

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

**Minutes of Special Meeting of County Council held on 21st October, 2009 in the
Council Chamber, County Hall at 3.45 p.m.**

PRESENT

Councillors

Byrne, Ciaran
Butler, Darragh
Coppinger, Ruth
Coyle, Peter
Daly, Clare
Devitt, Anne
Dennison, Kieran
Hamill, Peggy
Kelleher, Tom
Loftus, Eithne
Maher, Joan
McKeon, May

Councillors

McGuinness, David
McGuire, Gerry
Murray, Mags
Nulty, Patrick
O'Brien, Eoghan
O'Callaghan, Cian
O'Connor, David
O'Donovan, Michael
O'Leary, Tom

Absent: Councillors A. Farrell, K. Farrell, M. Waine

The Mayor, Councillor Ciaran Byrne, presided.

OFFICIALS PRESENT

David O'Connor, County Manager, Marguerite Murphy, County Architect, Sean Ó Faircheallaigh, Peter Byrne, Senior Planners, Noeleen McHugh, Administrative Officer, Nicholas O Kane, Hazel Craigie Senior Executive Planners, Gerry Clabby, Heritage Officer, Brendan Colgan, Senior Executive Engineer, Florence White, Communications Officer, Pat Lonergan, Senior Staff Officer, Christine Bedford, Catherine Fitzgerald, Staff Officers, Niall McCoitir, Asst. Staff Officer, Eileen McCulloch, Linda Fanning, Clerical Officers.

F/651/09

**CONTINUATION OF CONSIDERATION OF MANAGER'S REPORT –
FINGAL DEVELOPMENT PLAN 2011-2017**

Mr. David O'Connor, County Manager, clarified to Members the provisions of the Planning and Development Bill 2009 as it stood at Committee Stage on that day.

The County Manger also clarified to Members, in relation to Minute No. F/640/09, his advice to Members following the passing of Motion Number 3 during the previous day's meeting. The Manager stated that: (1) Motion Number Three was passed and AGREED. (2) He advised the Members that the Health Impact Assessment (HIA) would not be carried out as no statutory basis exists upon which action so directed as a consequence can be taken. (3) The Manager indicated his willingness to require HIA

submissions to be made in particular instances to “best practice” guidelines internationally, insofar as such could be ascertained, where he considered it appropriate until such assessments were required by legislation.

F/652/09

It was proposed that the following outstanding Motions be dealt with - numbers 7, 29, 36, 39, 40, 42, 45, 47, 50, 54, 55, 58, 60 and 61.

F/653/09

MOTION NO. 7

It was proposed by Councillor C. O’ Callaghan, seconded by Councillor P. Hamill:

“That the Manager will promote sustainable development in the Development Plan by:

1. Prohibiting green washing – permission for wind turbines etc. will only be granted where it is established that they will contribute positively to the environment
2. Implementing standards for street lighting to ensure they only use compact fluorescent lamps
3. Encouraging solar design to reduce energy consumption levels
4. Including drying space as a mandatory component of all new homes
5. Drawing up a list of building materials which will be prohibited due to their negative impacts on the environment and ensuring that timber is only used when drawn from sustainable sources
6. Ensuring that insulation materials have a green house gas potential of less than
7. Requiring that adaptability is incorporated into design of housing schemes to ensure that people can live there throughout the various stages of their lives.”

The following report by the Manager, which had been circulated, was **READ**:

“1. The Council is aware, and will act to avert any possible negative consequences, of so-called “Green Washing” within the Development Plan process by any interested parties. The Council will continue to assess planning applications on a case by case basis, and to ensure that all applications can demonstrate their consistency with the principles of sustainability. The Council is proposing the Fingal County Council Wind Energy Strategy as part of the Development Plan process. This strategy will address the provision of guidelines to ensure that wind turbines are located in the County only in areas where they respect the landscape character of the area, and the sensitivity of this landscape, and consequently contribute to the proper planning and development of the area.

2. Compact Fluorescent Lamps (CFL’s) are generally seen as a low energy replacement for the domestic bulb or incandescent lamp. However, there are no incandescent lamps used for street lighting purposes in the administrative area of Fingal. All street lighting lamps are high light output, low energy consumption gas discharge lamps which are similar to Compact Fluorescent Lamps. The following table1 details the average luminous output per watt of energy input for the various

lamp types used for public lighting. The most efficacious lamp is the Low Pressure Sodium SOX unit (yellow light) which is fitted to the majority of lanterns in Fingal. The High Pressure Sodium SON lamp (golden white) with its better colour rendering properties is preferred for the lighting of major traffic routes, village and town centres.

Table 1

Lamp Type	Luminous efficacy (lm/W)	% Lamp Type in Fingal
Low Pressure Sodium (SOX)	165	72
High Pressure Sodium SON-T Plus	118	26
High Pressure Mercury (125W)	50	Replaced by SOX in Fingal
Tubular/Compact Fluorescent	96	2
Incandescent Lamp (15-500 W)	13	Not used for Public Lighting

The Council's Public Lighting Section is conscious of the need to provide energy efficient lighting systems and will endeavour to meet this requirement by appropriate design and equipment choice.

3. The Council will continue to support and encourage high quality sustainable design for homes and commercial development which is consistent with the Building Regulations. Such design will include provision of renewable energy including the use of solar energy to provide energy to developments as required by the Building Regulations.

4. The DoEHLG has published *Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustainable Communities*. It gives detailed requirements for all aspects of individual dwelling design. Fingal County Council will require that all development adhere to these standards.

5. and 6. Types of materials used in construction are covered by the Building Regulations in that they are fit for the use for which they are intended and for the conditions in which they are to be used and include:

- (a) bear a CE Marking in accordance with the provisions of the Construction Products Directive; or
- (b) comply with an appropriate harmonized standard, European technical approval or national technical specification as defined in article 4(2) of the Construction Products Directive; or
- (c) comply with an appropriate Irish Standard or Irish Agreement Board Certificate or with an alternative national technical specification of any state which is a contracting party to the Agreement on the European Economic Area, which provides in use an equivalent level of safety and suitability.

7. The Council supports the provision of housing schemes which are adaptable to people's changing needs. The Guidelines for Planning Authorities *Sustainable Residential Development in Urban Areas* published by the Department of the

Environment, Heritage, and Local Government provide direction on ensuring that adaptability through mix and design of housing types is incorporated into any proposed housing scheme. Fingal County Council requires that any proposed housing development scheme has a mix of housing types which promotes and supports the lifelong adaptability of proposed housing schemes.

Recommendation

No Change.”

During discussion it was **AGREED** to amend the motion by the deletion of Item 1 to 6 inclusive.

The Motion, as amended, was **AGREED**.

F/654/09

MOTION NO. 29

It was proposed by Councillor M. McKeon, seconded by Councillor D. Butler:

“Fingal County Council resolves that the Draft Fingal Development Plan 2011-2017 include the following Zoning Objective ‘PD – *Port Development*’: *‘to provide for the efficient and effective operation of the port’.*”

The following report by the Manager, which had been circulated, was **READ**:

“It is currently unclear whether the proposed Bremore Port will be located within Fingal. It is recognized that a distinction needs to be made between ancillary uses and uses which need to be located adjacent to the port. It is considered that ancillary uses should be directed towards adjacent urban centers where they can contribute towards the development of sustainable communities, and will be accommodated within the reviewed zoning matrix without the requirement for a separate land use zoning.

Recommendation

It is considered that the Manager’s policy recommendations (2.17, 4.7, 12.21) as amended, strongly support at a strategic level the provision of a deep water port and that the determination of a specific zoning would be inappropriate and premature at this stage of the Development Plan process. “

Following discussion to which Councillors McKeon, Devitt, O’Connor and Byrne contributed the Manager’s Recommendation was **AGREED**.

F/655/09

MOTION NO. 36

It was proposed by Councillor C. Daly, seconded by Councillor P. Hamill:

“Insert new Section 6.7:

Ensure that estates are finished prior to occupation of properties and encourage developers to request the early taking-in-charge of developments.”

The following report by the Manager, which had been circulated, was **READ**:

“The developments of residential housing estates occur on a phased basis, to provide a revenue stream so that the overall development can be completed. Ensuring that estates are finished prior to occupation of properties may prevent development from occurring in the first place due to a lack of upfront resources.

It is recommended that this motion not be adopted as the requirement of development to comply with the short timescale stated may prejudice the more significant requirement that the Council will only take developments in charge when they meet a required level of specification. This level of specification will frequently only be achieved towards the completion of an estate.

The Manager stated that he shared the Member’s concern regarding prolonged times for taking in charge that prompted this Motion to be proposed. He reflected that it was clear from the debate that the Members also shared the Manager’s concern regarding adherence to standards of completion and concurred with actions to ensure such adherence. The Manager undertook to include wording in the draft Statement to explicitly reflect those twin and complimentary concerns, including the inclusion of specific measures / requirements on developers of all areas to be taken in charge to specifically address these.

Recommendation

No Change.”

Following discussion to which Councillors Daly, O’Connor, Byrne, Dennison and Coyle contributed the Manager’s Recommendation was **AGREED**.

F/656/09

MOTION NO. 39

It was proposed by Councillor D. Butler, seconded by Councillor E. O’Brien:

“That the Manager ensures that the strictest possible building standards are applied to the development of all new housing units built in Fingal, with regard to apartment sizes, noise insulation, etc. That Fingal works towards gaining a reputation for ensuring the highest possible standards in all new housing developments.”

The following report by the Manager, which had been circulated, was **READ**:

“Building standards are set down, not in the Planning Acts, but through the Building Control Acts through which the Building Regulations are structured. In the lifetime of the current Development Plan, Fingal introduced innovative energy standards for buildings which were beyond those required by the Building Regulations and which were applied to new Local Area Plans.

Building Regulations are reviewed and updated by the Department of Environment, Heritage and Local Government as deemed necessary and in line with requirements from the EU. For example, the EU Energy Performance Buildings Directive has led

to the introduction of Regulations on Building Energy Ratings. A second energy performance of buildings directive is being discussed under the Swedish presidency, the three main issues being addressed are low-energy buildings and the definition of this type of building, financing of energy efficiency measures and the use of a calculation method to draw up energy performance requirements for buildings. Any new standards introduced through a Directive will be transposed into national regulations.

Similarly, noise insulation is addressed through the Building Control Acts by revisions in standards in the Building Regulations. National Guidelines on standards are provided through the Department of the Environment, Heritage and Local Government's publications including Quality Housing for Sustainable Communities-Design Guidelines, the Guidelines for Design Standards for New Apartments and the Urban Design Manual.

In summary, Building Regulations are setting increasingly stringent standards and, in combination with Planning Guidelines and standards will ensure that increasingly high standards are set during the lifetime of the plan.

It is recommended that the Motion not be adopted as the measures proposed relating to Building Control are outside the scope of Planning Legislation, under which the Development Plan is instituted, with the exception of Planning Guidelines as dealt with above.

Recommendation

No Objection. Add the following policy to Section 6 as 6.8:

“Ensure that the strictest possible building standards are applied to the development of all new housing units built in Fingal, with regard to apartment sizes, noise insulation, etc. That Fingal works towards gaining a reputation for ensuring the highest possible standards in all new housing developments”.

The Manager's Recommendation was **AGREED**.

F/657/09

MOTION NO. 40

It was proposed by Councillor P. Hamill, seconded by Councillor P. Nulty:

“That this Council take whatever steps needed to prevent the destruction of a house in a mature area for apartment type dwellings.”

The following report by the Manager, which had been circulated, was **READ**:

“In accordance with the policies of consolidation and as per national guidelines, redevelopment of derelict sites or the redevelopment of sites that can provide for a higher density are to be encouraged at suitable locations. This is on the basis that such development is appropriate to the established character of the area.

Recommendation

No Change.”

Following discussion to which Councillors Hamill, McKeon, Devitt, Coyle, Loftus and Byrne contributed the Manager’s Recommendation was **AGREED**.

F/658/09

MOTION NO. 42

It was **NOTED** that the following Motion in the name of Councillor C. O’ Callaghan was **WITHDRAWN**:

“Amend Item 7.11 so that it now reads as:

‘Strengthen, protect and consolidate all remaining green belts’.”

F/659/09

MOTION NO. 45

It was proposed by Councillor P. Hamill, seconded by Councillor P. Coyle:

“That this Council consider the provision of seating in amenity areas should be provided on site”.

The following report by the Manager, which had been circulated, was **READ**:

“Seating is provided by the Council at appropriate locations in amenity areas as resources allow.”

RECOMMENDATION:

No Change.”

It was proposed by Councillor C. Byrne and **RESOLVED** to amend the motion to insert the word “that” after the word “consider”.

Following discussion to which Councillors Hamill and Maher contributed the Manager’s Recommendation was **AGREED**.

F/660/09

MOTION NO. 47

It was proposed by Councillor C. O’ Callaghan, seconded by Councillor M. McKeon:

“That the Manager will include in the Development Plan a list and map of rights-of-way.”

The following report by the Manager, which had been circulated, was **READ**:

“The Council should be aware of the possible legal difficulties encountered by listing and/or mapping rights-of-way, as experienced by a number of councils such as Wicklow, Sligo and Dun Laoghaire Rathdown. The Council may recognise or create

public rights-of-way compulsorily through Section 207 of the Planning and Development Act, 2000, subject to compensation. Once such a right-of-way is created, the Council becomes responsible for maintaining the right-of-way. It is important to note that the creation of public rights-of-way also has insurance implications. The possibility of mapping existing rights-of-way will be explored by way of an objective in the new Development Plan, having regard to the above. In any event, the Council will seek through the Development Plan to preserve and/or extend and enhance existing public rights-of-way.

No Objection subject to revised wording:

“Include in the Development Plan an objective to list and map rights of way in the county on a phased basis”

Recommendation:

Add the following policy to Section 8 as 8.10

“Include in the Development Plan an objective to list and map rights of way in the county on a phased basis”.

The Manager’s Recommendation was **AGREED**.

F/661/09

MOTION NO. 50

It was proposed by Councillor C. Byrne, seconded by Councillor T. O Leary:

“To undertake the refurbishment of the Martello Towers in Fingal that are in public ownership.”

The following report by the Manager, which had been circulated, was **READ**:

“There are three Martello Towers within the boundaries of Fingal which are in the ownership of Fingal County Council, located at Howth, Skerries, and Balbriggan. The tower at Howth has been refurbished by Fingal County Council, and currently is operating as a museum. The tower in Skerries is used on an occasional basis by the Fingal Arts Officer for arts installations. It is considered that, having regard to the severe limitation on resources likely to affect the Council for some time to come, the most appropriate response is to put in place a programme of works and consolidation to:-

- 1) Hold the buildings from further deterioration;
- 2) Seek to find uses that promote their relevance to the community;
- 3) Thereby have in place the steps necessary to conserve and upgrade the towers as resources allow.

Recommendation

No Change.”

Following discussion the Manager **AGREED** to amend his Recommendation in the following terms:-

“Recommendation

- (1) Hold the buildings from further deterioration;
- (2) Seek to find uses that promote their relevant to the community;
- (3) Thereby have in place the steps necessary to conserve and upgrade the towers as resources allow.”

The Revised Manager’s Recommendation was **AGREED**.

F/662/09

MOTION NO. 54

Motion: Cllr. C. Daly

“Delete 11.4 - Insert after “high quality” from the aquifers and groundwater sources in the Nevitt area”.”

The following report by the Manager, which had been circulated, was **READ**:

“The Greater Dublin Water Supply Strategic Study 1996 and subsequent revisions have identified the need for a new source to supply the Dublin Region with approximately 330 ML per day to cater for future needs up to 2030. Dublin City Council are the lead authority for this project and RPS, consultants for the project, are currently examining a number of new source options including the River Shannon and a desalination plant near Balbriggan.

Groundwater sources in Fingal were not considered as a viable option to supply the volumes required for the following reasons. Hydrogeological studies undertaken in the mid 1980s indicated that the area around the Bog of the Ring, was the only area in North County Dublin that showed any potential for groundwater abstractions likely to be capable of supplying a municipal supply. Further tests in the mid 1990s confirmed this. The yield of this aquifer was estimated at between 15 Million Litres per Day and 30 Million Litres per Day (MLD), based on extensive test drilling and pumping tests.

The Bog of the Ring groundwater abstraction and treatment plant went into operation in July 2003.

A subsequent three-year study to assess the long-term sustainability of the Bog of the Ring concluded that the sustainable yield of the aquifer in Bog of the Ring was approximately 4 MLD. The sustainable abstraction is limited by the recharge of the aquifer, which is impeded by the thick deposit of low-permeability clays overlying the aquifer in the Bog of the Ring area.

Subsequent to monitoring of the draw-down of the water table in observation wells in and around the Bog of the Ring over the past two to three years, the Environmental Protection Agency expressed concern at the abstraction rate and determined that the sustainable abstraction from the Bog of the Ring is approximately 3 MLD. They have consequently imposed a maximum average abstraction rate of 3.15 MLD on our operations at Bog of the Ring.

The aquifer at the Nevitt is classified as a “Locally Important Aquifer” by the Geological Survey of Ireland indicating that it is useful for relatively low level use by single houses and some farming uses, but that it is not significant for municipal uses. The Nevitt aquifer is not being considered for use as all the studies carried out in the past have not indicated it as a viable municipal water source.

The future development of the Greater Dublin Region and of Fingal is dependant on the availability of adequate water, fit for human consumption, to meet the future needs of the Greater Dublin Area whilst facilitating the ongoing population and economic growth of the region.

The proposed amendment would change the specific objective to facilitate the provision of a new regional water supply by restricting the new source to a groundwater source that is not capable of providing the volumes required.

Recommendation

No Change.”

The motion was ruled **out-of-order** by the Mayor.

F/663/09

MOTION NO. 55

Motion: Cllr. C. Daly

Delete 11.10 - Delete after “Facilitate” up to “emphasis on”.

The following report by the Manager, which had been circulated, was **READ:**

“Waste management in Ireland is regulated by the Waste Management Acts, 1996 to 2008, which require local authorities to prepare detailed plans for the management of waste. The current Waste Management Plan for the Dublin Region 2005-2010 has been developed jointly by Dublin City Council, South Dublin County Council, Fingal County Council and Dun Laoghaire-Rathdown County Council. The Council must have regard to this plan and in effect cannot resile from its commitments in this regard through the adoption of this Motion.

Recommendation

No Change.”

The motion was ruled **out-of-order** by the Mayor.

F/664/09

MOTION NO: 58

It was **NOTED** that the following Motion in the name of Councillor C. O Callaghan was **WITHDRAWN:**

“That the Manager will include in the Development Plan a list and map of flood plains where development is to be prohibited.”

F/665/09

MOTION NO. 60

It was proposed by Councillor D. Butler, seconded by Councillor J. Maher:

“That the Manager ensures as part of the Development Plan that a minimum requirement of 2.5 parking bays per unit be included for all multi-unit developments, 2 of which must be reserved and marked per unit (and not sold separately) and the remainder available as visitor slots.”

The following report by the Manager, which had been circulated, was **READ**:

“Council policy in relation to car parking provision should be to manage and control it at a level appropriate to its location. It is anticipated that car parking standards appropriate to location will be incorporated into the Draft Fingal Development Plan 2011-2017.

It is recommended that this Motion be rejected as this matter will be dealt with at a later time in the Plan adoption process.

Recommendation

No Change.”

Following discussion to which Councillors Butler and Loftus contributed the Manager’s Recommendation was **AGREED**.

F/666/09

MOTION NO. 61

It was proposed by Councillor C. Byrne, seconded by Councillor D. Butler:

“To facilitate and promote the extension of a Metro line from Swords to Belfast Railway Line by protecting the preferred route identified by Fingal County Council in conjunction with state and semi-state agencies.”

The following report by the Manager, which had been circulated, was **READ**:

“There is no preferred route proposal from Central Government to link the Metro line from Swords to the Belfast Railway Line. The proposed motion is considered premature and it is recommended that this motion not be adopted.

Recommendation

No Change.”

Following discussion to which Councillors Byrne, O’Donovan and O’Leary contributed it was proposed by Councillor T. O’Leary and **RESOLVED** to amend the motion to delete the words “by protecting the preferred route” before the word “identified”.

The Motion, as amended, was **AGREED**.

F/667/09

ADOPTION OF MANAGER'S RECOMMENDATIONS

It was proposed by Councillor C. Byrne, seconded by Councillor T. Kelleher and
RESOLVED:

“Fingal County Council hereby resolves, with effect from the 9th November 2009 to adopt the Manager’s Recommendations, as amended by the motions passed at Meetings held on 20th and 21st October 2009, on the policies to be included in the Draft Development Plan.”

The meeting concluded at 4.50 p.m.

Mayor _____ **Date** _____