

**MINUTES OF SPECIAL MEETING OF LAOIS COUNTY COUNCIL HELD IN ARAS AN  
CHONTAE ON THE 11<sup>TH</sup> OF OCTOBER 2011 TO CONSIDER THE COUNTY  
MANAGER'S REPORT ON SUBMISSIONS ON AMENDMENTS TO DRAFT COUNTY  
DEVELOPMENT PLAN 2012 - 2018**

**PRESENT:**    **Councillors**    John Bonham                  In the Chair  
   Rotimi Adbeari                William Aird  
   Pat Bowe                        Patrick Bracken  
   Ben Brennan                  James Daly  
   James Deegan                 John Joe Fennelly  
   Catherine Fitzgerald        Pdraig Fleming  
   David Goodwin                Alan Hand  
   John King                       Michael Lalor  
   Jerry Lodge                     Seamus McDonald  
   Paul Mitchell                  Tom Mulhall  
   Kathleen O' Brien            Brendan Phelan  
   Martin Phelan                  Mary Sweeney

**APOLOGIES:** Councillors    Ray Cribbin                  John Moran

**IN ATTENDANCE:**

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, Ian McCormack, A/Director of Services, John Daly, Director of Services, Mr. Gerry Murphy, Head of Finance, Ms. Anna Marie Delaney, Director of Services, Ms. Angela McEvoy, A/Senior Planner, Ms. Irene Delaney, A/Senior Executive Officer & Ms. Michelle McCormack, Executive Secretary

**131. PART 15 OF THE LOCAL GOVERNMENT ACT, 2011**

Ms. Anna Marie Delaney, Director of Services drew the Members attention to the requirement of Part 15 of the Local Government Act, 2001 in relation to Disclosure of Interest. Any member or any connected person who has a pecuniary or other beneficial interest on any item in the subject matter before the members today must disclose the nature of that interest and then withdraw fully from the meeting for as long as the matter is being discussed or considered.

**132. INTRODUCTION – MS. ANGELA MCEVOY, A/SENIOR PLANNER**

**133. SUBMISSIONS**

The submissions were dealt with as laid out in the Manager's Report submitted to the Members on the 2<sup>nd</sup> of September 2011.

#### SUBMISSION BY THE MINISTER FOR THE ENVIRONMENT, COMMUNITY & LOCAL GOVERNMENT

- Development Land in Certain Towns Other Than Portlaoise
- Rural Area Designations
- Unfinished Housing Developments
- Education
- Zoning & Flooding
- Wastewater Services
- Powerlines

No suggested changes and the Members agreed with the Managers Recommendations in relation to this submission

Proposed by Councillor Paul Mitchell  
Seconded by Councillor Pdraig Fleming

#### DEVELOPMENT PLAN STRATEGY

Submission No: 21 – Damien Fitzgibbon on behalf of Robert & Elizabeth Moynan

Proposed by Councillor James Deegan  
Seconded by Councillor John Joe Fennelly

AND AGREED

To include the following recommendation

Amendment no.1 only came about as a result of the introduction of one single word-*sustainable*-into the paragraph. The content of the submission is deemed to be outside of the specific nature and scope of the amendment. Moreover, in accordance with section 13[q] [ii] [1] of the Planning and Development [Amendment] Act 2010 “a further modification to the material alteration shall not be made where it refers to an increase in the area of land zoned for any purpose”. In other words, the Planning Authority is precluded from making an addition to the amount of zoned land within the county at this stage of the process.

No further action required.

Submission No. 22 – An Taisce, No. 22, Irish Wind Energy Association

No suggested changes and the Members agreed with the Managers Recommendations in relation to this submission

Submission No. 3 – Keep Ireland Open

Proposed by Councillor Mary Sweeney  
Seconded by Councillor James Deegan

AND AGREED

To include the following recommendation

The range of countryside recreational pursuits referred to above is not intended to be limiting or exhaustive. In this regard the planning authority will add the inclusion of back-packing, caving mountaineering, hill walking and wild camping to the range of countryside recreational pursuits mentioned.

It is recommended that amendment no. 47 be re-worded as follows:

Countryside recreation refers to a wide range of activities including horse riding, cycling, walking, picnicking, country drives, off-road biking, nature trails, bird watching, painting, photography, field studies, orienteering, para –gliding and hang- gliding, rock climbing, *back-packing, caving, mountaineering, hill walking* and adventure sports, *camping in the wild*, archaeological guided walks and water related activities such as swimming, boating, canoeing and kayaking. It is recognised that the countryside of County Laois provides an important resource in outdoor recreational facilities not only for its own population but also for those visiting the county. The Council recognises the significance of natural amenities as a major resource for visitors and local people.

The “National Countryside Recreation Strategy” was finalised in 2006. It defines the scope, vision and a suggested framework for the implementation of countryside recreation as agreed by Comhairle na Tuaithe. This strategy will inform Laois Sports Partnership in the preparation of a strategic plan for physical recreation in County Laois.

Submission No: 1 – National Roads Authority

Proposed by Councillor Paddy Bracken  
Seconded by Councillor Rotimi Adebari

AND AGREED

To include the following recommendation

*Encourage economic development in the hierarchy of employment centres within existing settlements as indicated in the settlement plans in Volume 2 and referred to in TT10/P20 such as Portarlinton, Ballybrittas, Ballacolla, Mountrath and Borris in Ossory, Abbeyleix, Rathdowney and Durrow;*

Submission No: 12 – DPP Ltd., on behalf of Tesco Ireland Ltd.

No suggested changes and the Members agreed with the Manager’s Recommendations in relation to this submission

Submission No: 20 – Irish Wind Energy Association

No suggested changes and the Members agreed with the Manager’s Recommendations in relation to this submission

### Submission No. 3 – Keep Ireland Open

Proposed by Councillor Mary Sweeney  
Seconded by Councillor Ben Brennan

AND AGREED

### Submission No. 4 – Environmental Protection Agency

Proposed by Councillor John Joe Fennelly  
Seconded by Councillor Rotimi Adebari

AND AGREED

To include the following recommendation

It is recommended that Amendment no. 93 be re-worded as follows:

The above Transmission Projects are required to address the network problems associated with the increase in load demand in the local area over the last number of years, together with the growth in forecast demand in future. These projects *[which shall fully comply with the Policies/Objectives provided within the Plan, in relation to protection of environmental vulnerabilities and sensitivities]* will ensure that an adequate level of security of supply and quality of supply is maintained to the whole region.

It is recommended that Amendment no. 96 be re-worded as follows:

Facilitate the sustainable provision of energy networks in principle provided that it can be demonstrated that:

- The development is required in order to facilitate the provision or retention of significant economic or social infrastructure.
- The route proposed has been identified with due consideration for social, economic, environmental and cultural impacts.
- Where impacts are inevitable mitigation features have been included.
- Where it can be shown the proposed development is consistent with international best practice
- *that any such projects shall fully comply with the Policies/Objectives provided within the Plan, in relation to protection of environmental vulnerabilities and sensitivities.*

See recommendation in Chapter 9, pages 17-21 in relation to Submission No. 8 from the Department of Communications, Energy and Natural Resources.

Submission No. 8, Department of Communications, Energy & Natural Resources, No. 11, ESB Networks Ltd., No. 13 – Eirgrid, No. 19, Department of the Environment, Community & Local Government & No. 20, Irish Wind Energy Association & No. 7, Ratheniska Sub-Station Action Group

Proposed by Councillor James Deegan  
Seconded by Councillor Pdraig Fleming

That Laois County Council re-affirm the commitment that all 400 kv lines in the future be placed underground. This proposal was followed by A Roll Call Vote which resulted as follows:-

COUNCILLOR		FOR	AGAINST	ABSENT
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	✓		
Alan	HAND	✓		
John	KING			✓
Michael	LALOR	✓		
Jerry	LODGE	✓		
Seamus	MCDONALD	✓		
Paul	MITCHELL	✓		
John Robert	MORAN			✓
Tom	MULHALL	✓		
Kathleen	O'BRIEN	✓		
Brendan	PHELAN			✓
Martin	PHELAN	✓		
Mary	SWEENEY	✓		

As a result of the Roll Call Vote, there was 21 votes in favour of Councillor Deegan's proposal and 4 Members absent.

The County Manager, Mr. Peter Carey informed the members that Laois County Council are operating within a statutory framework. He indicated that there is a strong possibility that there will be a Ministerial Directive or a legal challenge

## TRANSPORT

Submission No. 1 – National Roads Authority

Proposed by Councillor Seamus McDonald

Seconded by Councillor Tom Mulhall

AND AGREED

**Submission No: 3 – Keep Ireland Open**

**Noted**

**Submission NO: 21 – Damien Fitzgibbon on behalf of Robert & Elizabeth Moynan**

Proposed by Councillor Tom Mulhall

Seconded by Councillor Paul Mitchell

AND AGREED

**WATER SERVICES**

**Submission No. 6 – Implementation Group of Regional Planning Guidelines for the Greater Dublin Area 2012 – 2022**

**Noted**

**Submission No; 14 – Climate Change Section, Department of Agriculture, Fisheries & Food**

Proposed by Councillor Tom Mulhall

Seconded by Councillor Paul Mitchell

AND AGREED

To include the following recommendation

There is certainly no intention to use the draft Plan as a sales or advertising medium for any product or system.

It is recommended that Amendment no. 136 be re-worded as follows:

*The ICW concept provides an alternative strategy to conventional practice for treatment of waste-waters. By adopting and implementing a strategy that integrates the management of land, water and biological resources, whilst promoting conservation and sustainable use in an equitable way, the ICW concept addresses the objectives of the EU Water Framework Directive. The intention of the ICW concept is to optimize water management and integrate the benefits from its associated wetland infrastructure to deliver a wide range of environmental returns, such as the protection and enhancement of biodiversity, the delivery of good ecological status, the protection of fisheries and improved landscape aesthetics.*

It is recommended that Amendment no. 138 be re-worded as follows:

*Promote use of wetland systems for treatment of waste-water in accordance with Department of Environment, Heritage and Local Gov. guidelines“ Integrated Constructed Wetlands-Guidance Document for Farmyard Soiled Water and Domestic Wastewater Applications [2010].*

## NATURAL HERITAGE

Submission No. 3 – Keep Ireland Open & No. 21, Damian Fitzgibbon on behalf of Robert & Elizabeth Moynan

Noted

Submission NO: 13 – Phil & Mary Brain

Noted

Submission No: 17 – Phelim O’ Neill, Abbeymoyle Ltd.

Noted

Submission No: 283 – Damian Fitzgibbon on behalf of Robert & Elizabeth Moynan

Noted

Submission No: 24 – Katherine Larkin on behalf of Ian McDonald

Noted

## PROTECTED STRUCTURES

Submission No. 1 – Billiard House dwelling house at Coote Street, Portlaoise

Proposed by Councillor Pdraig Fleming  
Seconded by Councillor Alan Hand

That this property not be included in the protected structures listing

Submission No. 5 – Sweetview Post Box, Abbeyleix

Proposed by Councillor John Joe Fennelly  
Seconded by Councillor Patrick Bracken

Submission No. 15 – Department of Arts, Heritage and the Gaeltacht

Mary Street Durrrow

Proposed by Councillor John Joe Fennelly  
Seconded by Councillor Patrick Bracken

Shannon Street, Mountrath

Proposed by Councillor John Joe Fennelly  
Seconded by Councillor Paul Mitchell

Mondrehid Castle

Proposed by Councillor Michael Lalor  
Seconded by Councillor John Joe Fenelly

Lord Edward Street, Mountmellick

Proposed by Councillor Pat Bowe  
Seconded by Councillor Patrick Bracken that this property not be included in the listing of protected structures

Former National School, Castletown

Proposed by Councillor Martin Phelan  
Seconded by Councillor John Joe Fennelly

Patrick Street, Durrow

Proposed by Councillor Brendan Phelan  
Seconded by Councillor John Joe Fennelly

Thatched House at Ballintogher, Ballybrittas

Proposed by Councillor Paul Mitchell  
Seconded by Councillor Tom Mulhal

Thatched House, Capakeel, Emo

Proposed by Councillor Tom Mulhall  
Seconded by Councillor William Aird

Thatched House, Moyanna

Proposed by Paul Mitchell  
Seconded by Tom Mulhall

Dwelling at Junction of Stradably Road/JFL Avenue

Proposed by Councillor Kathleen O' Brien  
Seconded by Councillor William Aird

That this property not be included in the listing of protected structures

Dwelling at Downs Road, Porltoaise



Proposed by Councillor William Aird  
Seconded by Councillor Kathleen O' Brien

Curragh Camp Prefab, Abbeyleix Road, Portlaoise

Proposed by Councillor William Aird  
Seconded by Councillor Catherine Fitzgerald

Maryborough National School

Proposed by Councillor William Aird  
Seconded by Councillor Mary Sweeney

Submission No. 16

Proposed by Councillor William Aird  
Seconded by Councillor Alan Hand

Submission No. 23

Proposed by Councillor Paul Mitchell  
Seconded by Councillor Tom Mulhall

Submission No. 25 & 26 – Dwelling House, Temperance St., Ballinakill

Proposed by Councillor Martin Phelan  
Seconded by Councillor John Bonham

Submission No. 27 – Stone Arch, Abbeyleix

Proposed by Councillor John Joe Fennelly  
Seconded by Councillor John Bonham

**ADOPTION OF THE DRAFT LAOIS COUNTY DEVELOPMENT PLAN 2012 – 2018  
AND THE SECOND MANAGER'S REPORT ON SUBMISSIONS RECEIVED RELATING  
TO THE LAOIS COUNTY DEVELOPMENT PLAN 2012 – 2018**

Proposed by Councillor James Deegan  
Seconded by Councillor Mary Sweeney

**AND AGREED**

Mr. Peter Carey, County Manager expressed thanks to all Members for their deliberations on a very dynamic plan and also thanked all the staff involved for a very comprehensive plan.....

This concluded the business of the meeting.

SIGNED: \_\_\_\_\_  
CATHAOIRLEACH

CERTIFIED: \_\_\_\_\_  
DIRECTOR OF CORPORATE  
AFFAIRS