

Minutes of Adjourned Meeting of Monaghan County Council held in Mtek Building, Knockaconny, Armagh Road, Monaghan on Tuesday 21st March 2006, at 10 a.m.

Chair: Cllr P Treanor, Mayor

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

Mr. D. Nelson, Co. Manager, Mr. M. Fitzpatrick, Mr. P. Clifford, Adge King, Mr. D. Fallon, Directors of Service, , Mr. P. Johnson, Senior Engineer, Mr. A. Hughes, Senior Planner, Mr. T. Gourley Mr Pdraig Maguire, Drew Hurley, Ms Anne McElvaney, Ms Mary McGarvey, Ms C. Thornton, Meetings Administrator and Ms. Alison, Mackle, A/Staff Officer

Apology: Cllr Gallagher

1. Part VIII – Local Government (Planning & Development) Regulations 2001 - Monaghan Main Drainage North East Region Service Land Initiative

Mr Paul Clifford, Director of Services asked the Members to consider the Part VIII – Local Government (Planning & Development) Regulations 2001

Monaghan Main Drainage North East Region Service Land Initiative

(i) On the proposal of Cllr B McKenna, seconded by Cllr O'Brien it was agreed to approve the proposed development as per Directors report dated 13th March 2006 in relation to 05/8018 to construct waste water pumping station, connection to public services, erection of palisade fencing, and all associated site works on this site at Mullamurphy, Monaghan.

(ii) On the proposal of Cllr B. McKenna, seconded by Cllr H. McElvaney is was agreed to approve the proposed development as per Directors report dated 13th March 2006 in relation to 05/8019 to construct waste water pumping station, connection to public services, erection of palisade fencing, and all associated site works on this site at Mullaghmore East, Monaghan

(iii) On the proposal of Cllr B. McKenna, seconded by Cllr P. McKenna is was agreed approve the proposed development as per Directors report dated 13th March, 2006 in relation to 08/8020 to construct waste water pumping station, connection to public services, erection of palisade fencing, and all associated site works on this site at Roosky, Monaghan

2. To consider variation to County Development Plan:

Mr. Paul Clifford, Director of Services advised that they had a large number of planning applications for developments in unzoned areas and it was up to the

Members to consider proposed variations to County Development Plan to deal with re-zoning at the following locations. He said that a number of developers were opting to build outside zoned areas because this meant that they avoided the Part 5 requirements. In accordance with the reports circulated it was proposed to provide for the zoning of residential land and associated facilities on previously unzoned lands in order to grant permission in the following applications -

- 05/1412 – Development at Dernaglug, Doohamlet
- 05/1224 – Development of 89 residential units at Mulladuff, Annyalla
- 06/249 – Development of 26 residential units at Conabury, Castleblayney
- 05/1318 – Development of 66 residential units at Ednamo, Inniskeen
- 05/1196 – Development of 85 residential units Tydavnet

In response to queries from Members Mr. Drew Hurley, Senior Executive Planner replied as follows:

- That all sites within the proposed boundary limits.
- Doohamlet has adequate services for the proposed developments. The landowner had installed a private treatment plant, which the County Council intend to take over.
- The Council has asked for Crèche facilities and a play area, however the development may fall below the threshold for provision of crèche facilities.
- The developer has been asked to address issues re access.
- In relation to Conabury the developer has already got approval in their original application and the traffic needs were addressed when this application was decided. There is no proposal for a new road; the proposal was to widen the road. The developer cannot be forced to widen the road.

Mr. P. Clifford, Director clarified that the Sustainable Rural Housing Guidelines outlined that ribbon development was characterised, where 5 or more houses exist on any one side of a given 250 metres of road frontage.

Paul Clifford, Director of Services said that more applications will come in and unless they are brought before the Members, like today, the only alternative is to refuse them. In relation to the Development contribution under Part 5, there is a default in it that insists that 20% if no agreement can be reached between the Developer and the Local Authority.

In relation to crèches the Local Authorities must have regards to the DoEHLG Childcare Guidelines.

The County Manager advised that the Council is in a unique situation, in that the town boundaries were seen as zoned areas and anything out side that is treated as rural areas therefore Part V does not apply to these areas that are not zoned for housing. If the Council were to apply the Rural Planning Guidelines then it's likely these applications would be refused.

Responding to a query Mr. Michael Fitzpatrick, Director of Services said that it is the Local Authority who decides on which option to apply under Part 5. There are a number of options available - financial compensation is usually the last one. The Local Authority preference is houses, land and then financial contributions. A developer can comply with Part 5 and provide land in any part of the county.

Voting:

Doohamlet:

On the proposal of Cllr Bannigan seconded by Cllr Carville it was unanimously agreed to vary the County Development Plan 1999 – 2004 to provide for re-zoning in the townland of Dernaglug, Doohamlet

Annyalla:

On the proposal of Cllr Carville seconded by Cllr Coyle it was unanimously agreed to vary the County Development Plan 1999 – 2004 to provide for re-zoning in the townland of Mulladuff, Annyalla

Connabury, Castleblayney:

On the proposal of Cllr O'Brien seconded by Cllr Coyle it was unanimously agreed to vary the County Development Plan 1999 – 2004 to provide for re-zoning in the townland of Connabury, Castleblayney

Inniskeen:

On the proposal of Cllr Keenan seconded by Cllr McNally it was unanimously agreed to vary the County Development Plan 1999 – 2004 to provide for re-zoning in the townland of Ednamo, Inniskeen.

Tydavnet:

On the proposal of Cllr Maxwell seconded by Cllr P. McKenna it was unanimously agreed to vary the County Development Plan 1999 – 2004 to provide for re-zoning in the townland of Tydavnet.

3. Consideration of draft Development Plan 2006-2012

Chapter 8 – Development Control Guidelines:

Cllr McNally, Cllr Keelan and Cllr Carville and McElvaney said that they had a vested interest in some of the lands that might be under discussion today and they wanted to declare that interest.

Paul Clifford, Director of Services said that he was trying to co-ordinate the plans for both the Town Councils and the County Councils plans so that all five plans would be put on public display at the same time.

Cllr McElvaney proposed that the words “their main” be deleted from Policy NR1 on page 159. Cllr Bannigan seconded this proposal.

The Manager stated that this deletion of this word totally goes against the Department of Environment and NRA policy. It would build up a level of expectation that every field is a potential building site.

Mr. Paddy Johnston, Senior Engineer, Roads stated that the Council should be very aware of the horror of road accidents and do what it can to avoid them - there is a direct correlation between the number of accidents on the road and the number of exits on to it. He said that there is a policy of minimum access onto main roads and the Council should continue this policy

Cllr Bannigan said that he had a problem with the wording of it. It is not sustainable in the future to be relying on agriculture for a living. People need to live where their enterprise is and if they have a farm they need to live on it.

A lengthy debate took place on the re-wording of Policy NR1. On the proposal of Cllr Humphreys seconded by Cllr Carville it was agreed that Policy NR1 be amended to read as follows:

“ That where a new dwelling is proposed for a farmer (definition of farmer 50% time 50% income) where he/she derives an income from that farm or by a member of his/her immediate family, and where there are no alternatives sites on the farm reasonably accessible from a minor road”.

Cllr Bannigan Cllr Carville seconded that Policy NR4 be amended to include the words “or agricultural” after the word industrial on line 2. This was agreed.

On the proposal of Cllr Crowe seconded by Cllr Carthy it was agreed that Policy ID1 page 164 (Policies for industry) be amended to include the words “of high specification and” after the words shall be on line 1. This was agreed.

Cllr Kieran requested that colour coded signs be provided especially for tourists eg heritage sites, tourism areas, etc similar to what exists in other parts of Europe.

Cllr Carthy proposed, Cllr Keelan seconded that when an application for a new shop front is received that the Planning Authority issue a standard letter asking that Irish be used in the shop front.

A vote by show of hands on this proposal resulted in 7 for 8 against. The motion was declared lost.

Cllr Maxwell proposed that this matter could be included under SF9 – Policies for Shop Fronts, Cllr McNally seconded and it was agreed.

Cllr B. McKenna proposed, Cllr Keelan seconded that in relation to Clause 8.3.5 on page 151 that housing estates should be named in Irish only instead of using bilingual names they should use Irish names only.

A vote by show of hands resulted in 7 for 9 against. The proposal was declared lost.

Cllr McAnespie asked the members to look at page 168 which dealt with the telecommunication issue. In relation to location was there anything to deal with their distance from Schools, football pitches etc for example 500 meters? Masts were supposed to be replaced every five years, will another mast be put along side them or will they replace them.

Mr. Adrian Hughes, Sen Executive Planner stated that in relation to the masts issue they cannot put in a reference in relation to distance from schools etc, as there is currently an appeal case on this where a Local Authority did impose distance restrictions. National policy says that they should not be erected near schools however they cannot challenge this as its open to interpretation.

Mr. Adrian Hughes said that he had no problem with putting in an additional line, which would say that industries within an area should be compatible with the environs.

In relation to wind farm Mr. Hughes stated that there is a Policy on Renewable Energy. The Department have produced guidelines on wind farms and a number of the Planning staff have received training in this area. There are limited areas in County Monaghan where wind farms can be located and planning permission is required for wind turbines.

Chapters 9 – 13 Town Councils

Mr. Adrian Hughes, then took the Members through each of the Town Development Plans. He explained that the town areas were located within the black lines and outside the black line was the environs. The areas within the town boundaries would fall to be considered by the various Town Councils. He also explained the colour coding in relation to the zoning maps.

General debate:

Cllr McElvaney said that he felt that people needed to be guided through the Development Plan

Cllr Bannigan felt that everything should be included in the draft, if all details were not included how could people give their opinion. If they did not include proposals now they would have to go back to the people after the ten weeks and ask them to air their opinion again.

Cllr Carville said that this plan is a Members plan and they as a body have a right to add or delete from it. Cllr McElvaney agreed with this.

Director of Services Paul Clifford agreed. Everything should be submitted that is in for the public consultation process. Submissions were logged and given to the Members in the Managers report.

Cllr Bannigan asked was every application discussed by the subcommittee?

Paul Clifford Director of Services said that public consultation had closed in October 2005 and submissions received after that had gone to the subcommittee.

Cllr McNally said that there had been about twelve changes in Carrickmacross. He was aware of a number of people that had view the maps contained in the development plan and felt they had an unfair advantage over those who wouldn't see the maps until the public consultation process begins.

Cllr B. McKenna said that there was a political connection between who had seen the Draft Development Plan maps and those who had not. There were people buying land around the County who would have viewed this map before others. There was to be a ten-week consultation process and then the Members can view it. Zoning is a sensitive issue, and unless he had seen the land itself he could not vote on it. This public consultation process gives everyone the opportunity to make a submission.

Cllr Crowe asked when the plans go for Public Consultation, can people resubmit any submissions that were received after October 2005. He had told people who were late with their submissions that they could put them in again.

Cllr McElvaney stated that as a Member he is entitled to have a point of view on this situation. The committee was there to make recommendations. They should be allowed to receive submissions and discuss each of them.

Paul Clifford, Director of Services said that after ten weeks, the committee members will make a decision on any subsequent submissions received.

Cllr Carthy understood the frustration here today. He has issues with the rezoning of land. He felt that they should send the plan out as a working document and specific proposals could be put in writing. There was a need to make an informed decision. Anyone who came to him with a late submission he had told them to put it in writing and send it to the planning section during the public consultation process.

Cllr Bannigan said that he had no problem with the subcommittee but that we are asking people to resubmit what they have already sent in. Some submissions have never been seen by the sub-committee. Now they were asked to adopt the draft and were never told who have made an application to get land zoned and never got it.

Cllr Maxwell asked Director of Services Paul Clifford that if land was to rezoned due to submissions will it be reassessed by the sub committee and will it have to come back to the full council again?

Mr. Paul Clifford, Director of Services said that legislation controls this process. In relation to the issue of zoning maps being in the public domain prior to the public consultation process, Mr. Clifford stated that no maps were issued by the Planning Office or Planning Officials other than those handed to Members of the sub-Committee.

He stated that the Council were attempting to do something unique for the good of the county by having a composite plan for the County Council and five Town Councils.

They were arranging meetings with the various Town Councils to ensure that this Draft Plan would be out by 1st April 2006 and there would be a ten week consultation period after this. Individual proposals had been discussed and each village and town was also discussed. It would be never ending if the committee analysed each individual submission. This public consultation process protects members and officials. Submissions were accepted until October 2004.

In April 2004 the members were asked to nominate a sub-committee to prepare the draft plan. In relation to this draft there had been fifteen subcommittee meetings and five public consultations in addition to individual meetings and clinics. The last Development Plan had gone through in three meetings and there was no committee working on it. .

Cllr McElvaney said that it was never explained that the subcommittee would have the final say.

Paul Clifford said that it was the Members decision, as to whether or not they wanted to bring all individual submissions before a full Council meeting or have them considered by the elected sub-committee.

Proposals:

Cllr McElvaney proposed that the Council debate zoning issues today and for as many days as it takes in order to get a draft plan agreed to present to the public. Cllr Carville seconded.

A vote by show of hands resulted as follows:

For 5 Against 12

The Mayor declared the motion defeated.

Cllr B. McKenna proposed that the draft County Development Plan 2006-2012 be put on public display and that any submissions received during the public consultation process be considered by the full Council.

A vote by show of hands resulted as follows:

For 12 Against 5

The Mayor declared the motion carried.

On the proposal of Cllr Martin seconded by Cllr Humphreys it was agreed to adopt the following in relation to the Dartrey Demesne, Rockcorry:

- 1. It is an objective of Monaghan County Council to work with the Dartrey Heritage Association, Coillte and local landowners to establish public walking routes through Dartrey demesne.*

2. *It is an object of Monaghan County Council to work with the Dartrey Heritage Association, Coillte and other organisations in conserving and restoring the Richard Dawson (Dartrey) monument*
3. *It is an object of Monaghan County Council to work with the Dartrey Heritage Association, the Irish Georgian Society and other organisations in conserving and restoring the Dartrey Temple.*

Miscellaneous issues:

Carmel Thornton, Meetings Administrator said that a request had been received from the Monaghan Immigration Support Group to attend the April Council meeting to highlight the problems facing asylum seekers. This was agreed.

Michael Fitzpatrick advised that the Housing & Corporate Services SPC and the CPG had recommended that a presentation would be made to the Council at the April meeting in relation to the Rental Accommodation Scheme. This was agreed.

At this point Cllr McNally proposed Cllr Conlon seconded that the Council break for lunch and resume consideration of the draft development plan at 2.30 p.m. A vote by show of hands resulted in 10 for 8 against.

The Mayor declared the motion carried.

The meeting resumed at 2.30 p.m.

Chapter 14 – Village Development Plans:

Mr. P. Clifford, Director of Services advised that the Development Plan identifies a total of 34 villages that provide basic services to the community. Four issues in relation to zoning could not be agreed at Committee level. These related to the villages of Emyvale, Inniskeen, Clonsedy, Magheraclone and Tyholland.

Emyvale:

Mr. A. Hughes outlined on the map the area of land which was under discussion. He explained that sufficient land had been zoned at fairly low density. The area being discussed was not the most suitable land for housing.

Cllr Maxwell proposed, Cllr P. McKenna seconded that the additional piece of ground outlined by Mr. Hughes be included in the area being zoned for housing in the village of Emyvale.

Following further debate, the Mayor put the proposal to the meeting. A roll call vote was requested. This resulted as follows:

For: Cllrs Bannigan, Carville, Conlon, Humphreys, Keelan, Keenan, Maxwell, McAnespie, McElvaney, B. McKenna, P. McKenna and Treanor. Total 12

Against: Nil

Abstained: Cllrs Carthy, Coyle, Crowe, Kieran, McNally and O'Brien. Total 6

The Mayor declared the motion carried.

Inniskeen:

Mr. A. Hughes outlined on the map the area of land which was under discussion. He explained that this was an elevated site and there was a difficulty with access to the site. Sufficient land has been zoned in the village.

Cllr Keelan indicated that the landowner was making a detailed submission in relation to the area and he was happy to leave this matter until after the public consultation process had taken its course.

Clonsedy, Magheraclone:

Mr. A. Hughes outlined on the map the area of land which was under discussion. He explained that land in question was detached from the area where the shop, school and church were located, although it adjoined the existing local authority housing scheme.

Cllr McNally proposed, Cllr Keenan seconded that the Gypsum land at Magheraclone should be excluded from the zoned area.

The Members agreed to leave this matter under after the public consultation process had taken its course.

Tyholland:

Mr. A. Hughes outlined on the map the area of land which was under discussion. He explained that the village centred around the existing local authority housing which was on the other side of the main Monaghan – Armagh road from the site in question.

Mr. P. Johnson, Senior Engineer Roads advised that it was illogical to have development on both sides of this busy road from a road safety point of view.

Following a discussion on this matter it was agreed to leave it until after the public consultation process had taken its course.

Members raised issues in relation to land at Annyalla, Oram, Doohamlet and Lough Egish.

It was agreed that anyone either Council Member or any member of the general public could make a submission in relation to anything included in the draft County Development Plan during the period of public consultation.

The Deputy Mayor thanked all present for their co-operation and paid special tribute to the sub-Committee and the Council officials for their hard work in the preparation of the draft plan.

The meeting then concluded.

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

Date: _____