

**Minutes of Adjourned Council Meeting held in the Respond Centre,
Carrickmacross, Co. Monaghan on Monday 18th June 2007 10.00 a.m.**

Chair: Cllr Gary Carville, Mayor

Present: Cllrs Bannigan, Carthy, Carville, Conlon, Coyle, Crowe, Gallagher, Humphreys, Keelan, Keenan, Kieran, Maxwell, Martin, McAnespie, McElvaney, O'Brien, P. McKenna, B. McKenna, McNally and Treanor.

Mr. D. Nelson, County Manager, Mr. P. Clifford, Mr M Fitzpatrick, Mr. A. King, Mr. D. Fallon, Directors of Service, Mr A Hughes, Senior Planner, Ms. C. Thornton, Meetings Administrator and Ms. A. Mackle, A/Staff Officer.

At the outset, the Mayor stated that he intended to conduct all meetings in accordance with Standing Orders and each Member would be permitted to speak for a maximum of three minutes on a particular item.

9. Policy on the Disposal of Land

Mr. David Fallon, Director of Roads referred to his report which had been circulated with the agenda. He stated that, having regard to the policy adopted by the Council in this matter, a number of issues had arisen in recent times in relation to this policy and he required clarification from the Members. The NRA insists on cost effective purchase and disposal of land and require notification of all transactions. It also requires that the land be sold at the current open market value and are preparing a policy document at present.

He suggested that –

- (i) Where land is acquired by agreement without use of compulsory purchase that Monaghan County Council is free to dispose of the land without reverting to the original owner subject to Section 183 approval.
- (ii) The direction to offer the land to the original owner, where the land was acquired by compulsory purchase, be restricted to the Monaghan, Carrickmacross and Castleblayney Bypasses. The disposal shall be subject to Section 183 approval.

A number of members expressed a difficulty with the Council selling land back at current open market value and proposed that in cases where lands are being offered back to the landowners that this should be at the original purchase price. They were opposed to the NRA making a “profit” at the expense of the landowners who lost land as a result of the CPO. There are still a number of cases outstanding on the Carrickmacross bypass which need to be resolved as a matter of urgency.

In response to a number of queries David Fallon agreed part (ii) should refer to all bypass projects. The situation arises as a result of the Consulting Engineers erring on the side of caution and making sure enough land is acquired - this is

more prevalent in a design and build projects. The officials are obliged to have regard to National Roads Authority policy which requires that where surplus land acquired is being sold back that it should be at current open market value – any gain is returned to the NRA.

The County Manager stated that he accepted the concerns of the Members but the Council cannot sell land back for less than the current open market value without the consent of the Minister. He suggested that individual cases be referred to the SPC for consideration and recommendation.

On the proposal of Cllr McNally, seconded by Cllr Carthy it was agreed that resources are put in place to resolve problems being encountered by landowners who have had their lands acquired by CPO on the bypass projects.

On the proposal of Cllr Humphreys, seconded by Cllr Keenan it was agreed that where anomalies arise as a result of the policy adopted by the Council that these be referred to the Roads & Environment SPC for consideration and subsequent recommendation to the full Council for decision.

Cllr Carthy proposed Cllr Keenan seconded that in relation to land acquired by the Council from Peter Kelly along the N2, that the surplus land be sold back to Mr. Kelly.

It was agreed that a meeting of the local Road Area Committee be arranged to discuss this matter and any other similar cases arising. It was further agreed that meetings of the other Road Area Committees would be arranged where there were specific issues to be discussed relating to lands acquired under the CPO process.

17. Matters Arising

Requests for Meetings with Government Ministers:

On the proposal of Cllr McElvaney, seconded by Cllr Bannigan it was agreed that the Council request a meeting with the Minister of Environment, Heritage and Local Government Mr John Gormley, the Minister for Transport and the Marine, Mr Noel Dempsey, T.D., to discuss issues relating to County Monaghan.

It was agreed that the Members should send details of any issues they wish to raise with the Ministers to the Meetings Administrator.

Ulster Canal

On the proposal of Cllr P Treanor, seconded by Cllr McAnespie it was agreed to seek a meeting with the Minister for Community, Rural and Gaeltacht Affairs Mr Eamon O Cuiv, in relation to the re-opening the Ulster Canal.

Interreg IV Programme

On the proposal of Cllr Treanor, seconded by Cllr Kieran it was agreed to have an update on the Interreg IV Programme placed on the next Council agenda.

Irish Officer

Cllr Treanor welcomed the appointment of the new Oifigeach Gaeilge Sean O Raghallaigh to the Council and suggested that Members who wished to contribute to the new Irish Scheme should contact the Mr O Raghallaigh who was based at the Council H.Q. in The Glen.

Water Quality Issues

In response to queries from Members Mr. P. Clifford, Director of Water Services stated that testing of the Glaslough/Tyholland GWS was still on going and it would be another fortnight before general use would resume.

Conferences

Cllr McElvaney proposed, Cllr P McKenna seconded that the Corporate Policy Group be requested to consider the provision of a supplementary conferences budget.

Cllr Carthy said there had already been €140,000 provided in the budget for conferences and he was opposed to any increase.

A roll call vote on Cllr McElvaney's proposal resulted as follows -

For Cllrs Bannigan, Carville, Coyle, Gallagher, Humphreys, Keenan, Maxwell, McElvaney, P McKenna, McNally and O'Brien – **Total 11**

Against Cllrs Carthy, Conlon, Crowe, Keelan, Kieran, McAnespie, B McKenna and Treanor – **Total 8**

Abstention Cllr Martin – **Total 1**

The Mayor declared the motion carried.

Castleblayney Bypass

Mr. David Fallon, Director of Services stated that he wished to brief the Members on the current situation regarding a Health & Safety issue on the Castleblayney Bypass. Monaghan County Council had brought a number of health & safety issues to the attention of the Contractor. The Health & Safety Authority had also carried out an inspection of the site and had encountered a number of problems including unauthorised access onto the site. The Contractor had agreed to a voluntary closure of the site, initially for two day but the time had to be extended to allow further safety measures to be implemented – it was hoped that the issues would be resolved and that the site would re-open on

Thursday 21st, pending a further inspection of Wednesday 20th June. This closure may have a knock on effect on the opening date of the Bypass currently scheduled for late August.

12. Nominations to the Interreg IV Working Group

On the proposal of Cllr B McKenna, seconded by Cllr McElvaney it was agreed that Council representatives on the following committees – ICBAN, East Border and Blackwater Partnership - would form the membership of the Interreg IV Working Group.

Cllr Bannigan agreed to postpone discussion on his item of urgent business in order to discuss item ten on the agenda.

10. Scheme to Improve the Clones Road Junction in Ballybay

The County Manager stated that he had met with the mid Monaghan Members in relation to this matter. The Members proposed that the Council acquire the two properties adjoining this dangerous junction to enable the Council to carry out improvement works to make the junction wider and safer. It was proposed that the Council would enter into an agreement with the owners for an option to buy the properties at a later date. In the meantime, the Council would make an application to the Department of Transport for a special once off allocation to carry out the works, in light of the serious road safety issues at this junction, and if such an allocation is not forthcoming that the Council would re-consider its options.

The County Manager stated that he would put a proposal to the vendors, subject to Council approval and report back to the Members at a subsequent meeting. This was agreed.

15. To receive Minutes of meetings:

On the proposal of Cllr Kieran, seconded by Cllr Carthy it was agreed to note the minutes of the following meetings:

- (i) Traveller Accommodation Committee meeting held on Tuesday 6th February 2007 and the 16th May 2007.
- (ii) Minutes of meeting with Minister Eamon O Cuiv, T.D. held on 14th February 2007.

13. Recommendations from the Corporate Policy Group

In response to a query from Cllr Bannigan regarding the waiving of development contributions for Ballybay Creche Ltd., the County Manager advised that this a matter for Members to consider when reviewing the Development Contributions Scheme. Cllr Bannigan requested that a report be prepared for the July meeting. It was agreed that the Review of the Development Contributions Scheme would be an item on the agenda for the September Council meeting.

On the proposal of Cllr Gallagher, seconded by Cllr Crowe it was agreed to approve the recommendations from the Corporate Policy Group meeting held on 14th May 2007.

Urgent Business:

The Mayor referred to a Notice of Urgent Business which had been submitted at the June Council meeting in the names of Cllrs Gallagher, McElvaney and McKenna, as follows:

“It is proposed that Monaghan County Council revisit at the next Council meeting, The Retail Park on the Clones Road, with a view to a variation of the Development Plan on the basis of it being an existing Retail Park. In order for Monaghan Town to attract much sought after Multi National Retailers.

The Mayor, Gary Carville suggested that this matter be considered in conjunction with the review of the Retail Planning Guidelines scheduled for autumn 2007.

The Members stated that this matter was urgent and it was agreed, on a vote by show of hands, 11 members voting for, that the motion be dealt with at this meeting.

In proposing the motion, Cllr Gallagher stated that it is necessary to vary the County Development Plan 2007-2013 to permit a change in the current zoning from industrial and employment to commercial to accommodate the limited sale of small comparative goods (recommended 30% of gross floor area).

The following points were made by Cllrs Gallagher and B. McKenna -

- Other counties had varied their development plan to ensure that Multi National Retailers had located in their areas.
- Retailing on access routes to towns has become commonplace throughout Ireland
- They Members understood the fear that if these retail developments are allowed to set up on the out skirts of towns, this might lead to the shops in the town centre suffering, however people are currently travelling to other counties to avail of these facilities.
- There are currently five large UK companies willing to locate in Monaghan if the development. It would create a large amount of employment and encourage people to visit the town.

Mr. Adrian Hughes, Senior Planner, stated that in accordance with the County Development Plan and the National Retail Guidelines, Monaghan County Council had decided to contain retail shopping to the town centre to prevent decline and maintain its viability. Other towns have suffered as a result of allowing such development outside the town boundary. Under the guidelines a planner must apply a sequential test and if this was applied to the proposal

before them it is his belief that it would probably be refused by both Monaghan County Council and by An Board Pleanala. If this variation were allowed this would mean thirty percent of the retailing occurring in retail parks would be food/textile on bulk scale. If the Members decide to vary the plan the policy would apply throughout the county. The proper mechanism to deal with this matter is by way of a material contravention of the development plan. He would strongly recommend that the Members do not proceed with this variation and review the matter in October 2007 under the review of the Retail Planning Guidelines.

Mr. P. Clifford explained the process by which the Development Plan can be varied under section 13 of the Planning and Development Act 2000 – a notice of the variation must be placed in the local press inviting submissions and the notice must include the reasons for the proposed variation. Submissions are invited from the public within a period of at least 4 weeks. Following the closing date for receipt of such submissions the County Manager will prepare a report for consideration by the Members and members have 6 weeks to consider this report.

The Mayor said the reasons for the proposed variation of the County Development Plan included consumer choice, retail leakage, national trends, increasing footfall and to help the growth of the town in line with the National Spatial Strategy.

The County Manager stated that he accepted the bonafides of the applicant in this matter. However he would favour the protection of the town centre - one of the great attractions is the number of retailers in Monaghan town that are not multi-national/high street names. In Dundalk, some of the retail shops are now five kilometres apart – there is no retail pattern in place. Cavan town is also suffering from out of town developments.

On the proposal of Cllr McElvaney, seconded by Cllr Gallagher it was agreed to commence the process to vary the County Development Plan 2007-2012 to provide for a change in the zoning at existing The Retail Park on the Clones Road from industrial to commercial.

Votes of Congratulations and Sympathy

The Members agreed to extend a vote of congratulations to

- Truagh Community Games on winning 3 All Ireland gold medals
- St Mellon's Handball Team, Truagh on winning the Under 14 handball competition
- Pdraig McKenna, Derryrellan, Emyvale on winning the skills competition at the National Feile Competition in Kilkenny.

The Members agreed to extend a vote of sympathy to

- Cllr Patrick McKenna on the death of his mother Margaret McKenna

- The Brennan family on the death their father Hugh Brennan (former Machinery Yard Overseer)
- Mary Gorman (Planning Dept) on the death of her uncle Michael Gorman
- Mary Begley (Community & Enterprise) on the death of her brother Pat Begley

Signed: _____ **Meara** _____ **Meetings Administrator**

Date: _____