

Minutes of January Meeting of Tipperary-Cahir-Cashel Municipal District held in the Council Chamber, Civic Offices, Tipperary Town and hosted remotely on Monday 27th January, 2025 at 11.00am

Members Present: Councillor John Crosse, Cathaoirleach
Councillor Micheál Anglim
Councillor Declan Burgess
Councillor Liam Browne
Councillor Mary Hanna-Hourigan
Councillor Roger Kennedy
Councillor Máirín McGrath
Councillor Andy Moloney
Councillor Marie Murphy
Councillor John O’Heney
Councillor Annemarie Ryan (Shiner)

Officials Present: Ms. Sharon Kennedy, District Director
Mr. Anselm McGowan, District Administrator
Mr. James Murray, Senior Roads Engineer
Mr. James Swords, District Engineer
Mr. Richard Power, Executive Engineer
Mr. Tim Kilmartin, Executive Engineer
Mr. Frank Cussen, Executive Engineer
Mr. Michael Begley, Administrative Officer
Ms. Adeline Walsh, Staff Officer
LAWPRO
Ms. Ruth Hennessy, Executive Scientific Officer
Ms. Mags Morrissey, Community Water Officer
Environment & Climate Change Directorate
Mr. Denis Holland, Senior Engineer
Mr. Fergal Condon, Administrative Officer

The Cathaoirleach, Councillor John Crosse, opened the meeting and welcomed everyone to the January meeting. Mr. Anselm McGowan, District Administrator, commenced the meeting with the meeting prayer.

1.1 Disclosures/Conflicts of Interest

There were no matters notified to the meetings administrator.

2.1 Minutes of December Meeting of Tipperary-Cahir-Cashel Municipal District held on 17th December 2024

The minutes of the Tipperary-Cahir-Cashel Municipal District December meeting held on 17th December, 2024 were adopted on the proposition of Councillor Anne Marie Ryan (Shiner) and seconded by Councillor John O’Heney.

Matters arising from the minutes

There were no matters arising.

3.1 The proposed Taking in Charge of Glen Court, Emly, Co Tipperary

The Director of Services' Report for the taking in charge of Glen Court, Emly was circulated with the agenda. Councillor Hanna Hourigan welcomed the opportunity to propose the motion, seconded by Councillor Anne Marie Ryan (Shiner).

3.2 Environment & Climate Action Directorate

The Cathaoirleach welcomed Mr. Denis Holland, Senior Engineer and Mr. Fergal Condon, Administrative Officer, Environment & Climate Change Section to the meeting. Mr. Holland thanked the Members and suggested that the Notice of Motion relating to Cormac's Cemetery be dealt with in this part of the meeting. This was agreed by the Cathaoirleach.

Councillor Burgess requested an update in relation to Community Climate Action Fund and asked why National Schools can't access funding. He appreciated that the criteria are set by the Department but recommended that schools would be allowed to apply. He also asked for an update in relation to household waste surveys and for a breakdown of the 3 towns to ensure that there is an equal focus on the 3 urban centres. He also welcomed the update in relation to New Inn and notes that the Hydro Geological Constraints Study has been completed. Councillor Ryan (Shiner) requested an update on Solohead burial ground. She also requested clarification on derelict sites and if it is now within the remit of the Town Centre First team. Councillor Browne referred to dog licences and whether it is a local authority function. He asked if the breed of dog is recorded, how many restricted breeds are in Tipperary and if their owners could be provided with an information booklet outlining their requirements. He also referred to the control of horses and felt that there should be more than 3 reports of loose horses in this District. Councillor Marie Murphy supported Councillor Burgess comments in relation to litter surveys and noted that the non-compliant households are contributing to the increased illegal dumping. Councillor Anglim requested an update in relation to Ardfinnan burial grounds.

In response Mr. Holland advised that the Household Surveys identify household compliance and the Council engages, educates but unfortunately in some cases has to take legal action. The Environment Team targets problem areas and if the Councillor's wish to report particular issues the team can work with the residents. Mr. Condon noted that the compliance rate is above the national average of 75%. The completed constraints study in New Inn looks at the general area and they are engaging with the community and members of the clergy. The site in Solohead is owned by a local co-op who are going through a merger at present. Mr Holland agreed to speak to Councillor Anglim after the meeting in relation to Ardfinnan and he confirmed that Derelict Sites has been taken over by the Town Centre First team.

Ms Kennedy confirmed that the Croí Cónaithe grant and other funding streams are available. She noted that Derelict Sites Notices can achieve very little unless there are supports available. She advised that this area is one of the Chief Executives significant priorities, good progress has been made and they will be working with the planning section and building control to work through available grants. The District Director confirmed that €1.5 million in grant money is a great investment in the county.

Councillor Browne noted that there is €11,000 available for social housing voids and €50,000 for a Croí Cónaithe grant. Ms Kennedy confirmed that the Housing Section have a budget for voids and the Croí Cónaithe Grant is supplied by the Department. The housing budget is very well managed by the Housing Team and they are two different funding streams. Councillor Burgess also noted that it is not limited to €11,000 as each house is surveyed individually. Councillor Ryan (Shiner) asked why the derelict sites information appears on the Environment Report if it has moved and Mr Condon confirmed that the information relates to the end of 2024 and it will be the last report from Environment. Councillor Crosse noted that it is unfair that some landlords are being targeted when there are banks and other family members sometimes involved and they need to be given time.

Mr Condon confirmed that no announcement has been made by the Department in relation to the second call for the Community Climate Action Fund and at the moment they are not aware of any change to the criteria. He confirmed that the licencing of dogs is a national system and it does record the breed. At present there are 31 XL Bullies in County Tipperary, however he did not have the figure for restricted breeds. He confirmed that the dog warden reacts to a complaint and does not target specific breed ownership. He also advised that a horse has to be on public lands and that the Council uses an external company to remove horses. Councillor Burgess asked if there was any multiple agency engagement or targeted approach by the County Council and the Department of Agriculture. Mr Condon confirmed that the local authority has powers under the Control of Horses Act and Department of Agriculture deals with welfare issues. He also noted that the veterinary services have moved from the local authority to the Department of Agriculture. Councillor Kennedy asked that the Council would engage with the Department of Agriculture and asked if the retired veterinary inspector has been replaced and he was advised that there was lacuna left.

Councillor John O'Heney asked for an update in relation to the environmental notices served in relation to Aherlow Woods. Mr Holland confirmed that a Section 12 Notice under the Water Pollution Act was served and no works were carried out. Therefore, the Council initiated legal proceedings, which resulted in a conviction and a fine imposed. As a result, there has been engagement with the owner.

5.1 Councillor Liam Browne (Ref. ID 2888)

That until such time as a new Cemetery location in Cashel has been agreed, the Council consider existing family ties and proximity of the deceased to Cashel (within 20 miles), when allocating burial plots in the Cemetery, save in exceptional circumstances (deceased unknown for example).

Reply

As Councillor Browne is aware, burial grounds in County Tipperary take a number of forms, such as historic burial grounds dispersed throughout the county, cemeteries provided by the local authority in urban and, indeed, rural locations and graveyards associated with parish churches. In the present case, (Saint) Cormac's Cemetery was developed by the then Cashel Urban District Council in 1955 to address the needs of the town of Cashel, and surrounding area, as other cemeteries in and near the town of Cashel were at capacity. An extension to Cormac's Cemetery came into use in 2012.

In the past, the operation and maintenance of local authority burial grounds, of which there are approximately 240 dispersed throughout the county, have presented challenges and issues, including, but not limited to, the allocation of gravespaces, the advance purchase of plots and many other matters of concern. To address these issues, Tipperary County Council prepared a set of Draft Bye-Laws in 2022. Following a period of public consultation, the Bye-Laws were adopted by the elected members at a meeting of the Council, which took place on 14 March 2022 and they came into effect on 14 April 2022. Bye-Laws for the regulation of local authority burial grounds have been adopted by many local authorities across the country so Tipperary County Council is by no means unique in that regard.

The bye-laws set out the rules and regulations for the orderly operation and maintenance of a burial ground and Councillor Browne will appreciate that they bring a particular relevance to bear on the subject matter of his Notice of Motion.

The bye-laws set out the procedure in relation to the development of a burial ground and, in particular, state that gravespaces are to be sold in strict sequential order, subject to such gravespaces being suitable for interments with regards to maintaining an adequate separation distance from adjacent, freshly-dug gravespaces belonging to a third party. This bye-law is in place to ensure that the development of the burial ground is carried out in accordance with the exigencies of occupational health and safety and in the interest of orderly development.

The bye-laws further state that gravespaces will be sold in the event of bereavement only and that advance purchase will not be permitted. However, in extenuating circumstances, consideration may be given to the sale of a gravespace in advance of bereavement. Consideration will also be given to the purchase of an adjoining gravespace, subject to a maximum of two gravespaces. The interment of up to three persons in each gravespace may be permitted,

subject to ground conditions and the elapse of a suitable period time between each interment.

In particular, the Bye-Laws present no constraint on the identity, place of residence, place of origin, or other background characteristics of a person who presents as the purchaser of a gravespace. Councillor Browne will appreciate that the introduction of such confining constraints, as are specified in his Notice of Motion, in respect of an identified burial ground, would represent a deviation from the Council's adopted policy, would contravene its own Bye-Laws and would create a precedent for similar (or other) deviation(s) at other locations in the county, whether in existing burial grounds or at those locations where new facilities are either being currently provided or planned.

Councillor Browne may be disappointed with what may appear to him to be an inability on the part of the Council to adapt to the particular set of circumstances, which he has outlined in his Notice of Motion, but I am sure that he will accept that the Council's hands are tied by the contents of the Bye-Laws, to which I have referred. As these Bye-Laws are legally enforceable, it is reasonable to expect that they would be upheld by the Council in respect of the subject matter of the Notice of Motion.

As is the case with all Bye-Laws, the current Bye-Laws will be subject to review in due course, having regard to ongoing experience and in the light of emerging developments. However, there are no plans to initiate such a review at the present time.

In the particular case of (Saint) Cormac's Cemetery, Cashel, due to site and topographical conditions, it will not be possible to utilise the extension, which came into use in 2012, to the fullest possible extent. Consequently, it will be necessary for the Council to identify suitable lands at an external location to provide for the future needs of the town, and surrounding area. In this respect, Environment and Climate Action, in conjunction with Tipperary-Cahir-Cashel District and in consultation with the elected members, is actively identifying a number of locations in the environs of the town where the necessary criteria for the provision of a new burial ground may be satisfied.

It must be acknowledged that this process, from early site identification, to ground investigation, to liaison with landowner(s), to design and planning consent, to procurement (including budget availability), to construction, to opening, does take some time. Issues may manifest themselves as this process unfolds.

In the meantime, the allocation of the remaining spaces in (Saint) Cormac's Cemetery will continue in the normal way, i.e. it will be demand-led as the advance purchase of grace plots is not permitted, as outlined above.

In summary, at present, there is no provision for the restriction of the sale of gravespaces to certain designated persons, as is requested in the Notice of Motion.

I trust that the above explains the position.

Councillor Browne stated that he was disappointed with the response and noted that some of the neighbouring villages, like New Inn and Boherlahan have similar issues. He also commented that the Byelaws are not being enforced. Councillor Burgess advised that this issue was discussed during the consultation period prior to the current Byelaws being adopted and recommended that this issue is referred to the SPC to debate whether an amendment should be made to the Byelaws. Mr Holland agreed that the best outcome would be to refer it to the SPC for consultation because ultimately the adoption of the Byelaws is a matter for the Elected Members.

This motion was seconded by Councillor Roger Kennedy.

5.2 Councillor Annemarie Ryan (Shiner) (Ref. ID 2921)

That Donohill Civic Amenity Centre provide a facility to accept green waste/garden waste. Currently there is no provision for Donohill to accept either green or brown waste. The nearest facility is either Cashel or Clonmel which make it very prohibitive, cost wise if you are living in West Tipperary.

Reply

The Civic Amenity Site at Donohill was retrofitted within the existing landfill facility at that location. Taking cognisance of the configuration and layout of the site, the constraints thereby presented militate against the provision of appropriate facilities to enable the reception of green or garden waste to be accommodated. However, the thrust of the Notice of Motion has been noted and will be taken cognisance of in any review of the nature and extent of the recycling facilities provided at Donohill Civic Amenity Site.

The reception of brown bin waste at the Council's Civic Amenity Sites, in general, and at Donohill Civic Amenity Site, in particular, is a matter which is currently under review. In such review, cognisance will have to be taken of a number of factors including, but not limited to, the following:

- the likely demand for the provision of such a service, when cognisance is taken of the increasing roll out of a brown bin collection service throughout County Tipperary by licensed service providers;
- the extent of the use of home composting of green and brown waste; and
- the modus operandi of such a service, including its cost.

The Notice of Motion, together with the review referred to above, will be brought to the attention of the Strategic Policy Committee for Environment and Climate Action, for its consideration in due course.

This motion was seconded by Councillor John Crosse.

The Cathaoirleach thanked Mr. Holland and Mr. Condon and their team.

3.3 Local Authorities Waters Programme (LAWPRO)

The Cathaoirleach welcomed Ms. Ruth Hennessy and Ms. Mags Morrissey, LAWPRO to the meeting. Ms. Hennessy thanked the Cathaoirleach and the Members and made a presentation on the work being carried out by LAWPRO. Ms. Morrissey advised the Members of the grant funding available for communities. She confirmed that she is currently working with communities in Lattin and Cahir to progress projects. Councillor O’Heney requested an update on the Lattin project and Ms Morrissey confirmed that there is documentation outstanding. Councillor Ryan (Shiner) referred to the condition of the River Ara and understood that Anthony Coleman would be available today to update the Members. Councillor Marie Murphy thanked the LAWPRO team and asked what areas in the District are covered by the National Federation of Group Water Scheme Managers, how big does the scheme have to be.

Ms Hennessy advised that there were two separate issues in terms of the River Ara. Excess growth which is due to excess nutrients and trees are a good thing in the river. The approach is to tackle the problem at source and the problem is in town and up stream of the town. The litter is the second issue and LAWPRO could support a community group or the Municipal District. Ms Morrissey confirmed that grant funding would be available to support this project.

Ms Hennessy confirmed that the ASSAP advisors are working with farmers in a number of catchment areas to assess the cause and opportunities for improvements. At present they are 1,200 applicants and the Centenary Thurles Co-op and Arrabawn Co-op have run training events for farmers.

Ms Hennessy advised Councillor Murphy that LAWPRO is not involved in group water schemes. Councillor McGrath advised that Triona Collins would be the appropriate contact person in relation to group water schemes. Councillor Crosse asked if there was a legal requirement to incorporate a Nature Based Solution into development proposal for planning application.

The Cathaoirleach thanked Ms. Hennessy and Ms. Morrissey and the LAWPRO team.

3.4 District Engineer’s Report

Mr. James Swords, District Engineer referred to the report circulated with the Agenda and advised the Members that they have no budget yet and hoped to

bring the Schedule of Municipal Works to the Members in a workshop prior to the February meeting. He confirmed that a week and half has been lost due to the severe weather events and putting up new signage for the speed limit changes. This has delayed the preparation work for the RI works.

Councillor Kennedy complimented the engineering and outdoor staff for their complementary work during storm Eowyn and in particular during the snow event. He noted that it was a massive undertaking to get the roads reopened and complimented the Council and all the emergency services that came together to deal with the crisis. Councillor Burgess wanted to second that and asked when personnel are available that they would look at the storm drains. He also asked if there was any discussion with roads central on getting the patching unit and if extra funding would be made available. Councillor Hanna Hourigan also wanted to thank the outdoor staff. Councillor Moloney asked if council personnel could be trained in Height for Hire and asked for an update in relation to the amount of Notices served to landowners to cut roadside ditches. Councillor O’Heney previously submitted a request to utilise the support of the community, contractors and farmers in severe weather events. He was advised that this is being considered and will go to the SPC for approval. Councillor Browne congratulated the staff on the work done and suggested that there would be points of contact in estates and Councillor Ryan (Shiner) confirmed that it was discussed at the recent LCDC that there would be community contacts to support vulnerable people.

In response, the District Engineer confirmed that the weather needs to be suitable for the patching units to be effective and that they have applied for funding to cover the damage by the storm. In relation to the height for hire they generally use a contractor because the training needs to be maintained and in relation to hedge cutting notice this district has the highest rates for issuing notices. The District Engineer advised the Member to report any problem areas, they will be assessed and if required a Notice will issue.

The District Director informed the Members that the severe weather events were discussed at length at the recent Plenary Meeting and she wanted to thank the members for liaising with staff. She noted that there was some negative messaging but she wanted to thank the Members and the media who gave fair and responsible coverage.

3.8 District Administrator’s Report

The District Administrator’s Report was circulated to the Members with the agenda.

Councillor Declan Burgess asked when the call for Town & Village Renewal Scheme would be made and if an application to upgrade the Main Street toilets in Cashel could be submitted. He also requested an update from the working group in relation to the interpretive centre and he appreciated it can be slow but

it was important to be briefed. Councillor Murphy requested an update to relation the Cahir RRDF project given the appointment of Nicholas De Jong.

In response the District Administrator confirmed that the toilets will be considered for the next round of Town & Village Renewal funding, however no call has been made yet. Nevertheless, he confirmed that small capital works will be done in the interim. Mr Frank Cussen, Project Engineer confirmed in relation to the Cahir RRDF that tenders for the 1st stage went out this week with a view to appointing a contractor in March and work to commence in May. It is expected that the car park will be delivered by the end of this year.

The District Director advised that there is an in house team considering available options for the interpretive centre and they are not in a position to make a public announcement. Councillor Burgess advised that there hasn't been an update since 2020 and it would be a game changer for tourism and for the County. He noted that the Members have been supporting this for a long time and Councillor Kennedy noted that there has been a number of staffing changes and would like to see a result.

4.1 Chief Executive/Delegated Officers Orders

The orders were noted.

6.1 Votes of Sympathy/Congratulations

A vote of sympathy was extended on the death of the following:

- Andy Kennedy, Churchquarter, Goolds Cross, Cashel, Co Tipperary
- Johnny Hannigan, 'Fiodh Ard', Old Road, Cashel Co Tipperary
- Former M.C.C. Tipperary S.R. Bridget (Bridie) Hammersley, Clonoulty, Co Tipperary

There were no votes of congratulations.

7.1 Any other business appropriate to a meeting of Tipperary-Cahir-Cashel MD arising with the permission of the Cathaoirleach.

There was no other business.

This concluded the business of the Municipal District meeting.

Signed/  Dated/ _____
Cathaoirleach

Signed/  Dated/ 24/2/2025
District Administrator

