

**Minutes of September Meeting of Cashel Town Council held in the Council Chamber, Civic Offices, Friar Street, Cashel on Monday 3<sup>rd</sup> September 2007 at 7.30pm.**

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**Members Present:**

- Councillor Martin Browne**
- Councillor Michael Browne**
- Councillor Dan Dillon**
- Councillor Patrick Downey**
- Councillor Sean McCarthy**
- Councillor Joe Moloney**
- Councillor Maureen O'Donoghue**
- Councillor Tom Wood**

**Officials Present:**

- Mr Pat Slattery, Acting Town Manager**
- Mr Seamus Maher, Town Clerk**
- Mr Tom O'Reilly, Town Engineer**
- Mr Darby Mullen, Executive Engineer**

**Mayor:** **Councillor Eddie Bennett**

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The Mayor wished to welcome Mr Pat Slattery, Director of Services, Corporate Affairs, South Tipperary County Council who was standing in for our Town Manager, Mr Sean Keating who was on Annual Leave.

**MINUTES OF JULY TOWN COUNCIL MEETING:**

The Minutes were proposed by Councillor Dan Dillon seconded by Councillor Paddy Downey and adopted.

Councillor Wood raised the question of Hanley's Farmhouse on The Green and wondered if any action had been taken following the discussion at the July Meeting.

The Town Clerk indicated that the property in question has been identified as a Derelict Site and is not listed as a protected structure and no action has been taken in relation to this matter.

Councillor Martin Browne referred to the request he made many months ago regarding the re-erection of the sign for The Rock at the junction of Main Street and Back of the Pipes. The Town Engineer replied that the sign had been ordered some time ago and it should have been erected at this stage.

Councillor O'Donoghue requested information on the provision of a Community Hall at the RESPOND Development. The Town Clerk agreed to check this and reply to Councillor O'Donoghue.

**RENT COLLECTION:**

The Town Clerk informed the Meeting that the rent arrears at the end of August amounted to €15,250.

## MANAGER'S ORDERS:

On a question from Councillor Wood in relation to Manager's Order 17863 the Town Clerk informed the Meeting that a report was being prepared in relation to the condition of the Scout Hall, The Green and when the report is completed and costings available the Members will be informed of the situation.

Councillor Martin Browne referred to Manager's Order No 17870 and enquired if conditions were attached to Planning Permission granted under PLR/07/1106. The Town Clerk informed the Meeting that 6 conditions were attached to the Grant of Planning Permission which issued on 3<sup>rd</sup> September 2007, the development providing for accommodation for 37 car parking spaces at Boherclough, Cashel. Condition No 4: *"The proposal is to include double yellow lines to the road edge fronting the blocked up "old entrance" in order to prevent ad hoc parking which would impact on available sight lines. These details are to be to the agreement of the Town Engineer"*. It was also indicated that a zebra crossing would be included at this location.

The Members generally were unhappy with the placement of double yellow lines at this location as seemingly a number of people from the Boherclough area park in this vicinity. It was pointed out by the Town Engineer that this would be a busy pedestrian crossing having regard to the permission granted to the Tipperary Association of Special Needs and it was necessary to provide pedestrian crossing for safety reasons and in doing this, and in order to provide safety at those crossings, it will be necessary to have a 45 foot distance at either side of the pedestrian crossing free from parking.

Mention was made at this stage of provision of pedestrian crossings at Friar Street, Main Street and after some considerable discussion in relation to this, the Mayor indicated that the Town Strategy drawings should be available for the October Meeting with the appropriate crossings indicated thereon. At that stage the Councillors will be given the opportunity to examine the proposal and to consider the options available.

Councillor McCarthy enquired when the speed ramps would be provided as was agreed at a Meeting in July.

The Town Engineer outlined the situation concerning the provision of speed cushions/speed ramps and indicated that the cost would be of the order of approximately €1,000. The locations discussed at that time were John Street, Dominic Street, Sunnyside and Main Street Car Park.

Mr O'Reilly also indicated that he is obliged to carry out a lighting survey to determine the standard of lighting at the locations where ramps are included. This examination will be completed shortly.

The Town Clerk pointed out that finance for the installation of ramps can be accessed from the Block Grant which is received from the Department of the Environment, Heritage and Local Government annually, but this Grant has already been earmarked for our Footpath Programme for 2007. Accordingly provision of ramps will require to be deferred until 2008.

It was agreed therefore that in relation to the provision of the ramps the Town Engineer would produce a plan for the October Meeting indicating the locations of the proposed ramps.

Councillor Martin Browne was concerned about the Dualla Road roundabout and indicated that it was quite unsatisfactory. The Town Engineer replied indicating that the Developers Consultants had designed the roundabout. It had been approved by the Road Design Section of South Tipperary County Council but as yet it was not completed. He indicated that appropriate signage was to be put in place and he would follow this up with the developers.

#### **PLANNING APPLICATIONS:**

The Planning Report was noted.

#### **MATERIAL CONTRAVENTION OF TOWN DEVELOPMENT PLAN:**

It was proposed by Councillor Martin Browne, seconded by Councillor Michael Browne and Resolved:-

“That pursuant to the provisions of Section 34 (6) of the Planning & Development Act 2000 – 2006, and having complied the requirement set out in paragraphs (i) (ii) and (iii) of subsection 34 (6) in respect of planning application reference PLR/07/1113 we hereby resolve to materially contravene the Cashel Town & Environs Development Plan 2003 requiring that a decision to grant permission be made in relation to the planning application submitted on 24<sup>th</sup> April 2007 by Connery Fogarty Hunt for Permission for change of use of the ground floor residential area of premises to an estate agents office, the erection of a new shop front and the demolition of an existing domestic garage area for car parking at Bohermore Street, Cashel, Co Tipperary.

This was agreed.

#### **REVIEW OF CASHEL & ENVIRONS DEVELOPMENT PLAN 2003:**

Mr Hugh O’Brien, Executive Planner, South Tipperary County Council attended the Meeting and indicated that the process is about to commence on the review of the current Cashel & Environs Development Plan 2003.

He stated that the plan would be for a 6 year period from 2009 to 2015 and it would take approximately 2 years from the date of commencement to complete the process.

He indicated the first element was to place an advertisement in the newspaper prior to the end of September 2007 inviting the public to make submissions over the period October to the end of November. All the submissions will be examined and a Manager’s Report prepared for submission to the Members early in January 2008. The Members then have some time to consider the Report after which a Draft Plan will be prepared and submitted to the Members for approval prior to finalisation for Public Consultation. It is expected to have the final Draft Development Plan by July 2008.

Mr O’Brien also indicated that a Public Meeting would be held during the submission period with workshops for Councillors regarding policies and objectives at a later stage. It was also noted that as the Plan includes the Environs of Cashel, South Tipperary County Council would also be involved in the process.

## **EU CHARTER MEETING LASSEE:**

The Report was noted.

## **PART 8 PROPOSAL FOR FRIAR STREET:**

The Town Clerk referred to the proposal to construct 2 one bedroom apartments at the old Depot site on Friar Street for which a drawing was circulate to the Members for perusal. A copy of proposed advertisement for issue to the newspapers under Part 8 Public Consultation Process was also included.

The Town Clerk indicated that there is a demand on our housing list for one bedroom apartments and the provision of 2 at this location is deemed necessary. It was agreed to proceed to the Part 8 Public Consultation Process.

## **BROADBAND:**

The Town Engineer notified the Members that the provision of Broadband throughout the town was progressing satisfactorily and that there were three installation teams presently working on the project. The timescale for completion of the work is early October and it is expected that 5 installation teams will be in operation shortly.

The Town Engineer also indicated that some of the reinstatement work had to be reinstated as it was not satisfactory and every effort would be made to ensure that reinstatement is provided to the highest standard.

The Members were generally happy that the work was progressing without too much interference and that the teams seems to be very focused and efficient in the provision of the Broadband infrastructure.

## **WEIGHT RESTRICTION ON MAIN STREET:**

Following a discussion on the introduction of weight restriction along Main Street a query was raised in relation to the possibility of having the weight restriction implemented for a 12 month trial period and that at that stage the operation would be re-examined for the purposes of eliminating any hiccups in the system and maybe introducing a more efficient operation. On the proposal of Councillor Martin Browne seconded by Councillor Paddy Downey, it was agreed to proceed accordingly.

At this stage the Town Clerk indicated to the Mayor that there was one item which was omitted from the Agenda and that was the Cashel Waste Prevention Programme for Businesses.

A two page circular was issued to Council Members at the meeting indicating the proposals for carrying out this waste prevention survey of which Cashel is the pilot in the country.

The circular indicated the aims of the project, the advantages to participating businesses and the project outcome which will produce a best practice guidelines for each business type. These guidelines will help similar businesses throughout the country to reduce their waste by similar methods. It was noted that the Waste Management Section had a meeting with the Cashel Chamber of Trade and Tourism on Wednesday 5<sup>th</sup> September to present the proposal

and to seek their encouragement for all businesses in the town. It was agreed to notify the Members of the progress in relation to this pilot programme.

## **NOTICES OF MOTION:**

### **Councillor Tom Wood:**

*“That in view of ever increasing demands on business the Manager outline the legislation governing the existing Rates system and additional charges levied by this Local Authority as its seen as double taxation by many service providers”*

A written response was issued as follows:-

“Rating legislation is contained in numerous Acts, many of which date back to the 19<sup>th</sup> century, however the primary legislation relating to Rates remains the Poor Relief (Ireland) Act 1838. With the exception of the Local Government (Financial Provisions) Act 1978 which removed Domestic Dwellings from rates liability and the 1984 Supreme Court decision which exempted Agricultural Land from rates, only minor changes and adjustments have been made to the Rating System and these are contained in various Local Government Acts and Statutory Instruments, the most recent of which were contained in the Local Government (Financial Procedures and Audit Regulations) 2002.

Rates are now payable only on Commercial and Industrial property and are levied on all such property on the basis of a valuation which is assessed independently of the Local Authority by Valuers from the Valuation Office, Dublin which is a State Agency. All Valuation legislation is now contained in the Valuation Act 2001 and this Act consolidated and /or repealed all previous valuation law.

The making of the County Rate is contained in Section 29 of the Local Government Act 1946 and the various Notices, Forms Demand Notes etc. are as set out in the Public Bodies Orders 1946 – 1998 and the above 2002 Regulations.

The power to levy for goods and services is contained in various pieces of enabling legislation including the Local Government (Financial Provisions) Act 1983 which contains a general provision enabling local authorities to levy charges for various services.

In preparing the Annual Budget each year, the budget must balance i.e. proposed expenditure must be met by proposed income whether from goods and services, government grants or rates.

The rates income is calculated to meet the Council’s net expenditure requirement for the year ahead, that is, the gross expenditure less income from goods and services (Housing Rents, Loan Repayments, Water Charges, Refuse Charges etc) and government grants (specific revenue grants and the Local Government Fund)

In determining charges for goods and services the Council tries to implement the “Polluter Pays Principle” and tries to set charges for individual services at a level to ensure full cost recovery for the service provided. The more the Council can levy charges for specific services at a level to ensure full cost recovery, the less is required to be raised annually through rates.

The issue of double taxation does not arise therefore as specific charges for goods and services work to reduce the annual amount required to be levied from rates.”

Councillor Wood indicated that he is particularly aware of the financial strain that small businesses in particular are under having regard to charges for services and rates. He feels that a better system should be introduced and he requested that the matter be brought to the attention of the Department of the Environment, Heritage and Local Government.

The Members supported Councillor’s Wood Motion.

**Councillor Tom Wood:**

*“That National Agencies involved in archaeological digs and with responsibility for same be invited to address this authority with a view to returning all finds to the town for public display”*

A written response was issued as follows:

“I wish to advise you that I have corresponded with the Department of the Environment, Heritage and Local Government and the Office of Public Works and informed them of the content of your Notice of Motion for this meeting of Cashel Town Council.

I have not yet received a response from those agencies but will proceed to follow up seeking a positive response thereto.

I will advise you in due course of the response.”

Councillor Wood referred to the continuous uncovering and discovery of materials having regard to substantial number of archaeological digs that are being undertaken in Cashel and surrounding areas and the failure to put these items, or some of them, on display in the town itself.

The Members supported this Motion also. The Town Clerk undertook to notify the Department and the Director of the National Museum in connection with this matter.

**Councillor Tom Wood:**

*“That the Manager advise on any developments relative to the extension of our Town Boundary”*

A written response was issued as follows:-

“A Report is presently being prepared setting out the proposal for the alteration of the Town Boundary of Cashel Town Council administrative area.

Discussions are being held with the Finance Section of South Tipperary County Council to finalise the implications of this proposal.

I am hopeful that a Draft Proposal will be available for the October 2007 meeting of this Council for your perusal and subsequent approval.”

This was accepted.

**Councillor Eddie Bennett:**

*“That Cashel Town Council introduce traffic calming measures immediately at Oliver Plunkett Park”*

A written response was issued as follows:-

“As you are aware the Town Council has recently completed a Part 8 planning process in relation to the re-design of the layout of the Oliver Plunkett Park road system. The Council are now in contact with the developer of the new housing in the area with a view to implementing this plan.

Following the implementation of this plan the Council will review the operation of the scheme to determine its effectiveness and should further measures be required at that stage the Council will consider same.”

Councillor Bennett was anxious to find out how long it will take to implement the plan. The Town Engineer replied indicating that the Contractor/Developer had been informed of the situation and it is hopeful that the work should commence in the near future.

Councillor Michael Browne questioned the situation concerning the new planning application opposite Oliver Plunkett Park and what consequences this would have on the proposal. The Town Engineer responded by indicating that the Part 8 Process which was gone through by the Council would be undertaken as no decision had yet been made on the aforementioned planning application.

**CONFERENCES AND SEMINARS:**

The Conference list was circulated.

**CORRESPONDENCE:**

Correspondence was noted and it was agreed to support the Motions of both Local Authorities.

**VOTE OF CONGRATULATIONS:**

A vote of congratulations was extended to the County Minor Hurling Team for winning their second All-Ireland in a row.

**VOTES OF SYMPATHY:**

Votes of sympathy were extended to the following:-

The Durack Family, Thurles on the death of Paddy Durack  
Michael Maguire on the death of his wife Eileen.  
Marguerite Ryan, Moor Lane on the death of her brother Donal  
P J Barry, Roselawn on the death of his father Jimmy Barry  
Cian O’Carroll on the death of his mother Margaret O’Carroll  
Shay Fitzgerald, Spafield on the death of his father

The following items were raised with the permission of the Mayor.

Councillor Michael Browne referred to the footpath at Chapel Lane and it was indicated that while a planning application may indicate a footpath on drawings the Council are satisfied that it is not possible to allow a footpath at this side of Chapel Lane.

Councillor Paddy Downey raised the question of the caravans on the approaches to Cashel and indicated that a serious situation could arise at this location because of the number of children which appeared to play on the roadway from the caravans parked outside lands approaching the Waste Transfer Station.

Councillor Wood indicated he had spoken to housing personnel in County Hall, Clonmel and they had indicated that the situation had become difficult for them but that every effort would be made to have the caravans removed to a different location.

The situation regarding the caravans at Ballyknock was also noted, and while a considerable clean-up operation had been undertaken by South Tipperary County Council, nevertheless the situation had become frightening in previous weeks on account of the large number of caravans parked on the roadside and a large gathering of travellers etc.

The Meeting then concluded.

Signed \_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_ 2007