan.
- Gordon Ryan, Revenue Section, Nenagh on the death of his father, George.
- Noelette Dwyer, Tipperary-Cahir-Cashel Municipal District on the death of her father, Tom.
- P.J. Ahearne, Clonmel Borough District and Stephen Ahearne, Tipperary-Cahir-Cashel District on the death of their father, Tom.
- Ger Walsh, SEO, Corporate on the death of his uncle, Tom Whelan.

Any other **business**


General Elections

Cllr. D. Dunne thanked all staff involved in the holding of the General Election. He congratulated the successful candidates and commiserated with the unsuccessful candidates. He referred to the speedy removal of posters by all political parties.

There being no further business, the meeting then concluded.

Signed/ _____
Cathaoirleach.

Date: _____

Signed/  _____
Ger Walsh,
Meetings Administrator.

Date: