

**Minutes of the Special Council meeting held on January 12th 2009
to consider Amendments to the Draft County Development Plan
2009-2015.**

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

In attendance: Mr. Pat Gallagher, County Manager, Mr. Declan Kirrane, D.O.S., Mr. Sean Murray, D.O.S., Mr. Frank Heslin, D.O.S., Mr. Michael Roche, D.O.S., Ms. Ann Dillon, S.E.O. (Meetings Administrator), Mr. Ambrose O’Gorman, S.E.O., Mr. Gordon Daly, S.P., Mr. Andrew Murray, S.E.P., Ms. Phyllis Hughes, A.O., Ms. Lorraine O’Sullivan, S.E.P., Ms. Alma Walsh, E.P., Ms. Natasha Troy, C.O.

Apologies: Cllr. G. Killally

Two members of the public attended with tickets from Cllr. Fox and Buckley.

The Cathaoirleach asked Declan Kirrane, D.O.S. to introduce the Manager’s report circulated to the Members on December 9th 2008.

Mr. Kirrane advised that this report formed part of the statutory procedure for review of the existing County Development Plan (CDP) and the preparation of the new Offaly County Development Plan 2009-2015. The Proposed Amendments to the plan were placed on public display from 17th October to 17th November 2008. He referred to Section 12(7)(b)(ii) of the Planning and Development Acts 2000-2007 which relates to the stage of the review process where submissions are invited ‘with respect to the proposed amendment’ to the draft plan. Members were advised that issues in the submissions which were outside the scope of the amendments (i.e. in relation to that part of the plan which has been previously agreed) should not, for the most part, be considered by the members.

He stated that 19th January 2009 was the latest date for adoption of the plan by the members of Offaly County Council and that elected members had met at Area Committee level in early January to discuss issues which the members wished to clarify. He reminded members of their obligations under Ethics Legislation to absent themselves from any discussions or decision in which they had an interest.

Cllr. Dolan declared an interest in a Protected Structure advised he would absent himself from the meeting when discussion on this property arose in the course of the meeting.

Mr. Andrew Murray, Senior Executive Planner, then summarised submissions made on proposed amendments to the Draft Plan and the Manager’s recommendation on each submission. Mr. Murray stated that during this phase of the review process, 13 submissions in relation to the draft plan, one submission in relation to the draft Record of Protected Structures and one late submission were received by Offaly County Council.

Following discussion on each submission, the following decisions were made.

On the proposal of Cllr. Dolan, seconded by Cllr. Butterfield, members agreed with submission Ref: PACDP/01 (Arkencourt Ltd. Submission made by Sheila Hobbs, Scott Hobbs Planning, 6 Lussielaw Rd., Edinburgh), subject to meeting one change to the County Retail Strategy, executive summary and section 7.1.8, replacing the word 'only' with 'mainly' in the following sentence:

“Proposals for major comparison retail development will only be encouraged in Tullamore town.”

Members noted and agreed with the Manager's Response to submission Ref: PACDP/02 (Cllr. Noel Bourke, Member Offaly County Council, asking that submissions made in his name regarding amendments to the draft plan (ref. Managers Report, July 2008) be listed in the name of the Edenderry Area Committee, of which he is Chairperson.

On the proposal of Cllr. Carroll seconded by Cllr. Ormond, members agreed with the Manager's Response to submission Ref: PACDP/03 (Conor O'Connell, Sharavogue, Birr, Co. Offaly), that a change such as to include Sharavogue as a Sraid at this final stage would not allow for public consideration of a draft and that no change should be made.

Members agreed with the Manager's Response to submission Ref: PACDP/04 (John Flanagan Developments Ltd. Submission made by Sheila Hobbs, Scott Hobbs Planning, 6 Lussielaw Rd., Edinburgh) recommending that no change be made to either (a) Gateway / Phasing or (b) the Retail Strategy. (Note: a slight amendment to the Retail Strategy was proposed and agreed to by the members when discussing PACDP/01 above).

On the proposal of Cllr. Moylan Ryan, seconded by Cllr. Ormond, members agreed to reject the Manager's recommendation to revert the zoning of this land to 'Open Space' from 'Residential' as in the earlier draft plan (Feb. 08) in response to submission Ref: PACDP/05 (Gearoid O'Regan, St. Rynagh's GAA Club, Banagher.] Cllr. Dooley asked that it be noted again that he abstained from the vote on this issue at the September 2008 meeting.

Members agreed with the Manager's Response to submission Ref: PACDP/06 (Mr. Liam McMahan. Submission made by Patrick Little, Axis Architecture, Castle Buildings, Tullamore) and his recommendation not to reduce open space zoning along the Blackstick drain in the Portarlington zoning plan.

Members agreed with the Manager's Response to submission (Ref: PACDP/07 Tullamore Chamber of Commerce Submission made by Patrick Little, Axis Architecture, Castle Buildings, Tullamore), and his recommendation to make no change to the Retail Strategy, other than to correct a typographical error.

Members agreed with the Manager's Response to submission Ref: PACDP/08 (Roger Garland, Keep Ireland Open, 43 Butterfield Drive, Dublin 14), to adopt the plan accepting the members proposed amendments as put on public display.

On the proposal of Cllr. Butterfield, seconded by Cllr. Dolan, members agreed to reject the Manager's recommendation in relation to the Ballinagar Village Zoning and to zone the site referred to in submission (Ref: PACDP/09 Gerry McAleer Contracts, Possextown, Nobber, Co. Meath. Submission, made by Aidan Bracken Building Design Ltd., Units 1-3, Block 6, Central Business Park, Tullamore, Co. Offaly) as residential as per amendments put on display. Members also agreed not to amend the two triangular pockets of open space as requested by the submission.

Members agreed to defer decision on submission (Ref: PACDP/10 Gerard Murphy, Clohonan, Ballinamere, Tullamore, Co. Offaly) regarding the Ballinamere Sraid plan. Cllrs. Hannify and Fox asked that their opposition to the zoning placed on public display and the fact that they had voted against this at the September meetings be noted again.

Members agreed to defer any decision on submission [Ref: PACDP/11 Concerned Residents of Ballinamere) until their meeting on 19/01/08.

Members agreed with the Manager's recommendation in response to submission Ref: PACDP/12 (Cloncollig Developments Ltd. Submission made by Brian Meehan & Associates, 44 Fitzwilliam Place, Dublin 2) not to make any change to the Retail Strategy regarding a site at the Portarlinton Road, Tullamore.

Members agreed with the Manager's recommendation in response to submission Ref: PACDP/13 (Rumbold Builders. Submission made by Brian Meehan & Associates, 44 Fitzwilliam Place, Dublin 2) to make no change and stating that the draft retail strategy is sufficiently positive regarding Tullamore's higher order retail function and as a location for large retail development to serve the needs of the linked Gateway town in addition to those of the wider region.

Cllr. Dolan absented himself from discussion on this submission. On the proposal of Cllr. Ryan, seconded by Cllr. Bourke, members agreed to reject the Manager's recommendation in response to submission Ref: PDRPS/01(Development Applications Unit, Department of the Environment, Heritage and Local Government) relating to proposed deletions from the draft Record of Protected Structures (RPS). Members agreed to accept the amendments as displayed and to de-list the following properties from the Record of Protected Structures contrary to the recommendation of the Executive;

33	76	581
42	83	586
52	178	587
59	179	588
60	185	615
61	260	620
62	270	621
68	388	667
69	389	737
70	473	824
71	573	884
72	574	
74	577	

Cllr. Dolan returned to the meeting.

Members noted there was a late submission from Mike Denny, Operations Director, Gaelectric Developments Ltd., Unit 4, Block 1, Cloghen Business Park, Blarney Rd., Cork relating to the Wind Energy Strategy. This submission was not considered.

Mr. Murray then drew the members' attention to recommendations made by the Manager under Section 5 of the circulated report entitled 'Miscellaneous'.

Members agreed with Recommendation Misc. Dec 08/01 to insert "Crinkle*" into the list of Villages in the settlement hierarchy table as set out in Chapter 4. This is because the executive was in the process of recommending to Birr Town Council and Offaly County Council that Crinkle be included as a separate chapter entitled "Crinkle Village Plan" within the Birr Town & Environs Development Plan 2010 – 2016. The reason for the asterisk is to explain that the planning documentation for that village will be contained in the Birr Town & Environs Development Plan 2010 – 2016. It is considered appropriate to acknowledge Crinkle as a village in the CDP, whatever the outcome of the Birr Town & Environs Development Plan review.

Members agreed to retain Riverstown in the County Development Plan and agreed that it be referred to in the Birr Town and Environs Plan.

Members agreed with recommendation Misc. Dec 08/02 to amend tables 2.3, 2.4, 2.5 & 2.6 in Chapter 2 of the plan due to the changes in Electoral Boundaries as set out by the Electoral Area Committees Report which are effective from November 2008. Banagher moves from table 2.3 (Birr) to table 2.4 (Ferbane). Killoughy moves from table 2.5 (Tullamore) to table 2.4 (Ferbane). Geashill moves from table 2.5 (Tullamore) to table 2.6 (Edenderry). Minor changes are thus required to the text of section 2.1 Population i.e. the number of DEDs within Electoral Areas and minor modifications to the text to reflect the changes.

Members agreed with recommendation Misc. Dec 08/03 regarding that no amendment to the plan is required to comply with DEHLG Circular SP 5/08, dated 30th September 2008 relating to a Letter of Formal Notice [to Ireland] from the European Commission (June 2007) seeking observations on whether the 'local needs' assessment test set out in the *Sustainable Rural Housing Guidelines for Planning Authorities* and contained in County Development Plans for consideration of planning applications for one-off dwellings in rural areas is compatible with Articles 43 and 56 of the EC Treaty which guarantee respectively the freedom of establishment (of business) and the free movement of capital.

Members agreed with Recommendation Misc. Dec 08/04 to make minor amendments to the draft Wind Energy Strategy (Section 3.2, 5, 4.1, Table 1 and Section 5.3.2) as set out in the circulated report

Members agreed with recommendation Misc. Dec 08/05 regarding a request from the DEHLG that the labelling of the Natural Heritage Area (NHA), Special Area of Conservation (SAC) and Special Protection Area (SPA) for the River Shannon and callows be more clearly represented on the Banagher, Shannonbridge and Shannonharbour zoning maps. Revised maps were attached in the report circulated and it was noted that labelling only was amended.

Members agreed with recommendation Misc. Dec 08/06 regarding a request from the DEHLG that the SAC boundary along the River Barrow in Portarlinton be amended. The boundary on the draft Portarlinton plan was taken from the Councils Geographical Information System (GIS) system which displays such information as received from the Department. This information has changed resulting in a considerably smaller SAC boundary. The revised map was attached and it was noted that the SAC boundary and labelling only have changed.

Members agreed with recommendation Misc. Dec 08/07 that on map 16.1 – Landscape classification, the classification of the following areas be amended to reflect the revised Areas of High Amenity as agreed by the members in September 2008 and as put on public display – Boora, Slieve Bloom Mountains & Durrow. It was agreed that the revised map be printed in the adopted plan to reflect the boundaries of the AHAs as agreed by the members in September 2008.

Members agreed with recommendation Misc. Dec 08/08 to add the following paragraph (which is in the current County Development Plan) to Section 19.12 in the Development Standards Chapter. Its omission was an oversight. The executive has commenced an examination of the car parking for retail developments in town centres as part of work on the review of the Birr and Tullamore Town and environs development plans. Should such analysis and recommendations necessitate a change to the wider County Development Plan, this could be brought forward at a later date, i.e. by variation.

Relaxation of Car Parking Standards

In the case of central area development in towns and villages, the car parking requirements may be relaxed provided adequate and suitably located off-street public car parks are available or proposed. In this event, the developer will be required to make a payment towards the provision of car parking by the Planning Authority. This charge will be related to the type of development proposed and the cost of the provision of the car park. The developer will be liable to pay the charge prior to the commencement of the development [insert ‘or’] in such a manner as the Planning Authority may require.

Members agreed with recommendation Misc. Dec 08/09 which stated that at the Council meeting on 1st September 2008 the Council agreed to insert a statement in relation to the interim use of Shannonbridge school which is presently closed. It was not included in the amendments document for display on account of not having been a specific recommendation in the July 2008 report. Given that the members had resolved to insert such a statement, it can be inserted into the Shannonbridge Village plan at this stage and is not a material amendment to the draft plan. The recommendation was for the following sentence to be inserted into Section 2.3(a) Other Services- Social and Community Infrastructure.

The Council considers that the interim use of the school building as a community facility or training / resource centre (subject to any necessary planning permission requirements) could assist in keeping the building in use until an opportunity to revert to a school presents itself.

The Ferbane/Birr Area Councillors (through Cllr. Dooley) recommended inserting a paragraph in the County Development Plan to say that zoning in the current plan is not guaranteed in subsequent plans. The executive advised that this is stated in Section 10(8) of the Planning and Development Act 2000 and agreed to insert a statement to this effect in Chapter 18 landuse zoning. Proposed by Cllr. Dooley, seconded by Cllr. Feighery.

On the proposal of Cllr. Dolan seconded by Cllr. Buckley it was agreed that the fourth paragraph of section 3.1.4 'Gateway Towns' be changed to 'Gateway Triangle' and that in point '3' of Section 3.1.4 the word 'three' be omitted.

Cllr. Moylan Ryan that the roadline between the water treatment works and a dwelling on the Tullamore Road Banagher be omitted. It was agreed to leave the roadline as an objective in the Banagher Town Plan.

Members agreed to meet again in Committee on the morning of January 19th to reach decision on outstanding issues so as to facilitate adoption of the County Development Plan at the monthly meeting on that date.

This concluded the business of the meeting.

MINUTES CONFIRMED: -

CATHAOIRLEACH

MEETINGS ADMINISTATOR

18TH MAY 2009