

# COMHAIRLE CHONTAE UÍBH FHAILÍ

## MINUTES OF SPECIAL MEETING OF OFFALY COUNTY COUNCIL HELD AT ARAS AN CHONTAE, TULLAMORE ON MONDAY, 14<sup>TH</sup> JANUARY AT 3.00P.M.

### PRESENT:

Cllr. E. Dooley (Presiding), Cllrs. N. Bourke, M. Buckley, J. Butterfield, J. Carroll, P. Clendennen, M. Corcoran-Kennedy, B. Cowen, D. Dolan, T. Feighery, E. Fitzpatrick, J. Foran, M. Fox, C. Hanniffy, G. Killally, F. McDonnell, T. McKeigue, T. McLoughlin, S. Moylan Ryan, P. Ormond, D. Owens.

### IN ATTENDANCE:

Mr. Pat Gallagher, County Manager, Mr. F. Heslin, D.O.S., Mr. Declan Kirrane, D.O.S., Mr. D. Conlon, Ms. Ann Dillon, (Meetings Administrator), Mr. A. Murray, Senior Executive Planner, Mr. A. O’Gorman, S.E.O., Ms. P. Hughes, A.O., Mr. S. Burt, E.P., Ms. A. Walsh, E.P., Ms. P. Hanlon, A.P., Ms. Natasha Troy, C.O.

### APOLOGIES:

The County Manager, Mr. Pat Gallagher advised that the pre-draft County Development Plan 2009 – 2015 had been circulated prior to Christmas, which the members were required to consider over a period of 8 weeks prior to the public display period, commencing in early February 2008. At the December monthly meeting of the Council, the Chairman requested that, where members wished to amend the pre-draft plan, directions to amend would be accepted and considered in the format of written submissions to be received by the Executive no later than 7<sup>th</sup> January 2008. 15 submissions were received from the 3<sup>rd</sup> to 9<sup>th</sup> January. The Chairperson of each of the 4 Area Committee made a submission on behalf of their respective Area Committees and in addition, a number of submissions were received from individual elected members. One late submission was also received from Cllr. M. Buckley, bringing the total number of submissions to 16.

Mr. Gallagher stated that in preparing the pre-draft Offaly County Development Plan 2009-2015, the planning authority has had regard to a number of national and regional policies and guidelines that are in force including the following:

- National Spatial Strategy
- Midland Regional Planning Guidelines 2004
- National Development Plan 2007-2013
- Development Plan: Guidelines for Planning Authorities (DoEHLG 2007)
- Current Offaly County Development Plan 2003-2009

He advised that a planning authority is obliged to have regard to the Midland Regional Guidelines 2004 when making and adopting the development plan (Section 27 (1), Planning and Development Acts 2000-2006) and in accordance with Section 12 (11) of the Planning and Development Acts 2000-2006, members are 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 of any Minister of the Government.

He stated that whilst many of the submissions received from elected members related to zoning issues in the various settlements throughout the county, members are advised to exercise restraint/caution when considering these submissions. Whilst the inclusion of additional zoned land in one particular settlement may appear to be small scale, the cumulative impact of additional proposed zoned land throughout the county is substantial and such inclusion is not recommended. He noted that during the meetings between Area Councillors and Planning Officials in October/November 2007, the members were informed that the conclusions of the Housing Strategy and the requirements to comply with the MRPG's necessitated some reduction in zoning from what is included in the current plan, adopted in 2003. In all cases, it was agreed that the review of these plans proceed as proposed by the Planning Officials. The November draft proposes reductions in zoning lands particularly in villages which had '2003' plans and also in some instances of changing residential zoning to bus/employment etc. in Local Service Towns to encourage more balanced development in the County's settlements. It is considered that this is a prudent approach.

The members expressed their dissatisfaction with the lack of time to consider the submissions and responses. Cllr. D. Dolan stated that it was reasonable to request that the councillors be given an opportunity to hear the reasons why submissions were made and to allow for some debate on the issues before making any decisions. A short discussion ensued and it was agreed to hold an all day meeting on Friday 18<sup>th</sup> January 2008 to allow for debate on any submission which have not been decided on.

#### **Submission No 1 – Cllr. Tommy McKeigue**

##### ***P04-18: "Delete 1km restriction on approach roads"***

***Reason: Too restrictive, already addressed under Local Need.***

Cllr. McKeigue stated that he had no problem with 1km restriction for bigger towns but the smaller settlements would suffer as it was too restrictive and would drive up the prices of land in small villages.

Mr. Andrew Murray, Senior Executive Planner, in responding considered that this policy is not too restrictive because excessive ribbon development on the immediate approaches to settlements detracts from the character of the settlement and the adjoining countryside and gives rise to pressure for the uneconomic provision of services. He advised that the allowance for landowners to attain permission is to ensure that such persons who have a connection with the particular landholding may secure permission, whilst persons who do not own land would have to apply outside this zone or on feed roads, thus reducing the pressure for ribbon development.

He did not agree that this is addressed under local need. He stated that in the areas under development pressure (Tullamore and Edenderry areas) the approach roads are under threat from ribbon development by virtue of being a high pressure area whilst for the Birr and Ferbane areas 'local need' does not automatically apply. He advised that a 500m restriction for 'local need' on the approach roads of villages and sraids is included in the current 2003-2009 County Development Plan. He recommended strengthening this, to that proposed in the November draft, to protect the attractive and significantly intact approaches to Offaly's towns, villages and sraids. At the very least, should the members remain dissatisfied with the policy, he recommended that the 500m restriction for 'local need' and restriction on ribbon development apply as per the current plan. The recommendation of the Senior Executive Planner was to leave as proposed in November 2007 draft.

The members agreed to defer the decision for further consideration.

***P14-14 (a) (actually P4-16 (a)): “Delete 10 years - born or living in or has lived in local rural area” Propose: 5 years***

***Reason: Too restrictive, it should be an objective to the plan to breathe new life in to moribund rural areas in the county.***

Cllr. McKeigue stated that 10 years was too long of a life span and by adopting this policy we would be excluding a lot of people, he thought 5 years to be a more appropriate timescale.

In responding, Mr. Andrew Murray, Senior Executive Planner responded that the requirement for a person to have lived in a rural area for 10 years (at any stage) is not considered to be too restrictive. He noted that as regards the assertion that reducing it to 5 years will breathe new life in to moribund rural areas in the county, approx. 350 – 400 rural one off dwellings are permitted in Offaly each year and this is expected to continue under the new plan as drafted. He stated that most of the areas where population decline has occurred are in areas where ‘local need’ criteria does not automatically apply. His recommendation was to leave as proposed in the November draft.

The members agreed to defer the decision for further consideration.

***P04-15 (b) (actually P04-16 (b)): “That the 8km only apply to first and second tier towns and that the villages and sraids be excluded”***

***Reason: Lack of public services (i.e. sewerage and water) and will inflate the price of sites in the villages and sraids. Tullamore land prices would be norm in the villages.***

The members requested clarification with regard to the “Local Rural Area” and how the 8km radius would be determined. Cllr. McKeigue stated that this was a big change from the previous plan where the “Local Rural Area” was defined by the “parish” boundary.

In answering, Mr. A. Murray, Senior Executive Planner confirmed that the “Local Rural Area” is generally within an 8km radius of where the applicant was born, living or has lived and advised that if there is a logical reason for that policy not to apply it can be taken into account. He advised that the villages and sraids are already excluded from the 8km radius for the purposes of defining an applicant’s local rural area’ in the November draft.

His recommendation was that this clause applies to the first four tier towns (i.e. Gateway, Large Towns, Medium towns and Local Service Towns) as proposed in the November draft. He advised that this recommended restriction to these four tiers emerged after the all day meeting with the Members and SPC’s on 12th November 2007.

The members agreed to defer the decision for further consideration.

***P14-10: Amend to: “It is the Council’s policy that only land owners and their families be considered regards developments from public roads that were formerly towpaths and existing towpaths along the grand canal, are very strictly controlled”.***

***Reason: The grand canal impacts on many land owners from Edenderry to Shannonharbour and Waterways Ireland has far too much power and not are not very cooperative with either the Council or the Public.***

Mr. Andrew Murray, Senior Executive Planner, in responding advised that in taking the suggestions into consideration he proposed the following amendment as underlined below:

**“P14.10:** It is the Council’s policy that developments which require vehicular access from public roads that were formerly towpaths or from existing towpaths along the Grand Canal, are very strictly controlled. This is in addition to restrictions relevant to the Canal’s designation as a Natural Heritage Area and consequently as an Area of Special Control. [It is policy to consider housing applications for established landowners and their sons / daughters only along roads that were formerly towpaths and existing towpaths along the Grand Canal, and that such developments will be strictly controlled”.](#)

Relative to the above, Cllr. McKeigue made the following proposal:

***14.9 Delete the following paragraph: “It is the Council’s policy that developments which require vehicular access from public roads that were formerly towpaths or from existing towpaths along the Grand Canal, are very strictly controlled. This is in addition to restrictions relevant to the Canal’s designation as a Natural Heritage Area and consequently as an Area of Special Control”.***

Mr. A. Murray, Senior Executive Planner informed the members that, if the above policy P14.10 was amended as proposed, it will clarify the Councils position in this regard and so recommended the deletion of paragraph within 14.9 as suggested.

The members were not entirely satisfied with the proposed amendments and agreed to defer the decision for further consideration.

### **9.1 Retail Strategy**

***Propose: The Council clearly state that it will only allow certain size and scale out of town stores.***

***Reason: Serious impact on Tullamore Town centre if allowed.***

Cllr. McKeigue expressed his serious concerns in relation to large retail developments being permitted on the outskirts of town and how this would have serious implications for the town centre. He stated that a lot of smaller retailers are closing down or moving out and this is having a detrimental effect on Tullamore Town

Mr. Murray, Senior Executive Planner shared Cllr. McKeigues concerns. He agreed that this is a serious situation and is taking the lifeblood from the town. He noted that there are a number of derelict sites in the town currently.

In responding he advised that it would be impractical to specify that stores (retailing) of a certain size outside the town only will be permitted. He considered that the latter part of policy 09.09 which reads:

**“P09. 09:** It is Council policy to encourage retail development, including new forms of shopping which relates to the regeneration of existing Town Centres. Proposals, which would undermine the vitality and viability of retail core areas or Town Centres, as a whole will not normally be permitted”

**in addition to** the contents of the DEHLG’s Retail Guidelines **and** the Councils new retail strategy which is currently being prepared is sufficient to mitigate against such inappropriate developments. He advised that he shared the concern outlined in the submission regarding the vitality of Tullamore town centre and this concern would extend to all town centres. The recommendation of the Senior Executive Planner was to leave as proposed in November 2007 draft.

The members deferred the decision for further consideration.

***P14.1 (actually P4.17): Amend the sentence: “It is the council’s policy to only consider for established farmers and their sons/daughters within these zones.....”***

***Propose: Insert “It is the Council’s policy to only consider established families within these zones.***

***Reason: Too perceptive regards farmers against other locals***

In responding Mr. Murray, Senior Executive Planner advised that in the Managers report (July 2007) submitted to the members after the initial circulation of the issues papers and the receipt of initial public submission, it was recommended that “a more ‘precautionary’ approach be taken regarding effluent treatment systems in these areas” [aquifer protection zones]. The most effective way of implementing this precautionary approach is to strictly **limit** the number of such systems in these zones. The restriction on the November draft reflects this and was drafted in the interests of protection the aquifer protection zones with an eye to the Councils obligations under the Water Framework Directive. Development within the APZ’s has the potential to adversely impact on the aquifers and consequently on the water supply of the County. This policy has been recommended for inclusion as it will mitigate against potential groundwater pollution as a result of development.

He therefore recommended that this policy not be amended as suggested. He stated that by restricting to ‘farmers’ means that dwellings permitted within the zones would be decided as regards a more definable ‘need’ to live within the zone. He noted that where alternatives exist outside the zone, policy 4-17 prescribes that the farmer or son / daughter locate outside the zone. With regard to the above his recommendation was to leave as proposed in November 2007 draft.

The members deferred the decision for further consideration.

## **Submission No 2 – Cllr. Constance Hanniffy**

***OP4.02: In her submission Cllr Hanniffy considered this policy to be too prescriptive and is also down to interpretation. She suggested perhaps no specifics being included and suggested that it also be stated that developments with larger site size and also detached would be encouraged. She expressed concerns with regard to the number of houses/per development in Local Serviced Town as this could create problems for the council in relation to services etc. while also encouraging developments which are cramped and lack character.***

In response, Mr. Murray, Senior Executive Planner advised that this policy is a new policy and its content was influenced by some Members’ stated concerns in recent times regarding the excessive size of individual housing developments in some towns and villages within the County and also concerns regarding lack of a ‘mix’ of dwelling types and site sizes within developments.

This policy as drafted is designed to encourage:

1. Size of individual housing developments within each tier which **is appropriate to the size of the settlement**, i.e. larger developments in larger settlements, smaller development in smaller settlements etc.
2. Linkages between these moderately scaled developments (both vehicular and pedestrian) in the interests of allowing people various options to move within and through a settlement.
3. Differing design and layouts to avoid large, homogenous or single house type developments
4. Provision of single storey houses, detached dwellings on large sites and individually serviced building sites where appropriate.

He considered this to be a very innovative policy and will be in the interests of the County's settlements, the existing and prospective inhabitants of same and developers, who can see a clear 'marker' from the outset that large, uniformly designed housing developments may not be looked at favourably by Offaly County Council.

He suggested that should the members continue to have concerns regarding the 'specifics' of the policy P04.02, it may be more appropriate to actually reduce the numbers of houses within the table. He noted the suggestion in the submission that the number of houses per development in the Local Service Towns be readjusted and advised that when drafting this policy the number stated of 50-80 or smaller houses per application in the likes of Banagher, Ferbane, Kilcormac, Daingean was considered reasonable. However, he awaited the members' decision on reducing this number.

He informed the members that it is the Council's intention during the lifetime of the new plan to undertake an education / community / public facilities 'audit' of each settlement and this would further inform the decision making process on housing applications within settlements.

In making his recommendation, he proposed to leave as November 2007 draft, or amend the number of houses per development within Local Services Town as members see fit.

The members deferred the decision for further consideration.

*P04.11 (d). Cllr. C. Hanniffy made a submission suggesting that this statement needed to be strengthened.*

In responding, Mr. A. Murray, SEP, advised that the policy reads as follows:

**P04-11(D):** "It is Council policy that in appropriate locations within villages, particularly within the 'other settlement land' zoning, proposals for houses on large sites will normally be accommodated. This is to create a viable alternative to "one-off" houses in the open countryside, and may be achieved by the provision of single houses, groups of fully serviced sites as stand alone developments or as constituent parts of other developments".

He considered that this is a strong policy statement in favour of single houses in villages and so his recommendation was to leave as proposed in November 2007 draft.

Cllr. C. Hanniffy accepted the response and proposed that as recommended by the Planner P04.11 (d) be left as in the November draft. This proposal was seconded by Cllr. T. Feighery and agreed.

***Sraids** – Cllr. Hanniffy in her submission stated that she considered that this concept has created an expectation in the county that development can take place in cluster format in small areas of population, without taking into account fiscal restrictions that exist in some of the Sraid areas e.g. Clonfanlough (aqua protection zone), Doon (axis of National Sec and regional routes), Boher (proximity to Ballycumber village and aqua protection zone). In her opinion consideration should be given to investigating the benefit of such areas as designated sraids*

Mr. A. Murray, Senior Executive Planner accepted the point that the preparation of a 'sraid' plan for an area may create an expectation that reasonable levels of development will be permitted within the 'sraid' and he point out that this was the members' intention in inserting the requirement for the executive to prepare sraid plans over the life of the current CDP.

He stated however, in circumstances where a Sraid plan is being prepared for an existing settlement and this settlement is located in an area where significant physical or environmental constraints exist (i.e. as outlined in the submission – aquifer protection zones, national routes etc.), the proper planning and sustainable development of that area dictates that the amounts of development **must be severely curtailed**. In other words, the content of the plan is a direct response to the constraints encountered in surveying the area and preparing the plan.

He agreed that the plan for Clonfanlough allows for little or no new development. However the plans for Doon and Boher provide for an additional 10 and 15-20 house respectively and on top of the existing circa 9 and circa 12 houses within the boundary or close to the boundary of the Sraids, this he considered would represent moderate, appropriate and sustainable growth over the plan period if achieved.

He advised that Sraids were also introduced as a ‘tool’ to protect established small settlements and where it was identified that development could take place, the sraid plan and general policy gave guidance as to the type, size / scale of development would be appropriate.

He stated that one ‘danger’ of omitting a settlement from the list of sraids within the CDP is that the settlement will lose the protective policies for sraids which are contained in the plans and policies P4-12 to P4-13 and that the area will be in a type of ‘planning limbo’ –not governed specifically by any specific plan. This could lead to such settlements which will remain settlements whether there is a sraid plan in place or not, being ‘targeted’ for inappropriate development. A further ‘danger’ of omitting a sraid from the plan is that there will be inconsistency and confusion within the County as to why certain identifiable settlements have plans while other very similar settlements do not.

He asked the members to note that the vast majority of sraids are free from major constrains and allow for considerable, but reasonable and sustainable levels of population growth over the plan period and therefore his recommendation was to leave as proposed in November 2007 draft.

The members deferred the decision for further consideration.

***P04.16 – category 2, point c): Cllr. Hanniffy in her submission stated that in her opinion, the sentence “in exceptional circumstances the Council may permit a relaxation of this”, undermines the concept of ‘local rural need’ and since all specifics are mentioned in the draft it will only lead to confusion and to the interpretation of what is “exceptional circumstances” by the planning dept of the time and thus will not lead to cohesive planning.***

Mr. A. Murray, Senior Executive Planner informed the meeting that the inclusion of the sentence “in exceptional circumstances the Council may permit a relaxation of this” [restriction on securing permission for a second house in the person’s local rural area] was included to provide for the very limited cases where the granting of a second home is considered appropriate, i.e. overwhelming personal circumstances, compassionate grounds etc. However, if the members consider the policy is robust enough to not merit such a clause the members could direct that it be omitted. The word ‘exceptional’ was meant as such in the drafting of this policy. Thus his recommendation is to leave as proposed in the November 2007 draft.

The members deferred the decision for further consideration.

*P04.20 – In her submission, Cllr. Hanniffy stated that in her opinion the sentence “ it is Council policy to protect the county’s vernacular building stock from demolition where restoration is a viable option” is loose and totally subject to interpretation, which can lead to many people being restricted to preserving houses which are of no value, and which are either impossible to restore or are costly, leading to issues in relation to dampness, heating issues and most definitely not environmentally friendly. She suggested that this be removed and replaced with a statement such as “the Council would encourage where feasible”.*

In responding, Mr. A. Murray, Senior Executive Planner advised that the policy as set out in the November 2007 draft reads as follows:

**P04-20:** “In the case of the proposed demolition of a substandard dwelling and its replacement with a new single dwelling, it is Council policy to favourably consider proposals subject to normal environmental, siting, design, and layout considerations. In such circumstances, the provisions of policy P4-16 (i.e. ‘Local Need’ requirement) will not apply. Notwithstanding the above, it is Council policy to protect the County’s vernacular building stock from demolition where restoration is a viable option”.

He stated that the sentence “Notwithstanding the above, it is Council policy to protect the County’s vernacular building stock from demolition where restoration is a viable option” was, in the drafting of the policy, not intended to over-rule the very positive policy regarding the replacement of houses. It is recognised that many houses which are proposed for replacement are of no vernacular merit and it is anticipated that the latter part of the policy will apply in limited cases only, and with good reason. The recommendation of the Senior Executive Planner was to change “viable” to “feasible” as suggested in the submission.

On the proposal of Cllr. C. Hanniffy, seconded by Cllr. J. Butterfield and declared agreed, the members accepted the recommendation of the planner.

#### *Map 4.4 –Areas of special control*

*Cllr. Hanniffy in her submission considered that the designation of these areas within the county should be relaxed since it is a contributory factory to rural depopulation and contributing to a lack of economic development. She suggested that the areas of high amenity be reduced and the maps adjusted accordingly.*

In his response, Mr A. Murray, Senior Executive Planner noted Cllr Hanniffy’s suggestion that the “designations of the Areas of High Amenity be relaxed since it is a contributory factor to rural depopulation and contributing to a lack of economic development” and that this “should be reduced and adjusted accordingly”

He clarified that the Areas of High Amenity in the draft CDP – Map 15.2 (and the current CDP) are: River Shannon, Grand Canal, Lough Boora Parklands, Pallas Lake, Slieve Bloom Mountain, Croghan Hill, Clara Bog, Raheenmore Bog, Eskers, Clonmacnoise and Durrow.

Mr. Murray, SEP stated that it was assumed that the members would not question the inclusion or extent of most of these areas. However, he advised that the forward planning section, in response to a number of concerns from the members proposed to examine the extent of the High Amenity areas in Spring 2008 and following this will report to the members. He hoped that this is acceptable to the members, because time constraints do not allow adequate time for such further detailed work at this stage of the process. He informed the members that if they wish to modify these areas, these modifications may be made later in the process **by the members** and if ‘material’ in nature will be included in the second round of public display.



He also advised that lifting the restriction on development in these areas may conflict with policies and objectives for the promotion of tourism, protection of the landscape, heritage, biodiversity and amenities etc elsewhere in the plan and he asked the members to take note of this.

**P07.09 (error in book - should be 05.09)**

***Cllr. Hanniffy, in her submission stated that it should be Council policy to provide serviced sites which are of decent size, which will allow for privacy, landscaping, storage and house size suitable for family need. She stated that currently our serviced sites are small and unattractive and consequently fail to attract clients. They are not viewed as an alternative for private house development and this contributes to the need for individual housing in the open countryside.***

Mr. Murray, SEP, in responding stated that 'Part 8' (Council) developments are required to have regard to the provisions of the County Development Plan. Policy 04.02 (numbers of houses per development and mix etc.) should influence the provision of council housing as much as private housing.

He advised that the issue of size of serviced sites provided by the Council is one which could be considered by the Housing Section. He recommended amending P05-09 as shown underlined as follows:

**P05-09:** "It is Council policy to encourage the provision of private serviced building sites, for example as part of housing developments within the County's settlements in order to strengthen the fabric of these settlements and to offer an element of choice. It is also Council policy to ensure that the size of such sites is adequate for appropriate levels of privacy and choice of house type and style".

On the proposal of Cllr. C. Hanniffy, seconded by Cllr. T. Feighery the members accepted the recommendation of the Senior Executive Planner.

***P06.04 – Cllr. Hanniffy in her submission suggested that this policy should be expanded to state that development should also be channelled within the county adjacent to the Midlands Linked Gateway.***

In responding Mr. A. Murray, SEP recommended leaving P06-04 as proposed in November 2007 draft, but proposed amending P06-02 as shown underlined below:

**P06-02:** It is Council policy (in accordance within Policy P04-01) that future development in Offaly be largely channelled as per throughout the County's settlement hierarchy, having regard to each individual area's (a) identified Role within the region, (b) existing size, (c) existing function, (d) capacity for sustainable growth (i.e. growth without detriment to its surroundings, its built or natural assets and/or its character). However, there is a positive presumption in terms of employment creation and therefore it is Council policy to examine such proposals within other locations on a case-by-case basis.

He advised that the Assessment of Needs will be replaced in the coming years by a 6 year Water Services Strategy Plan in accordance with the Water Services Act, 2007. The review of any settlement plans must have regard to this Water Services Strategy Plan.

On the proposal of Cllr. C. Hanniffy, seconded by Cllr. M. Fox the members accepted the recommendation of the Senior Executive Planner.

**P09.05** *Cllr. Hanniffy in her submission strongly objected to the last part of this statement, stating that it was totally anti-rural and offensive. Although, she agreed with the encouragement of directing retail developments to existing settlements, she said there are many possibilities for retail development within the rural areas. She stated that many small businesses had their origin in the open countryside and for economic reasons etc it is not always feasible for someone starting up in business to establish themselves in an urban or semi-urban area. Many of our future retail businesses may have the scope to be operated from within ones own home or garage. It was her wish to have the words “That retail development in the countryside should be resisted” removed from the policy.*

In responding Mr. Murray, Senior Executive Planner confirmed that the point that this policy militates against small scale rural retailing was noted. He recommended amending P09.05 generally as suggested as underlined text below:

**P09.05** “It is Council Policy to direct retail development to existing settlements and that retail development in the countryside should be resisted and that retailing in rural areas should be commensurate with the needs of the local population”.

Cllr. C. Hanniffy proposed to accept the amendment as recommended by the Senior Executive Planner. This proposal was seconded by Cllr. M. Corcoran-Kennedy and agreed.

*Chapter 13 - Cllr. C Hanniffy in her submission made a general comment with regard to cooperation with other counties impacting on our national secondary and regional road network routes in relation to their programmes and plans and considered this an important aspiration to include e.g. Westmeath with N62 and R44. She stated that this could also be included in relation to the regeneration of the Athlone/Moate/Mullingar railway line, thus making the possibility of a link from that line at Horseleap to Clara feasible.*

Mr. A. Murray, SEP recommended including the suggestion regarding co-operation with other Local Authorities regarding National Secondary and Regional Roads by amending P13.01 as follows – (addition underlined):

**P13.01:** “It is Council policy to encourage and facilitate transport investment within the County and the Midlands region in, in particular the Gateway towns, in order to create effective links and to reduce travel times between the main towns to maximise the cohesion and critical mass of the region and improve intra and inter-regional connectivity. In this regard, it is also Council policy to co-operate with adjoining Local Authorities to achieve these effective and improved links”.

In addition he recommended amending P13.10 as follows (addition underlined):

**P13.10:** “The Council recognises that the development of the rail network in the Midlands could play a very positive role in the social and economic development of the area and could contribute positively to balanced regional development. It is Council policy to promote and facilitate the following where feasible and to co-operate with the Department of Transport, Irish Rail and adjoining Local Authorities in this regard:

a) The provision of a second line between Portarlinton and Galway which will facilitate the development of midland towns such as Portarlinton, Tullamore, Clara, Athlone and Ballinasloe. In conjunction with this, there is an opportunity for Tullamore station and adjoining lands to be developed as a transport (bus/rail) node. This would allow for the integration of local bus services including a possible future town bus service with the rail network. Clara station should be developed similarly increase service provision in the town. Portarlinton Land Use and Transportation Study has identified the railway station as a key asset in the development of the town.

(b) The provision of a rail link from Mullingar directly to Clara [which](#) would have the effect of creating an integrated rail network linking Longford, Mullingar, Ballinasloe, Athlone with Tullamore, Portarlington, Kildare and Portlaoise.

(c) The final link in the network could involve the provision of a new line from Enfield to Edenderry with a continuation to Portarlington (possible junction at Garryhinch). This line will be of great strategic importance in the context of the Midlands. Bord Na Mona already owns many of the wayleaves between Portarlington and Enfield.

On the proposal of Cllr. C. Hanniffy, seconded by Cllr. D. Dolan the members accepted the recommendation of the Senior Executive Planner.

*Table 13.3, Objective O13.09 – Cllr. Hanniffy in her submission requested that the upgrade of the N62 be widened to the county boundary at Ballinahown.*

Mr. A. Murray, Senior Executive Planner, noted this requested and recommended amending the objective as follows (amendment underlined):

**O13.10:** Upgrade, widen and reconstruction of N62 from Kennedy's Cross to [Doon the County boundary at Ballynahown](#).

*P17.11 Cllr. Hanniffy in her submission considered that this should also state, where marketing and business plans would suggest that a demand could be generated and that the facility would give added value to tourism in the county.*

Mr. Murray, Senior Executive Planner in his response considered that this policy is adequate to ensure that appropriate tourism developments outside settlements can be facilitated. He advised that marketing and business plans can be made to suggest a product will be successful economically but should not be allowed to influence the provision of tourist related development in inappropriate locations in my opinion. However, he stated that the CDP policies with regard to tourism are very facilitatory. In making his recommendation, he proposed to leave as in the November 2007 draft.

The members deferred a decision for further consideration.

### **Submission No 3 – Cllr. Dervill Dolan**

***1) In summary, in the first section of Cllr. Dolan's submission the key point was that the November draft does not deliver on its commitments in relation to the ATM Gateway strategy, and specifically that it treats Clara in an unsatisfactory subservient role to Tullamore. Concern is raised that the settlement strategy as proposed serves to reduce the importance of Clara's role within the gateway. The submission states that the plan correctly identifies Tullamore as the key or major town for the focus of development in Offaly and the development of the ATM gateway. It states that the plan effectively ignores the remainder of the towns and areas within the Gateway 'triangle'. It states that the recommended strategy of the Indecon report in relation to the Gateway triangle has not been fully integrated into the draft plan. The submission quotes the report where it says there will also be population expansion occurring in the villages / towns of Kilbeggan, Moate and Clara and that given their strategic location within the Gateway area, these have also been incorporated into the spatial framework of the Gateway strategy.***

*The submission states that the plan does not recognize the levels of development which should take place in the Gateway triangle and that the focus is on Tullamore only and that the focus should expand into the “Offaly Gateway region”. Table 4.3 should be amended to reflect the primary settlement strategy as “The Gateway Region”, including Tullamore, Clara, with recognition given to the relevant sraids and the countryside within the triangle. The plan should encourage the provision of employment opportunities, business, industry, education, tourism and infrastructural development into the town. Clara should become self sustaining in its own right, as a “supporting town to the ATM Gateway” and not ‘in a supporting role to Tullamore’. This will have implications for the entire draft plan and it must be amended accordingly.*

In responding Mr. A. Murray, Senior Executive Planner recommended the following amendments:

- Amend section 1.1.1 in Chapter 3 as follows (underlined):

Clara as a town within the Gateway triangle and identified for population expansion, employment opportunities, business, industry, tourism and infrastructural development by the “Strategic Development Framework for the Midlands Gateway” will ~~play a supporting role to the~~ continue to develop as a supporting town to the ATM Gateway.

- Amend paragraph entitled ‘Central Area’ of the Midlands Region on page 2 of chapter 4 as follows (underlined):

This area which includes the Midlands Linked Gateway’, and in particular the linked Gateway town of Tullamore and the town of Clara, has been the focus for much of the anticipated population growth.

He considered that it would not be prudent to differentiate between the towns and sraids (other than Tullamore) located within the Gateway ‘triangle’ i.e. Clara, Ballinamere, Tober, Horesleap etc. and those ‘outside’ as suggested as it would be likely to indicate that these settlements are appropriate for much higher order growth than other similar settlements. He stated that in drafting the plan the planning section, in conjunction with the Area Councillors have proposed **very facilitatory land use plans across the spectrum of the settlement hierarchy, in other words there is more than adequate land zoned for development in all towns and villages than is required for even very optimistic growth levels over the plan period.** He stated that he did not wish to instill ‘false hope’ that developments which would exceed the parameters of the proper planning and sustainable development would be acceptable solely because a settlement is located within the Gateway triangle. **He would, however, recommend amending map 4.3 to include the Gateway triangle in the same fashion as map 13.2.**

- Amend the box entitled “Tier 3 – Medium towns” as follows (amendment underlined):

A Medium Town is similar in context to Large Towns as defined in the paragraph above, but to a smaller scale. Clara, identified as a Medium Town within the County’s settlement hierarchy, is considered as being a key settlement ~~in terms of its location and capacity to act in a supporting role, to Tullamore~~ within the Gateway triangle and is also identified for population expansion, employment opportunities, business, industry, tourism and infrastructural development by the “Strategic Development Framework for the Midlands Gateway” and therefore will play a supporting role to the continue to develop as a supporting town to the ATM Gateway.

He did not recommend amending policy P04-07 as he considered it to act as a valuable safeguard against excessive rapid population growth of the town of Clara where such rapid growth is not linked with commensurate growth of other land uses such as business, employment, retailing, leisure, community facilities etc. Furthermore while Clara should act as a supporting town to Tullamore he did not consider that it (or other towns in the County) should be allowed to dilute the potential success of Offaly's 'key' element of the Gateway, that is Tullamore.

He asked the Members to note that while the CDP sets out an overall settlement strategy for towns such as Clara, the implementation of this strategy is through the Clara Local Area Plan which is due for review by 2011, but which currently contains enough undeveloped residentially zoned land to accommodate a very significant increased population. He quoted the managers report, 13<sup>th</sup> July 2007 in this regard:

*“Recent Housing Land Availability figures indicate that there are approximately 124 ha. of undeveloped residentially zoned land remaining in Clara. This could potentially accommodate a population increase in the order of 9,000. This excludes potential residential development on other zoned lands i.e. site redevelopment infill, town centre zoned sites etc. I consider that the ‘focus’ in terms of examining available zoned land should be to ensure that there is adequate zoned and serviced land available for long term employment-generating development in the town.”*

The members deferred the decision until Friday 18<sup>th</sup> January.

***(2) The ‘foregoing Gateway region’ should not be to the detriment of other towns particularly Edenderry, Birr and Portarlinton which should continue to be the focus of balanced development.***

In response, Mr. Murray, Senior Executive Planner advised that the point made that the ‘foregoing Gateway region’ should not be to the detriment of other towns particularly Edenderry, Birr and Portarlinton which should continue to be the focus of balanced development’, is noted and he considered that this is the message which the vision, planning challenges, area based strategy, main goals and the policies and objectives of the various chapters repeats over and over and is a major overall theme of the plan. In making his recommendation he proposed leaving as in the November 2007 draft.

On the proposal of Cllr. D. Dolan, seconded by Cllr. B. Cowen the members agreed to the recommendation made by the Senior Executive Planner.

***(3) 12.7 – Fire service point (c) & O12.11 (c)***

***Cllr. Dolan requested the insertion of Clara along with Ferbane for a new fire station***

Mr. Murray, Senior Executive Planner, in responding stated that with regard to the fire station in Clara, the policy as inserted in the November is entirely in accordance with Council policy adopted in November 2005 with regard to fire policy. Thus his recommendation was to leave as in the November 2007 draft.

The members agreed to defer this decision until Friday 18<sup>th</sup> January.

***(4) In his submission, Cllr. Dolan requested clarification on P13.10, stating that “the Council recognises that the development of the rail.....” is not a policy.***

In responding Mr. A. Murray, Senior Executive Planner, advised that Cllr. Dolans point is noted and he referred the members to the response and suggested amendments to the policy on rail under submission no. 2 above.

***(5) Chapter 15, pg 15: Cllr. Dolan requested the inclusion of a specific objective to work/support the department in building an interpretive centre/education centre in Clara for Clara Bog.***

In his response, Mr. Murray, Senior Executive Planner, in noting this request recommended amending P15.09 as follows (as underlined):

**P15. 09:** It is Council policy to continue to promote education, knowledge and pride in the natural heritage of the County. It is also policy to facilitate the provision of an Interpretative Centre for Clara Bog within Clara Town.

On the proposal of Cllr. Dolan, seconded by Cllr. B. Cowen the members agreed to accept the amendment as proposed by the Senior Executive Planner.

***(6) Chapter 2, pg 2 Plate 1 – photograph of derelict site  
Cllr. Dolan in his submission advised that this property is also included in the list of Protected Structures and considered that it may be appropriate to use a different photograph.***

Mr. A. Murray, Senior Executive Planner, in responding stated that he would consider that there is no conflict here. He advised that policy 20.03 is to promote the re-utilisation of suitable obsolete structures / derelict sites, while objective 20.05 is to encourage and facilitate the redevelopment of derelict sites. The fact that buildings are included in the RPS gives additional impetus to their sustainable reinstatement. Thus his recommendation was to leave as proposed in the November draft.

On the proposal of Cllr. D. Dolan, seconded by Cllr. B. Cowen the members accepted the recommendation of the planner.

#### **Submission No. 4 – Cllr. F. McDonnell**

##### ***Residential Developments***

***Cllr. McDonnell in his submission expressed concern with regard to unfinished housing developments, and developers who are failing to comply with the conditions set out in their planning permission on issues such as public lighting, grass cutting, footpaths etc.***

Mr. Murray, SEP agreed with the various points of the submission where it related to the unacceptable situation regarding ‘completion’ of residential developments. He informed the members that a proposal would be put to the Planning and Economic Development SPC to significantly increase the bond amount per house in housing developments in early 2007. On the basis of this, his recommendation was to leave as proposed in the November 2007 draft.

The members deferred the decision until Friday 18<sup>th</sup> January.



***P04.02 – Cllr. F. McDonnell in his submission referred the planners attention to the preamble of this policy, with specific reference to “it is also Council policy to require that developers differ in design and layout while maintaining the overall character of the area.... etc”***

***Cllr. McDonnell’s main concern relates to the encouraging of a mix of different dwelling types within developments i.e. that a two-storey house can be constructed to the rear of a single storey house, compromising the privacy of the bungalow. He also stated that he believed that Chapter 19, pg 3 of 16, paragraph headed “Privacy and Residential Amenity” states that “New dwelling, which closely overlook the rear curtilage of existing dwellings, will not normally be permitted” and he considered this to be in complete contrast to the demand of Offaly County Council Planners requiring developments of mix type and design.***

In responding, Mr. Murray pointed out that many of the more ‘desirable’ residential areas in towns throughout the country are where a good mix of dwelling types has emerged and matured over time, rather than homogenous estates of housing with all units being of similar scale, type and design. He advised that the development management process cannot, when dealing with an individual planning application, be certain of what future adjacent applications will propose. However, he stated that the development management process, in conjunction with the provisions of the development plan and the DOEHLG’s Residential Density guidelines are tools for planners to assess applications having regard to the potential impact on amenities. He also made the point that all planning applications are publicly available and advised that these can inform prospective purchasers of housing in a particular development and established residents of the particulars of any applications in the vicinity and the house types permitted etc. In addition, he stated that all applications may be appealed by third parties to An Bord Pleanala

He did not agree that the sentence from Chapter 19 ‘New dwellings which closely overlook the rear curtilage of existing dwellings, will not normally be permitted’ conflicts with the policy to require a mix of house type and design in housing developments. The recommendation of the Senior Executive Planner was to leave as proposed in November 2007 draft.

Cllr. McDonnell did not accept this response and deferred the decision for further consideration.

#### ***Chapter 6, pg 5 of 8, paragraph 6.1.3 – Home-based Employment***

***Cllr. F McDonnell, in his submission stated that with the provision of the Metropolitan Area Networks (MANS) in Edenderry, and broadband availability generally, he believed there to be an immediate opportunity to promote home based activity thereby developing small-sized enterprise and micro business. He believed an adequately funded Marketing Campaign highlighting the benefits would show immediate uptake and would have some impact on the economy of East Offaly as referred to in 6.4.2 ‘was traditionally dependent on agriculture and peat production, etc. a trend has emerged in the levels of commuters gaining employment in Dublin and residing in East Offaly’.***

In his response, Mr. A. Murray, Senior Executive Planner agreed that an adequately funded marketing scheme highlighting the benefits of home based working would be beneficial but he did not consider that the County Development Plan is the appropriate instrument to deliver such a scheme. He advised that Section 6.1.3. gives broad encouragement to the concept. Thus his recommendation was to leave as proposed in November 2007 draft.

On the proposal of Cllr. F. McDonnell, seconded by Cllr. M. Buckley and agreed, the members accepted the proposal of the S.E.P.

## *Chapter 11 – Community, Social & Cultural Development.*

*Cllr. F. McDonnell in his submission stated that it was important to note that in the current County Development Plan 2003-2009 Volume 1 of 4, County Area, Section 3 page 169, 3.24 Community Centres and Playgrounds it stated ‘recognition of the importance of community centres in the social life of the county’. He indicated that with the massive increase in Residential Developments that have occurred to date, not one new Community Centre has been provided for as part of any new private residential development.*

*He also outlined that the Draft County Development Plan 2009-2015 its states ‘In general, the purpose of the County Development Plan in relation to Community, Social & Cultural development is in including appropriate policies and objectives in plans which will relate to the allocation and reservation of land, development management standards and provision of specific social, community and cultural facilities within the County’. He noted that in recent times a number of developers have presented plans for various residential developments at preliminary stage and among them the provision of playgrounds, with not one actually provided as part of any completed development. He stated that in his opinion this makes a mockery of the stated recognition of the importance of community centres in the social life of the county as stated in the current Development Plan.*

Mr. Murray, Senior Executive Planner advised that as regards the provision of community, social and cultural facilities in tandem with residential developments he considered that the November draft, in particular policies P11.01, P11.03, P11-04 & P11-06, goes considerably further than the current CDP in attempting in as far as the Council is entitled to attempt to secure the provision of such facilities.

In making his recommendation he proposed the following amendment:

Policy P11-09 as follows (as underlined);

**P11-09:** It is Council policy to encourage and facilitate the provision of community and recreational infrastructure as and integral component of proposed residential schemes, in particular the provision of playgrounds for children.

On the proposal of Cllr. F. McDonnell, seconded by Cllr. M. Buckley and agreed the members accepted the recommendation of the planner.

## *Daingean Town Plan*

*Cllr. McDonnell made a submission with regard to the omission, from the Daingean Town Plan, of a considered approach to securing a practical use for Saint Conleth’s Reformatory School. He stated that North Offaly Community Development Network Ltd. have put serious thought into establishing a practical use for the reformatory, which has also entailed a very successful open day. The resultant interest in the Daingean and North Offaly community obtaining a beneficial practical use for the reformatory has been secured with the formation of Daingean Sports Association Committee. This will have the effect of an area being made available to cater for Handball, Football, Basketball etc. It was his expectation that the foregoing would be considered in the context of ensuring the County Development Plan 2009-2015 is reflective of the profound changes which have occurred in practically all areas of the county to date and will in his opinion continue to in the foreseeable future. It was Mr. McDonnell’s belief that there is an onus on Offaly County Council to ensure in so far as is possible that the County Development Plan can deliver better communities throughout the county for the life of the plan.*



Mr. Murray, Senior Executive Planner, in responding advised that the reformatory is not omitted from consideration in the plan. He informed the members that Section 14.3, point 6 states that it is policy “To facilitate the appropriate redevelopment of the reformatory site, in conjunction with the Office of Public Works”. It was therefore, his recommendation to leave as proposed in November 2007 draft.

On the proposal of Cllr. F. McDonnell, seconded by Cllr. M. Buckley and agreed by the members the recommendation of the planner was accepted.

#### **Submission No. 5 – Cllr. Peter Ormond**

*Cllr. Ormond made a submission as follows:*

*With regard to Chapter 4: Settlement Strategies*

***P04.16 – That certain areas be removed from the areas of special control. He proposed to remove the areas on the Birr side of Kinnity, all of Clareen parish, the Killavilla and Roscromoe areas as they are not in the Slieve Blooms and should accordingly be omitted.***

Mr. A. Murray, Senior Executive Planner referred to his recommendation under submission 2 above (i.e. to be examined in Spring 2008 and planning section to revert to Council).

***P04.17 – Single Rural House Policy within Acquifer Protection Zones: he proposed that the proposed policy only applies to the inner circle of the Acquifer Protection Zone***

Mr. Murray, S.E.P referred to his recommendation under submission 1. In addition, he considered limiting the policy to the Inner source zone would not be an adequately precautionary approach. Thus, his recommendation was to leave as proposed in November 2007 draft.

The members deferred the decision for further consideration.

***P04.18 - That the restriction of 1km be changed to 0.5km and within the 0.5km be allowed where local need could be demonstrated. He proposed 250m would be enough for a sraid.***

In responding, Mr. A. Murray, S.E.P, referred to his response under submission 1 above. His recommendation was to leave as proposed in November 2007 draft.

The members deferred the decision until Friday 18<sup>th</sup> January.

***P04.19 – Cllr. Ormond proposed that the existing policy that applies under the existing plan, be applied again and that there be no occupancy clause in South Offaly.***

Mr. Murray, S.E.P., in his response considered that the policy for areas in South Offaly regarding single house development is almost identical to what is in the Current CDP and that the proposed change to prohibit speculative development will only serve to ensure that landowners and people from the area will not be put at a disadvantage in applying for planning permission in a heavily developed area which has resulted from speculative development. The recommendation of the Senior Executive Planner was to leave as proposed in November 2007 draft.

The members agreed to defer the decision until Friday 18<sup>th</sup> January.

***Other – Cllr. Ormond proposed that landowners could only sell two sites in any one field. This, he stated, was to stop any one landowner selling four sites, in turn prohibiting the next landowner from selling any due to Ribbon Development.***

In responding, Mr. Murray, Senior Executive Planner advised that the suggestion that landowners be allowed to sell only two sites in any one field may be too arbitrary and may actually act as a ‘target’ or perceived entitlement to sell sites for development when the focus for one off housing should in his opinion be in accommodating people who wish to or need to reside in a rural area to do so where appropriate and to stabilise rural population levels where these are subject to persistent decline. In making his recommendation he proposed leaving as in November 2007 draft.

Following some discussion it was agreed to defer this decision until Friday 18<sup>th</sup> January, for further consideration.

***With regard to Chapter 10 – Rural Developments:***

***Paragraph 10.4 – Cllr. Ormond in his submission proposed that local industries (i.e. Plumbers, Electricians, Carpenters, Builders) be allowed to develop behind the owners existing dwelling and in certain cases new industries be allowed to locate in unserviced rural areas. He also proposed that the condition on a planning application under the existing plan be removed where by a garage cannot be used for commercial purposes.***

Mr. Murray, Senior Executive Planner in his response considered that policy P10.02 to be very facilitatory towards the type of development referred to in the submission. However, he also considered that a condition on a planning permission for a dwelling, which specifies that the garage not be used for commercial purposes, serves in many instances to protect the amenities of the area from inappropriate development. He advised that this condition does not necessarily preclude prospective business people to apply for planning permission to use a garage for commercial purposes, noting of course that in any case planning permission is required for such development. On the basis of this, the recommendation of the Senior Executive Planner was to leave as proposed in November 2007 draft.

On the proposal of Cllr. P. Ormond, seconded by Cllr. T. McLoughlin the members accepted the recommendation of the Senior Executive Planner.

***Chapter 11 Community, Social & Cultural***

***Paragraph 11.10 – Libraries – Cllr. Ormond in his submission requested that Shinrone Library be maintained as it continues to provide an important service to the people of Shinrone and the surrounding areas.***

Mr. Murray, Senior Executive Planner advised that as regards the Library in Shinrone, a Library Development Plan will include proposals for all of the branch libraries in the County and this plan is a matter for the elected members. It will run to 2011.

The acceptance of this recommendation was proposed by Cllr. P. Ormond, seconded by Cllr. T. Feighery and agreed.

## **Chapter 19 – Built Form**

**Finishes:** *Cllr. P. Ormond expressed the belief that local brick and local stone should be permitted in some circumstances.*

**Roofs:** *Tiles should also be permitted and also to allow terracotta colours in certain areas where appropriate.*

Mr. Murray noted the point and advised that development plan does not preclude such use where appropriate. He considered blue/black slates or tiles rather than terracotta are more reflective of the character of urban areas of Co. Offaly. For rural areas, guidance (i.e. ‘dark coloured roof materials’) is contained in the Rural House Guidelines (draft).

## **Submission No. 6 – Cllr. Eamon Dooley**

### **Chapter 4 – pg 16 - P4.16 -**

**Cllr. Dooley in his submission considered that areas of High Amenity should not be included as Areas of Special Control, until a review of all areas of High Amenity in the county is undertaken. He stated that some of the present Areas of High Amenity are questionable, i.e. Ballysheil and others such as Lough Boora which covers too broad of an area for restricted development.**

Mr. Murray referred to his recommendation under submission 2 above (i.e. to be examined in Spring 2008 and planning section to revert to Council).

### **Chapter 12 – pg 2 – 12.1.2**

**Cllr. E. Dooley requested clarification on the following:**

- **Whether a protected zone includes both inner and outer circles?**
- **Are all ground water sources classed as major sources?**

Mr. Murray, Senior Executive Planner referred to his response under submission 1. In addition, he considered that once an Aquifer Protection Zone is in place, it is there in the interest of public health and the Council through its development management function has a duty of care to protect the source.

### **Chapter 13 – pg 7 – Table 13.2 Restricted Regional Routes**

**Cllr. Dooley stated that the Cloghan/Banagher Road should be included in this table and a review of these regional roads should be undertaken to identify section, which would allow suitable development.**

Mr. A. Murray recommended the inclusion of the Cloghan / Banagher road as suggested, and he agreed to carry out a review as requested during Spring 2008 to see if the latter request can be facilitated.

On the proposal of Cllr. E. Dooley, seconded by Cllr. C. Hanniffy the members accepted the recommendation of the Senior Executive Planner.

**Chapter 13 – pg 10 – (P13.01)**

***Cllr. Dooley considered that it should be the policy of Offaly County Council to have bus shelters provided at all bus stops.***

Mr. Murray, Senior Executive Planner in making his recommendation proposed the following amendment (underlined)

**P13.13:** It is Council policy to support and facilitate the operation of existing bus services and to facilitate the provision of improved facilities for bus users in towns and villages including the provision of set down areas for coaches and bus shelters at all bus stops where feasible for passengers.

On the proposal of Cllr. E. Dooley, seconded by Cllr. M. Corcoran-Kennedy the members accepted the recommendation as proposed by the Senior Executive Planner.

**Chapter 19 – pg 5 – Site Size**

***Cllr. E. Dooley in his submission stated that site size to house size was in the original County Development Plan 2003-2009 and subsequently had to be amended. .***

In his response, Mr. Murray advised that this is **not** a suggested repeat to the requirements which were removed from the current CDP by variation. He stated that he was satisfied that it is a general pointer to the Rural House Design guidelines. For example, a larger site than normal may be required to ensure that a very large house can be successfully assimilated into the landscape without damaging the amenities of the area. He confirmed that it is not an arbitrary requirement. He recommended leaving as proposed in November 2007 draft.

***He also made reference to the removal of Design Note b pg 6 which refers to siting, roofs, windows/doors etc***

With regard to the above, Mr. Murray advised that these are contained in the design note A for Urban areas and are considered to be helpful for applicants when proposing developments. He recommended leaving as proposed in November 2007 draft.

On the proposal of Cllr. E. Dooley, seconded by Cllr. M. Corcoran-Kennedy the members accepted the recommendation made by the SEP.

**Chapter 13 – pg 10 – (P13.05)**

***Cllr. Dooley requested clarification on the need for a Traffic Impact Assessment.***

In making his recommendation Mr. A. Murray, Senior Executive Planner proposed the following amendment P13.05 as follows (underlined):

**P13.05** In relation to restricted regional routes, dwellings which are required by established residents of an area will generally be permitted providing no suitable alternative site is available with access off a minor road. Regional Routes affected by this provision are listed in Table 13.2. The Council will request a Traffic Impact Assessment (TIA) to be submitted in relation to applications for development which require new access onto a restricted regional road. (Refer to Map 13.3).

The amendment, as proposed by the Senior Executive Planner, was agreed by the members on the proposal of Cllr. E. Dooley, seconded by Cllr. C. Hanniffy.

*Cllr. Dooley questioned whether Areas of High Amenity as listed be classed as High Sensitivity Areas – this is very limited development only.*

Mr. Murray, SEP, proposed that the forward planning section examine protected views in a similar fashion to the extent of the High Amenity areas in Spring 2008 and will report to the members. He stated that it is hoped that this is acceptable to the members, because time constraints do not allow adequate time for such further detailed work at this stage of the process. If the members wish to modify these views, these modifications may be made later in the process **by the members** and if material will be included in the second round of public display.

Cllr. Dooley accepted this response.

***General – All “views” in the current CDP should be reviewed....***

***Cluster Development should be considered both at the edge of towns and villages and in the countryside to lessen the impact of ribbon development.***

Mr. Murray, Senior Executive Planner, advised that it is envisaged that the Minister for the Environment will issue guidance on this issue in the coming month or so, therefore he recommended that detailed deliberation be deferred until then.

He pointed out, however, that within the zoned areas of towns and villages (particularly Other Settlement Lands) and within the development envelope of sraids that small ‘cluster’ type development is favoured by the Council. Such developments would give rise to variety of house and site types, and would generally be a welcome alternative to homogenous large housing developments.

He would also advise caution regarding haphazard cluster type development as a freely allowable principle within the countryside in close proximity to public roads however, as such development can often be as unattractive as ribbon development. Clustering of dwellings around a farmstead within a farm landholding can be an appropriate mechanism of ensuring the housing needs of the families can be accommodated with minimum impact on the surrounding landscape.

Cllr. Dooley was happy to wait for the Minister’s guidelines.

***Cllr. Dooley made a submission with regard to Ferbane Town Plan which included the following points:***

**8.0 Education & Social Facilities**

***8.1.1 – Although amalgamated to Girls and Boys Primary Schools operate independently***

***8.1.3 – Should read – Community School not Vocational School – second level school Educational and Social Facilities Policy – should read “.....to allow for a more consolidated site for the proposed primary school”.***

In responding, Mr. Murray, Senior Executive Planner proposed the following amendments:

8.1.1 as suggested (text underlined):

The national schools, boys and girls, have recently amalgamated into one building unit utilising the existing boys school, but operate independently and ~~it~~ they currently (2007) ~~has~~ have a roll of ~~some 195 pupils~~ 95 boys and 100 girls.

8.1.3. as suggested (text underlined):

There is also a vocational Community second level school, which has a roll of 332 students (2007).

Policy 1 as suggested (text underlined):

To co-operate with the school authorities and the Department of Education to ensure adequate space is available for future educational requirements, in the first instance by zoning land to allow for a more consolidated site for the proposed Primary school. ~~national and girls' schools.~~

On the proposal of Cllr. E. Dooley, seconded by Cllr. J. Butterfield and agreed the members accepted the amendments as recommended by the Senior Executive Planner.

#### ***15.0 Amenity – Policy -***

***Cllr. Dooley in his submission considered that Ferbane/Ballylin Bog should be included as part of the interpretation route for raised bogs under the Clara Bog Programme.***

In response, Mr. A. Murray, Senior Executive Planner recommended the following:

To insert a policy (Policy 3) into the Ferbane Town Plan as follows (underlined):

It is Council policy to investigate the feasibility of a tourism/interpretive initiative for the Ferbane/Ballylin Bog.

On the proposal of Cllr. E. Dooley, seconded by Cllr. M. Corcoran-Kennedy the members agreed to the recommendation as proposed by the Mr. Murray, SEP.

#### ***15.0 Amenity – Objective Cllr. Dooley proposed the following:***

***Amend A2 as follows – To further the riverside walk on the west side of the River Brosna, and develop a riverside walk on the east side of the River Brosna.***

***Add A3 as follows – To develop a number of timber walkways and signage for public use at Ferbane/Ballylin Bog.***

Mr. A. Murray, in responding recommended amending the Objectives as follows:

A2 as suggested (text underlined):

To further develop and extend the Riverside Walk on the west side of the bridge over the River Brosna and to develop a Riverside walk along the east side of the bridge over the River Brosna.

Add objective A3 as suggested (underlined):

To develop a number of timber walkways and signage for public use at Ferbane / Ballylin Bog

On the proposal of Cllr. E. Dooley, seconded by Cllr. M. Corcoran-Kennedy it was agreed to accept the amendments as proposed by the Senior Executive Planner.

***Cllr. Dooley made a submission with regard to Banagher Town Plan and the rezoning of land to the South of proposed second level school from 'Greenland' to 'Residential' to reflect Master plan for Banagher.***

In response, Mr. Murray, SEP stated that with having regard to the emerging master plan for this part of Banagher, zone part of the field for residential, use as per the master plan, from open space in the November draft.

The members agreed to defer to the Birr Area.

*Cllr. Dooley made a submission with regard to Pollagh Village Plan*

Mr. Murray in his response advised that it is proposed to zone approx. 6 acres of land between the existing housing development and the River Brosna for residential use with a strip along the river for open space.

He stated that the OPW website (floodmaps.ie) identifies possible flooding hazard at this location and he recommended that Council officials be allowed to liaise with the OPW before a recommendation on the inclusion of this land can be made.

The members agreed to defer this decision for further consideration.

***With regard to the Clonfinlough Sraid Plan, Cllr. Dooley made a submission stating that as the majority of this sraid is in the centre circle of the Protected Zone it should be committed.***

In responding Mr. Murray, Senior Executive Planner referred to his response under Submission No. 2

The members agreed to remove clause.

#### **Submission No. 7 – Cllr. Marcella Corcoran-Kennedy**

*Draft Environmental Report: Typographical error in figures: 3.2,3.3,3.4,3.5,3.6,3.7,3.13,3.14 – Clara is referred to as Dara*

Mr. Murray noted the typographical errors and recommended amending the draft Environmental Report as proposed.

The members agreed to the amendment as proposed.

*Figure 6.3 Alternative Scenario 3 – Ferbane, a key service town in MRPG should be included in red zone due to it's proximity to Athlone*

In responding, Mr. Murray, Senior Executive Planner advised that the scenarios put forward in the Draft Environmental Report are indicative scenarios to show the likelihood of implementing different policies. The preferred strategy is that which is set out in the pre-draft County Development Plan with Ferbane designated as a Local Service Town. The plan recognises that Ferbane has an enhanced important strategic role within the County. Particular attention to its development, as appropriate to its identified role by the MRPG's as a 'key service town' is acknowledged in Chapter 4 of the draft plan and is specifically dealt with in policy 4-09 which reads as follows:

**P4-09** It is Council Policy to have regard to the particular role of Ferbane, identified in the MRPG's as a 'Key Service Town' within the County.

Thus, Mr. Murray, Senior Executive Planner recommended leaving as proposed in the draft.

Cllr. Corcoran-Kennedy accepted the recommendation of the Senior Planner and it was agreed to leave as in the November draft.

*Volume 1 - Written Statement:*

*Ch 4 04.02: Would it be advisable to indicate intended site sizes in reference to house numbers et 2-4 houses per acre in sraids?*

Mr. Murray in his response advised that the figures referred to in 04.02 relate to the number of houses that would **generally** be considered acceptable as part of one planning application within the relevant settlement. For example in any of the sraid settlements, the development of 2 to 4 houses is acceptable providing all other planning considerations and requirements are met and satisfied. P04-13 (H) gives further policy guidance on the form of development in sraids. His recommendation was to leave as proposed in November 2007 draft.

The members agreed to defer the decision for further consideration.

*Ch 5 08.07 Insert statement to prohibit masts being located near playgrounds, schools, retirement homes for the elderly and hospitals.*

Mr. A. Murray, S.E.P., advised that the Planning Authority is guided by the DoEHLG's guidelines on Telecommunications and Antennae and support Structures. The Guidelines stipulate the considerations that Planning Authorities must have regard to when assessing applications for telecommunications infrastructure such as masts and/or antennae. The Guidelines clearly state the following:

*'Only as a last resort and if the alternatives suggested in the previous paragraph are either unavailable or unsuitable should free-standing masts be located in a residential area or beside schools'.*

He stated that the location of such structures adjacent to community services/amenities is only to be considered as a last resort. Therefore, repetition of the guidelines is not considered to be appropriate within the plan. Therefore, he recommended leaving as proposed in November 2007 draft.

On the proposal of Cllr. Corcoran-Kennedy, seconded by Cllr. E. Dooley and agreed, the members accepted the recommendation made by the Senior Executive Planner.

*Ch 10. pg 5 10.8 Forestry*

*Final sentence to read "The Council will seek to accommodate afforestation, **both native broadleaves and coniferous**, throughout the county etc.*

In response, Mr. Murray, S.E.P. recommended amending as proposed to include the following (underlined):

10.8

'The Council will seek to accommodate afforestation, both native broadleaves and coniferous, throughout the county where it is deemed appropriate and in accordance with the proper planning and sustainable development of the County'.

The amendment, as proposed by the Senior Executive Planner, was agreed by the members on the proposal of Cllr. E. Dooley, seconded by Cllr. C. Hanniffy.



*Ch 10 pg 7 10.12 Policy*

*P10.08 insert the words” **both native broadleaves and coniferous**”.*

Mr. Murray in his response made the recommendation to amend as proposed to read as follows (underlined):

‘It is Council policy to encourage state and private afforestation, both native broadleaves and coniferous, in appropriate locations, in co-operation with Coillte and the Forest Service and in line with national policy’.

On the proposal of Cllr. Corcoran-Kennedy, seconded by Cllr. E. Dooley the members accepted the recommendation as proposed.

*Ch 11 pg 2*

*11.6 Should become part of 11.05 and a new policy relevant to 11.6... insert an intention to implement the Council’s Play Policy March 2007. A reference to the almost completed County Development Board’s Play Strategy which will be adopted this year should also be inserted in 11.6*

Mr. Murray, SEP stated that it is considered that the plan should differentiate between Childcare and Children’s Play Facilities as the obligations on the Planning Authority in respect of the provision of both differs. He noted that there will be an opportunity to include a reference to the County Development Board’s Play Strategy once it is adopted. As it is not yet adopted, it is not recommended for inclusion in this section of the plan for the first public display period.

He advised that in relation to the suggestions of including a policy to implement the Council’s Play Policy, this policy is already agreed and effective and as a result does not require further approval through the County Development Plan. Refer to P11.04 and O11.06 (which is printed as P11.06) which deal with the provision of childcare facilities and children’s play facilities. In making his recommendation he proposed to leave as in November 2007 draft but amend paragraph 11.6 to read as follows:

‘The Council have adopted a Play Policy for the County [March 2007] in accordance with national policy - ‘Ready Steady Play: A National Play Policy’.

The member agreed to defer the decision until Friday for further consideration.

*Ch 11 Pg 3 – add to final sentence “and will continue to support the development of Birr Theatre and Arts Centre.*

Mr. Murray, SEP, in responding recommended inserting the following addition (underlined): The Council also acknowledges the contribution of the Birr Theatre and Arts Centre and will support same.

On the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. T. McLoughlin the members agreed to the recommendation proposed by the Senior Executive Planner.

*Ch 11 Pg 5 – P11.13 insert “ and will continue to support the development of Birr Theatre and Arts Centre”*

In his response, Mr. Murray, SEP advised that this is a general policy relating to the implementation of the Arts Plan and it does not mention specific elements of the Plan. He recommended leaving as proposed in November 2007 draft.

On the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. E. Dooley the members agreed to the recommendation of the Senior Executive Planner.

*Ch 13 pg 3 – In the second last paragraph greater emphasis should be placed on N62 which is in very poor condition in comparison to the N52 and N80. Perhaps it could read “in addition to this, the Council regards the upgrade and improvement of N52, N80 and in particular the N62....”*

Mr. Murray, Senior Executive Planner in responding advised that under Section 13.1 Bullet point 3, the Council recognises the need for upgrading and improving the national secondary routes within the county including the N62. As the N62 is included in the Council’s programme of works, it is inherent that the **necessary** upgrading will be undertaken. Refer also to P13.02, O13.02, O13.03, O13.09, O13.10 and O13.11. Thus, his recommendation was to leave as proposed in November 2007 draft.

The members agreed to defer the decision for further consideration.

*Objectives: Table 13.4 – insert an intention to upgrade the county road from Ferbane to Moystown which is an essential and neglected link between Regional Routes R357 and R436.*

Mr. Murray advised that Table 13.4 in the plan outlines objectives for the Regional Roads within the County. The inclusion of a County Road is not recommended here. The plan makes provision for the upgrading and improvement of county roads within the plan under O13.39 and to some extent under O13.37. Individual county road routes have not been specifically included but this does not preclude them from upgrading or improvement works as resources and finances permit. His recommendation was to leave as proposed in November 2007 draft.

The members agreed to defer the decision for further consideration.

*Ch 15 pg 11 - Table 15.11 - Tree Preservation Orders*

*A resolution was made by Offaly County Council (proposed by Cllr. M. Corcoran Kennedy and Cllr. E. Dooley) to protect Ballylin Wood, Ferbane. Please include it in this list.*

*Table 15.12 – Trees and Groups of Trees that Contribute to Amenity. Please include trees at Clareen (on either side of Birr Road bordering and opposite to Coillte Forest)*

Mr. Murray informed the members that the forward planning section proposes to examine the Tree Preservation Orders and Trees and Groups of Trees that contribute to Amenity (Tables 15.11 and 15.12 respectively) in spring 2008 and will report to the members. It is hoped that this is acceptable to the members, because time constraints do not allow adequate time for such further detailed work at this stage of the process. He advised that if the members wish to modify these tables, these modifications may be made later in the process **by the members** and if ‘material’ in nature will be included in the second round of public display. His recommendation was to leave as proposed in the November draft.

On the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. E. Dooley the members agreed to the recommendation made by the Senior Executive Planner.

*Ch 17 pg 5 17.2 Reference should be made to Birr Theatre & Arts Centre*

Mr. Murray in responding advised that this paragraph relates to the Arts Plan in general and is not specific in relation to any Arts facilities throughout the County. Therefore, his recommendation was to leave as proposed in November 2007 draft.

The members agreed to defer the decision for further consideration.

*Ch 19 Design notes A & B all future development/developments in the county should use legally produced timber obtained from sustainable forests.*

In responding, Mr. Murray advised that although it is recognised that this is a worthwhile aspiration, the Council does not have the capacity or the ability to enforce the use of particular materials in individual developments or the manner in which those materials are produced. Thus, he recommended leaving as proposed in November 2007 draft.

The members agreed to defer the decision for further consideration.

### **Submission No 8 – Cllr. B. Cowen**

*Housing Strategy – Section 3.4, conclusion, point no 5  
Reference should be made to Clara’s role within National Spatial Strategy – particularly its role within Gateway Triangle of Athlone, Mullingar & Tullamore.*

Mr. Murray, Senior Executive Planner in responding considered response under submission 3 above (amends to the CDP Vol 1) addresses this particular submission.

The members accepted the response of the Senior Executive Planner.

*Protected Structures – propose the omission of the following properties:  
Clara Mart House, Main St., Clara  
JJ Galvin Property, Main St., Clara  
Farrell Property, Main St., Clara  
2 & no one storey cottages at Church St, Clara (opposite Oratory Row)*

Mr. Murray, Senior Executive Planner advised that it was agreed at the Area Committee meetings in December that the draft Record of Protected structures would be allowed to go on public display and await public submissions prior to making decisions on additional or deletions. He hoped the full Council will agree with this approach.

The members accepted the response of the Senior Executive Planner.

*Fire Station, Clara - Cllr. Cowen requested that there be a stated objective to provide a new Fire Station in Clara.*

In responding, Mr. Murray, SEP referred to his response under submission 3.

The members agreed to defer for further consideration.

## **Submission No 9 – Ferbane Area Councillors**

### *Cloghan Village Plan – “Cloghan 1”*

In response to the submission made, Mr. Murray, S.E.P. recommended amending zoning to the South of the Church from Other Settlement Lands to Public/Community/Educational as suggested.

On the proposal of Cllr. T. Feighery, seconded by Cllr. C. Hanniffy the members agreed to the recommendation made by Mr. Murray, S.E.P.

### *Ferbane Town Plan – “Ferbane 1”*

Mr. Murray, Senior Executive Planner in response to this submission recommended amending zoning at Ballylin from Business / Employment to Open Space as suggested. He advised that this area is situated between an attractive stand of mature trees and the reservation line for a possible future bypass, so in his opinion this zoning suggestion is appropriate.

The amendment, as proposed by the Senior Executive Planner, was agreed by the members on the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. T. Feighery.

### *“Ferbane 2”*

In his response, Mr. A. Murray, Senior Executive Planner recommended amending zoning to west of GAA to Open Space from Residential as suggested.

On the proposal of Cllr. T. Feighery, seconded by Cllr. M. Corcoran-Kennedy the members accepted the recommendation of the Senior Executive Planner and it was agreed to amend as proposed.

### *“Ferbane 3”*

Mr. A. Murray, Senior Executive Planner, recommended, in response to this submission, amending zoning from Public / Community / Educational to Residential on the basis that sufficient lands for school needs are available elsewhere in the town.

The amendment as proposed by Mr. A. Murray, SEP, was agreed by the members on the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. T. Feighery.

### *Kilcormac Town Plan: Roads/Traffic*

Mr. Murray, SEP in responding to this submission recommended inserting new objective as follows: **To provide and facilitate the provision of car parking in the town centre area.**

On the proposal of Cllr. T. Feighery, seconded by Cllr. M. Corcoran-Kennedy the members accepted the proposal on the recommendation of the Senior Executive Planner.

*'Kilcormac 1'*

Recommendation:

Add residential zoning (c. 12 acres) to the west of the GAA as suggested.

*'Kilcormac 2'*

Recommendation:

Change from residential to open space (c. 1.5 acres) to rear of GAA as suggested.

*'Kilcormac 3'*

Change c. 1.8 acres from white land to residential as suggested.

*'Kilcormac 4'*

Change c. 13.5 acres from Residential to White Land (unzoned) as suggested.

*'Kilcormac 5'*

Change c. 4 acres from Business / Employment to Residential as suggested.

*'Kilcormac 6'*

Change c. 3 acres from Residential to White Land (unzoned) as suggested.

*'Kilcormac 7'*

Change zoning on lands to the rear of the Bord na Mona scheme from Residential to Open space as suggested.

Mr. Murray noted that the reason for the positive recommendation on adding 18 additional acres of residential zoning is that this is concurrent with the proposal to omit c.18 acres of residential zoning in other locations suggested by the Area Committee members in their submission.

The members agreed to defer these decisions for further consideration.

### **Submission No 10 – Edenderry Area Councillors.**

*'Port 1'*

Mr. Murray advised that the November draft proposes approx. 40 acres of residential land for zoning, enough to accommodate approx. 1000 persons or approx. a 50% population increase for the Offaly side of Portarlinton. The town has seen very rapid population growth in recent years and restraint is necessary to ensure compliance with the Midland Regional Planning Guidelines.

Rather than zoning a narrow strip of land as proposed (which includes part of dwelling house sites and which would be likely to promote a poorly planned linear urban strip to the north of the road) one suggestion could be to move the **indicative** road line to within the zoned area and insert an objective that the road be constructed as part of development on the lands. This is the approach that has been indicated to potential developer during pre planning discussion in recent times.

Part of these lands are subject to flood risk as identified by the Portarlinton Flood Study.

His recommendation is to leave as proposed in November 2007 draft **or** move the **indicative** road line to within the zoned area and insert an objective that the road be constructed as part of development on the lands.

The members agreed to defer this decision for further consideration.

*'Port 2'*

Mr. Murray stated that this has the potential to represent a disjointed extension to the zoned area. He suggested encouraging a submission in relation to this parcel of land after the draft has been on public display, in order that the Council can examine in more details with more time available.

On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. N. Bourke the members agreed to the recommendation made by the Senior Executive Planner.

*'Port 3'*

Mr. Murray informed the members that this site is subject to serious flood risk and its zoning is premature pending the implementation of the Portarlinton Flood Study. He recommended leaving as proposed in November 2007 draft.

The members agreed to defer this decision for further consideration.

This concluded the business of the meeting.

**MINUTES CONFIRMED: -**

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**CATHAOIRLEACH**

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**MEETINGS ADMINISTATOR**

**21<sup>ST</sup> APRIL 2008**