

**MINUTES OF SPECIAL MEETING OF LAOIS COUNTY COUNCIL HELD ON THE-
21st JUNE 2007 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M. TO
DISCUSS THE COUNTY MANAGER'S REPORT IN RELATION TO SUBMISSIONS
RECEIVED ON THE DRAFT GRAIGUECULLEN LOCAL AREA PLAN**

PRESENT: Councillor Michael Lalor In the Chair

ALSO PRESENT: Councillors William Aird John Bonham
Paddy Bracken Raymond Cribbin
James Daly James Deegan
John Joe Fennelly David Goodwin
Catherine Fitzgerald Thomas Jacob
Laurence Kavanagh John D. Turley
Jerry Lodge Seamus McDonald
Dick Miller Paul Mitchell
John Moran Brendan Phelan
Martin Phelan Michael Rice
Brian Stanley

APOLOGIES: Councillors Bill Delaney Michael Moloney
Mary Sweeney

IN ATTENDANCE:

Messer's Peter Carey, County Manager, Gerry Gibson, Director of Services, Declan Byrne, Director of Services, Gerry Murphy, Head of Finance, John Daly, Director of Services, Ms. Anna Marie Delaney, Director of Services, Ms. Carmel McNicholl, Senior Executive Officer & Ms. Michelle McCormack, Executive Secretary.

WELCOME

The Cathaoirleach, Councillor Michael Lalor welcomed those present to the Special Meeting and expressed his thanks to the Members for their co-operation in the process to date. The meeting was then adjourned until 11.30pm.

COUNTY MANAGER'S REPORT ON SUBMISSIONS - DRAFT GRAIGUECULLEN LOCAL AREA PLAN

Mr. Peter Carey, County Manager welcomed those present to the Special Meeting. The County Manager indicated that his report on the Draft Graiguecullen Local Area Plan was prepared and presented to the Council in accordance with the provisions of the Planning & Development Act, 2000. The report lists the submissions, summarises the issues raised in the consultative process and gives the County Manager's response to the issues and recommendations on the policies which are included in the draft Plan.

The Manager outlined for the record that there was active public consultation with regards to making the plan for Graiguecullen. He outlined the critical concerns in Graiguecullen in relation to water and wastewater. Agreement was being reached with Carlow Co Co in relation to the provision of limited water services capacities while a permanent upgrade of the Mortarstown Treatment works are being undertaken. He also made a reference to the need to provide adequate social infrastructure, i.e. schools, community facilities, etc in the Graiguecullen area. He outlined that the completion of the continuation of the Northern Relief road is critical. The Manager stated that consultation and cooperation with Carlow County Council is taking place and will continue to take place. He outlined the Greencore submission, whilst admitting that it had huge potential if it were to be accepted then it would have to be in a phased basis. He stated that the submission will be dealt with later during the process of adoption of the plan.

He outlined that 29 submissions had been received during the public consultation period. He stated that the response and recommendations contained in the report are reflective of:

- (a) The issues emerging from the submissions
- (b) The issues emerging from individual departments of the Council
- (c) The statutory requirements of the Planning & Development Act 2000
- (d) The proper planning and sustainable development of the County
- (e) The statutory obligations placed on Laois County Council
- (f) The relevant policies and objectives of the Government or any Minister of the Government such as National Spatial Strategy, the Midlands Regional Planning Guidelines, the Sustainable Rural Housing Guidelines and other relevant binding Guidelines and Directives

Peter Dolan, Senior planning, outlined that consideration of the County Manager's Report must be made, in order to facilitate the commencement of the next statutory phase in the process. This involves the placing on public display of the amendments to the draft which result from the consideration of the Manager's Report by the Members. The Member's consideration of the County Manager's Report must be restricted to considering:-

- (a) Proper planning and sustainable development of the area to which the Development Plan relates
- (b) The statutory obligations placed on the Council
- (c) Any relevant policies or objectives of the Government or any Minister of the Government

PART 15 OF THE LOCAL GOVERNMENT ACT, 2001

The Members were advised of the following which was circulated at the meeting:-

Under Part 15 of the Local Government Act, 2001, Councillors are required to comply with the requirements of the Act in relation to disclosure of pecuniary or other beneficial interests at Council Meetings.

A Member must disclose:-

- (a) any pecuniary or other beneficial interests of which he or she has actual knowledge
- (b) that he or she or a connected person has or which is material to any matter proposed or otherwise arising for discussion at this special Meeting or at any meeting reconvened as a result of the adjourning of this Special Meeting

For the purposes of this legislation a connected person is a member of a Company or any other body which has a beneficial interest in land or property which arises for discussion at this Special Meeting and who is connected to any Member of Laois County Council.

A connected person is a person who is in partnership with or is in the employment of a person who has a beneficial interest in any land or property which arises for discussion at this Special Meeting.

A Member of the Council who is a party to any arrangement or agreement whether or not enforceable concerning land which relates to any matter which is being discussed at this Special Meeting must declare their interest. A Member of the Council or a connected person in a capacity as a trustee or as a beneficiary of a trust who has a beneficial interest in land or property which arises for discussion at this Special Meeting must declare their interest.

A Member or a connected person who is acting with another person to secure or exercise control of a Company which has a beneficial interest in land or property which arises for discussion at this Special Meeting must declare their interest.

For the purposes of the legislation, a connected person means a brother, a sister, a parent, a spouse of a Member of the Council or a child of a Member of the Council or a child of the spouse of a Member of the Council. A spouse includes a person with whom a Member of the Council is cohabiting.

If you, as a Member of the Council, have a pecuniary or other beneficial interest, you must disclose the nature of your interest or the fact of the connected persons interest at the meeting before a discussion or consideration of the relevant matter begins and you must then withdraw fully from the meeting for so long as that matter is being discussed or considered by the Council.

A Member of the Council shall neither influence nor seek to influence a decision of the Council in respect of any matter of which he/she has actual knowledge. A Member of the Council shall neither influence nor seek to influence a decision of the Council in respect of any matter in respect of which a connected person has a pecuniary interest or other beneficial interest.

ROADS

DGLAP/28

Manager, Peter Carey outlined that only one submission had been received in relation to roads issues. It was received from the National Roads Authority and it advised the planning authority to review the development and zoning proposals within the plan, which are associated or in close proximity to the N80 especially lands west of the N80 at Ballykilleen. They also recommended that those significant development proposals must be accompanied by road safety audits and transport and traffic assessments and be assessed in association with their cumulative impact with neighbouring developments on the road network. It also highlighted that a roundabout from the "district centre" has been omitted in the land use map and should be corrected. The Authority requests that the LAP makes reference to the guidance indicated in the NRA "Policy on Development Control and Access to National Roads" (May 2006) which amends and builds on the principles of earlier circulars "Development Control advice and Guidelines" (1982) and "Policy and Planning Framework for Roads" (1985). Cllr James Daly and seconded by Cllr Brian Stanley requested that the members revisit this submission at a later stage. He outlined that whilst the council must have regard to the NRA he stated that we must have regard to ourselves and the people we serve. He stated that this submission would have an impact on submissions numbers 7 and 11. The Manager stated that we could come back to the submission at a later stage. Following a brief discussion the on the proposition of Councillor Gerry Lodge and seconded by Councillor Dick Miller, the County Manager's Report as presented was agreed.

DGLAP/17

This submission was received from Carlow County Council. It expresses concerns with regard to capacity of water and sewage services to cater for the proposed zoning. The lack of suggested funding mechanism to contribute to the operation and development of community services in the Carlow Town Council Area to cater for the development of the Plan Area. Objecting to the proposed location of the "General Business" Zoning on the West side of the Carlow Relief Road. Cllr James Daly stated that while he welcomed the submission from Carlow County Council, he wasn't in favour of their suggestion of removing the general business zoning from the west side of the Carlow relief road. Cllr John Bonham was in agreement with Cllr Daly and stated that this objection would compromise the whole plan. On the proposition of

Councillor James Daly and seconded by Councillor Michael Rice the County Manager's Report as presented was agreed.

DGLAP/19

This submission is from Regina Meaney Fitzpatrick, expressing concerns over the state of paths, roadways, state of public open spaces in Oakley park, Oakley Crescent and Oakley Grove, water supply and location of a new school in the plan area. Councillor Brian Stanley outlined that this submission highlights the issues of operational matters concerning the public. He suggested that it was a good idea to open outreach offices. Cllr John Moran stated that Laois County Council were in the process of opening an office. On the proposition of Councillor Dick Miller and seconded by Councillor Michael Rice the County Manager's Report as presented was agreed.

DGLAP/20

This submission from Walter Lacy MCC expresses concern at the lack of services provided to cope with the expansion of Graiguecullen, particularly lack of road infrastructure in the Springhill area. He calls on the council to extend the Northern Relief Road from the Killeshin Road roundabout to the Springhill Road and further to the Leighlin Road and the Kilkenny Road. Cllr James Daly asked, what were the timeframes for the completion of the roads objective in the plan. Peter Dolan, Senior Planner stated that completion of the northern link road would have to be developer led as it was not a national route. Michael O'Hora, Senior Engineer stated that the orbital strategic route would also benefit Carlow County. On the proposition of Councillor John Moran and seconded by Councillor Michael Rice the County Manager's Report as presented was agreed.

DGLAP/25

This submission from Dept of Communications, Marine and Natural Resources, and stated; In terms of the protection of water quality and fishery status of the receiving waters, the status objectives as set out in the Water Framework Directive should not be compromised as a result of this LAP.

Any future developments proposed on foot of this LAP should be considered premature until suitable Sanitary Services infrastructure (incl. Treatment Plant Capacity) is in place to take and treat satisfactorily the anticipated increased loadings (both organic and hydraulic) that are expected as a result of the population increases projected in the LAP. Cllr John Moran stated that there were serious problems with water supply in Graiguecullen. He stated that there was a danger of one of the plants closing down, similar to what happened in Galway. He asked about extracting water from the River Barrow. John Daly Director of Services, stated that water comes from two sources and that boreholes were the preferable option, but that option brought with it higher capital costs. Peter Carey, Manager, stated that the council were at an advanced stage of sourcing additional bore holes. On the proposition of Councillor John Moran and seconded by Councillor Dick Miller the County Manager's Report as presented was agreed.

DGLAP/26

This submission from DoE Spatial Policy Unit and stated that an overall retail strategy is required rather than different retail strategies applying to different parts of Carlow. Any development of residentially zoned land must take place in a phased and sequential manner and in line with the requirements of Section 5 of the NSS. Any servicing of such lands should take place in a phased manner and in consultation and co-operation with Carlow Co. Co/Town Council. It also points out that the school symbol on maps 3.1 and 3.2 is described incorrectly in the legend as a neighbourhood centre. Cllr John Moran stated that the situation with regards Dunnes Stores wasn't fair, that they could not sell clothes in the store, and that it was a condition of their planning that only convenience goods could be sold. Cllr John Bonham stated that we need to promote Laois and Graiguecullen cannot be dominated by Carlow. He stated that a rate base should be established in Graiguecullen. Cllr Jerry Lodge was in support of the managers report but suggested that it should be amended to state that a retail strategy would be carried out within two years of making the plan and not the lifetime of the plan as is stated in the report. Cll Marty Phelan asked who the lead authority would be in when making the retail strategy. Peter Carey, Manager stated that Laois County Council were legally obligated to recognise Carlow and that a co-ordinated approach is needed. On the proposition of Councillor James Daly and seconded by Councillor Dick Miller the County Manager's Report as presented was agreed.

DGLAP/27

This submission from Tesco Ireland made submission in relation to policy for retail floorspace, specific objectives, retail and employment, retail and community, transport, utilities provision and car parking standards. On the proposition of Councillor John Moran and seconded by Councillor Dick Miller the County Manager's Report as presented was agreed.

DGLAP/29

This submission from Jennifer Murnane stated; any future planning applications for Graiguecullen should take account the growing population, proper infrastructure and schools. More commercial businesses were required as at present. Graiguecullen has no bank or post office. Improved footpaths and lighting at Sleaty Cemetery. Continuation of Northern Relief Roads. Cllr Brian Stanley stated that he had concerns in relation to Graiguecullen for been a collection of housing estates. He complimented the concept of neighbourhood centres and that would serve the local community and would not adversely effect the town centre. Cllr Michael Rice stated that nothing has happened in Graiguecullen for the last 20-30 years and he suggested that enough land be zoned to cater for housing and industry. Cllr John Bonham in support for Cllrs Stanley and Rice stated that Graiguecullen is a very much sought after location in the BMW Region. On the proposition of Councillor Michael Rice and seconded by Councillor John Moran the County Manager's Report as presented was agreed.

DGLAP/01

This submission is on behalf of Seamus Martin. It is a request to have 8.09HA of land zoned at Derrymoyle, for residential development. Peter Dolan outlined in detailed what the Department of Environment has said in relation to Graiguecullen. They made it clear that the level of zoned lands already provided for in the current plan is such that there is adequate provision to accommodate any reasonable level of population and housing growth. Cllr James Deegan requested that submission no 24 be taken with this submission. Cllr Dick Miller suggested that this submission be left till last and taken separate from submission no 24. Cllr Miller, with agreement from Cllr Fitzgerald agreed that these lands be zoned. Peter Carey, Manager stated that by zoning these lands it represented bad planning and didn't comply with regional planning guidelines. Submission DGLAP/01 and DGLAP/24 were taken together. On the proposition of Councillor John Bonham and seconded by Councillor Paul Mitchell, the County Manager's Report as presented was agreed.

A roll call vote was taken on Councillor Bonham's proposal which resulted as follows:

COUNCILLOR	FOR	Against	Absent
Name			
William Aird	✓		
John Bonham	✓		
Patrick Bracken		✓	
Raymond Cribbin		✓	
James Daly	✓		
James Deegan	✓		
Bill Delaney			✓
John Joe Fennelly		✓	
Catherine Fitzgerald		✓	
David Goodwin	✓		
Thomas Jacob	✓		
Laurence Kavanagh	✓		
Michael Lalor	✓		
Jeremiah Lodge		✓	
Seamus McDonald			✓
Dick Miller		✓	
Paul Mitchell	✓		
Michael Moloney			

John Moran	✓		
Brendan Phelan		✓	
Martin Phelan	✓		
Michael Rice		✓	
Brian Stanley	✓		
Mary Sweeney			
John D. Turley	✓		
TOTAL	13	8	

The result of the Roll Call was 13 votes for the proposal and 8 against. The Cathaoirleach declared the recommendations by Cllr John Bonham for Submission DGLAP/01 as presented by Managers Report to have been adopted.

DGLAP/02

This submission is on behalf of Eoin O'Reilly. It is a request to have 8.979HA of land zoned at Monure for residential development. Cllr James Daly and seconded by Cllr Paul Mitchell requested that these lands be zoned. Peter Carey, Manager objected on the strongest possible grounds to the zoning of these lands. He called on the members not to ignore their legal obligations. Peter Dolan stated that lands already zoned was sufficient to meet the needs of Graiguecullen.

A roll call vote was taken on Councillor Daly's 'proposal which resulted as follows:

COUNCILLOR	FOR	Against	Absent
Name			
William Aird	✓		
John Bonham	✓		
Patrick Bracken		✓	
Raymond Cribbin		✓	
James Daly	✓		
James Deegan	✓		
Bill Delaney			✓
John Joe Fennelly		✓	
Catherine Fitzgerald		✓	
David Goodwin	✓		
Thomas Jacob	✓		
Laurence Kavanagh	✓		

Michael Lalor	✓		
Jeremiah Lodge		✓	
Seamus McDonald			✓
Dick Miller		✓	
Paul Mitchell	✓		
Michael Moloney			✓
John Moran	✓		
Brendan Phelan		✓	
Martin Phelan	✓		
Michael Rice		✓	
Brian Stanley	✓		
Mary Sweeney			✓
John D. Turley	✓		
TOTAL	13	8	

The result of the Roll Call was 13 votes for the proposal and 8 against. The Cathaoirleach declared the recommendations by Cllr James Daly for Submission DGLAP/02 as presented to have been adopted, that is to have the lands zoned.

DGLAP/03

This submission is on behalf of Peadar Jordan and Chris Kealy. It is a request to have 5.823HA land at Sleaty zoned for Residential Development. A linear park along the River Barrow. On the proposition of Cllr John Moran and seconded by Cllr James Daly it was agreed to zone the lands from open space to general business and not to go with the Manager's Report.

It was agreed to adjourn for lunch and resume at 2.30pm.

It was agreed to adjourn from 2.30pm until 3.05pm.

DGLAP/04, DGLAP/05, DGLAP18, it was agreed to take these three submissions together as they dealt with the same lands.

DGLAP/04

This submission is on from M.J. Nolan T.D. It is a request not to zone lands formerly used as lagoons by Irish Sugar as is unique to wildlife habitat and currently inhabited by such.

DGLAP/05

This submission is from Sean Kearns on behalf of Graiguecullen Game and Wildfowlers Club. It is opposing the re-zoning of lands known as the Sugar Factory lagoons.

DGLAP/18

This submission is on behalf of Greencore Developments Ltd. The submission represents a comprehensive and ambitious development on this Brown Field site North of Carlow town centre. This proposal requests the zoning of 50Ha (123 acres) of land owned by Greencore. The lands consist of the settlement lagoons located along the western side of the River Barrow. The lands are subject to remediation to the requirements of E.P.A.

The zoning of the lands is to accommodate a master plan for the overall Greencore site. The majority of the lands 85HA (210) lie on the Carlow side of the river. The Masterplan for Laois envisages: 33 acres linear park along the River Barrow ; providing active and passive recreational activities; 25 acres of low density housing - 4-6 per acre; 8 acres of medium density housing - 5-20 per acre; 27 acres of high density housing - 20-30 per acre; 7.5 acre hotel and leisure complex; 13 acre of retail warehousing.

On the proposition of Councillor Willie Aird and seconded by Councillor James Daly, the County Manager's Report as presented for submissions 04,05,& 18 were agreed.

DGLAP/06

This submission is from Tony Abbey. It is a request to have 3.113HA of lands at Crossneen zoned for General Business. On the proposition of Councillor Marty Phelan and seconded by Councillor Willie Aird, the County Manager's Report as presented was agreed.

DGLAP/07

This submission is on behalf of Mr Jimmy Dunne, Snr. It is a request to have 9.968HA of lands at Ballykillen, zoned for General Business. An adjournment for fifteen minutes was given to allow councillors the opportunity to consider the submission. On resumption of meeting a discussion took place and it was agreed that the lands be zoned industrial not general business as was indicated in the submission. On the proposition of Councillor John Moran and seconded by Councillor James Daly, the County Manager's Report as presented was not agreed to and the lands were zoned.

DGLAP/08

This submission is on behalf of Rosemary Julian. It is a request to have 14.43HA of lands at Sleaty, zoned for General Business. Cllr John Moran and seconded by Cllr Marty Phelan recommended that these lands be zoned for general business. Cllr Moran stated that these lands were ideally located near the town centre. Cllr Moran submitted a map outlining what was requested. He outlined that two areas of the land be zoned for general business and the third piece be left as agriculture. On the proposition of Councillor John Moran and seconded by Councillor Marty Phelan, the County Manager's Report as presented was agreed.

DGLAP/09

This submission is on behalf of Andrew and Geraldine Fennell. It is a request to have 19.26HA & 3.581HA of lands at Sleaty, zoned for General Business and residential respectively. On the proposition of Councillor Brian Stanley and seconded by Councillor John Bonham, the County Manager's Report as presented was agreed.

DGLAP/10

This submission is on behalf of Mr Jamie Moran. It is a request to have 0.048HA of lands on Killeshin road, zoned for Residential Development. On the proposition of Councillor James Daly and seconded by Councillor Brian Stanley, the County Manager's Report as presented was agreed.

DGLAP/11

This submission is from Seamus Mahon. It is a request to have 28.81HA of lands at Ballykillen, zoned for General Business. On the proposition of Councillor Brian Stanley and seconded by Councillor John Bonham, the County Manager's Report as presented was agreed.

DGLAP/12

This submission is from Tom Dormer. It is a request to have 3.642Ha and 1.318HA of lands at Sleaty, zoned for General Business. On the proposition of Councillor James Daly and seconded by Councillor John Moran, the County Manager's Report as presented was agreed.

DGLAP/13

This submission is from Bruce Fennell. It is a request to have 16.84Ha of lands at Crossneen, zoned for General Business. Peter Dolan stated that the zoning of these lands would be likely to impact adversely on Carlow town centre. Cllr Marty Phelan stated that zoning matters should not be completed dictated by Carlow town centres considerations. Peter Carey County Manager, reiterated what he had said earlier that we are legally bound to recognise County Carlow and he strongly advised the Councillors that the lands should not be zoned. On the proposition of Councillor James Daly and seconded by Councillor John Moran, the County Manager's Report as presented was agreed.

DGLAP14

This submission is from David & Michael O'Reilly. It is a request to have 0.353HA of lands at Sleaty, zoned for Residential Development. On the proposition of Councillor James Deegan and seconded by Councillor James Daly, the County Manager's Report as presented was agreed.

DGLAP15

This submission is from Edward Comerford. It is a request to have 0.917Ha of lands at Sleaty, zoned for General Business. On the proposition of Councillor James Deegan and seconded by Councillor Marty Phelan, the County Manager's Report as presented was agreed.

DGLAP/16

This submission is from DP & L Delaney on behalf of Tom Dormer. It is a request to have 3.642HA of lands at Sleaty, zoned for General Business. This submission also relates to submission DGLAP/12. There were two portions of lands requested to be zoned, 3.642HA and 1.318HA. On the proposition of Cllr James Deegan and seconded by Cllr Dave Goodwin it was agreed that only a portion of the lands i.e. 1.318HA should be zoned General Business

DGLAP/21

This submission is on behalf of Glanbia. It is a detailed submission. The site measures 4.67HA and is located in the Graiguecullen to the west of Carlow town centre. The site is triangular in shape with road frontage to both the north and south of the site. The site comprises of an industrial complex associated with the use of the site by Glanbia. The site is used for drying large quantities of grain. A private dwelling house in the ownership of Glanbia is also located on the site.

It is requested that these lands be zoned for residential development. The submission states that the proposed zoning does not reflect the changing structure of the agri-food sector and the release of such sites of alternative uses. In this regard it is considered that the subject site would be more appropriate to residential development. Cllrs Willie Aird, Dick Miller and Brendan Phelan excused themselves from the chambers as they had shares in Glanbia. On the proposition of Councillor James Deegan and seconded by Councillor Marty Phelan, the County Manager's Report as presented was agreed.

DGLAP/22

This submission is on behalf of Redhill Properties Ltd. It requests the use of "District Centre" as opposed to General Business zoning on their landholding. They consider that this would allow for more flexibility of use. On the proposition of Councillor James Deegan and seconded by Councillor Marty Phelan, the County Manager's Report as presented was agreed.

DGLAP/23

This submission is on behalf of Mr John Kavanagh. It is a request to have 10 acres on the Sleaty Road, zoned for Residential Development. On the proposition of Councillor James Deegan and seconded by Councillor Marty Phelan, the County Manager's Report as presented was agreed.

DGLAP/24

This is a submission on behalf of Seamus Martin. It is a request to have 8.090HA of lands at Derrymoyle, zoned for Residential Development. This submission was a repeat of submission DGLAP/01. Cllr Ray Cribbin requested that the lands be zoned industrial instead of residential. He asked that the meeting be adjourned for 5-10minutes. Peter Dolan strongly requested the members not to zone these lands as there were adequate lands zoned already. He stated that there could be legal implications and common sense should prevail. Cllr Dick Miller put on record his displeasure and stated that things just didn't add up. The members were informed that a vote had already been taken on this submission as it was dealt with during the process of submission DGLAP No1, and that it couldn't be voted on again.

County Manager, Peter Carey acknowledged that this stage of making the Draft Plan for Graiguecullen was now completed. He acknowledged the planning department in making the plan.

This concluded the business of the meeting.

Signed:

_____ **Cathaoirleach**

_____ **Director of Corporate Affairs**

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