MINUTES OF PROCEEDINGS OF THE JUNE MEETING OF NENAGH MUNICIPAL DISTRICT HELD IN THE MUNICIPAL DISTRICT CHAMBER, CIVIC OFFICES, LIMERICK ROAD, NENAGH AT 11.00 AM ON 23RD JUNE 2016

Present:
Cllrs. Fiona Bonfield, Ger Darcy, Mattie Ryan, Phyll Bugler, Michael O’Meara, Seamus Morris, Joe Hannigan, John Carroll and Hughie McGrath.

Also Present:
Mr. Karl Cashen, Director of Service, Ms. Rosemary Joyce, District Administrator; Mr. P. Fee, A/ Senior Executive Engineer, Mr. Brian Beck, Senior Planner, Ms. Sonja Reidy, Senior Executive Planner, Mr. Michael F. Hayes, Senior Engineer, Ms. Sinead Moriarty, Staff Officer and Lorraine Treacy, Staff Officer.

Item 1
Minutes of May Meeting

It was proposed by Cllr. M. Ryan, seconded by Cllr. S. Morris and resolved that the minutes of the May meeting held on 19th May be adopted.

Cllr. S. Morris thanked his fellow Councillors for agreeing to meet with some of the residents from Castlelough recently. He requested confirmation that no further permissions for festivals will be given until after the new Amenity Bye-Laws are in place.

Cllr. J. Carroll said that it was very important that the scale of festivals is appropriate for the size of Castlelough. He added that it was also important to take note of issues that were raised in the past and that certain activities were not encouraged.

Ms. R. Joyce advised that she had received an application recently for an event in August but that no decision had been made. She went on to say that each application received would have to be considered on its own merits and that no blanket ban on festivals could be introduced. She said the views of the members will be taken into
consideration and it is expected that a decision on the application will be made within the next two weeks.

Cllr. S. Morris said that he would like to see the application that was submitted. He said that he knows that the Council is trying its best to promote festivals but that the scale of the event in Castelough cannot be defended. He added that he would like the members to have a say in the decision on the application.

Cllr. J. Carroll pointed out that he was not opposed to festivals taking place but emphasised the need to ensure that the size and scale of the event is appropriate to the area.

Cllr. P. Bugler said that she looked forward to working with the staff in relation to the proposed festival. She said she also looked forward to the Nenagh Castle Fest. She added that she welcomed festivals but that the scale of the festival must be taken into account.

**Item 2: Action Plan**

The Action plan from the May meeting was noted.

**Item 3.: Update from Planning**

Mr. K. Cashen referred to the update from the Planning Section which was circulated to the members. He referred to proposed Variation No. 3 of the County Development Plan which relates to the Renewable Energy Strategy and advised the members that a workshop in relation to this would be held on 11th July. He added that Proposed Variation No. 4 will deal with a new Settlement Strategy and will be dealt with over the coming months.

Referring to Taking in Charge, he said that a new Taking in Charge Policy was considered by the Planning SPC and was recommended for approval. He said this Policy would be brought before the members at a full Council Meeting in the Autumn.

He went on to say that planning applications have increased by 13% in the Nenagh Municipal District and that there are currently 34 enforcement complaints on hand which relate to the Nenagh District.

Mr. Cashen also referred to the Built Heritage Scheme, Structures at Risk and the Town Wall Schemes.
Cllr. G. Darcy enquired about the Structures at Risk funding. He said that the Castle in Ardcrony Graveyard is in bad repair and the scaffolding is still in place. He enquired if funding could be applied for under the Scheme for the Castle. He added that the Tidy Towns Adjudicator’s Report referred to the condition of the Castle in last year’s report.

Referring to Structures at Risk, Cllr. S. Morris said that an obvious building that falls into this category is the Military Barracks in Nenagh. He suggested that the Council write to the Department of Defence and ask them what their plans are for the building.

Referring to Taking in Charge, Cllr. S. Morris said that he was disappointed that the members had not got a written report today. He referred to estates where the public lights have been cut off or are no longer working and in particular referred to Pallasderg, Derg Manor and Cluain Caoin. He said many estates do not want to be taken in charge and maintain their own areas however they cannot deal with the lights. He said the main priority should be taking in charge. There was an issue with funding. He was looking for a report in writing on every estate. They had been told Cluain Caoin would be taken in charge and six months later it was still not there. He indicated that if he did not get the report he would be looking for it under FOI. A bi-monthly written report should be given setting out commitments and how much funding it would cost for taking in charge. He was not satisfied that they heard from the public that lights had been turned off when the Council were receiving notifications from the suppliers.

Cllr. H. McGrath supported Cllr. Morris and said that he had grave concerns about the length of time that it takes to go through the various stages of the Taking in Charge process. He said that that it was very important to him as a Councillor to ensure that people have light and water in their houses. He enquired if the lights have been signed off on by the Council, can the Council take them over on an interim basis. Referring to the Military Barracks, he said that it is a valuable piece of land and has potential for the CBS School to allow them to extend their playground and agreed that the Council should correspond with the Department on the matter.

Cllr. J. Hannigan thought the Military Barracks site could be an asset to the town. He said there was a need to identify the monuments in the District and see what could be done to maintain and improve them as they could help in making the area a major tourism destination. Cllr. Hannigan also referred to climate change and suggested that, going forward, the Council should look at installing LED bulbs in the public lights. He also referred to the towns and villages in the High Amenity

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Areas and the difficulty in acquiring planning permission in these areas.

Cllr. M. O’ Meara enquired as to the up to date position regarding Protected Structures. He said that in the past a lot of structures were protected and this has resulted in restrictions in the line of development. He said there are a number of structures that should not have been protected but there were also some that are not protected that should be. Cllr. O’ Meara also enquired about the criteria for the requirement of an Environmental Impact Statement. He said that such reports can be costly and be prohibitive in a lot of cases. He enquired if an existing EIS can be amended to suit a different planning application.

Cllr. O’ Meara referred to the visit to Wesport last year, where he said, the advantage of having a good Architect was evident. He said that Tipperary County Council should be engaging the services of an Architect. Referring to Variation No. 4 of the County Development Plan, he said that there was huge potential to develop the back lands of our towns and villages. He referred to Borrisokane in particular and its coachyard entrances which could be used to open up back lands and re-energise the town and encourage town living. He went on to refer to zoning in the County Development plan and said that it was important to encourage business activity in rural areas.

Cllr. J. Carroll said that there was a huge body of work involved in the taking in charge process and said it was important to note that there were a small number of developers who did not do what was asked of them and that the local authority should not be blamed in the wrong. He supported Cllr. G. Darcy in relation to Structures at Risk. He said that there were over 70,000 protected structures at a national level and that funding of €10-12m was not adequate. He said that heritage should be at the top of our agenda and enquired if a Method Statement for carrying out repairs to protected structures was available. He went on to say that Variation No. 4 of the County Development Plan was going to be very important for our towns and villages and there was a need to think outside of the box, be innovative and proactive.

Cllr. F. Bonfield enquired about the Courthouse in Newport which is a protected structure. Cllr. M. Ryan enquired if the Military Barracks was a protected structure. He also referred to the need to get people living over our shops and suggested that the Council look at the Wesport model.

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Cllr. P. Bugler said that she agreed with comments made in relation to the Taking in Charge. She acknowledged that the planning staff are doing their best but said that it is taking a long time to deal with the taking in charge applications.

In response Mr. B. Beck said that the issues raised by the members were not unique to the Nenagh Municipal District, that similar concerns had been raised by members in the other districts. He said that he recognises the concerns and frustrations of residents. He said that there was in the region of 500 estates in the County with 290 to be taken in charge. He added that there were 102 for which taking in charge applications are being processed but that there were also a lot of estates where no taking in charge application has been received. He went on to say that a Taking in Charge application can be submitted by either the developer or by over 50% of the owners of the houses.

Mr. Beck reminded the members that the Council must abide by legislation and if the Council does not do so and ends up in court it could lose a case on a technicality. He said unfortunately that the current legislation is out of date. It was written in a different era and reflective of a different time. He added that the legislation does not allow the Council to take the light in charge independently. He said that the Council receives letters on a monthly basis from energy suppliers to say that lights are being turned off as developers have not paid the energy bills. He went on to say that it was very important that Banks and Receivers are held accountable so as to ensure that liability does not fall back on the local authority. He said that a lot of resources are being put into the area of Taking in Charge and the planning section relies on the co-operation of other sections for reports.

In response to the queries raised in relation to Structures at Risk, Mr. B. Beck said that grant funding is provided by the Department but that it is not necessarily provided every year. Such funding, he said, relates to protected structures only. He went on to say that it was hoped to commence a review of the protected structures this year but with staff shortages the process will have to be pushed back slightly to the end of this year/beginning of next year. He acknowledged that structures needed to be added and others removed.

Mr. B. Beck referred to the Programme for Change and in particular to the proposal to rejuvenate towns and villages and said that it was important that as a Council we are prepared to avail of any funding that the Government have to offer. In response to the comments in relation to the need for a County Architect, Mr. Beck said that the Council already has an Architect at Senior Executive level but that his

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primary role will be on the delivery of social housing. With regard to commercial development in rural areas, Mr. Beck said that every effort is made to take a pragmatic approach. He said that the Chief Executive has given a direction to retain employment where possible and he said every effort will be made to do so.

Referring to Cllr. Hannigan’s suggestion to change to LED lights, Mr. M. F. Hayes said that with over 16,000 lights in the County which accounts for 60% of our energy consumption any reduction in energy use was very important. He said that there is a national programme in place to change over to LED lighting but the cost of the changeover will run into millions and the national group are looking into how it can be funded.

In response to Cllr. O’ Meara’s query on the criteria for an EIS, Ms. Sonja Reidy said that legislation states when an Environmental Impact Assessment is required but that a scoping exercise can be carried out in advance. She said that it would not be appropriate for one site to partake in using the EIA of another site however the baseline environmental information would be the same.

With regard to a method statement for repairs, Ms. Reidy said that the Department of Arts, Heritage and the Gaeltacht has a good booklet on Built Heritage Advice for people carrying out minor repair works. Cllr. Carroll enquired if this would cover protected structures in Burial Grounds. Ms. Reidy said that there is a specific booklet for Burial Grounds.

With regard to the development of back lands, Cllr. H. McGrath said that it was important for the Council to play a part in putting projects together. He said that the Council could lead a Public Private Partnership with the owners of the back lands and he was aware that grant funding was available for this.

Cllr. McGrath referred to loose Eircom manhole covers at Summerhill and at New Line that were noisy.

Cllr. J. Hannigan stressed the importance of retaining business in the rural areas and suggested that, in order to compete with the multi-natural companies, an increased threshold for the requirement to register for VAT should apply in rural areas. Referring to the changeover to LED lighting, he enquired as to the current cost and the potential savings if LED bulbs were to be used. With regard to taking in charge, he enquired if the costs of staff working on the applications can be charged against the bonds.
Cllr. S. Morris referred to the tender process for the First Data premises in Strame which he said had been withdrawn at short notice. He enquired if the Council were informed of this.

Cllr. M. O’ Meara welcomed the official’s comments in relation to rural development and acknowledged that the Council takes a pragmatic approach to rural development. He supported Cllr. J. Hannigan in relation to VAT.

Cllr. J. Carroll said that it would be important that the new Village Settlement Plans address the area of dereliction and that back lands are designated for development.

Cllr. P. Bugler requested that the Council write to (a) the Minister for the Environment in relation to the legislation on taking in charge so that lights could be fixed in estates that have not been taken in charge and to enquire when and how much funding will be available for the rejuvenation of rural areas and (b) the Minister for Finance looking for a reduced VAT rate for rural businesses.

In reply to Cllr. F. Bonfield’s query on Newport Courthouse, Ms. R. Joyce said that the Council is trying to take out a first registration of the property but that it was a complex procedure as proof of its usage over the years has to be made. She said that she would welcome any information in relation to the use of the property from any group in Newport.

Mr. B. Beck clarified that the only costs that can be charged to the bond monies are those relating to services within the estate that are covered by the bond. Therefore the costs associated with staff cannot be charged to the bond.

Ms. R. Joyce said that as far as she was aware that Mr. M. O’ Connor had held a meeting with Electric Ireland at which the turning off of lights in estates was discussed and they were requested to take a lenient approach. Electric Ireland indicated that lights are only turned off where there are monies due to them which are not being paid. They did agree to check with the Council to ensure that wastewater treatment plants are not affected. Mr. B. Beck said that it was a national issue and that public lighting bills have a significant impact on roads budgets. He said every light that is taken in charge has to be paid for. Cllr. F. Bonfield suggested that the Council request Oireachtas members to put in a Parliamentary Question regarding the matter. Mr. K. Cashen said it was an issue that was also brought up with the CCMA.

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Mr. M. F. Hayes said that previously the pay-back period for changing over to LED lights was 12 years but that it had come down now to 4-5 years and would possibly come down further. He said that there are grants available and that TII is looking to upgrade a certain amount of lights. Cllr. J. Hannigan enquired if there would be a major saving to the local authority if LED lights were used. Mr. M. F. Hayes said that the maintenance involved with LED lights was small and it would potentially reduce our energy consumption by 50% over a period of time.

**Item 4: Allocation of Funding**

It was proposed by Cllr. G. Darcy, seconded by Cllr. J. Carroll and resolved that grants be paid to the following:

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<td>Ballygraigue Estate Residents Committee</td>
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**Item 6. Update on Projects**

**Newport Town Park**
Ms. R. Joyce advised that the Council is still trying to pursue land acquisition.

**Windowbox Scheme Nenagh**
Ms. L. Treacy advised that a total of 39 applications have been received to date for 100 window boxes. All the window boxes have been erected. Some property owners requested hanging baskets instead of window boxes and it is hoped to have these erected early next week.

**Gills Garden**
Ms. L. Treacy advised that Consultants are currently being appointed to develop the Part 8 Design to a Detailed Design Stage.

**Borrisokane Painting Scheme**
Ms. L. Treacy advised that 20 Applications were received, 18 of which have received provisional approval.

Cllr. J. Carroll welcomed the Window Box Scheme and the Painting Scheme and requested that property owners carry out enhancement works to improve the visual appearance of derelict properties.

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Borrisokane Street Renewal
Ms. R. Joyce advised that the Safety Audit is being completed and the Design for Part 8 is in place. It is expected to proceed to Part 8 before end of July.

Bord Gáis Project
Mr. P. Fee advised that the contractors are working their way through Kenyon Street and have applied for a road closure on Friar Street to facilitate archaeological investigation. He said they were planning the works for Pearse Street and it was intended to carry these out in two sections. He added that the contractors have been talking to Bus Éireann to ensure that public transport can be facilitated.

Cllr. H. McGrath referred to the traffic lights at the market Cross which he said are putting pressure on the town and adding to the tail backs. He stressed the need to plan ahead and for plans to be continuously reviewed in order to keep traffic flowing. He suggested that there may be certain times when a stop-go system may be more appropriate than traffic lights.

Cllr. J. Carroll supported Cllr. McGrath and said that there will be a big challenge at the Dublin Road corner where it will be critical to have a free flow of traffic. He stressed the need to have the situation monitored by the Gardaí.

Mr. P. Fee said that he was conscious of the impact that the traffic lights at the Market Cross have. He said that the contractors have met with Traffic Solutions in relation to the matter and they have advised that a stop-go system would not be an option at this location. He said that the Public Relation Officer for Bord Gáis is dealing with the traders on a daily basis.

Community CCTV Scheme
Ms. R. Joyce advised that a meeting with representatives of the Committee was held recently and a further meeting with the Committee is being arranged.

Shannon River Crossing at Ballina/Killaloe
Mr. M. F. Hayes advised the members that the An Bord Pleanála decision was appealed but this was rejected by the High Court a number of weeks ago. He added that the appellant has applied for leave to appeal and a decision on this is due tomorrow.

Cllr. J. Carroll said that it was regrettable that the decision had
been appealed saying that from a safety and economic view, the bridge was a huge piece of infrastructure.

**Nenagh Tourist Office**

Ms. R. Joyce advised that the Tourist Office in Nenagh is now open and is staffed by Mr. Brian Murphy.

Cllr. J. Carroll referred to the LEADER programme and the rural transport initiative. He mentioned approval to a pilot scheme and advised that he would make enquiries.

Mr. P. Fee circulated an update on the Road Works Programme to the members. He advised that the Restoration Improvement Works are 37% complete and preparatory works for surface dressing has commenced. Cllr. M. Ryan complimented Mr. Fee on his report.

Cllr. J. Carroll requested an update on the second tranche of storm damage funding. Mr. P. Fee advised that Tipperary County Council received a total of €350,000 with the Nenagh Municipal District receiving €61,000. Cllr. J. Carroll said that it was disappointing that such a minimal amount was allocated to this Council and requested that the Oireachtas members be invited to the next meeting of the Nenagh Municipal District to discuss the lack of funding for rural roads.

Cllr. S. Morris said that European funding is available for storm damage and wondered why the government has not applied for it. He said that this should be put on the agenda for the meeting with the Oireachtas members.

Ms. R. Joyce advised the members that a meeting with the Oireachtas members took place in April. She added that a request for a deputation with the Minister for Transport has also been issued. With regard to the request for EU funding, she suggested that a Notice of Motion to the full Council would be the most appropriate way to deal with this.

Cllr. J. Carroll said that the Nenagh District straddles two electoral areas and therefore it is in a unique position. Cllr. F. Bonfield said that the MEP’s should also be approached about the matter.

Cllr. M. O’ Meara said that there has been a dramatic improvement in roads in the Rathcabbin area but that there is still a lot more to be done. He said it was important for the public to note that the roads can’t be attended to unless the money is

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there to do it.

Cllr. H. McGrath supported Cllr. S. Morris and suggested that the matter be brought to the attention of the Regional Assembly.

Cllr. S. Morris referred to the lack of dredging of rivers particularly in the Shannon region. This added to problems with flooding. He said that that there was a need to look for funding for dredging and perhaps this could also be raised with the Regional Assembly/Oireachtas members.

Cllr. G. Darcy referred to the Drainage Committees and to the small amount of funding that is provided to them. He said it was disappointing that some of this money had to be spent on carrying out environmental assessments, money that would be better spent on carrying out works along the river to alleviate flooding.

Cllr. J. Hannigan said that there was a need to have one authority to deal with the Shannon River Basin. He said there are currently a number of different agencies involved and there is a need for greater cohesion.

Mr. P. Fee referred to the documentation circulated to the members on the Community Involvement Scheme. He advised that the scheme requires a local contribution of 15% and that 8 of the applications received were not eligible for consideration as they were not public roads. He added that the total amount of funding available was €80,000 and he was proposing that the funding be allocated to the following roads: L-60522-0 (Garranmore, Newtown), L-21181-0 (Prisoon, Toor) and L-94992-8 (Traverston, Dolla)

Cllr. M. Ryan enquired as to what criteria was used to make this decision. Mr. Fee advised that Garranmore was chosen due to the large number of residents on the road and the balance remaining allowed for the two roads at Prisoon and Traverston to be accommodated.

Cllr. M. Ryan enquired what the situation was in relation to the applications that were marked in blue on the spreadsheet.

Ms. R. Joyce advised that these were not public roads and such roads would previously have been done under the Local Improvement Scheme. She added that the return of this scheme is referred to in the Programme for Change.

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Cllr. J. Hannigan asked if the Council could encourage people to hardcore their gateways. Mr. P. Fee said that the Council is constantly addressing issues with landowners so as to ensure that they have regard for the public road.

Cllr. M. O’ Meara enquired about the position on previous applicants under the CIS. He said he understood that applicants remained on the list for three years. Mr. P. Fee clarified that under the old Community Assisted Roads Scheme applicants remained on the list for 3 years but that under the CIS, applicants must apply each year. Cllr. M. O’ Meara said that the public need to be made aware of this. Cllr. G. Darcy supported Cllr. O’ Meara and said that it was important that the funding be moved around geographically.

It was proposed by Cllr. S. Morris and seconded by Cllr. J. Carroll that the roads proposed for funding under the CIS by Mr. Fee i.e. L-60522-0 (Garranmore, Newtown), L-21181-0 (Prisoon, Toor) and L-94992-8 (Traverstown, Dolla) be approved.

Ms. R. Joyce advised the members that the format of the Checklist had been amended to allow for a target close-off date.

Mr. P. Fee advised the members that there was a very large road works programme this year as well as emergency road works and repairs arising from the storm damage. He said that this has resulted in the target dates not being imminent but realistic.

Cllr. M. O’ Meara requested that the following items be added to the checklist: speeding at the Hurling Field at Moatfield, potholes on N52 at Sean Ryan’s lane, dangerous bridge near Barrack Hill on the R438 to Banagher, Japanese Knotweed on the R489.

Cllr. S. Morris requested that the following items be added to the Checklist: footpath at Shamrock Court, bad bend in Ballinaclough, flooding at Ballygraigue, aqua planing near Tesco Roundabout.

Cllr. G. Darcy requested that the following items be added to the Checklist: Flooding at Lahorna, Kilkeary National School Car Park where he said there was anti-social behaviour taking place. He also referred to a bump in the road near the school.

Cllr. F. Bonfield referred to the need for flashing beacon at McGrath’s Bar in Newport. She also requested that hedge cutting be carried out in Ballinahinch.

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Cllr. H. McGrath referred to the proposed road works at Knockalton. He said he was worried about the timeframe for the entire project. He said he was fearful that when the temporary works were completed that the upgrade works would not take place.

Cllr. J. Carroll requested that that the following items be added to the Checklist: Sightlines on the Gortlassobrien Road, Castletown Road, Footpaths in Portroe, road lining in Newtown, patching of road at Lisbrien/Lissenhall and road subsidence in Birdhill Village.

Cllr. J. Hannigan referred to the NRA signs at Grange which were affecting sightlines. He said there were also a number of trees at this location that were impeding the sightlines. He also referred to the back road from Terryglass to Borrisokane at the Cappansmear Junction, bad bends at Firmont and campervans parking at the quays in Terryglass.

Cllr. M. Ryan supported Cllr. Darcy re Kilkeary School and requested that the bank at the cross of Latteragh and potholes in Kilcommon Village be added to the Checklist.

Referring to the issue of speeding at Lorrrha Hurlying Field, Mr. M. F. Hayes said that speed limit reviews cannot be used for particular traffic hazards.

Cllr. G. Darcy referred to a fundraising event that is due to take place in Lorrrha in July and requested that the hedges be cut back prior to the event taking place.

Cllr. P. Bugler referred to the undergrounding of the ESB cables in Ballina, the damaged bollards in Ballina and the provision of a Car Park in Ballina. Mr. P. Fee gave an update on the current position in relation to same.

None.

Item 8.
Notice of Motion

A list of Delegated Employee Orders from 1st May to 31st May 2016 as circulated to the members was noted.

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The following correspondence was noted:

1. Letter from the Road Safety Authority in relation to the request for the suspension of the NCT test.
2. Letter from Board of Management of St. Mary’s Secondary School, Nenagh in relation to dumping of rubbish
3. Letter from HSE in relation to the HSE Reception Area in the Civic Offices.

Referring to the letter from the HSE, Cllr. M. O’Meara said that he was hugely disappointed with the response and he intends to take the matter further. He said that it was a scant disregard by the HSE for the people who use their services at the Civic Offices, a lot of whom are vulnerable. He said it was important to note that a lot of these people are not English speaking and may not be able to read the notices that have been erected. He said that he was calling on the HSE to immediate re-instate a receptionist. All the members supported Cllr. O’Meara.

Votes of Sympathy were passed to the following:

- Ms. Alice Walsh, Ballycraggan, Puckane on the death of Mr. Paddy Walsh R.I.P
- Mr. John O’Brien, Cunnahurt, Nenagh on the death of Dick Coughlan R.I.P.

Votes of Congratulations were passed to the following:

- Mr. Joe Hogan, Shannon Lane, Terryglass on Terryglass winning the Best Kept Village Category in Ireland’s Best Kept Town Competition 2016
- Mr. Brendan Hanamy, Riverstown, Birr on the recent success of Carrig & Riverstown Gaels in the Féile na nGael Competition.
- Mr. Mossie Finn, Knockalton, Nenagh on the recent success of the Burgess Duharra Camogie Team in the Féile na nGael Competition.
Item 12.
A.O.B

None

This concluded the business of the meeting, a true copy of which we hereby certify.

Signed: [Signature]

Date: 21/7/16

Cllr. P. Bugler
Cathaoirleach

Signed: [Signature]

Date: 21/7/16

Ms. Rosemary Joyce
District Administrator

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