



Comhairle Contae Thiobraid Árann
Tipperary County Council

MINUTES OF PROCEEDINGS OF SPECIAL MEETING OF NENAGH MUNICIPAL DISTRICT HELD IN THE MUNICIPAL DISTRICT CHAMBER, CIVIC OFFICES, LIMERICK ROAD, NENAGH AT 9.30 AM ON 24TH AUGUST 2017

Present:

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

Also Present:

Mr. Marcus O' Connor, Director of Services; Ms. Annette Daly, A/Senior Staff Officer, Mr. John Nolan, Senior Roads Engineer, Ms. S. Moriarty, Staff Officer and Aven Melia, A/Assistant Staff Officer

Mr. Tom Cannon & Mr. Andrew Bass, Tobin Consultant Engineers

**Item 1. To consider proposed
Realignment of the R498 Regional
Road at Latteragh, Nenagh**

Cllr. J. Carroll welcomed everyone to the meeting.

A document from Tobin Consulting Engineers addressed to Mr. John Nolan dated 22 August 2017 with a reference of 7910/02/01 and a map "submission resolution amendments overall scheme layout" drawing number 7910-2310 was circulated to Members.

Cllr. H. McGrath withdrew himself from the Chamber on the basis of a conflict of interest as he had made a submission on behalf of his employer during the public consultation period.

Mr. M. O' Connor said that this special meeting was called so that a decision be made on this project. He said that at the July Meeting of Nenagh Municipal District it was agreed to defer this

item so that further consultation would take place with those who had made a submission. Mr. M. O' Connor advised that further consultation had taken place.

Mr. J. Nolan advised Members that a meeting took place on the 17th August, 2017 for those who made a submission. He said that all parties attended with the exception of Mr. K. Healion. He added that Mr. Healion had been concerned regarding Japanese Knotweed however he was satisfied with the response given. Mr. J. Nolan advised that the meeting was productive and that there are further amendments as a result of that meeting.

Mr. T. Cannon outlined comments and agreements from meeting:-

Kellys of Fantane

- Meeting took place on site with representatives from Kelly's of Fantane on Thursday 17th August.
- Maintaining the existing L2259 and L6152 junctions as Simple Priority junctions, with improvements to the visibility splays to desirable minimum standards and the provision of near side passing bay now permitted under the current TII standards, is feasible.
- The detailed design of the L2258 stagger junction realignment at Seanins will include for 2-way lorry traffic between the junction with the R498 and before the tie-in with the single carriageway over the existing bridge. This will ensure that up to 5 standard tipper lorries can pass on the L2258 before the carriageway width reduces to tie back to the existing cross section.
- Delete the weight restriction proposed along part of the L2259 and maintain the existing simple priority junction with improved junction radii and the provision of desirable minimum visibility splays and also the provision of near side passing bays in accordance with TII standards.
- Mr. T. Cannon advised that the representatives from Kelly's of Fantane were satisfied with these proposals.

Tom & Paul Conway

- Three main objections:-shared access, additional width for cattle crossing of the R498 and weed control within grassed area.
- The consultants on behalf of Tipperary County Council agreed to investigate Conway's proposal of a cattle underpass however they cautioned that flooding of the underpass may be a problem.

- Following on from this agreement the consultants investigated this proposal and concluded that a 2.1m high x 3.0m wide underpass can be facilitated with a piped surface water outfall crossing the Conway's land before discharging into the Nenagh river. However, at times of flood water in the Nenagh River, the underpass may remain submerged under water until such time as the flood waters subside. The estimated cost of this will be €87,000 inclusive of VAT.
- In regard to weed control, the Conway's were shown a preliminary photomontage of the proposed shared access road (reduced width to approx 4.0m) with parallel fence line and wild flower grass mix. The Conway's showed a number of photographs of an example of an un-maintained grassed area on the N52 road realignment scheme at Congor.

Tipperary County Council commit to carrying out a landscape design in consultation with the Conway's that will require minimum maintenance of the grassed areas. As part of the works contract, Tipperary County Council will commit to a 2 year landscape maintenance period following substantial completion of the scheme and will include Works Requirements for the contractor to spray weeds within these grassed areas to ensure that the grasses/wildflower mix are well established before the Contractor hands the landscape maintenance back to Tipperary County Council.

- In regard to shared access, the proposed single combined access will serve 6 access locations in close proximity to each other including Conway farm yard gate, Mr. Paul Conway's house entrance, Mr. Tom Conway's house entrance, Old School House – 2 no. gated accesses and 1 no. gated access to Conway's woodland area. All 6 accesses will junction with the existing roadway with no requirement for changes to the access gates. The existing road will form a cul-de-sac and is proposed to junction at one location in the vicinity of the Conway's farmyard gate, in compliance with the TII road design standards. The old road carriageway will be reduced in width to 4.0m to ensure that there will be no space for parking along the access road. Tipperary County Council remain committed to the development of a safer road by reducing the number of accesses along the proposed road in compliance with the TII road design standards by providing a shared access at approximate chainage 2120.
- The Conway's maintain their objection to the proposed shared access junction.

Latteragh Community Hall (Old School House)

- Two main concerns – that spoil disposal will take place at Seanin's Cross roads junction and objection to shared access.
- Tipperary County Council confirmed that there will be no spoil deposited at Seanin's Cross as part of the scheme.
- Query regarding post box at the cross roads, Tipperary County Council committed to relocating this post box to a location at the back of the proposed shared footway/cycleway in the vicinity of Seanins.
- In regard to shared access, the same response applied as per Conway's.
- The representatives from Latteragh Community Hall appeared to understand the proposals and will inform their committee of same.

David Kelly

- Objections/comments lodged stating Tipperary County Council have no right to make a planning application and have no agreement to the acquisition of the lands, loss of farm viability, relocation of drain, proposed attenuation pond and future development on lands.
- In response to comments regarding planning application and no agreement to the acquisition of the lands, Mr. Kelly was advised of response as per Chief Executive's Report.
- In regard to loss of farm viability, Mr. Kelly does not agree with the Agronomists visual assessment of the land take as having a Slight Adverse Impact. Mr. Kelly objected to allowing access on lands to carry out surveys. Tipperary County Council commit to arranging for the Agronomist to meet up with Mr. Kelly pre - CPO process to assess, in detail, the farming enterprise and to assess the impact the loss of lands for this road scheme will have on Mr. Kelly's farm enterprise.
- In regard to relocation of drain, Tipperary County Council commit to intercepting the land drains by installing an interceptor ditch or a filter drain (if space is not available for an interceptor ditch) at the bottom of the attenuation pond bund and fall the ditch/drain to the relocated watercourse when it crosses back to the west side of the R498.
- In regard to proposed attenuation pond, Tipperary County Council commit to carrying out a landscape design in consultation with the relevant adjacent landowners. An access track is included in the current design and within the proposed footprint of the road to allow suitable access for maintenance of the pond and petrol interceptor. Tipperary County Council would be responsible for maintaining the pond in the future. It also provides an additional barrier to

rubbish which could potentially wash downstream and into the Nenagh River and on into the Shannon SPA and associated SACs. Tipperary County Council also commit to investigating if aesthetically appealing perimeter fencing options, in lieu of the typical palisade fencing, around attenuation ponds can be provided. This will be dependent on Health & Safety considerations such as ensuring a person cannot access the pond area where there may be a risk of falling into the water.

Tipperary County Council agreed to investigate what alternative surface water attenuation measures can be provided in this area in order to appease Mr. Kelly's objection to the pond. Following the meeting with Mr. Kelly Tipperary County Council instructed Tobin Consulting Engineers to investigate what alternative surface water attenuation measures can be provided. A potential option would be to reduce the size of pond required by providing some attenuation within the drainage network however this is limited due to the use of the proposed grassed surface water channels.

- In regard to future development on land Mr. Kelly was advised of the response as per the Chief Executive's Report. Mr. Kelly advised that he is currently seeking planning permission for a house on one of his parcels of lands near the family home in Kilkeary, however if this application is not permitted Mr. Kelly will be seeking planning permission on these lands at Curragh. Tipperary County Council advised that the current development plan will be used as a basis to assess the viability of any proposed development with regards to housing need and, in the case of road access, ensuring that it will not impact on the safety of the existing road and that it will include desirable minimum visibility splays in accordance with the TII road design standards and that the development will not be permitted on lands that are liable to flood. It was agreed to forward Mr. Kelly a link to the flood report which was included as an Appendix to the Part 8 documents on line.

Cllr. J. Carroll thanked Mr. T. Cannon for his report. He proceeded to outline the Members concerns:-

- Welcome revised changes regarding the L2258 & L 2259
- Members are in agreement that the Conway family be facilitated with 3 entrances
- In the interest of safety, a bridge be provided on the L2258 for increased traffic

- Strong concerns were expressed that adequate consultation by the Consultants/Council Executive was a major issue – with a special focus on three families. He said every effort should be made to engage a robust process.

Cllr. S. Morris said he has an objection on this process. He said he received 9 pages of minutes from one of the parties which were a serious difference to what Mr. T. Cannon had said. He said he objected to being handed documentation this morning at the meeting which he felt should have been emailed to Members prior to the meeting so that Members could have considered same in detail.

Cllr. P. Bugler said she is concerned regarding the level of engagement between the Consultants and owners of Young's pub in Latteragh, adding that this individual got no documentation in writing regarding what lands are being sought.

Cllr. J. Hannigan welcomed the presentation. He asked if there is a continuous white line from Seanins to Conways. He also referred to the publican at Latteragh saying that, if parking spaces are removed from the left hand side coming from Thurles, it is not encouraging people to stop.

Cllr. G. Darcy referred to the issue regarding consultation adding that there is only a small number of people involved and for such a big project, a better effort should have been made to contact people. In addition to the above he referred to the existing bridge and said it is in poor condition and that it is serving one of the biggest quarries in Tipperary. He also highlighted the issue of security regarding the access road.

Cllr. M. Ryan welcomed the project adding that it is a badly needed piece of infrastructure, however he too said he was disappointed with the level of engagement. He supported Cllr. G. Darcy regarding issues with the bridge. He also said he has difficulty with restricted access reducing from 6 locations down to 1 location.

Cllr. P. Bugler said she supported submission made by the Conway's. She wondered would planning permission be obtainable on the access road.

It was agreed to adjourn the meeting for 15 minutes.

On resumption it was proposed by Cllr. M. O' Meara and seconded by Cllr. F. Bonfield and resolved "that pursuant to

the provision of Section 179 of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations 2001, as amended and having considered the Chief Executive's Report dated 17th July, 2017 the Members of Nenagh Municipal District hereby resolve to proceed with this development with further modification as detailed below:-

➤ **Weight restriction along part of the L2259**

The deletion of the weight restriction proposed along part of the L2259 and maintaining the existing simple priority junction with improved junction radii and the provision of desirable minimum visibility splays and also the provision of near side passing bays in accordance with TII Standard DN-GEO-03060 dated June 2017.

➤ **L2258 Stagger Junction realignment**

The detailed design of the L2258 Stagger Junction realignment at Seanins will include for 2-way lorry traffic between the junction with the R498 and before the tie-in with the single carriageway over the existing river bridge. This will ensure that up to 5 standard tipper lorries can pass on the L2258 before the carriageway width reduces to tie back to the existing cross section. Tipperary County Council will pursue with DTTAS the feasibility of widening the Nenagh River Bridge on the L2258.

➤ **Cattle Crossing of the R498**

Tipperary County Council commits to providing a 2.1m high x 3.0m wide underpass for sheep/cattle at Conway lands.

➤ **Weed Control within grassed area**

Tipperary County Council commit to carrying out a landscape design in consultation with the Conway's that will require minimum maintenance of the landscaped areas. As part of the works contract, Tipperary County Council will commit to a 2 year landscape maintenance period following substantial completion of the scheme and will include Works Requirements for the Contractor to spray weeds within these landscaped areas to ensure that the grasses/wildflower mix are well established before the contractor hands the landscape maintenance back to Tipperary County Council.

➤ **Post Box**

Tipperary County Council commit to relocating the post box to a safe location at the back of the proposed shared footway/cycleway in the vicinity of Seanins and subject to agreement with An Post.

➤ **Relocation of a Drain on David Kelly's land**

Tipperary County Council commit to intercepting the land drains by installing an interceptor ditch or a filter drain (if space is not available for an interceptor ditch) at the bottom of the attenuation pond bund and fall the ditch/drain to the relocated watercourse when it crosses back to the west side of the R498".

In addition to the above it was proposed by Cllr. M. Ryan and seconded by Cllr. J. Carroll and resolved that " the Members of Nenagh Municipal District hereby resolve that Tipperary County Council engage further with Conway's and Young's during the detailed design and CPO process regarding access and parking arrangement on the new realigned section of R498".

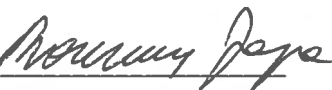
Cllr. S. Morris said the process is flawed and that if the Members had not made a decision on this today the plan would go through anyway on Sunday. He said he was not happy with this process and that there are still unresolved issues.

Cllr. J. Carroll thanked everyone for attending

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

Signed: 
Cllr. J. Carroll
Cathaoirleach

Date: 14.9.2017

Signed: 
Ms. Rosemary Joyce
District Administrator

Date: 14.9.2017