

**Minutes of Special Meeting of Offaly County Council**  
Held on 23<sup>rd</sup> January 2023 at 2pm, in Áras an Chontae, Charleville Road,  
Tullamore and via Zoom

The Meetings Administrator carried out a roll call to confirm attendance

**Present**

Cllr. F. Moran, Cathaoirleach

Cllr. John Carroll	Cllr. Declan Harvey
Cllr. Clare Claffey	Cllr. John Leahy
Cllr. John Clendennen	Cllr. Tony McCormack
	Cllr. Robert McDermott
Cllr. Eamon Dooley	Cllr. Sean O'Brien
Cllr. Neil Feighery	Cllr. Peter Ormond
Cllr. Eddie Fitzpatrick	Cllr. Danny Owens
	Cllr. Liam Quinn
Cllr. Mark Hackett	Cllr. Ken Smollen

**Apologies**

Cllr. Noel Cribbin, Cllr. John Foley

**Officials in Attendance**

Ms. A. Delaney, Chief Executive; Mr. T. Shanahan, D.O.S.; Ms. S. Kennedy, D.O.S.; Ms. A. Dillon, D.O.S.; Mr. A. Murray, S.P.; Ms. L. Mitchell, S.E.P.; Mr. J. Condrón, E.P., Mr. M. McRedmond, E.P; Mr. G. Bruton, Meetings Administrator; Mr. C. Kelly, S.O. and Ms. N. Slevin, C.O.

**1. Pecuniary Beneficial Interests Legislation**

Ms. Ann Dillon, D.O.S., read the Pecuniary Beneficial Interests Legislation into the record of the meeting.

Ms. Ann Dillon brought the members attention to **Section 148 of the Planning & Development Act 2000 as amended** and advised that it addressed '**requirements affecting members who have certain beneficial interests**'.

*148(2) Where, at a meeting of a planning authority or of any committee of a planning authority, a resolution, motion, question or other matter is proposed or otherwise arises either pursuant to, or as regards the performance by the authority of a function under this Act or in relation to the acquisition or disposal by the authority of land under or for the purposes of this Act or any other enactment, a member of the authority or committee present at the meeting shall, if he or she has a pecuniary or other beneficial interest in, or which is material to, the matter—*

*(a) at the meeting, and before discussion or consideration of the matter commences, disclose the nature of his or her interest, and*

*(b) withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he or she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.*

## 2. Introduction

An Cathaoirleach, Cllr Moran opened the meeting. He extended congratulations to Ms. Grainne Walsh, Ms. Nicole Buckley and Mr. Paul Loonam on their boxing achievements and to the Communities in Pullogh, Mucklagh and Geashill on their success at the Pride of Place awards. He noted that it was a huge achievement for the Communities. The members joined with the Cathaoirleach in his congratulations.

Ms. Ann Dillon, D.O.S., welcomed the planning presentation team and invited Ms. Lorraine Mitchell to go through her presentation.

## 3. Recap (of LAP process, timelines, core strategy and self-sustaining growth town), OPR submission, Regeneration submission

Ms. Mitchell talked through her presentation. Relating to section 4(g) of the CE report, a change was proposed, in the presentation. This concerned Policy TCP012 relating to the Rectory Lands Masterplan.

Proposed: Cllr John Carroll

Seconder: Cllr John Clendennen

Cllr John Carroll expressed his disappointment that the Rectory Lands Concept Masterplan was not available by the consultants for this Local Area Plan. Cllr Clendennen noted the limited resources available but agreed that it was an opportune time and not in a position for public viewing. Cllr Ormond agreed with the above. Ms. Mitchell responded to a query from Cllr. Ormond and clarified that if there is a conflict between the provisions of a LAP and the County Development Plan, the County Plan will be superior.

## 4. Proposed Zoning Amendments

Mr. James Condrón talked through his presentation.

**BLP-D-17** – Relating to a revised indicative distributor route.

**BLP-D-24 - Lands at Seefin**

On the proposal of Cllr Carroll, seconded by Cllr Clendennen and Cllr Ormond, the members resolved to adopt the recommendations of the Chief Executive in relation to these objectives.

**Motion 1** proposed by Cllr Peter Ormond, seconded by Cllr John Carroll and Cllr John Clendennen, which related to a revised zoning arrangement of the subject lands.

Cllr Ormond sought clarification; Mr. Condron gave clarification on the land. Cllr Carroll noted that it is an important piece of land, important to have houses.

The members resolved to adopt the Motion.

#### **BLP-D-21 - Lands at Townparks**

Cllr Ormond proposed to reject the additional 0.39 hectares of land and to revert back to Strategic Residential Reserve.

Cllr Carroll seconded that proposal.

The members resolved to adopt the proposal.

#### **BLP-D-34 - Lands at Drumbane**

Cllr Carroll proposed to go back to the draft map where an Open Space buffer is provided.

Seconded by Cllr Clendennen and Cllr Ormond.

The members resolved to adopt the proposal.

#### **Miscellaneous Change (h) -Lands at Townparks**

Cllr Ormond proposed to revert back to Strategic Residential Reserve per draft.

Cllr Carroll and Cllr Clendennen second that proposal.

The members resolved to adopt the proposal.

**Motion 2** – proposed by Cllr Peter Ormond, seconded by Cllr John Carroll and Cllr John Clendennen, which related to lands at Burkes Hill (1.33 hectares) to New Residential.

Cllr Carroll noted that this change will create opportunities and development.

#### **BLP-D-10 - Lands at Clonoghill Upper**

Cllr Ormond enquired about previous zoning on the site. Mr. A. Murray, advised that the land was not zoned commercial in the previous plan (Birr Town and Environs Development Plan 2010-2016 as extended to 2021). Cllr Carroll questioned if it were zoned white lands, what kind of development could take place/ is it open for consideration for anything other than residential.

Cllr Ormond asked if the land were unzoned would it require a material contravention. Ms. Mitchell advised all uses are open for consideration on unzoned land; each application is assessed on its own merit. Cllr Clendennen asked if there is anything not allowed on unzoned land. Ms. Mitchell advised that if it was Residential then it would need a material contravention as it would be contrary to the Core Strategy. Cllr Ormond asked if the councilors have the authority to zone the land. Mr. Murray stated that it would be a big jump to zone the land, because there is no reasons given in a public process to zone the land. The submission asked to revert to the previous plan which was zoned Residential only. Cllr Ormond asked was it ever zoned commercial and was told it was not. Cllr Carroll said maybe we would have to take white lands in good faith. Ms. A. Dillon advised that submissions at Material Alterations stage can only be on the displayed proposed changes.

## 5. Transportation submissions, Environmental / Biodiversity / Climate submissions and Other submissions

Mr. Matthew McRedmond gave his presentation relating to submissions concerning environmental, biodiversity, climate and other items.

On the proposal of Cllr Ormond, seconded by Cllr Clendennen and Cllr Carroll, the members resolved to adopt the Chief Executives Recommendations as outlined in the Report.

## 6. Submission[s] not covered in Presentation

### **BLAP-D-04**

Cllr Ormond queries this submission and asks what is the difference between this section of the distributor road and the other section of distributor road (BLAP-D-17)

Cllr Carroll said there is an opportunity to put in an access road from the lands south of the distributor road up to the distributor road and there is an onus on the councilors to ensure there is an alternative access to the large area of residential lands at this location. Ms. Mitchell advised that the CE Response does not say it cannot be accessed. Applications that come in would be assessed.

Cllr Carroll suggested inserting arrows onto the map. Cllr Ormond would like to see the road as there is land there that needs access; there is an opportunity for this road. Ms. Mitchell advised that there is nothing in the CE Report to hamper it.

On the proposal of the Cathaoirleach, seconded by Cllr. Carroll the members agreed to Suspend Standing Orders to allow the members confer on this issue in-committee.

On the resumption of the meeting the members continued the discussion on the Plan.

### **BLAP-D-10 - Lands at Clonoghill Upper**

After consultation the councilors agreed with the CE recommendation and to keep the land in question unzoned.

### **BLAP-D-04 - Lands at Townparks**

On the proposal of Cllr Carroll, seconded by Cllr. Ormond, the members resolved to add the following objective into the LAP.

*'It is an objective of the Council to reserve land for an access link to the Birr northern distributor road from zoned residential land to the south'.*

## 7. Overall Resolution

Ms. Ann Dillon, DoS, read the overall resolution, which is

Having considered the Draft Birr Local Area Plan 2023-2029 and the Chief Executive's Report circulated to the members on the 8th December 2022, in accordance with the provisions of Section 20(3)(d)(ii) of the Planning and Development Act 2000 (as amended), the members agree, by resolution, to amend the Draft Birr Local Area Plan 2023-2029, as recommended by the Chief Executive and as further amended by way of motions and resolutions at the Special Council Meetings on 23<sup>rd</sup> January 2023 and to proceed in accordance with Section 20(3)(d)(ii) of the Planning and Development Act 2000 (as amended).

On the proposal of Cllr Carroll, seconded by Cllr Clendennen and Cllr Ormond, the members resolved to adopt the Overall Resolution.

Cllr Carroll, Cllr Clendennen thanked the members, Offaly County Council staff and the people who made submissions for their participation.

Cllr Hackett mentioned that it was his first LAP to observe and found it all quite interesting. He thanked Offaly County Council members and staff who worked very well together. He said he is happy to see the additional biodiversity and environmental elements proposed to be inserted into the Plan.

Cllr Dooley thanked the team but queried why the County Development Plan and Local Area Plans cannot run in tandem. Ms. Mitchell advised that the legislation does not allow it.

Responding to Cllr Clendennen's query in relation to the next steps, Ms. Ann Dillon, DoS, advised that the proposed material alterations would go to Public Display, followed by a CE Report on the submissions relating to the proposed Material Alterations, which then goes to a full council meeting where the Local Area Plan will be considered for adoption.

**MINUTES CONFIRMED:**

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**CATHAOIRLEACH**

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**20<sup>th</sup> February 2023**