

**Minutes of Special Meeting of Leitrim County Council held in the
Council Chamber, Áras an Chontae, Carrick on Shannon on
Monday 26th January 2009 at 5.00 pm.**

Members Present:

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| Bohan, Mary | McGowan, Sean |
| McGloin, Enda | McDermott, Sean |
| Guckian, Sinead | Ellis, Caillian |
| Colreavy, Michael | Hughes, Gordon |
| Kenny, Martin | Ferguson, Tony |
| Dolan, Frank | McTiernan, John |
| Mulligan, Thomas | Reynolds, Gerry |
| Stenson, Enda | Flynn, Aodh |
| Brennan, Damien | McElgunn, Liam |
| Dolan, Gerry | |

And Councillor Paddy O'Rourke as Chairperson

Apologies

Councillor Jim Joe Shortt
Councillor Francis Gilmartin

Officials Present:

Ms Jackie Maguire, Co Manager
Mr. Martin Dolan, Director of Services, Planning, Environment & Emergency Services
Ms. Mary Quinn, Director of Services, Housing & Corporate Services
Mr Ciaran Tracey, Senior Planner
Mr. Vincent Dwyer, Senior Executive Officer, Planning Environment & Emergency Services
Ms Aoife Mulcahy, Executive Planner
Mr. Paudge Keenaghan, A/Executive Planner,
Mr. Gus Cooke, Senior Staff Officer, Planning
Ms. Bernie O'Beirne, Senior Staff Officer, Planning
Ms. Aideen McGovern, Meetings Administration

The County Manager, Ms. Jackie Maguire conveyed apologies from the Cathaoirleach, Councillor Jim Joe Shortt and Leas Cathaoirleach, Councillor Francis Gilmartin. She outlined that, in accordance with the provisions of the Standing Orders, in the absence of both the Cathaoirleach and the Leas Cathaoirleach, the Chair shall be taken by a member called thereto by general agreement or chosen by vote of the members present to chair the meeting.

It was proposed by Councillor Sean McGowan, seconded by Councillor Tony Ferguson and unanimously agreed that Councillor Paddy O'Rourke take the Chair for the meeting.

Councillor O'Rourke thanked the members and he expressed his best wishes for a speedy recovery to both Councillor Shortt and Councillor Gilmartin. This was supported by all the members.

Ms. Jackie Maguire, County Manager outlined that the purpose of the meeting was to consider the Managers Report to the Elected Members on Submissions arising from the Proposed Amendments to the Draft County Development Plan 2009-2015 and the Addendum to Strategic Environment Report which had been circulated, in accordance with the provisions of the Planning & Development Act 2000, in December 2008. The Report as circulated appears as **Appendix 1** to the Minutes of this meeting in the Minute Book.

Ms. Maguire also referred members to the Report to Elected Members on Submissions and Consultations regarding the Draft Retail Strategy 2009-2015 dated January 2009, the Leitrim Retail Strategy 2009-2015 Draft 2 and the Leitrim County Council Housing Strategy 2009-2015 dated January 2009. The Reports as circulated appear as **Appendix 2, Appendix 3 and Appendix 4** respectively to the Minutes of this meeting in the Minute Book.

Ms. Maguire outlined that the Members must consider and make their decision in relation to the recommendations in the Managers Report by 2nd February 2009. She outlined that the report lists the submissions received in respect of the proposed amendments to the Draft Plan and addendum to the SEA Report and presents the Managers response and, as appropriate, recommendations on the submissions. She advised that, in accordance with Section 12(10) of the Planning & Development Act 2000, the members shall, by resolution, having considered the amendment and the manager's report, make the plan with or without the proposed amendment, except that where they decide to accept the amendment they may do so subject to any modifications to the amendment as they consider appropriate.

It was agreed that Mr. Martin Dolan, Director of Services, Planning, Environment & Emergency Services would take the members through the individual submissions and recommendations arising therefrom and the Members would make their decision following the overview and consideration of the individual submissions.

Submission No. 1 & Submission No. 3 :

Felim O'Rourke - Windfarms and Carbon Emissions; Councillor Sean McDermott – Windfarms (pages 6-7 & pages 8-9 of Managers Report)

Councillor McDermott outlined that he is proposing that Dough Mountain remain as high capacity and Boleybrack Mountain remain as medium capacity for windfarms rather than redesignating them as medium and low capacity respectively. Councillor Flynn queried the necessity of the high, medium and low capacity designations for windfarms when individual applications will be considered on their merits.

Mr. Martin Dolan, Director of Services advised that the area is designated as a NHA. He outlined that this designation must be taken into account. He reiterated that any application in the area will be considered on its merits. Ms. Jackie Maguire, County Manager outlined that the Council is obliged to consider and take on board European

and National legislation in the area. She outlined that the Council is committed to promoting renewable energy development and any application for wind farm developments will be given very favourable consideration. Mr. Ciaran Tracey, Senior Planner outlined that the Development Plan policy is pro wind development. He outlined however that the designation indicates that there are particular difficulties to address and it would be misleading to prospective developers to incorrectly designate or categorise these areas.

Councillor Ferguson referred to a recent wind farm development application which was refused and queried the reasons for the refusal. He also queried whether the new Development Plan policies would have accommodated the development. Mr. Ciaran Tracey, Senior Planner outlined that the developers had been advised of the difficulties associated with the proposal but had proceeded notwithstanding. He advised that the decision to refuse was on the basis of the designation of the site, the amenities of the area and the general quality of the application, particularly the EIS. Ms. Jackie Maguire, County Manager advised that the new Development Plan is very favorable towards wind-farm development but any application must address the issues associated with the particular site.

Councillor Ferguson stated that assurances have been given that the Council and the Development Plan is pro wind-farm development. Irrespective of designations individual applications will be considered on their merits and the onus is then on the developer to make the best possible application. The County Manager confirmed that this is the case and assured the members that as much pre-planning as is necessary will be facilitated in relation to such developments.

Councillor Bohan outlined that most wind farm development applications will be referred to An Bord Pleanala and it is critical that the County Development Plan contains very strong policy in relation to supporting wind-farm developments. This was supported by Councillor Guckian who expressed concern that the submission from Felim O'Rourke would appear to suggest that the designations are limiting the attractiveness of Leitrim as a location for wind farms. Councillor Reynolds stated that it is very important to show that we are pro-wind energy. Councillor Flynn stated that wind farm developments must be supported. He outlined that access to 110kV line is a major factor for developers to consider in addition to issues of access to the site and the ability of the soil to take the development. Councillor Colreavy suggested that perhaps an initiative could be undertaken to highlight that Leitrim is very pro-wind farm development.

Ms. Jackie Maguire, County Manager reiterated that the County Development Plan and policies are very pro-wind farm development. She outlined that no guarantees can be given in relation to planning permission and each application must be considered in accordance with the proper planning and development of the area. She outlined that the high, medium and low capacity is related to the designations of particular areas and a clear indication must be given, through the County Development Plan, of the varying criteria applying depending on the proposed location of a development. She outlined that she was prepared to attend all wind farm pre-planning discussions as necessary

Councillor McDermott outlined that he was satisfied with the proposed designations given the reassurances that had been provided.

It was agreed that there was no change required to the Draft Plan arising from this submission.

**Submission No. 2:
Patrick Maguire - Protection of waterways and land bounding watercourses and zoning in Ballinamore (page 7 & 8 of Managers Report)**

It was unanimously agreed that no change was required to the Draft Plan arising from this submission.

**Submission No. 4:
Spatial Policy Section, DoEHLG - Omission of Low Capacity Areas, Housing Strategy, Retail Strategy and Flood Risk Assessment (page 9-13 of Managers Report)**

**Submission No. 6:
Garreth McDaid - Omission of Low Capacity Areas, the extension of the Shannon towards Dowra & Floodplains**

**Submission No. 13:
N.W.R.F.B. - The Omission of Low Capacity Areas**

It was agreed that Submission No. 4, Submission No. 6 and Submission No. 13 were broadly similar and could be considered together.

Mr. Martin Dolan, Director of Service outlined that Item No. 4 in relation to an up-to-date Housing Strategy and Item No. 6 in relation to completion of a Retail Strategy of Submission No. 4 have been addressed as both documents are now available.

Councillor Ferguson outlined concerns that the Department, the Fisheries Board and some individuals are trying to tell the elected members of Leitrim County Council how to carry out their functions. He outlined that he believes firmly that homes are what is needed in rural areas. He outlined that a number of young people have been refused permission for a home on their own lands which he stated is disgraceful. He stated that the issue of rural housing is one that the members have been trying to address for some time. Councillor Ferguson stated that a developer can get planning permission from An Bord Pleanala for a large housing development in a town where there are already significant vacancies while applicants seeking to build and live in the rural community are being refused permission. He stated that these are areas which sustained huge populations in the past and stated that he would not be voting for a Development Plan that will prevent people building homes in rural areas.

This was strongly supported by Councillor Reynolds who stated that the members must take a stand in relation to this issue. He stated that he is confident that the

members are doing the right thing in relation to the rural settlement strategy and this is a fundamental position for the members. He stated that nobody is seeking to allow building in sensitive areas but outlined that if the low capacity areas are reintroduced there will be little or no rural development in the county with associated implications for the construction industry and the sustainability of rural communities.

Councillor Stenson fully supported the views outlined. He stated that the Department could not be allowed to dictate planning policy in Leitrim. Councillor Kenny also fully supported the views expressed and outlined that he considered that it is more environmentally friendly to live in a rural area. He further outlined that he had full confidence in the Planning Staff of Leitrim County Council. Councillor Ellis also supported the comments made and he proposed that Section 47 requirements imposed on any existing planning permissions be removed.

Councillor Colreavy outlined that the amendments to the rural settlement strategy, in terms of the removal of the low capacity designation, had been the subject of very detailed discussion and deliberation by the members. This was supported by Councillor Bohan who reiterated that the matter had been given very detailed consideration and the members, while considering the submissions received, are not in a position to review their decision in this regard. She stated that the issue of Section 47 Agreements, as raised by Councillor Ellis, is a matter for another day.

Councillor Guckian outlined that she supported what had been said. She outlined however that it is essential that Members show that due regard was had to the concerns of the Department. She suggested that the Department could be invited to meet the members to discuss their concerns. She stated that it was important that the rationale behind the members' decision be outlined to the Department.

Councillor Colreavy concurred with this sentiment and agreed that Members should be seen to take the concerns of the DOEHLG on board. He suggested that the Planning SPC should meet with Department officials to seek to clarify what appears to be a gap in understanding on what constitutes proper planning.

Ms. Jackie Maguire, County Manager outlined that the members are time constrained in that they must consider and make their decision in relation to the Draft Development Plan by 2nd February 2009. She outlined that the alternatives at this stage are to retain the proposed High & Medium classification or revert to the original categorization of High, Medium & Low. She acknowledged that the Members have very strong views in relation to this matter. She outlined that the Department is suggesting that the removal of the Low Capacity areas is not the way to proceed. She advised that the Members should carefully consider these submissions. She also outlined that her recommendation is that the members revert to the strategy and policies as outlined in the draft Plan in respect of High, Medium and Low capacity.

Councillor McGowan outlined that the members had already spent significant time considering this particular issue and had come up with a strategy that is considered appropriate and all of the members had been in agreement. He stated that he fully supported the settlement strategy as agreed by the members.

Councillor Flynn outlined concerns about retaining the people who are in the county. He stated that forcing young families to live in towns could not be supported. He stated that there must be a level of growth allowed in each community.

Councillor McDermott supported the comments made. He stated that the members have to use their initiative in relation to this matter. He outlined that Leitrim is so far behind in terms of population density that national settlement strategies cannot be applied. This was supported by Councillor McGloin who stated that the Department Rural Housing Guidelines are out of touch and are not appropriate for Leitrim. Councillor Gerry Dolan also supported the comments made.

The Chairperson, Councillor O'Rourke outlined that the members are at one in relation to the issue.

Ms. Jackie Maguire, County Manager outlined that the main concern for the Department is the distance between the settlement strategy as outlined in the Draft Plan and the revised settlement strategy proposed. She reiterated that the options at this stage are to retain the proposed High & Medium classification or revert to the original categorization of High, Medium & Low.

Councillor Ferguson stated that there is no logic in the Department thinking in this regard and the members must accommodate people who are living in rural areas by standing by the strategy which was agreed following detailed discussion and consideration.

Councillor Kenny queried the implications of not reverting to the original proposal of High, Medium and Low capacity areas. Ms. Jackie Maguire, County Manager advised that the Development Plan as adopted by the members, with or without amendments, will be submitted to the Department. She advised that if the Department are not satisfied with the Development Plan they can direct the members to take a certain course of action.

It was proposed by Councillor Gerry Reynolds, seconded by Councillor Tony Ferguson and unanimously resolved that the Managers Recommendation in relation to Submission No's 4, 6 and 13 to revert back to the strategy and policies as outlined in the Draft Plan and the Managers Report August 2008 in respect of High, Medium and Low capacity be rejected and that the amendments and policies outlined in the Proposed Amendments to the Leitrim Draft County Development Plan 2009-2015 and Addendum to the Strategic Environmental Assessment (November 2008) with respect to High and Medium Capacity Areas be adopted.

**Submission No. 5:
Dept. of Education & Science - Provision of Educational Infrastructural Services and Facilities (page 14 of Managers Report)**

It was proposed by Councillor Enda McGloin, seconded by Councillor Tony Ferguson and unanimously agreed that the Manager's recommendation in relation to inclusion of reference to the document, 'The Provision of Schools and the Planning System', under **Section 1.03** Policy Context of the Draft Plan be accepted.

**Submission No. 7:
Des Guckian – Wide Ranging (page 17-18 of Managers Report)**

It was proposed by Councillor Enda McGloin, seconded by Councillor Sean McGowan and unanimously agreed that the Managers Recommendation to include a link to the List of Approved Assessors on the Councils website in **Section 2.01.04** be accepted.

**Submission No. 8:
N.R.A - Access onto National Primary Roads (page 19-20 of Managers Report)**

Councillor Ferguson outlined concern at the proposal to omit the provision in relation to allowing access to the National roads where a house is required by a farmer or a member of a farmers' family and queried if there is any clause for an exceptional situation. This was supported by Councillor Colreavy who suggested that the clause should be retained and amended to include the words 'in exceptional circumstances'.

It was proposed by Councillor Michael Colreavy, seconded by Councillor Tony Ferguson and agreed that the Managers Recommendation in relation to the omission of **subsection (ii) of Section 3.04.07** be rejected and that the clause be retained subject to amendment to include the term "in exceptional circumstances" for cases where no other option exists. It was further agreed that the Managers Recommendation in relation to the rewording of **subsection (iv) of Section 3.04.07** be accepted.

Councillor Reynolds outlined that extreme caution needed to be exercised in permitting access onto National Primary routes on traffic safety grounds.

**Submission No. 9:
Dept. of Communications, Energy & Natural Resources – No concerns/issues raised (page 21 of Managers Report)**

Councillor Flynn queried whether the wording of the Draft Plan is adequately supportive of broadband roll-out. This was supported by Councillor Reynolds. Ms. Jackie Maguire, County Manager advised that the policies in the Plan are very strong. Councillor Ferguson suggested that the Plan should refer to 'high-quality' broadband. Councillor Hughes suggested that the Plan should refer to minimum of 3MB broadband.

It was unanimously agreed that no change was required to the Draft Plan arising from this submission other than making reference to the aim to provide 3MB Broadband as a minimum.

Submission No. 10:

Dept. of Transport - No concerns/ issues raised (Page 21 of Managers Report)

It was unanimously agreed that no change was required to the Draft Plan arising from this submission.

Submission No. 11:

Roger Garland - Wide Ranging (page 22-23 of Managers Report)

Councillor Ferguson requested that a statement be included in relation to respecting the rights of the farmer. Ms. Jackie Maguire, County Manager outlined the amendment that had previously been agreed in relation to Section 2.09.07 of the Draft Plan in relation to this issue. Councillor Ferguson confirmed that this adequately addresses his concerns.

It was proposed by Councillor Michael Colreavy, seconded by Councillor Martin Kenny and unanimously agreed that the Managers Recommendation in relation to the inclusion of a statement in **Section 3.01** of the Draft Plan be accepted.

It was proposed by Councillor Damian Brennan, seconded by Councillor Gordon Hughes and unanimously agreed that the Managers Recommendation to include the word 'recreational' in the proposed objective in **Section 2.06.04** of the Draft Plan be accepted.

Submission No. 12:

Donegal County Council - Capacity of Zoned Lands (page 24 of Managers Report)

It was unanimously agreed that no change was required to the Draft Plan arising from this submission.

Recommendation arising from the Addendum to the Strategic Environmental Report – Amendment 11 (page 26-28 of Managers Report)

Mr. Martin Dolan, Director of Services outlined that the amendment of the Medium capacity area around Garadice Lake had arisen from the last meeting. Councillor Hughes outlined some concerns in relation to the extent of the Medium capacity area around the lake.

It was proposed by Councillor Gordon Hughes, seconded by Councillor Martin Kenny and agreed that the medium capacity area around Garadice Lake be amended. A map indicating the amended area is included in **Appendix 5** to the Minutes of this meeting in the Minute Book.

Additional Amendments Requiring Resolution (page 29 of Managers Report)

Ms. Jackie Maguire, County Manager outlined that there were a range of amendments as set out in the document 'Proposed Amendments to Leitrim draft County Development Plan 2009-2015 and Addendum to Strategic Environmental Assessment Reports – Nov. 08' which require resolution. She advised that these are amendments on which submissions have been received and on which no recommendations for change have been made and amendments on which no submissions have been made.

It was proposed by Councillor Michael Colreavy, seconded by Councillor Sean McDermott and unanimously agreed that Amendment No.'s 2-6, 8-9, 15-20, 22-38, 40-95 and 97-101 as set out in the document 'Proposed Amendments to Leitrim draft County Development Plan 2009-2015 and Addendum to Strategic Environmental Assessment Reports – Nov. 08' be approved.

Draft Retail Strategy

Councillor Reynolds referred to the submission from Carrick Chamber of Commerce in relation to the Draft Retail Strategy and the need for a strategy for the town centre. He noted that the Retail Strategy for Carrick will be in the Local Area Plan for the town. He queried whether it is possible to have a different retail strategy for Carrick compared to the rest of the county. He also queried whether the County Retail Strategy or the Retail Strategy contained in the Local Area Plan for Carrick would take precedence. Mr. Ciaran Tracey, Senior Planner outlined that the Local Area Plan will be bound by the policies and principles of the County Development Plan and Retail Strategy and the National Guidelines. He outlined that the Local Area Plan will allow for further drill down in relation to what the policies actually mean for Carrick and there will be a full detailed retail section in the Local Area Plan.

Councillor Reynolds queried the time frame for the Local Area Plan. Mr. Tracey confirmed that the focus would move to the Local Area Plan on completion of the County Development Plan.

Section 8.2.3 Councillor Guckian highlighted the reference to the proliferation of signage and asked that it be outlined that this matter has been referred to the Planning Policy SPC. This was agreed by the members.

Section 10.1.5 Councillor Reynolds queried whether the Retail strategy is prohibiting edge-of-town development and he outlined concern in relation to disallowing the provision of edge-of-town shopping. He stated that retailing seems to be moving to edge of town and there should be some facilitation in this regard. Mr. Ciaran Tracey, Senior Planner outlined that the national guidelines require that the sequential rule be applied and it must be shown that there is no suitable location reasonably available within the town centre before edge-of-town can be considered. He outlined however that the wording 'town centre will normally' leaves the edge-of-town option open to consideration.

Section 10.1.7 Councillor McGloin requested that inclusion of provisions to remove the unnecessary through passage of heavy vehicles through town centres be investigated. It was agreed that provision would be made in the Retail Strategy for the Council to investigate the possibility of identifying alternative routes to be used by heavy goods vehicles in order to alleviate heavy goods traffic in the town centres.

Section 10.1.10 Councillor Reynolds sought clarification in relation to the issue of the upgrading and maintenance of landscaped areas and street furniture. Ms. Jackie Maguire, County Manager confirmed that this relates to a programme of work to be undertaken by the Council in cooperation with retailers and local committees.

Table 4.4 Councillor Guckian sought clarification in relation to the table on retail provision in the county. She highlighted that the petrol station in Drumsna had been omitted in the Visual Survey. Mr. Ciaran Tracey, Senior Planner undertook to include this petrol station in Table 4.4.

The County Manager, Ms. Jackie Maguire outlined that the provisions of the Retail Strategy have been incorporated into the Draft Plan.

It was proposed by Councillor Tony Ferguson, seconded by Councillor Enda Stenson and unanimously resolved that the Retail Strategy be approved subject to the amendments as agreed at Section 8.2.3 and Table 4.4.

Housing Strategy

The County Manager, Ms. Jackie Maguire outlined that the provisions of the Housing Strategy have been incorporated into the Draft Plan.

It was proposed by Councillor Tony Ferguson, seconded by Councillor Enda McGloin and unanimously resolved that the Housing Strategy be approved.

Adoption of County Development Plan:

It was proposed by Councillor Enda Stenson, seconded by Councillor Sean McGowan and unanimously resolved

“To make the Leitrim County Development Plan 2009-2015, subject to the amendments to the Draft Plan as detailed in the document ‘Proposed Amendments to the Leitrim Draft County Development Plan 2009-2015 and Addendum to the Strategic Environment Assessment’ (November 2008) and the recommendations contained in the ‘Managers Report to Elected Members on Submissions Arising from the Proposed Amendments to the Draft County Development Plan 2009-2015 and

the Addendum to Strategic Environmental Report' (December 2008), save where amended by resolution of the Council at Special Meeting of 26th January 2009, in accordance with the provisions of Section 12 of the Planning & Development Act 2000".

This concluded the business of the meeting at 8.45 p.m.

Signed: Francis Gilmartin
CATHAOIRLEACH

Signed: Aideen McGovern
SENIOR EXECUTIVE OFFICER

Date: 2nd March 2009