

Comhairle Contae Fine Gall

Fingal County Council

Minutes of Fingal Development Plan 2017-2023

Friday, 14th October, 2016 at 2.30 pm

PRESENT

Butler, Darragh
Dennison, Kieran
Devitt, Anne
Doyle, Tania
Farrell, Ken
Guerin, Jimmy
Healy, David
Henchy, Adrian
Kavanagh, Sandra
Lavin, Anthony
Leddy, Ted
Loftus, Eithne
Lukusa, Edmond
Lynam, Philip
Maguire, Grainne
Mahony, Howard

Martin, Barry
McGuinness, David
Mulville, Paul
Murphy, Tony
Murray, Mags
Newman, Joe
Ni Laoi, Daire
Nolan, Lorna
O'Brien, Eoghan
O'Callaghan, Cian
O'Connor, David
O'Leary, Tom
Quinn, Malachy
Treacy, Natalie
Waine, Matthew

Apologies for inability to attend were received for Councillors E. Coppinger, Eugene, McCamley, Mary, McDonagh, Brian, O'Gorman, Roderic and Redmond, Keith.

The Mayor, Councillor D. Butler, presided.

OFFICIALS PRESENT

Paul Reid (Chief Executive), Ann Marie Farrelly (Director of Services/Planning & Strategic Infrastructure), John Quinlivan (Director of Services/Corporate Affairs & Governance), Matthew McAleese (Senior Planner), Peter Byrne (Senior Planner), Fionnuala May (County Architect), Philip Long (Senior Executive Officer),

Cathaldus Hartin, Roisin Burke (Executive Planner), Kevin Mooney, Sarah Ryan (Executive Planner), Yolande McMahon (Assistant Planner), Caroline Kelly (Administrative Officer), Lucette Browne (Administrative Officer), Stephen Gaughran (Acting Chief Technician), Patrick Murphy (Technician Grade 1.), Imelda Hickey (Executive Planner), Carol Hurley, John Thornberry (Analyst Programmer), Jenny Finnegan, Jackie Fowler, Sandra Hanratty, Niall McCoitir (Assistant Staff Officer), Linda Fanning, Eileen McCulloch (Clerical Officer) and Collette McNally (Clerical Officers).

ITEM 103: CE CH 4.18

FDP/103/16 (Agenda Item 103)

CE CH 4.18

Item No. 103 was proposed by Councillor D. Butler, seconded by Councillor E. Loftus:

The attached Chief Executive's Recommendation, which had been circulated was **CONSIDERED**.

The Chief Executive's recommendation was **AGREED**.

ITEM 138: MOTION: COUNCILLOR BRIAN MCDONAGH: CHAPTER 4 LOOP WALKWAY. AI028966

FDP/138/16 (Agenda Item 138)

Motion: Councillor Brian McDonagh: Chapter 4 Loop Walkway AIO28966

The attached motion in the name of Councillor B. Mc Donagh, was proposed by Councillor D. Butler, seconded by Councillor J. Guerin:

The attached report by the Chief Executive which had been circulated was **CONSIDERED**:

The Chief Executive's recommendation was **AGREED**.

ITEM 152: CE CH 5.2

FDP/152/16 (Agenda Item No. 152)

CE CH 5.2

Item No 152 was proposed by Councillor D. Butler, seconded by Councillor E. Loftus:

The attached report by the Chief Executive which had been circulated was **CONSIDERED:**

The Chief Executive's recommendation was amended as follows:

Use of land associated with a farm for seasonal / temporary workers will be considered subject to the following requirements and demonstrate the following;

- *The farm is a working and actively managed farm with a minimum size of 50 hectares.*
- *There is an essential need for the amount of and type of accommodation and this cannot be met anywhere else. The onus is on the farmer/employer to demonstrate this.*
- *The accommodation is for use by the workers associated with the farm only and shall not be for sale or rental independent of the farm.*
- *New on-site residential accommodation for seasonal farm workers shall be designed in a cohesive and purpose built manner resulting in a high standard of quality accommodation whilst minimising visual impacts on the surrounding rural area.*
- *A viable landholding can facilitate up to a maximum of 100 seasonal workers.*
- *New purpose built accommodation shall be provided in the form of a maximum 10 bed space unit.*
- *Each unit shall provide:*
- *Accommodation and open space provision sufficient to provide an adequate level of comfort and amenity for occupants*
- *Room sizes in accordance with minimum Development Plan standards*
- *Shared kitchen, living and dining room based on a minimum 4 sq.m per bed space in the unit, in addition to any circulation space*
- *Each bedroom shall have an en-suite shower, toilet and basin*
- *Appropriate indoor and outdoor communal and recreational facilities at a combined level of 5-7 sq.m per bedspace*
- *Communal facilities and services shall be provided for and include laundry and refuse facilities.*
- *Compliance with Building and Fire Regulations.*
- *Transport arrangements to allow workers ease of access to nearby towns and villages. One of the following shall be provided:*
- *Footpaths linking the development to the nearest town or village,*
- *Footpaths linking the development to the nearest public transport link,*
- *Provision of a privately operated shuttle bus to the nearest town or village.*
- *Design, height, scale and finishes shall have regard to the landscape context.*
- *Existing trees and hedgerows shall be maintained in so far as possible and new planting shall be of native species.*
- *A Landscape Plan shall accompany applications for new purpose built accommodation.*
- *Sufficient drainage and wastewater infrastructural capacity to serve the development.*

- *Sufficient access and car-parking arrangements to serve the development.*

Following discussion the amended Chief Executive's Recommendation was put and on a division the voting resulted as follows:

For: Seventeen (17)

Against: Fourteen (14)

Abstain: Nil (0)

**For: Councillors: Butler, Devitt, Murphy, Maguire, Mc Guinness,
 Guerin, Newman, O'Connor, Murray, Henchy, O' Brien, Mahony,
 Dennison, Lavin, Loftus, Leddy, O' Leary**

**Against: Councillors: Healy, Lynam, Lukusa, Ní Laoi, Treacy, Quinn, O'
 Callaghan, Mulville, Nolan, Kavanagh, Waine, Doyle, Martin,
 Farrell**

The Mayor, Councillor D. Butler, declared the Chief Executive's Recommendation, as amended **PASSED**.

ITEM 160: CE CH 5.10

FDP/160/16 (Agenda Item No. 160)

CE CH 5.10

It was decided to deal with Item No's. 160 and 186 together.

The Councillors were informed that a reverse vote would apply in this situation.

The attached Item was proposed by Councillor D. Butler, seconded by Councillor E. Loftus:

It was NOTED that as a result of Motion 186 being **LOST** the Chief Executive's Recommendation CE CH 5.10 Item 160 was **PASSED**.

**ITEM 186: MOTION: COUNCILLOR DAVID HEALY: EXTRACTIVE INDUSTRIES.
A1028667**

FDP/186/16 (Agenda Item No. 186)

Motion: Councillor David Healy: Extractive Industries. AI028667

It was decided to deal with Item No's. 186 and 160 together.

Motion No. 186 was proposed by Councillor D. Healy, seconded by Councillor M. Waine:

The attached report by the Chief Executive, which had been circulated was **CONSIDERED**.

Following discussion the Motion was put and on a division the voting resulted as follows:

For: Eleven (11)

Against: Sixteen (16)

Abstain: Nil (0)

For: Councillors : Healy, Lynam, Lukusa, Ni Laoi, Treacy, Mulville, Nolan, Kavanagh, Waine, Doyle, Martin

Against: Councillors : Butler, Devitt, Murphy, Maguire, Newman, O' Connor, Murray, Henchy, O' Brien, Mahony, Dennehy, Dennision, Lavin, Loftus, Leddy, O' Leary

The Mayor, Councillor D. Butler, declared the Motion **LOST**.

ITEM 162: CE CH 5.12**FDP/162/16** (Agenda Item No. 162)

CE CH 5.12

It was decided to deal with Item No's. 162,163 and 187 together.

The Councillors were informed that Items 162 and 163 should be taken as one item.

The Councillors were informed that a reverse vote would apply in this situation.

Item No. 162 was proposed by Councillor D. Butler, seconded by Councillor E. Loftus:

The attached Chief Executive's Recommendation, which had been circulated was **CONSIDERED**.

It was NOTED that as a result of Motion 187 being **LOST** the Chief Executive's Recommendation CE CH 5.12 Item 162 was **PASSED**.

ITEM 163: CE CH 5.13

FDP/163/16 (Agenda Item No. 163)

CE CH 5.13

It was decided to deal with Item No's. 162, 163 and 187 together.

The Councillors were informed that Items 163 & 162 should be taken as one item.

The Councillors were informed that a reverse vote would apply in this situation.

Item No. 163 was proposed by Councillor D. Butler, seconded by Councillor E. Loftus:

The attached Chief Executive's Recommendation, which had been circulated was **CONSIDERED**.

It was NOTED that as a result of Motion 187 being **LOST** the Chief Executive's Recommendation CE CH 5.13 Item 163 was **PASSED**.

ITEM 187: MOTION: COUNCILLOR DAVID HEALY: OBJECTIVE RF84. AI028668

FDP/187/16 (Agenda Item No. 187)

Motion: Councillor David Healy: Objective RF84. AI028668

It was decided to deal with Item No's 162, 163 and 187 together.

The Councillors were informed that Items 162 & 163 should be taken as one item.

The Councillors were informed that a reverse vote would apply in this situation.

The attached motion in the name of Councillor D. Healy, was proposed by Councillor D. Healy, seconded by Councillor P. Lynam.

The attached report by the Chief Executive which had been circulated was **CONSIDERED:**

Following discussion the Motion was put and on a division the voting resulted as follows:

For: Thirteen (13)

Against: Eighteen (18)

Abstain: Nil (0)

For: Councillors : Healy, Lynam, Lukusa, Ni Laoi, Treacy, Quinn, O' Callaghan, Mulville, Nolan, Kavanagh, Waine, Doyle, Martin

Against: Councillors: Butler, Devitt, Murphy, Maguire, Guerin, Newman, FarerII, O' Connor, Murray, Henchy, O' Brien, Mahony, Dennehy, Dennision, Lavin, Loftus, Leddy, O' Leary

The Mayor, Councillor D. Butler, declared the Motion **LOST**.

ITEM 183: MOTION MALACHY QUINN: CHAPTER 5. AI029079

FDP/183/16 (Agenda Item No. 183)

Motion: Councillor Malachy Quinn: Chapter 5. AI029079

The attached motion in the name of Councillor M. Quinn, was proposed by Councillor M. Quinn, seconded by Councillor N. Treacy.

The attached report by the Chief Executive which had been circulated was **CONSIDERED:**

Following discussion the Motion was put and on a division the voting resulted as follows:

For: Six (6)

Against: Twenty Four (24)

Abstain: One (1)

For: Councillors: Quinn, Murphy, Maguire, Guerin, O'Connor, Dennehy.

Against: Councillors: Butler, Healy, Lynam, Lukusa, Ní Laoi, Treacy, Devitt, Newman, O' Callaghan, Mulville, Nolan, Kavanagh, Waine, Doyle, Martin, Murray, Henchy, O' Brien, Mahony, Dennison, Lavin, Loftus, Leddy, O' Leary

Abstain: Councillor: Farrell

The Mayor, Councillor D. Butler, declared the Motion **LOST**.

ITEM 188: MOTION: COUNCILLOR DAVID HEALY: FENCING OF HITHERTO OPEN LAND. AI029092

FDP/188/16 (Agenda Item No. 188)

Motion: Councillor David Healy: Fencing of hitherto open land. AI029092

The attached motion in the name of Councillor D. Healy, was proposed by Councillor D. Healy, seconded by Councillor L. Nolan.

The attached report by the Chief Executive which had been circulated was **CONSIDERED:**

The Chief Executive's recommendation was amended as follows:

[CH5.25 refers]

Insert new Objective RF, subsection Walking Trails as follows:

Objective RFxx: The following criteria will be used when assessing planning applications for new fencing in relation to lands open to or used by the public during the ten years preceding. Such fencing is not exempted development in accordance with Art. 9(1)(A)(x) of the Planning and Development Regulations

- Such fencing in upland or amenity areas shall conform to the best agricultural practice.*
- The nature of the material to be used, the height of the fence and in the case of a wire fence, the type of wire to be used will be taken into account.*
- Stiles or gates at appropriate places may be required.*

The Chief Executive's recommendation, as amended was **AGREED**.

ITEM 275: MOTION: COUNCILLOR DAVID HEALY: EXTENSIVE ROOFS OF COMMERCIAL DEVELOPMENTS. AI028732

FDP/275/16 (Agenda Item No. 275)

Motion: Councillor David Healy: Extensive Roofs of Commercial Developments. AI028732.

The attached motion in the name of Councillor D. Healy was proposed by Councillor D. Healy, seconded by Councillor L. Nolan.

The attached report by the Chief Executive which had been circulated was **CONSIDERED**.

Following discussion the Motion was put and on a division the voting resulted as follows:

For: Fourteen (14)

Against: Seventeen (17)

Abstain: Nil (0)

For: Councillors: Healy, Lynam, Lukusa, Ni Laoi, Treacy, Quinn, Newman, O'Callaghan, Mulville, Nolan, Kavanagh, Waine, Doyle, Martin

Against: Councillors: Butler, Devitt, Murphy, Maguire, Guerin, Farrell, O'Connor, Murray, Henchy, O'Brien, Mahony, Dennehy, Dennison, Lavin, Loftus, Leddy, O'Leary

Abstain:

The Mayor, Councillor D. Butler, declared the Motion **LOST**.

ITEM 361: MOTION: COUNCILLOR ANNE DEVITT: GE. AI028406

FDP/361/16 (Agenda Item No. 361)

Motion: Councillor Anne Devitt; GE AI028406.

The attached motion in the name of Councillor A. Devitt was proposed by Councillor A. Devitt, seconded by Councillor T. Murphy:

The attached report by the Chief Executive which had been circulated was **CONSIDERED**:

The Chief Executive's recommendation was amended as follows:

[Ch 11.6 refers]

Insert caveat for Residential within the 'Not Permitted' category within the GE-General Employment zoning objective as follows:

28 Except where a person who is an immediate member of a family in the immediate area who has not been granted permission for a dwelling previously, and is considered to have a need to reside adjacent to the family home by reason of that person's exceptional health circumstances.

The Chief Executive's recommendation, as amended was **AGREED**.

ITEM 455: MOTION: COUNCILLOR ADRIAN HENCHY: CHAPTER 5 RURAL FINGAL. AI029105

FDP/455/16 (Agenda Item No. 455)

Motion: Councillor Adrian Henchy: Chapter 5 Rural Fingal. AI029105

The attached motion in the name of Councillor A. Henchy, was proposed by Councillor A. Henchy, seconded by Councillor D. Butler:

The attached report by the Chief Executive which had been circulated was **CONSIDERED**:

The Chief Executive's recommendation was **AGREED**.

ITEM 494: MOTION: COUNCILLOR JIMMY GUERIN. AI028957

FDP/494/16 (Agenda Item No. 494)

Motion: Councillor Jimmy Guerin. AI028957

The attached motion in the name of Councillor J. Guerin, was proposed by Councillor J. Guerin, seconded by Councillor J. Newman:

The attached report by the Chief Executive which had been circulated was **CONSIDERED**:

An amendment was proposed by Councillor J. Guerin, seconded by Councillor J. Newman:

Reduce the area of the site as clearly identified in the map provided.

The amendment was **AGREED**.

A 2nd amendment was proposed by Councillor J. Guerin, seconded by Councillor A. Devitt:

Delete

"RS for a retirement village to cater for senior citizens".

Add

"CI with a specific objective for sheltered accommodation".

The 2nd amendment was **AGREED**.

The amended motion now reads:

This Council resolves that the land outlined in red on the attached map be rezoned from objective GB to object CI with a specific local objective for sheltered accommodation.

Following discussion the amended Motion was put and on a division the voting resulted as follows:

For: Nineteen (19)

Against: Twelve (12)

Abstain: Nil (0)

For: Councillors: Lynam, Lukusa, Treacy, Devitt, Murphy, Maguire, Guerin, Newman, Nolan, Farrell, O'Connor, Murray, O'Brien, Mahony, Dennehy, Lavin, Loftus, Leddy, O'Leary

Against: Councillors: Butler, Healy, Ni Laoi, Quinn, O'Callaghan, Mulville, Kavanagh, Waine, Doyle, Martin, Henchy, Dennison

The Mayor, Councillor D. Butler, declared the amended Motion **PASSED**.

ITEM 555: MOTION: COUNCILLOR ANNE DEVITT: AI029059

FDP/555/16 (Agenda Item No. 555)

Motion: Councillor Anne Devitt. AI029059

It was decided to take Item No. 555 and 556 together.

The attached motion in the name of Councillor A. Devitt was proposed by Councillor A. Devitt, seconded by Councillor T. Murphy:

The attached report by the Chief Executive which had been circulated was **CONSIDERED:**

The Chief Executive's recommendation was amended as follows:

Amend zoning from GE 'General Employment' to HT 'High Technology' at Old Airport Road.

The Chief Executive's recommendation, as amended was **AGREED.**

ITEM 556: MOTION: ANNE DEVITT: CARLTON HOTEL AIRPORT RD.AI028832

FDP/556/16 (Agenda Item No. 556)

Motion: Councillor Anne Devitt, Carlton Hotel, Airport Road. AI028832

It was decided to take Item No. 556 and 555 together.

The attached motion in the name of Councillor A. Devitt was proposed by Councillor A. Devitt, seconded by Councillor T. Murphy:

The attached report by the Chief Executive which had been circulated was **CONSIDERED:**

The Chief Executive's recommendation was amended as follows:

Amend zoning from GE 'General Employment' to HT 'High Technology' at Old Airport Road.

The Chief Executive's recommendation, as amended was **AGREED.**

Councillor A. Devitt asked to revisit Motion No. 388 which had previously been considered at the meeting of 4th October, 2016. Councillor D. Healy suggested that other motions may need to be revisited. This was not agreed.

FDP/606/16 (Agenda Item No 607)

Notice of Material Amendments - Section 12 (7) (a)(b) of Planning & Development Act, 2000 (as amended)

FDP/606/16 (Agenda Item No. 606)

Consideration of Chief Executive's Report – Section 12(5)(a) of Planning & Development Act, 2000 (as amended)

Item No. 606 was proposed by Councillor D. Butler, seconded by Councillor E. Loftus:

The following Resolution was **CONSIDERED**.

The Draft Fingal Development Plan 2017 – 2023 and the report of the Chief Executive on submissions or observations received on foot of the public display of the draft plan have now been considered.

The Resolution was **AGREED**.

FDP/607/16 (Agenda Item No 606)

Consideration of Chief Executive's Report - Section 12(5)(a) of Planning & Development Act, 2000 (as amended)

FDP/607/16 (Agenda Item No. 607)

Notice of Material Amendments – Section 12 (7)(a)(b) of Planning and Development Act, 2000 (as amended).

Item No. 607 was proposed by Councillor D. Butler, seconded by Councillor E. Loftus:

The following Resolution was **CONSIDERED**.

That Fingal County Council, having considered the Draft Fingal Development Plan 2017 -2023 and the Chief Executive's Report thereon, in accordance with Section 12 of the Planning and Development Act, 2000 (as amended), hereby resolves to agree

recommendations of the Chief Executive's Report on Submissions Received as amended and that material amendments to the Draft Fingal Development Plan 2017-2023 as agreed at the Special Meetings of the Council held on September 27th, 28th and October 3rd, 4th, 11th, 12th and 14th 2016 be placed on 4 weeks statutory public display in accordance with the provisions of the Planning and Development Acts, 2000 as amended.

Following discussion the Resolution was put and on a division the voting resulted as follows:

For: Thirty (30)

Against: One (1)

Abstain: Nil (0)

For: Councillors: Butler, Maguire, Newman, O'Brien, Mahony, Lavin, Loftus, Leddy, O'Leary, Dennehy, Doyle, Farrell, Devitt, Murray, Dennison, Henchy, Kavanagh, Lukusa, Lynam, Martin, Mulville, Ni Laoi, Nolan, O'Callaghan, O'Connor, Quinn, Treacy, Waine, Murphy, Guerin

Against: Councillor: Healy

The Mayor, Councillor D. Butler, declared the Resolution **PASSED**.

The Mayor, Councillor D. Butler paid tribute to the Members for their co-operation and contribution to this stage of the Draft Plan. He also thanked the Chief Executive and staff.

The Chief Executive, Mr. Paul Reid thanked the public and the stakeholders for all 900 submissions received, he also thanked the Mayor and the members for their level of engagement, he also thanked the staff for their hard work and dedication.

The members expressed their appreciation to the staff.

The meeting concluded at 5.15 pm

MAYOR

DATED