

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING OF  
TIPPERARY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES,  
NENAGH AND Remotely Via Zoom  
AT 10.00 AM on Tuesday, 11<sup>th</sup> April, 2023.**

**Present**

Cllr. R. Kennedy, Cathaoirleach.

Cllrs: Ambrose, S. Anglim, M; Bonfield, F; Bugler, P; Burgess, D; Carroll, J; Coonan, N; Darcy, G; English, P; FitzGerald, Ml; Goldsboro, I; Hanafin, S; Hannigan, J; Lee, S; Lowry, Ml; McGrath (Rocky), J; Moran, E; Morris, S; O'Meara, Ml; Ryan, S; Smith, Ml;

**Remote**

Cllrs: K. Bourke, N. Dennehy, D. Dunne, J. Fitzgerald, M. Hanna Hourigan, M. McGrath, R. Molloy, Marie Murphy, Ml Murphy, K. O'Meara, A.M. Ryan, Ryan, J; Ryan, P;

**Also Present**

J. MacGrath, Chief Executive, Mr. M. O'Connor, Mr. S. Duclot, Director of Services, Mr. B. Beck, A/Director of Services, Mr. L. McCarthy, Head of Finance, Mr. D. Carroll, C.F.O., Mr. D. Dullaghan, County Librarian, Ms. A.M. Devaney, S.E.P., Ms. M. Scott, Arts Officer, Mr. G. Walsh, Meetings Administrator.

**Apologies**

Cllr T. Black, J. Crosse, Mark FitzGerald, H. McGrath, A. Moloney

**Item 1.1**

**Welcome &  
Introduction/  
Meetings  
Protocol**

The Cathaoirleach welcomed all to the April Meeting of the Council noting that a quorum was present and advised members present in the Chamber that their microphone had to be turned on when they spoke and referred members attending remotely of the protocol for remote meetings circulated with the agenda and asked members to observe the rules contained therein with regard to joining the meeting remotely.

The Meetings Administrator took a roll call and commenced the meeting with the opening prayer.

**Item 2.1  
Disclosure/or  
Conflicts of  
Interest**

Noted, no matters were notified to the Meetings Administrator in advance of the meeting.

**Item 3.1  
Minutes of  
Council Meeting  
held on 13<sup>th</sup>  
March, 2023**

The Minutes of the March Monthly Meeting held on 13<sup>th</sup> March, 2023 were proposed by **Cllr. S. Ryan**, seconded by **Cllr. J. Carroll** and adopted.

**Item 4.1**  
**Approval to**  
**Attendance**

It was proposed by **Cllr. S. Ryan**, seconded by **Cllr G. Darcy** 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: -

<b>Seminar/ Conference/ Similar Event</b>	<b>Dates</b>	<b>Venue</b>	<b>Nominees</b>
Suck Valley Way Conference	5/6 <sup>th</sup> April, 2023	Abbey Hotel, Roscommon	Cllr. Michael Murphy Cllr. Michael FitzGerald Cllr. Kieran Bourke Cllr. Imelda Goldsboro Cllr,. John FitzGerald Cllr. Richie Molloy Cllr. Siobhan Ambrose Cllr. Mary Hanna Hourigan Cllr. Phyll Bugler Cllr. Kevin O’Meara Cllr. Sean Ryan Cllr. Michael Anglim
EPA Climate Change Lecture Series	19 <sup>th</sup> April, 2023	Mansion House, Dublin	Cllr. Mary Hanna Hourigan Cllr. John Carroll
Limerick Women’s Caucus “Embrace, Empower, Elect	19 <sup>th</sup> April, 2023	Limerick City and County Council Offices Limerick	Cllr. Marie Murphy
AILG Annual Conference	19 <sup>th</sup> /20 <sup>th</sup> April, 2023	Hotel Kilkenny	Cllr. Máirín McGrath Cllr. Declan Burgess Cllr. Sean Ryan Cllr. Michael Murphy Cllr. Siobhan Ambrose Cllr. Eddie Moran Cllr. Kevin O’Meara Cllr. Phyll Bugler Cllr. Michael FitzGerald Cllr. Mary Hanna Hourigan Cllr. Richie Molloy Cllr. Michael Smith Cllr. Marie Murphy

			Cllr. John Crosse Cllr. Michael Anglim Cllr. John FitzGerald Cllr. Joe Hannigan Cllr. Imelda Goldsboro
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**Item 4 .2**  
**Reports on**  
**Conferences**

Proposed by **Cllr. S. Ryan**, seconded by **Cllr. G. Darcy** and noted.

**Item 5.1**  
**Section 183**  
**Notice -**  
**Disposal of**  
**property at St.**  
**Luke's,**  
**Monadreen,**  
**Clongower,**  
**Thurles**

It was proposed by **Cllr S. Ryan**, seconded by **Cllr D. Burgess** and resolved: -

**"That in accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council approves of the disposal of circa 94 sqm at St. Luke's, Monadreen, Clongower, Thurles, Co. Tipperary to Sally Ryan for consideration of €100.00 plus council's fees".**

The disposal was required to rectify title to land within the curtilage of Ms. Ryan's property.

**Item 5.2**  
**Local Authority**  
**own**  
**development at**  
**Rockforest,**  
**Knock, Roscrea.**

The Chief Executive report as circulated with the Agenda noted that the proposed development included for refurbishment works and bedroom and wet-room extension to a 3-bedroom bungalow and associated works, temporary placement of a mobile home on the site and associated works and retention of 2 no. existing sheds, located approximately 300m north-east of Knock village. Plans and particulars of the proposed development were available for inspection from 02.02.2023 to 03/03/2023. No submissions were received during the public consultation period.

The Planning Authority were satisfied that the proposals were consistent with the proper planning and sustainable development of the area. Therefore, it was recommended that the proposed development should proceed subject to the following recommended modification.

**"The proposed mobile home shall be removed from site within 3 months of the completion of the proposed extension and refurbishment works."**

It was proposed by **Cllr S. Lee**, seconded by **Cllr M Smith** and agreed: -

**"That the development as proposed in the Chief Executive's Report be proceeded with subject to the recommended requirements and conditions."**

**Item 5.3**  
**Local Authority**  
**own**

The Chief Executive report as circulated with the Agenda, noted that the development consists of the construction of a new social housing

**development at  
Grove  
Street/The  
Crescent,  
Roscrea**

development of 9 No. dwellings on a 0.09hectare development site at Grove Street & The Crescent, Roscrea, Co. Tipperary.

The development includes the demolition of a terrace of 3 No. existing two storey dilapidated buildings, clearance of vegetation and the construction of 9 No. new dwelling units. The development will also include revised footpaths, underground services, attenuation area, car parking spaces, boundary treatments, bin storage, landscaping, open spaces and all associated site works. The site is located on the junction of Grove St. (R461) and The Crescent (N62) just north of the Main St. in Roscrea. Plans and particulars of the proposed development were available for inspection and purchase from Thursday 02.02.2023 to Friday 03/03/2023. 2 no submissions were received during the public consultation period.

The proposed development was considered acceptable in principle. The proposal conforms with the land use zoning objectives for Roscrea's town centre area and will result in the revitalisation of this site area of the town. The Planning Authority are satisfied that the proposals are consistent with the proper planning and sustainable development of the area. Therefore, it was recommended that the proposed development should proceed subject to modifications outlined in the report.

It was proposed by **Cllr M. Smith**, seconded by **Cllr S. Lee** and agreed "That the development as proposed in the Chief Executive's Report be proceeded with subject to the recommended requirements and conditions."

Cllr MI Smith welcomed the development and the vision of Tipperary County Council to purchase the site. The proposal would result in the removal of derelict buildings and their replacement with dwellings that would significantly contribute to the streetscape of the town centre. It was noted that Uisce Eireann would be carrying out works that would resolve storm water issues in the area.

**Item 5.4  
Arts Act Grants  
2023**

It was proposed by **Cllr S. Ambrose**, seconded by **Cllr D. Burgess** and resolved: -

**"that the allocation of grants in the sum of €38,350 as per the schedule as circulated under the Arts Act 2003 be approved".**

No.	Group	Recommended Allocation 2023
1	Fionn Mac Cumhaill Players, Mullinahone	400
2	Templemore Community Services	400
3	Scoil Ailbhe, Thurles	400
4	Brewery Lane Theatre, Carrick on Suir	350
5	North Tipperary Hospice Movement	600
6	Tipperary Musical Society	2,000
7	Roscrea Musical Society	2,000

8	Cashel Day Care Centre	300
9	Cloughjordan Circus Club	4,500
10	Nenagh Players	1,000
11	TarantaCeltica Project, Clonmel / 2 Can Do Arts	1,000
12	Nenagh Choral Society	2,000
13	Irish Wheelchair Association Roscrea	500
14	Cashel Choral & Dramatic Society	500
15	Uproar Rock Chorus, Clonmel	1,000
16	Voices of the Derg Choir, Ballina	300
17	Cahir Comhaltas	1,500
18	CARE Cancer Support, Clonmel	300
19	Down Syndrome Tipperary Committee	600
20	Homeland, Roscrea	3,500
21	Mountain Lodge Restoration Group, Burncourt	1,000
22	Thurles Community Panto	500
23	Nenagh Community Training Centre	600
24	Thurles Musical Society	2,000
25	St. Marys Choral Society	2,000
26	Belle Voci Choir, Clonmel	1,000
27	Cloughjordan Cine Club	800
28	CRK Active Retirement Club, Carrig	250
29	Live Art Ireland, Borrisokane	1,000
30	Stag Junior Section, Clonmel	1,000
31	Newport Musical Society	800
32	Ballingeary ICA, Cahir	250
33	Clontempo Choir, Clonmel	1,000
34	Dreamtime Theatre, Annacarty	1,000
35	Carrick on Suir Musical Society	2,000

Members acknowledged the advice and support given by the Arts Department to the vibrant artistic community in Tipperary.

Mr. Joe MacGrath, Chief Executive, also acknowledged the work of the Arts Department which was broad reaching with a large area to cover. In response to requests for further funding, he advised that the Budget for 2023 was agreed but additional funding could be considered when the 2024 draft budget was being compiled. He made reference to the General Municipal Allocation which also supported events in the Districts.

**Item 5.5**

**Draft Service Delivery Plan 2023**

Members were advised that the Local Government Reform Act, 2014, established the requirement for each Local Authority to prepare an Annual Service Delivery Plan identifying the services that it proposed to deliver to the public in the year ahead. The draft Plan had been circulated to the members and highlighted the services that would be provided by Tipperary County Council across all directorates in 2023 and had been prepared based on the provisions of the adopted budget of Tipperary County Council for 2023.

It was proposed by **Cllr. S. Ambrose**, seconded by **Cllr. P. English** and resolved:

**“That the Draft Service Delivery Plan 2023 as presented be adopted by the Council in accordance with Section 134A of the Local Government Act 2001 as amended.”**

**Item 5.6**

**Draft Annual Financial Statement (AFS) 2022**

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

“That in accordance with Section 104 of the Local Government Act 2001, excess expenditure in respect of the Financial Year ended 31<sup>st</sup> December, 2022 for Tipperary County Council be and is hereby approved as follows:

<b>Service</b>	<b>Service Description</b>	<b>Amount €</b>
<b>A01</b>	<b>Maintenance/Improvement of LA Housing Units</b>	<b>3,044,363</b>
<b>A02</b>	<b>Housing Assessment, Allocation and Transfer</b>	<b>18,753</b>
<b>A03</b>	<b>Housing Rent and Tenant Purchase Administration</b>	<b>32,102</b>
<b>A05</b>	<b>Administration of Homeless Service</b>	<b>260,613</b>
<b>A07</b>	<b>RAS and Leasing Programme</b>	<b>822,230</b>
<b>A09</b>	<b>Housing Grants</b>	<b>1,436,377</b>
<b>B01</b>	<b>NP Road - Maintenance and Improvement</b>	<b>56,288</b>
<b>B04</b>	<b>Local Road - Maintenance and Improvement</b>	<b>2,462,980</b>
<b>B06</b>	<b>Traffic Management Improvement</b>	<b>53,049</b>
<b>B07</b>	<b>Road Safety Engineering Improvement</b>	<b>40,424</b>
<b>B08</b>	<b>Road Safety Promotion &amp; Education</b>	<b>3,077</b>
<b>B10</b>	<b>Support to Roads Capital Programme</b>	<b>107,337</b>
<b>B11</b>	<b>Agency &amp; Recoupable Services</b>	<b>837,807</b>

<b>C01</b>	<b>Water Supply</b>	<b>23,646</b>
<b>C05</b>	<b>Public Conveniences</b>	<b>7,101</b>
<b>C08</b>	<b>Local Authority Water and Sanitary Services</b>	<b>2,933</b>
<b>D05</b>	<b>Tourism Development and Promotion</b>	<b>247,689</b>
<b>D06</b>	<b>Community and Enterprise Function</b>	<b>1,617,768</b>
<b>D08</b>	<b>Building Control</b>	<b>2,038</b>
<b>D11</b>	<b>Heritage and Conservation Services</b>	<b>264,581</b>
<b>D12</b>	<b>Agency &amp; Recoupable Services</b>	<b>237</b>
<b>E02</b>	<b>Recovery &amp; Recycling Facilities Operations</b>	<b>61,944</b>
<b>E05</b>	<b>Litter Management</b>	<b>96,981</b>
<b>E06</b>	<b>Street Cleaning</b>	<b>142,939</b>
<b>E07</b>	<b>Waste Regulations, Monitoring and Enforcement</b>	<b>46,146</b>
<b>E09</b>	<b>Maintenance of Burial Grounds</b>	<b>15,275</b>
<b>E10</b>	<b>Safety of Structures and Places</b>	<b>72,729</b>
<b>E11</b>	<b>Operation of Fire Service</b>	<b>557,546</b>
<b>E15</b>	<b>Climate Change and Flooding</b>	<b>26,892</b>
<b>F01</b>	<b>Leisure Facilities Operations</b>	<b>70,064</b>
<b>F02</b>	<b>Operation of Library and Archival Service</b>	<b>19,104</b>
<b>F03</b>	<b>Outdoor Leisure Areas Operations</b>	<b>43,429</b>
<b>F04</b>	<b>Community Sport and Recreational Development</b>	<b>76,028</b>
<b>F05</b>	<b>Operation of Arts Programme</b>	<b>263,720</b>
<b>G05</b>	<b>Educational Support Services</b>	<b>2,694</b>
<b>H01</b>	<b>Profit/Loss Stores Account</b>	<b>29,273</b>
<b>H03</b>	<b>Administration of Rates</b>	<b>885,760</b>
<b>H05</b>	<b>Operation of Morgue and Coroner Expenses</b>	<b>55,798</b>
<b>H07</b>	<b>Operation of Markets and Casual Trading</b>	<b>2,373</b>
<b>H011</b>	<b>Agency &amp; Recoupable Services</b>	<b>1,389,858</b>

### **Item 6.1**

#### **Consideration of Management Report**

The Cathaoirleach referred to the Management Report as circulated with the Agenda noting that the reports related to the Directorates based in Nenagh and any queries/clarifications would be dealt with by the relevant Director of Services.

## **Roads & Transportation, Active Travel, Health & Safety**

It was agreed on the proposal of the Cathaoirleach to take Notice of Motions Ref. 2575 and 2581 as part of the Management Report on Roads & Transportation, Active Travel, Health & Safety.

### **Item 9.1**

#### **Notice of Motion Ref. 2581 Bus Routes**

Notice of Motion Ref 2581 was proposed by **Cllr S. Ambrose**

**" That Tipperary County Council writes to the National Transport Authority (NTA) requesting that where funding is being given to roll out new or expanded local bus routes in towns and villages across the county like the upcoming new local bus rollout for Clonmel that consideration is also given as part of this funding for the provision of bus shelters at these bus stops."**

Cllr Ambrose stressed the importance of the provision of bus shelters, particularly for school children where new or expanded local Bus Routes were being rolled out across the County.

The motion was seconded by **Cllr P. English** and it was unanimously agreed to forward the motion to the NTA for their consideration and response.

### **Item 9.2**

#### **Notice of Motion Ref: 2575 N. 24**

Notice of Motion Ref 2575 was proposed by **Cllr S. Ambrose**

**"The N24 is Tipperary County Council's Major Capital Road's Project. Can members have an update please as to whether funding has been secured from the Department for the next phase of both sections of this project."**

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

The response to the motion was noted as follows: -

The 2023 Grant Allocation to Tipperary County Council for the NDP – N24 Cahir to Limerick Junction Project, announced on 16th February 2023, was €1,000,000. This allocation represents only 30% of the 2023 funding requested by Tipperary County Council to progress the full project extents. The grant allocation requested for 2023 to progress this project was €3,250,000. Phase 3 Design & Environmental Evaluation for the Project involves extensive surveys and investigations to inform the design which amount to over half of the estimated expenditure required for the project in 2023. There will be a reduction in the funding required to progress the project through 2024, which will see the statutory orders published and submitted to An Bord Pleanála, and this is currently estimated to be approximately €2,500,000. On 24<sup>th</sup> February 2023 Tipperary County Council wrote to the TII and requested that the 2023 allocation be reviewed and revised upwards to €3,250,000 as previously sought. On 23<sup>rd</sup> March 2023 TII confirmed at the Sponsoring Agency Management Meeting that they had endorsed the request and forwarded it to the Department of Transport. We await a response.

The 2023 Grant Allocation to Kilkenny County Council for the NDP – N24 Waterford to Cahir Project, announced on 16th February 2023, was

€2,000,000. While this is €600,000 less than was requested, it is sufficient for the project to continue to progress in 2023.

Following a detailed discussion, it was unanimously agreed to write to Minister Paschal O'Donoghue and Minister Eamon Ryan requesting that adequate funding would be secured to progress Phase 3 of the N.24 Cahir to Limerick Junction Project and that the letters would be copied to the Oireachtas Members for their support.

**Management Report continued.**

Roads & Transportation, Active Travel, Health & Safety

Mr. Marcus O'Connor, Director of Services, and Mr. Liam Brett, S.E., responded to queries raised as follows: -

LIS & CIS Scheme

Members spoke of the importance of these schemes to rural communities but the funding allocation was not sufficient to meet demand. It was agreed that a letter would issue to the Minister seeking increased funding for these schemes.

N75 Liberty Square to Anner Hotel

The request of Cllr S. Ryan to have works carried out during the school holidays was noted, however this may be difficult to achieve as the time schedule for works was dependent on the contractors work schedule.

Junction at Tullaskeagh

Discussions were taking place with the TII regarding works at this location.

R494 Improvement Scheme

An update on this scheme would be given at the Nenagh Municipal District Meeting.

Lough Derg Greenway – Ballina to Dromineer.

Submissions made following the second non-statutory public consultation process were being reviewed by the Project Design Team.

N24 Moangarriff to Twomilebridge Pavement and Traffic Calming Scheme.

It was noted that the planning process for the scheme would commence following TII technical approvals.

Traffic Calming

Members were informed that the Council had a policy in place and the provision of speed ramps was the least preferred option for consideration on regional roads when introducing traffic calming measures.

Motorway Embankments.

Following a query in relation to the maintenance of motorway embankments, Members were advised to forward the location of these embankments to the roads section who would then ascertain whose responsibility the maintenance of that particular embankment would be.

Ballylooby Active Travel Scheme

It was agreed to revert to Cllr Marie Murphy with a commencement date for this scheme once confirmed by the Contractor.

### Road Damage by Heavy Vehicles.

A number of members referred to road damage caused by heavy machine traffic and timber haulage and were advised that these operators were not required to make a specific financial contribution towards road maintenance. Members could refer areas of particular concern to the Area Engineer for investigation. It was noted that discussions were ongoing with Coillte re. felling in the Silvermines area but there was no requirement to contribute to a sinking fund for damage caused to local roads.

### Post & Rail Fencing/Hedgerows

Cllr J. Carroll spoke of the need to conserve/provide hedgerows as a safe crash barrier beside roads while hedgerows were safer, more visually interesting and provided food and shelter for wildlife, they weren't necessarily shock proof. It was noted that the policy of the Council was to replace post/rail fencing with tension wire type fencing. It was noted that TII had a national fencing retrofit programme to replace existing Post and Rail fencing to improve road safety.

It was agreed to investigate specific locations identified by the Councillors.

### N62 Loughnavatta Birr Road

It was agreed to revert to Cllr S. Lee with an update on issues at this location.

## **Planning**

Mr. Joe MacGrath, Chief Executive, Mr. Stephane Duclot, Director of Services and Ms. A.M. Devaney, Senior Executive Planner, responded to queries raised as follows: -

### Vacant Housing Officer

The Chief Executive advised members that following the Special Housing Meeting a draft of the actions agreed to be forwarded to the Minister had been circulated to the members and brought to the CPG for consideration. Following this meeting there were some further amendments made and a letter had issued to the Minister which included a request for approval for a second Vacant Housing Officer for Tipperary. This request had been made previously as a result of a Resolution passed by the Council in July 2022. The matter had also been raised with Minister Kieran O'Donnell on a recent visit to Tipperary and as a result of this a business case was being prepared for a second vacant housing officer and this would be submitted to the Department shortly.

### Midland Region Just Transition Group

The Cathaoirleach and Chief Executive had attended a meeting of this group on the 9<sup>th</sup> March, 2023 at which Just Transition funding streams were outlined. Following that meeting the Chief Executive had convened an internal meeting of the relevant Director of Services and Municipal Administrators to ensure Tipperary County Council was ready to maximise applications for funding in what was a competitive process.

### Conservation Officer

The Chief Executive confirmed he was awaiting correspondence from Department in relation to the position of Conservation Officer.

### Residential Zoned Land Tax (RZLT)

The consultation period in respect of the draft maps published on 1<sup>st</sup> November, 2022 ended on the 1<sup>st</sup> January, 2023. 91 submissions had been received of which 67 required a formal determination. Determination was typically required due to landowners having submitted that one or more of the criteria were not applicable to the particular site.

All determinations had been issued and could be appealed to An Bord Pleanála. Where submissions related to rezoning or dezoning they did not require a determination but would be considered once the supplemental map was published and consultation process completed. The preparation and publishing of maps and the issue of declarations was an executive function

It was proposed to hold a further workshop with the members towards the end of May, date to be agreed at the May meeting of the Council.

In response to a specific query in relation to lands at Ballina, Ms. Devaney clarified that the lands in question would not come into the scope of the RZLT until additional capacity was provided at the Wastewater Treatment Plant in that area.

### Turnkey Projects

Cllr S. Morris expressed his concern regarding the level of consultation with members on turnkey projects/social housing in private estates.

### Local Area Plans Tipperary and Cashel

Members were informed that these plans would be prepared in mid-2024.

### Built Heritage Investment Scheme 2023

It was agreed to write to the Department to seek an increase in the funding allocation for projects under this scheme.

### Mobile Homes/Temporary Structures

Cllr MI Lowry referred to the enforcement process in relation to unauthorised structures erected/used to house family units and asked that a mechanism would be found to assist families in genuine need of housing. A number of members spoke in support of Cllr Lowry.

Mr. Joe MacGrath, Chief Executive, advised that where the local authority is made aware of an unauthorised development they were obliged to investigate the complaint. Where unauthorised development has taken place, the aim of the planning department was to ensure that the development becomes compliant with planning law.

Mr. S. Duclot, Director of Services, confirmed that the local authority did not have any discretion in relation to unauthorised development. It was agreed that this matter would be considered further as part of the Councillor workshop on RZLT during May

### Design Guidelines

It was noted that this matter would be also discussed at the forthcoming planning workshop with members.

### Kilsheelan Cluster Housing

Cllr English expressed his disappointment at the length of time the progression of this scheme was taking.

### Projects Nenagh

Progress on projects in the Nenagh Municipal District would be given at the Municipal District Meeting.

## **Fire & Emergency Services**

The Cathaoirleach complimented the Fire Service on their assistance to Wexford Fire Service in responding to the recent fire in Wexford General Hospital.

Mr. Dave Carroll, Chief Officer, responded to queries raised as follows:

### Ukrainian Displaced Persons Response

Members complimented the Civil Defence on their assistance in the response to the Ukrainian refugees arriving in the County.

### Cashel Fire Station

It was confirmed that the planned completion date for Cashel Fire Station was October 2023. The reconfiguration of the entrance to the new Fire Station was a matter for the contractor and this would take place nearer to the completion date.

### Pre-fire planning Hospitals

It was noted that pre-fire planning took place with hospitals in the county on an annual basis.

## **Library & Cultural Services**

Mr. Damien Dullaghan, County Librarian, responded to queries raised as follows: -

### Clonmel Library Refurbishment

Members were informed that plans for the Clonmel Library Refurbishment project, once completed, would be brought to a meeting of Clonmel Borough District.

### Home Energy Saving Kits

It was noted that delivery of Home Energy Saving Kits were awaited for the Libraries.

### Biodiversity Officer

Tipperary County Council had been accepted onto the pilot Biodiversity Officer programme which was being run by the Heritage Council and recruitment would take place on completion of relevant job specifications.

## **Finance & Information Technology**

Mr. Liam McCarthy, Head of Finance, responded to queries raised as follows: -

### Commercial Rates Early Payment Scheme

Drop in Clinics had been held in December and February in each Municipal District and ratepayers were encouraged to engage with the offices to become aware of the benefits of the scheme.

## **Item 6.2**

### **Amendment to planning legislation in relation to local authority housing developments**

The Cathaoirleach noted that details had been circulated to the members regarding an amendment to planning legislation in relation to local authority housing developments.

Ms A. M. Devaney, A/ Senior Planner, made a presentation to the members on the Planning and Development Foreshore (Amendment) Act 2022 and the Planning and Development (Section 179A) Regulations 2023 in relation to local authority housing developments.

The new exemption applicable to Local Authority housing developments commenced on the 8<sup>th</sup> March 2023 and applied to proposals made after this date. It was a time bound exemption to the 31<sup>st</sup> December 2024 with the objective to accelerate the delivery of social, affordable and cost rental housing by local authorities. Any current Part 8 proposal underway would follow the normal route.

The criteria for exempt housing developments were that: -

- They were carried out by, on behalf of, or jointly or in partnership with, a local authority pursuant to a contract entered into by the local authority concerned
- Did not materially contravene the development plan or local area plan for the area
- Were in accordance with the adopted Housing Strategy
- Did not require an EIA or AA
- Was on lands owned by the local authority or state
- Was zoned for residential use
- Had access, or could be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development
- Was commenced on or before 31/12/2024.

Informal Consultation would take place with Members. At least 8 weeks prior to commencement of development the Chief Executive would inform Members of the development and at least 8 weeks prior to commencement of the development and after Members had been informed, notice of the development would be given in a newspaper and a site notice erected on site. Prescribed bodies would also be notified and documents, particulars and plans would be made available for inspection or purchase at offices of the Local Authority

The following points were noted in relation to the developments: -

- No resolution or formal adoption was required.
- Section 179A process does not facilitate the making of submissions.
- There was no appeal mechanism for this process. However, the Planning Acts do provide for a judicial review process under which the validity of the Section 179A process may be questioned.
- There was a requirement to prepare quarterly return reports to the Department including the number of housing developments proposed, commenced, completed, and the number of housing units in each category under Section 179A.

Members thanked Ms. Devaney for the presentation and raised queries which Ms. Devaney responded to as follows: -

#### Consultation Process

Members expressed concern at the lack of consultation process built into the new provisions and were informed that the eight-week timeframe for notifications was to coincide with the timeframe for the potential for a judicial review which allowed a member of the public to judicial review any decision made. A working group had been established to examine the process involved and this would examine the issue of public consultation. It was the intention to carry out informal consultation with the elected members in advance of the statutory functions being carried out.

#### EIA/AA (Appropriate Assessment)

It was clarified that in the event that a local authority own development could not rule out the requirement for an Environmental Impact Assessment (EIA) or AA (Appropriate Assessment) that development proposal must go to An Bord Pleanála for approval.

#### Commencement definition.

It was noted that commencement was either when a Commencement Notice had been submitted or where a project involved a minimum of 30 or more days work, a HFI form was required to be sent the Health and Safety Authority, each of those documents constituted a commencement. Development must be commenced by the 31<sup>st</sup> December, 2024, to avail of the exemption.

#### Section 34 of the Planning & Development Act 2000.

It was clarified that the mechanism by which a private developer applies for planning permission under Section 34 of the Act, receives planning permission and develops in accordance with that permission and then enters into a contract with the Local Authority in relation to that development remained unchanged.

### **Item 6.3** **Draft Annual** **Report 2022**

The draft Annual Report for 2022 as circulated was noted and the final version of the Annual Report would be listed on the agenda for the June Plenary Meeting for adoption by the Council.

#### **Item 6.4**

#### **Local Authority Performance Indicators Report 2021**

The Cathaoirleach, Cllr. Roger Kennedy referred to the report as circulated, noting that in November 2022, NOAC published its eighth (8th) annual performance Indicator Report, reporting on 42 indicators across 11 headings. Two additional 'test' indicators were identified to record data in the areas of Climate Change and Economic Development. The *NOAC Report 2021* shows Tipperary County Council improved its ranking position across 36 indicators resulting in an average ranking of 12<sup>th</sup> across the 31 authorities. It recorded a top 5 ranking across 22 indicators compared to 9 in 2020 and overall, the Council welcomed the report, which was evidence of the vast range of activities the Council was engaged in and identified where the council was excelling and provided a basis for collaboration and sharing of good practice with other local authorities

The members welcomed the report which showed Tipperary County Council's ranking on an upward scale.

Mr. Joe Mac Grath, Chief Executive, complimented the work of Mr. Walsh in analysing the report. The report while historic at this stage was useful for analysis of what is working and what isn't working and would inform decision making in the preparation of Team Development Plans and Personal Development Plans for 2023.

#### **Item 7.1**

#### **Agree date for Uisce Eireann Workshop.**

Members were informed that it was intended to hold an in-person workshop with Uisce Eireann at the Civic Offices Thurles in April. An indicative date of Wednesday 26<sup>th</sup> April, 2023 was noted but this would be confirmed to the members.

#### **Item 8.1**

#### **Consideration of Orders for the period to the 31<sup>st</sup> March, 2023.**

Chief Executive Orders and Delegated Officers Orders for the period to the 31<sup>st</sup> March, 2023 were noted.

#### **Items 9.1 & 9.2**

#### **Correspondence**

Correspondence as circulated was noted as follows: -

- Reply dated 27<sup>th</sup> March, 2023 from Office of the Minister for Housing, Local Government and Heritage, Darragh O'Brien TD re. Reform of An Bord Pleanala
- Reply dated 28<sup>th</sup> March, 2023 from Office of the Minister for Children, Equality, Disability, Integration and Youth of Ireland, Mr. Roderic O'Gorman, TD re. Ukrainian Refugees

#### **Item 10.1**

#### **Motions from other Councils**

#### **Sligo County Council**

"This Council write to Minister for Health asking him to make the CF medication Kaftrio available to all patients who require it within the State".

#### **Clare County Council**

"In the context of the acknowledged desire, necessity and urgency to bring derelict and vacant properties into use, I call on Clare County Council to write to the minister for Housing and Local Government requesting that the

laudable Croi Conaithe scheme targeted to assist this objective is adjusted to allow owners of qualifying properties to access the scheme subject to conditions that the property is subsequently used for long term occupancy either through sale or long-term lease. If supported, I request this motion be circulated to all other local authorities”.

### **Wexford County Council**

(1). “(a) Any person or body, on payment of the prescribed fee, may make a submission or observation in writing to a planning authority in relation to a planning application within the period of 5 weeks beginning on the date of receipt by the authority of the application.

(b) Any submission or observation received

Shall –

- (i) State the name of the person or body making the submission or observation, and
- (ii) Indicate the address to which any correspondence relating to the application should be sent

(2). Subject to article 26, the planning authority shall acknowledge any submissions or observations as soon as may be after receipt in the form set out at Form No. 3 of Schedule 3, or a form substantially to the like effect.

(3). Where a submission or observation, under this article, is received by the planning authority after the period of 5 weeks beginning on the date of receipt of the application, the planning authority shall return to the person or body concerned the submission or observation received and the fee and notify the person or body that their submission or observation cannot be considered by the planning authority.

(4). Where the planning authority so consents, a submission or observation under sub-article (1) may be made in electronic form.

**“This Council asks the minister to strengthen section 29/lb/ sub sections (1) and (2) of the planning and development, (submissions or observations in relation to planning application) to put an end to bogus submissions or objections and that the SPC would look to see if this local authority could change our own policies to avoid this.”**

Cllr Marie Murphy, supported the motion from Wexford County Council and requested that a letter of support would issue in support of this motion, which was agreed.

### **Offaly County Council**

“Offaly County Council calls on the Government to extend the Eviction Ban for all ‘No Fault’ tenants who face eviction until meaningful action is taken, to include measures that will ensure that thousands of children and their parents around the country aren’t added to the growing Homeless List”.

Members passed a vote of sympathy to the following: -

#### **Item 11.1**

#### **Expressions of votes of sympathy**

- The family of Nora Norris, Shanbally, Lisronagh, wife of former Councillor, Mick Norris.
- The family of Bridget (Breda) Foley, Garryroe House, Clonmel, mother of former Councillor, Derry Foley.

- The family of Garda Michael (Mick) Connell, Roscrea Road, Templemore, Co. Tipperary, former Town Councillor with Templemore Town Council from June 1999 to May 2014
- The family of Joseph Coleman O'Connor, former member of Nenagh Town Council
- Philip McGrath, Executive Engineer, Nenagh MD and Jacqueline McGrath, AO, Roads on the death of Philips mother Bridget (Biddy) McGrath
- Bayden Powell, member of SPC, on the death of his mother Selina

**Votes of  
Congratulations**

Members passed a vote of congratulations to the following:-

- Keelan Chute, Borrisoleigh, on winning the under 13 World Irish Dancing Championships in Montreal.
- Billy Loughnane on becoming Champion All Weather Apprentice Jockey
- Templetuohy Farm Machinery on celebrating 40th anniversary.

**Item 12.1  
Any Other  
Business**

The meeting then concluded.

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

Date: \_\_\_\_\_

Signed/  \_\_\_\_\_  
Ger Walsh,  
Meetings Administrator.

Date: