

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING OF
TIPPERARY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES,
NENAGH, AND Remotely Via Zoom
AT 10 A.M on Monday 8th July 2024.**

Present

Cllr. D. Burgess, Cathaoirleach.

Cllrs: Ambrose, S; Bonfield, F; Bourke, K; Brennan, Ml; Browne, L; Bugler, Phyll; Cahill Skehan, K; Carroll, J; Crosse, J; Dunne, D; English, P; Hannigan, J; Kennedy, R; Kennedy, Wm; Lee, S; Lowry M; McGrath, M; Moloney, A; Moran, E; Morgan Walsh, L; O'Heney, J; O'Meara, Ml; O'Meara, R; Quirke O'Meara, P; Ryan, A.M; Ryan, S; Smith, Ml

Remote

Cllrs: Anglim, Ml; Dennehy, N; Fitzgerald, J; Fitzgerald, M; Goldsboro, I; Molloy, R; Murphy, Marie; Murphy, Ml; Ryan, J; Ryan, P

Also Present

Ms. S. Carr, Acting Chief Executive, Mr. L. Brett, Mr A. Coleman, Mr. J. Cooney, Director of Services, Mr. M. Connolly, Head of Finance (remote), Ms A. M Devaney, S.E.P., Mr. K. Malone S.E. Mr. J. Murray S.E., Mr. R. Johnston S.E.E. Mr. O. Tierney S.E.E., Mr. D. Carroll, C.F.O., Mr. D. Dullaghan, C.L., Mr. G. Walsh, Meetings Administrator.

Apologies

Cllrs: Hourigan, M. Hanna; Morris, S.

Item 1.1

The Cathaoirleach welcomed all to the July Meeting of the Council, his first monthly meeting as Cathaoirleach.

**Welcome &
Introduction/
Meetings
Protocol**

He advised members of the meetings protocol for attending meetings in-person and remotely, in particular to mute their microphone when not speaking and to raise their hand if they wish to speak.

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

The Emergency Evacuation Procedures and Exits were noted.

The Cathaoirleach proposed that council stand adjourned for five minutes as a mark of respect to the late Judge Elizabeth MacGrath who passed away on Thursday last. Elizabeth was a sister of our previous Chief Executive, Joe McGrath and sister of Sharon Kennedy, our current Director of Planning/Emergency Services/Tipp Cahir Cashel MD. This was agreed.

On resumption of the meeting, the Cathaoirleach, **Cllr. D Burgess**, proposed conferral of a Civic Reception to the Tipperary Minor Hurlers in recognition of their recent All Ireland success. This matter was seconded by **Cllr. Séan Ryan** and agreed. A date and time for the Civic Reception would be agreed with the Tipperary GAA Board.

Item 2.1
Disclosure/or
Conflicts of
Interest

Noted, no matters were notified to the Meetings Administrator

Item 3.1
Minutes of
Council Meeting
held on 12th
February, 2024

The Minutes of the May Monthly Meeting held on 13th May, 2024 were proposed by **Cllr. S. Ryan**, seconded by **Cllr. J. Carroll** and adopted.

Item 3.2
Minutes of
Annual Meeting
held on 21st
June, 2024

The Minutes of the Annual Meeting held on 21st June, 2024 were proposed by **Cllr. P. English**, seconded by **Cllr. Wm. Kennedy** and adopted.

Matters Arising

There were no matters arising.

Item 4.1
Approval to
Attendance

It was proposed by **Cllr. J. Crosse**, seconded by **Cllr. S. Ryan** and resolved: -

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

Seminar/Conference/ Similar Event	Dates	Venue	Nominees
AILG Induction Training	11 th July, 2024	Mullingar Park Hotel	Cllr. Phyll Bugler
AILG Induction Training	13 th July, 2024	Radisson Blu Hotel	Cllr. John FitzGerald Cllr. John Carroll Cllr. Sean Ryan Cllr. Marie Murphy Cllr. Pamela Quirke O'Meara Cllr. Micheal Anglim Cllr. Andy Moloney Cllr. Michael Murphy Cllr. Seamus Morris Cllr. Declan Burgess

Energy & Farm Diversification Show	18 th July, 2024	Gurteen College	Cllr. Declan Burgess Cllr. Michael Brennan Cllr. Andy Moloney Cllr. Seamus Morris Cllr. Sean Ryan Cllr. Niall Dennehy Cllr. Michael Murphy
MacGill Summer School	18 th – 20 th July, 2024	The Highland Hotel, Glenties, Donegal	Cllr. John FitzGerald Cllr. Richie Molloy Cllr. Mary Hanna Hourigan Cllr. Michael O'Meara Cllr. John Crosse Cllr. Joe Hannigan

Item 4 .2

Reports on Conferences

For noting.

It was proposed by **Cllr. R. Kennedy**, seconded by **Cllr M. McGrath** and noted.

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

Item 5.1

Section 183 Notice - Disposal of land at Coleraine, Cashel, Co. Tipperary to Melissa Frankovich

"That in accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the disposal of circa 0.239ha at Coleraine, Cashel, Co. Tipperary contained in Folio TY35380 to Melisa Frankovich for consideration of €20,000.00 in accordance with the terms of the Notice under the above section, as circulated on Thursday 27th June, 2024".

It was noted that following a review of the property it was considered that the land in question was surplus to the requirements of Tipperary County Council.

The lands were advertised on the OPW's property website as being surplus to requirements. No expressions of interest were received. An auctioneer was engaged to dispose of the site on the open market and publicly advertised same. Melissa Frankovich was the highest bidder.

Item 5.2

Section 183 Notice - Disposal of property at Ashgrove, Monadreen, Thurles, Co. Tipperary to Padraic Maher.

It was proposed by **Cllr S. Ryan** seconded by **Cllr K. Cahill Skehan** 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 of circa 0.0029ha (29sqm) at Monadreen, Clongower, Thurles, Co. Tipperary contained in Folio TY25681F to Padraic Maher for consideration of €100.00 and the Council's legal fees in accordance with the terms of the Notice under the above section, as circulated on Thursday 27th June, 2024".

The disposal was required to facilitate a Deed of Rectification request from Brian D. Hughes & Co. Solicitors, to regularise a mapping error at the rear of Mr. P. Maher's property.

Item 5.3

Section 183

Notice -

Disposal of property at 22 Dungarvan Road, Old Bridge, Clonmel, Co. Tipperary to the Old Bridge Community Association.

It was proposed by **Cllr P. English** seconded by **Cllr S. 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 of all that and those parts of the property at no. 22 Dungarvan Rd., Old Bridge, Clonmel, Co. Tipperary contained in Folio TY57735F by way of a 99-year lease to the Old Bridge Community Association for consideration of rent of €100.00 per annum in accordance with the terms of the Notice under the above section, as circulated on Thursday 27th June, 2024".

The disposal was required to facilitate the Old Bridge Community Association to use the building as a community building. It will serve as a focal point for future community events and provide storage for all items used by local sports and tidy towns groups in the area.

Item 5.4

Section 183

Notice -

Disposal of property at Crohane, Newcastle, Co. Tipperary to James Kennedy.

It was proposed by **Cllr. M. McGrath** seconded by **Cllr A. Moloney** 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 of circa 0.19ha at Crohane, Newcastle, Co. Tipperary contained in Folio TY65253F for consideration of €2,350.00 in accordance with the terms of the Notice under the above section, as circulated on Thursday 27th June, 2024".

The disposal was required to facilitate a Deed of Transfer request to regularise an alleged mapping error to the rear of Mr. Kennedy's property.

Item 5.5

Section 183

Notice -

Disposal of property at No. 5 Killonerry Close, Carrick on Suir, Co. Tipperary to Colm O'Sullivan & Kate O'Sullivan.

It was proposed by **Cllr. D. Dunne** seconded by **Cllr A.M. Ryan** 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 of circa 0.0008 ha at No. 5 Killonerry Close, Carrick on Suir, Co. Tipperary contained in Folio TY6994 in accordance with the terms of the Notice under the above section, as circulated on Thursday 27th June, 2024".

The disposal was required to facilitate a Deed of Transfer request to regularise a mapping error to the rear of the property.

Item 5.6

Section 183

Notice -

Disposal of

property at

Ballina, Nenagh,

Co. Tipperary to

GT3

Investments

It was proposed by **Cllr. P. Bugler** seconded by **Cllr J. Carroll** and resolved: -

That Item 5.6 be deferred to a future Meeting of Tipperary County Council to allow the disposal to be considered further by members.

Item 5.7

Draft Strategic

Policy

Committee

(S.P.C.) Scheme

2024-2029

The Cathaoirleach invited proposals for the designation of Chairs of the seven (7) Strategic Policy Committees as nominated at the Annual Meeting held on 21st June, 2024.

It was proposed by **Cllr. Michael Smith**, seconded by **Cllr. Phyll Bugler** and resolved: -

"That **Cllr. Marie Murphy** be elected Chair of the Economic Development and Enterprise Strategic Policy Committee"

It was proposed by **Cllr. Michael Smith**, seconded by **Cllr. Phyll Bugler** and resolved: -

"That **Cllr. Mary Hanna-Hourigan** be elected Chair of the Housing Strategic Policy Committee"

It was proposed by **Cllr. Michael Smith**, seconded by **Cllr. Phyll Bugler** and resolved: -

"That **Cllr. Imelda Goldsboro** be elected Chair of the Planning and Emergency Services Strategic Policy Committee"

It was proposed by **Cllr. Michael Smith**, seconded by **Cllr. Phyll Bugler** and resolved: -

"That **Cllr. Séan Ryan** be elected Chair of the Environment and Climate Action Strategic Policy Committee"

It was proposed by **Cllr. Michael Smith**, seconded by **Cllr. Phyll Bugler** and resolved: -

"That **Cllr. Michael Smith** be elected Chair of the Social Inclusion, Community & Rural Development Strategic Policy Committee"

Group Nominations:

It was proposed by **Cllr. Ml. O'Meara**, seconded by **Cllr. Pat English** and resolved: -

"That **Cllr. Jim Ryan** be elected Chair of the Infrastructure (to include Roads & Transportation) Strategic Policy Committee"

It was proposed by **Cllr. Ml. O'Meara**, seconded by **Cllr. Pat English** and resolved: -

"That **Cllr. Andy Moloney** be elected Chair of the Library Services, Culture/Biodiversity Strategic Policy Committee"

The Meetings Administrator referred to report circulated with the Agenda and the requirement to establish an SPC Scheme for the term of the new Council. The Draft Scheme as circulated had been prepared on the basis of departmental guidelines and provided for the proposed number, policy configuration, the number and functions of each SPC and an outline framework for Sectoral Representatives on the 7 Strategic Policy Committees established at the Annual Meeting namely: -

1. Economic Development and Enterprise
2. Housing
3. Infrastructure (to include Roads & Transportation)
4. Planning and Emergency Services
5. Environment and Climate Action
6. Social Inclusion, Community & Rural Development
7. Library Services, Culture/Biodiversity

The Cathaoirleach referred to Mr. Ger Walsh, Meetings Administrator to advise on the draft scheme process.

He noted that the draft scheme had been circulated with the agenda. He outlined that the next step in the process was to go to public consultation noting that the draft scheme will be on display for a period of five weeks and the matter will then come back before the council in September with a report. Following adoption of the scheme, nominations would then be sought for the filling of places on each SPC both from within the Council and external bodies.

It was proposed by **Cllr. J. Carroll** and seconded by **Cllr D. Dunne** and agreed to put the draft scheme on public display.

It was confirmed following a query from Cllr. A Moloney that the membership of the S.P.C.'s would be finalised following the approval of the scheme.

Item 5.8

Section 179A Notice - Housing development at Tullaghnebane, Mountain View Drive, Lissava, Cahir, County Tipperary

The report as circulated with the Agenda noted that under Section 179A and Section 262 of the Planning and Development Act 2000, Tipperary County Council proposes to carry out a housing development at Tullaghnebane, Mountain View Drive, Lissava, Cahir, County Tipperary consisting of the construction of 45 no. new social housing units including 6 no. 1-Bed apartments in 3 No. two story blocks (3 No. at Ground Level & 3 No. at First Floor Level), 2 No. 2-Bed single story houses, 11 No. 2-Bed two story houses, 19 No. 3-Bed two story houses, 6 No. 4-Bed two storey houses, 1 No. 5-Bed two storey house with a new entrance and associated site development works.

The Cathaoirleach and elected members thanked all involved in the project.

Cllr. A Moloney expressed some concern at the lack of cycle lanes in the design plan. Members asked that future housing development design plans to consider cycle lanes and other suitable climate friendly measures. Robert Johnston, S.E.E. acknowledged the comments. He stated that the road width was discussed in detail and is in line with guidelines and the development plan. He stated given the topography of the site, any alternations would have significant impact and to review now would set the project back by a considerable time frame. Cllr. A. Moloney understood and was not for holding up the project and asked that future developments consider cycle lanes and other climate friendly measures.

It was proposed by **Cllr M. McGrath** seconded by **Cllr A. Moloney** and resolved: -

"That the development as proposed in the Chief Executives report be proceeded with subject to the requirements and conditions contained in the report".

Item 5.9

Section 179A **Notice - Housing** **development at** **Ashbury,** **Roscrea, Co.** **Tipperary**

The report as circulated with the Agenda, noted that under Section 179A and Section 262 of the Planning and Development Act 2000, Tipperary County Council proposes to carry out a housing development at Ashbury, Roscrea, Co. Tipperary which will consist of the construction of a 10 no. Unit Public Housing development, comprising of 8 No. One-Bedroom apartments in two separate blocks (4 No. at Ground Level & 4 No. at First Floor Level) and 2 No. Two-Bedroom, two-storey houses and associated site development works including new entrance, access roadway, ten car parking spaces, site boundaries, surface water drainage, utilities, service connections and all ancillary siteworks.

The Cathaoirleach and elected members thank the housing staff for their work on this development. They acknowledged the importance of developing the site. It will enhance the area and was welcomed by the residents.

It was proposed by **Cllr M. Smith** seconded by **Cllr A. Moloney** and resolved: -

Item 5.10

Record of **Protected** **Structures** **Report**

"That the development as proposed in the Chief Executives report be proceeded with subject to the requirements and conditions contained within the report.

The Cathaoirleach referred to the report as circulated in relation to Proposed Additions to the Record of Protected Structures in accordance with Section 55 of the Planning and Development Act 2000 (as amended).

This report sets out the process under which the Council is proposing to incorporate the Clonmel, Nenagh and Thurles Record of Protected Structures (RPS) into Volume Four, Record of Protected Structures of the Tipperary County Development Plan 2022-2028 (TCDP).

The Cathaoirleach called on Anne Marie Devaney, Senior Executive Planner, to brief the members on the report which was provided to the members in advance of the meeting.

She outlined that before the members is the Chief Executives Reports in relation to Section 55 of the Planning and Development Act 2000 (as amended). She stated in the making of Clonmel, Nenagh and Thurles Local Area Plans, the existing records of protected structures within those plans need to be consolidated back into the County Development Plan. The County Development Plan will ultimately contain this single record of protected structures for the entire county. The process will be completed once Local Area Plans are made out of all the remaining development plans. She stated this is a consolidation exercise and members were aware of this through the making of the county development plan. All property owners within the existing Clonmel, Nenagh and Thurles area were written to and informed them of the intention to transfer the structures to the County Development Plan. Fourteen submissions were received and considered and that report is before the members.

The Cathaoirleach asked the members if they had any questions. None arose.

It was proposed by **Cllr. P. English** and seconded by **Cllr F. Bonfield** and resolved: -

“To incorporate the Clonmel, Nenagh and Thurles Record of Protected Structures (RPS) into Volume Four, Record of Protected Structures of the Tipperary County Development Plan 2022-2028 (TCDP) and to consolidate the full record”.

Item 5.11

Clonmel Local Area Plan 2024-2030

The Cathaoirleach advised that this matter required the authorisation of the elected members in accordance with Section 153 of the Local Government Act 2001 (as amended). He referred to the briefing document as circulated, which concerned an application for judicial review of the Clonmel Area Plan.

He noted that Section 153 of the LGA Act provided that:

(1) The manager for a local authority -

- (a) shall act for and on behalf of the local authority in every action or other legal proceeding whether civil or criminal, instituted by or against the local authority, and
- (b) may do all such acts, matters, and things as he or she may consider necessary for the preparation and prosecution or defence of such action or other proceeding in the same manner in all respects as if (as the case may require) he or she were the plaintiff, prosecutor, defendant or other party to that action or other proceeding.

(2) Where an action or other proceeding relates to the exercise or performance by the local authority of a reserved function, the manager for that authority shall, in the doing of any such act, matter, or thing referred to in *subsection (1)*, act with the express authorisation of the elected council of such local authority, and in any proceedings such authorisation shall be deemed to have been given unless or until the contrary is shown.

The Cathaoirleach proposed that the meeting go into committee and this was seconded by **Cllr. Ml. Smith** and agreed by the members.

He reminded the members that the document as circulated was confidential and legally privileged. He asked the media for their cooperation in this matter.

The briefing documents were circulated, in hard copy to those present in the chamber and in electronic format, via email, to remote attendees.

The Cathaoirleach advised the members that in light of them only receiving the briefing document at the meeting that Anne Marie Devaney, Senior Planner with Tipperary County Council would go through it in detail and queries could be raised after that.

Anne Marie Devaney, Senior Executive Planner referred to the document as circulated in hard copy and via email to those online. She reiterated to all, that the document was confidential and legally privileged and should not be shared at this point in time. She explained that it relates to a challenge in relation to the validity of the Clonmel Local Area Plan. A developer has sought to take a Judicial Review against the Clonmel Local Area Plan. In taking this review, she advised that the developer, as per points 1-3 of the briefing document, is seeking to have the Clonmel Local Area Plan quashed or that it should be quashed in so far as it relates to the applicant's lands and that an order should be sought remitting the matter back to the council to be considered in accordance with the law and a declaration for the protection of costs by the applicant.

She referred the members to the last page of the circulated document which outlined the lands in question on which the judicial review is based. She explained that that the lands had been zoned new residential in the previous plan and they are now zoned strategic reserve under the current plan. She explained that 'strategic reserve' seeks to protect those lands for future residential use. She advised that the applicant has submitted five core grounds for submitting the judicial review.

- The applicant considers that they were not advised of the changes of the zoning of the lands and they are alleging that this breach the local authority's obligation under the Planning and Development Act.
- The applicant has stated that the local authority failed to follow the development plan guidelines issued under Section 28 of the Planning and development Act.
- The applicants have outlined that they consider that the Local Area Plan is inconsistent with the County Development Plan and that the
- lands have been treated differently from other lands and
- the council has failed to ensure that there are sufficient lands available for the housing for the existing and future populations of the area.

Anne Marie advised the members that this judicial review relates to the making of the local area plans which is a reserved function of the elected members and as a result required the authorisation of the elected members to defend the position in relation to this challenge.

In response to members queries, Anne Marie Devaney advised that the members would be aware that in making the County development plan a core strategy was set out. This strategy outlines what the population targets are over the life time of the development plan and any subsequent Local Area Plan must reflect and be consistent with the County Development Plan. The Local Area Plan extrapolated population targets from the County development Plan and zoned enough land within the town plan to accommodate that level of growth. Additional provision was also built in where a buffer was allowed for and this is permitted under the development plan guidelines. She said the members would note that the County Plan was made in 2022 and projected population targets to 2028. The Local Area Plan was made in 2024 and the population targets in that are reflective of the same level of growth and are extrapolated over the life time of that plan. She said that on the basis of the population targets they set a particular density and a particular house hold size to determine the quantum of land that is permissible to zone for each local area plan and they did this for Clonmel and outlined it was consistent with the county development plan and the population targets therein.

She stated she could not give dates but that the land was in possession of the applicant for a considerable amount of time. She said they did not inform the landowner at the time of making the Local Area Plan but carried out extensive public consultation above and beyond what is required under the Planning Act. A pre-Draft Consultation phase was undertaken and workshops were carried out. They undertook public consultation evenings and promoted the plan in local media and social media and they engaged in so far as they are required to do under the Planning Act.

She advised that they are not required to contact the land owner on an individual basis under the Planning Act.

She advised that there are Section 28 guidelines which outlined the densities that the local authority should be looking for within the county and within the local area plans. She said the members will also note that the local authority fought hard during the county plan process to outline low densities which are the lowest that should be considered to maximise the quantum of land that could be zoned to facilitate the population targets. She explained the targets are prescribed for the local authorities at a county level. It is the local authority responsibility through the county plan to assign the targets to each town and this was done through the core strategy in the county development plan. She stated that the Local Area Plan must be consistent with the County development Plan and that is how they got the quantum of land for each of the towns and Clonmel specifically.

She stated that Section 21 relates to the pre-draft stage and this outlines that local authorities should undertake consultation as they deem necessary. There is no prescribed format for consultation at pre-draft stage. She stated that this landowner did not make a submission in relation to the plan. She said that these lands can be serviced but there was an excess of land zoned so they were obliged to amend the zoning in some areas. These lands are suitable for future needs but not over the lifetime of this plan. A service land assessment was prepared. Compact

growth, population targets and services were considered before a decision was made on any parcel of land rezoned.

She stated that the costs of the judicial review are an unknown. The Judicial Review will go to the High Court. She said typically and best guesstimate, a judicial review could cost in excess of €20,000.00.

Cllr. P. English requested that Section 21 of the Planning & Development Act be clarified further to the members.

Anne Marie Devaney stated at some stage the land would be suitable for zoning. In making the CDP, the Council were issued with a population target when the NPF was published. This was translated into the Regional Spatial & Economic Strategy. As part of the making of the first CDP the Local Authority had to distribute that target through the county and identify suitable locations. Clonmel's potential population target was robustly discussed at the making of the plan in 2022. Section 28 guidelines require only to zone enough land to meet the targets. A low-density approach was adopted. At a particular point in time the population target may change and the local authority may have to adapt accordingly requiring robust justification.

Landowners are not notified as part of the process. It is not a legislative requirement. It is almost impossible as significant amounts of land will change in terms of rezoning. Engagements are made thorough social media and evening workshops and pubic consultations. Anne Marie Devaney stated she believed the consultation taken during the Clonmel Local area Plan was significantly robust.

The subsequent census that was published showed that the population growth in Tipperary & Clonmel was below the national average and we had extrapolated targets based on a higher population growth so the buffer for people returning was built in. A new exercise may need to be taken in the future.

Anne Marie Devaney circulated an extract from the Planning Act setting out the legal obligations in relation to how a local area plan is made and the consultation process. She outlined that she did not believe it would impact other plans but it may be taken into consideration in the future. She stated that the existing Local Area Plan will remain in situ pending the outcome of the challenge. To the best of her knowledge the developer has the land in question since 2016.

She stated that the NPF (National Planning Framework) is currently under review. It is anticipated that a consultation will take place at the end of the summer. New planning legislation is also anticipated. Planning will engage with the regional assembly and endeavour to maximise the potential for the county. She said it is not possible to determine the timeline involved in the challenge. She advised that the previous development plan for Clonmel had expired and the plan which was made in February 2024 is the plan upon which all decisions are made pending the outcome of the judicial review is known.

She said there are no provision in the planning legislation for elected members to seek rezoning of lands. However, if there is a significant issue then it would be discussed with the members.

She referred to the material contravention process which was a different process. Where the planning authority considers that a material contravention is warranted then it refers back to the members for decision. It is aa matter for the executive to decide in the first place whether a material contravention is warranted.

Ms. S. Carr, Acting Chief Executive, addressed the members and thanked all for their questions and said it was important that the topics were all explored. She stated it was not unusual for a Local Area Plan or a County Development Plan to be judicially reviewed but that it is probably the first time it has been dealt with in Tipperary County Council in a significant time. She said what is important is the procedures and process align with the legislation and she stated that she is satisfied that Tipperary County Council have gone through the processes and procedures correctly.

She said there is a duty on the Council to defend the plans they have approved. Ms. S. Carr, Acting Chief Executive said that we have to look at it logically. It is not physically possible to inform every landowner about some changes that may or may not take place. There is a duty of care on the landowner to get involved and engage. There was significant consultation on the process and advertising that the Local Area Plan was being reviewed and landowners were given ample opportunity to engage. She said we have a duty of care to the members who went through the process and aligned with the procedures and process in the legislation to defend it. She said her perspective is that the procedures followed were robust and sound and Tipperary County Council have a duty to defend and she recommended same.

Ms. S. Carr, Acting Chief Executive then advised the members that Anne Marie Devaney would go through the Planning Act and the relevant section as requested by Cllr. English earlier in the meeting. The section in question was emailed out to the members at that point. The section in questions was read out to the members and the processes followed by Tipperary County Council were summarised.

The Cathaoirleach thanked the members for their strong engagement. He also the Planning staff for their contribution.

Following further consideration it was proposed by **Cllr. D. Dunne** and seconded by **Cllr R. Kennedy** and resolved: -

“That, pursuant to the provisions of Section 153 of the Local Government Act 2001 (as amended), we the members of Tipperary County Council hereby authorise that the Chief Executive act for and on behalf of the local authority AND may do all such acts, matters, and things as the Chief Executive may consider necessary for the preparation and prosecution or defence, in respect of High Court action reference H.JR.2024.0000483, AMC Properties and Tipperary County Council”.

Item 6.1

Appointment of Members to Tipperary Energy Agency (TEA)

The Cathaoirleach invited nominations for two members to the Tipperary Energy Agency.

As per the TEA constitution it is recommended that the members be:

- The Chairperson of the Tipperary County Council Environmental SPC or their nominee
- The Chairperson of Tipperary County Council Economic Development SPC or their nominee

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

"That Cllr. John Carroll be and is hereby appointed member to the Tipperary Energy Agency."

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

"That Cllr. Michael Brennan be and is hereby appointed member to the Tipperary Energy Agency."

Item 6.2

Appointment of Members to the Biodiversity Forum Committee

The Cathaoirleach invited nominations for two members to the Biodiversity Forum Committee

It was proposed by **Cllr. Ml. Smith**, seconded by **Cllr. R. Kennedy** and resolved: -

"That Cllr. John Carroll be and is hereby appointed member to the Biodiversity Forum Committee."

It was proposed by **Cllr. Wm. Kennedy**, seconded by **Cllr. S. Ryan** and resolved: -

"That Cllr. Phyll Bugler be and is hereby appointed member to the Biodiversity Forum Committee."

Item 6.3

Appointment of Members to the Mid-Western Regional Drugs Task Force

The Cathaoirleach invited nominations for one member to the Mid-Western Regional Drugs Task Force

It was proposed by **Cllr. Ml Smith**, seconded by **Cllr. P. Bugler** and resolved: -

"That Cllr. Kay Cahill-Skehan be and is hereby appointed member to the Mid-Western Regional Drugs Task Force".

Item 6.4

Appointment of Members to Committees or

The meetings administrator noted that the statutory basis for Corporate Policy Groups (CPGs) is set out in section 133 of the Local Government Act 2001, as amended by Section 48 of the 2014 Act. The CPG provides a forum for policy issues which transcend the remit of individual SPCs and

Boards following the Annual Meeting

municipal districts. The work of the different SPCs is coordinated through the CPG with membership comprising the

- Cathaoirleach;
- Chairpersons of each SPC; and
- Where the municipal district is not already represented, a member of such municipal district (as selected by the municipal district or failing selection, the Cathaoirleach of the municipal district or his or her nominee)

It was noted that there was no representative from both Clonmel and Nenagh MD's that was a chair of an SPC, therefore it was necessary to nominate a representative from both MD's to sit on the CPG. It was noted that the Representative from Clonmel MD - Mayor of the day (Cllr. Michael Murphy) and the Representative from Nenagh MD - Cathaoirleach of the day (Cllr. Fiona Bonfield)

It was proposed by **Cllr. P. Bugler**, seconded by **Cllr. R. Kennedy** and resolved: -

"That Cllr. Ml. Murphy & Cllr. Fiona Bonfield be and are hereby appointed members to the Corporate Policy Group".

Item 7.1
Consideration of Management Report

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

- Roads, Transportation, Health and Safety
- Planning and Development (including Town Centre First and Just Transition)
- Emergency Services & Emergency Planning
- Library, Cultural Services & Biodiversity
- Finance & Information Technology

Roads, Transportation, Health and Safety

Mr. Liam Brett, Director of Services, Mr. Ollie Tierney, S.E.E. responded to queries raised as follows:

Hedgerows

It was noted that during the summer months, the Council ensure that junctions are kept clear but ultimately it is the responsibility of individual land owners. Areas of specific concern should be highlighted to the District Engineers. Hedges at junctions can be cut by the local authority on health and safety grounds.

It was proposed by Cllr. Mairín McGrath and seconded by Cllr. L. Browne and agreed that a letter be sent to the TII seeking a more collaborative approach to hedge cutting between the TII and the local authority.

N75 Anner Hotel

It was noted that the same level of funding wasn't available in 2024 to TII in 2024 with a number of projects either deferred or delayed. The Local Authority are in a position to push it on but funding is needed to progress it. It is now in project pipeline. The matter would continue to be prioritised with TII.

N62 Slievenamon Road

It is anticipated that this project will be at construction stage by January, 2025, and will require funding.

Thurles By Pass

This project continues to be a priority of the Council and the matter will continue to be prioritised with TII.

Road Safety/Speeding

Mr. L. Brett, DOS referred to the three 'E's, Engineering, Enforcement & Education concerning Road Safety. The road Safety Authority (RSA) lead up the education, An Garda Síochána lead up the enforcement and the Local Authority is responsible for the engineering element. In recent months detailed discussion was had on Speed ramps. They can be introduced but it should be in areas where there are already traffic calming measures in place. Integrated design for the locations is needed. As a result, such interventions need to be looked at on an individual basis. Funding is also a consideration. Local authorities can try to reduce the natural speed but that is only in areas where the speed limit is also reduced in these environments. Enforcement is a considerable part of the solution.

N24

The N24 is a key project for Tipperary County Council on Road Safety grounds. It is also key for the economic viability of the region, among other things. All design work has been done on the Western end and this has not been stopped. There is a funding challenge but work is continuing as the local authority are being told to continue with the work. The Eastern end is shelved. All the design work is stalled. Two previous projects were also shelved and consequently had to go back to the start. Funding from the TII will continue to be sought. Support of the elected members is needed to get funding so that the Eastern end - Cahir to Waterford will progress to stage 3 and stage 4 and to An Bord Pleanála. It could sit in a backlog of projects until the state can fund it but the design work needs to continue to be ready for funding.

The matter of a motorway status is noted but the priority is to keep these fundamental projects active.

It was proposed by Cllr. Siobhan Ambrose and seconded by Cllr. J Crosse and agreed that a request be sent to the relevant minister requesting a meeting with a deputation from Tipperary County Council to discuss future funding for the N24.

The Cathaoirleach also noted that he brought the matter of the N24 up for discussion at a recent meeting in government buildings with the

Taoiseach, outlining that it is a crucial project for the county. He supported a deputation from the council to meet with the Minister.

R494 Birdhill to Ballina

It was noted that the contractor is within the contractual timeframe which was a positive project for the County.

LIS/CIS

It was agreed to liaise with Cllr. Anglim directly in relation to his concerns about the scheme.

R503

It was noted that this road would be considered for inclusion in the next 3 years Roads Programme.

N24 Moangarriff to Two Mile Bridge

It was noted that preliminary designs had been completed and submitted to TII. Further reports have to be completed to take it to planning which is anticipated would be completed before year end. The next phase is detailed design and construction. A decision on funding for this stage is awaited.

It was noted that funding for the Moangarriff to two Mile bridge works was initially given by the TII as part of a pavement scheme. However, it became obvious that the section between Moangarriff and Two-Mile Bridge required traffic calming. A lot of representations were received. In order to deal with that a planning process was required. The Inner relief road section did not require such a process. As a result, the scheme was split in two phases and the pavement scheme went ahead. The scheme is at an advanced stage but funding approval will be required to proceed to construction stage.

Red Roads

It was noted that there has been a lot of progress in general across the county over the last three years. The elected members agreed to put a new policy in place around how monies are allocated. A detailed workshop is planned for September in advance of the next 3-year Roads Programme and elected members will be notified of this. The policy has helped hugely and has increased the ranking of Tipperary County Council versus other local authorities on the condition of road surfaces on these type of roads:

N62 - Birr Road/Kennedy Park

A review was completed and it was agreed to refer Cllr. Lee's concern to the District Engineer for consideration.

IPB Funding for footpaths.

It was noted that a letter was sent to the IPB, on behalf of the elected members seeking additional funding and the Council was awaiting a response.

Planning and Development

Item 7.2 Two Year Progress Report on Tipperary County Development Plan 2022-2028

The Cathaoirleach proposed that Item 7.2, Two Year Progress Report on Tipperary County Development Plan 2022-2028, would be taken as part of the Management Report on Planning & Development, to note the Report provided in accordance with Section 15 of the Planning and Development Act 2000 (as amended).

Anne Marie Devaney outlined that there is an obligation under the planning legislation for the local authority to undertake a review of its development plan two years after the making of that plan. The report attached was for noting. Anne Marie went through sections of the reports, achievements etc. and noted that there is more to be work to be done. She stated that the plan is working well and meeting significant needs in the county. Headline issues were noted such as Social Housing delivery and population targets. There are some concerns regarding the delivery, which are factors outside of the local authority's control. The introduction of the waiver scheme has seen an increase in commencement notices which will lead to delivery on the ground. The URDF projects were noted as successful.

Management Report continued.

The report as circulated was noted by the Council. Ms. Anne Marie Devaney, Senior Executive Planner responded to planning queries as follows:

Conservation Architect

A Conservation Office has recently been appointed. He is working through a backlog of Section 57s and working on current Section 57s. The advice to any potential applicants for conservation grants schemes is that they seek the advices of a Section 57 and the Conservation Officer. That would inform the scope of works. Significant progress is being made in terms of staying up to date with current Section 57s and also trying to work with backlog thus far. That is the priority workload at this time. It is anticipated that advices could be offered again through the Section 57 mechanism for potential applicants for the Croí Cónaithe and Heritage Grant schemes.

Residential Zoned Land Tax (RZLT)

Determinations were made in relation to submissions that were made by landowners as to whether land parcels should be excluded or were in scope. Where there is a long-term farming lease the landowner can make a case to revenue. The land remains liable to tax but an exemption can be applied for through revenue.

The deadline for submissions has expired. Submissions were made and determinations were issued. The determinations are appealable to An Bord Pleanála. Planning are dealing with the submissions in relation to the zoning or rezoning of land.

DPI's

Significant progress has been made on taking the vast majority of outstanding housing estates in charge. The ones remaining have issues that make the process more protracted. Site resolution plans are put in

place to determine what is needed to take the estate in charge and that is done with the developer.

The local authority is no longer the sanitary authority and this is causing frustrations which were acknowledged. Such matters will be brought to the attention of Uisce Eireann again. Recent correspondence has issued from the department in relation to DPI's and how they could be managed going forward. Planning is seeking clarification through the LGMA in relation to that correspondence. There is a plan in place but some details are to be worked out. It is hoped that in the future DPI's can be processed more efficiently.

Cllr. J. Fitzgerald was advised to contact Planning in relation a specific query on taking an estate in charge in Clerihan.

Modular Homes.

It was noted that this particular item had been the subject of significant discussion and a workshop. Enforcement action is only taken in line with legislative requirements set out under the Planning Development Act. On receipt of a complaint the local authority must open a file and must investigate that complaint. The provision of a house, modular or otherwise, requires planning and the LA must follow due process. The local authority does not go out and seek to locate such properties. Due process must be followed in receipt of a complaint. In the event of an enforcement order, the Local Authority endeavours to work with the occupant to find the solution in line with legislation. At Local Authority level a moratorium cannot be introduced. The legislation requires a house be granted planning permission.

It was noted that International protection Applicants have been factored in to population targets and S.I. No. 306/2022 Regulations relates to the Non-applicants of the Planning and Development Act 2000 to provide immediate protection in EU Countries for persons displaced by the Russian invasion of Ukraine including the need to provide emergency accommodation and support to those displaced persons. There are an additional two statutory instruments introduced into planning, namely Class 14 and Class 20 which allow for exceptions for specific conditions for the change of use. Anything that does not meet the exemptions is required to have planning permission.

It was noted that anybody can apply for planning for a log cabin or any other structure. There is nothing in County Development Plan that negates against an application being considered. The provision of a log cabin or any other house, particularly in rural areas, is required to meet a rural housing policy and then it is down to specifics and appropriateness of the development.

Population targets are projected in the CDP to 2028. On the publication of the 2022 census figs it was noted that Tipperary had not met the population that had been anticipated. Tipperary were behind the national average. The influx has been catered for in this difference. If there was a significant increase in what was predicted then plans would need to be revisited.

In all instances TCC have liaised with the department and stressed the requirement to engage with elected members.

Emergency Services & Emergency Planning

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

Cashel Fire Station

The old fire station in Cashel is now under the remit of the Central Property Unit with responsibility for ongoing maintenance with the District. Options for disposal were currently being explored.

Fire - Staffing and appliances

On foot of a review of the retained fire fighters in 2022 carried out at national level by the National Directorate of Fire and Emergency Management and subsequent industrial action nationally, the Workplace Relations Commission recommended proposals which significantly changed the position of retained fire fighters. Fire fighters are now on a model of single pump stations where ff are 6 on and 6 off with a commitment of 24 weeks of being rostered on call in a year. 4 weeks annual leave and the option for the remaining 24 weeks. They took no pay adjustment only a significant pay increase. It was a favourable outcome for the ff and the service as a whole. A risk assessment was carried as part of the exercise out to check that the local authority still met fire cover standards as outlined in the 2013 document 'Keeping Communities Safe' refers. The 12 stations are categorised low, medium or high depending on criteria. Clonmel is classed as C – Medium Risk, typical of a town with a pop of 10,000 to 40,000. The categorisation demands that the first appliance turning out will be of incident within a travel time of 10 minutes and the second will be there within a travel time of 20 mins. With the single pump model, Clonmel satisfies this criteria. A pilot of the new system as done as part of the risk assessment. It was trialled in Cashel and Nenagh under a four-month pilot and attendance standards were met. There is only one front line Class B fire appliance. Based on the model in operation the resources are there to man one appliance. The second appliance would come from nearby fire stations in other towns. The local authority is meeting and exceeding the targets as per the 'Keeping Communities Safe' noting also that it is easier to recruit fire fighters now and the feedback from staff confirms this.

Library, Cultural Services & Biodiversity

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

Clonmel Library

A workshop was held with the Borough District in May. This triggered the Part 8 process. The design team have commenced works and numerous meetings have taken place. Progress is as expected. There is a shortfall in terms of funding which is being explored further.

Newport Library

This project will remain under consideration

Library & Cultural Enterprise Centre, Templemore

This project was progressing well with works on target. The fit out of the building will commence once construction works are complete and it is expected that the building will be operational by end of Q4 2024. There is engagement with the contractor on the issue of the pedestrian crossing.

Finance & Information Technology

Mr. Mark Connolly, Head of Finance responded to queries raised as follows:

Council Staffing

Information and an analysis on staffing in 2014 versus now will be considered further as part of the Budget process.

Increased Cost of Business Grant (ICOB)

It was noted that 2600 applications were received of which 60% have been processed. Just under 2.8 million has been paid out to business who have applied. Applications are being worked on and ongoing communication with the business sector.

NBI Broadband

It was agreed to follow up with NBI re. progress on roll out in Tipperary and also to follow up with Vodafone re. coverage issues across the county particularly in the Ballina area.

Vacant Property Rates

It was agreed to revert to Cllr. P. English with stats on vacant property.

Item 7.3

Corporate Plan Process

The meetings administrator, Mr. G. Walsh referred to the documentation as circulated with the Agenda noting that it is a statutory requirement to prepare and approve a new Corporate Plan within 6 months of the date of the annual meeting.

The Corporate Plan is a central component of the local authority business architecture, linking key elements such as policy, organization operational activity, governance and performance management. The plan will set out the vision of the Council for the next 5 years and serves as the Council's strategic framework for action over the term of the Council.

It was noted that initial pre-draft consultation had taken place with the CPG. A non-statutory online consultation in the form of an online survey with staff, councilors and the public also took place during July and a workshop with Councillors is scheduled for September 2nd. The draft plan

framework will be brought to the September meeting for consideration and the final plan will be submitted to the members at the December meeting.

Cllr. S Ambrose expressed her thanks to the staff for their work in the elections.

**Item 8.1 Agree
Date for
Councillor
Workshops**

The following workshops were proposed by Cllr. S. Ryan and seconded by Cllr. S. Ambrose:

- Local Property Tax 2025 (LPT) - Monday 2nd, September 2024 at 10 am

Workshop to be held in person in Clonmel Council Chamber with remote access option to attend)

The following workshops were proposed by Cllr. S. Ryan and seconded by Cllr. S. Lee

- Uisce Éireann Workshop – Tuesday 17th, September 2024

In relation to water related queries raised Cllr. P. Bugler was advised to refer to Uisce Eireann. Ms. S. Carr, Acting Chief Executive acknowledged the frustrations of the members and said the workshop would benefit all and if they needed another workshop after this it should be requested. A request would issue to Uisce Eireann requesting the workshop to be held on a district by district basis.

**Item 9.1
Consideration of
Orders for the
period to the
30th June 2024**

Chief Executive Orders and Delegated Officers Orders for the period of the 30th June, 2024 were noted.

**Item 10.1
Notice of Motion
2837 Universal
Social Charge**

The Motion Reference No: 2837 was proposed by **Cllr. P. English**

"That Tipperary County Council request the Ministers for Finance Paschal Donohue and Jack Chambers as part of the Governments Budget Income Tax package for this year abolish the unfair Universal Social Charge".

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

Following consideration, it was agreed to refer the motion to the Minister for Finance Paschal Donohue and Jack Chambers for consideration/reply.

**Item 11.1, 11.2,
11.3, 11.4, 11.5,
11.6, 11.7, 11.8
Correspondence**

The following items of correspondence as circulated was noted as follows:

- Reply dated 7th May 2024 from Department of Transport re Road Maintenance Budget

- Letter dated 14th May, 2024 from CCMA re the National Speed Limit Implementation
- Correspondence dated 20th of May 2024 from John Dempsey, Local Authority Engagement Director, Uisce Éireann re Local Authority engagement and Notices of Motion process.
- Letter dated 29th May 2024 from Carrick-on-Suir Municipal District to Minister for Finance re N24 Waterford to Cahir.
- Correspondence dated June 12th 2024 from South Tipperary Hospice Movement re thank you for hosting of Civic Reception
- Letter dated 24th June 2024 from Fiona Quinn Assistant Secretary, Local Government Division re the directly elected mayor.
- Reply dated 27th June 2024 from Office of the Minister for Transport re update on allocation to all new national road's projects in the NDP
- for 2024
- Correspondence dated 26th June 2024 from Department of Justice re Local Community Safety Partnerships Expression of interest for position of Chairperson.

Items 12.1
Motions from
other Councils

The following Notices of Motion from other Local Authorities were noted.

Clare County Council

"I am calling on the Taoiseach of the day Simon Harris and the coalition partners Fianna Fail, Fine Gael and the Green Party to address the huge failures in the reconfigured health services established by the Government some years ago and the establishment of the HSE for responsibility in implementing the policy. Health services for the public in Ireland has been led by Health Ministers from Fianna Fail, Progressive Democrats and Fine Gael for over 24 years and the current model of reconfiguration has been a failure. Recent reports indicated that rural parts of Ireland have been impacted the most and have a higher risk of poor outcomes and this is borne out by the experience of people from Clare attending overcrowded emergency departments and at times having tragic outcomes. People in need of health services from Clare are suffering and there is no evidence to suggest that the reconfigured health service has delivered improved outcomes. I am calling on the Government to urgently address the serious consequences for the public in Clare from the current government's model of health care. I would request the circulation of this motion if supported to our Oireachtas Members in Clare and other local authorities".

Fingal County Council

"That Fingal County Council formally backs the call for a Fossil Fuel Non-Proliferation Treaty, and urges the Irish Government to support the initiative for a Fossil Fuel NonProliferation Treaty, if passed, a letter should be sent to all Local Authorities, An Taoiseach, An Tánaiste and the Minister for the Environment".

Limerick City & County Council

"That, Limerick City and County Council call on the Minister for Finance, Michael McGrath, TD., and the Government, to allow taxpayers one week

where no tax is paid, in line with Social Welfare recipients whereby their welfare payments increase at Christmas, and, if agreed, that the Motion be circulated to all Local Authorities”.

Monaghan County Council

“That Monaghan County Council writes to Minister for Education, Ms Norma Foley, T.D. urging that the procurement of materials for the fulfilment of the ‘Free Education Scheme’ will be at the autonomy of each individual school to tender for their own supplier. For ETB Schools to have one centralised supplier it will have an enormous impact on local suppliers who depend on the back-to school season to keep their doors open.’

Wicklow County Council

“Due to the very worrying increase in road fatalities throughout the country, this Council demands that the Government provides funding for the employment of a full time Road Safety Officer in every Local Authority in the country”.

Members passed a vote of sympathy to the following: -

Item 13.1 **Expressions of** **votes of** **sympathy**

- Cllr. David Dunne on the death of his mother Joan
- Breda Denn, Cleaning Staff Clonmel on the death of her mother Bridget
- Martin Laffan, Nenagh MD, Denis Laffan, Water Services and Frances McAlister (Fire Services) on the death of their mother Bridie Laffan
- Roisin O’Grady, Heritage Officer on the death of her father Michael Treacy
- Geraldine Manning, Economic, Community and Rural Development Section on the death of her father Peter Ryan
- Jacinta Murray, Library Assistant, Carrick on Suir Library on the death of her mother Barbara Murray
- Eoin Lawlor, Water Caretaker on the death of his father John Lawlor
- Family of Christy Kinahan, Former Councillor, Tipperary Town Council and South Tipperary County Council
- Joe MacGrath, Retired Chief Executive and Sharon Kennedy, Director of Services on the death of their sister Liz MacGrath Stanley-Smith, District Court Judge
- Siobhan O’Shaughnessy, Accounts Payable, Nenagh on the death of her father Seamus Bourke
- Cllr. Peggy Ryan on the death of her uncle Michael Ryan
- Family of Peter O’Sullivan, Cashel

**Votes of
Congratulations**

Members passed a vote of congratulations to the following: -

- Cllr. Mark Fitzgerald on the arrival of his daughter.
- Bealtaine Festival Committee

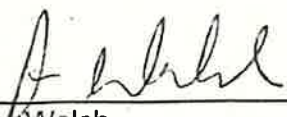
**Item 14.1 Any
Other Business**

The members acknowledged the recent retirement of Ms. Helen Houlihan with over 47 years-service and in particular here tenure in Corporate Services and wished here good wishes in her retirement.

The meeting concluded

Signed/ 
Cathaoirleach.

Date: 8th July 2024.

Signed/ 
Ger Walsh,
Meetings Administrator.

Date: 8th July 2024.