

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING OF
TIPPERARY COUNTY COUNCIL HELD
IN MOYCARKEY-BORRIS COMMUNITY & SPORTS CENTRE, LITTLETON
AT 10.00 AM ON 14TH SEPTEMBER, 2020**

Present

Cllr. Michael Smith, Cathaoirleach.

Cllrs: Ambrose, S; Anglim, M; Black, T; Bonfield, F; Bourke K; Bugler, P; Burgess, D; Carroll, J; Coonan, N.J; Crosse, J; Darcy, G; Dennehy, N.; Dunne, D; English, P; Fitzgerald, J; FitzGerald; M; FitzGerald, MI; Goldsboro, I; Hanafin, S; Hannigan, J; Hanna-Hourigan, M; Kennedy, R; Lee, S; Lowry ML; McGrath, M; McGrath (Rocky), J; Molloy, R; Moloney, A; Moran, E; Morris, S; Murphy, MI; Murphy, Marie; O'Meara, K; O'Meara, MI; Ryan (Shiner), A; Ryan, J; Ryan, P; Ryan,

Also Present

J. MacGrath, Chief Executive, Directors of Services; M. O'Connor, S. Carr, P. Slattery, C. Curley, K. Cashen, S. Keating, L. McCarthy, Head of Finance, E. Lonergan A/Director of Services, B. Beck, Senior Planner, G. Walsh, Meetings Administrator.

Apologies

Cllr, McGrath, H.

General

The Cathaoirleach referred to a number of key Covid-19 public health guidance points that members should have regard to while attending the meeting: -

- Duration of meeting to be kept to the shortest possible time
- General Health & Safety Information re. fire exits, toilets, mobile phones.
- Covid-19 related matters re. hand sanitising, physical distancing of 2 meters within the venue and the non shaking of hands.

Item 8.1
Presentation –
National
Broadband
Ireland

It was agreed that the Presentation by National Broadband Ireland (NBI) would be taken as the first item on the agenda.

The Cathaoirleach welcomed Mr. Joe Lavin, Chief Commercial Office and Mr. Billy Manley, Local Authority Liaison Project Manager, NBI, to the meeting.

Mr. Joe Lavin presented to the members an overview of the National Broadband Plan, the aim of which was to provide access to high speed broadband across every part of Ireland regardless of how remote or rural. The Department of Communications, Climate Action and Environment (DCCA) had identified all premises in the Country that did not have access to high-speed broadband. NBI had been contracted to build a full fibre network to connect 536,000+ premises.

To date 85,000+ premises had been surveyed and retail service providers had signed contracts with NBI to deliver services once the network was built. The provisions of the national network was a 7 year build programme. 98,000km of new fibre would be deployed with 90% of the network overhead and 10% underground and existing infrastructure

would be utilised where possible.

In Tipperary 35% of the total premises in the County were without access to high-speed broadband and the government investment in County Tipperary was €118m under the National Broadband Plan. There was an indicative build start for the County of mid 2021.

In 2020 NBI would connect up to 300 Broadband Connection Points (BCPs). These sites would be located across the 26 counties and would provide free high speed internet access with many offering remote working capabilities. A number of Community Centres and schools in Tipperary were included in the list which was available to view on broadband.gov.ie

Members were appreciative of the update on the National Broadband Plan.

In response to queries regarding specific locations members were advised to liaise with Mr. S. Howe, Broadband Officer. It was clarified that new builds should refer to the ducting infrastructure map on the NBI website to be aware of the location of the broadband network in their locality.

It was agreed that a copy of the presentation would be circulated to the members for their information.

Item 1.1
Disclosures/Conflicts of Interest

Cllr John Fitzgerald had notified the Meetings Administrator of an interest in Item 4.3 on the Agenda. This item referred to the disposal of a property at Ballingarrane, Clonmel, which Cllr Fitzgerald would have been involved in his role as Auctioneer. Cllr Fitzgerald excused himself from the meeting when the item was being dealt with.

Item 2.1
Minutes of Council Meeting held on the 13th July, 2020.

Proposed by **Cllr. R, Kennedy**, seconded by **Cllr. S. Ryan** and resolved "That the minutes of the Council Meeting held on the 13th July, 2020, in the Dome, Semple Stadium, Thurles, as presented be adopted".

Matters Arising

Clonmel Town and Rural Water Supply Scheme

In response to an enquiry by Cllr P. English, members were advised that officials from the Council were meeting with representatives from Irish Water to discuss the Clonmel Town and Rural Water Supply and issues raised by members.

Item 2.2
Minutes of Special Council Meeting held on the 4th September, 2020.

Proposed by **Cllr. Marie Murphy**, seconded by **Cllr. N Coonan** and resolved

"That the minutes of the Special Council Meeting held on the 4th September, 2020, in Moycarkey-Borris Community & Sports Centre, Littleton, as presented be adopted".

Item 3.1
Conferences /Seminars /Training

Owing to Covid-19 restrictions, no conferences, seminars or training took place since the last meeting of the Council.

Item 3.2
Reports on Conferences

Owing to Covid-19 restrictions, no conferences, seminars or training took place since the last meeting of the Council.

Item 4.1

Section 183

Notice – Disposal of derelict property at Ballyrichard, Mullinahone, Co. Tipperary

It was proposed by **Cllr. Imelda Goldsboro** seconded by **Cllr. Kevin O'Meara** and resolved: -

“that in accordance with the provisions of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the disposal of land at Ballyrichard, Mullinahone, Co. Tipperary to Gary FitzGerald, 11 Assumption Terrace, Ballingarry, Co. Tipperary.”

The disposal related to a derelict property located in a remote area which was not required for social housing purposes.

Item 4.2

Section 183

Notice – Disposal of land at Clonagoose, Mullinahone, Co. Tipperary

It was proposed by **Cllr. K. O'Meara** seconded by **Cllr. I. Goldsboro** and resolved: -

“that in accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the disposal by transfer to circa 0.108ha at Clonagoose, Mullinahone, Co. Tipperary to Bridget and Michael Quirke.”

The disposal related to Land at Clonagoose, Mullinahone no longer required by Tipperary County Council.

Item 4.3

Section 183

Notice – Disposal of land at Ballingarrane, Clonmel

As Cllr John Fitzgerald had notified the Meetings Administrator of his interest in this item, he withdrew from the meeting while this matter was considered.

It was proposed by **Cllr. Michael Murphy** seconded by **Cllr. Siobhan Ambrose** and resolved: -

“that in accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the disposal by way of 5 year lease of property circa 73.33ha, situated at Ballingarrane, Clonmel, Co. Tipperary to Conor Cooney.”

The disposal related to the lease of agricultural lands for a five year period.

Item 4.4

Section 183

Notice – Property at Knockgarve, Aghnameadle Ormund Upper, Borrisoleigh, Co. Tipperary

It was proposed by Cllr. Noel Coonan seconded by Cllr. Ger Darcy and resolved: -

“that 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 0.48ha at Knockgarve, Aghnameadle Ormund Upper, Borrisoleigh, Co. Tipperary to Patrick Berkery.”

The disposal related to land no longer required by Tipperary County Council.

Item 4.5

Section 183

Notice – Lease of Erasmus Smith House, Church

It was proposed by **Cllr. Andy Moloney** seconded by **Cllr. Marie Murphy** and resolved: -

“that in accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the disposal by way of five year lease agreement of Erasmus

Street, Cahir, Co. Tipperary

Smith House at Church Street, Cahir, Co. Tipperary with Tipperary Energy Agency."

The disposal related to the renewal of a Lease Agreement with TEA for a 5 year period in relation to the former local authority area offices in Cahir.

Item 4.6

Section 183

Notice - Disposal of lands at Knockmorris, Cahir to Solar Sense Limited

It was proposed by **Cllr. Andy Moloney**, seconded by **Cllr. Marie 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 a Wayleave measuring 10 metres in length and 6 metres in width at Knockmorris, Cahir, Co. Tipperary."

This disposal related to a way leave to facilitate the laying, installation and maintenance of electrical cable from a Solar Farm to an ESB substation.

Item 4.7

Section 183

Notice – Disposal of office space at Cashel Civic Offices, Cashel, Co. Tipperary to Tipperary Childcare Committee

It was proposed by **Cllr. Roger Kennedy**, seconded by **Cllr. Declan Burgess** and resolved: -

"that in accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the disposal by way of five year lease agreement with Tipperary Childcare Committee of second floor of Old Civic Offices, Friary Street, Cashel, Co. Tipperary".

This disposal relates to the renewal of lease for a 5 year period in relation to a portion of offices at the former Cashel Civic Offices.

Item 4.8

Section 85

Agreement – between Tipperary County Council and Offaly County Council in respect of the provision of R445 Cycleway Nenagh to Roscrea

Members had been advised that Tipperary County Council had been allocated funding by the Department of Transport, Tourism and Sport through its Active Travel Scheme for the provision of a cycleway on the R445 Nenagh to Roscrea. It was necessary to put in place an agreement with Offaly County Council to progress this development.

"That Tipperary County Council agrees to the making of an Agreement, as presented to it under Section 85 of the Local Government Act, 2001 (as amended) between Tipperary County Council and Offaly County Council in respect of the provision of R445 Cycleway Nenagh to Roscrea (Old N7).

At the request of Cllr J. Ryan it was agreed that consideration would be given to the inclusion of a cycleway from Thurles to Cashel as a project in future Active Travel Scheme applications.

Item 4.9

Local Property Tax

The Chief Executive's report had been circulated to the members and the matter had been the subject of a workshop on Friday 4th September, 2020.

Mr. Liam McCarthy, Head of Finance advised members that the recommendation in the report would yield an amount of €1,205,060, all of

which would be invested in our communities and the support of Arts and Leisure/Swimming Pools across the county as follows: -

- 50% amounting to €602,530 to be allocated to the General Municipal Allocation (GMA) for local services and local communities by Councillors at district level and the remaining 50% to be allocated as follows
- €265,000 would be allocated to TCC operated swimming pools/leisure centres in Tipperary Town, Clonmel and Nenagh to support challenges presented by additional costs presented by the Covid-19 public health pandemic and assure that these facilities can continue to operate next year and
- €337,530 would be allocated to Leisure and Arts centres that currently benefit from Council support and would ensure that in 2021, each of these facilities would receive a top-up of 50% on their 2020 allocation to address challenges presented by the Covid-19 public health pandemic. The facilities included Thurles Leisure Centre, Sean Kelly Sports Centre, Roscrea Leisure Centre, Nenagh Arts Centre, South Tipperary Arts Centre and The Excel Centre in Tipperary town. An allocation would also be made to the Canon Hayes Centre in Tipperary town.

Mr. Joe MacGrath, Chief Executive, stressed to the members that every euro raised by the LPT was invested back into local communities and unless funds were raised through the LPT for the projects outlined, it was not possible to find these funds elsewhere. Householders would pay the same amount of property tax in 2021 as in 2020. The money would be ringfenced and would be distributed in a transparent manner. He urged the members to consider the long term benefits that these projects/funding would bring to the communities of Tipperary particularly during this challenging Covid-19 pandemic.

Adjournment

It was proposed by **Cllr Marie Murphy**, seconded by **Cllr MI FitzGerald**, that the meeting would be adjourned for a short period and this was agreed.

Resumption

It was proposed by **Cllr R. Kennedy**, seconded by **Cllr J. Crosse** and resolved: -

“That the Local Property Tax be increased by 10% i.e. 10% increase on the basic rate and 50% allocated to the General Municipal Allocation (GMA) for local services and local communities and the remaining 50% to be allocated as follows:

- **€265,000 to Tipperary County Council operated swimming pools/leisure centres in Tipperary Town, Clonmel and Nenagh**
- **€337,500 to leisure and arts centres that currently benefit from Council support. These facilities to include Thurles Leisure Centre, Sean Kelly Sports Centre and Roscrea Leisure Centre, Nenagh Arts Centre, South Tipperary Arts Centre, The Tipperary Excel Centre and the Canon Hayes Centre, Tipperary.”**

Cllr D. Dunne proposed that the Local Property Tax would return to the base rate and this was seconded by Cllr P. English.

Cllr Dunne referred to his commitment to the public in relation to the Local Property Tax and this tax was a legacy of the last recession. He stated that central government should pay for any deficit in the finances of the local authority. Cllr English in support stated that the General Purposes Grant should be restored to local authorities.

In response Mr. Joe MacGrath informed the members that Tipperary received more than any other county from the equalisation fund. The LPT was required to meet the critical needs of communities and Swimming Pools/Leisure Centres.

The Meetings Administrator noted that the motion proposed by Cllr D. Dunne was a direct negative to the motion proposed by Cllr R. Kennedy and having regard to Standing Orders, he would proceed to take a roll call on the motion recommending that the Local Property Tax would be retained at the same level as 2019 i.e. 10% increase on the basic rate.

A vote was taken as follows: -

| | Comhairleoir | FOR | AGAINST | ABSENT | ABSTAIN |
|-----|-----------------------|------------|----------------|---------------|----------------|
| 1. | Ambrose, Siobhan | √ | | | |
| 2. | Anglim, Micheál | √ | | | |
| 3. | Black, Tony | | √ | | |
| 4. | Bonfield, Fiona | √ | | | |
| 5. | Bourke, Kieran | √ | | | |
| 6. | Burgess, Declan | √ | | | |
| 7. | Bugler, Phyll | √ | | | |
| 8. | Carroll, John | √ | | | |
| 9. | Coonan, Noel J. | √ | | | |
| 10. | Crosse, John | √ | | | |
| 11. | Darcy, Ger | √ | | | |
| 12. | Dennehy, Niall J. | | √ | | |
| 13. | Dunne, David | | √ | | |
| 14. | English, Pat | | √ | | |
| 15. | FitzGerald, John | √ | | | |
| 16. | FitzGerald, Mark | √ | | | |
| 17. | FitzGerald, Michael | √ | | | |
| 18. | Goldsboro, Imelda | | √ | | |
| 19. | Hanafin, Seamus | √ | | | |
| 20. | Hanna-Hourigan, Mary | √ | | | |
| 21. | Hannigan, Joe | √ | | | |
| 22. | Kennedy, Roger | √ | | | |
| 23. | Lee, Shane | | √ | | |
| 24. | Lowry, Michael | | √ | | |
| 25. | McGrath, Hughie | | | √ | |
| 26. | McGrath, John (Rocky) | | √ | | |
| 27. | McGrath, Máirín | | √ | | |
| 28. | Molloy, Richie | | √ | | |
| 29. | Moloney, Andy | | √ | | |

| | | | | | |
|-----|-------------------------|----|----|---|--|
| 30. | Moran, Eddie | | √ | | |
| 31. | Morris, Seamus | | √ | | |
| 32. | Murphy, Marie | √ | | | |
| 33. | Murphy, Michael | √ | | | |
| 34. | O'Meara, Kevin | √ | | | |
| 35. | O'Meara, Michael | | √ | | |
| 36. | Ryan (Shiner) Annemarie | | √ | | |
| 37. | Ryan, Jim | | √ | | |
| 38. | Ryan, Peter | √ | | | |
| 39. | Ryan, Sean | | √ | | |
| | | | | | |
| 40. | Smith, Michael | √ | | | |
| | TOTALS | 22 | 17 | 1 | |

The Meetings Administrator noted that there were 22 votes for, 17 against and 1 absentee. He deemed the motion carried.

**Item 5.1 –
Nomination of
member to the
Economic
Development and
Enterprise
Strategic Policy
Committee**

Members were advised that the vacancy on the Economic Development and Enterprise Strategic Policy Committee arose due to the election of Garret Ahearn to Seanad Éireann.

It was proposed by **Cllr. Marie Murphy**, seconded by **Cllr. Michael Murphy** and resolved: -

“that Cllr. John FitzGerald be and is hereby ratified nominee to the Economic Development & Enterprise Strategic Policy Committee.”

**Item 5.2 –
Nomination of
member to the
Community,
Culture and
Library Services
Strategic Policy
Committee**

Members were advised that the vacancy on the Community, Culture and Library Services Strategic Policy Committee arose due to the election of Garret Ahearn to the Seanad Éireann.

It was proposed by **Cllr. Marie Murphy**, seconded by **Cllr. Roger Kennedy** and resolved: -

“that Cllr. John FitzGerald be and is hereby ratified nominee to the Community, Culture and Library Services Strategic Policy Committee”.

**Item 5.3 –
Nomination of
replacement
nominee to South
Tipperary Arts
Centre**

Members were advised that this vacancy arose due to the election of Garret Ahearn to Seanad Éireann.

It was proposed by **Cllr. Marie Murphy**, seconded by **Cllr. Peter Ryan** and resolved: -

“that Cllr. John FitzGerald be and is hereby ratified nominee to the South Tipperary Arts Centre.”

**Item 5.4
Ratification of
Joint Policing
Committee (JPC)
membership**

The appointment of members to the Tipperary JPC required ratification by the full Council due to changes to the committee. A report had been circulated to the members outlining the changes.

It was proposed by **Cllr. Roger Kennedy**, seconded by **Cllr. Mark FitzGerald** and resolved: -

And Resolved: -

“that in Accordance with the Garda Síochána Act 2005 (Section 36), that provides for the establishment of a joint policing committee (JPC) in each local authority that;

The following names be ratified as member of The Tipperary Joint Policing Committee :-

- Chief Superintendent Derek Smart (An Garda Síochána)
- Deputy Mattie McGrath (Oireachtas)
- Deputy Jackie Cahill (Oireachtas)
- Deputy Michael Lowry (Oireachtas)
- Deputy Martin Browne (Oireachtas)
- Deputy Alan Kelly (Oireachtas)
- Cllr. Shane Lee (Tipperary County Council)
- Cllr. David Dunne (Tipperary County Council)
- Cllr. Mark Fitzgerald (Tipperary County Council)
- Cllr. Noel Coonan (Tipperary County Council)
- Cllr. Ger Darcy (Tipperary County Council)
- Cllr Hughie Mc Grath (Tipperary County Council)
- Cllr Fiona Bonfield (Tipperary County Council)
- Cllr. John Crosse (Tipperary County Council)
- Cllr. Marie Murphy (Tipperary County Council)
- Cllr. Tony Black (Tipperary County Council)
- Cllr. Annemarie Ryan (Tipperary County Council)
- Cllr. Pat English (Tipperary County Council)
- Cllr Siobhan Ambrose (Tipperary County Council)
- Cllr Richie Molloy (Tipperary County Council)
- Cllr Jim Ryan (Tipperary County Council)
- Imelda Walsh (Farming Pillar) NT*
- Pat Carroll
- Paul Berrigan
- Carmel O'Neill
- Margaret Sheehy
- Anne Williamson
- Gerard Fogarty
- Eddie Meegan (Official)
- Pat Slattery (Official)

Item 5.5

Ratification of member to represent Clonmel Borough District on Corporate Policy Group (CPG)

Members were informed that where a District was not represented by a Chair of an SPC, then the District could nominate the Cathaoirleach or a member to attend CPG meetings. It was noted that Clonmel Borough District had nominated Cllr Siobhan Ambrose as Mayor for approval by the Council.

It was proposed by **Cllr. Roger Kennedy**, seconded by **Cllr. Micheal Anglim** and resolved: -

“That Cllr. Siobhan Ambrose be and is hereby ratified nominee to represent Clonmel Borough District on the Corporate Policy Group (CPG)”.

Item 6.1

Roads, Transportation, Health & Safety

Consideration of Management Report

It was agreed on the proposal of the Cathaoirleach to take Item 11.1 Notice of Motion Ref: 1930 as part of the Management Report on Roads, Transportation, Health & Safety.

Item No. 11.1

Motion No. 11.1 (1930) was proposed by **Cllr. Micheal Anglim**

Notice of Motion Walkway Bridge in Ardfinnan

“I call on Tipperary County Council to write to the Minister for Transport and Roads asking for funding to be made available now for a Cantilever walkway bridge to be built in Ardfinnan”

The motion was seconded **by Cllr. Marie Murphy.**

The reply to the motion was noted as follows: -

Following previous and lengthy engagement with public interest groups and public representatives for the area a funding proposal for a new pedestrian bridge was submitted to the department in 2019. This request for €3 million to fund the proposed scheme was not successful. Previous applications for funding of such a scheme was also unsuccessful.

This would involve the expenditure of huge sums of public monies on a bridge which would, in all likelihood, carry very little pedestrian traffic. Funding of this scale would be of more benefit to the local and regional road network in the Municipal District.

At present, and over a number of years, a temporary traffic management layout is in place along the bridge. This layout creates a single lane carriageway, controlled by traffic lights with a designated pedestrian walkway. This layout has proved over a period of a number of years to be adequate to serve both the pedestrian and vehicular needs of the town.

It is now the road sections intention to complete works on the bridge and to make the principles of this temporary layout a permanent feature of the traffic and pedestrian management in the town. A design and safety audit is currently being completed to that effect which will include a new pedestrian crossing on the Clonmel side of the bridge, erection of permanent vehicle actuated traffic lights and a layout that will cater for all users.

This works will be progressed under the 2020 road works programme – grant funding is in place for the project. The proposed traffic layout is consistent with treatment of similar bridges in O'Briens Bridge, Killaloe and Riverstown and complements other public realm improvements taking place in Ardfinnan at present.

Cllr Anglim noted the contents of the reply but he requested that a further letter would be forwarded to the Minister of Transport and that further works on the bridge would not be carried out until a response was received.

It was agreed that a letter would issue as requested by Cllr Anglim.

Resurfacing Works

Cllr MI Murphy queried the procedure for the identification of utilities when resurfacing works were being carried out. Mr. M. O'Connor, DOS, confirmed that there was a procedure in place and if members had particular locations that were of concern to them they should notify their District Engineer for investigation.

N24 (Cahir to Limerick Junction) Motorway Update

In response to an enquiry by Cllr MI FitzGerald, it was confirmed that consultants were appointed and a presentation would be made to the full Council on the constraints study area and January was the earliest date that this would be possible.

N.24 (Cahir to Waterford) Motorway Update

Members were advised that the Safety Feasibility Report for this scheme had been submitted to Transport Infrastructure Ireland (TII) for approval.

N.24 Pill Road Carrick on Suir

Detailed design and contract documents are currently being prepared with a view to going to tender later in the year and starting on site in early 2021.

N.24 Clonmel Pavement Improvement Scheme

It was confirmed that this scheme was due for completion in October, 2020.

Ballyhurst Realignment Works

It was agreed to examine drainage issues in the location of the War Memorial in Ballyhurst as part of the Ballyhurst Realignment Works.

Main Street, Tipperary Town

Reference was made to the roadworks to be carried out on Main Street, Tipperary Town and the possibility of night time works to alleviate traffic disruption. Mr. M. O'Connor, DOS, stated that night time works were carried out only at particular problematic points in a scheme, there were issues with noise, cost and quality of works carried out at night and therefore were only carried when necessary.

Cllr A. Ryan asked for a postponement of works due to the disruption to businesses over the past two years by roadworks but Mr. O'Connor advised that this would not be possible, but that every effort would be made to ensure the minimum of disruption to businesses.

Storm Damage

Members thanked the staff of the roads department for their response to the recent storm damage across the County. They referred to the number of potentially dangerous trees in various locations and it was agreed that advertisements would again be placed advising landowners and occupiers

of land of their obligation to cut/trim roadside hedges/trees. Reference was also made by Cllr J. Hannigan to damaged telegraph poles reporting of same to Eir.

N.52 Borrisokane Street Improvement Works

It was noted that there had been difficulties with a culvert repair as part of this scheme, a traffic management system was in place and the co-operation of the school was acknowledged.

Concerns were raised in relation to the condition of the N52 north of Ardcroney and it was agreed to refer this to the TII for consideration.

N.76 Grangemockler Pavement Strenghtening

The feasibility report for this scheme had been submitted to the TII for approval.

Post and Rail Fence Retrofit Programme

Members were informed that TII had launched a programme of retrofitting the existing post and rail fencing which was a hazard to road users with tension mesh fencing.

Rural Roads

In response to a suggestion by Cllr MI O'Meara regarding the raising of a loan to increase funding for rural roads, Mr. Joe MacGrath, Chief Executive advised that the current roads budget was the most expansive roads programme in a number of years. There were no facilities for the repayment of a loan other than using funds from the roads budget.

Some members referred to the quality of patching works being carried out on rural roads at various locations and asked that cognisance of this be taken when the Rural Roads Programme was being drafted for 2021.

Infrastructure SPC

Members were advised that at a meeting of the Infrastructure SPC held on the 8th July 2020 the following recommendations were made.

- That Tipperary County Council request the Irish Water contact line for Councillors be made available on a 7 day week basis'.
- That Tipperary County Council request the Department of Housing, Planning and Local Government to expand the criteria for rural water grants to include new rural housing"

Members indicated their agreement to the recommendations.

Planning

It was agreed on the proposal of the Cathaoirleach to take Items 11.2 Notice of Motion Ref: 1939 and 11.3 Notice of Motion Ref: 1940 as part of the Management Report on Planning.

Item 11.2

Notice of Motion

Invalid Planning Applications

Motion No. 11.2 (1939) was proposed by **Cllr. John FitzGerald**

“I call on Tipperary County Council to clarify why there is such a high level of invalid Planning Applications in Tipperary compared to neighbouring counties”.

The motion was seconded by **Cllr. Michael Murphy**

The reply to the motion was noted as follows: -

Planning applications lodged with the Planning Authority are obliged under law to comply with Section 33 of the Planning and Development Act 2000 (as amended) and Article 22 and 23 of the Planning and Development Regulations 2001 (as amended). The legislation clearly sets out the requirements which an application must meet in order for the Planning Authority to deem it valid. The validation team within the Planning Authority are tasked with implementing this legislation.

Failure by the Council's validation team to comply with the legislation can result in legal challenges being taken by interested parties/objectors against a final planning decision.

Consequently it is important that the standard of validation is consistently high and that errors are not made at this early stage of the determination process.

The legislative requirements around the validation process is well established over many years and there have been very few amendments to these requirements.

The Planning Authority monitors all related performance statistics on a monthly basis and when certain trends are identified, a full process review is undertaken. With respect to the level of invalidation of applications, the Planning Authority has identified patterns with respect to certain agents and noticed a higher level of invalidation on some applications that have not used the services of an agent. There can be many reasons for agent related patterns such as new agents, inexperience with the legislative requirements or human error.

In order to improve this pattern, the Planning Authority has engaged with agents as a group over the years with a number of meetings taking place. The Planning Authority wrote to all agents in 2020 identifying the most common reasons for invalidation and the Planning Authority has also engaged with agents on an individual basis to answer general questions and to provide assistance in the approach being taken to the preparation of planning applications. Also, a counter validation service is offered for large scale developments, community developments, commercial, educational and sporting applications, by application. For the majority of agents there is open engagement with the Planning Authority and invalidation is not an issue.

The Planning Authority will continue to be available to engage with agents to address any individual areas of concern. This will be of particular importance over the next 12 months as under the proposed national

electronic planning system (e-planning), changes will not be allowed once an application has been submitted, so it is important for all parties that the standard is maintained.

Cllr FitzGerald spoke of the hardship and financial costs that delays in the planning process were causing. He compared the number of invalid planning applications in a monthly period from adjoining counties and queried the reason for the high levels in Tipperary. He referred to the need for agents to ensure a speedy outcome for developers or else opportunities could be lost.

In reply Cllr E. Lonergan stated that the requirements for a planning application were clear for an applicant to comply with the legislative requirements and Tipperary County Council was obliged to ensure that these requirements were met. There was a variety of reasons that applications were deemed invalid and the council was open to engage with agents to address issues of concern.

Item 11.3

Notice of Motion

Taking in Charge process

Motion No. 11.3 was proposed by **Cllr. Micheál Anglim**

“We call on Tipperary County Council to work with elected members and for the council to be more open minded when councillors are asked by residents, to organise a meeting between those residents and the council with particular emphasis on the ‘Taking in Charge’ process.

Many residents in estates not yet taken in charge find themselves in very stressful and in some cases dangerous health and safety situations through absolutely no fault of their own. We, as councillors, are here when called upon to assist the public in their dealings with council officials. However, when we are refused such a meeting it puts us as councillors in a very difficult position”.

The Motion was seconded by **Cllr. Marie Murphy**

The reply to the motion was noted as follows: -

The Planning Section coordinates the inspection and compliance checking aspects of the taking in charge process with other internal technical personnel, such as the District Engineer, the Roads Section and the Water Services Section and more recently with Irish Water, who have been transferred the legal responsibility for water services. The process is therefore dependent on the input from many stakeholders and the Council can only move to take an estate in charge where certain conditions are being met and where it is appropriate for the Council to take responsibility for that estate and the infrastructure within it. Unfortunately there are obstacles in a small number of estates which would prevent the Council from progressing an application to take the estate in charge, which can cause frustration for some residents and developers. One such obstacle is developer provided infrastructure.

We have significant engagement with the residents and site owners and

the Council has effectively responded to environmental incidences where they have arisen, often re-commissioning a treatment plant or pumping station. We endeavour to explain as best we can the Council's position with respect to certain obstacles and the roles and responsibilities of the various stakeholders including management companies.

The role of the elected members in assisting the public in their understanding of the process is very valuable and Council officials will continue to meet with the elected members and other stakeholders to provide as much information as possible with respect to individual estates and finding resolution mechanisms where possible.

However, in some cases, the legal responsibility for the management of infrastructure within the estate is with management and/or maintenance companies and it is common for house owners/residents to have legal positions on these companies. On occasion there are ongoing civil cases between residents, management companies and developers and there are statements of intent to take legal proceedings against the Council by stakeholders. In such instances, the Council has to confine its response to questions and to requests to meet with the Council.

The Council has demonstrated its strong commitment to progressing estates through the taking in charge process and significant progress has been made in recent years, with 68 estates taken in charge since 2017 and another 15 estates planned to be taken in charge before the end of the year.

The Council will continue to remain open to meeting and engaging with all stakeholders and duty holders with a view to continuing the progress made in the taking in charge of housing developments across the county. It will continue to exercise caution and due diligence when dealing with stakeholders and duty holders especially in the presence of pending legal actions, and importantly it will continue to advise and inform the elected members of the status of estates in this process and of any complex challenges, issues or risks pertaining to some developments.

Cllrs M. Anglim, Marie Murphy and M. McGrath spoke of a particular issue pertaining to an estate in their District and urged that officials from the planning department would liaise with representatives from the estate.

Mr. Eamon Lonergan, A/Director of Services, referred to complex issues in the taking in charge process in some estates and the Council would continue to work to resolve these issues. It was agreed to revert to Cahir Area Members regarding actions to be taken in the particular estate that they had raised.

Planning – General Queries

Coolnamuck Road Masterplan Carrick-on-Suir, 3rd River Crossing

Cllr Dunne urged that the development of sites on land contained in this masterplan would be expedited.

An Bord Pleanala

It was agreed to revert to Cllr Kennedy regarding a Bord Pleanala decision on a particular planning application.

In reply to particular concerns raised by Clonmel Borough District Members in relation to the water supply in Clonmel, Mr. Joe MacGrath, Chief Executive advised that Council officials were meeting with Irish Water representatives to discuss members concerns.

Fire & Emergency Services

Cashel Fire Station

In response to an enquiry by Cllr Burgess it was noted that the closing date for receipt of tenders for the construction of a new Fire Station in Cashel was 7th October, 2020 with works expected to commence in 2021.

Civil Defence

Cllr MI FitzGerald complimented members of the Civil Defence for the manner in which they assisted the emergency response to a Covid 19 outbreak in Golden.

Libraries and Cultural Services

Mobile Library Service

It was confirmed that mobile library services were currently unavailable until further guidance was received.

Clonmel Library

It was noted that notification of funding for the extension and refurbishment of Clonmel Library was awaited.

Finance and Information Technology

Restart Grants

Mr Liam McCarthy, Head of Finance, updated members on the Restart Grant Scheme.

Restart Grant 1 – 1,732 applications received with over €5m paid out
Restart Grant Plus– 800 applications received with over €3.7m paid out
Restart Grant 2 – Closing Date 30th September, 2020.

It was noted that applications were being processed as quickly as possible.

Item 6.2

Proposed Cahir Local Area Plan 2021-2027

Members were advised that the proposed Cahir Local Area Plan 2021-2027 had been prepared and would be placed on public display from Friday 24th September 2020 to Monday 9th November 2020. During this period submissions would be invited and welcomed from the community and members of the public. The Planning Section intended to facilitate meetings with members of the public over this period. Following completion of the public consultation process, a report on the submissions received would be prepared by the Chief Executive and the proposed Plan will be presented the Elected Members for their consideration.

This was noted by the members.

Item 6.3

Review of South Tipperary County

Members were advised that in accordance with Section 11 of the Planning and Development Act, 2000 (as amended) the process of preparing the first county-wide Tipperary County Development Plan would commence on

Development Plan 2009-2015 (as extended) and commencement of the preparation of a new Tipperary County Development Plan 2022-2028

the 18th September, 2020. The preparation of the County Development Plan was a two-year process, and there would be three phases of public consultation over this period. The first public consultation period would run from Friday 18th September 2020 to Monday 16th November 2020, where submissions would be invited and welcomed from communities and individuals across the county. An Issues Paper had been prepared, which presented an overview of some of the key planning and development issues in Tipperary. The paper aimed to encourage public debate and to provide a guide for members of the public in making a submission. The Issues Paper had been circulated to the members for reference. During the public consultation period, the Planning Section would be facilitating meetings with members of the public, by appointment and on scheduled days, in each Municipal District Office. Following completion of the public consultation process, a report on the submissions received would be prepared by the Chief Executive and presented to the Elected Members for their consideration.

Members welcomed the commencement of the process and the opportunity to raise issues that were of concern to them. Reference was made to the following: -

- Housing densities in rural areas;
- Recreation and Amenity facilities in rural areas;
- Investment in Water Services infrastructure.
- The need to have the Draft County Development Plan “NALA” approved prior to public consultation.

Mr. Brian Beck, Senior Planner, referred to the importance of engagement with the public and communities and feedback was welcomed from all ages. In this regard activity sheets were being prepared for schools to facilitate the engagement of children in the process.

A workshop had been held with members and further workshops would be organised as required by members.

Item 7.1

Agree Meeting Dates

Irish Water Workshop

The Meetings Administrator referred to Irish Water workshop that was provisionally agreed for Tuesday 22nd September 2020 at 10am and advised members that Irish Water had made a corporate decision that staff would not attend meetings in person but would be available for zoom meetings. It was suggested that the holding of zoom meetings would be decided at Municipal District level in order that meetings could be arranged for small groups. This was agreed.

5G and Eirgrid Workshop

Reference was made to the holding of a workshop to facilitate a presentation to be given by EPA and COMREG in relation to the impact of 5G, previously the subject of a Notice of Motion and Eirgrid who had requested to brief the Council on the EirGrid Group Company Strategy for the period 2020-2025. EPA had agreed to give a presentation on NIR/ 5G, and the role of the EPA under SI No 190 of 2019 and the Meetings Administrator was awaiting provisional dates of availability from EirGrid. A suggested date was the 9th October, 2020 at 11.30 a.m. following the

Corporate Policy Group Meeting.

This was noted.

Item 9.1

Consideration of C.E. Orders for the period to 30th August, 2020

Chief Executive Orders and Delegated Officers Orders for the period to 30th August, 2020 were noted.

Item 10.1

Notice of Motion Invincibles Yard at Kilmainham Jail

This motion had deferred from the July meeting of the Council to allow Cllr Black to circulate relevant background information on the subject matter of the motion to the other Cllrs for their information.

(deferred from July meeting)

Motion 10.1 (1902) was proposed by **Cllr T. Black**

“Tipperary County Council calls on the Office of Public Works to carry out the necessary excavation works to recover the remains of Joe Brady, Daniel Curley, Michael Fagan, Thomas Caffrey and Tim Kelly, in what is commonly known as the invincible Yard at Kilmainham Jail. The bodies of these five members of the Irish National Invincibles lie beneath the paving slabs of the yard where they were executed in 1883 for their part in the Phoenix Park assassinations.

The families of the five men were represented by the National Graves Association and wish of the families is for their relatives to be exhumed from Kilmainham Jail and reinterred in consecrated ground at Glasnevin Cemetery”.

The motion was seconded by **Cllr P. English**.

It was agreed to forward the motion to the Office of Public Works for consideration and response.

Item 12.1

Notice of Motion “Connecting for life programme 2015-2020”

Motion 12.1 (Ref. 1914) was proposed by **Cllr. Andy Moloney**

“That this Council call on the Minister for mental health to carry out a review of the “connecting for life programme 2015-2020” which consisted of a “connecting for life mid-west and South Tipp 2017-2020” and implement a new plan 2020-2025. This plan rolled out by the HSE would engage with the local groups to carry out strengths and weaknesses of the old plan and work as a unit on the next stage and highlight the awareness of the HSE suicide awareness office.

The motion was seconded by **Cllr. Pat English**

It was agreed to forward the motion to the Office of Public Works for consideration and response.

Item 12.2

Motion 12.2 (Ref. 1915) was proposed by **Cllr. Richie Molloy**

Notice of Motion

Pension Entitlements to supervisors on Community Employment Schemes

“That Tipperary County Council call on the Government to deliver on a 2008 Labour Court ruling to provide pension entitlement to supervisors on Community Employment Schemes in the state. The Governments inaction on the 2008 decision is totally undermining the Labour Court and causing undue hardship to supervisors that made no alternative arrangements on foot of this historical court decision”.

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

It was agreed to forward the motion to the Minister for Employment, Affairs and Social Protection for consideration and response.

Item 12.3

Motion 12.3 (Ref. 1916) was proposed by **Cllr. Jim Ryan**

Notice of Motion

Death Grant Scheme

“I am calling on the Government to reintroduce the Death Grant Scheme as I have been contacted by numerous families who are struggling to pay the huge costs involved in organising a funeral for a loved one.”

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

It was agreed to forward the motion to the Minister for Finance and Minister for Justice for consideration and response.

Item 12.4

Motion 12.4 (Ref. 1923) was proposed by **Cllr. Andy Moloney**

Notice of Motion Timetable change between Limerick Junction and Waterford

“That this Council ask Irish Rail for an update on the timetable change between Limerick Junction and Waterford now that the line has had its improvements and also if a Sunday evening service was considered for students returning to college.

The motion was seconded by **Cllr. Pat English**

It was agreed to forward the motion to Irish Rail for consideration and response.

Item 12.5

Motion 12.5 (Ref. 1924) was proposed by **Cllr D. Dunne**

Notice of Motion Veterans of Jadotville

“That this Council write to the Minister & Department of Defence and request that the veterans of Jadotville be awarded the medals recommended by their commander Commandant Pat Quinlan.

In September 1961, 155 Irish Troops on a UN Mission and stationed at Jadotville were attacked by anywhere from 3,000 to 5,000 Katangese Troops supported by Foreign Mercenaries. They held out for five days and only lack of ammunition and water forced them to surrender. Commandant Pat Quinlan’s Defensive battle at Jadotville is now studies at Military Academies all over the world. Commandant Quinlan recommended the following medals for his soldiers.

- 5 men for the Irish Army's Highest award the Military Medal for Gallantry
- 27 men for the Distinguished Conduct Medal.

None of these medals were ever awarded. Only 8 of the 32 men are still alive. A Jadotville Medal was awarded in 2017 but this was not the Bravery Awards as recommended by Comdt. Quinlan.

We would ask the Government to immediately award all medals to the Jadotville Men while they are still alive".

The motion was seconded by **Cllr. Pat English**

It was agreed to forward the motion to the Minister and Department of Defence for consideration and response.

Motion 12.6 (Ref 1941) was proposed by **Cllr. Siobhan Ambrose**

Item 12.6

Notice of Motion **Animal Cruelty** **across the** **County**

"That Tipperary County Council writes to the new Minister for Agriculture Deputy Charlie McConalogue requesting that new and tougher legislation be introduced to curb the escalating incidences of animal cruelty across our country. This newly proposed legislation should address the huge increase in dog theft and in turn the illegal sale of these dogs on line and it should also cover the ongoing acts of cruelty to horses. Furthermore, the role of responsibility for implementing this new legalisation and looking after animal welfare in each county should be assigned to one national agency for example the Department of Agriculture as opposed to the current position where numerous agencies are involved".

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

It was agreed to forward the motion to the Minister for Agriculture for consideration and response.

Item 13.1, 13.2

Correspondence

- Reply from Office of Minister for Health dated 17th August, 2020 regarding St. Michael's Health Unit in Clonmel (NOM 1900)
- Letter from Fermanagh & Omagh District Council dated 21st August, 2020 re. Domiciliary Care Services

Correspondence as circulated was noted.

Item 14.1

Resolutions from **other Local** **Authorities**

The following resolutions from other Local Authorities were noted by the members: -

Derry City and Strabane District Council

That Council believes that care homes and the organisation and operation of domiciliary care services across the North should be brought back into the public ownership as part of the National Health Services.

That the Covid-19 crisis presents an unprecedented threat to public health. The scale of the crisis clearly demonstrates the critical role of a fully funded and protected health service.

Council agrees that two divergent public health strategies to deal with a pandemic on the island of Ireland, North and South, is irrational, impractical and dangerous. Council calls for a fully integrated all-Ireland public health strategy.

Council supports the campaign for an all-Ireland health service free at the point of delivery from the cradle to the grave.

Council agrees to invite representatives from the all-Ireland health service campaign to make a presentation to Council.

Limerick City and County Council

That, Limerick City and County Council support the National Small Business Recovery Plan in order to protect the thousands of jobs that SMEs provide throughout County Limerick and that Limerick City and County Council write to the Government and, in particular, Mr. Leo Varadkar, TD, the new Minister for Enterprise, Trade and Employment, to fund and immediately implement the findings and recommendations of the National Small Business Recovery Plan".

Limerick City and County Council

The Economic Development, Enterprise and Planning Strategic Policy Committee recommends that Limerick City and County Council request an urgent meeting with the Minister with responsibility for Planning to outline the Council's opposition to the National Planning Framework on Rural Housing Policy; the SPC also recommends that the request be circulated to all local authorities.

That Limerick City and County totally reject the National Planning Framework policy regarding once-off rural housing based on social and economic need; (b) a meeting be arranged with the Minister responsible to highlight the issues around this policy; and (c) this Motion be circulated to all Local Authorities to discuss and support same.

Louth County Council

That Lough County Council establishes a special taskforce with the relevant stakeholders and the local community in light of the impact Covid-19 is having and will continue to have on peoples mental health and well being.

Roscommon County Council

That Roscommon County Council call on the present or incoming Government to financially support all Tidy Towns and Voluntary Groups in County Roscommon to ensure maintenance of all public areas not under the remit of the Local Authority. The future of ongoing support from local business and fundraising will be seriously impacted due to Covid-19. In the interest of visual appearance and tourism after this pandemic, we need to attract additional visitors to the country to support our local business (ratepayers). The good work of many volunteers both in County Roscommon and nationwide needs to be supported.

Sligo County Council

A huge proportion of the lands in Ireland have no registered rights of way. In the most recent book of Mr. Peter Bland SC on the area it appears

there is an anomaly in the legislation regarding the registration of rights of way in the Property Registration.

At the moment you may assert a right of way by prescription in that the right of way has been used as of a right without permission, without secrecy and without consideration for in excess of 12 years in an application form but you must declare that the right is not a right of way of necessity for them to be able to consider the application. This obviously precludes most applications.

I call on Sligo County Council to write to the Minister for Agriculture and the Minister for Justice to amend the legislation to permit the Property Registration Authority to include rights of way by necessity in their remit which are surely the simplest to adjudicate from may inspections and should be kept away from costly court proceedings in order to free up the courts or to set up an independent adjudicator to deal with these matters quickly.

Sligo County Council

That Sligo County Council bans the use at official and unofficial bathing places and sale of at any location within the county of inflatable dinghies and all dangerous inflatable products, and that the Council write to the Department of Housing, Planning and Local Government to seek a nationwide ban on these dangerous products before more young lives are lost.

These products have consistently warned of the dangers of these products and have been described by Irish Water Safety as "Floating Killers".

Waterford City and County Council

That Waterford City and County Council support SIPTU and the "Big Start Campaign" which demands adequate investment in the Early Years services to make it affordable, accessible with high quality with professional pay for childcare workers. And further calls on the government to fully support the campaign.

Item 15.1

Votes of Sympathy

- Ann Tuohy, Cahir Library on the death of her mother Nancy Simpson, also mother in law of Donal Tuohy, Roads Section
- Yvonne Kennedy, Roads Section on the death of her father Charley McLoughney
- Mary McCarthy, Tipperary Town Library on the death of her brother Noel McGrath
- Cllr. Seamus Hanafin on the death of his mother Margaret (Peg) Hanafin
- The family of Maurice O'Brien, Former Clerical Officer in the Stores Section, Clonmel
- Annette Hesketh, Environment and Climate Action on the death of her mother Kathleen Hesketh
- The family of Tom Haugh, Former Engineer, North Tipperary County Council
- Teresa Kiely, Planning Section and Catherine Kiely, Finance Section

- on the death of their sister Joanne
- Adrian O'Mahoney, Environment Section on the death of his sister Deirdre Daniels
- The Family of Paddy Duggan, Former FF Councillor, South Tipperary County Council
- Brid O'Dwyer, Housing Section on the death of her father Carthage Wilkinson
- Noel Griffin, Environment Section on the death of his brother Pat Griffin
- Mary B. Reddan, Motor Taxation Office, Nenagh on the death of her husband Liam.
- Anthony Graham, Tipperary Civil Defence on the death of his uncle John Kiely.
- Alex Cummins, Thurles Municipal District (Foreman Templemore) on death of his brother Earnest.
- Cllr Richie Molloy on death of his mother-in-law Meenaskhi Meshram.
- Colleagues of Colm Casey, an employee of Water Ireland, Cork.
- Deputy Martin Browne on the death of his sister-in-law Deirdre McAuliffe.
- Sam Bennett, Carrick on Suir on his achievements in the Tour de France.

**Votes of
Congratulations**

The Cathaoirleach informed the members that it had been recommended by the Corporate Policy Group to confer a Civic Reception to Sam to mark his achievements and contact would be made with him in this regard. Further details in this regard would be agreed once the Council made contact with Sam and his family in relation to same.

- Lieutenant Commander Roberta O'Brien, Glen of Aherlow on being the first woman to achieve the rank of Commander in the Naval Service.

Item 16.1

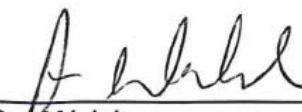
**Any Other
Business**

Bloody Sunday Commemorations

The Cathaoirleach referred to the centenary of Bloody Sunday which was discussed by the Corporate Policy Group with a view to organising an event to mark the tragic events of that day in Irish History without encroaching on the GAA commemoration activities. The Cathaoirleach invited members to submit suggestions of an appropriate event/manner to the Meetings Administrator for consideration or to their Municipal District Chair.

Signed/ _____
Cathaoirleach.

Date: _____

Signed/  _____
Ger Walsh,
Meetings Administrator.

Date: