

**Minutes of Special Meeting of Tipperary-Cahir-Cashel
Municipal District hosted in the Council Chamber, Civic
Offices, Tipperary Town and held remotely on Thursday 28th
January 2021 at 11am**

Members Present: Councillor John Crosse, Cathaoirleach
Councillor Micheál Anglim
Councillor Tony Black
Councillor Declan Burgess
Councillor Michael FitzGerald
Councillor Mary Hanna-Hourigan
Councillor Roger Kennedy
Councillor Máirín McGrath
Councillor Andy Moloney
Councillor Marie Murphy
Councillor Annemarie Ryan (Shiner)

Officials Present: Mr. Pat Slattery, District Director
Mr. Marcus O'Connor, Director of Services
Mr. Anthony Coleman, District Administrator
Mr. Paddy Crowley, District Engineer
Ms. Mairead Ryan, Staff Officer
Mr. Michael Woulfe, Senior Engineer, Roads
Ms. Michele Maher, AO, Roads
Ms. Patricia Fogarty, SSO, Roads
Ms. Anne Marie Devaney, Senior Executive
Planner, Planning
Ms. Carol Fox, District Planner

Mr. Anthony Coleman, District Administrator, commenced the meeting with the meeting prayer and confirmed that all the Municipal District members were present. The Cathaoirleach welcomed everyone to the meeting including the members of the public joining the meeting.

1.1 Disclosures/Conflicts of Interest

There were no matters notified to the meetings administrator.

**2.1 Consider Chief Executive's Report – Part 8 N24/74
Tipperary Town Improvement Scheme, Tipperary Town**

Mr. Marcus O'Connor, Director of Services, Roads & Transportation referred to the Chief Executive's Part 8 report – Proposed

development – N24/N74 Tipperary Town Road improvement Scheme, Tipperary Town. He detailed the contents of the report under the following headings:

Nature and Extent of the Proposed Development and the Principle Features thereof

The proposed development proposes the development of

- a) Upgraded road layout with reduced carriageway width (approximately 6.5m along N24 Main Street/Bank Place and 6.0m along Fr Mathew Street/Cashel Road)
- b) Widened footpaths with new paving along N24 Main Street/Bank Place
- c) Widened footpaths with new paving along N74 Fr Mathew Street/Cashel Road including new footways between James Connolly Park and St Michael's Avenue (West) and between St Michael's Avenue (East) St Michael's Cemetery Car park.
- d) Upgraded car park at St Michael's Cemetery with new pavement, defined spaces and improved pedestrian and vehicle access from N74 Cashel Road
- e) New road pavement
- f) Upgraded public lighting along N74 Fr Mathew Street/Cashel Road
- g) Localised drainage upgrades
- h) Enhanced soft and hard landscaping including the provision of upgraded street furniture
- i) New town gateway signage at the existing 60kph speed limit on N74 Cashel Road

Site Description and Location

The proposed development is located in Tipperary Town and comprises sections of the N24/N74 National roads. It extends from the N24-R515 Junction at the intersection of Church Street, O'Brien Street and Main Street at the western extent to approximately 1km along the N74 on the Cashel Road incorporating Fr Mathew Street at the eastern extent. The scheme has a total length of 1.6km.

Public Consultation

In accordance with Part 8 of the Planning and Development Regulations 2001, as amended, Tipperary County Council made available for inspection plans and particulars of the proposed development together with the project Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) Screening Documents at the following locations:

Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary (inspection and purchase)
Tipperary County Council, Civic Offices, Limerick Rd., Nenagh, Co. Tipperary (inspection and purchase)
Tipperary-Cahir-Cashel Municipal District Office, Rosanna Road, Tipperary Town, Co. Tipperary

between the hours of 9:30 am and 4.30 pm, Monday to Friday from Thursday 15 October 2020 to Thursday 12 November 2020 on all days the offices of Tipperary County Council were open to the public within this period. Submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development will be situated, could be made in writing to be received no later than 4.30 pm on Thursday 26 November 2020.

Submissions Received

240 submissions were received during the public consultation period. The original number of submissions was detailed as 242 however one was withdrawn and one was duplicated so the final number is 240. 18 late submissions were received, one of which was subsequently withdrawn and the late submissions are listed for information purposes only and have not been taken into consideration for the assessment. The submissions were considered and detailed within the report. He said following this the draft Director of Services report was circulated to the members to consider and 3 workshops were held with the members.

Conclusion & Recommendations

He outlined that the Planning Authority is satisfied that the proposal, subject to the following considerations being implemented, is in line with the policies and objectives of the Tipperary Town and Environs Development Plan 2013, as varied, will not impact on the visual amenity or character of this area, is acceptable in terms of access and traffic movements and is acceptable in terms of drainage.

The development as set out on the plans and particulars is considered acceptable and is consistent with the principle of the proper planning and sustainable development of the area. Therefore, it is recommended that the proposed development should proceed subject to the following recommended requirements and conditions.

Requirements and Modifications

The development should be subject to the following:

1. An additional new disabled parking space should be provided on the Main Street in front of N0.50/51 Main Street.
2. The final location of street furniture will be confirmed at detailed design stage.
3. A new controlled pedestrian crossing in the vicinity of Chainage 0+635, N74. Details of the precise location of the new controlled crossing will be confirmed at detailed design stage.
4. The footpath improvement works proposed in front of the AIB building will tie into existing threshold levels.
5. An additional car parking spaces shall be provided at each of the following locations:
 - a. 1 to 29 Father Mathew Street.
 - b. 1 to 6 Lower Father Mathew Street.
6. The works on Fr Mathew Street section of the scheme will be substantially completed prior to the Main Street works being carried out.
7. All ground works within Part 8 area and the zone of archaeological interest of Recorded Monument RMP T5067-004 shall be subject to archaeological monitoring.
8. All works shall be undertaken in accordance with the Conservation Principles contained in Architectural Heritage Protection Guidelines for Planning Authorities) October 2011 and have regard to the Built Heritage advice series (Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs). Detailed design proposals will be informed by a Conservation Architect accredited by the Royal Institute of the Architects of Ireland and detailed methodology statements shall be prepared where works to or adjacent to Protected Structures are proposed. Details shall be in accordance with the Conservation Principles contained in Architectural Heritage Protection Guidelines for Planning Authorities) October 2011 and have regard to the Built Heritage advice series (Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs).

He indicated that the decision is that the proposal should proceed subject to the above 8 requirements and modifications.

The Cathaoirleach thanked the Director for his detailed outline of the Chief Executive Report, he expressed his thanks to all the staff involved in this project. He asked the District Administrator to outline the options now available to the members. The District Administrator outlined the options as follows:

- Members have 6 weeks from the date the Chief Executive's report was issued to make a decision on this proposal
- Members agree to the scheme with no amendments, no resolution is required, however it is standard practise to complete a resolution
- Members accept the Chief Executive's report but make further modifications which must be specific by way of resolution
- Members do not accept the Chief Executive's report and make modifications which must be specific by way of resolution
- Members do not proceed with this proposal and must state the reasons why by way of resolution.

He outlined that the Local Authority must be able to access the modifications to check that they are legal, implemental and assessed regarding AA and EIA regulations. The final date for a decision on this proposal will be Wednesday 10th March 2020, 6 weeks from the date of issue of CE report on 27th January. He agreed to take any questions or clarifications on the options available to the members.

The Cathaoirleach said it is clear that there is work to be done on this proposal and outlined that whatever option the members are proceeding with will require a proposer and seconder, a vote will be taken where necessary. He took the members questions as follows:

Cllr. Marie Murphy

Cllr. Murphy referred to the submissions and went through the themes in detail, in conclusion she wondered what has the Council achieved in this process and proposed that we go back and have a look at it again saying she couldn't support what is proposed now.

Cllr. Annemarie Ryan (Shiner)

Councillor Ryan (Shiner) indicated that the majority of submissions were against the project for many reasons including the volume of traffic to be diverted, the duration of the works, the timeframe coming after Covid, issues with the design of the proposal. She proposed that the Council withdraw this project and we go back and start again and employ a public realm expert who works with the community, the Council and the Councillors to work together to come up with a plan that works for everyone.

Cllr Micheál Anglim

Councillor Anglim proposed that the Council delay our vote today with a view to agreeing a proposal under option 3 – his suggestion being that from the graveyard to the Bansha Road, that everything

that can be done to facilitate resident parking be done. From Bansha Road to Limerick Road, replace the road, the footpaths at the necessary height and include the raised table but leave the road no narrower than it is at the moment. He said that he was not in favour of starting from scratch. This proposal to defer the vote with a view to not accepting the Chief Executive's report and make modifications was seconded by Councillor Marie Murphy.

Cllr Tony Black

Councillor Black said that he wanted to second Councillor Ryan's proposal. He said that he is not in favour of delaying the vote as he can't see any agreement to the issues.

Cllr Roger Kennedy

Councillor Kennedy said that he was disappointed that the changes in the Chief Executive's report were minimal. He was disappointed that a bus bay was not included on the Main Street but in the absence of this, he wanted to see parking included instead. He said that it needs serious appraisal of the project and agreed with going with option 3 as the way forward.

Cllr Máirín McGrath

Councillor McGrath said that the current proposal favours the traffic rather than the business people and residents of the town. She asked for clarify regarding option 4, where does the Council stand if this is the option that is agreed.

Cllr Andy Moloney

Councillor Moloney asked if all options require a decision within a 6 week period. He said that if the public is not with you, you cannot go ahead with a plan that you have. He said 75% of the public are not behind this project. He also asked for clarity if the proposal is rejected.

Cllr Mary Hanna Hourigan

Councillor Hanna Hourigan asked for clarity around the proposal and asked if it is possible to reject the proposal and what are the implications of this decision.

Cllr Michael FitzGerald

Councillor FitzGerald said that he wanted to support Councillor Anglim. He said everyone wants to see Tipperary looking good and open for business, the groups that he has met have a genuine interest of the town at heart, he feels that the Council cannot make a decision on this today and go back to the T.I.I. and request that members of T.I.I. listen to the concerns of the elected members about this proposal.

Cllr Declan Burgess

Councillor Burgess also looked for clarity on the options. He recognised that Tipperary needs an upgrade to its public realm but this plan does not address all the issues in town.

Cathaoirleach John Crosse

He said that he welcomed the proposals and would support Councillor Anglim's proposal and he handed over to Mr Marcus O'Connor for his response.

Councillor Marie Murphy indicated that there was an issue with Councillor Anglim's coverage and asked that he be contacted in advance of any vote, this was agreed.

In response Mr. O'Connor thanked the members for their contributions and addressed the issues as follows:

- Staff were working on this late last night, the report couldn't be finalised until the workshops were complete, a draft director's report was issued long in advance of the meeting and discussed at the workshops
- All submissions were considered and addressed
- Some submissions that the Council can do nothing about; a large number referred to leaving the scheme until the By-Pass/Ring Road is complete, if this is the case then this project cannot proceed
- Timing of works was an issue – it agreed with T.I.I. that works would be complete in 2 separate phases, this would not be the usual approach
- It is not possible to go back and start this project again, T.I.I. will not agree to this proposal
- He asked where do we go from here, can we salvage something from this process
- He said that main difficulties are with Bank Place/Main Street, he asked can they meet groups and see if improvements can

be made but said that the scheme cannot be substantially changed, if this is what is wanted then the scheme cannot proceed.

Mr. Pat Slattery, District Director, made the following points:

- He thanked all the members for their contribution today and he knows that they have put a huge amount of time into this project and taken a lot of representations from residents and businesses.
- He acknowledged that the members want to do the right thing along with the residents and businesses
- Thank Marcus O'Connor and his staff, they sourced the money and this project was developed
- In response to Councillor Ryan (Shiner's) request regarding a public realm project, it is not possible with this funding, it is from T.I.I. and needs to comply with their standards
- Primary objective is to keep as much of this €5m in Tipperary Town
- 6 weeks will allow time to talk to T.I.I. and reach some compromise to keep as much of the money as possible and do as much of the work as possible
- Need to continue to work together after this process
- Ask that Councillor Anglim's proposal is agreed to defer the vote today

Councillor Michael FitzGerald asked that Mr. Marcus O'Connor would come with the MD and work with the members with T.I.I., and he said that they need him on their side.

Ms. Anne Marie Devaney clarified regarding the procedure:

- If your intention is to consider this proposal further, a resolution is not passed today, by agreement defer the decision and a decision needs to be made within 6 weeks
- If you decide to not proceed with this proposal, the matter of starting a new process is with the Executive
- Regarding options 1, 2 and 3, if there is an agreement on any of these then the Council proceeds with the decision subject to the modifications outlined in the agreed resolution, any modifications must be specific – the Council needs to be satisfied that they are legal and can be carried out and won't result in traffic hazards and will need time to assess the modifications
- 4th option is to resolve to not proceed with proposal and state the reasons why

- It is all confined within the 6-week period, a decision must be reached within 6 weeks.

Councillor Mary Hanna Hourigan asked if the MD members can reject this proposal and still retain the monies for a future project.

Councillor McGrath supports Cllr Hanna Hourigan and said that the T.I.I. will still have a responsibility to the town.

Ms. Anne Marie Devaney clarified that the members do not have the option of withdrawing the Part 8 proposal, the options are that they accept or reject it.

Mr. Marcus O'Connor said the question that is being asked is can we go back to the T.I.I. and ask them to start from scratch, he said that in his opinion the Council cannot do this. He said that he has no problem in asking T.I.I. this question.

As Councillor Anglim had lost his zoom connection, the District Administrator contacted him by telephone to join the meeting.

Upon re-joining the meeting Cllr. Anglim confirmed his motion.

The District / Meetings Administrator clarified the motion and confirmed with the Cathaoirleach that it was in order to proceed with a vote of Members on Cllr. Anglim's motion.

On the proposition of Councillor Micheál Anglim seconded by Councillor Marie Murphy, it was proposed to defer the vote on the Chief Executive's report for the Part 8 Development of N24/N74 Tipperary Town Road Improvement Scheme no later than 10th March to allow further for discussions on this scheme.

The following vote was taken:-

	FOR	AGAINST
Councillor ANGLIM (FF)	✓	
Councillor BLACK (SF)		✓
Councillor BURGESS (FG)		✓
Councillor CROSSE (FG)	✓	

Councillor FITZGERALD (FG)	√	
Councillor HANNA HOURIGAN (FG)		√
Councillor KENNEDY (FF)	√	
Councillor McGRATH (NON-PARTY)		√
Councillor MOLONEY (NON-PARTY)		√
Councillor MURPHY (FG)	√	
Councillor RYAN (SHINER) (NON-PARTY)		√

The motion was defeated by 6 votes to 5 votes.

Mr. O'Connor clarified that a decision now has to be made on the proposal before the members.

Councillor Marie Murphy proposed that the Municipal District meeting be adjourned until 2pm to consider the options available; this was seconded by Councillor Máirín McGrath and agreed.

The meeting reconvened at 2.30pm. The District Administrator gave his apologies for the delay in restarting the meeting. He then confirmed that all members were present at the meeting.

Mr. Marcus O'Connor indicated that that he had contacted the T.I.I. and spoken to their inspector for the area and he confirmed that the T.I.I. would not be prepared to start a new process and design a new scheme. The District Administrator indicated that the T.I.I. would be prepared to complete part of the scheme. Following this a counter proposal was put forward, proposed by Councillor John Crosse, seconded by Councillor Roger Kennedy that the N74 works would be completed as outlined in the Chief Executive's Report.

Councillor Michael FitzGerald sought clarification if modifications could still be proposed, he said residents in this area had concerns about parking and flooding, how long would the works take and what detour would be put in place.

Councillor Tony Black indicated that he also had concerns about the parking issues on the N74 and these need to be addressed.

Councillor Máirin McGrath looked for clarity on the property the Council had purchased at Fr Mathew Street.

Councillor Marie Murphy asked regarding the works at the rear of Sean Allen Terrace.

In response, Mr. O'Connor indicated that the length of the works would be 12 months and also confirmed that the Municipal District has committed to completing the works at the rear of Sean Allen Terrace. Mr. Paddy Crowley said that the works would be done in sections with a number of diversion routes to be agreed in the traffic management plan for the works. The District Director indicated that he had spoken to Housing Section about the purchase of this property and it is intended to be used for a small housing scheme but did not have further details at this stage. Mr. Michael Woulfe indicated that in Fr. Mathew Street, there is a demand for 19 spaces, 3 spaces have been removed, 2 spaces have been recovered which leaves 21 spaces in this area. He said that there is sufficient parking from James Connolly to the graveyard, with a combination of rear parking and parking in front of houses.

Councillor Annemarie Ryan said her concerns were regarding parking in the area. She indicated that there are 29 houses on the route, 3 houses have their own parking, the proposal has 12 parking spaces which is a shortfall of 14 spaces.

Councillor Michael Fitzgerald indicated that parking is the main concern in the area and asked about the parking at the rear of the old Spar shop. In response to this the District Director indicated that this is private property and could give no commitment on this. He said that overflow parking could be looked at near the MUGA at the rear of Brodeen Cottages.

Councillor Annemarie Ryan (Shiner) asked could this decision be deferred for the N74 proposal for further consultations. In response, Ms. Annemarie Devaney indicated that a decision has to be made on the Part 8 proposal at today's meeting as the motion to defer was defeated this morning.

Councillor Michael FitzGerald said that the big concerns are the parking and the flooding and ask that the Council would do its best to facilitate the residents in the area. He also said that T.I.I. and the

Council still have responsibility for the Main Street, Tipperary as there are parts of the street that need to be restructured.

Councillor Marie Murphy asked on a point of order that if the proposal put forward by Councillor Annemarie Ryan (Shiner) to reject the proposal is taken first and it is passed then it will not be possible to vote on the proposal put forward by Councillor John Crosse, seconded by Councillor Roger Kennedy and suggested that the proposal to reject cannot be taken first; she looked for clarity on this. The District Administrator clarified if the second motion put forwarded by Councillor Annemarie Ryan (Shiner) seconded by Councillor Tony Black is passed then this will be the end of this matter.

On the proposition of Councillor Annemarie Ryan (Shiner), seconded by Councillor Black,

"That pursuant to the provisions of Section 179 (4)(b) of the Planning and Development Act 2000, as amended, and having considered the Chief Executive's Report dated 27 January 2021, the Members of Tipperary-Cahir-Cashel Municipal District hereby resolve to not proceed with the Part VIII Proposed Development – N24/N74 Tipperary Town Road Improvement Scheme, Tipperary Town, Co. Tipperary reasons stated below."

Reasons outlined below:

- Volume of submissions against the proposal
- Community rejected the plan
- Volume of traffic to be diverted
- Duration of the roadworks and the impact on community and business
- Timeframe after Covid-19
- Issues with the design plan for residents along the Cashel Road and business along the Main Street will cause difficulties for residents and business of Tipperary town and hinterland.

Councillor Marie Murphy asked if this motion could be withdrawn so that the works on the N74 can proceed.

It was agreed to take a vote on the motion proposed by Councillor Annemarie Ryan (Shiner), seconded by Councillor Black.

The following vote was taken:-

	FOR	AGAINST
Councillor ANGLIM (FF)		√

Councillor BLACK (SF)	√	
Councillor BURGESS (FG)		√
Councillor CROSSE (FG)		√
Councillor FITZGERALD (FG)		√
Councillor HANNA HOURIGAN (FG)		√
Councillor KENNEDY (FF)		√
Councillor McGRATH (NON-PARTY)		√
Councillor MOLONEY (NON-PARTY)		√
Councillor MURPHY (FG)		√
Councillor RYAN (SHINER) (NON-PARTY)	√	

The motion was defeated by 9 votes to 2 votes.

The next motion was then dealt with by Members.

On the proposition of Councillor John Crosse, seconded by Councillor Roger Kennedy,

"That pursuant to the provisions of Section 179 (4)(b) of the Planning and Development Act 2000, as amended, and having considered the Chief Executive's Report dated 27 January 2021, the Members of Tipperary-Cahir-Cashel Municipal District hereby resolve to modify the proposed development otherwise than as recommended in the Chief Executive's Report dated 27 January 2021."

List of modifications proposed by the Municipal District Members are as follows:

- The proposed scheme will be carried as it relates to the following only
 - o Chainage 0 to Ch 1243 as it relates to Fr Mathew Street (N74)
 - o Bانشa roundabout
 - o Chainage 535 to Ch 552 on N24 Main Street

- The final location of street furniture will be confirmed at detailed design stage.

- A new controlled pedestrian crossing in the vicinity of chainage 0+635, N74 in the vicinity of the Irish Wheelchair Association premises. Details of the precise location of the new controlled crossing will be confirmed at detailed design stage.

- An additional car parking space shall be provided at each of the following locations:
 - a. 1 to 29 Father Mathew Street;
 - b. 1 to 6 Lower Father Mathew Street.

- All groundworks within Part 8 area and the zone of archaeological interest of Recorded Monument RMP TS067-004 shall be subject to archaeological monitoring.

Ms. Anne Marie Devaney confirmed that this project proposal has been screened by the Planning Section; they have reviewed the revised proposals and they are satisfied that they do not invoke any material considerations in terms of appropriate assessment as the original development was sub threshold for EIAR, this development is also sub threshold.

The following vote was taken:-

	FOR	AGAINST
Councillor ANGLIM (FF)	√	
Councillor BLACK (SF)		√
Councillor BURGESS (FG)	√	

Councillor CROSSE (FG)	✓	
Councillor FITZGERALD (FG)	✓	
Councillor HANNA HOURIGAN (FG)	✓	
Councillor KENNEDY (FF)	✓	
Councillor McGRATH (NON-PARTY)	✓	
Councillor MOLONEY (NON-PARTY)	✓	
Councillor MURPHY (FG)	✓	
Councillor RYAN (SHINER) (NON-PARTY)		✓

This motion was passed on a vote of 9 votes to 2.

The Cathaoirleach thanked everyone for all the work that has gone into this project to-date and wished the project well and he also hoped to be able to bring an acceptable project for the Main Street in the future.

This concluded the business of the Municipal District meeting.

Signed/  Dated/ 22/02/2021
Cathaoirleach

Signed/  Dated/ 22/02/2021
District Administrator

