

**Minutes of Special Meeting of Monaghan County Council on Monday 3<sup>rd</sup> December 2012 at 1.00pm held in the Council Chamber, M-Tek 1 Building, Knockaconny, Monaghan**

**Chair:** Cllr H. McElvaney, Mayor.

**Present:** Cllrs Bannigan, Carthy, Carville, Conlon, Connolly, Coyle, Gallagher, Keelan, Maxwell, B. McKenna, McNally, McPhillips, Murray, O'Hanlon, P. Treanor and S. Treanor.

Mr. D. Fallon, A/County County Manager, Mr. P. Clifford and Mr. D. Treanor, Directors of Service, Mr. A. Hughes, Senior Planner, Mr. J. McGrath, Senior Engineer, Mr. T. Gourley, Senior Executive Planner, Ms. C. Thornton, Meetings Administrator and Ms. L. Brannigan, Asst. Staff Officer.

**Apologies:** Cllr O'Brien.

The Mayor opened the meeting stating that he would continue from the last meeting and asked Cllr Bannigan to speak regarding the N2. Cllr Bannigan stated that he would speak after the presentation from Mr McCrossan regarding the N2.

The County Manager provided a brief outline of the presentation and handed over to Mr McCrossan.

Cllr Bannigan asked the County Manager what timescale was between when we have a corridor and when we know the exact route.

The County Manager stated that he is unable to say exactly when funding for the design would be approved but generally when we have the corridor it is full steam ahead. This time it is different however.

Mr McCrossan gave a presentation on the N2 Clontibret to Northern Ireland Road Scheme – Preferred Route Corridor Width.

Cllr Connolly mentioned Page 62 of the Grontmij Report (No. 228) which referred to traffic flows and volumes. In the 2012 figures there was a decrease of 5.2% in traffic volumes. Cllr Connolly stated that bypasses are put in place to deal with congestion, he doesn't believe such a problem exists, at this location.

In response Mr McCrossan stated that the main issue is not traffic flow, it is road safety. The 2plus2 option has huge benefits in terms of safety. Traffic flow is only one aspect to be considered in determining whether a road project should proceed.

The County Manager stated that they did ask why the expression 'traffic flows' is used and the reply was that it is used (as a yard stick) in order to have something to measure against.

Cllr S. Treanor stated that we have been asked to give €500 million before any work will commence on this side of the border. He stated that the vast majority of people

from Monaghan don't even use this road as they go to Cavan everyday. He stated that he feels he is being asked to vote to sterilise this land and to give money to Northern Ireland.

The Mayor confirmed that the members are not being asked to give money to Northern Ireland and stated that this road is the result of a compromise between both sides, under the Good Friday Agreement.

Cllr McKenna referred to the assertions made by Cllr Connolly at the last meeting regarding the existing route. Cllr McKenna stated that the option of upgrading the existing route, called the 'Black Corridor', was considered. Consultants put this on display on 7<sup>th</sup> & 8<sup>th</sup> January 2011 in The Four Seasons Hotel. The result of this public consultation was that the 'Black Corridor' was included in Stage 2. A further public consultation then took place in February 2011 with the preferred route highlighted in red and blue. Cllr McKenna stated that what hasn't been mentioned in this chamber is the number of road accidents on this road. He stated that there were 11 fatalities and 15 serious injuries on this stretch of the N2. He stated that this is the last part of the process.

Cllr McKenna also stated that Cllr Connolly quoted inaccurate figures from the NRA website. The figures on the NRA website he quoted relate to the old N2. Figures on the existing N2 are not yet available, (as there is no traffic counter).

Cllr Connolly stated that it would have been useful if the NRA had stated this clearly on their website that the figures relate to the old N2 but the figure for 2012 showed a 5.2% reduction from 2011.

Cllr McKenna stated that people should not be quoting what the NI Government are going to fund, we are not concerned with North of the Border.

*On the proposal of Cllr McKenna, seconded by Cllr Conlon it was agreed that this Council write to the Minister for Transport, Leo Varadkar, requesting that funding of €1.5million be made available to the NRA which, when allocated to this Council, would allow this Council progress the Clontibret to the border road scheme to design stage and thereby reduce the 400metre corridor down to 100metres.*

Cllr Bannigan stated that consultants came in a number of months ago and gave the preferred route corridor – that was the day for debate, not now. Cllr Bannigan asked Mr McCrossan who is the Project Manager. Is it the NRA or Monaghan County Council. He also asked when were the three corridors identified.

Mr McCrossan confirmed the Project Manager is Monaghan County Council and confirmed that there is only the preferred route corridor.

Cllr Bannigan stated that in a meeting with the Fine Gael party, Minister Leo Varadkar confirmed there will be no funding for another two years and that we are being asked, by the Minister, to protect the national routes. Cllr Bannigan stated that, two years ago he said he could never agree to sterilise a piece of land for a 400m route corridor indefinitely. He stated that he knows there is a need for this road though he believes that members of families who may look for planning permission along this

route will be refused because, at some point in the future, a road may go through there. Cllr Bannigan stated that he has a serious problem with the width of the corridor. If a farmer along this route wanted to change the use of his land (to plant) he would not get planning permission. As a farmer himself, Cllr Bannigan said he would not want this to happen on land that he owns, 'even, with respect to the County Manager, in the interest of the common good'.

Cllr Carthy asked the Planners how will they treat planning applications differently. He also asked how long can an issue be discussed without a formal proposal.

Mr Hughes replied stating that with no formal proposal, the Plan will be adopted as it is. He said that a planning application within the corridor will not be treated much differently to any planning application. If a planning application comes in, and it is likely to impose on the route corridor, the Planners will consult with the Roads Office. The over-riding guidance is that the planning decision is based on Department guidelines, irrespective of what happens here today.

Cllr Coyle asked if the decision of the Council here today is meaningless.

The County Manager answered that we are bound by Department policy, irrespective of what is discussed here today.

Cllr McNally stated that the biggest loser, regarding the issue of the road, is the farmer. Farmers are trying to make their living which is difficult if their farm is divided by a road, his sympathy is with the farmer. In fairness to the NRA, they stated that there are 60 similar cases in the country, Cllr McNally believes this is a unique case as it is the only one mentioned in the Good Friday Agreement, which everyone signed up to. He stated that, when money is eventually given to the northern side, we should be ready to go ahead as Monaghan has suffered as a result of the troubles across the border, suffered because of the fear of crossing the border, and in more recent times, because of people (from Monaghan) travelling across the border for shopping. Cllr McNally stated that we should also consider the residents of Donegal in our decision on whether or not to give this money. He mentioned Councillor colleagues in Donegal (on the Border Regional Authority) who are tired of travelling on sub-standard roads from Strabane to Monaghan for meetings. Statistics recently showed students in Donegal in college only travel home approximately once per month due to the length of the journey on poor roads. Cllr McNally states that it would be negligent not to plan for the future. The problem is the width of the corridor, Cllr McNally stated that we are the only major area in the country not serviced by a railway and it is this that puts our need ahead of other counties for road funding. He stated that if the corridor could be reduced from 400m to 200m that would be great but the fact is we cannot reduce it. We need to plan for future generations, in the same way as the last generation prepared for us.

Cllr Carthy stated he was surprised at the language used by Cllr Connolly at the last meeting. It sounded like the language of an opposition group to this road. He stated that Monaghan is never going to be the end point in terms of Government investment and we need to accept this and position ourselves as the gateway to the North West. In order to do this we need two things, transport links and third-level education.

Cllr Carthy stated that we should never stop attempts to get a railway in Monaghan, in the short term, we need this road. He stated that MIFET has currently reached the 500 students mark and with a bit of vision the new campus will improve on this figure.

Cllr Carthy's preference would be for dual carriageway standard. His view is that in another year there will be an increase in traffic movements. Regarding the issue for landowners, Cllr Carthy stated that we should discuss this with Government as we are not that same as the fifty or sixty other projects. Cllr Carthy warned that if we try to remove this from our Development Plan it would be used as a stick to beat us with and members of Monaghan County Council will be seen as not taking this seriously by Government.

Cllr Connolly quoted from Minister Leo Varadkar on 17<sup>th</sup> October 2012

Cllr Murray stated that by accepting this we are acquiescing to the NRA. He stated that the proposal of the 400m corridor is not acceptable and should not be accepted. Cllr Murray stated that it is disgraceful that there is a delay with this, and 60 other route corridors, around the country.

Cllr P. Treanor stated that all Councils around the Central Border Region see this route as a big thing for them and referred to the NRA Circular 16/2011. He stated that it is important not to hype people's fears about the sterilisation of this land. Cllr Treanor mentioned some cross border opposition and appealed for co-operation on both sides.

Cllr Coyle stated that he fully appreciates the fears of farmers in this area and that he felt, as a Councillor, that all were in favour of this route. He stated that we put this to the Government, under the Good Friday Agreement, that our region would benefit enormously from this route which is how we got the funding promise. Cllr Coyle stated that, irrespective of what we decide, it is Government policy this route will be there. We need to lobby Government and Minister Varadkar for the €1.5m.

Cllr Conlon reiterated the point he made at the last meeting regarding Monaghan Community Forum seeking retention of the corridor that this route will go ahead. He stated that this gives him encouragement to vote for this. Cllr Conlon mentioned that many families have lost loved ones along this road because of road traffic accidents and asked what price would these families give to have those loved ones back and have better roads. He stated that lives will be saved and he would like to remind the members of this.

Cllr O'Hanlon stated that the question we need to ask is, is there a need for this route. The pros and cons have all been debated and, from a safety point of view, this road is badly needed. The road to Donegal is one of the worst roads in the country, the road to Omagh, Strabane, etc, is very dangerous. Cllr O'Hanlon stated that we need to plan for the future. We can fight and talk about jobs and investment, but if we haven't the road structure in place it is pointless. He stated that we need to make a conscious decision here today – it is about having a safer road. This might be Government policy but what is the 'common sense' policy, asked Cllr O'Hanlon. He stated that the decision made today might not be a popular decision locally but we must think of other people also.

Cllr Keelan stated that he has a lot of sympathy for farmers and landowners, land is a very emotive issue in this country. He stated that, he doesn't think there is anyone in this chamber who could say we don't need this road, however, he would like to see the width of the corridor reduced.

Cllr Bannigan stated that the whole debate which has taken place is around the fringes of what it should be about – the necessity for this road. There is no doubt this road is needed. However he cannot accept that a 400m corridor of land is sterilised for an indefinite amount of time because of a document from the NRA. He mentioned that the policy the NRA have put to the Minister has never been debated in the Dáil or Council Chambers until now.

*On the proposal of Cllr Bannigan, seconded by Cllr S. Treanor it was agreed that policy No. NR05 be removed from the County Development Plan.*

Cllr Bannigan referred to the document sent to the County County Manager on 7<sup>th</sup> December 2011 which refers to the corridor being 300 metres in width, yet this policy states that it is to be 400 metres wide.

Mr Hughes stated that if this motion is adopted we are giving people the impression that the road is not going ahead.

Cllr McKenna stated that none of us are happy with the width of the corridor though there are large areas within this width which would not be appropriate for development. He stated that he thinks it is cowardly to take it out of the Plan at this time and that the blame cannot be put on the shoulders of the NRA, it is unfortunate that there is no money to go ahead with the 60 projects. Cllr McKenna stated that if we do not plan for the future of this county, who will. He stated that he does not agree with the proposal.

Cllr Gallagher mentioned that Monaghan County Council has written to him, on a personal level, as the route affects him personally. He stated that he finds himself agreeing with most of the contributions made today but not in full, it is unfair that the Government (not the NRA) asks us to agree with the width of this route corridor. Cllr Gallagher asked is it correct that it doesn't matter what any member of this Council says this route will go ahead once its Government policy.

The County Manager said that if there is a decision made by the members this will go to the Minister and to Government but it is Government policy. The County Manager stated that he has spoke with TDs and another County Manager to see if there is another way forward.

Cllr Gallagher suggested that we write to Minister Leo Varadkar and An Taoiseach to look for a definite answer as to when this road will go ahead and when it will be funded. He also stated that we should write to the Minister alerting him to how this route will affect people locally. Cllr Gallagher asked that we wait until a response is received from the Minister before a decision is made.

Mr Clifford, in response to Cllr Gallagher, mentioned the timeframe which means a decision on the draft County Development Plan will have to be made today, otherwise, it will lead to a situation where the County Manager will be obliged to put it in force by February.

Mr Hughes stated that, if the width of the corridor were to subsequently be reduced to 200m in April, May, June time, there is a possibility for an amendment to be adopted.

**A roll call vote was taken:**

**7 For, 9 Against, 1 Abstention**

**The amendment was lost.**

Mr Clifford stated that what is recommended in the County Manager's report will be included in the draft plan.

**1. Monaghan Town**

**71. Francis McGuigan – Pg 216**

On the proposal of Cllr Maxwell, seconded by Cllr Conlon, it was agreed:

*to zone for residential use lands identified in submission Ref DMCDP71 at Milltown, Monaghan. Planning Permission was granted on these lands (99/234) in December 2001; Planning was granted P/04/1524, site is zoned for low density housing. June 2010 extension for duration P/04/1524 was granted. 11 dwellings have been purchased. Roads, footpaths and public lighting are completed. The development is fully serviced. The pumping station has capacity to serve an additional 15No. dwellings. This parcel of land where 7 dwellings would be built is an infill site to the existing 11 dwellings. This site in Milltown is closer to the centre of Monaghan Town, than lands at N and O (on map). As Monaghan Town has an overall residential requirement of 47.4ha, to exclude 1.2 ha which is the size of the proposed lands in Milltown at land parcel I which comprises 8.26ha. The excluded portion is around the Bishop's House at Laturcan, Monaghan. Cllr Maxwell believes that these lands will not be developed in the lifetime of this plan.*

**89. Barry Aughey – Pg 306**

Cllr Conlon proposed, seconded by Cllr Coyle:

*that zoning classification referred to in Submission 89 is retained as per the previous development plan and that the zoning matrix in Submission 89 is similarly retained.*

Mr Hughes stated that the County Manager's report is recommending against this, as the proposal is contrary to the national Retail Planning Guidelines, in relation to the proposed limit on convenience goods floorspace cap at 30%.

Cllr McNally stated that he is disappointed that the Planners could not colour code the plan whether it is 20% or 30%, and he mentioned that he is very much in favour of the proposal.

Mr Hughes asked Cllr Conlon to clarify if the zoning matrix is retained as proposed in the submission.

Cllr Conlon confirmed he will look at this again.

Ms Thornton then read the amendment to the proposal by Cllr Conlon and it was agreed unanimously.

Cllr Carthy proposed and Cllr Gallagher seconded that they continue with the Planning Meeting as opposed to entering the Monthly Council Meeting, (at 3.00pm). Agreed.

## **2. Castleblayney Submission No 8. Relative Developments Ltd (Bree) – Pg 34**

Cllr Bannigan asked the Executive regarding the legal opinion which was sought.

Mr Hughes stated that the legal opinion obtained by the Council at the members behest stated that the Core Strategy is sound. There are two separate processes involved - zoning and an application to extend the duration of a planning permission

Cllr McNally asked what the cost of this legal opinion was and stated that if the executive had went to six different barristers, they would have got 6 different opinions.

The County Manager indicated that he was unsure of the exact cost of the Senior Counsel, Gareth Simons, but he is considered one of the best in his field.

Cllr Bannigan stated that we now have clarity, the question is, in the professional opinion of the planners, if extension of duration was agreed would it be permitted.

Mr Hughes stated that he is not in a position to say yes or no. The Council is bound by the Core Strategy.

**The County Manager stated that this decision should not be made in public.**

Cllr Crowe referred to the legal opinion and the fact that this same counsel was used by Louth County Council and asked if this would not be a conflict of interest.

Mr Clifford stated that this particular Senior Counsel was used following advice from the Members at the last meeting.

Cllr Crowe made reference to Core Strategy and stated that the sequential approach goes out the window. He stated that The Willows estate in Castleblayney, is beyond where this site is. He stated that if extension of planning had been granted, we wouldn't be discussing it here today.

The Mayor stated that it was explained, at the last meeting, if a Member has knowledge of a piece of land to be de-zoned in their own area they should identify it.

Mr Clifford confirmed that there is a limit to the land zoned for residential use in each area and this limit has been reached in the Castleblayney area.

Cllr Bannigan, on a point of information, stated if Members accept the proposed zoning map in Castleblayney and that there is an application for extension of duration, and that land is outside the zoned area, it will have no impact on the extension of duration.

Mr Hughes confirmed this was correct.

Cllr Carville asked why there has not been a decision by this stage. He referred to the outline of zoning, raised by Cllr Crowe, topography coupled with the fact there is planning granted on these 2 sites, both have services, both are ready to go. He stated it is very important from a legal point as well as from a planning point. In relation to sequential approach, Cllr Carville believes the exception does exist here, in terms of topography, land won't be built on.

Mr Hughes stated that the reason for the delay was, primarily, facilitating landowners who wanted to meet with Monaghan County Council, investigating what had happened in other counties, and clarifying the legal opinion. Regarding the sequential approach and extension of duration an executive decision will be made by the County Manager. With reference to prioritising those on which there is planning permission, Mr Hughes referred to the report from Gareth Simmons, Senior Counsel, page 8, third paragraph (Mr Hughes read this to the meeting). Mr Hughes stated there is no onus on the planning authority to carry through zoning.

Cllr Bannigan asked Mr Hughes, whether the extension of duration for planning is effectively deemed doomed.

Cllr Crowe asked why the land was to be de-zoned.

Mr Hughes answered stating that zoning is no longer continued due to there being a ceiling on the land that can be zoned. He stated that we have a core strategy, by law, which we have to work with and we are trying to remedy a situation which was made under the last Development Plan where too much land was zoned.

The Mayor asked the Members if the County Manager's report is accepted.

Agreed.

- 9. Relative Developments Ltd (Killycard) – Pg 38**
- 16. Department of Education and Skills – Pg 56**
- 62. Roadstone Wood Limited – Pg 183**
- 77. P. Murphy – Pg 232**
- 82. Evelyn McElroy – Pg 266**
- 90. F + C McElroy – Pg 309**



**3. Correction of spelling / grammatical errors in draft plan**

Mr Hughes stated that this referred to some minor grammatical errors noticed by the Planners. Mr Gourley drew attention to some examples of these.

**4. Resolution on Amendments to draft Development Plan**

*Cllr Bannigan proposed, Cllr Conlon seconded the resolution.*

Mr Hughes confirmed that submissions can only be made on the amendments, now adopted, and amendments must be minor in nature.

Mr Clifford referred to the holiday period, 24th December to 1st January, which extended the period of consultation by nine days.

**5. Resolution on Addendum to Environmental Report**

Mr Gourley asked that the revised Environmental Report and Appropriate Assessment be adopted

*Cllr S. Coyle proposed, Cllr McNally seconded and it was agreed to adopt the revised Environmental Report and appropriate Assessment.*

The meeting then concluded.