

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING
OF NORTH TIPPERARY COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, CIVIC OFFICES, LIMERICK
ROAD, NENAGH ON MONDAY 16TH APRIL, 2007 AT 2.00
P.M.**

Present **Cllr. Jim Ryan, Mayor – Presided**

Cllrs Dr. Phyll Bugler; John Carroll; Jim Casey; Pauline Coonan; Sean Creamer; Ger Darcy; John Egan; Seamus Hanafin; Tom Harrington; Joe Hennessy; John Hogan; John Kennedy; Willie Kennedy; Micheál Lowry; Michael O’Meara; Denis Ryan; Mattie Ryan; Michael Smith

Apologies Cllrs. Tom Berkery; John Sheehy

Also Present Terry Ó Niadh, County Manager; Karl Cashen, Director of Services; Paddy Heffernan, Director of Services; Tom Barry, Director of Services; Matt Shortt, Director of Services; Liam McCarthy, Head of Finance; Gerard Lynch, Head of I.S., Brian Beck, Acting Senior Planner; Marcus O’Connor, Senior Engineer; Jim McGuire, Senior Engineer; Rosemary Joyce, Senior Executive Officer; Patsy Brislane, Acting Senior Staff Officer

Votes of Sympathy Votes of Sympathy were passed to the following:

- Sean Hogan and the Hogan Family, Puckane on the death of their mother Rose.
- Fergus Wright on the death of his mother, Inge Luise Wright
- The McLoughney Family, Ballinderry, Nenagh, on the death of Paddy McLoughney.
- Liam Ryan on the death of his father in law, Pakie Small.

Mr. T. Ó Niadh wished to be associated with the Votes of Sympathy.

**Votes of
Congratulatory**

Votes of Congratulatory were passed to the following:

- Tipperary GAA Board on the recent refurbishment works to Semple Stadium.
- Killavilla Football Club on the official opening of their new facilities at Streamstown, Roscrea.
- Moycarkey Coolcree Athletic Club on the launch of book “Moycarkey Coolcree Athletic Club, 70 years of Athletics”.

Mr. T. Ó Niadh wished to be associated with the Votes of Congratulatory.

**Presentation by Fair
Trade Committee**

A presentation on Fairtrade was given by Una Johnson & Michael Long of the Thurles Fairtrade Town Committee. Members and the Manager thanked them for their presentation and on the proposal of Cllr. S. Hanafin, seconded by Cllr. J. Carroll, it was agreed that a motion of support for Fairtrade and for Tipperary as a Fairtrade County would be adopted.

**Address by Dr.
Alice Morgan,
Shannon
Development**

Dr. Alice Morgan of Shannon Development, accompanied by Brian Keating, addressed the members outlining the respective roles of Shannon Development, the IDA and Enterprise Ireland. She outlined progress and on-going projects in respect of tourism, economic development, property solutions, e-towns and broadband and responded to queries from members. Following discussion members agreed to invite a representative of Enterprise Ireland to address the Council at the May meeting.

**Item 1.1
Adoption of
Minutes of
Previous Meeting**

It was proposed by Cllr. M. Lowry, seconded by Cllr. D. Ryan and unanimously agreed that the minutes of the March 2007 Monthly Meeting be adopted.

**Item 1.2
Action Plan
Progress Report**

Members noted the Action Plan Progress Report, copy of which had been sent to them via email.

**Item 2.1
Disposal of Shared
Ownership
Property**

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at 37 Cluain Caoin, Borrisokane Road, Nenagh, to Patrick Dillon & Ciara Gleeson be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

**Item 2.2
Disposal of Shared
Ownership
Property**

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at 33 Kennedy Park, Roscrea, to Liam Nolan & Anne Wright be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

**Item 2.3
Disposal of Shared
Ownership
Property**

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at 28 Sallygrove, Nenagh, to Adam & Marie Courtney be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

**Item 2.4
Disposal of Shared
Ownership
Property**

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at 1 Silver Street, Nenagh, to Ellen Ahern be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

**Item 2.5
Disposal of Shared
Ownership
Property**

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at 17 Railway View, Templemore, to Damien Madden be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Item 2.6
Disposal of Shared
Ownership
Property

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at 2 Church Road, Borrisokane, to Michael & Ursula Ryan be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Item 2.7
Disposal of Shared
Ownership
Property

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at 23 Brophy Terrace, Roscrea, to Stephen Hogan & Sandra Kiely be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Item 2.8
Disposal of Shared
Ownership
Property

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at 16 Millview, Toomevara, Nenagh, to Mark Elderfield & Anna Clarke be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Item 2.9
Disposal of Shared
Ownership
Property

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at Monanore, Toomevara, Nenagh, to Josephine Doran be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Item 2.10
Disposal of Shared
Ownership
Property

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at Ballyhogan, Ballycommon, Nenagh, to Frank & Marie Moran be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Item 2.11
Disposal of Shared
Ownership
Property

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at 58 Ballygraique Estate, to Denis Flannery be carried out in accordance with the terms of the Notice dated 29th March 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Item 2.12
Disposal of Land
at Crotta,
Borrisokane

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Carroll and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of land at Crotta, Borrisokane, to Michael Houlihan be carried out in accordance with the terms of the Notice dated 4th April, 2007 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Item 3.1
Roadworks
Programme 2007

On the proposal of Cllr. S. Hanafin, seconded by Cllr. M. Lowry it was agreed to adopt the Roadworks Programme 2007, copy of which was circulated via email.

Item 3.2
NRA Policy on
Tourism &
Leisure Signage
on National Roads

It was agreed to defer this item to the May Monthly Meeting.

Item 3.3
Local
Improvement
Scheme Allocation
2007

It was agreed to defer this item to the May Monthly Meeting.

Item 4.1
Water Services
Quarterly Report

It was agreed to defer this item to the May Monthly Meeting.

Item 4.2
Water Services
Small Schemes
Programme for
2007

It was proposed by Cllr. J. Kennedy, seconded by Cllr. J. Carroll and resolved that the Water Services Small Schemes Programme for 2007 be adopted.

Item 5.1
Planning &
Development
Register

It was agreed to defer this item to the May Monthly Meeting.

Item 5.2
Arrangements for
Preparation of
Village Design
Statements for
Puckane,
Dromineer &
Garrykennedy

Members noted report on arrangements for preparation of Village Design Statements for Puckane, Dromineer & Garrykennedy, copy of which was circulated at the meeting. Mr. T. Barry outlined the timeframe for the statements.

Item 6.1
Allocation of
Grants under
Community,
Sports & Cultural
Grant Scheme for
2007

It was proposed by Cllr. S. Creamer, seconded by Cllr. P. Coonan and agreed to approve allocations in accordance with the Community, Sports and Cultural Grants Scheme as set out below.

Nenagh/Newport Electoral Area

Group	Total Cost €	Grant €
Newport Town AFC	235,000	57,500
	235,000	57,500

Roscrea/Templemore Electoral Area

Group	Total Cost €	Grant €
Roscrea Amateur Boxing Club	10,000	7,000
	10,000	7,000

Item 6.2
Allocation of
Grants under the
Social &
Community

It was proposed by Cllr. P. Coonan, seconded by Cllr. J. Carroll and agreed to approve allocation under the Social & Community Facilities Capital Scheme 2007 as recommended by Mr. T. Barry in report circulated at the meeting. The recommendation was as follows:

**Facilities Capital
Scheme 2007**

“An advert was placed in the local papers inviting applications from community groups under the Social & Community Facilities Scheme with a closing date of Tuesday 10th April 2007.

There is funding of €150,000 available and this can be allocated to one project or a maximum of 5 projects where each projects is allocated a minimum of €30,000.

At the closing date four applications were received:

1. ***Roscrea 2000:*** *Roscrea 2000 has submitted an application for capital funding towards the cost of providing a community owned resource centre/meeting facilities. Roscrea 2000 require new premises as its current location in the Convent building has been sold. The initiative for a community owned resource centre is supported by Roscrea Credit Union, Roscrea Lyons Club, Roscrea St Vincent de Paul. Roscrea Chamber of Commerce and Roscrea Community Development Council. Funding of €1m has already been allocated to provide crèche facilities on the same site. This site is owned by the county council. The cost of the project is €900,000 and funding of €150,000 has been requested. Roscrea 2000 was previously allocated a grant of €7,000 for technical assistance under the Community, Sports and Cultural Grants Scheme in 2005 towards the preparation of plans/design work for this project.*
2. ***Tipperary Regional Youth Service:*** *Tipperary Regional Youth Service has submitted an application to refurbish the upper level of their premises in Croke Street, Thurles to enable the premises to become a one-stop youth centre. The lower level was refurbished with grant aid of €10,000 under the Community, Sports and Cultural Grants Scheme in 2005. This space was originally intended as a drop-in centre/café but due to the increase in the numbers attending the service the upper level is now required to provide a space for various programmes and supports and extend the drop-in facility in the lower level. It is proposed to develop the centre to accommodate a special youth project, a rural outreach service, a youth information point and a project worker for the Traveller Community. The centre would be used by Thurles Youth Project, Traveller Youth Project, Barnardos, 4 Estates After School Group, Thurles Action for Community Development, Templemore Youth Project and residents associations. The work will cost €40,000 and grant aid of €35,000 is sought.*
3. ***Knockshegowna GAA Club:*** *Knockshegowna GAA Club is the smallest GAA club in Tipperary and only forms part of a parish. The application has been submitted to improve the GAA facilities – floodlights, ball alley, upgrading changing rooms, safety fencing and upgrade heating in meeting room. The numbers of people in the younger age groups are increasing and will continue to do so in the foreseeable future. The upgrade in facilities is required to ensure that the young people in the locality are not persuaded to join surrounding clubs that have better facilities. Currently the club has to rent facilities from other clubs. The local hall committee and juvenile club support the proposed development. The GAA Club is the primary sporting organisation in the community. The total cost of the development is €230,000 and grant aid*

of €150,000 is sought. €30,000 has been allocated under the Sports Capital Programme.

4. **Roscrea Swimming Pool:** Funding of €150,000 has been requested toward the fit out of specific elements of the project which will enhance the quality of the pool and benefit users.

Review of 2006 Applications

The following applications were submitted in 2006 in order of priority as below with Littleton being selected for an allocation of €250,000.

1. Littleton Community Facility
2. Young Nenagh Project
3. Cloughjordan Integrated Village Plan
4. Roscrea Tidy Towns

With regard to the above the Young Nenagh Project has already received substantial funding from FÁS together with an allocation of €125,000 from North Tipperary County Council and a recommended allocation of €125,000 from Nenagh Town Council.

The Cloughjordan Integrated Village Project works would be more appropriate to the Town and Village Renewal Scheme of the Department of Environment, Heritage and Local Government.

The Roscrea Tidy Towns project was for environmental improvements to Glebe Park. Roscrea have prioritised the Roscrea 2000 project for 2007.

Recommendation

It is recommended that the allocation of €150,000 be awarded to one project of scale in line with the 2006 allocation which went to Littleton. Accordingly it is proposed to award the 2007 allocation to Roscrea. The €150,000 will be given to the Roscrea 2000 project subject to receiving detailed proposals within 3 months. In the event of not receiving these proposals within this timeframe, the allocation will be awarded to Roscrea Swimming Pool.”

Item 7.1
Nomination of
Member to the
Board of Roscrea
2000

On the proposal of Cllr. D. Ryan, seconded by Cllr. J. Hogan, it was agreed to nominate Cllr. M. Smith to the Board of Roscrea 2000.

Item 8.1
Draft Annual
Report for 2006

It was agreed to defer this item to the May Monthly Meeting.

Item 8.2
Implementation
Reports 2006 &
Business Action
Plans on the
Corporate Plan
and Customer
Action Plan

It was agreed to defer this item to the May Monthly Meeting.

Item 8.3
Report on Service
Indicators for
2006

It was agreed to defer this item to the May Monthly Meeting.

Item 9.1
Strategic Policy
Committees

Summaries of the following Strategic Policy Committee Meetings meetings were noted:

- Planning & Development/Community & Enterprise

Members agreed to the proposal by the SPC to increase the maximum grant that a group can receive under the Community, Sports & Cultural Grant Scheme to €125,000.

Item 10.1
Area Committees

It was agreed to defer this item to the May Monthly Meeting.

Item 11.1
Conferences

It was proposed by Cllr S. Hanafin 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 estimates, hereby nominate those listed hereunder to attend the following Conference/Seminar”

Seminar/Conference /Similar event	Dates	Venue	Nominees	Estimated Cost
LAMA	12-13 th April	Gleneagle Hotel, Killarney	Cllr. John Sheehy Cllr. Sean Creamer	€500
The Travelling Community – Challenges & Reflections in Public Service Delivery	27 th April	Davenport Hotel, Merrion Square, Dublin	Cllr. Tom Harrington	€500
The Challenges for Housing Providers and Managers	17 th April	Clarence Hotel, Dublin	Cllr. Tom Harrington	€500

Item 11.2
Reports on
Conferences

It was agreed to defer this item to the May Monthly Meeting.

Item 12.1
Mayor’s Business

There were no issues raised under Mayor’s Business.

Item 13.1
County
Managers/Directors/
Heads of Functions
Business

Mr. K. Cashen circulated the following report regarding Nenagh Civic Amenity Site : -

“Nenagh Civic Amenity Site is registered with the Environmental Protection Agency and receives both capital and operational funding from the Department of the Environment Heritage and Local Government for the acceptance of household recyclable waste.

The acceptance of Waste Electrical and Electronic Equipment (WEEE) from August 2005 and the decision by AES to discontinue public access to their Recycling Facility has considerably increased the workload at the Council facility. The quantity of recyclables processed by Nenagh Civic Amenity Site increased from 856 tonnes in 2005 to 1490 tonnes in 2006, an increase of 74%, and the inputs for the early part of 2007 show an

increase of 53% over the same period in 2006. The Civic Amenity site is not a purpose built facility and the significant increase in recyclables being delivered to the facility is causing major operational problems.

In addition, the site is part of the Machinery Yard complex and customers who deliver recyclables have to share the entrance roadway with normal Machinery Yard traffic. It is now considered that the extra traffic caused by the increased activity is creating an unacceptable unsafe environment. Indeed, numerous complaints have been received from the public and from Elected Members who have observed at first hand the difficult operating conditions at the facility.

The Civic Amenity site is funded by the Department for the acceptance of household waste only, however we have in the past accepted commercial waste as this was only being delivered in manageable proportions and we had the capacity to deal with it. This is no longer the case and the large volume of material being delivered to the facility from the commercial sector has created health and safety and employee welfare concerns.

As it is not possible to improve the capacity of the site, it has now been decided for the reasons outlined above to no longer accept waste at the facility from the commercial sector. Regular commercial users will therefore be written to and advised that commercial waste will no longer be accepted from 1st May, 2007.”

Item 13.2
County
Managers/Directors
Orders

It was agreed to defer this item to the May Monthly Meeting.

Item 14.1
Tenders

It was agreed to defer this item to the May Monthly Meeting.

Item 15.1
Notices of Motion

It was agreed to defer consideration of Notice of Motion No. 12,982 to the May Monthly Meeting.

Item 15.2 Adjourned
Notices of Motion

The following Notice of Motion no. 12,970 was proposed by Cllr. P. Bugler, seconded by Cllr. D. Ryan : -

No. 12,970

Notice of Motion No. 12,970 – Cllr. Dr. P. Bugler

“I hereby request this Council to “blacklist” rogue developers who have not completed their developments as per planning permission. I also request this Council to impose appropriate sanctions on rogue developers”.

The following reply was read out: -

“In reply to the Notice of Motion (No 12,970) – Section 35 of the Planning and Development Act 2000 as amended by Section 9 of the Planning and Development Act 2006 provides appropriate powers in terms of refusal of permission for past failures to comply with permissions granted. Under the 2000 Act the onus of proof was placed on the Local Authority. Under the 2006 Act the onus of proof was placed on the developer.

In general the Council `s experience is that the Planning Enforcement

procedures are sufficient to require developers to comply with their permissions”.

Members spoke in support of the motion and raised concerns in relation to estates which are left unfinished by developers. Following debate it was agreed to call on the Minister for the creation of a national database of developers who fail to comply with planning permissions and to circulate this request to all local authorities for support.

No. 12,973

The following Notice of Motion no. 12,973 was proposed by Cllr. M. Ryan, seconded by Cllr. J. Carroll : -

Motion No. 12,973 - Cllr. M. Ryan

“That Development Charges should not apply in Cul de Sac Roads”.

The following reply was read out: -

“The North Tipperary Development Contributions Scheme 2004-2008 was prepared in compliance with the requirements imposed by Section 46 of the Planning and Development Act 2000. The development contributions were adopted by North Tipperary County Council on 16th February 2004.

Particular care was taken in the process of preparing the scheme to ensure that:

- It was reasonable and fair,
- There was no double charging,
- It was compatible with the Government’s water pricing framework and
- That it complied with Section 48 of the Planning and Development Act, 2000.

Monies collected in respect of Roads, as part of the Contribution Scheme, are used for local road improvements in the area that the development is taking place. If funding was to be withdrawn, funding to local road improvements would have to be reduced.

In conclusion, the abolition of contributions in respect of development on cul de sac roads relative to other development types would give rise to questions in respect of the fairness of the development contributions scheme.

It is therefore recommended that this notice of motion is not adopted by the Council”.

Mr. T. Ó Niadh, County Manager, advised the members that the Notice of Motion should not be passed. If passed specific projects would have to be identified which should be deleted from the roads capital programme. Following discussion it was agreed that this matter should be examined in the context of a review of the Development Contribution Scheme.

No. 12,976

The following Notice of Motion No. 12,976 was proposed by Cllr. J. Carroll, seconded by Cllr. J. Casey : -

Notice of Motion No. 12,976 - Cllrs. J. Carroll, T. Berkery, J. Casey, M. Ryan

and Dr. P. Bugler

“We the Elected Members of North Tipperary County Council call on the Department of Agriculture and the Government to afford the farming community advance notice of 14 days in relation to the On Farm Inspection Scheme”

Following discussion it was agreed to write to the Minister of Agriculture and Food to ensure that advance notice of 14 days is accorded to the farming community in relation to the On Farm Inspection Scheme.

No. 12,977

The following Notice of Motion No. 12,977 was proposed by Cllr. J. Carroll, seconded by Cllr. M. Ryan : -

Notice of Motion No. 12,977 - Cllrs. J. Carroll, T. Berkery, J. Casey and M. Ryan

“We the Elected Members of North Tipperary County Council propose the removal of the Development Levies as applied to home owners, who were CPO’d as part of the proposed new dual carriageways M7 and M8 schemes. (Notice of motion refers to replacement houses only, as part of the CPO process)”

The following reply was read out: -

“Where a house is required as part of a CPO, provision is made for compensation cost for a replacement house, including development levy and planning fees.

Any reduction in income from development levies would have implications for the Council’s roads and water services capital investment programme.”

Mr. T. Ó Niadh, County Manager, advised that it would be inappropriate to pass this notice of motion as it would provide for double compensation. Following discussion it was agreed that this matter would be examined in the context of a review of the Development Contribution Scheme.

Suspension of Standing Orders

It was proposed by Cllr. J. Carroll, seconded by Cllr. D. Ryan and agreed to suspend standing orders to continue the meeting after 5.30 p.m.

No. 12,979

The following Notice of Motion No. 12,979 was proposed by Cllr Micheál Lowry, seconded by Cllr. M. Ryan : -

Notice of Motion No. 12,979 - Cllr. M. Lowry

“That North Tipperary County Council amends the County Development Plan 2004-2010 to allow any family member wishing to utilise a site from the family land-holding the opportunity to build a dwelling house regardless of ribbon development”

The following reply was read out: -

“The Council has reviewed its policy in the context of the Sustainable Rural Housing Guidelines issued by the Department of the Environment Heritage and

Local Government in April 2005 and subsequently adopted a Variation to the County Development Plan in September 2006, which incorporates a definition of ribbon development. It is considered that the amended policy as configured, allows for a balanced and reasonable approach when considering applications for rural housing which adequately meets the needs of the local community and considers the applicants circumstances, while ensuring rural and residential amenity of the area and proper planning and sustainable development.

Any change to this policy would be wholly inappropriate until the next review of the County Development Plan is underway.”

Following discussion it was agreed to leave this Motion on the agenda and that Mr. T. Barry, Director of Services would examine specific cases identified by Cllr. Lowry.

Item 16.1
Correspondence

It was agreed to defer this item to the May Monthly Meeting.

Item 17.1
Any Other Business

There were no issues discussed under this item.

This Concluded the Business of the Meeting, a true copy of which we hereby certify.

Signed: _____
Cllr. J. Ryan
Mayor.

Date: _____

Signed : _____

Date: _____

Ms. Rosemary Joyce
Senior Executive Officer