

**MINUTES OF MAYO COUNTY COUNCIL MEETING HELD ON FRIDAY, 4<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. S. Molloy, A.M. Reape, E. Staunton, S. Weir, M. Burke, J. Mannion, D. Ryan, G. Coyle, P. Kilbane, Patk. Burke, B. Cooper-Flynn, T.D., A. McDonnell, J. Mee, J. Carty, T.D., J. Cribbin, R. Finn, P. McHugh, J. Maloney, J. Mellett, G. Murray, M. Adams, P. Sweeney.**

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

**Mr. J. Beirne, Deputy Co. Manager, Mr. J. Loftus, Dir. of Services, Mr. J. Walsh, A/Meetings Administrator, Mr. P. Hynes, Dir. of Services, Mr. R. Norton, Dir. of Services, Mr. I. Douglas, Sen. Planner, Mr. J. McMyler, A/Sen. Ex. Planner, Ms. B. Cunningham, Ex. Planner, Mr. L. Walsh, G.I.S. Co-Ordinator, Mr. P. Commons, Sen. Ex. Officer, Mr. J. Moran, Sen. Staff Officer, Ms. J. Keane, Planner, Ms. J. McNulty, Planner, Ms. N. Coyne, 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)).**

**At the outset, Mr. J. Loftus, Director of Services, informed the Members that under the Planning and Development Act, 2000, every Local Authority is required to prepare a Development Plan for its functional area.**

**He said that Mayo County Council commenced its review of the existing County Development Plan and the preparation of a new Plan in December, 2001. The notice of intention to carry out this review was published on the 24<sup>th</sup> December, 2001.**

**He stated that in accordance with Section 11 of the Planning and Development Act, 2001, submissions and observations in relation to this review were received. A Report on these submissions / observations were submitted to the Elected Members on the 16<sup>th</sup> April, 2002. Following consideration of this Report, the Members, by Resolution, directed the County Manager to proceed with the preparation of a Draft Development Plan for County Mayo at a Meeting held on 24<sup>th</sup> June, 2002.**

**He further stated that a Draft Development Plan was prepared and considered by the Members and the Draft Development Plan was deemed to be the Draft Development Plan, without amendment, at Meeting held on 21<sup>st</sup> October, 2002.**

He said that within 2 weeks of the proposed Draft Development Plan becoming the Draft Development Plan, a consultation procedure commenced with the Draft Development Plan being put on public display. Written submissions and observations were received and compiled in the Manager's Report to the Members dated 23<sup>rd</sup> April, 2003.

In accordance with Section 12, consideration of the Draft County Development Plan and the Manager's Report on the submissions and observations shall be completed within 12 weeks of the submission of the Manager's Report to the Members of the Authority. Therefore, he said, the Members have until the 16<sup>th</sup> July, 2003, to consider the Draft County Development Plan and the Manager's Report.

He pointed out that at Council Meeting of the 26<sup>th</sup> May, 2003, the Council, by Resolution, decided to deal with the consideration of the Draft Development Plan and the Manager's Report in the following manner:-

*"That Special Meetings of the Council be held on 4<sup>th</sup> July, 7<sup>th</sup> July and 14<sup>th</sup> July, 2003, at 2.00 p.m., in order to consider the Draft Mayo County Development Plan (already circulated) and County Manager's Report dated 23<sup>rd</sup> April, 2003 (already circulated) and that Workshops on the Development Plan be held on 6<sup>th</sup> June, 13<sup>th</sup> June, 20<sup>th</sup> June and 27<sup>th</sup> June, 2003, at 2.00 p.m."*

He said that Workshops had taken place on 6<sup>th</sup> June, 13<sup>th</sup> June, 20<sup>th</sup> June and 27<sup>th</sup> June, 2003, and this is the first Meeting to consider the Draft County Development Plan and the Manager's Report.

By way of Resolution, he pointed out, the following are the options 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. He stressed that it is important to point out to the Elected Members the following:-

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 consider the proper planning and sustainable development of the area to which the Development Plan

relates, the Statutory obligation 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 2000.**

Where the Planning Authority fails to make a Development Plan within 2 years of the giving of notice under *Section 11(1)*, notwithstanding any provisions of this Part, the Manager shall make the Plan subject to the proviso that so 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 body of its Reserved Function, and
- (b) as regards any particular matter or thing in relation to such exercise or performance 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.

Therefore, he suggested that the Council proceed as follows:-

The Council must fulfil its obligations under Section 12 of the Planning and Development Act, 2000, to complete its consideration of the Draft Development Plan and Manager's Report before 16<sup>th</sup> July, 2003, as advised to the Members in Letter dated 23<sup>rd</sup> April, 2003.

He further suggested that with the Members approval, the Senior Planner would take the Councillors through the Manager's Report on the submissions / observations to the Draft Development Plan already circulated to them. He said as soon as this process is completed, the Senior Planner would take them through the Draft Development Plan in relation to matters not already covered in the Manager's Report.

He also suggested that this process of considering the Draft Development Plan and the Manager's Report commence today, 4<sup>th</sup> July, 2003, and continue on Monday, 7<sup>th</sup> July, 2003 and to be concluded at the Meeting of the 14<sup>th</sup> July, 2003.

He said that any amendments to the Draft Development Plan which Members may wish to have considered should be dealt with at Council Meeting to be held at 2.00 p.m., on 14<sup>th</sup> July, 2003.

He pointed out that in the interests of accuracy and to avoid ambiguity in implementing the Members decisions on the Draft Development Plan, he suggested that the Councillors agree to submit written drafts of their proposals regarding amendments to the Draft Development Plan to either the Cathaoirleach or Meetings Administrator in advance of deciding on the amendment. The Council agreed to this suggestion.

Mr. I. Douglas, Senior Planner, took the Council, page by page, through the Manager's Report on submissions and observations on the Draft Mayo County Development Plan 2002 which was circulated to each Member on 23<sup>rd</sup> April, 2003.

During consideration of the Report, some discussion took place and it was agreed that the Council would take the Report into account when considering the Draft Mayo County Development Plan 2002.

Consideration of the Manager's Report was completed.

Further discussion took place during which the matter of a separate register of interpretation of decisions in relation to the Draft Development Plan and the need for legal advice was considered. Following discussion, it was -

Proposed by Cllr. Patk. Burke  
Seconded by Cllr. A. McDonnell  
Resolved:-

"That the County Manager arrange to have legal advice available for Council Meeting to be held on 7<sup>th</sup> July, 2003".

Mr. J. Loftus, Director of Services, informed the Meeting that there may be difficulty in obtaining such advice at such short notice for Meeting to be held on 7<sup>th</sup> July, 2003.

A discussion then took place on the procedure to be followed for consideration of the Draft Development Plan. Mr. J. Loftus, Director of Services, advised the Members that consideration of the Draft Development Plan should be completed before any amendments to the Plan were considered.

The time being 6.08 p.m., it was -

Proposed by Cllr. A. McDonnell  
Seconded by Cllr. P. McHugh  
Resolved:-

"That the Meeting be adjourned for 15 minutes".

The Meeting reconvened at 6.23 p.m., and it was agreed that it would conclude at 7.30 p.m.

Further discussion ensued as to whether or not amendments would be taken without first completing consideration of the Draft Development Plan. During the discussion, it was -

Proposed by Cllr. G. Murray  
Seconded by Cllr. S. Weir  
"That the Meeting be adjourned".

The Motion was put to the Members by the Cathaoirleach and a Vote was taken which resulted as follows:-

**FOR**

Cllr. G. Murray  
Cllr. S. Weir

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**AGAINST**

Cllr. M. Adams  
Cllr. M. Burke  
Cllr. Patk. Burke  
Cllr. J. Carty  
Cllr. F. Chambers  
Cllr. G. Coyle  
Cllr. R. Finn  
Cllr. P. Kilbane  
Cllr. J. Maloney  
Cllr. A. McDonnell  
Cllr. P. McHugh  
Cllr. J. Mellett  
Cllr. S. Molloy  
Cllr. E. Staunton  
Cllr. P. Sweeney

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As the Vote resulted in 2 For and 15 Against, the Cathaoirleach declared the Motion as proposed by Cllr. G. Murray and seconded by Cllr. S. Weir, lost.

Following the Vote, the Council agreed to consider the Draft Development Plan, page by page, prior to making any amendments to the Draft Plan. It was also agreed that all proposed amendments would be submitted in writing to the Meetings Administrator prior to consideration by the Council.

**The Council proceeded with consideration of the Draft Development Plan on a page by page basis.**

**Having considered Pages 1 to 13 inclusive of the Draft Development Plan, the Meeting concluded at 7.30 p.m.**