

**Minutes of Meeting of Infrastructure Strategic Policy Committee
held on 7th December 2020 via zoom**

PRESENT: Cllr. Jim Ryan (Chair)
Cllr. Micheál Anglim
Cllr. Michael Fitzgerald
Mr. Gerard Shanahan (PPN)
Mr. Seán Reidy (Development Construction)
Ms. Michelle Aylward (CEO County Tipperary Chamber)
Mr. Marcus O'Connor, Director of Services, Roads
Mr. Liam Brett, Senior Engineer, Roads Operational
Mr. James Murray, A/Senior Engineer, Roads Operational
Ms. Michele Maher, Administrative Officer, Roads
Ms. Mary Murphy, Assistant Staff Officer, Roads (Minutes)

APOLOGIES: Cllr. Declan Burgess

1. Minutes of Meeting held on 29 September 2020 and Matters Arising

Cllr Jim Ryan welcomed everybody to the meeting. The Minutes of the meeting of 29 September 2020 were proposed by Cllr Micheál Anglim and seconded by Cllr Michael Fitzgerald. There were no matters arising.

2. Tipperary County Council Winter Service Plan (James Murray A/Senior Engineer, Roads Department)

Mr James Murray gave a presentation on the Tipperary County Council Winter Service Maintenance Programme. The presentation covered the following areas:

- Overview
- Management Structure
- Delivery Structure
- Infrastructure Networks/Network Priority
- Data
- Metrics

The presentation also detailed the four-phase plan which is in place:

1. Precautionary Salting
2. Reactive Salting
3. Use of Snow Ploughs
4. Opening up of country roads in isolated areas

Cllr Jim Ryan thanked Mr Murray for his detailed presentation and noted that while he understood the limitations on the capacity to salt roads the general public did not.

Cllr Michael Fitzgerald also thanked Mr Murray for his presentation but said that he was inundated with requests every year to add routes to the salting list in particular, the Gaelscoil in Tipperary Town. He asked whether the Council ever reviews the salting routes and if it is possible to deviate from the Winter Service Plan when different scenarios occur. Cllr Jim Ryan supported Cllr Fitzgerald in this and noted Rahealty National School, outside Thurles.

Mr Murray advised that there are 5,500km of road in the county and that over 1,000km are salted. He noted that there are difficulties in diverging from the Plan in relation to efficiency in salting the already prescribed routes and adhering to the Working Time Act. He said that deviation from the Plan would lead to Priority 1 and Priority 2 routes not getting salted.

Cllr Jim Ryan noted that his District had the lowest number of and oldest spreader in the county and asked what would happen if this truck were to break down. Mr Murray replied that the spreader was demountable and could be attached to a different lorry.

3. Policy Discussion – Use of ‘Sulkies’ on public roads

Mr Liam Brett went through the discussion document and outlined the legislation that refers:

1. Control of Horses Act, 1996
2. Roads Act, 1993

Under the Control of Horses Act, 1996 local authorities can designate an area where horses must be under control. Tipperary County Council has designated the whole county as a controlled area. The horse also should have a ‘Horse Passport’. A Horse Licence and a Horse Passport are separate documents. A Horse Passport is required by all under 2008 EU Legislation. A licence is required for all horses being kept in County Tipperary because of the Bye Laws, and by any horse on Tipperary’s Roads as a requirement of the Control of Horses Act 1996.

Under the Roads Act, 1993, the driver must be over 16 years of age and must have a licence for the sulky. Mr Brett noted that, the previous weekend, illegal sulky racing took place on the N24 Tipperary/Limerick border and that the Gardaí made a number of arrests.

Cllr Ryan said that things haven’t improved and that one to two sulky races take place between the Horse and Jockey and Urlingford each month. He asked if new Bye-Laws could be brought in requiring sulkies to have a licence plate in the same way that cars do. He is also concerned about insurance and who would be held liable in the event of an accident. He noted that the over 16 law is regularly breached.

Mr Liam Brett said that the Gardaí have very strong powers, that the whole county has been designated a controlled area and that it is an issue of enforcement.

Cllr Ryan said that this is the first time that he had heard of arrests being made, that horses are being trained on the road for sulky racing and asked if there could be a Bye-Law introduced to prevent that. He felt that the way to do this was to give sulkies a licence plate. Mr Brett replied that there are already two pieces of legislation in place and that what was needed was more implementation of same.

Mr Ger Shanahan wondered if it might be possible to create a specified track where sulkies can race. He felt that we should look to Europe, to Austria, where sulky racing takes place in this way. Cllr Ryan said that there is no demand for this, that there is a race track in Thurles and no request has ever been received to use it.

Mr Marcus O'Connor noted that the County Council is the Roads Authority and that An Garda Síochána are the Road Traffic Authority and that he was encouraged that arrests had been made at the weekend.

Cllr Ryan asked if we could contact the Gardaí to find out the number of prosecutions of underage drivers of sulkies, unregistered sulkies and out of control horses. He said that if the number was zero then the current laws were failing. He further asked for the number of registered sulkies to be given at the next SPC meeting. Mr O'Connor replied that this would be referred to the Joint Policing Committee (JPC).

Cllr Michael Fitzgerald said that he would like to support the Chair saying that traceability is needed and that he felt it was a good suggestion.

It was agreed that the matter be referred to the JPC for response.

4. Correspondence

Ms Michèle Maher updated the meeting on correspondence received.

1. Correspondence has been received from Corporate Services requesting agreement, in light of COVID-19, the quorum required under Standing Orders for an SPC meeting to take place be changed from two external representatives to one. The required number of Councillors should remain at three. This was agreed.
2. Reply received from the Planning and Emergency Services SPC regarding a request that:

'housing estates are developed in phases from the back out, which could lead to the earlier provision of leisure and amenity areas'.

This matter was considered at a Meeting of the Planning & Emergency Services SPC held on 21/10/2020 as part of a discussion on the Draft Taking in Charge Policy which is currently being prepared. The reply advised that phasing of housing estates is development specific through the individual planning permission and working from the back out is not considered to be advisable in all cases as matters such as access roads, rights of way etc. have to be considered. It is intended that the Draft Taking in Charge Policy will be discussed again at the next meeting of the Planning & Emergency Services SPC which is due to be held in December 2020 and if agreed a recommendation will be put before the Corporate Policy Group that the policy be placed on the agenda of the full Council for adoption in early 2021.

3. Response received from Irish Water Communications Team stating:

"I note the comment received from the Council's Strategic Policy Committee (SPC) for Infrastructure (Roads, Transportation and Water Services) and have relayed this to our Communications team. Irish Water is committed to providing accurate and up-to-date responses to any queries raised by elected representative as quickly as possible. The Local Representative Support Desk is available Monday to Friday from 9am to 5.30pm and can be contacted at localreprsupport@water.ie or by phone at 1890 178 178. Outside these hours, the 24/7 customer care line is available for urgent operational queries at 1850 278 278. Updates at all times are also posted to the Supply Updates section of the Irish Water website, www.water.ie and on Twitter @IWCare. Emails sent to the LRSD desk over the weekend are followed up on Monday morning with the support of the broader Irish Water business.

In addition, our Regional Communications team provide updates to elected representatives concerning emergency out-of-hours and weekend events. We note the request from members to make the Local Representative Support Desk available at weekends. We would ask councillors to contact our dedicated operational line for the urgent queries for out of hours support. We will continue to review the approach to ensure that we deliver the most effective service possible to elected representatives.

We thank the members of Tipperary County Council for their support and reiterate our commitment to ensuring they are kept informed of developments in the area".

4. Communication was received from Thurles Municipal District regarding a Notice of Motion (NOM) proposed by Councillor Jim Ryan at the Thurles Municipal District meeting on 19 October 2020 with regard to "installing new public lighting out as far as the Dew Valley Foods plant and also out beyond Thurles Golf Club as far as Turtulla Cross." The response to the NOM was in the negative as it would contravene the existing public lighting policy.

Cllr Ryan then proposed a motion, which was seconded by Cllr Hanafin and agreed, that the policy should be amended and after receiving clarification that any change in

policy would need to be referred to the relevant SPC in the first instance, it was proposed that the matter be referred to the Roads and Transportation SPC for consideration.”

Discussion of the proposal then ensued. Mr O’Connor said that he disagreed very strongly that the policy should be changed. He advised that public lighting is the Council’s biggest user of energy. He added that in order to reach climate action targets there are legally binding requirements on us to reduce our use of energy/carbon. He noted that Tipperary County Council is the leading local authority in Ireland in this regard and that he would like to see this continue.

Cllr Ryan said that the area in question came within the 50 km/h zone, had a footpath and that there are 400 employees in the factory and that there are several housing estates in the vicinity.

Cllr Micheál Anglim supported Cllr Ryan in his request to amend the Public Lighting Policy and said that there were similar issues at the APB meat factory in Cahir.

Mr O’Connor said that he would check out these locations and report back to the next SPC meeting.

5. To agree date of next meeting

The following dates were agreed for meetings in 2021:

Monday 1 March 2021

Tuesday 1 June 2021

Monday 6 September 2021

Monday 6 December 2021

6. AOB

Cllr Michael Fitzgerald asked Mr Liam Brett to arrange a meeting with Dualla Community Council and himself. Mr Brett replied that while there is currently no funding for a footpath he would discuss with Cllr Fitzgerald after the meeting.

Cllr Jim Ryan raised the issue of the decision by Eir to lay cables during the day as part of the regeneration of Liberty Square, Thurles. He said that businesses and schools in the area had no access to the internet, card machines, etc for several days and that this was unacceptable particularly given the fact that they had just reopened for business following the easing of Level 5 restrictions. Mr Brett confirmed that the Council has not been informed of the proposed works and that his understanding was that such works would be done at night and therefore not impact on businesses.

Mr Ger Shanahan said that, based on correspondence that he has received, he understands that the Consultants had been informed of the proposed works and that 160 customers were affected.

Mr O'Connor said that the issue was one of communication between Eir and the Consultants.

Mr Ger Shanahan asked if the Maintenance of Hedges Legislation applies only to rural areas or if a Notice could be served on someone for having a hedge which blocks the footpath in a town. Mr O'Connor replied that it could and advised him to speak to Mr Jim Ryan, Executive Engineer in Thurles MD.

Mr Shanahan said that he was surprised to hear at the last SPC meeting that uncontrolled crossings are safer than controlled ones as they encourage pedestrians to behave in a more responsible manner. He enquired who had this data as it was not in DMURS. He was informed that the Road Safety Section of Transport Infrastructure Ireland (TII) would have the data. Mr Shanahan said that he disagreed with the assertion as people will stop for a red light whereas they may not stop at an uncontrolled crossing and he said that these crossings discriminated against people with special needs.

Mr Shanahan mentioned Councillors email addresses provided by Tipperary County Council, and Mr O'Connor advised that this issue was not one for the Infrastructure SPC.

This concluded the business of the meeting.

Signed: _____
Cllr. Jim Ryan
Cathaoirleach