

**Minutes of Adjourned Special Meeting of Monaghan County Council on Monday 19<sup>th</sup> November 2012 at 10.00am held in the Council Chamber, M-Tek 1 Building, Knockaconny, Monaghan**

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

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

**Apologies:** Cllr G. Carville

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

The Mayor introduced the meeting as a continuation of the adjourned meeting of Monday 5<sup>th</sup> November confirming that Members are free to speak as before and that the meeting will finish at 1.00pm.

**IFA proposal:**

The Mayor referred to an email from the Chairman of County Monaghan IFA detailing the wording for a proposed amendment to section 15.23 of the draft development plan which had been drawn up by the IFA Solicitor. It was noted that the proposed amendment was set out on a plain sheet of paper, unsigned, and not on the headed paper of the Solicitor.

Cllr McPhillips stated that she had discussions with the IFA in relation to sight distance agreements and stated that she wished to put the members on notice that she may bring forward a variation at a future date.

The Manager, reading from Planning Guidelines, reminded the Members of the Code of Conduct that must be observed by them in making the development plan:

*“In making and adopting the development plan, the elected council, acting in the interests of the common good and the proper planning and sustainable development of the area, must, in accordance with the “Code of Conduct for Councillors” prepared under the Local Government Act 2001, carry out their duties in this regard in a transparent manner, must follow due process and must make their decisions based on relevant considerations, while ignoring that which is irrelevant within the requirements of the statutory planning framework.”*

**3. Submissions in respect of Draft Development Plan (contd.):**

**Item 3.15 Mineral Extraction**

### **73. Golder Associates Ireland Limited – pg 222**

Cllr Connolly referred to protection of the environment, a history of fracking groups in America and the political power they have. Cllr Connolly stated that he has concerns about fracking and the impact of it on our environment.

Mr Hughes made reference to P.338 of the Development Plan (EIP 5) and stated that Golder Associates Ireland Ltd represents Conway Gold who are involved in mineral extraction and not gas extraction.

Cllr McKenna referred to the item which appears on local radio every so often confirming another gold find in Clontibret yet there has never been a spade put in the ground. He views this as a means to boost share prices and asked if there has been any planning application for extraction of gold in the area?

Mr Hughes confirmed that no planning applications for mining/extraction of gold have been submitted to the Council. Test drilling may have taken place but there is no requirement for planning permission.

Cllr Carthy stated we will not permit the practice of fracking in Co. Monaghan if we have concerns for the environment. Cllr Carthy asked if there has been a change of wording in terms of fracking.

Mr Hughes confirmed there has been some minor changes and that this matter will be discussed at the next meeting of the Draft Development Plan next Monday 26<sup>th</sup> November.

### **Item 3.16 County Organisations**

#### **78. Monaghan Community Forum - pg 238**

Cllr Conlon stated that the Community Forum see third level education in the county, the N2 corridor and the re-opening of the Ulster Canal as priority issues.

### **Item 3.17 Government Departments**

- 87. DECLG – pg 6
- 97. DAHG - pg 329

*Cllr Bannigan proposed, Cllr Murray seconded that when the Strategic Flood Risk Assessment for the County is compiled, necessary changes to the Development Plan will be progressed immediately by way of variation.*

The Mayor put Cllr Bannigan's proposal to the meeting and it was agreed.

### **Item 3.18 Tier 4 Settlements (Villages)**

- 1. Hugh Treanor – pg 11

Cllr Connolly referred to a site in Emyvale, (Hugh Treanor), within the 50km zone, within all service envelopes, where extensive preparatory work has been done and the site is ready for use if and when the economy turns. This site was included in the current development plan. There is a demand for housing in Emyvale – there are currently 13 on the waiting list.

*Cllr Connolly proposed, Cllr McKenna seconded that submission Ref: 5.1 DMCDP1 (Hugh Treanor) be zoned for residential use in Monaghan County Development Plan 2013-2019 and plot ER4 omitted.*

Cllr McKenna, in seconding the proposal, mentioned the other site, at ER4, which also has had extensive excavation work carried out on it, in Emyvale, which is located on a hillside. The site at DMCDP1 is a flat site, very suitable. This gentleman has spent in excess of €130,000 developing the site

Mayor McElvaney voiced his support for the proposal.

Mr Hughes recommended that this site is not included and stated that he had nothing further to add to the contents of the Manager's report.

A vote by show of hands was taken on Cllr Connolly's proposal and it was agreed unanimously.

- 61. Sean Connolly – pg 177
- 63. Patrick McKenna – pg 186
- 80. Seamus Mulligan – pg 245
- 83. John McGahon – pg 268
- 86. Castle Leslie – pg 294

The Manager's report was agreed by the members in relation to the foregoing submissions.

### **Item 3.19 Monaghan Town**

- 16. Department of Education and Skills – pg 56
- 60. Nick Patton – pg 172
- 66. Kavanagh Fennell – pg 201
- 71. Francis McGuigan – pg 216
- 89. Barry Aughey – pg 306
- 92. Robert Patton – pg 311

- 16. Department of Education and Skills – pg 56

Cllr McKenna mentioned the issue of traffic jams on the Clones Road, entering Monaghan Town – this is a major issue for this town. Someone needs to take on board issues regarding primary schools. He suggested that the officials contact the Teacher's Centre to see if a solution for this problem can be found.

Cllr Conlon mentioned that at the September Monthly Meeting of Monaghan Town Council the Members submitted a request in relation to safety measures around

schools. The Engineering Section is to meet with the relevant schools. Cllr Conlon stated that he will be proposing to set aside money in the Town Council budget to deal with safety issues.

The Manager's recommendation was agreed by the members in relation to the submissions 16, 60 and 66.

71. Francis McGuigan – pg 216

Cllr McPhillips declared an interest in this submission and left the chamber. Cllr O'Brien and Gallagher also left the room at this point – this was taken as a declaration of interest and recorded as such.

*Cllr Maxwell proposed that lands owned by Francis McGuigan at Milltown Monaghan (Map Ref DMCDP71) be zoned for residential use.*

Cllr S. Treanor added that this is a great builder who wants to get this development finished off and thus he supports this proposal.

Mr Clifford advised Cllr Maxwell that a map of the area being proposed should be submitted. He also advised Cllr Maxwell that he would need to identify land to be removed from the draft plan.

Cllr Maxwell stated that he had not been made aware that he would need to mark the site on a map. He suggested that land around the Bishop's House at Latlurcan would be removed from the draft plan.

Cllr McKenna suggested that Cllr Maxwell have the map marked for the next meeting.

Mr Clifford stated that unless we have clearly defined maps identifying areas to be changed we cannot accept proposals and the vote on this will have to be held at the next meeting.

Mr Hughes advised that it will be necessary for the member to state what the land is to be zoned as.

Mayor McElvaney stated that the Members had never been informed of this requirement before. They were informed that they could propose to take land out but not that they would have to state what the land would be zoned as.

Cllr McNally mentioned that never before were the Members asked to mark a piece of land on a map.

Mr Hughes, in response to issues raised, stated that area, zoned for residential use, wasn't critical in the last plan – there was no cap in place. Members are proposing to put in a portion of land at McGuigan's and take out land at the Bishop's house. It is the members who are making this proposal, not the executive, therefore the members need to say what the area of land is and what it will be zoned as.

Cllr Connolly agreed with the proposal to leave the land (McGuigan's) as it is. Low density, rural area. Sewerage is a problem in the Milltown area and this builder has done a lot of work in this particular area.

Cllr Maxwell stated that the site in Milltown is nearer to Monaghan Town than the site at Annaroe. Cllr Maxwell asked, as a point of clarification, what exactly is needed when proposing to exclude a piece of land.

Mr Hughes referred the members to 4.19 of the Planning Guidelines regarding the sequential approach which states that *"In order to maximise the utility of existing and future infrastructure provision and promote the achievement of sustainability, a logical sequential approach should be taken to the zoning of land for development... Any exceptions must be clearly justified by local circumstances and such justification must be set out in the written statement of the development plan."*

The Mayor asked if all members agree to defer the proposal (from Cllr Maxwell) until the next meeting. This was agreed by the members.

The Mayor stated that the door of the Planning Office is always open if the members need assistance with this.

Mr Hughes confirmed that it depends on what proposals are brought to the executive to ascertain what exactly is needed. If there is a proposal to change the zoning members need to identify the exact location and size of the land – must be clear and precise.

Mr Clifford stated that saying the reason is because the site is closer to Monaghan Town is not sequential, this is to do with proximity, the reason needs to be based on the sequential test.

Cllr McNally feels members have been badly informed with regard to the marking of maps.

The Mayor asked who will adjudicate if the maps and reasons brought by Cllr Maxwell to the next meeting are valid.

Mr Clifford stated that the Minister adjudicates ultimately.

#### **89. Barry Aughey – pg 306**

*Cllr Conlon proposed, Cllr Coyle seconded that zoning classification referred to in submission 89 is retained as per the previous development plan and that the zoning matrix is similarly retained.*

Vote taken: Unanimous (Cllrs O'Hanlon, McKenna, McPhillips, Gallagher and O'Brien were absent from the Chamber).

In response to a query from Mr. Hughes, Cllr Conlon stated that the proposal is to 'retain the zoning as per the existing development plan' there is nothing extra or additional being sought - 30% of convenience goods will continue to apply.

Mr Hughes stated that National Guidelines have set the cap at 20% in out of town centres. We cannot disregard National Guidelines.

Cllr Conlon stated that he is opposed to robbing it of 10%.

Cllr Coyle stated that he thought this had been dealt with in the previous Development Plan. Anything that goes into this Plan is pro job creation.

Cllr McKenna stated that there is no point proposing 30% if an application comes in tomorrow morning and 20% will be applied. There should be no discussion, we need to go with 20%.

Mr Hughes confirmed that 20% took effect from April 2012 with the new Draft Retail Planning Guidelines.

The Mayor asked Cllr Conlon if the proposal is to ignore guidelines.

Cllr Conlon stated that he would like to adjourn his proposal until the next meeting.

This was agreed by the members.

Cllr McPhillips re-entered the meeting room.

## **92. Robert Patton – pg 311**

*Cllr Connolly proposed, Cllr Bannigan seconded re: Submission at 5.91 (encompassed in area C8 in map), Submission Reference DMCDP that the status quo in relation to planning remain that this land is zoned for industry and employment.*

Cllr Connolly stated that he knows the land in question and that the farmer who owns it has round bales on the land and they are not likely to do this if the land is prone to flooding.

The A/County Manager suggested that the members wait until the CFRAM report from the OPW has been received.

Mr Hughes stated that it is difficult to say which lands will flood in the future. It is very easy to zone the land – if it is zoned we are saying it is ok for planning. There is a question over these lands. Until the CFRAM report is available we should not zone this land. Monaghan Co-Op, in the past, has flooded and they have blamed planning decisions on the adjoining lands as the reason for the flooding.

Cllr McKenna visited the land, he doesn't believe there is a potential for flooding. The site rises all the time. Along the Blackwater there is a bank of 30ft. The site is elevated at the back. If Planners are suggesting the site will flood then the Northern Sound studios will suffer.

Mr Clifford stated that this site may not flood but the effect of developing this site without attenuation could cause flooding, elsewhere. The OPW will have the report in 2 years, it is prudent that we wait until then.

The Mayor put Cllr Connolly's proposal to the meeting. A vote by show of hands resulted in 8 For, 4 Against, 4 Abstentions. The Mayor declared the proposal carried.

Mr Clifford posed the question regarding the area of land to be zoned was it the area identified as (C8) marked in red in the current Co Development Plan.

Cllr Connolly stated that this is correct.

The Mayor asked the Deputy Mayor (Cllr Keelan) to chair the meeting at this point.

### **Item 3.20 Carrickmacross**

- 46. Irene Connolly – pg 126
- 54. Michael, Michael & Emer McKittrick – pg 153
- 59. Patricia McNally – pg 166
- 64. Glassford Developments – pg 188
- 74. Woodvale Residents – pg 223
- 75. Tesco – pg 224
- 93. C&K Goulding – pg 317

#### **47. Irene Connolly – pg 126**

Cllr McNally – officials can identify changes proposed to the draft.

Mr Clifford stated that they are incorporated into the Manager's report.

The Manager's recommendation was agreed by the members in relation to the submissions 46, 54 and 59.

#### **64. Glassford Developments – pg 188**

Cllr McNally requested that this land be coloured dark blue. This may not sound like much but it does effect financial institutions.

Mr Hughes stated that strategic lands in dark blue are effectively in-filled gaps which we believe are suitable for housing but not within the life of this plan. Lands on the periphery are not seen in this light and that is the reason.

Cllr McNally asked what the procedure is for getting land zoned.

Mr Hughes confirmed that the Member must propose it and identify the lands.

*Cllr McNally proposed, Cllr Carthy seconded that this Council zone the remainder of DMCDP64 within the red line, (as strategic development zone), dark blue, the first part of this land already has planning granted for 22 houses – reason is to allow possible development in the future if need is proven.*

Cllr O'Hanlon supports Cllr McNally's proposal.

The Mayor put Cllr McNally's proposal to the meeting and it was agreed unanimously.

**74. Woodvale Residents – pg 223**

Cllr Carthy confirmed that his concerns in relation to this are addressed under another item.

**93. C&K Goulding – pg 317**

Cllr Murray asked if consultation can take place in the future if change is needed.

Mr Hughes confirmed that this is possible.

The Mayor returned to Chair the meeting.

Cllr O'Hanlon asked if, when planning applications are made, the image of Carrickmacross as a Market town will be kept. Common sense is required.

Mr Hughes confirmed that common sense is always applied and would continue to be applied.

The Manager's recommendation was agreed by the members in relation to the submissions 74, 75 and 93.

**Item 3.21 Castleblayney**

- 8. Relative Developments Ltd (Bree) – pg 34
- 9. Relative Developments Ltd (Killycard) – pg 38
- 16. Department of Education & 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

Cllr Bannigan asked if Submissions No. 8 & 9 could be dealt with together.

*On the proposal of Cllr Bannigan seconded by Cllr Crowe, it was agreed that in view of the letter received by the County Manager from Martin Crilly & Co., Solicitors in relation to Lorcan Greenan and Padraig Watters that discussion on this item be adjourned until Monday 26<sup>th</sup> November and that the Council seek legal advice in relation to the Core Strategy in advance of that meeting.*

The Mayor stated that it is agreed that all Item 3.12 – Castleblayney be deferred until 26<sup>th</sup> November.

The Manager confirmed that he will seek legal advice for the next meeting. He is satisfied the Core Strategy is sound but he will take legal advice on the subject.



### **Item 3.22 Clones**

23. John Clerkin – pg 67
24. Emer Bannigan – pg 69
53. Enda Connolly – pg 151
57. James Corr – pg 163
58. James Corr – pg 165
69. Enda Graham – pg 206
72. Arthur McMahon – pg 220
94. Mr & Mrs McCarville – pg 320

The Manager's recommendation was agreed by the members in relation to the foregoing submissions.

### **Item 3.23 Ballybay Submissions**

48. Health Service Executive – pg 144

The Manager's recommendation was agreed by the members in relation to the submission.

Cllr Gallagher re-entered the meeting room.

### **AOB**

#### **Land at Tullygrimes:**

Cllr Maxwell mentioned the land at Tullygrimes, (CF Partnership) and stated that he wasn't aware that this had been excluded and neither were the landowners aware of this. Planning Permission was granted by this Council in 2010 which was subsequently appealed to An Bord Pleanala and then refused in relation to speed limit signs.

*Cllr Maxwell proposed and Cllr S. Treanor seconded that lands identified as C3 on the 2007 Monaghan County Development Plan be zoned for industrial / employment in the new Development Plan 2013-2019.*

Cllr McKenna stated that he has no problem supporting this proposal but referred to the letter from the NRA (received in August 2012) which states that they refused to extend the speed limit.

Cllr Connolly supports the proposal and stated that there should have been more of an effort made by the NRA to seek information on the decision of Monaghan County Council to grant permission.

Cllr Maxwell stated that the Planning Authority always said business should be located near the centre of the hub. He stated that this land is right on the outskirts of the town, and we need to fight for this.

The Mayor stated that he is familiar with the site and asked if the current access could be used, (Century Homes).

The Mayor put Cllr Maxwell's proposal to the meeting. A vote by show of hands resulted in 15 For, Nil against, 1 Abstention. The Mayor declared the proposal carried.

Cllr Keelan mentioned Page 189 of the Draft Development Plan and referred to a line of text which has been taken out regarding site distance. Cllr Keelan stated that this line gave some discretion to our Engineers / Planning Office. He proposed that the line be included in the Plan.

*Cllr Keelan proposed, Cllr McNally seconded that the following wording be retained in the Draft Development Plan:*

*"A site entrance on a regional and local road will be accessed on the basis of assumed reasonable road speed in the vicinity."*

Mr Alan Hall, Area Engineer confirmed that, (Pg. 171 of current Plan, Pg. 347 of Draft Plan), sight distance is based on legal speed limits for regional/local roads – local roads 80km/hr. The Engineers have stepped down the speed on local roads.

The Mayor asked if this line can be included.

Mr Hall stated that they are proposing to take the line out. Appropriate sight distance is 150m on a regional road (80km/hr).

Mr Clifford stated that we must look at this for 'the common good', not for individuals benefit.

Cllr McKenna supports this proposal and stated that if this line is to be removed there is no facility for discretion for Engineers.

Cllr O'Hanlon supports the proposal stating that it is common sense.

The Mayor stated that the proposal reduces the amount of visibility required for one-off houses and should be agreed.

The Mayor put Cllr Keelan's proposal to the meeting and it was agreed unanimously agreed.

## **N2 – Clontibret to the Northern Ireland Border Road Scheme:**

Cllr Connolly raised issues from the Grontmij report and called on the members to re-examine the report. He stated that, at a meeting of the Party Whips, he indicated that he would raise this issue. He expressed concern about figures for traffic volumes on the existing N2 for 2011 and 2012 which are available on the NRA website. He was of the view that these figures showed great variation in usage and conflicted with some of the figures given in the consultant's report. He stated that the Northern Ireland side have agreed they are only taking their road as far as Ballygawley and that no money has been set aside this side of the border for the lifetime of this Government (due to indecision of our Government). He then mentioned that he would be in favour of doing an evaluation of the effectiveness of the current N2 – we should fully

evaluate the upgraded N2. He said there is a need to re-examine the preservation of a 400m wide corridor to protect a 'single line' carriageway.

Cllr McKenna questioned Cllr Connolly as to where his issues have come from and stated that he had attended a meeting where these issues were raised by the 'Don't Bypass the By-Pass' campaign group. He stated that Cllr Connolly says this project has not been fully assessed, yet it has been fully assessed. As someone who uses this road everyday, he can vouch for issues regarding junctions onto this road. There is no reason why we should go back and look at this. One big issue, which Cllr McKenna says we are left with, is the 400m wide corridor and he referred to a circular from the NRA in relation to this. Cllr McKenna stated that there is a suggestion from the 'Don't Bypass the By-Pass' campaign group that we should just throw all this work away. He stated that, we as a Council should not stand in the way of this road being developed. The North West route through Monaghan is the worst in the country. The roads needs to be upgraded. Cllr McKenna does not accept that there is any problem with this report at this stage. Members had a number of months to raise these issues before today.

Cllr Connolly stated that he is entitled to listen to the views of his constituents and makes no apology for this. He hadn't read the Grontmij report before their presentation at the Council Meeting but he stated that he has since read it.

Cllr Conlon stated that our decision here could impact on loss of life. Road safety will not be properly addressed unless this route is considered. Most members sit on cross-border groups therefore we cannot deal with them separately at local level. It needs to be dealt with at national, all-country level. He stated that regarding major arterial routes Monaghan is largely ignored at national level. He referred to Pg.123, second paragraph 'Planning authorities....selected preferred route corridor....300m wide' – clarification was needed regarding the 400m corridor. Cllr Conlon stated that he attended a meeting in the Four Seasons Hotel last week and it was clear from the outset what the group wanted 'complete abandonment of the project'. Cllr Conlon felt duped and stated that he and his colleagues support the route corridor.

Cllr McKenna stated that the type of carriageway has not yet been decided. This will be decided at Stage 3/Design Stage.

The A/County Manager stated that we need to look at this on a national level. He referred to the Good Friday Agreement and a recent meeting of the Joint Committee on Environment, Culture and the Gaeltacht to which the Mayor had led a delegation and had expressed the Council's commitment to the proposed route. The route corridor cannot be reduced. Regarding traffic volumes, they are framed in the timeframe they are in. There is the issue of road safety. The N2 is not as safe as he would like it to be. Members need to reflect on this.

Cllr Gallagher stated that it is ridiculous, for us as a roads authority, to consider a single carriageway from Clontibret to the North. We should have learned from Castleblayney that the cost difference between the 2+1 road as opposed to a dual carriageway is minimal.

Mr Hughes clarified the position regarding Cllr Maxwell's proposal in relation to land at Milltown, Monaghan. The piece of land referred to is in the Town Council area.

CLlr Maxwell will raise the matter at the Town Council meeting on Monday 19<sup>th</sup> November 2012.

The Mayor adjourned the meeting until 9.30am on Monday 26<sup>th</sup> November.