



Miontuairiscí / Meeting Minutes

Special Meeting

23rd May 2022 @ 10.30a.m.

Solstice Theatre, Navan (and online via zoom)

Presiding

Councillor Sean Drew, Cathaoirleach

Councillors Present:

Councillors Mike Bray; Francis Deane; Brian Fitzgerald; Pdraig Fitzsimons; Joe Fox; Wayne Harding; Nick Killian; Paddy Meade; Gerry O'Connor; Tommy Reilly; Amanda Smith; Emer Tóibín; Gillian Toole.

Councillors Present via Zoom:

Councillors Yemi Adenuga; Tom Behan; Eugene Cassidy; Aisling Dempsey; Eddie Fennessy; Noel French; Michael Gallagher; David Gilroy; Trevor Golden; Suzanne Jamal; Geraldine Keogan; Alan Lawes; Paul McCabe; Elaine McGinty; Stephen McKee; Ronan Moore; Maria Murphy; Aisling O'Neill; Damien O'Reilly; Sarah Reilly; Niamh Souhan; Alan Tobin; Sharon Tolan; Conor Tormey.

Apologies:

Councillors Joe Bonner; Deirdre Geraghty-Smith.

Officials in attendance:

Chief Executive: Jackie Maguire

Directors of Service: Des Foley, Barry Lynch (remotely), Dara McGowan

Meetings Administrator: Elaine Daly

Senior Executive Officers: Seán Clarke (remotely)

Senior Planner: Pádraig Maguire

Council's Law Agent: Rory McEntee

At the commencement of the meeting **An Cathaoirleach** thanked the members for attending the meeting. He noted that a legal issue had arisen, and it was on foot of legal advice that he agreed to call the meeting to seek the express authorisation of the members to defend the judicial review proceedings against the County Development Plan 2021-2027. He reminded members that there were legal proceedings ongoing, and he expressed caution against discussing the merits of the cases in a public forum.

- 1 Consideration of Motion in accordance with provisions of 153(2) of the Local Government Act, 2001**



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For the avoidance of doubt, the elected members of Meath County Council expressly authorise, pursuant to Section 153(2) of the Local Government Act, 2001, the Chief Executive to act for and on behalf of the Council in the five judicial review proceedings referenced hereunder and further resolve that, to the extent necessary, this authorisation shall apply to all actions taken to date by the Chief Executive in the said proceedings.

Killegland Estates Limited -v- Meath County Council & Cornelius and Patricia Giltinane, Notice Parties – High Court Record No. 2021/959

McGarrell Reilly Homes Limited & Alcove Ireland Eight Limited - v – Meath County Council - High Court Record No. 2021/964

Hickwell Ltd & Hickcastle Ltd -v- Meath County Council - High Court Record No. 2021/961

Protect East Meath -v- Meath County Council - High Court Record No. 2021/958

Dolent Properties LP -v- Meath County Council – High Court Record No. 2021/970

The motion was proposed by **Councillor Tommy Reilly** and seconded by **Councillor Gerry O'Connor**.

There were interventions in support of the motion from **Councillors Tommy Reilly** and **Gerry O'Connor**, although **Councillor Gerry O'Connor** expressed his disappointment that the matter hadn't been brought to the members earlier in the proceedings.

The Chief Executive and Mr. McEntee outlined the legal issue that had arisen in relation to Section 153 Local Government Act 2001. Mr. McEntee further outlined that the proceedings were not frivolous and there were technical issues around planning law, national and regional policy and government guidelines. In addition, issues were raised with regard to the rationality of the members' decision and absence of reasons. He further noted that the members would not be personally liable for any costs associated with these proceedings.

There were interventions and queries raised by **Councillors Gillian Toole; Brian Fitzgerald; Alan Lawes; Alan Tobin; Elaine McGinty** and **Paddy Meade**. The main queries raised included concerns of the costs of the proceedings and the implications on the council budget, commonalities between the cases, lack of information regarding the merits of the cases, whether other avenues were explored to resolve the matters outside of the legal process and the merits of voting on each case individually.

Mr. McEntee provided responses to queries raised. He further outlined the core grounds for appeal in each of the five cases including matters pertaining to the National Planning Framework, Regional Spatial and Economic Strategy, planning guidelines and constitutional property rights. He noted the hearing dates for each of the five cases. He outlined the difficulties which would arise should the proceedings not be defended. He further indicated that in the event of any of the applicants being successful in any of their proceedings that matters could come back before the elected members. In that event, he pointed out that the Council would have the benefit of the Court Judgement identifying



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any frailties in the process which could then be addressed by the members. He concluded by pointing out that it was the legal advice of Senior Counsel, Junior Counsel and his advice that the proceedings be defended and he asked the members to give the Chief Executive the express authorisation to do so.

Councillor Tormey noted that he had previously declared a conflict of interest concerning lands that are now subject to one of the proceedings. Mr. McEntee advised **Councillor Tormey** that it would be prudent not to participate in the vote on the motion if each case is being considered collectively. **Councillor Tormey** subsequently withdrew from the meeting.

On the proposal of **Councillor Gillian Toole** and seconded by **Councillor Nick Killian** an amendment to the Motion was proposed as follows:

For the avoidance of doubt, the elected members of Meath County Council expressly authorise, pursuant to Section 153(2) of the Local Government Act, 2001, the Chief Executive to act for and on behalf of the Council in the five judicial review proceedings referenced hereunder and further resolve that, to the extent necessary, this authorisation shall apply to all actions taken to date by the Chief Executive in the said proceedings. Each of the cases listed below to be considered individually.

Killegland Estates Limited -v- Meath County Council & Cornelius and Patricia Giltinane, Notice Parties – High Court Record No. 2021/959

McGarrell Reilly Homes Limited & Alcove Ireland Eight Limited - v – Meath County Council - High Court Record No. 2021/964

Hickwell Ltd & Hickcastle Ltd -v- Meath County Council - High Court Record No. 2021/961

Protect East Meath -v- Meath County Council - High Court Record No. 2021/958

Dolent Properties LP -v- Meath County Council – High Court Record No. 2021/970

Councillor Nick Killian also noted that he may have a conflict of interest and sought clarification of details of the lands in the case concerning Protect East Meath -v- Meath County Council - High Court Record No. 2021/958. Mr. McEntee advised that the case concerned all lands in the southern environs of Drogheda that were zoned residential in the Meath County Development Plan 2021 – 2027.

There were interventions from **Councillors Eugene Cassidy; Gerry O'Connor; Pdraig Fitzsimons; Alan Tobin** and **Paddy Meade** regarding the merits of voting on each case individually. Points of clarification were provided by Mr. McEntee. **Councillor Conor Tormey** returned to the meeting.

An Cathaoirleach reverted to the amended motion that was on the table. **Councillor Gillian Toole** indicated that she did not wish to withdraw her proposal. Due to a potential conflict of interest **Councillor Nick Killian** withdrew his support in seconding the motion. The motion was subsequently



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seconded by **Councillor Elaine McGinty**. The Cathaoirleach called a roll call vote on the amended motion, results as follows:

	For	Against	Abstain	Absent
ADENUGA, Yemi		X		
BEHAN, Tom		X		
BONNER, Joseph				X
BRAY, Mike		X		
CASSIDY, Eugene		X		
DEANE, Francis	X			
DEMPSEY, Aisling		X		
DREW, Sean		X		
FENNESSY, Eddie	X			
FITZGERALD, Brian		X		
FITZSIMONS, Pdraig		X		
FOX, Joe		X		
FRENCH, Noel		X		
GALLAGHER, Michael	X			
GERAGHTY-SMITH, Deirdre				X
GILROY, David		X		
GOLDEN, Trevor		X		
HARDING, Wayne		X		
JAMAL, Suzanne		X		
KEOGAN, Geraldine	X			
KILLIAN, Nick			X	
LAWES, Alan	X			
MC CABE, Paul		X		
MC GINTY, Elaine	X			
MC KEE, Stephen		X		
MEADE, Paddy	X			
MOORE, Ronan		X		
MURPHY, Maria		X		
O'CONNOR, Gerry		X		
O'NEILL, Aisling				X
O'REILLY, Damien		X		
REILLY, Sarah		X		
REILLY, Tommy		X		
SMITH, Amanda	X			
SOUHAN, Niamh		X		
TOBIN, Alan		X		
TÓIBÍN, Emer	X			
TOLAN, Sharon		X		
TOOLE, Gillian	X			
TORMEY, Conor			X	



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Result: For – 10, Against – 25, Abstain – 2, Absent – 3

In accordance with this vote the amended motion was defeated.

As the matter had now reverted to the original motion and the cases were being dealt with collectively, **Councillors Nick Killian** and **Conor Tormey** withdrew from the meeting due to potential conflicts of interest.

There were interventions in support of the motion from **Councillors Ronan Moore; Eugene Cassidy** and **David Gilroy**. **Councillors Michael Gallagher; Elaine McGinty; Gillian Toole; Paddy Meade** and **Alan Lawes** expressed disappointment in the result of the amended motion. Responses to queries raised were provided by Mr. McEntee.

Councillor Aisling Dempsey withdrew from the meeting due a potential conflict of interest with regard to her employment.

A roll call vote was then taken on the original motion, results as follows:

	For	Against	Abstain	Absent
ADENUGA, Yemi	X			
BEHAN, Tom	X			
BONNER, Joseph				X
BRAY, Mike	X			
CASSIDY, Eugene	X			
DEANE, Francis	X			
DEMPSEY, Aisling				X
DREW, Sean	X			
FENNESSY, Eddie		X		
FITZGERALD, Brian		X		
FITZSIMONS, Pdraig	X			
FOX, Joe	X			
FRENCH, Noel	X			
GALLAGHER, Michael		X		
GERAGHTY-SMITH, Deirdre				X
GILROY, David	X			
GOLDEN, Trevor	X			
HARDING, Wayne	X			
JAMAL, Suzanne	X			
KEOGAN, Geraldine		X		
KILLIAN, Nick				X
LAWES, Alan		X		
MC CABE, Paul	X			
MC GINTY, Elaine		X		
MC KEE, Stephen	X			



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MEADE, Paddy		X		
MOORE, Ronan	X			
MURPHY, Maria	X			
O'CONNOR, Gerry	X			
O'NEILL, Aisling				X
O'REILLY, Damien	X			
REILLY, Sarah	X			
REILLY, Tommy	X			
SMITH, Amanda		X		
SOUHAN, Niamh	X			
TOBIN, Alan	X			
TÓIBÍN, Emer		X		
TOLAN, Sharon				X
TOOLE, Gillian		X		
TORMEY, Conor				X

Result: For – 23, Against – 10, Abstain – 0, Absent – 7

In accordance with this vote the motion was approved.

An Cathaoirleach thanked the members for their presence. The meeting concluded at 12.50pm