

Draft Leitrim County Development Plan 2015 - 2021

Chief Executive's Report on the Submissions on the Proposed Material Alteration to the Draft Plan

(UNDER SECTION 12 (8) OF THE PLANNING AND DEVELOPMENT ACTS 2000 - 2014

Nov 2014



Comhairle Contae Liatroma
Leitrim County Council



Table of Contents

1	INTRODUCTION	4
1.1	PREPARATION OF LEITRIM COUNTY DEVELOPMENT PLAN 2015-2021	4
1.2	LEGISLATIVE REQUIREMENT IN RESPECT OF THE CHIEF EXECUTIVES 'S REPORT	5
2	SUMMARY OF PROPOSED MATERIAL ALTERATION TO THE DRAFT PLAN.....	5
3	CONSIDERATION OF SUBMISSIONS.....	7
APPENDIX 1	LIST THE PERSONS OR BODIES WHO MADE SUBMISSIONS OR OBSERVATIONS	28
APPENDIX 2	SECTION 12 OF THE PLANNING AND DEVELOPMENT ACTS 2000 - 2014.....	29

1 INTRODUCTION

This is a report in respect of the submissions received on the Proposed Alteration to the *Draft Leitrim County Development Plan 2015 – 2021 (Draft Plan)*. It sets out the Chief Executive's opinion and recommendations on the issues raised in the submissions received. The formulation and consideration of the Chief Executive's Report will serve to further strengthen the Draft Plan and thereby guide the sustainable development of the County.

This report forms part of the statutory procedure for the preparation of the *Leitrim County Development Plan 2015-2021* and will be submitted to the Elected Members of Leitrim County Council for their consideration.

It is anticipated that this report and the Draft Plan will be considered by the Elected Members and that the Plan will be made during mid January 2014

Further details in respect of the Plan making process and the accompanying documentations, including the proposed Material Alteration to the Draft Plan are available for viewing on the Council's website at;

<http://www.leitrimcoco.ie>

1.1 PREPARATION OF LEITRIM COUNTY DEVELOPMENT PLAN 2015-2021

Stage 1 (Completed)

The preparation of a new Development Plan for Leitrim began on 22nd February 2013 when formal notice was published by Leitrim County Council of the review of the *Leitrim County Development Plan 2009 – 2015*.

Pre-Draft consultations were undertaken, followed by the Pre-Draft Chief Executive's Report on public meetings and submissions received.

Stage 2 (Completed)

Following the consideration of the Pre – Draft Chief Executive's Report by the Elected Members, a Draft Plan and supporting documentations were placed on public display and submissions invited.

An extensive round of consultation took place in respect of the Draft Plan. The Chief Executive's Report on the consultations was submitted to, and considered by the Elected Members. A meeting to consider the Draft Plan and the Chief Executives Report, held on 15th September 2014, resolved;

- (a) to adopt the Chief Executive's Report on the Draft Plan, subject to certain non-material amendments
- (b) to place 6 No Proposed Material Amendments on public display and invite submissions.

The Material Amendments together with the Draft Leitrim Retail Strategy SEA and AA Determinations were placed on public display during the period from 3rd October 2014 to 31st October 2014.

A total of 10 submissions were received.

Stage 3 (Current stage)

Section 12(4) of the *Planning & Development Acts 2000-2013* requires that the Chief Executive prepare a report on the submissions and observations received during the consultation period in respect of the Proposed Material Amendments and submit the report to the members of Leitrim County Council.



It is anticipated that the Draft Plan and the Chief Executive's Report in respect of the Material Amendments will be considered by the Elected Members in mid January 2015 and that a resolution will be made to make the Plan.

1.2 LEGISLATIVE REQUIREMENT IN RESPECT OF THE CHIEF EXECUTIVES' REPORT

Section 12 (8) of the Act requires that the Chief Executive's Report shall: -

- (i) list the persons or bodies who made submissions or observations under this section,*
- (ii) summarise the issues raised by the persons or bodies in the submissions,*
- (iii) give the response of the manager to the issues raised, taking account of the directions of the members of the authority or the committee under section 11(4), the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.*

Refer to APPENDIX 1 for a list of list the persons or bodies who made submissions or observations

Refer to APPENDIX 2 for further details in respect of Section 12 of the Planning and Development Acts 2000 – 2014.

2 SUMMARY OF PROPOSED MATERIAL ALTERATION TO THE DRAFT PLAN

For details in respect of the proposed Material Alterations to the Draft Plan refer to the document entitled: "Proposed Material Alteration to Draft Leitrim County Development Plan 2015 – 2021". The latter document is available for inspection on the Council web site at www.leitrimcoco.ie

The following is a summary of the Proposed Material Alteration to the Draft Plan.

1. Telecommunication Masts - Section, 3.7.12.10 and 4.5.3 of the Draft Plan

This amendment arises from Government Guidelines in the form of Circular Letter PL07/12 which requires Planning Authorities not to use separation distances between telecommunication structures and certain buildings. Following this amendment, requirements in respect of separation distances will be determined on a case by case basis and will better reflect current practice.

2. Zoning of lands at Ballinamore - Volume 3, Appendix E, Book of Maps of the Draft Plan

This amendment emerges from the consideration of the Draft Plan and the Manager's Report (June 2014) at the Council Meeting held on 15th September 2014. At this meeting it was proposed to reverse the proposal in the Draft Plan to omit the zoning of the lands located along Regional Road R202, immediately north of the new Ballinamore Community School and GAA grounds. Under this amendment

the lands would remain zoned 'Enterprise and Employment' as set out in the County Development Plan 2009 – 2015.

3. **Windfarms** - Section 3.7.12.7 of the Draft Plan.

This amendment would remove the High, Medium and Low Capacity mapping in respect of the accommodation of Windfarms within the County. Criteria in relation to the development of windfarms, based on Government Guidelines, are proposed. Under the amendment all applications will be dealt with on a case by case basis and on their merit.

4. **Retailing** - Section 1.7.12, 3.6.5 and 4.4.3 of the Draft Plan

This amendment emerges from the Draft Leitrim Retail Strategy 2015 – 2021 which is included in the documents on display. It reflects issues raised during the public consultation period in relation to the strengthening of town and villages centres. The amendment **REPLACES** the Sections 1.7.12, 3.6.5, 4.4.3 and 4.4.4 of the Draft Plan in line with the recommendations of the Retail Strategy. It updates and clarifies the aims, policies and objectives of the Draft Plan. A 'Retail Hierarchy Map' will be included in the *Draft Plan* under Section 3.6.5 'Retailing'. It should be noted that the Draft Leitrim Retail Strategy 2015 – 2021 was placed on public display alongside the proposed Material Alteration.

5. **Regionally and Locally Important Roads** - Section 4.6.7.2

This amendment arises from consultations with the Roads Department. It would include all of Regional Road R201 from Annaduff, via Carrigallen to the Leitrim Cavan Boundary, as a *Regionally and Locally Important Road*. Under the Draft this route extended from Annaduff to Mohill, it is now proposed to further extend the route to the Leitrim/Cavan boundary.

6. **Utility Services** Section 3.7.12. of the Draft Plan

This amendment arises from consultation with Water Services. It updates the policies and objectives in relation to the development of Water and Wastewater Services within the County and in particular reflects the relationship between the Council and Irish Water in terms of the development of water and wastewater services. The amendment also outlines the priorities of the Council in terms of investment in these services.



3 CONSIDERATION OF SUBMISSIONS

Submission No 1: National Roads Authority

Address: St Martin's House
Waterloo Road, Dublin 4

Issues Raised: Access onto National Primary Routes

Summary of Submission:

The submission from the NRA acknowledges the consideration in the Chief Executives Report (June 2014) in relation to the issues raised and welcomes the inclusion of the resulting proposed amendments outlined in the Report.

The NRA highlights previous concerns raised in respect of the provision in the Draft Plan to the development 'in exceptional circumstances' of new access points onto the National Primary Routes. In this regard the submissions states, inter alia;

However, in the Authority's opinion, 'exceptional circumstances' are required to be identified 'plan led' and not deferred for consideration on a case by case basis as part of a development management function at planning application stage. Therefore, in the Authority's opinion, the provisions of Section 4.6.7.3 and Section 4.4.1 do not accurately reflect the provisions of the DoECLG Spatial Planning and National Roads Guidelines concerning the provision of 'exceptional circumstances'. It remains the opinion of the Authority that this element of the Draft Plan would benefit from revision to accurately reflect the requirements of the DoECLG Spatial Planning and National Roads Guidelines concerning 'exceptional circumstances'.

In that regard, the Council may consider the following text amendment, to give clearer effect to Government policy:

(d) Developments of strategic importance which by their nature are most appropriately located outside urban areas and where the locations concerned have specific characteristics that make them particularly suitable for the developments proposed. **Such developments shall comply with the criteria set out in Section 2.6 of the DoECLG Spatial Planning and National Roads Guidelines and shall be provided for in the Development Plan.**

The submission also refers to Retailing and in particular the use of vacant edge of town retailing units and access onto high capacity road network. In this regard the NRA request that cross reference is made, in Section 4.4.3 of the Draft Plan, to Section 2.5 of the DoEC&LG Spatial Planning and National Roads Guidelines.

Chief Executive's Opinion

In relation to compliance with the DoEC&LG *Spatial Planning and National Roads Guidelines (2012)*, it is proposed in the Managers's Report (June 2014), pgs 22 and 23, to amend Sections, 1.8.4, 3.5.6, 4.6.7.3 in order to give effect to the Guidelines. In particular under Section 1.8.4 Strategic Goals it is proposed to insert the following addition Goal;

(i) To safeguard the strategic function of the National Road network, in accordance with the provisions of the DoEC&LG *Spatial Planning and National Roads Guidelines (2012)*.

The Council's long established record in protecting the strategic importance of National Primary Routes within the County is evidence of its commitment in this regard.

It is the long established practice of this Authority that proposals for development that might affect the existing or proposed National Primary Routes are referred to the NRA as a prescribed body and any submission received in this regard is taken fully into account in the assessment of the proposal.

It should be noted that Section 4.6.7.3, item (d), as presented in the Draft Plan, relates to both National Primary and Regional Road R280. It is noted that the submission does not raise an issue in relation to the impact of item (d) in respect of Regional Road R280.

This submission raises similar issues to that raised in submission 7 by the DoEC&LG. Accordingly; cognisance has been taken of the issues raised by the DoEC&LG in this response.

The option of omitting reference to 'development of strategic importance' in Section 4.6.7.3 and Section 4.4.1 as proposed in the submission by the DoEC&LG would constitute a Material Amendment to the Draft Plan. Whereas, minor amendments to the Draft Plan may be made at this stage, there is no legislative provision to make a significant change, at this stage of the Plan making process. In the interest of providing for the economic development of the County, it is the opinion of the Planning Authority that in certain 'exceptional circumstances', opportunities to consider access onto the National Primary Road for developments of strategic importance, should be provided for in the Plan. It is acknowledged that the provision for such opportunities should be 'plan-led' in accordance with the Department's *Spatial Planning and National Road Guidelines*.

In relation to the request for cross referencing mentioned above, it should be noted that in general terms a more broad based approach is taken to cross referencing within the Plan. In this instance it is considered that the cross referencing to a particular type of development (retailing) to particular sections within a National Guidance document, (which is applicable a wide range of development types), would engender an unwieldy system of cross referencing.

Having regard to the issues raised in the submissions by the NRA and the DoEH&LG in relation to access to National Roads, it is recommended that the following objective is inserted into Section 3.5, Transportation, of the Draft Plan;

Recommendation No 1 (as for submission 7 by the DoEC&LG)

It is an objective of the Council to review policy in relation to access onto National Roads in consultation with the NRA and other interested parties, with particular reference to requirements under Policy 2.5 and 2.6 of the Department of Environment, Community and Local Government *Spatial Planning and National Road Guidelines*. Following the review, the Plan will be amended by way of a Variation, as considered appropriate.



Submission No2: Environmental Protection Agency
Address: Office of Environmental Assessment
 Environmental Protection Agency
 Regional Inspectorate
 Inniscarra, Co Cork

Issues Raised: Zoning of lands at Ballinamore
 Wind Energy

Summary of Submission:

In relation to the zoning of lands at Ballinamore the submission from the EPA raise issues in relation to the risk of flooding and the proximity of the lands to an old landfill site. In this regard the submissions states;

“In relation to the proposal to reverse the proposed dezoning of lands at Ballinamore, back to Enterprise and Employment zoning, we note the SEA and AA of the Alterations in this regard in particular. We acknowledge the recommendations in the SEA and AA that this proposal should be reconsidered due to the potential for significant environmental effects due to part of the lands being at risk of flooding and lands being situated close to a former landfill site.

Given the presence of an old landfill adjacent to the lands in question, as described in the SEA, we recommend that a commitment be given requiring the *EPA Code of Practice: Environmental Risk Assessment for Unregulated Waste Disposal Sites (April 2007)* be implemented. In addition, any potential future re-zoning/development proposals for lands adjoining the historic landfill should be compatible with the previous landuse and any associated environmental risk.

Should this landfill meet the definition of a ‘closed landfill’ as defined in the *Waste Management (certification of historic unlicensed waste disposal and recovery activity) Regulations 2008* (SI 524 of 2008), there may be merit in including a reference to the requirement for authorisation of the landfill by the Agency under those regulations”.

In relation to the wind energy strategy the submission states;

“In relation to the proposed alterations relating to the wind energy strategy, the potential for cumulative effects from multiple wind energy developments and associated road/grid infrastructure should be taken into account in the wind energy strategy for the County. This approach may provide assistance in guiding potential wind energy developments to the most appropriate areas capable of absorbing such developments while minimizing potential negative effects which may arise”.

The EPA mentions the requirement to produce an Environmental Statement following the adoption of the Plan.

Chief Executive's Opinion

In respect of the issue of the zoning of lands in Ballinamore located along Regional Road R202, immediately north of the new Ballinamore Community School and GAA grounds, reference should be made to the Chief Executive's Report (June 2014), submission No 170, pg 73.

An application for planning permission to import fill to raise the level of a section of the lands now under consideration, was refused permission by the Planning Authority, Planning reference P08/77 refers. The issue of flood risk was given in the reasons for refusal.

It should be noted that the Determination of the need for a Strategic Environmental Report/Appropriate Assessment (Sept 2014) recommended that the proposed Material Amendment to zone the lands 'Enterprise and Employment' should be reviewed and that the lands are not zoned. Table 3, pg 7 of the Determination refers. Also Flood Risk Assessment on the Draft Plan identified the area concerned as being liable to the risk of flooding. The Council is aware of instances of flooding in the area.

The effective dezoning of the lands would not preclude the development of the lands, subject to compliance with normal planning requirements, including dealing fully with issues in relation to; the sequential test, flood risk and road safety.

Similar issues in respect of the zoning of the lands in Ballinamore have been raised in submission 6 by the OPW and submission 7 by the DoEC&LG.

Part of the lands concerned are located close to a former landfill site. In this regard and in relation to the issue of risk assessment of the former landfill site, it should be noted that the Council have carried out a preliminary risk assessment in accordance with the EPA Code of Practice. Some work on the Tier 3 stage still remains to be carried out. This is a Medium Risk site and is regarded by Leitrim Co. Council as a priority once funding becomes available for Historic Landfills. It is hoped to complete Tier 3 in 2015 and apply for a Certificate of Registration once a complete set of Environmental data is available

In relation to Windfarms, the Departments comments in respect of the cumulative impact of multiple windfarms are noted and are considered important and will be taken into consideration in the assessment of any application for the development of wind energy. Furthermore the issue of the development of wind energy will be considered in detail as part of the proposed Energy Strategy to be carried out within the lifetime of the Plan, Objective 132 of the Draft Plan refers.

Recommendation No 2 (as for submission 6 by the OPW and 7 by the DoEC&LG)

Zoning at Ballinamore

Having regard to the risk of flooding associated with the lands and taken in conjunction with the availability of more suitably located zoned lands within development boundary, it is again recommended that no amendments be made for the inclusion of the lands in the Draft Plan.



Comment**SEA Statement**

The reference made in relation to the SEA Statement has been noted and requirements in respect of the Environmental Statement will be complied with.

Comment**Windfarms**

The issue of wind energy and the associated cumulative impacts of multiple windfarms is considered in further detail as part of the development of an Energy Strategy (Objective 132 of the Draft Plan Refers).

Submission No 3:

ESB

Address:

ESB Business Service Centre

27 Lower Fitzwilliam Street, Dublin 2

Issues Raised:

Transmission Infrastructure

Telecommunication Infrastructure

Summary of Submission:

The submission from the ESB is largely supportive of the Draft Plan and the proposed amendments with the exception of the preference for the undergrounding of high voltage (220kV and above) transmission lines in certain visually sensitive areas. The submissions conclude as follows;

“ESB support for the recognition that the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure (July, 2012) which emphasises the strategic and economic importance of investment in networks and energy infrastructure.

However, there is a concern that restrictive policies such as section 3.7.12.6, which indicate preferred solutions for infrastructure investment, may prevent the development of the optimum design for energy networks where all the technical, environmental and economic factors are fully considered. Taking account of the comprehensive statutory planning and environmental framework, perhaps, the use of such specific wording in this plan merits further review”.

ESB welcome the acknowledgement of EU and National transportation policy associated with EV charging infrastructure and ESB strongly welcomes the targets and development management standards set out in the Plan.

ESB support for the insertion of clear guidance regarding the development of telecommunications infrastructure and the removal of the 500m separation distance. The revised policy is consistent with the objectives of Circular Letter PL 07/12 from the Minister of Communications, Energy and Natural Resources and supported by ESB”.

Chief Executive's Opinion

The general support expressed in the submission for certain policies and objectives is acknowledged and welcomed.

In relation to the reservations expressed by the ESB in respect of the preferred option in the Draft Plan for the undergrounding of high voltage (220kV and above) transmission lines in certain visually sensitive areas, the inclusion of the preference, as a statement in the Draft Plan, is considered appropriate given the exceptional landscape character and visual amenity associated with certain parts of the County. The Council in setting out its approach must balance the strategic importance of providing a good transmission network with the management of the environment, particularly in the case of environmentally sensitive areas. It should be noted that the preference is expressed in the Plan as a Statement and not a specific Policy. In general terms it is worth noting that a Statement within a Plan, such as that under consideration, does provide for a somewhat greater degree of flexibility than that of a Policy in terms of its implementation.

The Council will work in conjunction with the key infrastructural service providers in the provision of such strategic infrastructural services and facilities. The policy approach to proposals in this regard will be operated in a judicious manner and will be guided by best Planning practice.

Having regard to the foregoing no further change to the Draft Plan, in relation to the issues raised above, is recommended.

Submission No 4: Rodger Garland
Address: Keep Ireland Open
 43 Butterfield Drive
 Dublin 14

Issues Raised: Access to the Countryside

Summary of Submission:

This submission expresses “extreme frustration” at the response to the earlier submission on behalf of Keep Ireland Open, submission 135 of the Manager’s Report, June 2014 refers. The submission now under consideration indicates that the issues raised did not receive “the courtesy of a brief comment”. The submission considers that the Draft Plan is not in compliance with:

- “1 The Planning and Development Acts and in particular the 2010 Amendment Act regarding the mapping and listing of public rights of way;
- 2 The National Spatial Strategy;
- 3 DoECLG Guidelines;
- 4 Development Plan Guidelines;
- 5 Provisions in Plans of adjoining counties;
- 6 Border Regional Planning Guidelines”.



Chief Executive's Opinion

Contrary to the assertion that the issues raised in the earlier submission did not received 'the courtesy of a brief comment', the submission was dealt with in the Manager's Report, June 2014, (submission No 135, pgs 63 and 64), including the issue of compliance with the above Planning matters.

In general terms outdoor activities, access to the countryside and associated matters are dealt in the Draft Plan in a comprehensive way, including the issue of 'rights of way' and the recording thereof. Also, the Council is actively involved in promoting, facilitating and providing outdoor activities and access to the Countryside and welcome the support of other interested organisations in this regard.

The submission does not raise any specific issues in relation to the Material Amendments.

Having regard to the foregoing no further change to policy in relation to the issues raised above is recommended.

Submission No 5: Tommy Ford
Address: Ross More
 Corry, Co Leitrim

Issues Raised: Access to Lough Allen

Summary of Submission:

This submission request that a short length of the public road (L8244) is reopened and that a slipway is provided on the site of the old pier in order to provide access to residents and visitors to the area.

Chief Executive's Opinion

The development of such facilities is provided for in the Draft Plan, e.g. Policy 109 states;

"It is the policy of the Council to promote and protect managed public access to the County's rivers and lakes and to ensure appropriate environmental safeguards are put in place in the provision of such accessibility".

Also, Objective 100 states;

"It is an objective of the Council to improve and develop safe public access to the rivers and lakeshores".

The request to reopen the road is now (November 2014) under investigation by the Council and where appropriate, follow-up action will be taken.

Submission No 6: Office of Public Works (OPW)

Address: Engineering Services
Flood Relief Design Section
Engineers' Branch, OPW
Jonathan Swift Street
Trim, Co Meath

Issues Raised: Flood Risk Management

Summary of Submission:

The submission refers to the "Planning System and Flood Risk Management Guidelines for Planning Authorities' (November 2009)", and its use in the Planning process. The OPW welcomes the Council's commitment to adhere to these Guidelines.

The OPW also refer to the CFRAM (Catchment Flood Risk Assessment and Management) programme currently at the consultation stage (November 2014) and when it is completed will assist Local Authorities in the management of flood risk.

In relation to the proposed Material Amendment in relation to zoning in Ballinamore, the OPW advise that a precautionary approach should apply until the maps have been finalised.

Chief Executive's Opinion

The acknowledgement by the OPW of commitment to adherence to the Flood Risk Management Guidelines as outlined in the Draft Plan has been noted. The details provided in relation to the CFRAM programme have been noted. The Council will continue to co-operate with the OPW in the roll out of the programme. The programme when completed will serve to further assist the management of flood risk in the County.

The issue in respect of zoning of lands in Ballinamore and the consideration of flood risk management has been raised in submission 2 by the EPA and submission 7 by the DoEC&LG. In this regard refer to the Chief Executive's Opinion and Recommendation in respect of submission 2 by the EPA.

Recommendation No 2 (as for submission 2 by the EPA and 7 by the DoEC&LG)

Zoning at Ballinamore

Having regard to the risk of flooding associated with the lands and taken in conjunction with the availability of more suitably located zoned lands within development boundary, it is again recommended that no amendments be made for the inclusion of the lands in the Draft Plan.



Submission No 7: Dept. of Environment, Community & Local Government
Address: Dept. of Environment, Community & Local Government
 Planning Section
 Dept. of Environment, Community & Local Government
 Custom House, Dublin 1.

Issues Raised:

- 1 Strategic Environmental Assessment and Appropriate Assessment
- 2 Fracking/Unconventional Gas Exploration and Extraction (UGEE)
- 3 Telecommunications
- 4 Windfarms
- 5 Zoning of Lands at Ballinamore
- 6 Retailing
- 7 National Roads and the Regionally Important R280

1 Strategic Environmental Assessment and Appropriate Assessment

Summary of Submission

In relation to the Determination in respect of the SEA and AA the submission requests that the Report sets out, potential conflicts and specific mitigation measures required to overcome any potential (negative) impacts of the proposed Material Amendments on the environment. Furthermore the submissions request the Council to ensure compliance with all statutory processes and advise that the Council consult directly with the EPA (in the case of the SEA) and NPWS (in the case of the AA).

The submission notes that the proposed material alteration in relation to Windfarms could have the effect of allowing windfarms in areas of the County currently designated as 'areas of low capacity' where heretofore they may not have been open for consideration. The Department consider it is a matter for the Council to determine if this change would have significant impacts on the adjoining Member State (Northern Ireland) such that Transboundary Consultation would be required.

2 Fracking/Unconventional Gas Exploration and Extraction (UGEE)

Summary of Submission

In relation to UGEE the submission states;

"The Department notes the contents of your letter dated 1st October 2014 in respect of the Council's decision not to comply with this Departments comments on the issue of 'Fracking' as set out in Section 3.7.12.9 – Unconventional Gas Exploration and Extraction (UGEE) - of the Draft Leitrim County Development Plan. The Department also notes that this section of the Draft Plan

has been amended – specifically Policy No. 124 and that Leitrim County Council considers this amendment not to be a Material Amendment of the draft Development Plan.

Please be advised that this Department considers that Leitrim County Council's policy approach regarding Fracking/Unconventional Gas Exploration and Extraction (UGEE) as set out in the Draft Plan under Policy 124 is not acceptable in that it is premature pending the determination of EPA research into this topic and pending the formulation of Government policy in this area. The Council is therefore strongly advised to remove the blanket prohibition on Fracking / Unconventional Gas Exploration and Extraction (UGEE) and, as advised in this Department's letter dated 11th April 2014, give further consideration to the appropriateness of the other policies regarding fracking as set out in Section 3.7.12.9 of the Plan".

3 Telecommunication Masts

Summary of Submission

The DoEC&LG acknowledge the Section 3.7.12.10 of the Draft Plan has been aligned to more closely with National Policy on Telecommunications infrastructure. It should be noted that in response to the earlier submission from the DoEC&LG that a further alignment is proposed in the Manager's Report , June 2014, pg 14.

The submission notes that in setting out policy in respect of issues such as siting and visual impact, the new policy approach indicates that 'there is a presumption against granting permission for the siting of masts / antennas within the vicinity of these type developments [schools and private dwellings]'.

The Department considers that the use of the word 'vicinity' in this context is ambiguous in that it can be interpreted in different ways to suit different purposes.

The submission requested that the Council have regard to the wording of the 1996 / 2012 Telecommunications Guidelines when setting out policy / development control standards in respect of the siting and visual impact of telecommunication infrastructure.

4 Wind Farms

Summary of Submission

The submission considers that the removal of the indicative wind energy strategy elements (Capacity Mapping) will have the effect of making the development plan less clear for local communities and investors alike and is not implementing a key element of the 2006 Wind Energy Guidelines as regards the inclusion of such indicative strategies.

The Department is not satisfied that a sufficient justification has been offered for this departure and urges the planning authority to retain an indicative wind energy strategy dimension to the plan as failure to implement the guidelines above would be of serious concern from the perspective of the plan acting as a strategy for the proper planning and development of the County.

The submission advises that the amended draft plan should include some additional text/policy referring to the potential of transboundary impacts on the adjoining member state, as a result of a proposed wind farm development close to the border.



5 Zoning of Lands at Ballinamore

Summary of Submission

The submission considers that as a question remains over the suitability of this site for development that the Council should not proceed with this Material Amendment.

The submission notes that the proposed Material Amendment further elongates the town and provides for a use ('employment and enterprise') which already has been adequately catered for under the Plan. The Department therefore considers that this proposed Material Amendment has the potential to weaken the consolidation of Ballinamore Town and that therefore it should be omitted from the Plan.

6 Retailing

Summary of Submission

The submission advises the removal of the Section 4.4.3 of the Proposed Material Amendment (pg 24 of the Report) that allows for retailing proposals (convenience and comparison) which cannot be accommodated within established town centres to be steered to existing vacant retail units at edge of centre sites. The DoEC&LG consider that such policy /development management standards approach could significantly impact on the role and function of the town / settlement centre, contrary to the 2012 Retail Planning Guidelines and also contrary to the National Road Guidelines.

In addition to the above, the Department would seek that in the preparation of a future joint Local Area Plan for Carrick-on-Shannon (to be prepared by Leitrim County Council in partnership with Roscommon County Council) that same should include a retail strategy / approach whereby future retailing is delivered for the greater Carrick on Shannon area as a whole and which ensures that there are no competing demands for retailing between both areas of the town – Carrick on Shannon in County Leitrim and Cortober in County Roscommon.

The submission notes that Section 3.6.5.1 is missing from the amended Draft Development Plan Retail section.

7 National Roads and the Regionally Important R280

Summary of Submission

In relation to National Primary Roads and Regional Road R280 the submission states;

The Department notes that Section 4.6.7.3 ('National Primary Roads and the Regionally Important R280') and Section 4.4.1 ('industrial/commercial Development') of the Draft Plan contain the following reference:

'development of strategic importance which by their nature are most appropriately located outside urban areas and where the locations concerned have specific characteristics that make them particularly suitable for the development proposed' may be afforded access onto national primary roads'.

Please be advised that this Department considers that the above reference fails to accord with national planning policy as set out under Section 2.6 of the Department's Spatial Planning and National Roads Guidelines. Section 2.6 of the Guidelines allows for the possibility that 'development of strategic importance' may be allowed access to National Roads under the

'exceptional circumstances' proviso of the Guidelines. However the Guidelines very clearly stipulate that this is a 'plan led' provision; stretches of national roads where less restrictive approaches may apply are to be identified at the plan making stage, in consultation with the NRA and in accordance with the detailed requirements of Section 2.6 of the Guidelines. The development plan then would reflect the outcome/ conclusions of this process.

As Leitrim County Council has neither initiated nor completed the detailed requirements of Section 2.6 of the Guidelines in this respect, and given this late stage in the Plan making process, the Department considers that the above reference to '*development of strategic importance*' *be afforded access onto national primary roads* should be omitted from:

- (a) Section 4.6.7.3 of the plan, i.e. omit subsection d,
- (b) the last paragraph of Section 4.4.1 ('industrial / commercial Development').

1 Strategic Environmental Assessment and Appropriate Assessment

Chief Executive's Opinion

The comments made by the Department have been noted and will be taken into consideration in terms of compliance with Strategic Environmental and Habitats Impact Assessment process. In this regard it is considered appropriate that the issues raised by the DoEC&LG in respect of the Determination of the need for an SEA and or an Appropriate Assessment, should be addressed in terms of clarification of the Determination made.

It should be noted that it was stated from the outset that the Determination in respect of the SEA and AA, September 2014, should be read in conjunction with the documents placed on public display during the consultation on the Draft County Development Plan and the Manager's Report, June 2014, pg 3 refers. Links to the Council's website containing these documents was provided.

The Determination in respect of the need for a SEA and or AA was presented as a supplement to the Draft Strategic Environmental Assessment and the Draft Natura Impact Report, respectfully. Also, the latter two documents were considered as 'work in progress', pg 3 of the Determination refers. In particular it was stated in Section 3 SEA and Section 4 AA that the Determination should be read in conjunction with the Manager's Report, June 2014 (which dealt with each proposed Material Amendment), the Draft Strategic Environmental Report and the Draft Natural Impact Report, pgs 6 and 9 of the Determination refers.

The aforementioned reference documents provided significant background detail and assessment and as such were central to the making of the Determination. In this regard the Determination should not be considered as a standalone document.

Nevertheless, as outlined above, it is considered appropriate, in the interest of clarity and in order to demonstrate full compliance with legislative requirements; that the issues raised by the DAU are properly addressed and that the Determination under Section 5 (aa) of the Planning and Development Act 2000 – 2014 is reviewed and further detail provided in view of the issues raised.



The Planning Authority is satisfied that the legislative requirement governing the making of the Plan has and will continue to be complied with.

It should be noted that the Environmental Protection Agency and the National Parks and Wildlife Service have been consulted at each stage of the making of the Plan.

Similar issues in respect of the SEA/AA Determination have been raised by the Development Application Unit, submission No 8 refers.

Recommendation No 3

It is recommended that the Report in respect of the SEA/AA Determination is reviewed and that further detail is provided and action taken as appropriate, prior to the adoption of the Plan.

2 Fracking/Unconventional Gas Exploration and Extraction (UGEE)

Chief Executive's Opinion

It is acknowledged that the Department in their submission have clearly indicated that the Policy in relation to UGEE as set out in the Draft Plan is not acceptable in that it is premature pending the determination of EPA led research into this topic and pending the formulation of Government policy in this area. The DoEC&LG in their submission strongly advise the removal of the blanket prohibition on Fracking / Unconventional Gas Exploration and Extraction (UGEE) and that the letter from the DoEC&LG, dated 11th April 2014, give further consideration to the appropriateness of the other policies regarding fracking as set out in Section 3.7.12.9 of the Plan.

The opinion, advice and recommendation of the Chief Executive in relation to UGEE as set out in Section 4 of the Manager's Report, June 2014, pgs 80 to 88 remains relevant and remains the position of the Chief Executive. The aforementioned Section 4 should therefore be read in conjunction with this response. The Report may be viewed on the Council's website at; www.leitrimcoco.ie

It is acknowledged that the Elected Members at the Council Meeting of 15th September 2014 considered fully, but did not accept, the Chief Executive's recommendation to replace Section 3.7.12.9 "Unconventional Gas Exploration and Extraction" of the Draft Plan with the Statements and Policies set out in the Manager's Report, June 2014, pgs 83 to 88 refers. It is acknowledged also that the Elected Members at the said Council Meeting amended policy 124 of the Draft Plan in respect of UGEE and that the amendment was not considered as a Material Amendment in terms of Section 12 (7) a of the Act. Accordingly the amendment to policy 124 of the Draft Plan did not go on public display alongside the Material Amendments now under consideration. The resolution by the members at the meeting of 15th September 2014, in relation to UGEE was clear and unanimous.

Considering that the recommendation of the aforementioned Manager's Report, June 2014, would likely satisfy the concerns raised in the submission from the DoEC&LG, recourse to such a recommendation was not accepted by the Elected Members and would, if now made, constitute a Material Amendment.

Likewise any recommendation to omit Section 3.7.12.9 from the Draft Plan would constitute a Material Amendment. Whereas minor amendments to the Draft Plan may be open for consideration, there is no legislative provision to make a fresh additional Material Amendment at this stage of the Plan making process.

3 Telecommunication Masts

Chief Executive's Opinion

In general terms it is considered that policy in relation to Telecommunication Infrastructure as set out in Section 3.7.12.10 and Section 4.5.3 of the Draft Plan and as revised by the proposed Material and non Material Amendments, is closely aligned with National Policy.

In terms of the concerns raised by the DoEH&LG regarding the presumption against the granting of permission for the siting of masts / antennas within the vicinity of these type developments [schools and private dwellings]', it is considered that the approach taken is consistent with the DoEC&LG Telecommunication Antenna and Support Structures. In this regard Section 3.2 of the Guidelines states, inter alia,

“an authority should also indicate any locations where, for various reasons, telecommunications installations would not be favoured or where special conditions would apply. Such locations might include, for example, lands whose high amenity value is already recognised in the development plan or sites beside schools which might give rise to local concerns”.

With reference to the foregoing it is reasonable to conclude that the approach taken to the development of Telecommunication Masts/Antenna is provided for in the DoEC&LG Guidelines and that the term 'beside schools' or 'in the vicinity' are largely interchangeable.

Having regard to the foregoing no further change to policy in respect of Telecommunication Masts/Antenna is recommended.

4 Wind Farms

Chief Executive's Opinion

The change in approach to the strategy in respect of windfarms arose primarily from the consideration of the submission on the Draft Plan from the DoEC&LG, Members of the Public, the Irish Wind Energy Association, as referred to in the Manager's Report, June 2014, Section 5 Windfarms. In particular the change arose from the consideration of the 500 meter buffer from residential properties as set out in the Review of the Wind Energy Development Guidelines. In this regard the Capacity Mapping as set out in the Draft Plan was reviewed using GIS Mapping techniques which indicated environmentally sensitive areas, residential units, and access to the Grid and other features. The following GIS layers were among those superimposed on background Ordinance Survey Maps.

- environmental sensitive areas, including Areas of High Visual Amenity, Areas of Outstanding Natural Beauty, Special Areas of Conservation, Special Protection Areas, proposed Natural Heritage Areas, Natural Heritage Areas, Protected Views and Prospects),
- access to the Grid,
- Urban Areas
- Rural Capacity Mapping
- Areas under pressure from one-off dwellings
- A 500m buffer to each dwelling (using the Geo Directory)

This analysis revealed a fragmented capacity scenario and did not provide the basis for a coherent capacity mapping strategic approach.

Other than the use of indicative mapping, the approach set out in the Draft Plan in terms of identification of environmentally sensitive areas and in particular setting out of the criteria for the accommodation of Windfarms, is based on the DoEC&LG Wind Energy Guidelines.

Whereas the Department, in their submission, mention that a justification for the change in approach was not set out in the Manager's Report, June 2014, it should be noted, with respect, that an outline justification was provided, Section 5 Windfarms, pg 89 refers. Specifically it was stated;

"Having regard to; the level of public concern, submission No 126 received from the Department of Environment, Heritage and Local Government and the complexity of issues involved in determining the capacity of the landscape to accommodate windfarms including; the significant area of the County affected by environmental sensitivities, the dispersed settlement pattern, access to the Grid, wind speeds and changes in windfarm technology; it has been concluded that the use of Capacity Mapping as proposed in the Draft Plan would not provide a useful mechanism for the management of windfarms".

It should be noted that under Policy 1.10.1 (d) it is a strategic goal of the Draft Plan to;

"develop a *Climate Change Adaptive Framework Strategy* incorporating an Energy Strategy for County Leitrim over the lifetime of the County Development Plan".

Also Objective 132 of the Draft Plan states;

"It is an objective of the Council to prepare an Energy Strategy for the County over the lifetime of the County Development Plan and the Council will have regard to such Plan in determining applications for developments relating to renewable and other energy projects".

It is envisaged under the Energy Strategy that the development of a range of renewable energy options, including Wind Energy will feature strongly. In this regard it is considered that a more coherent and strongly led Development Plan approach towards meeting Energy Demand and dealing with the issue of Climate Change will emerge. The concept of Capacity Mapping in relation to the development of a range of renewable energies will be considered as part of the proposed Energy Strategy for the County.

In terms of the issue raised in the submission in relation to possible Transboundary impacts, it is considered that the change in approach outlined in the proposed Material Amendment will not have any significant environmental impacts on adjoining counties including County Fermanagh. Under both the Capacity Mapping approach (as set out in the Draft Plan) and the Criteria approach (as set out in the Proposed Material Amendment), the development of windfarms within the County would be 'open for consideration', including areas identified in the Draft Plan as Low Capacity Areas, (refer to statement in respect of Low Capacity Areas, pg 189 of the Draft Plan). It should be noted that both the Planning Authority and the Bord have made decisions to grant permission for Windfarm developments located within Low Capacity Areas without having recourse to legislative requirements under a 'Material Contravention' of the Development Plan. Also, and importantly, the Council is confident that the policies in the Draft Plan in respect of the management of the environment, particularly with regard to environmentally sensitive areas, are considered to be comprehensive and robust. In terms of Transboundary Consultations requirements under the Planning and Development Regulations 2001 – 2013, the Council will ensure that all classes of developments will fully comply with the legislative requirements.

Having regard to the foregoing and in the absence of the conclusion of the review by the DoEC&LG of the Wind Energy Guidelines 2006 and pending the completion of the Leitrim Energy Strategy, no further change to policy in respect of Windfarms is recommended.

5 Zoning of Lands at Ballinamore

Chief Executive's Opinion

The concerns raised in the submission by DoEC&LG in relation to the zoning of the lands at Ballinamore are noted. It is acknowledged that the submission concludes that the lands should be omitted from the Plan.

The issue in respect of zoning of lands in Ballinamore and the consideration of flood risk management has been raised in submission 2 by the EPA and submission 6 by the OPW. In this regard refer to the Chief Executive's Opinion and Recommendation as outline in submission 2.

Recommendation No 2 (as for submission 2 by the EPA and 6 by the OPW)

Zoning at Ballinamore

Having regard to the risk of flooding associated with the lands and taken in conjunction with the availability of more suitably located zoned lands within development boundary, it is again recommended that no amendments be made for the inclusion of the lands in the Draft Plan.

6 Retailing

Chief Executive's Opinion

The core principles in terms of Retailing, as set out in; the Draft Retail Strategy 2015 – 2021, the Draft Plan and the proposed Material Amendment ,are predicated on the supporting the retail function of the town centres in accordance with the DoEC&LG, *Retail Planning Guidelines 2012*. This approach is reflected strongly, and presented in some detail, throughout the Draft Plan and associated documentation.

The policy in relation to steering future retailing proposals which cannot be accommodated within established town centres towards proposals for occupying the existing vacant retail units at edge of centre sites is considered to be a well founded Planning approach. In the case where a retail activity cannot be accommodated within the established town centre and where there is an existing permitted vacant retail unit at edge of town suitable for the accommodation of such an activity it is considered proper that a suitable retail use is found for any such vacant units.

In the event of a proposal for a change in the terms of the permission associated with an existing permitted vacant retail unit located at the edge of town, such a proposal will be subject to the aims, policies and objectives of the Plan, the Regional and National Planning Guidance with particular reference to the key principle of supporting the urban character and retail function and vitality and viability of town centres, while protecting the strategic function of any National Primary Routes that may be concerned.

The Departments comments in relation to retailing within Carrick on Shannon County Leitrim and Cortober, County Roscommon will be taken into consideration in the preparation of the Proposed Joint Carrick on Shannon /Cortober Local Area Plan 2016 – 2022.

Whereas Section 3.6.5.1 Policy Context is not included in the proposed Material Amendments, it will be included in the final Draft of the Plan.

Having regard to the foregoing no further change to policy in respect of Retailing is recommended.

7 National Roads and the Regionally Important R280

Chief Executive's Opinion

The issue raised in this submission in respect of the consideration of certain developments of strategic importance, accessing onto National Primary Roads had been noted.

A similar issue has been raised in the submission No 1 by the NRA.

In this regard refer to the Chief Executive's Opinion and Recommendation above in response to submission 1.

Recommendation No 1 (as for submission 1 by the NRA)

It is an objective of the Council to review policy in relation to the access onto National Roads in consultation with the NRA and other interested parties, with particular reference to requirements under Policy 2.5 and 2.6 of the Department of Environment, Community and Local Government Spatial Planning and National Road Guidelines. Following the review, the Plan will be amended by way of a Variation, as considered appropriate.

Submission No 8: Development Applications Unit

Address: Development Applications Unit
Dept. of Arts, Heritage & the Gaeltacht
Newtown Road, Wexford

Issues Raised: Determination in respect of Strategic Environmental Assessment (SEA) and/or an Appropriate Assessment (AA).

Summary of Submission

This submission from the Development Applications Unit (DAU) raises issues in respect of the lack of detail presented in the Determination of the need for an SEA and/or AA, Sept2014. Similar issues have been raised by the DoEC&LG in submission No 7 above.

A follow-up submission from the DAU in relation to the conservation and protection of archaeological sites was made. This element of the submission is in the form of a template that can be referred to by the Planning Authority when revising Development Plans.

The follow-up submission includes advice on the following;

- The Planning and Development Act, 2000.
- The Local Government Act, 2001 The European Convention on the Protection of the Archaeological Heritage (Valetta, 1992)
- Protecting the Archaeological Heritage as an Objective within the Leitrim County Development Plan
- Specific Section/Chapter entitled 'Archaeological Heritage' as part of the Leitrim County Development Plan
- Proposed wording of the section on archaeological heritage within the Leitrim County Development Plan
- General information which should be placed in an appropriate location within the development plan.
- The Record of Monuments and Places (RMP Historic Towns and Town Defences.
- Underwater Archaeology
- Monuments or sites included in the Record of Monument and Places (RMP) located within the land holding of development proposals.
- Specific Operational Development Control Section on 'Archaeological Heritage' Inclusion of Recorded Monuments on Maps
- Inclusion of Recorded Monuments on Maps

The submission refers to the Minister recommends that to include the following appendices in the Plan;

- Sites of archaeological importance in County Leitrim in state ownership or guardianship .
- National monuments which are the subject of preservation orders in County Leitrim.
- References (6 No references are provided)

Chief Executives Opinion

The issue raised in this submission in respect of the Determination of the need for an SEA and or AA has been noted.

In this regard reference should be made to the Chief Executive's Opinion and Recommendation in response to submission 7 made by the DoEC&LG. It should be noted that the recommendation included for the review of the Determination in respect the SEA and AA with a view to providing detail in respect of the issues raised.

In relation to the conservation and protection of archaeological sites, it is noted that the submission it is presented in the form of a template to be referred to by the Planning Authority when revising Development Plans. The submission does not relate specifically to any of the proposed Material Amendments and in this regard the Council is, at this stage, somewhat limited in its response.

With reference to the recommendation to provide a list of National Monuments and Preservation Orders in respect to Monuments in the County, such lists are provided in the Draft Plan, Section 3.7.10.7 Archaeological Heritage refers.



Nevertheless, the conservation and protection of items of archaeological importance is dealt with in a comprehensive manner within the Draft Plan with particular reference to Section 3.9.7 Archaeological Heritage, Section 3.9.8 Archaeological Assessment and 3.9.9 Industrial Archaeology and Canals. It should also be noted that proposal that have the potential to impact on an archaeological site are referred to the DAU and the Planning Authority is guided by their observations in the determination of the proposal.

A Similar issue in respect to th SEA/AA Determination has been raised in the submission No 7 by the Planning Section of the DoEC&LG.

Recommendation 3 (as for submission 7 made by the DoEC&LG).

It is recommended that the Report in respect of the SEA/AA Determination is reviewed and that further detail is provided as appropriate

Submission No 9: Irish Wind Energy Association
Address: Communications & Information Manager
 Irish Wind Energy Association
 Sycamore House, Millennium Park
 Osberstown, Naas, Co Kildare

Issues Raised: Development of Wind Energy

Summary of Submission

This submissions outlines the role and status of Irish Wind Energy Association in the development of wind energy Ireland and in particular its role in ensuring a secure supply of energy and combating climate change.

The submission refers to EU commitments and DCENR's RES-E target and the economic benefits of wind energy development to County Leitrim in terms of greater grid security and stability, job creation, Local Authority rates and development contributions, lower wholesale energy prices and will bring about a reduction of GHG emissions.

Whereas the submission welcomes certain aspects of the of the proposed amendments the IWEA raise concerns about the proposal to replace the Capacity Mapping with what is referred to in the submission as; "an entirely ad hoc approach based on case-by-case criteria". Issues in relation to a lack of consistency with the Wind Energy Guidelines 2006 and the Renewable Energy Strategy (LARES), a lack of certainty for all key stakeholders, the development of the Grid infrastructure and the appropriateness of dealing with public concerns thought the Development Plan.

The IWEA state, interalia;

“the decision to remove any form of plan-led development to guide the location of new wind farms is considered to be a hugely damaging approach and could serve to undermine future investment in the County.

The IWEA request “ that the Council consider a more pro-active and strategic approach to development management which would be in line with Governmental Guidance in this area”.

Chief Executives Opinion

The issues raised by the IWEA in relation to the proposed amendment to effectively replace the Capacity Mapping approach with a Criteria led approach is noted. Similar issues have been raised by the DoEC&LG, submission No 7 refers. In this regard refer to the Chief Executive's Opinion in response to submission No 7 which elaborates on the justification in support of the proposed amendment and refers to the consideration of the development of Wind Energy in the context of the development of a range of renewable energy options under the proposal to carry out an Energy Strategy for the County. For further detail refer to Chief Executive's Opinion in response to submission 7 made by the DoEC&LG in respect of Windfarms.

Submission No: 10 Eirgrid
Address: Grid Development Services & Policy Team
 Eirgrid, The Oval
 160 Shelbourne Road
 Ballsbridge
 Dublin 4

Issues Raised: Provision of Electricity Transmission Infrastructure

Summary of Submission

The submission from the Eirgrid welcomes the proposed non-material amendment in the Manager's Report, June 2014 in relation to the provision of an adequate and reliable electricity supply/infrastructure and Government Policy in this regard, Section 3.7.12.6 refers.

However Eirgrid considers that reference to the Council's preferred option for the undergrounding of high voltage (220kV and above) transmission lines in certain visually sensitive areas conflicts with the proposed non-material alteration which requires;

“a thorough impact assessment and pre-planning consultation in arriving at optimal routes and technology choices”.... and the requirement “to address and mitigate as necessary, human environmental and landscape impact in delivering the best possible engineering solutions for the electricity system.”

EirGrid respectfully requests the omission of this stated preference.



Chief Executives Opinion

The support and concerns raised in the submission have been noted. The social and economic importance of the continued development of an adequate and reliable electricity supply/infrastructure within the County and wider area is fully acknowledged and is now provided for within the Plan.

The issue of the preferred option in relation to the undergrounding of high voltage transmission within certain visually sensitive areas has been raised by the ESB in submission No 3. In this regard refer to the Chief Executive's Opinion in response to submission 3.

APPENDIX 1 LIST THE PERSONS OR BODIES WHO MADE SUBMISSIONS OR OBSERVATIONS

Ref	Name	Address	Issues Raised
1	Michael McCormack, Policy Advisor (Planning)	National Roads Authority St Martin's House Waterloo Road, Dublin 4	Access onto National Primary Routes (R1)
2	Cian O'Mahony, Scientific Officer	SEA Section Office of Environmental Assessment Environmental Protection Agency Regional Inspectorate, Inniscarra , Cork	Zoning of lands at Ballinamore (R2) Wind Energy
3	Gerard Crowley, Planning & Asset Manager	ESB Business Service Centre 27 Lower Fitzwilliam Street Dublin 2	Electricity Transmission and Telecommunication Infrastructure
4	Roger Garland Keep Ireland Open	43 Butterfield Drive Dublin 14	Access to the Countryside
5	Tommy Forde	Ross More Corry Leitrim	Public Access to Lough Allen
6	Shirley Crosbie Engineering Services	Flood Relief Design Section Engineers Branch OPW Jonathan Swift Street, Trim, Meath	Flood Risk Management Zoning of lands at Ballinamore (R2)
7	Patrick O'Sullivan Planning Section	Dept. of Environment, Community & Local Government, Custom House, Dublin	SEA/AA Determination (R3) Fracking (UGEE) Telecommunications Wind Farms Zoning at Ballinamore (R2) Retailing National Roads & R280 (R1)
8	Michael Murphy	Development Applications Unit Dept. of Arts, Heritage & the Gaeltacht Newtown Road, Wexford	SEA/AA Determination (R3)
9	Brian Dawson Communications & Information Manager	Irish Wind Energy Association Sycamore House Millennium Park Osberstown, Naas, Kildare	Wind Energy
10	Sinead O'Malley Principal Planner	Eirgrid The Oval 160 Shelbourne Road Ballsbridge, Dublin 4	Electricity Transmission Infrastructure

Note: Reference to (R1), (R2) & (R3) relates to Recommendations made in the Chief Executives Report herein.



APPENDIX 2 SECTION 12 OF THE PLANNING AND DEVELOPMENT ACTS 2000 - 2014

Section 12 of the Planning and Development Acts 2000 – 2014 states, *inter alia*;

(8) (a) Not later than 8 weeks after giving notice under *subsection (7)*, the manager of a planning authority shall prepare a report on any submissions or observations

received under that subsection and submit the report to the members of the authority for their consideration.

(b) A report under *paragraph (a)* shall—

(i) list the persons or bodies who made submissions or observations under this section,

(ii) summarise the issues raised by the persons or bodies in the submissions,

(iii) give the response of the manager to the issues raised, taking account of the directions of the members of the authority or the committee under *section 11(4)*, the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

(9) (a) The members of a planning authority shall consider the amendment and the report of the manager under *subsection (8)*.

(b) The consideration of the amendment and the manager's report under *paragraph (a)* shall be completed not later than 6 weeks after the submission of the manager's report to the members of the authority.

F60[(10) (a) The members of the authority shall, by resolution, having considered the manager's report, make the plan with or without the proposed amendment that would, if made, be a material alteration, except that where they decide to accept the amendment they may do so subject to any modifications to the amendments as they consider appropriate, which may include the making of a further modification to the alteration and paragraph (c) shall apply in relation to any further modification.]

(b) The requirements of *subsections (7) to (9)* shall not apply in relation to modifications made in accordance with *paragraph (a)*.

Planning and Development Act [2000.]

2000

PT. II S. 12 [No. 30.]

F62[(c) A further modification to the alteration—

(i) may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,

(ii) shall not be made where it relates to—

(I) an increase in the area of land zoned for any purpose, or

(II) an addition to or deletion from the record of protected structures.]

(11) In making the development plan under *subsection (6) or (10)*, the members shall be restricted to considering the proper planning and sustainable development of the area to which the development plan relates, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or any Minister of the Government.

(12) (a) Where a planning authority makes a development plan, it shall publish a notice of the making of the plan in at least one newspaper circulating in its area.

(b) A notice under this subsection shall state that a copy of the plan is available for inspection at a stated place or places (and the copy shall be kept available for inspection accordingly).

(c) In addition to the requirements of *paragraphs (a) and (b)*, a planning authority shall send a copy of the development plan to the Minister, the prescribed authorities, any adjoining planning authorities, the Board, F64[and any local community development committee] within its area.

(13) As soon as may be after making an addition to or a deletion from the record of protected structures under this section, a planning authority shall serve on the owner and on the occupier of the structure concerned a notice of the addition or deletion, including the particulars.

F60[(14) (a) Notwithstanding any other provision of this Part, where a planning authority fails to make a development plan within a period referred to in paragraph (b), the manager shall make the plan provided that so much of the plan as had been agreed by the members of the planning authority shall be included as part of the plan as made by the manager.



(b) The period referred to in paragraph (a) is—

(i) not more than 2 years from the giving of notice under section 11(1), or

(ii) where subsection (7)(aa) (inserted by section 9 of the Act of 2010) applies—

(I) not more than 2 years and 4 weeks, or

(II) if appropriate in the circumstances, such longer period than 2 years and 4 weeks as is specified under subsection (7)(ab) (inserted by section 9 of the Act of 2010) by the manager as being required to facilitate an assessment referred to in subsection (7)(aa).]

(15) When considering the draft development plan, or amendments thereto, a planning authority may invite such persons as it considers appropriate to make oral submissions regarding such plan or amendment.

(16) A person shall not question the validity of the development plan by reason only that the procedures as set out under *subsections (3) to (5) of section 11* and F65[subsections (1), (4), (5), (6), (7), (8) and (9)] of this section were not completed within the time required under the relevant subsection.

Planning and Development Act [2000.]

2000

PT. II S. 12 [No. 30.]

(17) A development plan made under this section shall have effect 4 weeks from the day that it is made.

