

**MINUTES OF THE SPECIAL MEETING OF LAOIS COUNTY COUNCIL HELD IN ÁRAS AN  
CHONTAE ON THE 22<sup>nd</sup> OF OCTOBER 2012 TO CONSIDER THE MANAGER'S REPORT  
REGARDING THE PROPOSED AMENDMENTS TO THE DRAFT PORTARLINGTON JOINT  
LOCAL AREA PLAN 2012-2018, MOUNTMELICK LOCAL AREA PLAN 2012 – 2018 &  
PORTLAOISE LOCAL AREA PLAN 2012-2018**

<b>PRESENT:</b>	<b>Councillors</b>	Paul Mitchell	In the Chair
		Rotimi Adebari	William Aird
		Pat Bowe	Paddy Bracken
		Ray Cribbin	John Joe Fennelly
		Catherine Fitzgerald	Padraig Fleming
		David Goodwin	Alan Hand
		John King	Michael Lalor
		Jerry Lodge	Seamus McDonald
		John Moran	Tom Mulhall
		Kathleen O' Brien	Brendan Phelan
		Martin Phelan	Mary Sweeney

<b>APOLOGIES:</b>	<b>Councillor</b>	John Bonham	Ben Brennan
		James Daly	James Deegan

**IN ATTENDANCE:**

Messers Peter Carey, County Manager, Gerry Murphy, Head of Finance, Mr. Kieran Kehoe, Director of Services, Ms. Anna Marie Delaney, Director of Services, Ms. Irene Delaney, Administrative Officer, Ms. Michelle McCormack, Executive Secretary, Ms. Carmel McNicholl, Senior Executive Officer, Mr. Donal Kiely, Senior Executive Planner & Ms. Gormla O' Corrain, Executive Planner

**PART 15 OF THE LOCAL GOVERNMENT ACT, 2001**

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.

**INTRODUCTION**

Mr. Donal Kiely, Senior Executive Planner informed the Members of their role in this process as Elected Members as follows:-

Deciding whether to include, omit or modify the Proposed Amendments (also known as Material Alterations) in making the Local Area Plans is a function reserved for the Elected Members of Laois County Council. On foot of the submissions received that relate to the Proposed Amendments, the Manager has recommended the inclusion, omission or modification of a number of the Proposed Amendments.

Mr. Donal Kiely, Senior Executive Planner outlined progress to date, the considerations for the members in making their decisions and the scope for modifying the Proposed Amendments.

### **PORTARLINGTON LOCAL AREA PLAN 2012-2018**

The Members were advised that on the 30<sup>th</sup> of July 2012, the Members considered the last Manager's Report and Draft Plan and voted to amend the Draft Portarlington Local Area Plan. The Proposed Amendments went on public display from the 8<sup>th</sup> of August 2012 to the 6<sup>th</sup> of September 2012. 5 submissions were received. On the 4<sup>th</sup> of October 2012 the Joint Managers' Report was circulated to the Members, it sets out the Managers' Response and Recommendations in relation to the submissions.

### **SUBMISSIONS**

The submissions were discussed as laid out in the Managers' Report circulated to the Members on the 4<sup>th</sup> of October 2012 and as relevant to Laois County Council.

#### **ITEM NO: 1 – ENVIRONMENTAL PROTECTION AGENCY**

Proposed by Councillor James Deegan  
Seconded by Councillor Ray Cribbin

That no suggested changes be made and the Members agreed with the Manager's Recommendations in relation to this submission

#### **ITEM NO: 2 – NATIONAL ROADS AUTHORITY**

Proposed by Councillor Ray Cribbin  
Seconded by Councillor Tom Mulhall

That no suggested changes be made and the Members agreed with the Manager's Recommendations in relation to this submission

#### **ITEM NO: 3 – DEPARTMENT OF ARTS, HERITAGE & THE GAELTACHT**

Proposed by Councillor Tom Mulhall  
Seconded by Councillor Ray Cribbin

That no suggested changes be made and the Members agreed with the Manager's Recommendations in relation to this submission

**ITEM NO: 4 – DEPARTMENT OF COMMUNICATIONS, MARINE AND NATURAL RESOURCES**

Proposed by Councillor Ray Cribbin  
Seconded by Councillor James Deegan

That no suggested changes be made and the Members agreed with the Manager's Recommendations in relation to this submission

**ITEM NO: 5 - TONY BAMFORD, PLANNING CONSULTANT**

Proposed by Councillor James Deegan  
Seconded by Councillor Tom Mulhall

**AND AGREED**

That the following appendage (in italics) to Policy FRP3, Section 10, Flood Risk be included:-

*'To have regard to the recommendations of the Barrow Catchment Flood Risk Assessment and Management Study and to ensure that any development adjacent to these watercourses or their tributaries take cognisance of these reports/studies and to ensure that the landuse is appropriate to the risk of flooding identified *subject to the development management justification test*'*

**ITEM NO: 6 – TONY BAMFORD, PLANNING CONSULTANT**

Proposed By Councillor Tom Mulhall  
Seconded by Councillor Ray Cribbin

That to avoid any ambiguity, title of flood study to be changed to 'South Eastern Catchment Flood Risk Assessment and Management Study'

**MAKING THE PORTARLINGTON LOCAL AREA PLAN 2012 – 2018**

Proposed by Councillor Ray Cribbin  
Seconded by Councillor James Deegan

**AND AGREED**

*'Pursuant to Section 20(3) of the Planning & Development Act, 2000-2010, having considered the Proposed Amendments and related Manager's Report, the Members of Laois County Council hereby resolve to make the Portarlington Joint Local Area Plan 2012-2018, including all the Proposed Amendments that relate to their functional area, save where specific amendments were omitted and/or modified by resolution*

## **MOUNTMELICK LOCAL AREA PLAN 2012-2018**

The Members were advised that on the 30<sup>th</sup> of July 2012, the Members considered the last Manager's Report and Draft Plan and voted to amend the Draft Mountmellick Local Area Plan. The Proposed Amendments went on public display from the 15<sup>th</sup> of August 2012 to the 13<sup>th</sup> of September 2012. 5 submissions were received. On the 4<sup>th</sup> of October 2012 the Joint Managers' Report was circulated to the Members, it sets out the Managers' Response and Recommendations in relation to the submissions.

### **SUBMISSIONS**

The submissions were discussed as laid out in the Managers' Report circulated to the Members on the 4<sup>th</sup> of October 2012 and as relevant to Laois County Council.

#### **ITEM NO: 1 – NATIONAL ROADS AUTHORITY**

Proposed by Councillor Patrick Bracken  
Seconded by Councillor Pat Bowe

To substitute '60 kph' for '100 kph' in Policy TP 29, Chapter 5. Transport, Parking and Flood Risk

#### **ITEM NO: 2 – DEPARTMENT OF ARTS, HERITAGE & THE GAELTACHT**

Proposed by Councillor David Goodwin  
Seconded by Councillor Patrick Bracken

That no suggested changes be made and the Members agreed with the Manager's Recommendations in relation to this submission

#### **ITEM NO: 3 – ENVIRONMENTAL PROTECTION AGENCY**

The County Manager's Recommendation was as follows:-

Re-word objective O/EE 17 of draft LAP

Omit Propose Mapped Amendment No. 1 (10.5 hectares of Residential 2 Lands at Debbicott) and zone the equivalent amount of Residential 2 lands at Ballycullenbeg at side/rear of Grange Hall estate so that the total housing land requirement of 33 hectares as provided for in Mountmellick Development Strategy is maintained.

Councillor Pat Bowe proposed that the County Manager's recommendation not be adopted and remain as is.

The County Manager, Mr. Peter Carey advised the Members of the implications of this proposal. The proposal would be in breach of the County Development Plan and non compliant with the core strategy

There was no counter proposal to Councillor Bowe’s proposal.

COUNCILLOR		PRESENT	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, there was 21 Members present and no Member expressed opposition to Councillor Bowe’s proposal.

**ITEM NO: 4 – DEPARTMENT OF ENVIRONMENT, COMMUNITY & LOCAL GOVERNMENT**

The County Manager’s Recommendation was as follows:-

Omit Proposed Mapped Amendment No. 1 (10.5 hectares of Residential 2 Lands at Debbicott) and zone the equivalent amount of Residential 2 lands at Ballycullenbeg at side/rear of Grange Hall estate so that the total housing land requirement of 33 hectares as provided for in Mountmellick Development Strategy is maintained.

Councillor Pat Bowe proposed that the County Manager’s recommendation not be adopted and remain as is.

The County Manager, Mr. Peter Carey advised the Members of the implications of this proposal. The proposal would be in breach of the County Development Plan and non compliant with the development strategy.

There was no counter proposal to Councillor Bowe’s proposal.

COUNCILLOR		PRESENT	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, there was 21 Members present and no Member expressed opposition to Councillor Bowe’s proposal.

#### **ITEM NO: 5 – KINGSCROFT DEVELOPMENTS LIMITED**

The County Manager’s Recommendation is in agreement with the concerns expressed regarding Mapped Amendment No. 1 (Debbicott lands)

Councillor Pat Bowe proposed that the County Manager’s recommendation not be adopted and that mapped Amendment No. 1 (10.5) hectares of Residential 2 lands at Debbicott) remain as is.

The County Manager, Mr. Peter Carey advised the Members of the implications of this proposal. The proposal would be in breach of the County Development Plan and non compliant with the development strategy.

There was no counter proposal to Councillor Bowe’s proposal.

COUNCILLOR		PRESENT	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, there was 21 Members present and no Member expressed opposition to Councillor Bowe’s proposal.

### **MAKING THE MOUNTMELICK LOCAL AREA PLAN 2012 – 2018**

Proposed by Councillor Pat Bowe  
 Seconded by Councillor Paddy Bracken

## **AND AGREED**

*'Pursuant to Section 20(3) of the Planning and Development Act, 2000 – 2010, having considered the Proposed Amendments and related Managers' Report, the Members of Laois County Council hereby resolve to make the Mountmellick Local area Plan 2012-2018, including all the proposed amendments that relate to their functional area, save where specific amendments were omitted and/or modified by resolution'*

## **PORTLAOISE LOCAL AREA PLAN 2012-2018**

The Members were advised that on the 30<sup>th</sup> of July 2012, the Members considered the last Manager's Report and Draft Plan and voted to amend the Draft Portlaoise Local Area Plan. The Proposed Amendments went on public display from 15<sup>th</sup> of August 2012 to the 13<sup>th</sup> of September 2012. 5 submissions were received. On the 4<sup>th</sup> of October 2012 the Joint Managers' Report was circulated to the Members, it sets out the Managers' Response and Recommendations in relation to the submissions.

## **SUBMISSIONS**

The submissions were discussed as laid out in the Managers' Report circulated to the Members on the 4<sup>th</sup> of October 2012 and as relevant to Laois County Council.

### **ITEM NO: 1 – NATIONAL ROADS AUTHORITY**

Proposed by Councillor Rotimi Adebari  
Seconded by Councillor Jerry Lodge

To substitute '60 kph' for '100 kph' in Policy TP 29, Chapter 5. Transport, Parking and Flood Risk

### **ITEM NO: 2 – DEPARTMENT OF ARTS, HERITAGE & THE GAELTACHT**

Proposed by Councillor Rotimi Adebari  
Seconded by Councillor William Aird

That no suggested changes be made and the Members agreed with the Manager's Recommendations in relation to this submission

### **ITEM NO: 3 – ENVIRONMENTAL PROTECTION AGENCY**

Proposed by Councillor Alan Hand  
Seconded by Councillor Catherine Fitzgerald



That no suggested changes be made and the Members agreed with the Manager's Recommendations in relation to this submission

**ITEM NO: 4 – DEPARTMENT OF ENVIRONMENT, HERITAGE & LOCAL GOVERNMENT**

Proposed by Councillor Alan Hand  
Seconded by Councillor Catherine Fitzgerald

That no suggested changes be made and the Members agreed with the Manager's Recommendations in relation to this submission

**ITEM NO: 5 – DUNNES STORES LIMITED**

Proposed by Councillor Mary Sweeney  
Seconded by Councillor Kathleen O' Brien

That no suggested changes be made and the Members agreed with the Manager's Recommendations in relation to this submission

**ITEM NO: 6 – JIM MCDONALD C/O J.R. & ASSOCIATES**

Proposed by Councillor Alan Hand  
Seconded by Councillor Kathleen O' Brien

That the lands in question be zoned as Open Space/Amenity and not as Recreational

**MAKING THE PORTLAOISE LOCAL AREA PLAN 2012 – 2018**

Proposed by Councillor William Aird  
Seconded by Councillor Rotimi Adebari

**AND AGREED**

*'Pursuant to Section 20(3) of the planning & Development Act, 2000 – 2010, having considered the Proposed Amendments and related Manager's Report, the Members of Laois County Council hereby resolve to make the Portlaoise Local Area Plan 2012 – 2018, including all the proposed amendments that relate to their functional area, save where specific amendments were omitted and/or modified by resolution.*

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

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

