

**MINUTES OF MAYO COUNTY COUNCIL MEETING HELD ON MONDAY, 7<sup>th</sup>  
JULY, 2003, AT 2.00 p.m.**

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**The Cathaoirleach, Cllr. F. Chambers, was in the Chair.**

**The other Councillors present were:-**

**Cllrs. E. Caffrey, B. Golden, A.M. Reape, E. Staunton, S. Weir, M. Burke, J. Mannion, D. Ryan, G. Coyle, P. Kilbane, F. Leneghan, T. Quinn, Patk. Burke, B. Cooper-Flynn, T.D., H. Kenny, A. McDonnell, J. Mee, J. Carty, T.D., J. Cribbin, P. McHugh, J. Flannery, J. Maloney, J. Mellett, G. Murray, M. Adams, P. Sweeney.**

**The Council Staff in attendance were:-**

**Mr. D. Mahon, Co. Manager, Mr. J. Beirne, Dir. of Services / Co. Engineer, Mr. J. Loftus, Dir. of Services, Mr. J. Walsh, A/Meetings Administrator, Mr. P. Hynes, Dir. of Services, Mr. I. Douglas, Sen. Planner, Ms. B. Cunningham, Ex. Planner, Mr. J. McGee, Comm. & Enterprise, Mr. J. Moran, Sen. Staff Officer, Ms. N. Coyne, Asst. Staff Officer, Ms. C. Kenny, Asst. Staff Officer, Ms. A.M. Brett, Asst. Staff Officer.**

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**ITEM NO. 1.**

**TO CONSIDER DRAFT MAYO COUNTY DEVELOPMENT PLAN (ALREADY CIRCULATED) AND COUNTY MANAGER'S REPORT DATED 23<sup>rd</sup> APRIL, 2003 (ALREADY CIRCULATED).**

**Mr. J. Loftus, Director of Services, pointed out that at the Friday Meeting, the Council decided to complete consideration of the Manager's Report and Draft Development Plan before making amendments to the Draft Plan. He said the Members decided that they would submit in writing to the Meetings Administrator draft proposals in regard to amendments to the Draft Plan in advance of making any amendments.**

**He said that the Members had considered the Manager's Report and that they had commenced consideration of the Draft Development Plan on a Page by Page basis and they had completed consideration of Pages 1 to 13 (inclusive). He stated that they must discharge their responsibilities as a Council to complete consideration of the Draft Development Plan and the Manager's Report. He further stated that the following options are available to the Elected Members at this time:-**

- 1. The Council may, by Resolution, accept the Draft County Development Plan and make the Development Plan accordingly.**
- 2. The Council may, by Resolution, amend the Draft County Development Plan and make the Development Plan accordingly.**

If any amendment involves a material alteration of the Draft Development Plan, this amendment must be put on public display in accordance with Section 12 of the Planning and Development Act 2000.

Mr. Loftus drew the attention of the Members as he did at the outset of the Meeting on Friday, to the following provisions of legislation:-

1. Section 12(11) of the Planning and Development Act 2000.

In making the Development Plan under *Subsection (6) or (10)*, the Members shall be restricted to considering the proper planning and sustainable development of the area to which the Development Plan relates, the Statutory obligations of any Local Authority in the area and any relevant policies or objectives for the time being of the Government or any Minister of the Government.

2. Section 12(14) of the Planning and Development Act 2002.

Where the Planning Authority fails to make a Development Plan within 2 years of the giving of notice under *Section 11(1)*, notwithstanding any other provision of this Part, the Manager shall make the Plan subject to the proviso that such much of the Plan that has been agreed by the Members of the Planning Authority shall be included as part of the Plan as made by the Manager (24<sup>th</sup> December, 2003).

3. Section 132(3) of the Local Government Act 2001.

It is the duty of every Manager to advise and assist the Elected Council of a Local Authority or a joint body for which he or she is Manager -

- (a) generally as regards the exercise or performance by the Council or body of its Reserved Functions, and
- (b) as regards any particular matter or thing in relation to such exercise or performance on or in respect of which the Council or body requests the advice or assistance of the Manager

and that Council or body shall have regard to that advice or assistance.

Mr. Loftus suggested that having completed consideration of the Draft Development Plan and Manager's Report, draft proposals for amendments to the Draft Plan should be formulated and submitted in writing to the Meetings Administrator. Ideally, he said, the Members should complete

the process today so that the County Manager will have an opportunity to advise on the implications of the inclusion of such amendments prior to Meeting on the 14<sup>th</sup> July, 2003, at which Meeting, he suggested, the Council decide on their proposals.

The purpose of this procedure is to avoid ambiguity and to ensure that the wishes of the Council are adhered with fully and that all aspects of the requirements of the legislation are complied with.

Subject to the agreement of the Members, Mr. Loftus said he would call on Mr. Iain Douglas, Senior Planner, to proceed with the remainder of the Draft Development Plan, resuming at Page 14.

Consideration of the Draft Development Plan then commenced at Page 14 and was completed.

Having completed consideration of the Draft Development Plan, the Members discussed procedures for the making of amendments to the Draft Plan. Following discussion, it was agreed that Draft Resolutions proposing amendments to the Draft Plan would be put in writing and submitted to the Meetings Administrator before consideration at Council Meeting to be held on 14<sup>th</sup> July, 2003. Mr. J. Loftus, Director of Services, stated that proceeding in this manner would allow the Members to consider advice from the County Manager, the Senior Planner and the Council's Solicitor regarding proposed amendments in advance of deciding on same.

Discussion then took place on the formulation of Draft Resolutions for amendments to the Draft Plan.

During the discussion, some Members gave details of their likely proposed Draft Resolutions for making amendments to the Draft Development Plan.

It was agreed that no amendments to the Draft Development Plan would be made until the next Council Meeting to be held on Monday, 14<sup>th</sup> July, 2003, at 2.00 p.m.

The Meeting concluded at 5.00 p.m.