



Comhairle Contae Thiobraid Árann
Tipperary County Council

MINUTES OF PROCEEDINGS OF THE JUNE MEETING OF NENAGH MUNICIPAL DISTRICT HELD IN THE MUNICIPAL DISTRICT CHAMBER, CIVIC OFFICES, LIMERICK ROAD, NENAGH AT 10.30 AM ON 18th JUNE 2015

Present:

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

Also Present:

Mr. Karl Cashen, Director of Services; Ms. Rosemary Joyce, District Administrator; Mr. Michael Hayes, Senior Executive Engineer, Mr. Peter Fee, Executive Engineer, Mr. Brian Beck, Senior Planner, Mr. Gerry Robinson A/Senior Engineer and Ms. Lorraine Treacy, Staff Officer.

Apologies:

Mr. Marcus O' Connor, Director of Services

Cllr. G. Darcy proposed a vote of sympathy to the families of those who died in the tragic accident in Berkeley, U.S.A and to the homeless person who died in Nenagh recently.

It was agreed to adjourn the meeting for five minutes as a mark of respect.

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 21st May be adopted.

Cllr. S. Morris stated that he had asked for clarification at the last meeting as to what works Irish Water would be carrying out in relation to leaking pipes and sewerage problems in St. Joseph's Park, Nenagh. He said would like to add to this clarification, the role of Irish Water in relation to lead pipes.

Ms. R. Joyce advised that the issue of lead pipes is being dealt with by Irish Water directly. She also advised that the forum for raising such issues is at the Irish Water Councillors' clinics or through the dedicated Irish Water Councillor phone number. The next clinic is on the morning of the next Council meeting from 9 am to 11 am on 13th July. Ms. Joyce also advised that Irish Water has prepared a General Information leaflet for customers in connection with lead pipes. This leaflet will be distributed nationally in the coming weeks to all Customers where lead services were encountered during the metering project.

Cllr. M. O' Meara referred to the anxiety of people in relation to public health in areas where there was lead pipes. He also referred to the North West Regional Water Supply Scheme and said that should also be followed up.

Cllr. G. Darcy welcomed that Irish Water had given the go-ahead in relation to sewerage works on Kenyon St.

Cllr. H. McGrath said that the water comes in from the back of the houses in St. Joseph's Park and the houses were built in blocks of 8-10 houses and suggested therefore that a special case be made in respect of this housing estate.

Cllr. J. Carroll requested that a representative from Irish Water be invited to discuss this issue and others. A number of members supported Cllr. Carroll on this. This was seconded by Cllr. M. Ryan.

Item 2.
Update from Planning
staff

Mr. Karl Cashen referred to an update on planning statistics which was circulated to the members.

Cllr. H. McGrath said that it was great to see the increase in the number of planning applications for one off houses. He said that he was aware of a number of people who were waiting for a change in the Building Regulations in relation to the requirement to have a qualified engineer/architect supervise the building works. He said this requirement was adding extra costs and requested that the Council write to the Minister for the Environment, Community & Local Government to request an update on the matter.

Cllr. P. Bugler referred to the 82 outstanding Taking in Charge applications, 22 of which are in the Nenagh area, and acknowledged that the Taking in Charge process is slow and tedious. She complimented the planning staff on their work in this area.

Cllr. J. Hannigan referred to the number of planning applications that are being submitted and said that there is a serious shortfall of houses at present with people even finding it difficult to find houses to rent. Cllr. Hannigan also referred to development levies and said that people are not aware of the amount of the fees before they apply for planning permission. He added that the banks now require a 20% deposit for a mortgage and said that the regulations are working against people trying to build new houses. He said that there was a need for change and in particular for a relaxation of the criteria in order to get a mortgage.

Cllr. J. Carroll also referred to the required certification of works by a qualified engineer/architect, saying that it was an unwieldy process. With regard to planning applications, he queried of the numbers that are received how many were returned incomplete. He noted that the refusal rate was small and complimented the engagement of planning staff with applicants and agents.

Regarding Taking in Charge of Housing Estates, Cllr. M. O' Meara said he realised that the process is complicated and takes time but said that people expect a quick response. He referred to the number of applicants on the housing list and enquired if there were any Part VIII applications for housing being considered by planning staff at present.

Cllr. S. Morris said that there were reports that the Department of Environment, Community & Local Government had written to Local Authorities to request that they "go easy" on regulations. He enquired if Tipperary County Council had received such a letter. Cllr. Morris also referred to the Taking in Charge process, saying it was a very slow process and very frustrating for people.

He referred to sink holes in Ormond Keep outside of the area that was taken in charge. He requested that a special

case be made for Ormond Keep in order to have repair works carried out.

In support of Cllr. Morris, Cllr. H. McGrath said that there should be no further delay in taking the remainder of Ormond Keep in charge. He called on the Council to repair the road in the interim in the interest of health and safety.

Cllr. G. Darcy thanked planning staff for always being so helpful and welcomed the movement in number of planning applications being submitted. He supported the previous speakers in relation to Ormond Keep and asked that a special effort be made to alleviate the problem. He agreed that the Taking in Charge process is very slow and called on the Council to do all it possibly can to explain to people how the process works. He referred to the workshop on planning and said he was concerned about proposed high amenity areas along the eastern shore of the lake. While acknowledging the need to protect the lake it also needed to be recognised that people in the area needed to be able to make a living through farming, etc.

Cllr. J. Hannigan queried what an applicant can do if planning permission has expired.

Cllr. J. Carroll enquired if there was a delay in the process of dealing with requests for minor variations.

In response to queries on the Building Regulations, Ms. S. Reidy said that she was aware of the review and expects an announcement in relation to same in the near future.

Regarding the Development Contribution Scheme, she advised that a new scheme has recently been put in place following a review of the existing nine schemes that were in place across the country prior to the amalgamation. She explained that funding for services in the County must be provided and the Development Contribution Scheme is not out of context with other counties in the area. She added that the Council does offer the option of phased payments which offer benefit to both the local authority and the applicant.

In response to the query on the number of incomplete applications, Ms. Reidy advised that she did not have the

figure to hand but noted that technical staff work with agents to acquire the necessary documentation to validate the application. She said that applications are only invalidated when repeated attempts to acquire documentation have failed. She added that a new G.I.S system is being developed which should reduce the number of invalid applications and requests for further information.

Ms. Reidy advised that she was not aware of any current Part VIII proposals in relation to housing but suggested that members consult with Housing on the matter. She said that she was not aware of any letter from the Department in connection with the enforcement of regulations but said that a letter could not override a statutory instrument.

In reply to Cllr. Carroll's query on minor variations, Ms. Reidy stated while there have been delays in dealing with minor variations in the past, a new procedure has been put in place and is working well.

Regarding planning permission that has expired, Ms. Reidy advised that a new application must be submitted and assessed under current legislation. However she added that if a planning permission has not expired the applicant can apply for an extension of duration during the last year of the planning permission.

Cllr. S. Morris referred to the recent sale of Drummin Village and requested that planning staff facilitate the new developers as much as possible in order to make the houses come on stream as soon as possible. Ms. Reidy replied that the Council wants to see the houses lived in and discussions with the developer have already commenced.

In response to Cllr. Hannigan's comments on development levies, Ms. Reidy accepted the criticism that applicants were in the past unaware of the charges but said that applicants are now informed at the pre-planning stage.

Mr. B. Beck reiterated that the Taking in Charge process takes time. He said that it is a complex process and must be done in a legally correct way. He advised the members that he will give a further update on the individual estates at the

November meeting. He further advised that the Council is endeavouring to work through a priority list where there are bonds in place and a developer or receiver with whom the finishing of estates can be addressed. Where these are in place the liability should not be the Council's liability and the bond money should be used to finish estates. There is a legacy issue in respect of estates that are not part of that grouping. While he understood the frustration in relation to the timeframe it would be a 3 – 4 year process to work through these. If one estate was prioritised, another would have to move down the list. Where estates were being taken in charge he was obliged to advise the members of the liabilities associated with this.

Mr. Beck referred to the four estates that are before the Council today for consideration on Taking in Charge. He advised the members that there were some liabilities on these estates, the funding for which will have to come from the Municipal District's budget.

Cllr. M. Ryan referred to waste water treatment facilities in rural villages and enquired if the Council can come up with an alternative system.

Cllr. P. Bugler said that she was disappointed that the prioritisation of the estate to be taken in charge has changed and said that members of the public do not understand the process. She suggested that a press release be issued to inform people about the process. A number of members supported Cllr. Bugler's proposal. Cllr. Bugler also proposed to write to the Minister seeking additional resources to take in charge estates over twelve years.

Cllr. H. McGrath referred to housing estates that are over twenty years old and where the developer is no longer in existence. He suggested that these estates be dealt with first. Mr. B. Beck stated that it was important that the Council directs its resources to estates where there is somebody who has responsibility i.e. a receiver, developer or bank. He added that unfortunately the older estates are suffering because of this.

With regard to Ormond Keep, Mr. Beck advised that the Council cannot consider the Taking in Charge of the remainder of the estate unless an application has been

received.

In response to Cllr. M. Ryan's query for waste water treatment facilities in villages, Mr. Beck said that he will liaise with the Environment Section on the matter.

Item 3.
Taking in Charge of Estates

It was proposed by Cllr. J. Carroll, seconded by Cllr. M. Ryan and resolved "that pursuant to the provisions of Section 180 of the Planning & Development Act 2000(as amended) and Section 11 of the Roads Act 1993, this Municipal District hereby agrees to declare the roads serving the Housing Estates known as :

1. Killnasalla, Nenagh
2. Fernhill, Cullenagh, Ballina
3. Shoreside Estate, Cullenagh, Ballina
4. Cnoc Ard Estate, Ballina

to be public and take in charge open spaces, car parks, sewers, water mains and services connections within the development, as per the maps which were on public display during the prescribed period and as outlined in the Director of Services report to members for the June 2015 Municipal District Meeting."

Item 4.

(a) Resignation of Cllr.
Phyll Bugler from
Board of Nenagh
Childcare Centre

The resignation of Cllr. P. Bugler from the Board of Nenagh Childcare Centre was noted.

(b) Filling of vacancy on
Board of Nenagh
Childcare Centre

It was proposed by Cllr. Mattie Ryan, seconded by Cllr. J. Carroll and resolved that Cllr. F. Bonfield be elected to the Board of Nenagh Childcare Centre.

Item 5.
Action Plan from May
meeting

The Action Plan from the May meeting was noted.

Item 6.
Update on Projects

Ms. R. Joyce gave an update on projects as follows:

Gills Garden

Ministerial Consent has been obtained and the bat survey has been completed. The vegetation must now be removed from the walls under archaeological supervision and the revised design forwarded to the Department of the Environment, Community and Local Government for final approval.

Nenagh Traffic Management Plan

Seventeen submissions have been received to date. The closing date for receipt of submissions has been extended to 30th June at the request of the Chamber of Commerce.

Newport Town Park

Negotiations on land acquisition are ongoing.

Provision of wheelchair accessible playground equipment

Wheelchair accessible swing is in place. ROSPA inspection has been carried out. It is expected that the swing will be available for use next week.

Town Centre Initiative –

A considerable number of applications for Nenagh Town Centre & Enhancement Scheme have been received. A number of applications have also been received in respect of premises outside of the Nenagh Primary Retail Area and the Council is trying to work with people on this.

Details of a similar scheme for Cloughjordan Village were circulated to the members. Ms. Joyce advised the funding for the scheme would be taken from the €10,000 budget that was allocated to the Thomas MacDonagh 2016 Commemoration by the Municipal District.

The members were advised that it is proposed to visit the town of Westport in September to view the one-way traffic system and to view the town from a Tidy Towns perspective.

Ms. Joyce also advised the members that the Tourist Office in Nenagh was open as of today until the 29th August.

Cllr. G. Darcy welcomed the Enhancement Scheme for Cloughjordan and said that it would be a very effective way of using some of the €10,000 budget.

Cllr. H. McGrath welcomed the proposed enhancement to Gills Garden and requested that Nenagh Castle be put back on the agenda. He said now that phase 1 was complete, the Council should write to the Minister with regard to commencing Phase 2. He added that the town is looking very well, thanks to the painting scheme and the newly erected hanging baskets and railing baskets. Cllr. Morris seconded Cllr. McGrath's proposal in relation to phase 2 of the Castle. He re-iterated a suggestion previously made by him that a bandstand/speaker's corner be provided.

Referring to the Tourist Office, Cllr. Morris said that there was a group of tourist from the USA in Neagh a few weeks ago who were looking for the Tourist Office and it was closed. He said there was a great need to have it opened earlier in the year. He also referred to an instance where Tourists failed to gain access to the Heritage Centre.

Ms. Joyce said that she agreed with the members in relation to the opening times of the Tourist office but reminded them that the Council do not operate it. She went on to say that Fáilte Ireland is the agency with responsibility for the Tourist Office and that the matter has been raised by the Chief Executive on a number of occasions.

She concluded by saying that the recruitment of new Interns for the Heritage Centre will relieve pressure in the Heritage Centre, which is under staffed at present.

Roadworks Programme 2015 & CIS Schemes

Documentation in relation to the Roadworks Programme was circulated to the members. Mr. M. Hayes advised the members that 17 of the 22 Local Road Improvement Schemes are now complete. He said that next week priority will be given to preparing roads for surface dressing.

Details of applications under the CIS Scheme were also circulated to the members. Mr. Hayes advised them that it

was proposed to correspond with the top 3 applicants in order to establish if they were in a position to pay their contribution.

Cllr. M. O' Meara expressed his dissatisfaction at the allocation of €80, 000 for the C.I.S Scheme. He said that all the applications had roads that were in bad condition and was disappointed to note that the Council is only in a position to address three of the applications. He went on to say that the road network in crisis and referred to his previous Notice of Motion with regard to raising a state loan in order to invest in the road network.

Cllr. J. Hannigan complimented the roads staff on the works that have been carried out but said that it was obvious that there was a lack of funding in this area. He said that the number of tourists is increasing and that there was a need to address roads like the R493. He suggested that a representative of Tipperary Tourism Company be invited in to give a presentation to the Municipal District on plans for the area. He also proposed that an initiative be launched whereby each club/parish twin with a club abroad and invite people to come over. He added that funding of €80,000 for the C.I.S Scheme was far from adequate.

Cllr. G. Darcy paid tribute to the work done by Nora O' Meara in relation to genealogy.

Cllr. O' Meara again referred to the raising of a state loan. Ms. Joyce advised that the Municipal District cannot legally borrow money.

Item 7.
Engineer's Checklist

The members raised a number of issues in relation to the Checklist which were responded to.

Cllr. J. Carroll queried the position relating to CPO for Gortmore Tailings Pond. K Cashen advised that this had been raised at the May Council meeting and he had written to the Department on foot of the issue. He would check the position and revert.

Cllr. M. O' Meara requested that a letter issue to Eircom in relation to cutting of ditches on Birr/Portumna Road. The ditches were cut below the lines but were left with parts

sticking out which damaged mirrors, etc. They should be asked to rectify this.

Item 8.

Notice of Motion

Notice of Motion No. 429 submitted by Cllr. F. Bonfield

I am requesting that parking permits be issued to Public Health Nurses and Regional General Nurses working in the town of Nenagh to use when they are on duty only.

The motion was proposed by Cllr. F. Bonfield and seconded by Cllr. M. Ryan.

Ms. R. Joyce read out a response to the Notice of Motion as follows:

“There is no provision in the byelaws in place for Nenagh to provide parking permits to Public Health Nurses and Regional General Nurses working in the town of Nenagh. The provision of permits based on classes of occupation would be unworkable and not in accordance with the Regulations which apply in relation to pay parking.

The only permits which apply in Nenagh are:

- *Disabled persons’ parking permits*
- *Residents parking permits*
- *Weekly, monthly, quarterly, half yearly and yearly permits for long-term parking permits in specified car parks.*
- *Weekly, monthly, quarterly, half yearly and yearly permits for long-term parking in Church Road/St. Flannan Street.*

In all cases other than the Disabled Persons’ Parking Permits fees are payable for the purchase of the permits specified.

The nature of the duties of Public Health Nurses/Regional General Nurses means that the locations in which they need to park vary and many of the locations are in areas where pay parking does not apply. When they park on street or in Council car parks they are subject to the same parking regulations as other users and the same rates of charges

apply. Recoupment of the costs of parking to such nurses would be a matter for the HSE"

Cllr. F. Bonfield said that she was not happy with the response to her Notice of Motion. Cllr. M. Ryan complimented Cllr. Bonfield on her Notice of Motion and a number of members supported her in respect of same.

Ms. Joyce advised the members that each appeal on a parking ticket is dealt with on a case by case basis. She said that there will be a review of the Parking Strategy as part of the Town Centre Initiative but added that to exempt a category of profession would be difficult to operate. Cllr. S. Morris suggested that the HSE be requested to introduce parking permits.

Item 9. Correspondence

The following correspondence was noted:

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| 1. | Letter from Department of Environment, Community & Local Government in relation to the Shared Ownership Scheme and Private House Grants. |
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Item 10.

Votes of

Sympathy/Congratulations

Votes of sympathy were passed to the following:

- Keith Butler, Southhill, Nenagh on the death of Denis Butler R.I.P.
- Seamus Haverty, Townfields, Cloughjordan on the death of Michael Haverty R.I.P
- Ms. Anne Williams, Townsfields, Cloughjordan on the death of Michael Haverty R.I.P
- Tony Gregan, Knockrehan, Newtown, Nenagh on the death of Tim Gregan, Knockrehan, Newtown, Nenagh.

Votes of congratulations were passed to the following:

- Matt Cleary, Ballyluskey, Ardcroney on Kilruane Junior Hurling Team winning the North Tipperary Junior League.
- Michael Gavin, on the great performance of the North Tipperary School Boys League in the "Kennedy Cup" competition.

Item 11.
A.O. B

None.

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

Signed: 
Cllr. Ger Darcy
Cathaoirleach

Date: 16/7/15

Signed: 
Ms. Rosemary Joyce
District Administrator

Date: 16/7/15

