

**MINUTES OF SPECIAL MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 8TH OF
NOVEMBER, 2010**

PRESENT:	Councillor	James Deegan	In The Chair
		Rotimi Adebari	William Aird
		John Bonham	Pat Bowe
		Paddy Bracken	Ben Brennan
		Ray Cribbin	James Daly
		John Joe Fennelly	Catherine Fitzgerald
		Padraig Fleming	David Goodwin
		John King	Michael Lalor
		Jerry Lodge	Seamus McDonald
		Paul Mitchell	John Moran
		Tom Mulhall	Kathleen O' Brien
		Brendan Phelan	Martin Phelan
		Brian Stanley	Mary Sweeney

IN ATTENDANCE:

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, John Daly, Director of Services, Director of Services, Gerry Murphy, Head of Finance, Ms. Anna Marie Delaney, Director of Services, Ms. Angela McEvoy, A/Senior Planner, Mr. Kieran Kehoe, Senior Executive Officer, Ms. Gormla O'Corrain, Executive Planner, Mr. Dermot Dunne, Technician, Ms. Rosa Bray, Clerical Officer, Mr. Mark Morris, JBA Consulting, Ms. Elizabeth Russell, JBA Consulting, Dr Carmel Brennan, Natura Consultants, Ms. Carmel McNicholl, Senior Executive Officer & Ms. Michelle McCormack, Assistant Staff Officer, Corporate Affairs

1. PART VIII OF THE PLANNING & DEVELOPMENT REGULATIONS, 2001 IN RESPECT OF THE UPGRADE OF TEMPERANCE STREET, R430 BALLINAKILL ROAD JUNCTION, ABBEYLEIX AND THE IMPROVEMENT OF TEMPERANCE STREET, ABBEYLEIX OVER A DISTANCE OF APPROXIMATELY 95 METRES

Councillor Martin Phelan proposed that this development proceed in accordance with Part VIII of the Planning & Development Regulations, 2001. This proposal was seconded by Councillor John King.

Ms. Anna Marie Delaney, Director of Services advised the Members of the following:-

Under Part 15 of the Local Government Act, 2001, Members are required to comply with the requirements of the Act in relation to disclosure of pecuniary or other beneficial interest in any matter with which they are concerned in the course of their duties.

Councillor John Bonham indicated that he had previously owned a property in Abbeyleix at this location, however, this property has now been disposed of since September 2009 and Councillor Bonham had provided legal documentation in support of this.

There was a counter proposal by Councillor John Joe Fennelly that this development does not proceed and this proposal was seconded by Councillor Jerry Lodge. A Roll Call Vote was taken on Councillor Martin Phelan's proposal

COUNCILLOR		FOR	AGAINST	ABSTENTION
FIRST NAME	SURNAME			
Rotimi	ADEBARI			✓
Willie	AIRD	✓		
John	BONHAM	✓		
Pat	BOWE		✓	
Paddy	BRACKEN		✓	
Ben	BRENNAN		✓	
Raymond	CRIBBIN		✓	
James	DALY		✓	
James	DEEGAN	✓		
John Joe	FENNELLY		✓	
Catherine	FITZGERALD		✓	
Padraig	FLEMING		✓	
David	GOODWIN	✓		
John	KING	✓		
Michael	LALOR	✓		
Jerry	LODGE		✓	
Seamus	MCDONALD		✓	
Paul	MITCHELL	✓		
John Robert	MORAN	✓		
Tom	MULHALL	✓		
Kathleen	O'BRIEN		✓	
Brendan	PHELAN		✓	
Martin	PHELAN	✓		
Brian	STANLEY		✓	
Mary	SWEENEY	✓		

As the result of the Roll Call Vote, there were 11 votes in favour of Councillor Martin Phelan's proposal to proceed with the Part VIII and 13 votes against with 1 abstention.

2. CONSIDERATION OF THE DRAFT LAOIS COUNTY DEVELOPMENT PLAN 2012 – 2018

The Cathaoirleach indicated that the purpose of this meeting is to propose and second the amendments to the Draft Laois County Development Plan 2012 – 2018 which have been agreed at the five area workshops. The Draft Plan will then go on public display. The Cathaoirleach complimented the planning staff for the work done to date on the Plan. Mr. Peter Carey, County Manager indicated that we have now reached the next stage of the statutory process, the draft has been with the Members for the past eight weeks and workshops have been held. Once the amendments have been agreed, the Draft Plan will be placed on public display. The County Manager re-iterated that this is one of the most important reserved functions that the Members have and acknowledged their engagement in the process.

Under the Planning & Development Act, 2010 the most important element is the core strategy whereby we must show clear compliance with the National Spatial Strategy and the Regional Planning Guidelines. The key areas for consideration are:

- Strategic Flood Risk Assessment
- Appropriate Assessment

Ms Angela McEvoy A/ Senior Planner gave a short presentation on the **Draft Laois County Development Plan 2012-2018, Draft Environmental Report and Appropriate Assessment**. This was followed by the presentations on **Strategic Flood Risk Assessment** (Elizabeth Russell – JBA Consulting)

Councillor Fleming raised the following issues

- (i) Areas shown to be flooded in some areas may never flood
- (ii) Clarification on Table 11 of Volume 1
- (iii) Page 60 change the reference “unsustainable” to “manageable”
- (iv) Proposed changes to the Broadband policy (Pages 126 – 128).

Mr. John Daly, Director of Services confirmed that the wordings of items (iii) and (iv) would be changed.

Ms. Elizabeth Russell, JBA Consulting confirmed that there is a provision for more detailed flood maps in the future and there have been some site specific flood risk assessments carried out – they are just indicative at the moment. This proposal was seconded by Councillor Catherine Fitzgerald.

Councillor Paul Mitchell proposed that the section on rainwater harvesting be strengthened. This was seconded by Councillor Michael Lalor. Ms. Angela McEvoy, A/Senior Planner indicated that this would be done.

Councillor John Joe Fennelly raised a query in relation to the Record of Protected Structures - what were the implications for property owners living in an Architectural Conservation Area.

Ms. Angela McEvoy, A/Senior Planner confirmed that the protected structures that are listed are based on a survey done since the last County Development Plan. Councillor John Bonham also enquired about protected structures and in particular buildings that had been removed from the list. Ms. Angela McEvoy, A/Senior Planner indicated that the list is by Ministerial direction from the Department of the Environment, Heritage & Local Government. She also explained the implications of architectural conservation areas.

Councillor Jerry Lodge queried the social and affordable reduction to 12% in the draft Housing Strategy. The County Manager, Mr. Peter Carey indicated that there is no affordable demand at present and that the figure of 17.5% was divided between social and affordable housing. Councillor Jerry Lodge also asked that the Housing Strategy be brought before the Housing SPC and felt that the policy in relation to advertising was too restrictive.

In relation to advertising, Ms. Angela McEvoy, A/Senior Planner advised that if the policy was relaxed, it would result in cluttering of shop fronts.

Councillor Ben Brennan queried signage for events – Mr. Kieran Kehoe, Senior Executive Officer indicated that once the signs are not a traffic hazard and that they are taken down after an event, they are acceptable.

Councillor Willie Aird commented on the rural housing policy, forestry policy, record of protected structures for Portlaoise and requested a policy on the advertising of houses etc for sale.

Councillor Martin Phelan proposed amending the area north of Rathdowney in the rural housing map from strong rural area to structurally weak area. Councillor Phelan raised concerns regarding the repair of the banks of rivers and that there should be a policy on hedgerow cutting. Mr. John Daly, Director of Services indicated that the cleaning of rivers is a budgetary issue and there was a policy on hedgecutting brought before the Strategic Policy Committee. He also indicated that the area north of Rathdowney would be changed to structurally weak.

Councillor Brian Stanley raised the following issues:

- Where the densities used came from. He indicated that Portlaoise was shown to have 35 residential units per hectare and Mountmellick & Portarlinton - 12 residential units per hectare.
- Proposed changing Townsland of Roskelton from Area under urban influence to Strong Rural Area on the rural housing map.
- Proposed the inclusion of the Mountmellick Road improvements as per the Portlaoise Local Area Plan
- Requested 15m back gardens for new residential developments
- Queried the reduction in the Housing Strategy from 17% to 12%

Ms. Angela McEvoy advised that the densities are taken from the Regional Planning Guidelines which were adopted in July 2010 which we must be compliant with. The densities given are used as an average in the towns and villages in the Draft Plan. She also confirmed that the standard of the 15 metre rear garden is included in the Plan at Page 218. It was also confirmed that the inclusion of the Mountmellick Road improvements as per the Portlaoise Local Area Plan be made and the townsland of Roskelton from area under urban influence to strong rural area on the rural housing map would also be made.

Councillor Stanley also requested that a protected structure be de-listed in Abbeylax – Mr. John Daly, Director of Services recommended that this building not be de-listed.

Councillor Catherine Fitzgerald supported the concerns raised by Councillor Stanley in relation to densities in Portlaoise and Portarlinton.

Councillor Ray Cribbin indicated that the proposals to store the water for the Greater Dublin Area in Clonsast, Portarlinton would be an opportunity for County Laois. He also requested that something should be done with Arlington House, Portarlinton. He queried whether lands that were being dezoned would be liable for compensation. Mr. John Daly, Director of Services advised that these lands would not be liable for compensation.

3. PROPOSED AMENDMENTS TO TOWN AND VILLAGE PLANS

The Members were circulated with a list of towns and villages with proposed amendments to zonings:

(a) Luggacurren Area

Councillor John Moran proposed the amendments as outlined for the following

- Ballylinan
- Arles
- Newtown Doonane
- The Swan
- Timahoe

This proposal was seconded by Councillor Padraig Fleming and agreed.

(b) Borris-in-Ossory Area

Councillor Brendan Phelan proposed the amendments as outlined for the following:-

- Mountrath
- Rathdowney
- Ballacolla
- Camross
- Cullahill
- Shanahoe

This proposal was seconded by Councillor John Joe Fennelly and agreed.

(c) Emo Area

Councillor Tom Mulhall proposed the amendments as outlined for the following:-

- Stradbally
- Ballybrittas

This proposal was seconded by Councillor Ray Cribbin and agreed.

124. UPDATE TO THATCH SURVEY

It was proposed by Councillor John Moran and seconded by Councillor Brendan Phelan that two additional thatched buildings at Aghnacross, Spink & Rathleague, Portlaoise be included.

It was noted that all owners of protected structures would be notified during the consultation stage.

Councillor Michael Lalor raised a query in relation to wind turbines – Ms. Angela McEvoy, A/Senior Planner referred to the Wind Energy Strategy in Volume 1.

It was agreed that Laois County Council write to the Director of the Midland Regional Authority to seek a meeting with the Portlaoise Members in relation to the housing density issue.

On the proposal of Councillor Brendan Phelan seconded by Councillor John Joe Fennelly, it was agreed that the Draft County Development Plan, as amended, be deemed to be a Draft County Development Plan and that it be placed on public display.

SIGNED: _____ CERTIFIED: _____
CATHAORILEACH DIRECTOR CORPORATE AFFAIRS

