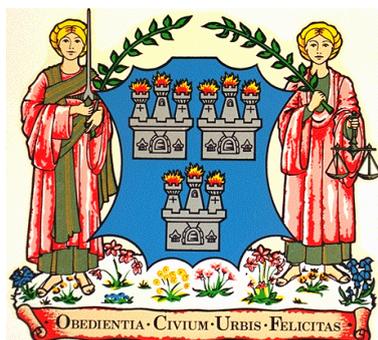


COMHAIRLE CATHRACH BHAILE ÁTHA CLIATH



Miontuairiscí Chruinniú Speisialta a tionóladh ar **21 Márta 2018** i Seomra na Comhairle, Halla na Cathrach, Cnoc Chorcaí ag 6.15 i.n. I Láthair an tArdmhéara **Micheal Mac Donncha** sa chathaoir

Comhairleoir:

Chris Andrews
Tom Brabazon
Brendan Carr
Patrick Costello
Daithi De Roiste
Gaye Fagan
Mannix Flynn
Deirdre Heney
Andrew Keegan
Dermot Lacey
Tina McVeigh
Paddy McCartan
Ray McHugh
Michael Mullooly
Naoise O'Muirí
Ciaran O'Moore
Nial Ring
Paddy Smyth

Comhairleoir:

Paddy Bourke
Christy Burke
Aine Clancy
Ciaran Cuffe
Daithi Doolan
Anne Feeney
Gary Gannon
Jane Horgan-Jones
Teresa Keegan
John Lyons
Ray McAdam
Ruairi McGinley
Edel Moran
Emma Murphy
Michael O'Brien
Larry O'Toole
Eilis Ryan
Sonya Stapleton

Comhairleoir:

Janice Boylan
Claire Byrne
Anthony Connaghan
Hazel De Nortuin
Pat Dunne
Declan Flanagan
Paul Hand
Vincent Jackson
Greg Kelly
Ardmhéara Micheal Mac Donncha
Paul McAuliffe
Seamas McGrattan
Rebecca Moynihan
Criona Ni Dhalaigh
Damian O'Farrell
Cieran Perry
Norma Sammon

Oifigigh

Oonagh Casey
Owen P. Keegan

Caroline Fallon
John O'Hara

Michael Gallagher
Richard Shakespeare

1 Lord Mayor's Introduction:

5 - 6

The Lord Mayor began by informing the Members that this Special Meeting had been convened to discuss the impact of Circular Letter PL 02/2018 from the Minister for Housing, Planning, and Local Government in relation to the discussion of planning matters by Members of the City Council and how the Council might respond. A copy of the Circular Letter is attached to these minutes as **Appendix A**.

He explained that a motion had been submitted by Councillor Rebecca Moynihan and seconded by Councillor Dermot Lacey in relation to the circular and would form the basis of the debate. A Member from each political group would be given the opportunity to speak on the issue after which he would open the discussion to the floor.

Before the debate began the Lord Mayor invited the City Planner, John O'Hara to brief the Members on the current position with regards the discussion of planning applications by Councillors.

Mr. O'Hara began by clarifying that the granting or refusing of planning permission was an executive function of the Chief Executive or his delegated officials. Decisions are made in accordance to the Development Plan and national policy. He explained that currently there are two paths through which Councillors can be informed about a planning application. Firstly, a Councillor can make a request for a presentation on an application to the Area Committee by the Area Planner. The information provided will be factual and technical in nature. It is not a discussion and it will have no bearing on the final decision. Secondly, a Councillor may request the Area Office to make arrangements for the Planning Information Unit to make a presentation to the Area Committee. The presentation will be given by a planner from the Forward Planning Section. Again, the information provided will be of a technical and factual in nature and will have no bearing on the final outcome. In both cases the presentation is not a forum for the discussion of the merits of the application.

Mr. O'Hara confirmed that Dublin City Council's Planning and Development Department will be writing to the Minister requesting clarification on whether the current situation as described conforms to the contents of Circular PL 02/2018.

2 Motion in the name of Councillor Rebecca Moynihan:

7 - 12

The following Councillors spoke to the Motion No 1 as submitted by Cllr. R. Moynihan (**Appendix B**). Councillors R. Moynihan, D. Doolan, P. Hand, T. Brabazon, P. McCartan, D. Lacey, T. MacVeigh, C. Cuffe, P. Dunne, D. Heney, C. Ni Dhálaigh, C. O'Moore, R. McGinley, R. McAdam, D. O'Farrell, J. Boylan, C. Perry, E. Ryan, M. Flynn, J. Lyons, A. Keegan, N O'Muirí, P. McAuliffe, A. Feeney, N. Sammon, G. Kelly, L. O'Toole and tArdmheara Micheal MacDonncha.

During the debate Members made the following observations:

- Although the Circular does not affect the statutory powers of Councillors in the planning process, it does negatively impact on their ability to inform and advise their constituents.
- It seriously undermines local democracy and is characteristic of a continuing campaign by the current Government to reduce and undermine the role of Councillors.
- It ensures that private developers have access to planning expertise but elected representatives do not.
- It is effectively a gagging order on Councillors and Planners.
- The Circular is an unwarranted intervention into the operation of Local Government and the Planning Process. There is no justification for it and it implies that Councillors are using undue influence to pressurise the Planners.
- This Council wants open, public and transparent discussions on planning matters but this Circular seeks to protect private discussions with developers.
- The planning process is already a complex and expensive process and this only serves to prevent Councillors from assisting their constituents.

It was proposed by Cllr. D. Doolan and seconded by Cllr. J. Boylan that the Lord Mayor writes to the Minister to convey the Council's disapproval in the strongest terms and to ask the Minister for a meeting on this matter.

It was proposed by Cllr. D. Heney proposed and seconded by Cllr. R. McGinley that the motion be amended to include the request that the Circular be rescinded. Therefore, the following motion was put:

"This Council is concerned at the impact that Circular Letter PL 02/2018, issued by Minister Eoghan Murphy will have on the ability of elected members to properly understand the technical and planning implications of planning applications in their area. These presentations at our Area Committee are essential in informing our submissions as part of the formal planning process and helping us advise residents on their planning submissions. We ask that this Circular be withdrawn.

We ask that the Chief Executive send a letter to the Minister, outlining our concerns about the impact that this decision will have on our ability to properly carry out our functions as elected representatives, and asking for the following clarification from the Minister in relation to the Circular:

- 1. Does the ability of planners to give technical and planning advice to developers in pre planning consultation meetings remain unaffected?*
- 2. Has the Department received legal advice to how this Circular impacts on the Aarhus convention which guarantees Public Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, while issuing no direction to local authority planning staff on their pre part 3 consultation with private developers on the parameters of their application?*
- 3. What impact does this circular have on the holding of planning information meetings with residents?*
- 4. On what legal basis was this direction, which allows the Minister to direct officials about the manner in which they exercise their powers and how they inform elected members regarding planning applications, made?*

We further propose that in the event of this circular not being withdrawn, that all pre planning proposals which will have a significant impact on our local areas be presented to the area committee in advance of a formal planning application being lodged."

The motion as amended was put to a vote and carried. **(See Appendix C)**

Assistant Chief Executive, Richard Shakespeare responded to some of the questions asked by the Councillors. In relation to his department being responsible for both planning permissions and the disposal of City Council property, he reminded Members that the disposal of sites was a reserved function under Section 183. With regards the direction provided by the Law Agent to Councillors on their involvement in the planning process he said he would clarify this with the Law Department and circulate to all Members.

The Lord Mayor thanked the Members for their contributions and confirmed that he would be writing to the Minister to convey the Council's strong views on this matter.

The meeting concluded at 7.35pm.

Correct.

LORD MAYOR

MEETINGS ADMINISTRATOR



An Roinn Tithíochta, Pleanála
agus Rialtais Áitiúil
Department of Housing, Planning
and Local Government



To: Chief Executives, City and County Councils

CC: Directors of Planning Services, City and County Councils
Senior Planners, City and Councils
An Bord Pleanála

Circular Letter PL 02/2018

9 March 2018

Re: Discussion of planning applications at Council meetings

Dear Chief Executive,

I am directed by Mr. Eoghan Murphy, T.D., Minister for Housing, Planning and Local Government to advise that It has come to his attention that individual planning applications made under Part 3 of the Planning and Development Act 2000, as amended, are increasingly being discussed at Municipal District/Area Committee and/or Council meetings of some local authorities, prior to a decision being made on the application concerned.

In this regard, local authorities and elected members are hereby reminded that the making by a planning authority of a decision on a Part 3 planning application is an executive function exercisable by the Chief Executive, or a staff member to whom the function has been delegated, within the parameters of the development plan adopted by the elected council members. A planning authority is required to consider a planning application in accordance with the open, transparent and verifiable written process set down in the planning legislation and, when making its decision, is restricted to considering the proper planning and sustainable development of the area concerned.

While the Development Management Guidelines issued to planning authorities under section 28 of the Planning and Development 2000 recognise that elected members may be informed by planning staff of factual matters relating to particular planning applications, this information is intended to facilitate councillors who wish to make substantive comments on

Appendix A

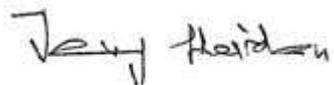
such planning applications by way of formal written submissions or observations to the planning authority.

Discussion of the merits of individual planning applications at Municipal District/Area Committee and Council meetings does not form part of the statutory process for the consideration of such applications and should not be used by elected members to advocate that a particular decision be made on an individual application. Such a practice could be viewed as an attempt to undermine due process and exert undue influence on the planning authority and/or to make a decision that would not be in the interests of the proper planning and sustainable development of the area concerned. Furthermore the practice could convey an erroneous impression to the public of the role of elected members in the statutory process for deciding on planning applications. Having regard to the foregoing, Part 3 planning application should not be discussed at Municipal District/Area Committee and/or Council meetings prior to the making of decisions on them and the participation of local authority officials in any such discussions is not appropriate in the circumstances.

The views expressed in this circular letter do not apply to the consideration by elected members, under section 34(6) of the 2000 Act, of the passing of a resolution approving a proposal by the Chief Executive to grant permission for a proposed development that would contravene materially the development plan or local area plan of the authority concerned.

You are requested to bring this Circular letter to the attention of the elected members and planning staff of your local authority.

Yours sincerely,

A handwritten signature in black ink that reads "Terry Sheridan". The signature is written in a cursive style with a large initial 'T'.

Terry Sheridan
Principal
Planning Policy

Motion in the Name of Cllr Rebecca Moynihan:

“This Council is concerned at the impact that Circular Letter PL 02/2018, issued by Minister Eoghan Murphy will have on the ability of elected members to properly understand the technical and planning implications of planning applications in their area. These presentations at our Area Committee are essential in informing our submissions as part of the formal planning process and helping us advise residents on their planning submissions.

We ask that the Chief Executive send a letter to the Minister, outlining our concerns about the impact that this decision will have on our ability to properly carry out our functions as elected representatives, and asking for the following clarification from the Minister in relation to the Circular

- 1. Does the ability of planners to give technical and planning advice to developers in pre planning consultation meetings remain unaffected?*
- 2. Has the Department received legal advice to how this Circular impacts on the Aarhus convention which guarantees Public Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, while issuing no direction to local authority planning staff on their pre part 3 consultation with private developers on the parameters of their application?*
- 3. What impact does this circular have on the holding of planning information meetings with residents?*
- 4. On what legal basis was this direction, which allows the Minister to direct officials about the manner in which they exercise their powers and how they inform elected members regarding planning applications, made?*

We further propose that in the event of this circular not being withdrawn, that all pre planning proposals which will have a significant impact on our local areas be presented to the area committee in advance of a formal planning application being lodged.”

The following Members requested that they be associated with the Motion:

Cllr Dermot Lacey, Cllr Jane Hogan Jones, Cllr Andrew Montague, Cllr Alison Gilliland, Cllr Mary Freehill, Cllr Aine Clancy, Cllr Sonya Stapleton, Cllr Paul Hand, Cllr Daithi Doolan, Cllr Janice Boylan, Cllr Cieran Perry, Cllr David Costello, Cllr Claire Byrne, Cllr Tom Brabazon, Cllr Gaye Fagan, Cllr Damian O’Farrell, Cllr Ciaran Cuffe, Cllr Nial Ring, Cllr Mannix Flynn, Cllr Christy Burke, Cllr Patrick Costello, Cllr Eilis Ryan, Cllr Tina McVeigh, Cllr Teresa Keegan, Cllr Gary Gannon, Cllr David Costello, Cllr Anthony Connaghan, Cllr Edel Moran, Cllr Sean Paul Mahon, Cllr John Lyons, Cllr Deirdre Heney, Cllr Greg Kelly, Cllr Sean Paul Mahon, Cllr John Lyon, Andrew Montague, Cllr Deirdre Heney and An tArdmheara M MacDonncha.

DCN-SW Conference Software
Voting Results



Meeting	Special City Council Meeting		
Agenda Subject			
Voting Number	Vote 1		
Name	Motion No: 1 as amended		
Kind	Parliamentary		
Subject			
Voting start at:	21/03/2018 19:35:30	Voting end at:	21/03/2018 19:36:06

Total Results

Voting attendants	Present in the vote	44
	Present and not voted	0
Answers	Yes	40
	No	0
	Abstain	4
	Not voted	0

Group Results

Dublin City Co.	Yes	40
	No	0
	Abstain	4
	Not voted	0

Individual Results

Yes

Greg Kelly	Dublin City Co.
Anthony Connaghan	Dublin City Co.
Sonya Stapleton	Dublin City Co.
Pat Dunne	Dublin City Co.
Janice Boylan	Dublin City Co.
Gary Gannon	Dublin City Co.
Deirdre Heney	Dublin City Co.
Vincent Jackson	Dublin City Co.
Dermot Lacey	Dublin City Co.
Michael Mac Donncha	Dublin City Co.
Ray McAdam	Dublin City Co.
Andrew Keegan	Dublin City Co.
Ruairi McGinley	Dublin City Co.
Seamas McGrattan	Dublin City Co.
Rebecca Moynihan	Dublin City Co.
Criona Ni Dhalaigh	Dublin City Co.
Claire Byrne	Dublin City Co.
Damian O'Farrell	Dublin City Co.
Naoise O'Muiri	Dublin City Co.
Ciaran Cuffe	Dublin City Co.
Daithi Doolan	Dublin City Co.
Larry O'Toole	Dublin City Co.
Cieran Perry	Dublin City Co.
Gaye Fagan	Dublin City Co.
Patrick Costello	Dublin City Co.
Nial Ring	Dublin City Co.
Hazel de Nortuin	Dublin City Co.
Michael Mullooly	Dublin City Co.
Daithi De Roiste	Dublin City Co.
Paul Hand	Dublin City Co.
Christy Burke	Dublin City Co.
Teresa Keegan	Dublin City Co.
John Lyons	Dublin City Co.
Edel Moran	Dublin City Co.
Ray McHugh	Dublin City Co.
Emma Murphy	Dublin City Co.
Anne Feeney	Dublin City Co.
Ciaran O'Moore	Dublin City Co.
Eilis Ryan	Dublin City Co.
Michael O'Brien	Dublin City Co.

Abstain

Declan Flanagan	Dublin City Co.
Paddy McCartan	Dublin City Co.
Norma Sammon	Dublin City Co.
Paddy Smyth	Dublin City Co.