



## *Miontuairiscí/Meeting Minutes*

### *Special Planning Meeting 13<sup>th</sup> September 2011, Council Chamber*

An Cathaoirleach, Councillor Eoin Holmes, presided.

#### **Members Present:**

Councillors, Joseph Bonner, Irena Campbell, William Carey, Shane Cassells, Jimmy Cudden, Francis Deane, Ann Dillon Gallagher, John V Farrelly, Jimmy Fegan, Brian Fitzgerald, Joe Fox, Oliver Fox, Wayne Harding, Jim Holloway, Nick Killian, Noel Leonard, Tracy McElhinney, Niamh McGowan, Jenny McHugh, Maria Murphy, Gerry O'Connor, Seamus O'Neill, Bryan Reilly, Joe Reilly, Tommy Reilly, Catherine Yore.

**Apologies:** Councillors Eugene Cassidy, Suzanne Jamal,

#### **Officials in Attendance:**

**County Manager** Tom Dowling

**Directors of Service:** Tadhg McDonnell, Kevin Stewart, Brendan McGrath, Larry Whelan (Acting), Fiona Lawless.

**Meetings Administrator** Martin Rogers

**Senior Executive Officers:** Michael Griffin,

**Planning Staff:** Pat Gallagher, Deirdre Fallon, Orla O' Brien, Caroline Power.

#### **1. To consider the "Report from the Review Group Established to Review Matters which gave rise to the High Court Case on Darlington Properties Ltd. V Meath County Council 2011"**

At the outset the Cathaoirleach indicated that the County Manager would be making a statement on the matter and it was agreed to circulate a copy of same to Councillors. The County Manager then made the following statement:

"Cathaoirleach & Councillors,

As you are aware, five months ago I ordered an independent review into all aspects of the High Court proceedings between Meath County Council and Darlington Properties.

I appointed two highly experienced, independent individuals to conduct the review.

All information relating to the case and the matters that led to it was made available to the review team.

All persons with an interest in the case were given the opportunity to meet the review team. I wanted the most comprehensive, rigorous and transparent review possible and everything was put in place to ensure that would happen.

The completed report was presented on Friday last, 9<sup>th</sup> September directly to the Cathaoirleach, to the Acting Chair of the Audit Committee and to me.

Later that same day the report was made available to all relevant staff and to Councillors.

I want to make it clear at the outset that this case is still with The Supreme Court on appeal on the issue of the quantum of the award.



## *Miontuairiscí/Meeting Minutes*

The report is very direct in its findings and there is no doubt it makes very difficult reading for all of us. While I may disagree with some of the language in the report nevertheless I accept the findings. I acknowledge the failings that it has identified and I know that my responsibility as County Manager is to deal with the challenges that it now presents to us as an organisation.

The report makes 25 recommendations for change each of which will be implemented. Work has already commenced on many of them and will start immediately on the remainder.

I intend to assume direct executive responsibility for implementing the recommendations contained in the report and retain that responsibility for as long as it takes to deliver the change required.

I also intend to restructure the remit of the Director of Services for Planning so as to allow him to focus 100% on the delivery of this change programme and actively manage the department unburdened by other responsibilities.

I will be reporting on a quarterly basis to the Council and the Audit Committee on the progress made on implementing the recommendations in the report with the first progress report being presented at the December Council meeting.

I note that the report recommends that I assume direct executive responsibility for all planning matters including day to day delivery of the service. I understand the intent of that recommendation.

As County Manager I have high level executive responsibility for delivery of all of this Local Authority's services. I believe it would be totally unrealistic for me, in a county of this size, to actively day-to-day manage this busy department without damaging my input into the Council's other areas of responsibility of which there are many.

I know that there are changes to be made that will affect how we work and how we interact internally and with yourselves as elected Councillors. I know that making some of these changes will be difficult, will challenge current roles and responsibilities and will involve hard decisions but it has to be done. I will make people personally accountable to ensure that it is done.

These changes will include, among others:

- A restructuring of planning department, including if deemed necessary, a reassignment of functions and roles;
- A full audit of any unaudited planning processes and procedures. Where flaws are identified, they will be rectified;
- New procedures whereby all major contracts involving the disposal of Council assets will be formally signed off by senior management
- Establish departmental performance indicators in order that performance can be measured



## *Miontuairiscí/Meeting Minutes*

I am very conscious that in implementing any change we must ensure that we strike the correct balance between appropriate levels of control and governance and the requirement to deliver a good and efficient service.

We don't want to end up with a system that is so rigid, so tied up with red tape and so over controlled that paralysis sets in. I want an empowered planning department where people are not afraid to engage or to make a decision for fear of making a mistake. Councillors I believe that is what you want also.

It is important that I point out that the review confirms that many actions are being taken to address the inadequacies that could have contributed to this case.

The report also recognises the significant scale of the workload in the Planning Department at that time. This involved the management of over 34,000 planning decisions as well as forward planning and enforcement at a time of high staff turnover. It is worth noting that out of the 34,000 decisions just 273 were overturned on appeal by An Bord Pleanála during that time.

The review also found a well developed organisational structure in place across both the technical and administrative disciplines.

This Council has already put in place a number of actions and initiatives that deal with some of the key issues raised by this review including the following:

- The management of legal cases has been formalised and a system to notify the Councillors and Audit Committee of potential high risk court cases is being put in place.
- An updated and revised risk register is being prepared and I have appointed the Head of Finance to oversee the management of corporate governance and risk management issues.
- Extensive process improvements have been made in the planning department.

There is no doubt that these events have had an impact on the morale of people working in the planning department. I'm very conscious that the Planning department has played a significant role in the development of the county. I know how hard people there work. I know their commitment and dedication.

I want to reiterate my commitment as Manager to supporting them and working with them to implement the changes necessary to instil confidence and improve morale.

The report states that the standing of the elected Council has been adversely affected by this case. I do not fully concur with this statement as I am satisfied Meath County Councillors had no hand, act or part in bringing about this unfortunate event. However I recognise that you want the best for this county and the Council and if some members feel their standing has been affected then I regret that.

The report is very clear in its recommendation that the concerns of the elected members in relation to access to information on planning matters should be acknowledged and appropriately addressed. It is important that the democratic mandate of the Councillors is respected. I want to make it very clear that the recommendations in this report in relation to the Councillors will be implemented in full.

In conclusion I want to thank the members of the review team for the manner in which they carried out this review. I firmly believe that the work they have done will serve this organisation well in the long term.



## *Miontuairiscí/Meeting Minutes*

Having consulted with the Senior Management Team of the Council and as a sign of commitment to bring about the meaningful change required I intend to invite back the review team in one year to measure the progress made.

Finally Cathaoirleach, Councillors, I am very proud to be working and living in County Meath. I am proud of Meath County Council and the people I work with. I am also proud of the enormous achievements of this Council which were all carried out in partnership with the elected Councillors.

I regret, as we all do that this review was necessary but we have it now and we must, with your positive support move on and implement the changes it recommends.”

There followed a lengthy discussion to which all Councillors made contributions. The main issues raised by the Councillors were:

- Welcomed the County Manager’s Statement and his commitment to follow through and implement the recommendations in the report
- Welcomed the report and acknowledged the serious challenges ahead
- Noted the report highlighted weaknesses, difficulties and deficiencies and offered recommendations to address same
- Endorsed the proposal, as suggested by the Cathaoirleach and supported by Management, that the review group be invited back to assess progress on implementation of recommendations in 12 months time
- Queried how systems will change to re-establish trust with investors and also the public
- Welcomed the greater involvement of Councillors in planning related issues
- Noted issues with internal communication and divisional preserves
- Noted that only four Councillors had sought to contribute to the review
- Acknowledged the pressure on planning services during the boom years
- Cited historic difficulties in obtaining positive engagement with the planning department and referred to problems with broader aspects of planning outside of the case
- Expressed disappointment that the Audit Committee as well as the Councillors had not been given advance notice of the risks associated with the Darlington case
- Questioned the diligence of the legal process during the sale of the site
- Expressed the view that the representational role of the members should be embraced and respected
- Requested that protocols be put in place that would ensure broad based multi disciplinary representation at pre planning meetings for major development proposals
- Welcomed the transparency and independence of the review group and its findings which are broadly in line with the Councillors views
- Requested that where planners provide the pre planning advice they where possible would deal with the subsequent planning applications
- Some Councillors felt that ,in some instances , planning information was not being shared pro-actively by the executive
- Noted as per report that communication between planning staff , the broader Executive and Councillors needed to be improved
- Questioned the resources available in other departments to support the planning process
- Emphasised that there should be no deviation from the recommended course of action
- Noted that the general public does not differentiate between the Councillors and the Executive and see them as one corporate entity
- Noted the proposal to make staff accountable for their areas of responsibility
- Felt that the report provides a blueprint for the restoration of public and investor confidence in the planning authority
- Welcomed the fact that the risk register was being prepared and updated
- Suggested that workshops be arranged for Councillors and staff as soon as possible



## *Miontuairiscí/Meeting Minutes*

- Noted the very bureaucratic environment within which the planning function operates and expressed support for hard working staff in that area
- Clarification sought on future role of County Manager in the planning area as what's indicated in the statement appeared to differ from that recommended in the report
- Welcomed the report findings that the legal advice and strategy were found to be satisfactory and appropriate
- Suggested that minutes of Management Team be made available to Audit Committee
- Welcomed proposal to update the Audit Committee on implementation of the recommendations
- suggested that one of the major challenges will be to empower staff to bring forward problems at an early juncture so that problems can be dealt with in early course thereby mitigating the possibility of future claims

In response the County Manager:

- Welcomed the comments of the Councillors and reiterated his determination to ensure the recommendations in the report would be implemented
- Noted that the value of the report was in it being a hard-hitting independent assessment, with a comprehensive list of recommendations
- Agreed to facilitate a workshop of planning staff and Councillors in early 2012
- Noted the point made concerning the general public seeing the Council as one entity and not differentiating between Councillors and the Executive
- Advised that reports would be provided to the Audit Committee on any major issue arising from the Management Team
- Indicated that it was not realistic for him to actively day to day manage the planning department as this would impinge on his other areas of responsibility within the Council. He emphasised that he will be actively involved with planning along with Tadhg McDonnell Director of Services whose sole remit will be to focus fully on the delivery of this change programme as well as actively managing the department.
- Confirmed that an interim progress report would be available to the Council in December.

## **2. Proposed Variation no. 12, Meath County Development Plan 2007-2013, Core Strategy**

**To consider the proposed variation and the Managers Report on submissions received and to resolve to make the variation, to further modify the variation or to refuse to make the variation, in accordance with Section 13(6) (a) of the Planning & Development Acts 2000-2010.**

At the outset Councillor Fitzgerald sought clarification as to the methodology for preparing a Core Strategy and its subsequent incorporation into the County Development Plan. In response Michael Griffin, SEO Planning stated that the Council had obtained legal advices in this regard which confirmed that the Council had met its statutory obligations to prepare a Core Strategy within 12 months of the adoption of the Regional Planning Guidelines (RPG). He further confirmed that the appropriate mechanism to incorporate the Corporate Strategy into the County Development Plan was by way of a variation under Section 13 of the Planning Acts.

A presentation on the proposed variation was then commenced by Orla O'Brien, A/Senior Executive Planner who indicated that (a) the variation relates to inclusion of a Core Strategy (b) this requirement was introduced by the P& D Act 2010 (c) its general purpose was to show that the development objectives in the plan are consistent as far as practicable with national and regional development objectives set out in National Spatial Strategy and RPG. It was noted that the proposed variation takes account of the RPG for the Greater Dublin Area adopted in June 2010 and was put on public display from 14<sup>th</sup> June to 22<sup>nd</sup> July 2011. The Members were advised that 31 submissions were received in response to the display and the Managers Report had been distributed to Members on 8<sup>th</sup> August last.



## *Miontuairiscí/Meeting Minutes*

A general discussion ensued on the variation process and it was agreed on the proposal of Councillor John V. Farrelly seconded by Councillor Jim Holloway to meet “in committee” for a short period to consider some technical and legal issues. The meeting was then held in committee.  
Following the “in committee” session it was agreed by the Members to proceed with consideration of each of the submissions. Orla O Brien then took the Members through each of the submissions.

### **Submission 6 Department of the Environment, Community and Local Government**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager’s recommendations No’s 1-10 for changes to the Core Strategy.

The Members accepted the County Manager’s recommendations No’s 1-3 and 5-10 but rejected recommendation No.4 which sought to amend the indicative port study area by excluding Stamullen.

### **Submission 2 Dublin and Mid East Regional Authorities**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager’s recommendation No’s 1-11 for changes to the Core Strategy.

The Members accepted the County Manager’s recommendations subject to the deletion of the word “longterm” in recommendation No. 5.

### **Submission 10 National Transport Authority**

A summary of the issues raised in the submission was set out in the presentation together with the Manager’s recommendation No’s 1-2 for changes to the Core Strategy.

The Members accepted the County Manager’s recommendations subject to the inclusion of the following:

(1) Additional sentence to be added to Section 5.7 “Meath County Council supports the policy for industrial development at interchanges adjacent to our motorways for the provision of employment in accordance with our local area plans.”

(2) Additional sentence to be added to Section 7 (Population Projections for County Meath) “The scale of rural housing development will ultimately be determined by the limitations within the County Development Plan 2007-2013 as these pertain to local need taking due cognisance of population increases.”

### **Submission 1 National Roads Authority**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager’s recommendations No’s 1-5 for changes to the Core Strategy.

The Members accepted the County Manager’s recommendations subject to the following:

(1) Additional sentence to be added to Section 5.7 “ Meath County Council supports the policy for industrial development at interchanges adjacent to our motorways for the provision of employment in accordance with our local area plans.”



## *Miontuairiscí/Meeting Minutes*

(2) The deletion of the work “longterm” in recommendation No. 2.

### **Submission 3 An Taisce**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager’s recommendation for no change to the Core Strategy.

The Members accepted the County Manager’s recommendation.

### **Submission No. 4 Environmental Protection Agency**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager’s recommendations No’s 1-2 for changes to the Core Strategy.

The Members accepted the County Manager’s recommendation No.2 but rejected recommendation No.1 and proposed the following modifications to Section 7.1:

#### **(a) Delete the following:**

“In all cases, applications for residential development on greenfield lands, i.e. on all ‘A’ categories of zoning shall be considered on their merits in accordance with Table 6 of the Core strategy and the Dept. of ‘Guidance Notes on Core Strategies’ until such time as the relevant town development plan or local area plan has been reviewed. Limited residential development as part of development proposals on town/village centre or edge of centre zonings (‘B’ or ‘C’ categories) may be considered acceptable subject to compliance with Table 6 and the availability of infrastructure (both physical and social).”

#### **And insert in its place**

“All planning applications for new residential development on residentially zoned lands (i.e. lands with A zoning category) or town/village centre or edge of centre zonings (B or C categories) shall be considered as premature until such time as the relevant town development plan or local area plan has been reviewed to facilitate consistency with the Core strategy housing projections”.

#### **(b) Delete the following:**

“Core Policy Population and Phasing Policy 4 –All planning applications for residential development on greenfield residential zoned lands (i.e. lands with an ‘A’ zoning category) shall be considered on their merits in accordance with Table 6 of the Core strategy and the Dept. of ‘Guidance Notes on Core Strategies’, until such time as the relevant town development plan or local area plan has been reviewed to facilitate consistency with the core strategy housing projections.

Limited residential development as part of development proposals on town/village centre or edge of centre zonings (‘B’ or ‘C’ categories) may be considered acceptable subject to compliance with the housing and population allocations in the core strategy and the availability of infrastructure (both physical and social).”

#### **And insert in its place**

“Core Policy Population and Phasing Policy 4 –to consider all planning applications for new residential development on residentially zoned lands (i.e. lands with A zoning category) or town/village centre or edge of centre zonings (B or C categories) as premature until such time as the relevant town development plan or local area plan has been reviewed to facilitate consistency with the Core strategy housing projections.”



## *Miontuairiscí/Meeting Minutes*

### **Submission 5 Department of Education and Science**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 18 Kildare County Council**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 20 Kildare Vocational Education Committee**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation subject to including the following sentence in Section 6 (Subsection Small Towns) of the Core Strategy "The Enfield-Johnstownbridge Area is specifically identified as a population centre which will support a second level education facility".

### **Submission 31 Department of Arts, Heritage and the Gaeltacht**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation.

The Members accepted the County Manager's recommendation.

### **Submission 11 The One-Off Ireland Campaign**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 7 Castlethorn Construction**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 8 O'Neill Town Planning on behalf of Mr. James Andrews, Andrew Construction**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.





## *Miontuairiscí/Meeting Minutes*

The Members accepted the County Manager's recommendation.

### **Submission 9 Stephen Little & Associates on behalf of Dorville Homes**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 12 Declan Brassil & Company Ltd on behalf of McGarrell Reilly Group**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 13 GVA Planning and Regeneration Ltd. on behalf of Cusack Homes Ltd.**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 14 GVA Planning and Regeneration Ltd. on behalf of Tesco Ireland Ltd.**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 15 BMA Planning on behalf on Blackhall Green Homes Ltd**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 16 Declan Brassil and Co. Ltd. on behalf of McGarrell Reilly Group**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.



## *Miontuairiscí/Meeting Minutes*

### **Submission 17 Bremore Ireland Port**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 19 Menolly Homes**

A summary of the issues raised in the submission was set out in the presentation together with the County Managers recommendation for no change to the Core Strategy.

The Members accepted the County Managers recommendation.

### **Submission 21 Stephen Ward Planning and Development Consultants Ltd. on behalf of the Mill Road Consortium**

A summary of the issues raised in the submission was set out in the presentation together with the County Managers recommendation No.1 to amend the text in Table 8 of the Core Strategy to read "Av. Net Density Applicable unit/ha"

The Members accepted the County Manager's recommendation.

### **Submission 22 John Spain Associates on behalf of M&M Construction Ltd.**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 23 John Spain Associates on behalf of Czar Construction Ltd**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendations No's 1-4 for changes to the Core Strategy.

The Members accepted the County Manager's recommendations.

### **Submission 24 Declan Brassil & Company Ltd on behalf of McGarrell Reilly Group**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation No.1 for changes to the Core Strategy.

The Members accepted the County Manager's recommendation.



## *Miontuairiscí/Meeting Minutes*

### **Submission 25 JR Arch on behalf of Leinster Land Developments Ltd.**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 26 Fenton and Associates on behalf of Relative Developments Ltd.**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 27 Keegan Quarries Ltd**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 28 Maguire and Associates on behalf of High Degree Developments Ltd**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 29 Keegan Quarries**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

### **Submission 30 Stephen Little and Associates on behalf of Adroit Company**

A summary of the issues raised in the submission was set out in the presentation together with the County Manager's recommendation for no change to the Core Strategy.

The Members accepted the County Manager's recommendation.

The following resolution was then agreed by the Members on the proposal of Council Tommy Reilly seconded by Councillor Noel Leonard "Having considered the proposed Variation No. 12 (Core Strategy) and the County Manager's Report we resolve to further modify the Variation in accordance with the modifications agreed and identified on each submission by the Members at its meeting today 13<sup>th</sup> September 2011."



## *Miontuairiscí/Meeting Minutes*

### **3. Review of existing Meath County Development Plan 2007-2013 and Preparation of a new County Development Plan 2013-2019**

**Following consideration of the Manager's Report to receive directions from the members of the Planning Authority regarding the preparation of the draft development plan in accordance with Section 11 (4) (d) of the Planning & Development Acts 2000-2010.**

*'Any such direction shall be strategic in nature, consistent with the draft core strategy, and Shall take account of the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government, and the manager shall comply with any such directions'*

It was agreed to refer this item to the Council meeting in October.

### **4. Other Business**

Brendan McGrath Director of Services advised the Members of the following:

- ⇒ The application by Greenstar which was on appeal to ABP had been withdrawn.
- ⇒ High Degree Developments Ltd had a court action pending against the Council in relation to a development in Enfield.

The Meeting then concluded.