

# Public Document Pack

## Minutes of Special Meeting of Leitrim County Council held vis MS Teams on Monday, 7 December 2020

**Members Present:** Councillor Finola Armstrong McGuire  
Councillor Enda McGloin  
Councillor Sean McGowan  
Councillor Brendan Barry  
Councillor Frank Dolan  
Councillor Caillian Ellis  
Councillor Pdraig Fallon  
Councillor Paddy Farrell  
Councillor Des Guckian  
Councillor Felim Gurn  
Councillor Sean McDermott  
Councillor Thomas Mulligan  
Councillor Paddy O'Rourke  
Councillor Ita Reynolds Flynn  
Councillor Enda Stenson  
Councillor Justin Warnock

Councillor Mary Bohan (Cathaoirleach) presiding

**Apologies:** Councillor Gerry Dolan

**Officials Present:** Lar Power, Chief Executive  
Joseph Gilhooly, Director of Services, Economic Development, Planning and Infrastructural Services  
Vincent Dwyer, Head of Finance, Finance, Water, Environment, Climate Action and Cultural Services  
Mary Quinn, Director of Services, Housing, Corporate Services, Community and Cultural Services  
Kieran Brett, Meetings Administrator  
Bernard Greene, Senior Planner  
Kathleen Ellis, Assistant Staff Officer  
Vivienne Egan, Senior Executive Planner  
Mairead Shanley, Meetings Administrator Carrick-on-Shannon Municipal District  
Deirdre Lardner, Assistant Planner

### **MM.170.20 Consider Chief Executive's Report on the preparation of new draft County Development Plan 2022-2028**

Cathaoirleach, Councillor Mary Bohan welcomed all to the meeting to consider the Chief Executive's Report on the preparation of new draft County Development Plan 2022-2028 and she invited Mr Bernard Greene, Senior Planner to give a presentation.

Mr Bernard Greene, Senior Planner gave a presentation to the Members. A copy of the presentation as circulated to the Members appears as **Appendix 1** to the Minutes of this Meeting in the Minute Book.

Cathaoirleach, Cllr Mary Bohan thanked Mr Bernard Greene for his informative presentation and invited Mr Lar Power, Chief Executive to give an overview.

Mr Lar Power, Chief Executive said the presentation is concise and this is the situation since the workshop held on the 23<sup>rd</sup> November 2020 with the Elected Members.

The Members thanked Bernard Greene for his presentation and raised the following:-

Cllr Felim Gurn proposed that an expert be taken on to deal with the issue in regard to wastewater treatment systems for one off housing over the remaining period of this Council and he said Leitrim is not unique in this regard. He outlined that arising from Covid 19 that there is significant interest in people returning to and others moving to Leitrim.

Councillor Des Guckian said that he had attended one of the public consultation meetings with the Senior Planner and based on reading the Chief Executives Report feels that he wasted his time in attending. He outlined that rural areas and farming is dying. Wind farm companies and foresters are speculating and buying up lands. There is no real intention to rescue this situation. The County Development Plan for Leitrim is aspirational and the ordinary citizen pays the most. The County Development Plan is seeking to force people into towns. More thought needs to be given to disperse the population further.

Councillor Sean McDermott expressed his concern about the number of houses in rural Leitrim and he highlighted that some areas are weaker than others. Councillor McDermott said this issue is not being addressed, areas are dying due to depopulation and we cannot stand by on this issue as rural areas won't survive without people. The Council need to be more active in stabilising rural populations and allow more one off houses to be developed.

Councillor Justin Warnock supported Councillor Gurn's proposal and agreed that the issue of one off housing needed to be addressed. Councillor Warnock considered that occupying existing vacant dwellings, some would of which could be redeveloped as replacement homes, would also have a huge part to play to this issue.

Councillor Justin Warnock highlighted that the Forestry Policy currently in place is ridiculous with high, low and medium capacity. Cllr Warnock stated it should be a low capacity or 'no capacity' policy for forestry in County Leitrim and he stressed that the cumulative impact of forestry is not been taken into account since the last County Development Plan was made. Councillor Justin Warnock said Leitrim County Council do not have a Biodiversity Plan and that Leitrim has a considerable extent of High Value Agricultural land, rich in biodiversity where afforestation should not have taken place. The citizens of Leitrim have to live in a safe environment and concern was expressed about the potential danger of towns and villages should forest fires occur.

Finally, Councillor Justin Warnock highlighted that growth should not be restricted in Kinlough and Tullaghan, as there is a rise in demand for housing from many young couples.

Councillor Padraig Fallon proposed that the following should be inserted into the County Development Plan that we reaffirm our commitment to rural families, farm families and in doing so such families are able to benefit from their own farm.

Councillor Padraig Fallon expressed his concern as to the submission received on farm fencing with regard to uplands/mountainous areas and he highlighted the onus that is on hill farmers who are in farm schemes to ensure that their lands are stockproof. Councillor Fallon asked that the name of the person who submitted this submission be made available.

Councillor Fallon concurred with Cllr Gurn in relation to his proposal on one off housing and he highlighted that there are a number of experts in this county who have considerable knowledge of the issues. These experts have been making submissions on these applications over the last number of years under difficult circumstances have experience of working with the planners in Leitrim County Council. Cllr Padraig Fallon paid tribute to the Planners in Leitrim Planning Office for all their help.

Councillor Fallon said that there are layers in Leitrim with weaker areas, a few years ago the smaller villages would have had 2 shops but today there are none.

Councillor Fallon didn't agree that the County Development Plan wants to get rid of rural dwellers or that there was an anti rural housing agenda by the planners.

Councillor Thomas Mulligan generally concurred with all the Members comments on one off housing. Councillor Mulligan said there is an opportunity under replacement houses for better utilisation of vacant houses. Councillor Mulligan sought clarification whether a ruin or house without a roof offers potential as a replacement house.

Councillor Thomas Mulligan expressed his concern in regard to the status of Mohill in the County Development Plan which in his opinion was downgraded from its position in the past. He acknowledged that this is probably due to population basis and decline in employment. Cllr Mulligan said no attempt is being made to change that stable population decline and there are no incentives to divert that. Cllr. Mulligan outlined his belief that the new County Development Plan seems to advocate a '*continue as we are*' attitude for towns such as Mohill.

Councillor Thomas Mulligan highlighted that there are very good quality housing estates in Mohill and there have been a number of houses for sale in Mohill for a considerable amount of time and he doesn't understand why this is the case if Mohill is considered a support town for Carrick-on-Shannon.

Councillor Enda Stenson paid tribute to the Planners in the Planning Department. Councillor Stenson said he attended a meeting in Croke Park for the GAA County Chairpersons at which the former Minister Noel Dempsey addressed the meeting, and he gave a presentation and advised that each Chairperson contact the Chief Executive and Senior Planner of their Local Authority in regard to dealing with the issue of rural depopulation. Councillor Stenson highlighted that rural GAA Clubs in Leitrim are in decline. Councillor Stenson advised that Terry Hyland, Leitrim Senior Football Manager will meet the Chief Executive in this regard.

Councillor Enda Stenson acknowledged that a lot of things have been addressed e.g. employment etc.

Councillor Sean McGowan said one off rural housing is having a huge impact on housing in rural parishes and rural GAA clubs and is the biggest issue for the rural countryside.

Councillor McGowan advised that a meeting has been arranged for Mr Joseph Gilhooly, Director of Services, Economic Development, Planning and Infrastructural to meet with Water Tech in this regard as they may offer a system which could be a potential solution to this problem of wastewater disposal for individual houses. If this problem could be addressed, it would be a great boost for rural communities.

Councillor Sean McGowan acknowledged that during the life of the current County Development Plan, we had witnessed an increase of 600 in population compared to the aspirational growth of 5,000 to 6,000 in the new Plan and he emphasised that is where Leitrim wants to be. Councillor McGowan acknowledged the number of people who are working from home due to COVID.

Councillor Sean McGowan stressed Irish Water is not getting enough funding from the Government and thus group sewerage schemes are suffering.

Councillor Brendan Barry proposed that more flexibility needs to be applied to low capacity areas in regard to housing and sought clarification on "*immediate vicinity to site*". He outlined that favourable consideration should be given to individuals who may be living in small villages but hoping to build on family owned lands in rural areas.

Councillor Barry paid tribute to the Planning Department for submitting a submission to the Department of Agriculture on forestry.

Councillor Ita Reynolds Flynn referred to one off housing and the considerable costs associated with building houses.

Councillor Reynolds Flynn referred to the wording "*compact growth*" used in the County Development Plan. Councillor Ita Reynolds Flynn pointed out that nobody is walking children in Ballinamore to school and affordable housing must be available and depopulation cannot occur.

Councillor Enda McGloin pointed out the Planning Regulator will look at the overall County Development Plan and there will be certain constraints in it e.g. planning for extra population this will have to be built into the housing plan.

Councillor McGloin acknowledged the high costs associated with building a house, percolation system, etc, and said this will have to be taken into consideration.

Councillor Enda McGloin queried as to what mechanism will there be to deal with housing in areas of low capacity e.g. if people who left an area, bought a small terraced house in the

town, now their family has expanded and want to return to live beside their parents. Cllr. McGloin suggested that the policies be considered carefully. He also indicated that he understood the constraints placed upon the Executive in preparing the plan with reference to the Office of the Planning Regulator.

Councillor Enda McGloin said that it was unfair of Cllr Justin Warnock to be completely dismissive of forestry as there are many jobs being created by this industry and this should not be dismissed completely as this is unfair.

Councillor Des Guckian concurred with the members that there should be no limitations on the growth in Tullaghan, there is no right to set a boundary, urban hierarchy is wrong, there should be no fencing limitations, increase of wind farms particularly in North Leitrim is a disgrace.

Councillor Des Guckian supported some of the contributions made by a number of the other Councillors. He also referred to the decision by An Bord Pleanála to refuse planning permission to Forest Clover as it was in contravention to the County Development Plan which had been granted by Leitrim County Council. He queried a letter which had been written to the complainants on this enforcement matter.

In response to the queries raised, Mr Bernard Greene, Senior Planner responded as follows:

- Mr Greene thanked the Technical and Administrative staff of the Planning Department for all their work on the preparation of the Plan to date.
- He indicated that 43 valid written submissions have been received and that in reality it will be impossible to satisfy the expectations of all those who made submissions, but that the draft Development Plan will try and meet as many of the expectations as possible.
- In relation to one off housing, he reaffirmed that no planners are against one off housing and this issue will be dealt with coherently. However, it was important that the issue of rural housing was dealt with as part of our overall settlement strategy in which alternatives to one off housing in small villages and graigs were pursued as a counter balance.
- In relation to Cllr. Gurn's proposal, he indicated that this matter would have to be discussed with the Chief Executive and Director of Service in relation to the appointment of further consultants to examine alternative solutions to wastewater treatment systems. He indicated however that the County Development Plan will not be adopted until 2022 and that there was nothing stopping such a proposal from being advanced before the plan was adopted. What was important was that any such solution would be affordable whereas the solution was previous studies was not. He stated that it would be a wonderful achievement if the problem with waste water treatment and disposal could be resolved.

- In the preparation of the draft County Development Plan, planners will have to grapple with the considerable challenge of Climate Change and that rural houses had to be considered also in this context.
- In response to Cllr. Stenson, he indicated that planners are aware of the impact of the decline in rural population on GAA football clubs. However, he outlined his view that Noel Dempsey had only outlined a problem without suggesting what the solution would be which was surprising considering his former role as Minister for the Environment.
- In relation to the identification of capacity areas in the County Development Plan, he outlined that the intention of the Executive was to seek to reduce the extent of low capacity areas to the commuter influence of Carrick on Shannon and that they would rely on the minutes of the RSES adoption meeting in relation to the area around Dromahair not been included under the influence of Sligo. Other considerations such as landscape and visual amenity would also have to be taken into account.
- He clarified that the consideration of what constated the immediate vicinity of the site for low capacity area was a distance of 4km. This had been agreed with Senior Management and was considered a reasonable interpretation of the policy. However, he outlined his concern having regard to the submission from the OPR to the draft Offaly County Development Plan that quite a stringent approach to this issue was evident. He outlined that in the opinion of the planners that there was a fundamental difference in a person who was originally from a rural area looking to return to their native area compared to a person from a town or village looking to move to a rural area, regardless of whether it was to family owned lands or not. This is considered to constitute urban generated rural housing.
- He accepted that replacement houses do have a huge part to play in our settlement strategy and that there was 3,500 such houses identified in the last census. However, as these houses already exist, they do not need to be accounted for in the Core Strategy.
- He accepted that the policy on forestry does need to be looked at and specific capacity of areas needs to be reviewed. The Planning Department have not yet commissioned the capacity assessment but would hope to do so to inform the draft Development Plan. He also accepted that biodiversity needs to be looked at in the terms of afforestation and acknowledged the material on High Value Agricultural lands which Cllr. Warnock had sent his previously.
- In response to Cllr. Mulligan contribution on Mohill, he reminded the meeting that the population of Mohill was approximately 850 people and that he considered that it was positioned in the appropriate tier in the hierarchy. He outlined that the draft Development Plan was seeking to address the decline in employment opportunities in town and other towns by identifying specific areas of additional employment which could be targeted. He indicated that there had to be a reason based on price

why completed houses in Mohill were not considered attractive.

- The insertion in relation to farm families and farming will be included in the County Development Plan.
- He indicated that the Submission received from Keep Ireland Open in regard to farm fencing and that he would forward the entire submission (over 50 pages to Cllr. Fallon).
- Whilst he acknowledged there are experts in the County that can deal with one off housing issues, he felt that in effect we are trying to prove an issue which has environmental and pollution impacts. As a result, the experts working on this need to be acknowledged as such in a national context and outlined the calibre of experts (academic and practitioners) who had worked on the previous pilot programme with the Council
- He outlined that generally the house being replaced needed to be considered habitable which is defined in the planning regulations, namely that people could undertake works to the dwelling without having to apply for planning permission to make it habitable. Where a house is habitable, there is no consideration of low need in the assessment of the planning application for replacement house.
- He acknowledged Cllr. Barry's comments in relation to the report submitted to the Department of Agriculture, Food and the Marine and indicated that whilst an acknowledgement had been received, the report has been assigned to an official within the Department and that we awaited a detailed response.
- In acknowledging Cllr. McGloin's comments, he indicated that a meeting will be held with the Office of the Planning Regulator at which all the issues of the county and concerns expressed by the Members will be brought to their attention. A decision had been taken to await this step in the process before meeting with officials in the OPR.
- In relation to suggestions that the Planning Authority was attempting to curtail growth, he outlined the limitations which arise from evidence based planning. He again reminded the Members that a Development Plan could be varied for stated reasons. However, the stated reason to provide more household or population to a centre would have to be on the basis of balanced growth i.e. employment and residential growth to resist the manner in which Kinlough in particular had developed previously.
- In replying to Cllr. Guckian on the enforcement matter, he indicated that the Planning Authority will enforce the decision made by An Bord Pleanála with respect to the material widening of an existing entrance. The correspondence to the complainant indicated that legislation has changed and that once this matter is successfully resolved, any future development relating to forestry activities will be a

matter for the Forest Service and not Leitrim County Council.

Cathaoirleach, Cllr Mary Bohan acknowledged that the general public are annoyed and frustrated when planning permission cannot be got for one off housing and see planning permission granted for large turbines in rural areas, 20% of the land being planted for forestry and see the forestry operators been able to do what they like, and a battery storage now planned for a rural area outside Drumkeeran which is due to be considered. Councillor Bohan said the issues raised by Cllr McGloin and Cllr Barry in relation to distance needs to be looked at.

Councillor Justin Warnock said he was taken back from comments from Cllr Enda McGloin in regard to afforestation. Cllr Warnock said that there are 3,400 active farmers in County Leitrim and their contribution can never be measured towards the local economy and this is big business to Leitrim rather than 1 or 2 businesses. Councillor Warnock stressed that forestry needs to be dealt with once and for all.

Councillor Enda McGloin in reply to Councillor Warnock apologised and said he was sorry that there was a misunderstanding, and he was referring to jobs directly and indirectly associated with forestry.

Councillor Felim Gurn iterated that a solution be found as soon as possible to make it more affordable for one off housing in the County and suggested that the maximum cost of providing an acceptable means of treating and disposing of wastewater would be of the region of €20,000.

Councillor Mulligan queried if it is an advantage to have a site with a house on it, even if it is derelict and how is this treated at planning permission assessment stage.

Councillor Sean McDermott re-iterated that some rural areas that are viable now, will die if the situation of housing is not looked at.

Councillor Ita Reynolds Flynn queried if there is any change expected in development because of the Covid situation.

In response to the queries raised, Mr Bernard Greene, Senior Planner responded as follows:

- There is a national debate taking place at present in relation to wind energy with the draft Guidelines not having been finalised. There is renewed interest in wind energy generally as the State has committed to certain targets of sustainable energy production by 2030 which in effect require a doubling of the amount of electricity generated from wind energy over the next decade.
- In relation to one off houses, he also indicated that the revised EPA Code of Practice is imminent and is with 2 Government Departments awaiting sign off.
- In reply to Cllr. Mulligan, he indicated that a house with a bathroom is most beneficial from a replacement house perspective as there is a derogation from

having to comply completely with the Code of Practice in such instances.

- In relation to Covid 19, he indicated that there is no change of policy at a national level arising from the pandemic with regard to planning policy in general or specifically in relation to rural housing.

Cathaoirleach, Cllr Mary Bohan queried what is the position with the EPA in regard to one off housing.

Mr Joseph Gilhooly advised that a review group was setup of which, he was part of and a new Code of Practice has been developed which had previously gone for public consultation. The final draft has been drafted and is now ready for publication once the relevant Government Departments have signed off on it. The situation is relevantly simple but the solution is difficult and Leitrim County Council will continue to liaise with stakeholders on this issue.

Councillor Mary Bohan said there does not appear to be a political will at national level to deal with this issue.

Mr Joseph Gilhooly said the political aspect to this problem is very important.

Councillor Paddy O'Rourke outlined that there are only a few other counties affected by this issue of one off housing as this only affects the smaller proportion of their land mass. Councillor O'Rourke highlighted that Leitrim don't have enough friends (other counties) with this same issue.

Mr Joseph Gilhooly said other counties land is not as impacted as much as in County Leitrim because of the type of soil and any solution will be a nationally accepted solution.

Councillor Mary Bohan asked Mr Bernard Greene to outline the timelines for the County Development Plan.

Mr Bernard Greene, Senior Planner outlined the timelines as follows:

10th Mar 2021 - Preparation of the Draft County Development Plan / SEA/ AA

5th May 2021 - Elected Members consider Draft County Development Plan

19th May 2021 - Finalize Draft County Development Plan for public display

Mr Greene advised he will work with Members on preparing the Draft County Development Plan in whichever setting they want either at Municipal District or at a workshop level. He indicated that the planners had listened carefully to the contributions of the Elected Members at the workshop and at today's meeting and that they would endeavour to meet as many of the Members expectations as possible.

Cathaoirleach, Cllr Mary Bohan thanked everyone for attending the meeting.

No directions were issued by the Elected Members to the Chief Executive with regard to the content of the draft County Development Plan.

This concluded the business of the meeting at 1.04 pm

**Signed:**

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**Councillor Mary Bohan**  
**Cathaoirleach**

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**Kieran Brett**  
**Meetings Administrator**

**Dated: Monday, 11 January 2021**

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