Ref. No. 11/C/06

This report has been prepared in accordance with the requirements of Section 179 (2)(B) of the Planning and Development Act 2000.

(i) describe the nature and extent of the proposed development and the principal features thereof, and shall include an appropriate plan of the development and appropriate map of the relevant area,

The proposal is for the implementation of safety improvement measures on the National Primary Route (N4) at Faulties Td. including road widening and verge improvements.

The locations of the proposed works are shown on the attached maps.

(ii) evaluate whether or not the proposed development would be consistent with the proper planning and sustainable development of the area to which the development relates, having regard to the provisions of the development plan and giving the reasons and the considerations for the evaluation.

The development is considered to be in accordance with the aims and objectives of the County Development Plan 2009-2015. I refer to the following sections of the County Development Plan 2009-2015:

Section 1.07.04 Transport and Communications
To promote the improvement of the existing road network to aid economic development, enhance safety and minimise negative environmental impacts. To relieve traffic congestion, minimise pollution and enhance safety, particularly in town centres, by means of traffic management and traffic calming schemes.

2.05 Transportation
2.05.01 Sustainable Transportation In accordance with the principles of sustainable development the basis of the Council’s transportation policies will be to:

- minimise the negative impacts of traffic on the environment by developing an efficient and safe road network.

2.05.06 Roads
A modern, efficient and safe road network is vital for the future development of Leitrim.

2.05.06 Roads
A modern, efficient and safe road network is vital for the future development of Leitrim.
Policy 5.6a

It is the policy of the Council to upgrade the National Primary Routes serving the County.

It is considered that the development proposed would not be seriously injurious to the amenities of the area and would be in accordance with the policies and objectives of the County Development Plan.

Appropriate Assessment

A Statement for Screening for Appropriate Assessment has been included in the Part 8 documentation. The statement of screening report concludes that the project will not give rise to significant adverse impacts on the integrity of any Natura 2000 site.

It is considered that the statement of screening report is in general satisfactory and that its conclusions are valid. No AA is therefore required before making a decision in relation to this project.

(iii) list the persons or bodies who made submissions or observations with respect to the proposed development in accordance with the regulations under subsection (2),

The following external bodies and authorities were notified of the proposed development:

- Development Applications Unit, DoE,H&LG;
- Inland Fisheries Ireland;
- The Heritage Council;
- An Taisce;
- National Roads Authority

The closing date for receipt of submissions was Friday 3rd June 2011. A submission was received from the Development Applications Unit.

The following internal departments were notified of the proposed development:
- Senior Engineer, Environment (LCC)
- District Engineer, Carrick-on-Shannon (LCC)
- Senior Engineer, Sanitary Services (LCC)
- Road Design (LCC)
- Access Officer, LCC

The closing date for receipt of submissions was Friday 3rd June 2011. To that date submissions have been received from Sanitary Services, LCC, the Access Officer, LCC and John Keogh, Tormey Solicitors on behalf of Mary & Antony Oates.
(iv) summarise the issues, with respect to the proper planning and sustainable development of the area in which the proposed development would be situated, raised in any such submissions or observations, and give the response of the manager thereto, and

The report from Sanitary Services makes reference to the location of a 200mm diameter watermains in the grass verge and to the location of three sluice valves and a bulk meter chamber.

It is recommended that consultation with Sanitary Services be incorporated into the decision of the Council by way of a stated requirement.

The Access Officer reports that further to an examination of the documents he has no comments to make.

The report from the Development Applications Unit recommends that a condition be attached pertaining to Archaeological Monitoring.

The issues raised in the letter of objection from John Keogh on behalf of Mary & Anthony Oates are as follows:

The road works proposed would

- Seriously compromise the safety and wellbeing of Mary & Anthony Oates and any/all persons who access or egress their property
- Seriously compromise the safety and wellbeing of Mary & Anthony Oates and any/all persons who reside in the premises in question, having regard to the fact that the road will be significantly higher than the ground level of the premises and having regard to the fact that the road will be closer to our clients premises and
- Cause a diminution in value of our clients property.

(v) recommend whether or not the proposed development should be proceeded with as proposed, or as varied or modified as recommended in the report, or should not be proceeded with, as the case may be.

Further to discussions with the Senior Engineer in Road Design, the access point serving the dwelling referred to in the letter of objection from John Keogh (on behalf of Mary & Anthony Oates) was not constructed in the area originally agreed and proposed under the Dromod-Roosky By-Pass Scheme. A condition should be attached which requires that the layout of a new entrance to serve this property be agreed with the property owner prior to the commencement of any works which are the subject of this application.

I recommend that the proposed development proceed subject to the following requirements.
1. The development shall be executed in accordance with plans, particulars, details and specifications lodged as part of the Part 8 Consultation, save, as is hereinunder otherwise required.

2. Consultation with Sanitary Services shall be undertaken prior to commencement of works.

3.a The layout of a new entrance to serve the property (located to the north west of the Dromod turn-off) shall be agreed with the property owner prior to the commencement of any works.

b. The levels and gradient of this access point shall be appropriate to the site.

4.a The developer/applicant shall employ a qualified archaeologist to monitor all groundworks associated with the development.

b. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Development Applications Unit with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

c. The planning authority and the Development Applications Unit shall be furnished with a report describing the results of the monitoring.

---

Aoife Mulcahy 30/06/11
Executive Planner

Ciaran Tracey 1/7/11
Senior Planner

Jackie Maguire
Leitrim County Manager
Ref. No. 11/C/07

This report has been prepared in accordance with the requirements of Section 179 (2)(B) of the Planning and Development Act 2000.

(i) describe the nature and extent of the proposed development and the principal features thereof, and shall include an appropriate plan of the development and appropriate map of the relevant area,

The proposal is to construct a roundabout at the junction of the Castlecara road and the National Primary Route (N4) at Attifinlay Td., Carrick-on-Shannon, Co. Leitrim. The works will include construction of footpaths and cycle lanes, associated with this development.

The locations of the proposed works are shown on the attached maps.

(ii) evaluate whether or not the proposed development would be consistent with the proper planning and sustainable development of the area to which the development relates, having regard to the provisions of the development plan and giving the reasons and the considerations for the evaluation.

The development is considered to be in accordance with the aims and objectives of the County Development Plan 2009-2015. I refer to the following sections of the County Development Plan 2009-2015:

Section 1.07.04 Transport and Communications
To promote the improvement of the existing road network to aid economic development, enhance safety and minimise negative environmental impacts. To relieve traffic congestion, minimise pollution and enhance safety, particularly in town centres, by means of traffic management and traffic calming schemes.

2.05 Transportation
2.05.01 Sustainable Transportation
In accordance with the principles of sustainable development the basis of the Council’s transportation policies will be to:

- minimise the negative impacts of traffic on the environment by developing an efficient and safe road network.

2.05.06 Roads
A modern, efficient and safe road network is vital for the future development of Leitrim.
2.05.06 Roads
A modern, efficient and safe road network is vital for the future development of Leitrim.

Policy 5.6a
It is the policy of the Council to upgrade the National Primary Routes serving the County.

2.05.07 Traffic Management and Car Parking in Towns and Villages
The Council will seek to improve traffic management and car parking in towns and villages. This will reduce congestion and improve the environment and viability of these settlements.

Objective 5.8
It is an objective of the Council, in co-operation with the National Roads Authority and other relevant stakeholders, to prepare and implement, within the timeframe of this plan, an interchange/junction strategy, in order to assess the implications of development on the operation and performance of relevant junctions/interchanges.

The development is also considered to be in accordance with the aims and objectives of the Carrick on Shannon Local Area Plan 2010-2016. I refer to the following sections of the Local Area Plan:

2.05 Transportation (Traffic, Cycling & Pedestrian Movement)
When drawing up a movement strategy it is useful to consider the needs of different travellers separately. However, compromise solutions are often needed where conflicts arise between the needs of different users. Pedestrians and cyclists need safe and convenient routes. These routes must be well lighted and well surfaced. For safety they should be separated from fast moving traffic (shared surfaces may be appropriate in specific locations such as residential areas, where the pedestrian clearly has priority) and overlooked by as many houses and other premises as possible.

Policy 5.1e
It is the policy of the Council to facilitate the construction of a network of footpaths and cycle tracks linking residential areas with schools, the town centre and significant recreational, retail and employment facilities (see Map Nos. 2a & 2b). Generally these links will be designed to accommodate both pedestrian (including wheelchairs, prams and buggies) and cycle traffic, however in certain specific circumstances it may not be appropriate or practical to cater for both pedestrians and cyclists. All routes will be appropriately lighted and surfaced and where possible overlooked by residential and other development so as to facilitate passive supervision.

Policy 5.1j
It is the policy of the Council to initiate a safe routes to school programme, in partnership with the boards of management of the schools in the town.
It is considered that the development proposed would be fully in compliance with the stated policies and objectives as set out above and would not be seriously injurious to the amenities of the area and as such would be in accordance with the provisions of both the Local area Plan and the County Development Plan.

**Appropriate Assessment**

A Statement for Screening for Appropriate Assessment has been included in the Part 8 documentation. The statement of screening report concludes that the project will not give rise to significant adverse impacts on the integrity of any Natura 2000 site.

It is considered that the statement of screening report is in general satisfactory and that its conclusions are valid. No AA is therefore required before making a decision in relation to this project.

(iii) list the persons or bodies who made submissions or observations with respect to the proposed development in accordance with the regulations under subsection (2).

The following external bodies and authorities were notified of the proposed development:

- Development Applications Unit, DoE,H&LG;
- The Heritage Council;
- An Taisce;
- National Roads Authority

The closing date for receipt of submissions was Thursday 30\textsuperscript{th} June 2011. A submission was received from the National Roads Authority.

The following internal departments were notified of the proposed development:

- District Engineer, Carrick-on-Shannon (LCC)
- Road Design (LCC)
- Access Officer, LCC

The closing date for receipt of submissions was Thursday 30\textsuperscript{th} June 2011. To that date submissions have been received from the Access Officer and email correspondence from the Roads Section further to the submission from the NRA. There is no report on file from the District Engineer.

(iv) summarise the issues, with respect to the proper planning and sustainable development of the area in which the proposed development would be situated, raised in any such submissions or observations, and give the response of the manager thereto, and
The Access Officer reports that further to an examination of the documents he has no objections to the proposed development and recommends that the inclusion of a standard accessibility condition be attached in any consent which may be adopted.

The report from the National Roads Authority requests that the detailed design of the proposed roundabout be submitted to the NRA in advance of commencement of any works. The report requests that the design submission cover:

- Geometry
- Pavement/footpath/cycle lane/island construction
- Drainage
- Signage
- Lining

The NRA has also requested that the documentation be accompanied by a letter certifying that the design of the roundabout is fully in compliance with the NRA DMRB. Where the design is not compliant in any way, an appropriate application noting relaxations or applying for Departure(s) shall be submitted with the documentation.

In addition to the above:
- The proposed signage scheme shall be submitted for approval under the NRA Approval procedure
- Construction of the works shall not commence until approval has been received from the Authority
- Construction of the roundabout shall conform in all respects to the NRA Specifications for Road Works
- Construction of the works shall be supervised by competent engineering/technician staff
- Test certificates for the pavement materials shall be submitted to the NRA following completion of the works.
- As-constructed drawings in accordance with a form to be advised shall be provided to the Authority following completion of the works.

(v) recommend whether or not the proposed development should be proceeded with as proposed, or as varied or modified as recommended in the report, or should not be proceeded with, as the case may be.

The report from the NRA is noted and The Roads Department have assessed the report and state that the issues as raised can be dealt with by condition.

A condition should be attached which requires that Roads Department to consult with the NRA and address the issues as raised in the submission, prior to the commencement of any works which are the subject of this application.
I recommend that the proposed development proceed subject to the following requirements.

1. The development shall be executed in accordance with plans, particulars, details and specifications lodged as part of the Part 8 Consultation, save, as is hereinunder otherwise required.

2. The following requirements of the NRA shall be addressed and submitted to the NRA for their agreement, prior to the commencement of any works on site:

A) Detailed design of the proposed roundabout be submitted to the NRA in advance of commencement of any works. The design submission shall cover:
   - Geometry
   - Pavement/footpath/cycle land/island construction
   - Drainage
   - Signage
   - Lining

B) The documentation shall be accompanied by a letter certifying that the design of the roundabout is fully in compliance with the NRA DMRB. Where the design is not compliant in any way, an appropriate application noting relaxations or applying for Departure(s) shall be submitted with the documentation.

C) i) The proposed signage scheme shall be submitted for approval under the NRA Approval procedure
   ii) Construction of the works shall not commence until approval has been received from the Authority
   iii) Construction of the roundabout shall conform in all respects to the NRA Specifications for Road Works
   iv) Construction of the works shall be supervised by competent engineering/technician staff
   v) Test certificates for the pavement materials shall be submitted to the NRA following completion of the works.
   vi) As-constructed drawings in accordance with a form to be advised shall be provided to the Authority following completion of the works.

3. Consultation with the Accessibility Officer, Building Control Section, regarding principles of universal design and the needs of persons with mobility, sensory or intellectual impairments shall be undertaken prior to commencement.
Aoiife Mulcahy
Executive Planner

Ciaran Tracey
Senior Planner

Jackie Maguire
Leitrim County Manager
Draft Variation No 1 of Leitrim County Development Plan 2009 -2015

{As required under the Planning and Development (Amendment) Act 2010}

Managers Report to Elected Members on Submissions and Consultations

June 2011
Part 1

1.1 Outline of Report

This Report is prepared following the receipt of submissions in respect to the proposed Variation No 1 to the Leitrim County Development Plan 2009 – 2015 (CDP). The report has been prepared in accordance with legislative requirements. It lists and summarizes the submission received and presents the Managers response/recommendation to the submissions.

Part 1 gives an introduction to the process to date in making the Variation the purpose of the managers report, the relevant legislative requirements, the role of the Elected Members and details in respect to codes of conduct.

Part 2 consists of a summary of the issues raised arising from the written submissions, consultations, Councillor and public meetings and those arising from the on-going consideration of the Plan. This section also gives the response of the Co. Manager to the issues raised in the submissions & meetings etc.

Part 3 consists of a list the persons or bodies who made submissions or observations.
1.2 Purpose of the Report

This is a report on the submissions received from the public and notified bodies prepared in accordance with legislative requirements. It gives a summary of the submissions received and sets out the Managers response to the issues raised. It makes recommendations arising from the foregoing considerations that involve amendments to the proposed Variation in certain instances. The Report is intended to help the Members in their consideration and adoption of the Plan.

1.3 The Process to Date:

Pre-Draft Meeting with Elected Members and Special Policy Committee
Pre Draft Consultations were held with the Elected Members and Strategic Policy Committee during which details of the proposed Variation were presented. A total of three meetings took place with the Elected Members culminating in the presentation of the draft Variation to the Members on 9th May 2011. A pre draft meeting/workshop was held with the Elected Members which focused on proposals in respect to the zoning/rezoning/dezoning of lands. The views of the members were taken into consideration and suitably incorporated into the Variation.

Strategic Environmental Assessment and Appropriate Assessment
In accordance with legislative requirements both Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) Screening Reports on the proposed Variation were prepared.

In the case of the SEA requirements an initial determination indicating that an SEA Environmental Report was not required was forwarded to the three Environmental Authorities for their consideration. Subsequently a final determination was made confirming that an Environmental Report was not required.

The process in relation to Appropriate Assessment is ongoing. Both Screening Reports were put on public display as part of the process.

Newspaper Notice:
A notice was published in the Leitrim Observer on 13th May 2011, notifying the public and interested parties of the Councils intention to vary the County Development Plan – See Appendix 1 for copy of Public Notice.

In addition to a copy of the Variation being put on public display in the Planning Office, copies was also sent to each of the libraries in the County and to the District Engineers Offices where they were also out on public display. The Variation was also posted on the Councils web site.

Notification
- The Prescribed Bodies referred to under legislative requirements along with other relevant bodies were notified of the Councils intention to vary the CDP. Theses bodies were invited to make submissions/observations during the consultation period (16th May – 15th June 2011) For a list of these bodies refer to Appendix 2.

Next Stage
In accordance with legislative requirements this Managers Report must be submitted to the Members within 8 weeks of Variation being put on public display ie before 10th July 2011.

The consideration of the Variation and the Managers Report must be completed not later than 6 weeks after the submission of the Report to the Elected Members in accordance with legislative requirements. Any ‘material alteration’ to the Variation must be assessed as regards possible environmental impacts and a further round of public display, assessment and consideration may be required.
1.4 Legislative Requirements
Under the Planning and Development (Amendment) Act 2010 each local authority is required to make a Variation of the County Development Plan, to incorporate a "Core Strategy". This "core strategy" must be consistent with the national and regional objectives. (Previously, local authorities only had to "have regard to" national and regional strategies and guidelines).

In accordance with the above legislative requirements the Core Strategy must be incorporated into the County Development Plan on or before 28th September 2011.

Appendix 2 includes an extract from the Planning and Development Act 2000 as amended by the Amendment Act 2010.

1.5 Codes of Conduct
In making and adopting the development plan, the Elected Members, acting in the interests of the common good and the proper planning and sustainable development of the area, must, in accordance with the "Code of Conduct for Councillors" prepared under the Local Government Act 2001, carry out their duties in this regard in a transparent manner, must follow due process and must make their decisions based on relevant considerations, while ignoring that which is irrelevant within the requirements of the statutory planning framework.

Equally, local authority employees involved in the preparation of the development plan should perform their duties objectively and should have no vested interest in the contents of the plan — see the "Code of Conduct for Employees" prepared under the Local Government Act 2001.
2.1 Summary of Submissions/Observations Received and Managers Response & Recommendations

Each submission has been reviewed and considered individually.

A total number of 22 submissions/observations (including one late submission – No 22) were received during the draft public consultation period which ran from the 16th of May to the 15th June 2011, (inclusive).

Having regard to the emphasis placed by legislative requirements on the submission from the office of the Minister for the Environment, Heritage and Local Government and from the Border Regional Planning Authority, both of these submission are dealt with under a separate heading.

2.1.1 Submissions from the Border Regional Planning Authority and Minister for the Environment, Heritage and Local Government.

<table>
<thead>
<tr>
<th>Submission</th>
<th>No. 17</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Border Regional Authority</td>
</tr>
<tr>
<td>Address:</td>
<td>Corlurgan Business Park, Ballinagh Road Cavan.</td>
</tr>
</tbody>
</table>

Main Issue: Support for the Variation. Recommendation in respect to the restructuring of the Core Strategy

Summary of Submission
The submission welcomes the publication of the proposed Variation and acknowledges the work carried out to date by the Local Authority in preparing the Variation. This summary and recommendation takes into consideration two separate meetings between the project manager for the Border Regional Authority and the Planning Department.

The Regional Planning Authority has indicated that they consider that the content of the Development Plan and proposed Variation is current and generally robust with particular reference to the population projections as outlined in Section 1.05.03 of the Plan. In particular the submission considers that the existing growth strategy and settlement hierarchy within the Plan is an appropriate structure on which the Core Strategy should be based. It highlights the need to consider the current economic climate and challenges facing rural counties and the importance of the challenge of unfinished estates and high residential vacancy rates.

The submission welcomes the additional updates to the Plan outlined in the Schedule of Amendments document

The Regional Planning Authority considers that all key relevant information has been included with the proposed Variation to ensure consistency with the Regional Planning Guidelines.

The essence of the recommendations made in the submission and meeting with the project officer for the Border Regional Authority is on the need to restructure and reduce the size of the Core Strategy in order to a achieving a more coherent, concise document, with certain parts of the Strategy being assigned to a supporting document. The Council are urged to make appropriate cross references to relevant parts of the Development Plan or other relevant documents, as opposed to presenting such detail in the Core Strategy.

The Regional Planning Authority point towards the need to highlight from the outset the level of compliance between the overall population targets and settlement strategy set out in the current County Development Plan with those set out in the Regional Planning Guidelines. Also the need to demonstrate more clearly and more concisely how the residential land use requirements in respect to the main settlements have been arrived at having regard to the existing stock of residential units.
The submission recommends a number of heading that could be used in the restructuring of the Core Strategy in order to make the document into a more logical and more easily read document. In particular the Regional Planning Authority need to highlight the compliance between the overall population targets and settlement strategy set out in the current County Development Plan with those set out in the Regional Planning Guidelines. Also the need to demonstrate more clearly and more concisely how the residential land use requirements in respect to the main settlement have been arrived at, and in so doing, indicate how the stock of existing residential units have been taken into consideration.

Several other recommendations are made which are dealt with in the response below.

Managers Response
I wish to acknowledge the general support and positive observations/recommendations by the Regional Authority submission for the proposed Variation. In general terms the observations/recommendations made are reasonable and helpful and have been incorporated into the Variation as appropriate.

I attached Revised Draft Core Strategy which has been restructured and made clearer and more concise required by the submission. As part of the restructuring, a significant part of the Strategy has been assigned to a ‘background paper’ which will form Appendix F of the County Development Plan.

The Recommendations made by the Regional Authority in relation to achieving “a more logical and consistent approach to the development of the County” are consider valid and acceptable – See Recommendation below.

In relation to Recommendation 2, it should be noted that the issue of applying the housing figures and land use zoning requirements as set out in Tables 3.8 and 3.9 of the Regional Planning Guidelines, have been central to the construction of the Core Strategy. In particular population figures and residential density figures have been transposed directly from the Guidelines and a range of density figures appropriate to each of the Tiers have been applied. The revisions to the Core strategy presents the Councils approach in the above regard in a more coherent fashion.

In relation to Recommendation 5 it is considered that the ‘Sequential Approach’ as set out in Amendment 6, pg 7 of the ‘Schedule of Amendments’ is adequate and addresses the issues raised by the Regional Authority, pg 5 of the submission refers. It is accepted that new residential development during the remaining period of the Plan should taken place within the 0.5km boundary as recommended by the Regional Authority.

In relation to Recommendation 6, to apply the ‘Justification Test’ to areas outside the 0.50km boundary, it is accepted that this should apply, however it is considered appropriate that it should also apply inside the 0.5km boundary in certain instances where there remains a wide divergence between residential supply and demand.

In relation to Recommendation 7 it should be noted that the ‘Sequential Approach’ and ‘Justification Test’ will also apply to Tier 4 centres, as recommended by the submission.

In relation to Recommendation 8 regarding a policy statement in respect to applications for an “extension of time”, this refers more particularly to an application for and “extension of the appropriate period” i.e to extend the life of a permission. Applications for such an extension are governed by legislative requirements, the implementation of which is guided by Guidelines issued by the Department of Environment, Heritage and Local Government. It should be noted that the Council have already in place guidance in respect to making such an application. This and other such guidance documents will be kept under review and action taken as appropriate. Notwithstanding the foregoing and having regard to the high residential vacancy rates it is considered appropriate that a statement outlining the Councils position in relation applications for extensions of appropriate period should be included within the Core Strategy.
It should be noted that two meetings took place between the project manager of the Border Regional Authority and the Planning Department during the course of the submission. I wish to acknowledge the assistance of the Regional Authority in this regard.

**Recommendation**
That the Draft Core Strategy is revised having regard to the submission by the Regional Authority and the issues raised above. Refer to the attached revised Draft Core Strategy.

That the following amendments to the County Development Plan be made:

1) Amend section 1.03.07 from 1.03.07 Border Regional Planning Guidelines 2004
   The Border Region consists of the counties of Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth. The objective of the Regional Planning Guidelines is to provide a long-term strategic planning framework, for the development of the Border Region in the next 20-year period. In playing this role, the Region will also assist in the national objective of more balanced regional development, by providing a competitive and specialist location in the international context. It is acknowledged that the Region is challenged by some of the most difficult socio-economic and physical barriers to development.

   To
   1.03.07 Border Regional Planning Guidelines 2010-2022
   The Border Region consists of the counties of Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth. The objective of the Regional Planning Guidelines (RPG’s) is to provide a long-term strategic planning framework, for the development of the Border Region over the next 12 year period. In playing this role, the Region will also assist in the national objective of more balanced regional development, by providing a competitive and specialist location in the international context. It is acknowledged that the Region is challenged by some of the most difficult socio-economic and physical barriers to development.
   The RPG’s were adopted on the 29th September 2010. The County Development plan is amended to bring it in line and to render it consistent with the RPG’s.

2) Amend Section 1.07 by inserting new section 1.07 “Core Strategy" and renumber existing sections 1.07 and 1.08 as sections 1.08 and 1.09

3) Amend existing Section 1.07 where it states
   The Council’s Mission Statement, as set out in its Corporate Plan 2004-2009, is as follows;
   ‘The mission of Leitrim County Council is to lead the continued development of Leitrim as a location of choice for people to live, work, invest and visit’

   To
   New Section 1.08
   The Council’s Vision and Mission Statement, as set out in its Corporate Plan 2010-2014, is as follows;

   **Our Vision:**
   County Leitrim to be a vibrant, growing and accessible County for People to live, work, learn, invest and visit.

   **Our Mission Statement**
   ‘To provide high quality efficient services to ensure that Leitrim is a vibrant, growing, accessible and sustainable County for people to live, work, learn, invest and visit’

**Submission**
No 10.
From:
The Minister
Department of Environment Heritage and Local Government

**Address:**
Planning System and Spatial Policy
Department of Environment Heritage and Local Government
Main Issue
Restructure Core Strategy in order to make it more concise, more easily read and to rearrange presentation of certain key informative.

Summary of Submission
The Department refers to the submission made by the Border Regional Authority and in this regard urges the Planning Authority to follow the approach recommended in that submission.

The Department have indicated that the Planning Authority have in broad terms correctly translated the relevant population and housing requirements of the Regional Planning Guidelines into the Core Strategy. They reiterate some of the issues raised by the Regional Planning Authority including:

- The need to make editing and structural changes to the Core Strategy
- Affirmation of the adoption of the sequential approach
- Revision to Table 4 to better reflect Government Guidance in respect to Core Strategies
- The need to indicate how the level of vacant and unfinished housing has been factored into the Core Strategy
- The need to indicate how various environmental, flood risk retailing and other policies aspects have influenced the settlement strategy adopted.

The Department consider that the Core Strategy would have been better served by separately addressing the need to vary the plan as regards revisions to certain future road projects.

Managers Response
The Departments support for, and positive reaction to, the Variation by the Department is very much welcomed. In general terms many of issues raised are broadly similar to those raised by the Border Regional Authority. In this regard the Core Strategy has been revised so as to reflect the substance of the advice given by both parties. In particular the Core Strategy has been made into a more concise and coherent document. See response to submission No 17 made by the Border Regional Authority. In terms of the issue of flood risk management see response and recommendation in respect to submission by the OPW, No 16 refers.

The view of the Department that Core Strategy would be better served by addressing the future roads projects by means of a separate Variation is acknowledged. However it is considered that the proposed Variation is in accordance with a central function of the Core Strategy, i.e., to ensure that the Development Plan is properly aligned with other National and Regional Plans and Projects.

Recommendation
That the Draft Core Strategy is revised having regard to the submission by the Department and the issues raised above. Refer to response to submission 17 above (from the Border Regional Authority). Refer to attached revised Core Strategy.

Submissions from Prescribed Bodies, other Bodies and Interested Parties.

Submission
No 1.
From:
An Taisce
Address:
Tailors' Hall, Back Lane, Dublin 8

Main Issue
Incorporation of principles of Sustainable Development into the making and implementation of the County Development Plan

Summary of Submission
The submission would seem to be directed towards a Draft Leitrim County Development Plan 2009 – 2015 as opposed to a Variation of the Plan. An Taisce welcomes the commencement of the preparation by Leitrim County Council of the Draft Leitrim County Development Plan
2009 – 2015 and considers it imperative that the new Development Plan set out a rational evidence based and plan-led strategy for the future spatial development of the County to address critical emerging challenges and grounded in the principles of sustainable development.

The submission is focused on the need for the principles of sustainable development to be incorporated into plan making and plan implementation in particular. Reference is made throughout the submission to National Planning documents. The submission highlights the economic impacts of oil prices and climate change.

The submission is largely generic in nature and wide ranging in terms of the issues raised.

Recommendations made by an Taisce have been extracted from various parts of the report and are presented below. They include;

1. We would refer the Planning Authority to the recent report prepared by the Environmental Protection Agency – Sustainable Rural Development: Managing Housing in the Countryside 2010. The recommendations of this report should be incorporated directly into the Draft Development Plan.

2. Overall, An Taisce recommends that robust provisions are required to successfully transform Leitrim to a low-carbon society and economy and to mitigate the significant risks associated with rising energy costs and climate change adaptation. The success or otherwise of the forthcoming Draft Development Plan can only be judged against verifiable and implementable criteria which are subject to ongoing monitoring. It is not possible to monitor the effectiveness of the policies and objectives of the Draft Development Plan without the inclusion of quantifiable targets. Many recent best-practice statutory land use plans now include implementation measures. We have included in Appendix 1 a sample schedule of Targets, Indicators and Monitoring Measures and we recommend a similar schedule should be included in the Draft Development Plan.

3. We therefore recommend that the Planning Authority, in addition to the normal development management criteria, include a ‘Sustainability Matrix’ in the Draft County Development Plan setting out the range of sustainability criteria which should be intrinsic to all planning applications for development. The concept of a ‘Sustainability Matrix’ is now well developed throughout the UK and increasingly in Ireland and we recommend the Planning Authority include a requirement for all development proposals to be required to submit a Sustainability Statement with all planning applications. An excellent exemplar of a Sustainability Matrix is included the Clonburris Strategic Development Zone (SDZ) strategy prepared by South Dublin County Council.

4. Recommend that an appropriate overarching Vision Statement be included within all draft development plans. We recommend that the Draft Development Plan includes a chapter entitled ‘Green Infrastructure’ modeled on the content of the Draft Fingal County Development Plan 2010 – 2016 (Chapter 3)

5. We recommend that, in addition to promoting allotments/community gardens throughout the County, a designated area for allotment space be required in each new residential/mixed-use developments. We would refer the Planning Authority to the recent report prepared by the Environmental Protection Agency – Sustainable Rural Development: Managing Housing in the Countryside 2010. The recommendations of this report should be incorporated directly into the Draft Development Plan.

Managers Response
As mentioned above the submission while largely generic in nature it is relevant in terms of securing the objectives of sustainable development. The submission is wide ranging in terms
of the issues raised and it is noted that it is directed towards a Draft Leitrim County Development Plan 2009 – 2015 as opposed to a Variation of the Plan.

To a large extent it is considered that most of the issues referred to in the submission are already dealt with adequately in the CDP or in the proposed Variation or by other environmental mechanisms. It should also be noted that the Development Plan is not a standalone instrument - there is a host of other mechanisms in operation in terms of the protection of the environment. In terms of Land Use Planning and securing the sustainable development of the County, the Plan is considered, and has been acknowledged as, a robust document.

In relation to the recommendation to incorporate the EPA document “Sustainable Rural Development: Managing Housing in the Countryside 2010” it is considered that the policies and objectives of the existing plan and the amendments proposed in the Variation are robust and capable of delivering the “sustainable rural development in an efficient and equitable manner and in a way which is acceptable to the public” as outline in the said document. The Council will continue to strive towards achieving the principles of sustainable development with particular reference to securing sustainable rural communities. The council will continue in its role as the Planning Authority to consider the advice and recommendations issue by the EPA and other such bodies – See recommendation below.

In relation to recommendation to include of a “Sustainability Matrix in the CDP it should be noted that such a mechanism is provided for in the Environmental Report accompanying the CDP. In this regard provision is made for the monitoring of the environmental impacts arising from the implementation of the Plan.

In relation to the recommendation that “...the Planning Authority including a requirement for all development proposals to be required to submit a ‘Sustainability Statement’ with all planning applications”, it is considered that such a requirement in respect to “all” applications would be inappropriate. The Council will continue to promote the principles of sustainable development throughout its functions. With particular reference to this recommendation, the Council will consider incorporating a proposal in relation to the provision of a ‘Sustainability Statement’ with certain type planning applications by way of advice when reviewing the Planning Advice issued by the Planning Authority.

In relation to the inclusion of a Vision Statement and a chapter on Green Infrastructure it is considered that these issues are adequately dealt with in the existing CDP and proposed Core Strategy. The issue of a chapter on Green Infrastructure may be revisited in the forthcoming review of the CDP.

In relation to the provision of allotments the Council are favourably disposed to the provision of such at suitable locations. In this regard Section 2.09.02 - Provision for Recreation and Amenity contains the following statement

"The Council will also be favourably disposed towards community initiatives aimed at developing recreational resources in the County. In addition, community run gardens and allotments will also be looked upon favourably, in appropriate locations.” This provision is considered adequate.

In relation to the recommendation by An Taisce for the provision in the CDP of “a schedule of Targets, Indicators and Monitoring Measures”, it is considered that such a mechanism is provided for in the Environmental Report that accompanies the Plan. These measures will be reviewed and amended as considered appropriate in the forthcoming review of the CDP.

Recommendation
In order to further strengthen the CDP in terms of the sustainable development of Rural Areas it is recommended that the following policy be included;
Section 2.01.05  Renewal of Rural Areas
It is an objective of the Council to take a proactive, integrated approach towards the sustainable development of rural areas and to engaging with the public and other interested parties in so doing.

Submission
From:  No 2.
Donegal County Council
Address:  County House, Lifford, Co. Donegal

Main Issue  General Support for Variation

Summary of Submission
The submission considers that the Draft Variation to be broadly consistent with the strategy framework of the Regional Planning Guidelines and is complementary to the strategy being developed as part of the review of the Donegal County Development Plan. Donegal County Council welcome on-going discussion and exchange of information in planning matters of mutual interest.

Managers Response
I welcome the support for the Variation expressed by Donegal County Council and I am committed to continuing the to co-operation with the Council in planning matters. The submission does not raise any issues.

Recommendation
No change required

Submission
From:  No. 3
Cian O'Mahony Scientific Officer SEA Section
Address:  Office of Environmental Assessment
Environmental Protection Agency
Regional Inspectorate
Inniscarra, County Cork

Main Issue  Compliance with Environmental Protection

Summary of Submission
The submission acknowledges the Local Authorities position with regard to the need for a Strategic Environmental Assessment.

The EPA raise a number of issues which they consider should be taken into consideration in the preparation of the Variation, including:

- Provision of key infrastructure and services in advance of development
- Compliance with relevant key policies/objectives/programmes/strategies including flood risk.
- Obligations with respect to National Plans and Policies and EU Environmental Legislation
- Consideration of 'cumulative' and in 'combination environmental effects'
- SEA Assessment of any Amendment
- Notification Environmental Authorities in respect to SEA Determination and public display of same.

Managers Response
I am satisfied that the issues raised by the EPA in their submission have been properly dealt with as part of the making of the Variation. The existing Plan taken in conjunction with other mechanisms relating the protection of the environment provides a high level of protection for the environment. In addition, specific amendments have been included in order to update and
strengthen environmental protection, eg Flood Risk, Climate change, River Basin District Plans, Sustainable Transportation, and ensuring that adequate Wastewater Treatment facilities are available to serve new development. Also, I am confident that procedures in relation to SEA and Habitats Assessment requirements have and will continue to be fully complied with.

Submission
From: Tommy Gallagher
Address: Ross Lane Upper, Manorhamilton.

Main Issue Amendments 13 and 14 and mapping of N16.

Summary of Submission
This submission refers to proposed amendment 13 and 14. Amendment 13 relates to a proposal to update the mapping of the Manorhamilton By-pass. Amendment 14 relates to a proposal to update the mapping of the N16 Manorhamilton – Sligo Boundary Preferred Route. In this regard the submission raises 3 questions which are dealt with in my response below.

Managers Response

Question 1: Are amendments 13 & 14 the only variations in relation to Manorhamilton By- pass for County Development Plan 2009 – 2015?

Reply: Amendment 13 is the only amendment directly affecting the Manorhamilton By-pass. Amendment 14 has no direct affect on the proposed By-pass.

Question 2 Do the red lines on these maps 2.7 & 2.8 signify land take boundaries?

Reply: The red lines on maps 2.7 and 2.8 do not represent land take boundaries. They represent the extent of the area which is reserved in terms of planning control measures. Landowners whose land is to be acquired as part of the road project will be informed and negotiations will take place well in advance of any works.

Question 3: If so I would propose that these red land take lines are transferred onto Map 3 so that people whose homes are affected can see this impact as it is impossible to see the impact on individual dwellings/buildings on maps 2.7 & 2.8. Could you inform me if this proposal will be taken on board and acted upon?

Reply: Refer to reply to Question 2 above. Notwithstanding the foregoing and in the interest of clarity, the red lines on map 2.7 will be transferred onto the Map 3 which shows the zoning of lands in Manorhamilton – see Recommendation below.

Recommendation
In the interest of clarity and consistency it is recommended that the relevant section of Map 2.7 showing the proposed Manorhamilton By-pass replaces the existing marking shown on Map 3, Appendix D – Zoning Maps.

Submission
From: National Roads Authority
Address: St Martins House
Waterloo Road, Dublin 4

Main Issue Policies in relation to the National Primary Roads N4, N15 and N16

Summary of Submission
In relation to the naming of national primary road schemes (page 27 of the Draft Core Strategy) the submission makes comments in respect to the naming of the road schemes along the N4 and N16 and advise that schemes be more correctly presented as;
• N4 Carrick on Shannon to Dromod (end of recently completed bypass)
• N16 Manorhamilton to Sligo county Boundary at Glencar
• N16 Manorhamilton Bypass
• N16 Manorhamilton to Cavan county Boundary at Glenfarnie

Referring to the Section on Key Infrastructure (page 29 of the Draft Core Strategy), the submission considers that reference should be made to Spatial Planning and National roads (Draft) Guidelines for Planning Authorities.

Also in relation policy on Enterprise and Employment, (page 33 of the Draft Core Strategy) in rural areas, the NRA consider that cross reference should be made to the Councils policy restricting access onto national road network.

In relation to the zoning of lands adjoining national roads and located outside the 50kph speed limit zone the submission states;

"The Authority highlighted the requirement to consider zoning objectives adjoining national roads at locations outside reduced 50kph urban speed limit locations in the Authority’s submission on the Draft Leitrim County Development Plan 2009 – 2015 in May 2008, particularly relating to Manorhamilton and Tullaghan. As such these issues does not seem to have been resolved, the Authorities position remains as set out in that earlier correspondence, please see copy attached.

In relation to mapping amendments to Dromod settlement plan, it is noted that the extent of the Tourism Related Development zoning objective extends onto the line of the existing N4; the Council may consider amending the map to remove such a zoning objective from encroaching on the national primary road."

The submission considers that reference should be made in the Plan to the document entitled; “Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities, June 2010.

Managers Response
The issues raised in respect to the naming of National Roads schemes have been considered – see recommendations under below.

It is considered that the issue in relation to development plan policy associated with the control of access onto National Primary roads in rural areas, is adequately set out and easily accessible in the Plan.

In relation to the issues raised in respect to the zoning of land adjoining the National Primary and outside the 50kph speed limit zone, the Planning Authority is satisfied that the issues raised by the NRA in their submission on the Draft County Development Plan 2009 – 2015 were fully dealt with in the associated Managers Report. Whereas the zoning of lands may coincide with areas outside the 50kph urban speed limit locations, access onto the national primary route at such locations will not normally be permitted. The Councils long standing record on restricting access onto National Primary Routes is testimony to the adequacy of existing development plan policy and the implementation of best practice in this regard.

The issue in relation to incorporating the National Guidelines into the Core Strategy has been considered – See recommendation under Amendment 3 below.

Recommendation
It is recommended that the list of road schemes presented on page 27 of the Draft Core Strategy be modified as follows;

Existing List

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>N4</td>
<td>Carrick on Shannon to Dromod [end of recently completed bypass]</td>
</tr>
<tr>
<td>N4</td>
<td>Carrick on Shannon Bypass</td>
</tr>
<tr>
<td>N16</td>
<td>Sligo County Boundary to Glencar</td>
</tr>
<tr>
<td>N16</td>
<td>Glencar to Manorhamilton</td>
</tr>
<tr>
<td>N16</td>
<td>Manorhamilton Bypass</td>
</tr>
</tbody>
</table>
Modified List
- N4 Carrick on Shannon to Dromod (end of recently completed bypass)
- N16 Manorhamilton to Sligo county Boundary at Glencar
- N16 Manorhamilton Bypass
- N16 Manorhamilton to Cavan county Boundary at Glenfarne

It is recommended that the following statement be incorporated into the Section on Key Infrastructure, page 29 of the Draft Core Strategy.

The Council's policy in relation to the development of National Roads will be guided by National Guidelines including in particular the document entitled; “Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities, June 2010 or any subsequent version issued during the lifetime of the Plan.

Submission
From: No 6.
Harry Nugent (on behalf of DSB Care)
Address: York House, 140 High Town Road, Luton,
Bedfordshire, LU2 0DJ, United Kingdom

Main Issue
Rezoning of Land in Drumshanbo from Enterprise and Employment to Social and Community.

Summary of Submission
The submission requests that lands located along the Dowra Road Drumshanbo be rezoned from Enterprise and Employment to Social and Community. The submission indicates that would facilitate the application for the development of a 65 Bed Nursing Home with 4 x two-storey shelter houses. Mention is made of a pre-planning consultation held in November 2010 in respect to the proposed development. The submission refers to an existing permission on the site for a Warehouse and Office Unit, circa 22,500 sq ft, planning reference 07/542 refers. A justification for the selection of the site for the proposed development has been included in the submission. A map indicating the location of the lands is included as part of the submission and is presented below.

Managers Response
There is no proposal in the Variation that would affect these lands. A reduction in the lands zoned Enterprise and Employment at this location would be considered inappropriate as the lands concerned are part of a wider area zoned Enterprise and Employment. It is a key requirement of the Development Plan process to ensure that there are sufficient lands zoned to accommodate opportunities for enterprise and employment. It is obvious that under the current Plan there is a large oversupply of lands zoned for residential related use and this is in addition an extremely high stock of vacant residential property. Whereas it is acknowledged that that a significant amount of the lands zoned as suitable for nursing home is on sloped ground, there are nevertheless sufficient lands available within, or close to, the town that could accommodate the proposed development.

Notwithstanding the zoning of the lands as Enterprise and Employment, an application for a Nursing Home/Residential Development may be made on the lands. A decision to grant any such permission would constitute a Material Contravention of the County Development Plan under Section 34 (6) of the Planning and Development Act 2000, as amended.

Recommendation
That the existing zoning of the site as Enterprise and Employment remains unchanged
Submission
From:
T J J McLoughlin
Hillsborough, 141 London Road, Luton,
Bedfordshire, LU1 3RL
United Kingdom

Address:

Main issue
Rezoning of Land in Drumshanbo from Enterprise and Employment to Social and Community.
Summary of Submission
This is a similar submission to that made under Submission 6 above. In addition to submission 6, this submission indicates that a UK investor is willing to invest in the development and that the development will create nearly 50 long-term sustainable jobs. Also, that the development has Government and local support.

Managers Response and Recommendation
See response and recommendation to submission No 6 above.

Submission
From: Gerard Mc Partlan
Address: Tuckmillpark, Manorhamilton, Co. Leitrim.

Main Issue
Rezoning of lands at Manorhamilton – Plot 21 on Zoning Map 3a

Summary of Submission
This submission relates to part of plot marked 21 on Appendix D Zoning Map 3a - which forms part of the Variation. The lands are currently zoned Primarily Residential and it is proposed to dezone the vacant lands. Part of the lands is within a Special Area of Conservation as indicated on attached Map. The submission refers to an application on the site made under planning reference P00/491, consisting of 26 dwelling houses, 10 holiday chalets and a 40 bedroom hotel. Six dwelling have been developed at the northern part of the site and five holiday chalets at the western part of the site – this permission has now expired.

The submission requests that that part of the site on which it is proposed to erect a hotel be zoned Tourism/Amenity/enterprise/Community and that part of the remainder be zoned Primarily Residential and that the balance be zoned Residential Reserve/Support. The submission states that the foundations for 4 dwelling have commenced, presumably these adjoin the 6 at the northern end. The submission make a brief justification for the zoning as requested. In particular it refers to the installation of services to accommodate the development and indicates that it would be difficult, if not impossible to restore the site to agricultural use.

Managers Response
The target for residential zoning set for Manorhamilton is 3.16 Ha. The amount of lands zoned for residential development under the Variation is 4.06 which represents a slight overrun. It is important however to recognize that Manorhamilton is a strategic town within the Northern part of the County, therefore a slight additional overrun in this instance is by no means critical in terms of the overall target. Having regard to the foregoing and considering; the recent planning history of the site, the location of the development adjoining a national school and other residential development, in close proximity to the hospital and other services and facilities and taken in conjunction with works already commenced on site it is considered reasonable that that portion of the northern part of the site where foundations have been laid would remain zoned primarily residential. The area concerned would amount to approximately 0.18Ha. This is not to indicate that Planning Authority would, in the absence of a significant reduction in the level of vacant residential units in Manorhamilton, be disposed towards a grant of permission for residential development on the site.

In terms of the balance of the site and having regard to the foregoing, it is considered that that part outlined in blue should be zoned residential reserve support. The latter zoning would provide for certain tourism, enterprise, amenity and community uses and would be compatible with adjoining zoning.

It is considered that the area which is within the SAC should be dezoned as proposed in order to ensure the protection of the SAC.
Recommendation
A) That the lands outlined in red and marked B on the map below remain zoned Primarily Residential.
B) That the lands marked C on the map below be rezoned from Primarily Residential to Residential Reserve Support.
C) The balance of the applicant’s lands to be dezonned as proposed under the Variation.

Map 3a

Submission
From: John & Farrell McKeon
Address: Ballinamore Road, Drumshanbo, Co. Leitrim

Main Issue
Changes to Zoning of 5 No Plots in Drumshanbo

Summary of Submission
This is a joint submission by 5 landowners in respect to 5 parcels of zoned lands within Drumshanbo. The names of the landowners are not given however there are two signatures to the submission. The submission makes reference to National, Regional, County and Local Plans including the Regional Planning Guidelines, the County Development Plan and the Drumshanbo Urban Framework Plan 2005, in support of the submission. A broad welcome is extended in the submission to the proposed Variation and a number of suggestions are made in respect to changes to proposed zoning as set out in the Variation. Each of the 5 parcels of land are dealt with separately as summarised below.

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
<th>Requested Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>7a</td>
<td>Primarily Residential</td>
<td>Residential Reserve Support</td>
<td>No (immediate) change</td>
</tr>
<tr>
<td>7b</td>
<td>Primarily</td>
<td>Dezone</td>
<td>Social and Community (part)</td>
</tr>
<tr>
<td></td>
<td>Residential</td>
<td>Social and Community</td>
<td>Primarily Residential (one house)</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
<td>----------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>7c</td>
<td>Primarily Residential</td>
<td>Social and Community</td>
<td>Primarily Residential (one house)</td>
</tr>
<tr>
<td>8a</td>
<td>Primarily Residential</td>
<td>Residential Reserve Support</td>
<td>Primarily Residential</td>
</tr>
<tr>
<td>8b</td>
<td>Primarily Residential</td>
<td>Dezone</td>
<td>Primarily Residential</td>
</tr>
</tbody>
</table>

Parcel 7a – The landowners indicate their broad agreement for the proposal to rezone this land from Primarily Residential to Residential Reserve Support at this time. However they request that this proposal be reconsidered in any subsequent rezoning to the CDP.

Parcel 7b Under the Variation Parcel 7b is proposed to be dezonied lands currently zoned Primarily residential. The submission request that a portion of Parcel 7b (circum 3 acres) be rezoned from Primarily Residential to Social and Community. Parcel 7c Under the Variation Parcel 7c is proposed to be rezoned from Primarily Residential to Social and Community. The submission requests that parcel 7c (circum 3 acres) remains as Primarily Residential.

A justification in respect to the above plots 7b and 7c has been submitted. In summary the submission considers that part of Parcel 7b is more suitable to Community and Social use, in terms of its topography, access and location relative to the adjacent GAA Park. The submission considers that a large portion of 7c is back garden and farmyard where no development is intended. The submission indicates that it is intended that an application to construct a single dwelling house will be made by the landowners sister for a single dwelling house.

Parcel 8a. It is proposed under the Variation to zone this parcel of land from Primarily Residential to Residential Reserve Support. The submission requests that these lands remain zoned Primarily Residential. A number of reasons are made in support of the request including:

The rezoning would diminish the value of the land causing enormous financial and legal difficulties for the landowners.

The lands are fully serviced with spare wastewater pumping capacity.

The land is located beside an existing residential development and the development of these lands could be considered as infill.

The development of the lands would be consistent with the position adopted by An Bord Pleanala (PL12.213478) and Leitrim County Council (04/1764) and the Drumshanbo Urban Framework Plan 2005 in respect to these lands.

Parcel 8b These lands are currently zoned Primarily Residential. It is proposed under the Variation to dezone these lands. The submission requests that the lands remain zoned Primarily Residential. In this regard reference is made in the submission to the reasons outlined under Parcel 8a with particular reference to the financial and legal consequences for the landowners. The two maps accompanying the submission are shown below.
MANAGEMENT RESPONSE.

The support for the Variation expressed in the submission is acknowledged. At the outset is important to highlight that there is a sufficient first time vacant and under construction residential development to serve the projected population targets for Drumshanbo during the period of the Plan and well beyond, even using the most optimistic projections. Notwithstanding this scenario, there is presently 50.55 Ha (833 residential units) of land zoned as suitable for residential development in
Drumshanbo – it is now proposed to reduce this figure to 2.01 Ha (30 residential units) - which is generous considering the high level of residential supply and the low demand.

It is propose to deal with each parcel of lands as presented in the submission and above summary.

Parcel 7b. The proposal under the Variation to dezone this parcel of land would not frustrate the consideration of a proposal to develop these lands for a use such as a proposal for an extension of the existing sporting facility adjoining the lands. Indeed, subject to normal planning requirements, such a proposal may well be welcomed.

Parcel 7c The proposal under the Variation to rezone this parcel of land from Primarily Residential to Social and Community would allow for the consideration of a proposal to erect a single dwelling house. Considering the level of vacant and under construction residential units in Drumshanbo as outlined above and taken in conjunction with the level of vacant residential lands to be retained for residential development, there is no justification for an increase in the level of vacant residential lands from that proposed under the Variation, notwithstanding the fact that these lands may be serviced. A small portion of parcel 7c adjoining the public road, marked B and outlined in red on the map below is presently in residential use. Accordingly it is considered appropriate that the zoning of this area revert to its former zoning as Primarily Residential. Considering the location of the lands adjoining the GAA grounds, the rezoning of the balance of the lands from Primarily Residential to Social and Community is considered appropriate.

Parcel 8a The proposal to rezone these lands from Primarily Residential to Residential Reserve Support is considered appropriate having regard to the location of the lands and the stock of residential development within Drumshanbo as outlined above. The rezoning of the lands will allow for the consideration of a wide range of uses including use as, nursing home, a school, workshops and other community and commercial uses that would complement a residential use.

Parcel 8b. The proposal to dezone these lands is considered appropriate having regard to the peripheral location of the lands and the issues raised above in respect to the stock of residential lands located within Drumshanbo as outlined above.

Recommendation
That the portion of parcel 7c marked B and outlined in red on the map below revert to its former use as Primarily Residential and that the balance of parcel 7c be rezoned from Primarily Residential to Social and Community as proposed in the Draft Variation.
Submission
From: No 11
Attracta Gallagher
Address: Ross Lane Upper,
Manorhamilton, Co Leitrim

Main Issue
Manorhamilton Bypass

Summary of Submission
This submission request that certain design provisions be included with respect to the Manorhamilton Bypass as part of the Variation. These provisions relate to the design of junctions and the inclusion of an overpass for Ross Lane. Reasons for these provisions are set out in the submission.

The submission considers that the Development Plan should incorporate as high a standard as possible for the inhabitants of the County.

Managers Response
The proposed Variation does not deal directly with the actual design of the Bypass, nor is it considered appropriate that it should do so at this juncture. The proposed Variation simply incorporates the extent of the preferred route corridor into the County Development Plan and in so doing updates the current mapping of the proposed Bypass. The submission has been forwarded to the Road Design Department who will act on submission as appropriate.

Recommendation
Refer submission to Road Design for their consideration

Submission
From: No 12
Padraig Foley, C/o Peter O'Rourke
Address: Tullyvacan, Ballinaglera, Co. Leitrim
Main Issue : Dezoning of Plot 7b Drumshanbo

Summary of Submission
The submission requests that the lands marked 7b on Map 2a Appendix – Zoning Maps is not dezonned as proposed and that it remain zoned as Primarily Residential. The submission indicates that the owner of the lands intends submitting an application for a dwelling house as a permanent place of residence. A justification for the development is submitted which includes reference to the suitability of the site, compliance with the existing County Development Plan and meeting population targets and housing requirements.

Managers Response
Plot 7b consists of approximately 3.65 Ha. While it is acknowledged that the applicant requires the land to remain zoned Primarily Residential in order to accommodate a single dwelling for his own use, it should be noted that were it to remain zoned it would have the potential to accommodate a significant number of residential units. Considering the factors outlined in my response to submission 9 above in relation to residential land use requirements in Drumshanbo and taking into consideration that the dezonning of the lands would not in any way preclude the consideration of an application for a single dwelling house on the lands, the proposal to reduce the amount of residential lands at this location is considered appropriate. Under the proposal to dezone the lands, an application for a single dwelling house on the lands would be assessed in accordance with the policies and objectives relating to the provision of rural housing.

Recommendation
It is recommended that the lands be dezonned as proposed.

Submission
From: No 13 Forward Planning Section, Department of Education & Skills
Main Issue: No issue raised
Summary of Submission
The Department of Education & Skills noted the proposed Variation and indicated they have no further comment to make in this instance.

Submission
From: No 14 Co-ordination Unit Department of Communication, Energy and Natural Resources
Address: Elm House, Cavan.
Main Issue: No issue raised
Summary of Submission
The Department of Communication, Energy and Natural Resources have indicated that they have no comment/observation to make at this time.

Submission
From: No 15 Development Application Unit, Department of Arts, Heritage and Local the Gaeltacht.
Address: Development Application Unit, Built Heritage & Architectural Policy, Department of Arts, Heritage and the Gaeltacht, Newtown road, Wexford.

Main Issue Impact on Architectural Heritage

Summary of Submission
The Applications Unit have indicated that the Variation will not have a significant impact on the architectural heritage of the County. Furthermore they have indicated that impacts, if any, can be addressed at a future time.

Response and Recommendation
None required.

Submission
No 16
Office of Public Works (OPW)

Address:
Engineering Services, Office of Public Works

Main Issue Management of Flood Risk

Summary of Submission
The submission from the OPW states, inter alia, "......while it evident that some dezonings and/or change of use of zoning has occurred it is not clearly evident that this has occurred taking account of the Guidelines system, whereby the flood risk areas are mapped out in accordance with the 3 flood zones A, B and C system as required by the Guidelines". The submission elaborates on the need to carry out flood risk assessment in accordance with the Flood Risk Guidelines.

The OPW have indicated that Draft flood mapping will be available for the Leitrim County Development area by the end 2013, through the OPW Catchment Flood Risk Assessment and Management Study (CFRAMS). This flood mapping will identify the flood zones for areas at significant risk. The submission highlights the need to adopt a precautionary approach in the interim.

Managers Response
Whereas a Stage 2 Flood Risk Assessment in accordance with the Flood Risk Guidelines has not been carried out to date, it should be noted that mapping of areas at risk of flooding has been carried out and the results of such mapping has directly influenced the making of the Variation. It should also be noted that the Flood Risk Guidelines has themselves been suitably incorporated into the current Carrick on Shannon Local Area Plan 2010 – 2016 and are now proposed to be incorporate into the County Development Plan under the Variation.

Significant dezonings/rezoning is now proposed under the Variation as a result of the flood risk mapping mentioned above, with particular reference to, Ballinamore, Mohill, Dromod and Leitrim Village.

The proposed Variation will significantly strengthen the existing Development Plan policies and objectives and in this regard the Council is confident that the amended plan taken will be a robust document in terms of the management of flood risk.

Recommendation
That the following statement be added to Amendment No 8.

The Council will continue to work in conjunction with the OPW and other relevant bodies towards the management of flood risk with particular reference to the OPW of flood risk mapping and other documentation under the Catchment Flood Risk Assessment and Management Study (CFRAMS) project and having regard to the availability of resources.
Submission  | No 18  
From:      | Tom Keane  
Address:   | Acres, Drumshanbo, Co Leitrim  

**Main Issue**  | Dezoning of lands in Drumshanbo – Plot 1B

**Summary of Submission**
The submissions objects to the proposal to dezone lands located opposite the Amenity Scheme at Acres Lake. The lands are marked 1B on the Appendix D – Zoning Maps and are currently zoned Primarily Residential. The submission presents a number reasons why the lands should not be deazoned including:

- Land are located beside Amenity Scheme and have potential for tourism development.
- The land are located beside existing residential development and represent infill development.
- Significant development has taken place along the adjoining road which connects with Carrick on Shannon.
- Any development would be low density and would not add significantly to the “amount of potential housing units”

**Managers Response**
The area of the lands concerned is approximately 7.94 Ha which has a potential yield of 120 units. In addition to the foregoing the lands concerned are located at the periphery of the town and in this regard the sequential approach would apply whereby priority is given to the development of lands towards the core of the town. Considering the foregoing and factors outlined in my response to submission 9 and 12 above in relation to residential land use requirements in Drumshanbo, the proposal to reduce the amount of residential lands at this location as proposed, is considered appropriate. It should be noted that the lands are not capable of being served by a gravity sewer and in this regard the development of the lands would not be in accordance with the requirements of the County Development Plan.

**Recommendation**
That the lands be deazoned as proposed.

Submission  | No 19  
From:      | Cumman Luthchleas Gael – Gael na hAlíne  
Address:   | The Secretary, Ellis NaGabháin, Carrick Road, Drumshanbo, Co. Leitrim  

**Main Issue**  | Zoning of lands at Drumshanbo – Plots 7c and 7b

**Summary of Submission**
This submission relates to lands adjoining the GAA football facility at Drumshanbo. The proposal under the Variation is to rezone Plot C from Primarily Residential to Social and Communit and to dezone Plot 7b which is currently zoned Primarily Residential. The submission requests that plot 7b be rezoned social and community instead of plot 7c. The submission lists a number of reason why such would be more appropriate. A related request has been made under submission No 9. Also a submission has been made by the landowner to retain the current zoning of the lands as Primarily Residential under submission No 12.

**Managers Response**
As mentioned previously under submission under submission 9 the rezoning of the lands would not preclude the consideration of an application for a use such as that proposed. Indeed, subject to normal planning requirements such a proposal may well be welcomed. See response to submissions 9 and 12.

Recommendation
That no change be made to the proposed Variation at this location.

Submission
No 20
From: Gerard McPartland
Address: Tuckmillpark, Manorhamilton

Main Issue
Rezoning of lands at Manorhamilton – Plot 21 on Zoning Map 3a

Summary of Submission
This is a repeat of submission No 8, apart from the inclusion of two maps indicating the lands concerned and the extent of rezoning required. Whereas mention was made in the previous submission to zoning part of the lands as primarily residential and part residential reserve support, the residential reserve support aspect has not been included in submission 20.

Response and Recommendation
See Response and Recommendation made under submission No 8.

Submission
No 21
From: Dublin Airport Authority (daa)
Address: Dublin Airport Authority plc, Head Office, Dublin Airport.

Main Issue
No issue raised

Summary of Submission
The submission indicates that the Dublin Airport Authority have no observations to make at this time.

Late Submission
No 22
From: CEO Drumshanbo Forum Ltd.
Address: Drumshanbo Forum Ltd, Enterprise Centre, Hill Road, Drumshanbo.

Main Issue
Zoning of Land in Drumshanbo from Enterprise and Employment to Social and Community.

This submission was received after the closing date for the receipt of submission. However, a similar submission was made under submissions 6 and 7.

2.2 SEA and AA Determination in respect to Amendments to Variation
In terms of Section 13 (6) (aa) of the Planning and Development Act 2000 as amended, it is considered that the recommended amendments made by this report would not, either on their own or cumulatively, constitute a material alteration of the Development Plan in terms of having a significant adverse impact on the environment. In general terms the amendments would strengthen the protection of the environment. Accordingly the requirements for a Strategic Environmental Assessment (SEA) under the SEA Regulations or an Appropriate Assessment (AA) under the Habitats Directive, do not apply.
2.3 Conclusion and Recommendation

I wish to thank all those who made submissions and wish to assure them that the issues raised have been taken into consideration in the making of the Variation. In many instances it is clear that the recommendations arising from the submissions have strengthened the aims and objectives of the Plan.

In conclusion I wish to recommend that the proposed Variation, including the recommendations outlined above, be adopted by the Members.

J. Maguire
County Manager
<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Name</th>
<th>Address</th>
<th>Date Rec’d</th>
<th>Date Ack’d</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>An Taisce</td>
<td>Tailors’ Hall, Back Lane, Dublin 8</td>
<td>19/05/2011</td>
<td>19/05/2011</td>
</tr>
<tr>
<td>2</td>
<td>Donegal County Council</td>
<td>Planning &amp; Economic Development, County House, Lifford, Co. Donegal</td>
<td>25/05/2011</td>
<td>25/05/2011</td>
</tr>
<tr>
<td>3</td>
<td>Cian O’Mahony, Scientific Officer, E.P.A</td>
<td>SEA Section, Office of Environmental Assessment, Environmental Protection Agency, Regional Inspectorate, Inniscarra, County Cork</td>
<td>02/06/2011</td>
<td>02/06/2011</td>
</tr>
<tr>
<td>4</td>
<td>Tommy Gallagher</td>
<td>Ross Lane Upper, Manorhamilton, Co. Leitrim</td>
<td>10/06/2011</td>
<td>13/06/2011</td>
</tr>
<tr>
<td>5</td>
<td>National Roads Authority</td>
<td>St Martin’s House, Waterloo Road, Dublin 4</td>
<td>10/06/2011</td>
<td>13/06/2011</td>
</tr>
<tr>
<td>6</td>
<td>Harry Nugent, For and on behalf of DSB Care</td>
<td>York House, 140 High Town Road, Luton, Bedfordshire, LU2 ODJ, United Kingdom</td>
<td>13/06/2011</td>
<td>14/06/2011</td>
</tr>
<tr>
<td>7</td>
<td>T.J. McLoughlin</td>
<td>Hillsborough, 141 London Rd, Luton, Bedfordshire, LU1 3RL, United Kingdom</td>
<td>13/06/2011</td>
<td>14/06/2011</td>
</tr>
<tr>
<td>8</td>
<td>Gerard McPartlan</td>
<td>Tuckmillpark, Manorhamilton, Co. Leitrim</td>
<td>14/06/2011</td>
<td>14/06/2011</td>
</tr>
<tr>
<td>9</td>
<td>John &amp; Farrell McKeon</td>
<td>Ballinamore Road, Drumshanbo, Co. Leitrim</td>
<td>14/06/2011</td>
<td>14/06/2011</td>
</tr>
<tr>
<td>10</td>
<td>Margaret Killeen, Planning System &amp; Spatial Policy</td>
<td>Department of the Environment, Community &amp; Local Government, Custom House, Dublin 1</td>
<td>14/06/2011</td>
<td>16/06/2011</td>
</tr>
<tr>
<td>11</td>
<td>Attracta Gallagher</td>
<td>Ross Lane Upper, Manorhamilton, Co. Leitrim</td>
<td>14/06/2011</td>
<td>16.06.2011</td>
</tr>
<tr>
<td>12</td>
<td>Padraig Foley, C/o Peter O’Rourke</td>
<td>Tullyvacan, Ballinaglera, Co. Leitrim</td>
<td>14/06/2011</td>
<td>16.06.2011</td>
</tr>
<tr>
<td>13</td>
<td>Deirdre Maher Executive Officer,</td>
<td>Forward Planning Section, Department of Education &amp; Skills, Portlaoise Road, Tullamore, Co Offaly</td>
<td>15.06.2011</td>
<td>15.06.2011</td>
</tr>
<tr>
<td>14</td>
<td>Carmel Conaty,</td>
<td>Co-ordination Unit, Dept of Communications, Energy &amp; Natural Resources, Elm House, Cavan</td>
<td>15/06/2011</td>
<td>16/06/2011</td>
</tr>
<tr>
<td>15</td>
<td>Paul McMahon</td>
<td>Development Applications Unit, Built Heritage &amp; Architectural Policy, Department of Arts, Heritage &amp; the Gaeltacht, Newtown Road, Wexford</td>
<td>15/06/2011</td>
<td>16/06/2011</td>
</tr>
<tr>
<td>16</td>
<td>Kevin Byrne, Engineering Services</td>
<td>The Office of Public Works, 51 St. Stephen’s Green, Dublin 2</td>
<td>15/06/2011</td>
<td>16/06/2011</td>
</tr>
<tr>
<td>17</td>
<td>Matt Donnelly, Director</td>
<td>Border Regional Authority, Corrigan</td>
<td>15/06/2011</td>
<td>17/06/2011</td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Address</td>
<td>Date</td>
<td>Deadline</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------</td>
<td>----------------------------------------------</td>
<td>----------</td>
<td>--------------</td>
</tr>
<tr>
<td>18</td>
<td>Tom Keane</td>
<td>Acres, Drumshanbo, Co. Leitrim</td>
<td>15/06/2011</td>
<td>17/06/2011</td>
</tr>
<tr>
<td>19</td>
<td>Cumann Luthchleas Gael</td>
<td>Gaeil na hAilne, Drumshanbo, Co. Leitrim</td>
<td>15/06/2011</td>
<td>17/06/2011</td>
</tr>
<tr>
<td>20</td>
<td>Gerard McPartlan</td>
<td>Tuckmillpark, Manorhamilton, Co. Leitrim</td>
<td>15/6/2011</td>
<td>17/06/2011</td>
</tr>
<tr>
<td>21</td>
<td>Yvonne Dalton, Head of Planning</td>
<td>Dublin Airport Authority, Head Office, Dublin Airport</td>
<td>15/6/2011</td>
<td>17/06/2011</td>
</tr>
<tr>
<td>22</td>
<td>Cyril McKeon, C.E.O., Drumshanbo Forum Ltd, (Late Submission)</td>
<td>Enterprise Centre, Hill Road, Drumshanbo, Co. Leitrim</td>
<td>16/06/2011</td>
<td>20/06/2011</td>
</tr>
</tbody>
</table>
LEITRIM COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 - 2010


Notice is hereby given that Leitrim County Council proposes to make a Variation to the Leitrim County Development Plan 2009 – 2015. The Variation is being carried out primarily to ensure that the aforementioned Development Plan is compliance with the Core Strategy provisions introduced by the Planning and Development (Amendment) Act 2010, the Border Regional Planning Guidelines 2010 - 2022 and also to update proposals in respect to preferred routes for; the N4 Carrick on Shannon By-pass, the N16 Manorhamilton By-pass and N16 Manorhamilton to County Boundary. Proposals for rezoning/dezoning of lands in the following towns and villages are included in the Variation.

Ballinamore, Drumshanbo, Manorhamilton and Mohill

Carrigallen, Dromahair, Dromod, Drumkeerin, Kinlough, Leitrim and Tullaghan.

The Variation will impact on the Carrick on Shannon Local Area Plan.

In accordance with legislative requirements the Planning Authority has determined that a Strategic Environmental Assessment and an Appropriate Assessment are not required for the Proposed Variations.

Submissions or observations regarding the proposed Variation are invited from members of the public and other interested parties and will be taken into account before making the Variation. Submissions, marked “Variation No 1 to County Development Plan”, may be made in writing during the period from Monday 16th May 2011 to Wednesday 16th June 2011 (inclusive), Submissions should be made to the following address;

The Planning Department, Aras an Chontae, Leitrim County Council, Carrick on Shannon, Co.Leitrim.

Submissions and observations may also be made by e-mail during the same period to the following address - devplan@leitrimcoco.ie and should state the name and address of the person making the submission and where relevant the body represented. The Council is not accepting submissions by e-mail to any other Council address.

A copy of the Proposed Variations, the Strategic Environmental Determination and Appropriate Assessment Screening Report will be available for public inspection at the following locations during the submission period:

The Planning Department, Aras an Chontae, Leitrim County Council, Carrick on Shannon, Co. Leitrim.

Opening hours: 9.00 - 4.00 Monday to Friday (excluding Bank and Public Holidays)

Leitrim County Council Area Offices in Dromahair, Manorhamilton, Mohill and Ballinamore.

Opening hours for Area Offices: 9.00 - 1.00 and 2.00 - 5.00 Monday to Thursday and 9.00 – 1.00 and 2.00 - 4.45 on Fridays (excluding Bank and Public Holidays)

The proposed Variation will also be available for inspection at the local libraries and on the Council’s website http://www.leitrimcoco.ie
List of Prescribed Authorities

In accordance with the requirements of Article 5 of the Planning and Development Regulations 2006 which substituted Article 13 of the Planning and Development Regulations 2001

(a) Spatial Policy Section
Dept. of Environment, Heritage & Local Government,
Custom House,
Dublin 1
(in lieu of the Minister as per circular letter SP/08)

(b) An Bord Pleanala,
64 Marlborough Street,
Dublin 1.

(c) The Minister,
Department of Agriculture, Fisheries and Food,
Agriculture House,
Kildare Street,
Dublin 2.

(d) The Minister,
Dept of Community, Rural and Gaeltacht Affairs,
Dún Almhirgin,
43-49 Mespil Road,
Dublin 4

(e) The Minister,
Department of Defence,
Infirmary Road
Park Gate,
Dublin 7.

(f) The Minister,
Department of Education & Science,
Malborough Street,
Dublin 1.

(g) The Minister,
Department of Communications, Energy and Natural Resources,
29-31 Adelaide Road,
Dublin 2.

(h) The Minister,
The Department of Transport,
Transport House,
Kildare St.,
Dublin 2.

(i) Dublin Airport Authority,
    Head Office,
    Dublin Airport,
    Dublin.

(j) Fáilte Ireland
    Baggot Street Bridge,
    Dublin 2.

(k) Central Fisheries Board,
    c/o Inland Fisheries Ireland,
    Swords Business Campus,
    Swords,
    Co. Dublin.

(l) An Chomhairle Éalaíon,
    70 Merrion Square,
    Dublin 2.

(m) The Office of Public Works,
    51 St. Stephen's Green,
    Dublin 2.

(n) Not Applicable

(o) Property Services
    ESB Head Office,
    27 Lr. Fitzwilliam Street,
    Dublin 2.

(p) Forfás,
    Wilton Park House
    Wilton Place
    Dublin 2

(q) HSE (North West),
    Manorhamilton,
    Co. Leitrim.

(r) The Heritage Council,
    Aras na hOidreachta
    Church Lane
    Kilkenny.
Health and Safety Authority,
The Metropolitan Building,
James Joyce Street,
Dublin 1.

National Roads Authority,
St. Martin's House,
Waterloo Road,
Dublin 4.

Northern Regional Fisheries Board,
c/o Inland Fisheries Ireland,
Station Road,
Ballyshannon,
Donegal,
Co. Donegal.

North Western Regional Fisheries Board,
c/o Inland Fisheries Ireland,
Ardnaree House,
Abbey St.,
Ballina,
Co. Mayo

Western Regional Fisheries Board,
c/o Inland Fisheries Ireland,
Wier Lodge,
Earls Island,
Galway

Shannon Regional Fisheries Board,
c/o Inland Fisheries Ireland,
Ashbourne Business Park,
Dock Rd.,
Limerick

Not Applicable

An Taisce,
Tailor's Hall,
Dublin 8.

Longford County Council,
Aras an Chontae,
Great Water St.,
Longford

Sligo County Council,
County Hall
Riverside,
Sligo
Roscommon County Council,
The Courthouse,
Roscommon,
Co. Roscommon.

Cavan County Council,
The Courthouse,
Farnham Street,
Cavan,
Co. Cavan.

Donegal County Council,
County House,
The Diamond,
Lifford,
Co. Donegal.

Fermanagh District Council,
Town Hall,
Enniskillen,
Co. Fermanagh
N. Ireland BT74 7BA

(y) Leitrim County Enterprise Board,
Dublin Rd.,
Carrick on Shannon,
Co. Leitrim

Leitrim County Development Board,
Leitrim County Council,
Áras an Chontae,
Carrick-on-Shannon,
Co. Leitrim

Bundoran Town Council,
Main Street,
Bundoran,
Co Donegal

(2) Border Regional Authority,
Corturgan Business Park,
Ballinagh Road,
Cavan,
Co. Cavan.

Midland Regional Authority,
Bridge Centre,
Bridge St.,
Tullamore,
Co. Offaly
West Regional Authority,
First Floor,
Woodquay Court,
Woodquay,
Galway

************

Additional Bodies not specifically referenced under Article 5 of the Planning and Development Regulations 2006 but which are considered relevant:

Development Applications Unit,
Department of the Environment, Heritage and Local Government, Newtown Road,
Wexford.

Environmental Protection Agency,
EPA Headquarters,
PO Box 3000,
Johnstown Castle Estate,
Co. Wexford

Western Development Commission,
Dillon house,
Ballaghaderreen,
Co. Roscommon.

The Minister,
Department of Enterprise, Trade and Employment,
Davitt House,
Adelaide Road,
Dublin 2.

National Parks & Wildlife Service
7 Ely Place
Dublin 2
IRELAND

Waterways Ireland
Somerview House
Old Dublin Road
Carrick-on-Shannon
Co Leitrim
Appendix 3 – Legislative Requirements
Unofficial consolidation of Planning and Development Act 2000 – 2010 (by Planning Department).

Amendments arising from the Planning and Development Act 2010 are shown in red type.

Variation of development plan.

13.—(1) A planning authority may at any time, for stated reasons, decide to make a variation of a development plan which for the time being is in force.

(2) Where a planning authority proposes to make a variation in a development plan, it shall—

(a) send notice and copies of the proposed variation of the development plan to the Minister, the Board, relevant regional authority and, where appropriate, to any adjoining planning authority, the prescribed authorities, any town commissioners and city and county development boards within the area of the development plan,

(b) publish notice of the proposed variation of the development plan in one or more newspapers circulating in that area.

(3) A notice under subsection (2) shall state—

(a) the reason or reasons for the proposed variation,

(b) that a copy of the proposed variation may be inspected at a stated place or places and at stated times during a stated period of not less than 4 weeks (and the copy of the draft variation shall be kept available for inspection accordingly), and
(c) that written submissions or observations with respect to the proposed variation made to the planning authority within the said period will be taken into consideration before the making of the variation.

(4) (a) Not later than 8 weeks after giving notice under subsection (2)(b), the manager of a planning authority shall prepare a report on any submissions or observations received under that subsection and shall submit the report to the members of the authority for their consideration.

(b) A report under paragraph (a) shall—

(i) list the persons or bodies who made submissions or observations under this section,

(ii) summarise the following from the submissions or observations made under this section:

(l) issues raised by the Minister; and

(II) thereafter, issues raised by other bodies or persons

(ii) give the response of the manager to the issues raised, taking account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

bb (inserted by Section 85 of the 2008 Act)

"(bc) A report under paragraph (a) shall summarise the issues raised and recommendations made by the relevant regional authority in its written submission prepared in accordance with section 27C (inserted by section 19 of the Act of 2010)"
and outline the recommendations of the manager in relation to the manner in
which those issues and recommendations should be addressed in the development
plan.

(5) (a) The members of a planning authority shall consider the proposed variation and the report of the manager under subsection (4).

"(a) Following consideration of the proposed variation and the report of the manager under paragraph (a) where a planning authority, after considering a submission of, or observation or recommendation from the Minister made to the authority under this section or from a regional authority made to the authority under section 27C, decides not to comply with any recommendation made in the proposed variation and report, it shall so inform the Minister or regional authority, as the case may be, as soon as practicable by notice in writing which notice shall contain reasons for the decision.

(b) The consideration of the variation and the manager's report under paragraph (a) shall be completed not later than 6 weeks after the submission of the manager's report to the members of the authority.

(6) "(a) Subject to paragraphs (aa) and (a), the members of the authority, having considered the proposed variation and manager's report may, as they consider appropriate, by resolution, make the variation 40 which would, if made, be a material alteration, with or without further modification or they may refuse to make it and paragraph (c) shall apply in relation to any further modification.

45 (aa) The planning authority shall determine if a strategic environmental assessment or an appropriate assessment or both such assessments, as the case may be, is or are required to be carried out as respects one or more than one proposed modification that would, if made, be a material alteration of the variation of the development plan.

(ab) The manager shall, not later than 2 weeks after a determination under paragraph (aa), specify such period as he or she considers necessary following the determination as being required to facilitate an assessment referred to in paragraph (aa)."
(ae) The planning authority shall publish notice of the proposed material alteration, and where appropriate in the circumstances, the making of a determination that an 10 assessment referred to in paragraph (aa) is required, in at least one newspaper circulating in its area.

(adb) The notice referred to in paragraph (ae) shall state—
(i) that a copy of the proposed material alteration and of any determination by the authority that an assessment referred to in paragraph (aa) is required may be inspected at a stated 20 place or places and at stated times, and on the authority's website, during a stated period of not less than 4 weeks (and that copies will be kept for inspection accordingly), and 25
(ii) that written submissions or observations with respect to the proposed material alteration or an assessment referred to in paragraph (aa) and made to the planning authority within 30 a stated period shall be taken into account by the authority before the variation of the development plan is made.

(acea) The planning authority shall carry out an assessment referred to in paragraph (aa) of the proposed material alteration of the draft development plan within the period specified by the manager.”.

and 40

(b) The requirements of subsections (2) to (5) shall not apply in relation to modifications made in accordance with paragraph (a).

“(c) A further modification to the variation—
(i) may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,
(ii) shall not be made where it refers to—
(I) an increase in the area of land 50 zoned for any purpose, or
(II) an addition to or deletion from the record of protected structures.”,

(7) In making a variation under this section, the members of the authority 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.

(8) (a) Where a planning authority makes a variation in a development plan, it shall publish a notice of the making of the variation in at least one newspaper circulating in its area.

(b) A notice under this subsection shall state that a copy of the development plan as varied is available for inspection at a stated place or places (and the copy shall be kept available for inspection accordingly).

(c) In addition to the requirements of paragraphs (a) and (b), a planning authority shall send a copy of the variation to the relevant regional authority and, where appropriate, to the prescribed authorities, any adjoining planning authorities, any town commissioners and city and county development boards within its area.

(9) When considering a variation of a development plan in accordance with this section, a planning authority may invite such persons as it considers appropriate to make oral submissions regarding the variation.

(10) A person shall not question the validity of a variation in a development plan by reason only that the procedures as set out in this section were not completed within the time required.

(11) A variation made to a development plan shall have effect from the day that the variation is made.

"(13) An appropriate assessment of a draft variation of a development plan shall be carried out in accordance with Part XAB."
APPENDIX F

Background:
Issues considered in the preparation of the Core Strategy

1. Regional Planning Guidelines

The Border Region includes the geographical area of Counties Cavan, Donegal, Leitrim, Louth, Monaghan and Sligo.

The Regional Planning Guidelines (RPGs) seeks to implement the planning framework set out in the National Spatial Strategy. The RPGs is a long term strategic planning document which aims to direct the future growth of the Border Region. The RPGs inform and provide direction to County Development Plans.

The new RPGs for this Region (2010 -2022) have a greater role and influence on all future spatial plans within the Region through the recently published Planning and Development (Amendment) Act 2010. They are prescriptive in setting out a planning framework and provide a more integrated model for the growth and development of the Region. The vision set out in the RPGs for the Region, is as follows:

‘By 2022, the Border Region will be a competitive area, recognised as, and prospering from, its unique interface between two economies, where economic success will benefit all, through the implementation of the balanced development model, which will provide an outstanding natural environment, innovative people, which in themselves, will be our most valuable asset’.

Part of this includes a Settlement Strategy which outlines a settlement hierarchy and a policy framework for future development of the Region that will set the framework for County Development Plans. In essence, it provides a framework outlining population targets, housing supply and a likely land demand required, to accommodate that growth.

According to the BRA’s RPG’s, the predominantly rural and dispersed nature of population distribution in the Border Region conversely means that the Region has a weak urban settlement structure. There are seven urban centres (of which Carrick on Shannon is one) and these will form the key urban settlements which are considered of regional significance, and are the focus of the regional settlement strategy. The regional settlement strategy also outlines a policy framework for the future development of all other urban settlements in the Region, as well as the future development of rural areas. The RPGs seek to promote and facilitate the development of Carrick-on-Shannon as a key strategic urban centre within the region in support of the Sligo Gateway.

The Regional Planning Guidelines state that it is likely that a continuation of current trends would mean that the majority of population increase would take place in the rural areas, and not in the main urban centres, which would serve to further undermine the urban structure of the Region and reinforce the dispersed nature of the region’s population. The Guidelines also state that all research now indicates that a greater percentage of future jobs will be located within urban centres. It is, therefore, extremely important that the Region develops critical mass in its key urban centres, so that it will be in a position to compete with other Regions in attracting larger employers.
Given that County Leitrim has a land-border with Northern Ireland, particular consideration must also be afforded to the Regional Development Strategy for Northern Ireland adopted in 2001, and now under-going review. Like the NSS, this Regional Development Strategy recognises the importance of sustainable development principles, and advocates balanced regional and territorial development. To this end, it also identifies specific locations as centres of growth; with investments in housing, business development and employment to be directed towards these larger, better-established settlements.

In terms of "rural sub-regions", the Northern Ireland strategy emphasises the need to develop a vibrant rural Northern Ireland, with balanced development spread out across a polycentric network of hubs/clusters, based on main towns in these smaller sub-regions having a strategic role as centres of employment and service provision.

Map 3:
Border Region
Spatial Settlement Strategy

2. Legal Background to the Core Strategy

The Planning and Development (Amendment) Act 2010 was signed into law in July 2010. The Act seeks to support economic renewal and promote sustainable development by ensuring that the provisions of development plans and local area plans are streamlined with national and regional development objectives as set out in the National Spatial Strategy and in the Regional Planning Guidelines.
Under the Planning and Development (Amendment) Act 2010 each local authority is required to change the County Development Plan, to incorporate a "Core Strategy". This "core strategy" must be consistent with the national and regional objectives. Previously, the County Development Plan only had to “have regard to” national and regional strategies and guidelines, and Councils were given some flexibility in deciding on their own levels of development. However, now Councils must comply with what they are being given, as a slice of a national cake, as such. Each Council can take that slice and divide it as they wish, but they must limit themselves to its size. How the Council divides its slice of the cake is set out in the Council’s own Core Strategy.

A Core Strategy sets out a medium to longer term picture for the spatial development of the County, particularly for the amount of land proposed to be zoned for residential and mixed-use in the County Development Plan.

A Core Strategy should provide a transparent evidence-based rationale for the amount of land proposed to be zoned for residential and allied mixed-use in the development plan. It provides a high-level summary description of the key statistics and priorities underpinning the development plan. It should be the touchstone against which future development decisions in the development plan can be tested as being consistent with national and regional policy.

3. Population Targets & Housing Demand

The population targets issued by the Department of Environment, Heritage & Local Government (DEH&LG) in January 2009 are the basis in which the Core Strategy is set.

The population targets as they apply to the Border Region are as follows:

<table>
<thead>
<tr>
<th>Table 1</th>
<th></th>
<th>2008 (est.)</th>
<th>2010</th>
<th>2016</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Border Region</td>
<td></td>
<td>492,500</td>
<td>511,000</td>
<td>552,700</td>
<td>595,000</td>
</tr>
<tr>
<td>(% of State Pop)</td>
<td></td>
<td>(11.14)</td>
<td>(11.14)</td>
<td>(11.06)</td>
<td>(11.06)</td>
</tr>
<tr>
<td>State</td>
<td></td>
<td>4,422,000</td>
<td>4,584,900</td>
<td>4,997,000</td>
<td>5,375,200</td>
</tr>
</tbody>
</table>

Taking these population targets, it is then necessary to outline the resultant likely housing demand and residential Housing Land Requirement (HLR).

<table>
<thead>
<tr>
<th>Table 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIKELY HOUSING DEMAND AND SUPPLY</td>
</tr>
<tr>
<td>Year</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>2016</td>
</tr>
</tbody>
</table>
This shows a considerable excess supply of housing stock in the region. It is evident that a significant factor in the recent economic development cycle has been the construction and house building sector. However, in 2005, it is clear that the recent severe market correction indicates that much of the recent surge in activity, in fact represented a sharp over-supply, and has had major consequences for employment and economic activity levels. Therefore estimates of future housing demand and land requirements must take account of both long term population targets and the current state of the housing market in the Region.

The RPGs looked at a population growth framework, housing targets and a Housing Land Requirement (HLR) for each Local Authority and have provided us with this key information.

This core settlement strategy for Leitrim must be set within the framework of the RPGs and develop rational population growth models, outline resulting housing demand and how this demand will be accommodated through an appropriate Housing Land Requirement, consistent with the Regional Guidelines.

In this context, Leitrim County Council have been required to take the 1902 population target for the rest of the County (the remaining share) and re-distribute growth targets among its towns and villages and rural areas.

The remaining share of population includes both rural and urban population growth. It is generally accepted that some rural housing generated demand will be accommodated within the rural area, in accordance with the DEHLG Sustainable Rural Housing Guidelines. This rural demand should also be capable of being accommodated within zoned areas of existing settlements, so as to a) allow choice in the market, b) provide an alternative to the one-off house in the countryside, and c) introduce an element of flexibility within the local planning system. The Council have therefore allocated the 'remaining share' of population growth within existing urban settlements in the Region, based on the sequential approach, and in accordance with the servicing arrangements in place, or likely to be put in place, during the life of the Plan.

4. Rural Leitrim

Leitrim is the most rural County on the island of Ireland. The vision for the County which over arches all elements of the Core Strategy is that we aspire to a future as a thriving rural community.

In terms of the different types of rural areas as set out in the NSS, Leitrim can be classified as a ‘structurally weak rural area’. In this context the Council will be favourably disposed towards granting planning permission for residential development to those who wish to live in the County. The classification of differing rural area types required under the 2005 Planning Guidelines on Sustainable Rural Housing are defined as:

- Areas under Urban Influence;
- Strong Rural Areas;
- Structurally Weak Areas; and
• Areas with distinctive settlement patterns.

As set out in the Guidelines on Sustainable Rural Housing, the National Spatial Strategy and the Regional Planning Guidelines, Leitrim has been identified as having three rural area types:

1. Rural areas with Strong potential for Diversification
2. Village Strengthening and Rural Area Opportunities; and
3. Strategic Rural Assets within a Metropolitan Hinterland

Map 5: Rural Area Types

This Council cherishes the value and tradition of rural communities in this County and there is a commitment to supporting rural communities. It is a basic aim of the Council to ensure that rural populations are strengthened. It is well established that strong urban areas make for strong rural areas and weak urban areas make for weak rural areas. It is vital that Leitrim County Council promotes the strengthening of towns and villages to create a "spin off" for the rural areas. It is recognised that rural communities need diversity and support through persons engaged in a variety of economic activities. Leitrim County Council therefore promotes the strengthening of the County’s towns and villages, to render the area more attractive to inward investment and to help transform, what are currently structurally weak rural areas within their hinterlands into Strong Rural areas.
For predominantly rural areas, the location, density and amount of housing permitted are among the greatest challenges for spatial planning and rural development. This is particularly the case as the capacity of the countryside to absorb rural house building is becoming increasingly diminished, given the vulnerability of the groundwater system, the increased potential for landscape degradation, and the challenges inherent in the provision of water services, waste management, communications infrastructure and other services expected by a modern society, but in a geographically dispersed area. Increasingly, planning decisions regarding rural housing and all other types of development in the countryside will be more strongly driven by EU Directives, with the Habitats Directive (1992/43/EEC), the Water Framework Directive (2000/60/EC), and the subsequent Groundwater Directive (2006/118/EC), being the predominant guidance on rural planning into the future.

In accordance with the Sustainable Rural Housing Guidelines, our rural housing policy accommodates genuine rural housing need, rather than urban generated demand. This ensures that priority is given to those who need to live in rural areas.

The County Development Plan sets out a Land Use Strategy in Respect to Rural Housing in the Countryside. This will remain to be the Council’s policy and there will be no amendment to it in this Variation. However, due to the emerging constraints mentioned above, it has become more increasingly important to ensure that local need is met in rural areas. In this regard this Core Strategy ensures that all towns and villages will have a capacity to accommodate urban generated rural housing for those who do not need to live in the countryside.

5. Sequential Approach

It is acknowledged that the existing development boundaries of all towns and villages have largely been dictated by the established urban form. The principle aim of the zoning as set out in the CDP was to acknowledge the established urban form and work towards a consolidation of these centres while making the best use of existing and future services and facilities efficiently. Whereas it is fully recognised that the amount of land zoned greatly exceeds the land use requirements of the Plan period, it is considered appropriate that a long term approach is taken in the identification of the development boundary and more particularly in responding to the high levels of zoning and the existing and permitted supply of residential accommodation. In terms of taking a long term approach the development boundaries as identified are considered appropriate. The principal focus of this review is on developing a strategy for the utilization of the potential housing stock and thereafter the orderly release of residential lands. Adopting a 'sequential approach' to the release of lands is at the core of this strategy – such an approach is broadly provided for in the CDP and is compatible with Land Use Zoning Objectives in the RPG’s.

It is not anticipated that Tier 4 Centres will experience a significant population growth during the lifetime of the CDP. The emphasis in term of the development of Tier 4 Centres will be on a stabilisation of the population and the retention and enhancement of existing services and facilities and also the retention and creation of employment opportunities. Having regard to the foregoing and considering the scale of Tier 4 Centres and the fact that there are no lands zoned specifically as residential, it is proposed to apply an overall target to Tier 4 centres, as opposed to allocating a target to each centre.
6. Potential Housing Stock

The potential housing stock consists of high levels of; 'newly constructed vacant units', units 'under construction'. These represent a significant resource. It is acknowledged that given the current low level of demand in respect to vacant units, it is unlikely that many of the 'permitted but not started units' will commence within the relatively short lifetime remaining on these permissions. It is acknowledged that some permitted but not started developments may be the subject of an application to 'extend the appropriate period', nevertheless it remains unlikely, in the short term at least, that such developments will be activated, having regards to the need to meet the new requirements under the Planning and Development Amendment Act 2010. Having regard to the stock, and possible zoning changes, many of these are unlikely to have their permission extended if development has not started during the lifetime of the permission – unless they have a compelling justification. The stock of vacant and unfinished units will, if left unattended for a protracted period, become run down and/or derelict and so detract significantly from the character of the centers in which they are located.

7. Land Use Requirement for Remaining Share – Tier 2, 3 and 4 Centres.

The level of units under construction, apart from Kinlough (95) and Drumshanbo (30) and Carrick on Shannon (25), is relatively low.

Having regard to the foregoing the 'permitted but not started units' will therefore not be included in determining the potential housing stock. Units which are under construction and well advanced, but whose permission has expired (UCE), are included in the count of potential housing stock.

In overall terms the RPG's have set population target of 600 units for Carrick on Shannon and 1,902 for the 'remaining share' for the period 2010 - 2016 – a total of 2,502. When this is compared to the overall potential housing stock of 2,454, it would suggest that there is an adequate supply of housing. However this stock of housing is not distributed in accordance with the targets for each centre.

The remaining share consists of all centres, apart from Carrick on Shannon; i.e. the remaining share consists of Tier 2, 3 and 4 Centres. In determining the remaining share Section 3.7.7 of the RPG's state;

"The remaining share of population includes both rural and urban population growth. It is generally accepted that some rural housing generated demand will be accommodated within the rural area, in accordance with the DEHLG Sustainable Rural Housing Guidelines. This rural demand should also be accommodated within zoned areas of existing settlements, so as to allow choice in the market, provide an alternative to the one-off houses in the countryside, and introduce an element of flexibility within the local planning system. Development Plans must therefore allocate the remaining share of population growth within existing urban settlements in the Region, based on the sequential approach as well as the servicing arrangements in place, or likely to be put in place, during the life of these Guidelines".

Table 3.9 (as set out in Appendix II) of the RPGs provides an indicative approach as to how the remaining share of population may be accommodated. These figures are in addition to the significant vacant residential stock, and planning permissions already granted, for residential units that are yet to be completed or built. These must first be
considered in terms of accommodating future population growth, and only then, should additional housing land be zoned to accommodate the balance of population growth. Residential vacancies and existing planning permissions must first be considered in the management of future population growth within the County. The remainder of Leitrim (outside Carrick on Shannon) therefore has a population growth of 1,902 with a projected housing demand of 793 units.

In dealing with any existing over-provision, there are a number of options available to Local Authorities, as referred to above, such as changing the land use category to one that is more suited to future requirements; or phasing the development for future strategic purposes beyond the plan period.

Table 3.9 of the RPGs (appendix II) indicates the remaining share in respect of towns and villages in County Leitrim. Whereas a density of 20 units per Ha is generally acceptable within Tier 1, 2 and 3 Centres, an average of 15 units per Ha has emerged as the operational density in Tier 2 and 12 units per Ha in Tier 3 and 4 Centres. These densities arise from factors such as ground slopes, site configuration and more particularly the need to respect established urban and village character. The latter factor is clearly recognised in Section 3.7.7.1 “Housing Land Requirement for Remaining Share” of the RPG’s which states;

“It is acknowledged in these Guidelines that it is appropriate that housing densities increase, where appropriate. However, the increases in density must also recognise existing urban and village character, and the importance of protecting and preserving this character. There are many examples of poor quality high density developments in rural villages, which have been successful neither in their impact on the village character, nor on the levels of occupancy they have exhibited. In addition, it is becoming clear that enhancing the quality of smaller towns and villages, and providing opportunities for lower density developments, is one of the mechanisms which will help to address the demand for housing that is located in the countryside.

Considering the foregoing, a density of 15 units per Ha is considered appropriate in the case of Tier 2 and 12 units per Ha in Tier 3 Centres”.

It is acknowledged that there has been reluctance by landowners to release zoned land in certain instances – this is particularly evident in the case of Mohill. Considering that such lands were not released during a period when land prices and demand was exceptionally high, it is likely that this phenomenon will be slow to change. Also, in certain instances lands zoned may be readily available due to legal difficulties in releasing the lands. Having regard to the foregoing a headroom of 50% is considered reasonable.

8. Allocate the remaining share of population - Assigning Targets

It is proposed to use the following densities when assigning the targets

- Tier 2 Centres 15 units per Ha
- Tier 3 and 4 Centres 12 units per Ha
It should be noted that the Housing Land Requirements set by the RPGs is up to year 2016 and the County Development Plan period is up to 2015.

The allocation for the Remaining Share is 99 Ha at 12 units per Ha and 80 Ha at 15 units per Ha. There is a 50/50 divide in terms of population between Tier 2 and Tiers 3 and 4. Therefore the Remaining Share has a 50/50 divide = (99Ha + 80Ha)/2 = 90 Ha. This equates to 75 Ha for the period up to 2015.

The Remaining share for Tier 4 Centres is 15 Ha (1/5 of remaining share based on population estimates) and the Remaining Share for Tier 2 and 3 is 60 Ha (75Ha – 15Ha).

It is proposed to allocate a minimum of 2 Ha to Tier 2 Centres and a minimum of 1 Ha to Tier 3 Centres in order to ensure that Centres that would otherwise have less than such a minimum would be capable of accommodating a minimal amount of development. This advocates the balanced development model.

Targets are set for each of the Tier 2 and Tier 3 Centre in direct proportion to their population. These Targets must take account of ‘potential housing stock’ in order to accommodate future housing requirements. Therefore the potential housing stock is subtracted from these targets in order to establish the Proposed Targets.

In assigning targets, if we were to allocate land for the accommodation of people in existing vacant and under construction housing, there would be no need for any further capacity, in some of the towns and villages, but in order to ensure that a greater choice might be available we have allocated, in an initial distribution of the assigning hectares, 1ha and 2ha. The remaining balance has been proportionately allocated to all the towns in accordance with their sizes.

Insert Table 1 Appendix F [here]

9. Protection of the Natural Environment/Natural Heritage.

Climate Change
The National Climate Change Strategy 2007-2012 builds on measures established under the first National Climate Change Strategy (2000), and provides a framework for achieving emissions reductions. Its purpose is:
- to show clearly the measures by which Ireland will meet its 2008 - 2012 Kyoto Protocol commitment;
- to show how these measures position us after 2012, and to identify the areas in which further measures are being researched and developed;
- to take a long term view, having regard to likely future commitments and the economic imperative for action; and,
- the promotion of sustainable development including the integration of climate change considerations into all policy areas.

It is a key element of this Core Strategy to support the Implementation of National Climate Strategy 2007-2012 (or any similar updated version issued within the lifetime of the Plan).

It will be an objective of this Core Strategy to ensure that all Plans and Projects that have the potential to negatively impact on Natura 2000 sites will be subject to a Habitats Directive Assessment (HDA), in accordance with Article 6 of the Habitats Directive and in accordance with best practice and guidance.
Important ecological corridors within the County include the following water bodies (including their tributaries and lakes where relevant) the list is not exhaustive and their inclusion is not an indication that they fall within the remit of Article 10 of the Habitats Directive:

- River Shannon System
- Shannon-Erne Waterway (Ballyconnell-Ballinamore Canal)
- Bonet River System
- Duff River
- The Drumcliff River (including Diffreen River)
- Drowses River/Lough Melvin System
- Bradoge River
- River Erne

These will be protected as a key natural environmental resource.

The Water Framework Directive (WFD) sets out a framework for comprehensive management of water resources in the European Community. It addresses inland surface waters, estuarine and coastal waters and groundwater. The fundamental objective of the WFD aims at maintaining "high status" of waters where it exists, preventing any deterioration in the existing status of waters and achieving at least "good status" in relation to all waters by 2015. Member States will have to ensure that a co-ordinated approach is adopted for the achievement of the objectives of the WFD and for the implementation of programmes of measures for this purpose. Irrespective of political boundaries, the river basin is the natural unit for water management; Ireland is divided into 8 River Basin Districts, 3 of which affect County Leitrim. River Basin Management Plans have been adopted for each of the Districts.

**River Basin Management Plans** set out a program of measures aimed at protection and improvement of the aquatic environment (both groundwater and surface waters). The principal objectives of these plans include:

- To prevent further deterioration in water quality;
- To protect/enhance all waters including surface, ground and coastal waters;
- To manage water bodies based on river basins or catchments;

County Leitrim falls into 3 of these River Basin Districts as follows:

- The Shannon RBD covering all of the River Shannon and its tributaries;
- The North Western International RBD covering the River Erne(part of the Shannon/Erne Waterway, Cullies River, Lough McNean) and its tributaries and Lough Melvin catchment area;
- The Western RBD covering the Bonet River and Lough Gill catchment.

In accordance with the Waste Water Discharge (Authorisation) Regulations 2007 the Council will ensure that in approving development that would give rise to additional discharges to a waste water works or from storm water overflows governed by EPA licences, such discharges, taken in conjunction with discharges from other existing and/or already approved development, are capable of being treated in a manner that is compliant with the stricter of the requirements of:

1. The Urban Waste Water Regulations;
2. The requirements of an EPA licence
SECTION 1: INTRODUCTION
LEITRIM COUNTY DEVELOPMENT PLAN 2009-2015

1.07 Core Strategy

1.07.01 Introduction to Core Strategy

The Planning and Development (Amendment) Act 2010 was signed into law in July 2010. The Act seeks to support economic renewal and promote sustainable development by ensuring that the provisions of development plans and local area plans are streamlined with national and regional development objectives as set out in the National Spatial Strategy and in the Regional Planning Guidelines. Under the 2010 Act each local authority is required to amend their County Development Plan, to incorporate a “Core Strategy”.

The purpose of this Core Strategy is to
“Articulate a medium to long term quantitatively based strategy for the spatial development of the area of the planning authority, and in so doing, to demonstrate that the development plan and its objectives are consistent with national and regional policy objectives as set out in the National Spatial Strategy and the Regional Planning Guidelines”

This medium to longer term Strategy for the spatial development of County Leitrim sets out, among other things, the amount of land proposed to be zoned for residential and mixed-use purposes in the County Development Plan. It provides a high-level summary description of the key statistics and priorities underpinning this development plan. The Core Strategy section of the Plan provides the transparent evidence-based rationale which is the basis for the development plan

The function of the Core Strategy is to:

• identify the amount, location and phasing of development for the plan period;
• demonstrate how future development supports public transport/existing services;
• ensure that needs and priorities of existing zoned/serviced land and new zonings for the area are assessed on a plan-led basis; and
• Provide the framework for deciding on the scale, phasing and location of new development, having regard to existing services and planned investment over the coming years.

It includes information on:

• population targets / objectives;

---

1 DoEHLG Guidance Note on Core Strategies, November 2010
• quantification of requirements for zoning of lands for residential and/or a mix of residential and other uses; and
• The existing and proposed, future distribution of population within the County plan area, within a defined settlement hierarchy.

Background information in relation to the Regional Planning Guidelines and to the preparation of the Core Strategy can be found in Appendix F of the Plan.

1.07.02 Baseline information for the Core Strategy

The population projections for County Leitrim are set out in section 1.05.03a of this plan. The projected population for 2015 in the plan, at 32,076 persons, is consistent with the population target as set out in the RPG's at 33,162 persons by 2016 and 35,700 persons by 2022. [See Table 1.4 below]

The urban and rural settlement policies for the county are set out in section 2.01 of the County Plan.

The urban settlement hierarchy is shown on Table 2.2 of the plan with Carrick on Shannon identified as the tier 1 town. The RPG's have indicated that Carrick on Shannon, as a regionally significant town, will grow from its 2006 population of 2595, to a population of 3600 by 2016 and 4200 by 2022. Carrick on Shannon is the subject of a Local Area Plan wherein these population targets will be addressed.

Table 1.4 Populations, Census, Estimate and Projections

<table>
<thead>
<tr>
<th>Population</th>
<th>2006^</th>
<th>2010*</th>
<th>2015~</th>
<th>2016*</th>
<th>2022*</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
<td>28,950</td>
<td>30,660</td>
<td>32,076</td>
<td>33126</td>
<td>35700</td>
</tr>
<tr>
<td>Carrick on Shannon</td>
<td>2,595</td>
<td>3,000</td>
<td></td>
<td>3600</td>
<td>4200</td>
</tr>
<tr>
<td>Rest of County</td>
<td>26,355</td>
<td>27,660</td>
<td></td>
<td>29562</td>
<td>31500</td>
</tr>
</tbody>
</table>

Census shown thus: Projected shown thus

Sources:
^ CSO 2006 Census:
* RPG's Fig 3.1 & 3.2: 2010 estimate: 2016 and 2022 projections
~Co Dev Plan: 2015 projection

The Tier 2, 3 and 4, [as well as the rural areas], will share in the RPG allocation, which, based on current population estimates, will amount to 1,902 additional persons being accommodated within the rest of the county, by 2016.

The relative sizes and inter census growth of the Tier 1, 2 and most of the tier 3 towns are set out in chart 1.3 of the Plan. An estimation of the populations of the remaining tier 3 centers is shown on table1.5 below. The development strategy for these towns is that they should maintain their relative size and have a residential land zoning provision allocated on a pro-rata basis. This is also set out in Table 1.5 below:

---

2 This 1902 persons, based on varying densities which apply to the various tiers, amounts to 75 ha. Land requirement
Table 1.5   Population and Residential Land Use Requirements

<table>
<thead>
<tr>
<th>Centre</th>
<th>Pop (2006)</th>
<th>Land use Requirement&lt;sup&gt;3&lt;/sup&gt; (Ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrick on Shannon</td>
<td>2,595</td>
<td></td>
</tr>
<tr>
<td>Tier 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballinamore</td>
<td>805</td>
<td>8.07</td>
</tr>
<tr>
<td>Drumshanbo</td>
<td>665</td>
<td>6.66</td>
</tr>
<tr>
<td>Manorhamilton</td>
<td>1,158</td>
<td>11.60</td>
</tr>
<tr>
<td>Mohill</td>
<td>931</td>
<td>9.33</td>
</tr>
<tr>
<td></td>
<td></td>
<td>35.66</td>
</tr>
<tr>
<td>Tier 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrigallen</td>
<td>303</td>
<td>3.04</td>
</tr>
<tr>
<td>Dromahair</td>
<td>503</td>
<td>5.04</td>
</tr>
<tr>
<td>Dromod</td>
<td>210</td>
<td>2.10</td>
</tr>
<tr>
<td>Drumkeeran</td>
<td>249</td>
<td>2.49</td>
</tr>
<tr>
<td>Kinlough</td>
<td>690</td>
<td>6.91</td>
</tr>
<tr>
<td>Leitrim</td>
<td>258</td>
<td>2.59</td>
</tr>
<tr>
<td>Tullaghan</td>
<td>216</td>
<td>2.16</td>
</tr>
<tr>
<td>Total Tier 2 &amp; 3</td>
<td>5988</td>
<td>60.00</td>
</tr>
</tbody>
</table>

Notes
Remaining Share = 75 Ha, {60 Tier 2 & Tier 3 and 15 Tier 4}

This land use requirement, as set out above, however, needs to take into account the level of oversupply of housing in each location, so as to ensure that existing 'commenced and under construction' and 'completed and vacant' houses can be utilized / brought into productive use before additional housing of the same genre and caliber are permitted to be developed within these areas. The analysis of this information comes from the Council's own Housing Land Availability Survey carried out in September 2010. A synopsis of these results, relating to permitted developments [expressed in units of housing] is set out in Table 1.6 below:

<sup>3</sup>In the absence of taking into account the current available housing (vacant) in the county.
Table 1.6: Extract from Land Availability Survey Sept 2010 (LCC)

<table>
<thead>
<tr>
<th>Location</th>
<th>UC</th>
<th>V</th>
<th>UC+V</th>
<th>UCE</th>
<th>UC+V+UCE</th>
<th>ELA (Ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tier 1 Centre</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrick on Shannon</td>
<td>25</td>
<td>94</td>
<td>119</td>
<td>0</td>
<td>119</td>
<td>5.95</td>
</tr>
<tr>
<td><strong>Tier 2 Centers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballinamore</td>
<td>3</td>
<td>69</td>
<td>72</td>
<td>0</td>
<td>72</td>
<td>4.80</td>
</tr>
<tr>
<td>Drumshanbo</td>
<td>0</td>
<td>56</td>
<td>56</td>
<td>30</td>
<td>86</td>
<td>5.73</td>
</tr>
<tr>
<td>Manorhamilton</td>
<td>0</td>
<td>99</td>
<td>99</td>
<td>0</td>
<td>99</td>
<td>6.60</td>
</tr>
<tr>
<td>Mohill</td>
<td>0</td>
<td>34</td>
<td>34</td>
<td>0</td>
<td>34</td>
<td>2.27</td>
</tr>
<tr>
<td><strong>Tier 3 Centers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrigallen</td>
<td>0</td>
<td>6</td>
<td>6</td>
<td>0</td>
<td>6</td>
<td>0.40</td>
</tr>
<tr>
<td>Dromahair</td>
<td>3</td>
<td>55</td>
<td>58</td>
<td>0</td>
<td>58</td>
<td>3.87</td>
</tr>
<tr>
<td>Dromod</td>
<td>0</td>
<td>72</td>
<td>72</td>
<td>4</td>
<td>76</td>
<td>5.07</td>
</tr>
<tr>
<td>Drumkeeran</td>
<td>0</td>
<td>30</td>
<td>30</td>
<td>0</td>
<td>30</td>
<td>2.00</td>
</tr>
<tr>
<td>Kinlough</td>
<td>95</td>
<td>13</td>
<td>108</td>
<td>2</td>
<td>42</td>
<td>2.80</td>
</tr>
<tr>
<td>Leitrim</td>
<td>0</td>
<td>66</td>
<td>66</td>
<td>11</td>
<td>77</td>
<td>5.13</td>
</tr>
<tr>
<td>Tullaghan</td>
<td>6</td>
<td>21</td>
<td>27</td>
<td>0</td>
<td>27</td>
<td>1.80</td>
</tr>
<tr>
<td><strong>Overall Totals Tier 2 &amp; 3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>40.47</strong></td>
</tr>
</tbody>
</table>

UC = Under Construction; V = Vacant; UCE = UC but permission expired; ELA = (UC+V+UCE)/ 15 - Equivalent Land Area (Ha)

The net effect is that the first call on the 60ha is the 40.47 ha. ELA already committed to.

The Housing Land Availability Survey also provides information on the areas of zoned undeveloped lands throughout the county towns and villages.

Table 1.7

<table>
<thead>
<tr>
<th>Location</th>
<th>Carrick on Shannon</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tier 1 Centre</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Land</td>
<td>65.31</td>
<td>65.31</td>
</tr>
<tr>
<td><strong>Tier 2 Centers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Land</td>
<td>Ballinamore</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Drumshanbo</td>
<td>27.49</td>
</tr>
<tr>
<td></td>
<td>Manorhamilton</td>
<td>51.15</td>
</tr>
<tr>
<td></td>
<td>Mohill</td>
<td>44.88</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>175.46</td>
</tr>
<tr>
<td><strong>Tier 3 Centers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant Land</td>
<td>Carrigallen</td>
<td>16.17</td>
</tr>
<tr>
<td></td>
<td>Dromahair</td>
<td>19.24</td>
</tr>
<tr>
<td></td>
<td>Dromod</td>
<td>15.38</td>
</tr>
<tr>
<td></td>
<td>Drumkeeran</td>
<td>10.78</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>98.33</td>
</tr>
<tr>
<td>Vacant Land</td>
<td>Kinlough</td>
<td>25.06</td>
</tr>
<tr>
<td></td>
<td>Leitrim</td>
<td>8.03</td>
</tr>
<tr>
<td></td>
<td>Tullaghan</td>
<td>3.67</td>
</tr>
<tr>
<td></td>
<td><strong>Gr Total</strong></td>
<td>339.10</td>
</tr>
</tbody>
</table>

It is recognised, based on table 1.7 above, that the level of vacant / undeveloped residential lands, at 339.10 ha., are significantly in excess of that which would be required to accommodate the anticipated population growth over the plan period.
Urban and Rural Settlement Strategy

The Urban and Rural Settlement strategies for the county are set out in Section 2 the County Development Plan. Table 2.1, of the development plan, sets out the settlement hierarchy of the county, within the context of the Regional Planning Guidelines. It identifies Carrick on Shannon as the Regionally Significant Town, within the county, while Manorhamilton is identified as a town for 'Urban Strengthening', which will perform an important local role. The remainder of the tier 2 towns and a number of the tier 3 towns are identified as being towns with special functions.[Sub county service centers and regionally significant inland waterways role]

The Hierarchy, of towns and villages and other centers within the county, is also illustrated in Table 2.2 of the plan. Their locations are illustrated on the Core Strategy map [Map 4] at the end of this section. The tier 1, 2 and 3 towns are already listed in the tables above. The tier 4 towns, and graigs (established nodes usually consisting of community facilities and a number of one-off houses) are listed in Table 2.2. The land use strategy for these centers is set out in section 2.01.03 of the plan.

The land use strategy in respect to rural housing in the countryside is set out in section 2.01.04 of the plan. It sets out the policy in relation to development within the countryside and has had particular regard to: a) Environmentally sensitive areas such as SAC’s, NHA’s, SPA’s, AONB’s and HVA’s; b) Has taken population trends [growth and decline] between 1996 and 2006 into account; c) has considered the vacancy rate within the county as a whole based on the 2006 census and d) has taken into consideration where local areas have been subject to development pressure. 4 Regards has also been had to the rural typologies as identified in the NSS. These are illustrated in the Core Strategy Map [Map.4] already referred to. Arising from this the county is classified in to two areas: Areas of High Capacity / High Availability and areas of Medium Capacity / Medium Availability in relation to the ability of the area to absorb additional rural housing. These areas are set out in maps 2.2 and 2.3 of the Plan.

The urban and rural settlement strategies, as set out in the plan are considered to be particularly appropriate in terms of “achieving a dynamic urban and rural structure” as outline in the Regional Planning Guidelines, and as such are consistent with the RPG’s and the NSS..

The County Development Plan has already been the subject of a Strategic Environmental Assessment and a screening exercise in relation to likely significant adverse impacts on Natura 2000 designated sites (SAC’s and SPA’s) i.e. screening for Appropriate Assessment. Given the robustness of the settlement strategies within the Plan, the amendments arising through the preparation of this Core Strategy, in that it does not alter

---

4 See section 2.01.04a Leitrim County Development Plan 2009-2015, p38.
these strategies, is equally covered by that SEA assessment in addition to those carried out arising from the variation to the plan to accommodate the required Core Strategy.

Notwithstanding that the population projections, as contained within the plan, and the urban and rural settlement strategy, as set out in the plan, are robust, there is a need to re-align the zoning provisions of the plan, to reflect the land use needs/ zoning of the plan appropriate to the level of demands likely to arise over the lifetime of the plan. In addition to re-aligning this provision to the projections within the plan itself, this is also required to align the level of provision with the likely level of demand as stated in the Regional Planning Guidelines.

The ‘balanced development’ model has been considered the most appropriate at regional level, as it will provide balanced regional development throughout the Region. In this regard, it is considered that a direct translation of this model to County level would be desirable. This would offer, through the development of the urban hierarchy, the direction of an appropriate portion of development and investment to existing urban centres where services exist and a reinforcement of the priority required for the strategic road network between the key towns. These towns would then act as key drivers for the County whilst providing services and functions for the smaller settlements and rural hinterland. A sustainable relationship between urban and rural areas would then support the future vitality and viability of rural communities, whilst protecting the key environmental sensitive and vulnerable areas within the Region.

The key principles of the core strategy are therefore to:

- Strengthen the critical mass of Carrick on Shannon as a Regionally Strategic Centre and a support for the Sligo Gateway.  
- Improve road and rail infrastructure to facilitate the linkages between the County and the Sligo Gateway, the Cavan hub, Monaghan hub and, Enniskillen as well as to adjacent port and air transport nodes.
- Maximise the return from investment in existing utilities and services.
- Develop the towns and villages of the county to accommodate the ‘remaining share’ of population. This is to be allocated in terms of priority and in accordance with the sequential approach, to the tiers of towns in the settlement hierarchy.
- Sustain and revitalise lower tier settlements and rural areas within the above development framework.

In considering the balanced development model, it is important that it recognises the challenges facing the viability of existing smaller settlements, (from peripherality to development pressures). The model used must promote the treatment of urban and rural

---

5 The population growth for the town is allocated by the Regional Planning Guidelines. Part of the Greater Urban Area of Carrick on Shannon is located in Cortober, Co Roscommon. This specific requirement will be addressed in the variation for the Local Area Plan.
settlements, together with the surrounding countryside, as a functional, spatially integrated entity involving the inter-dependencies of small and medium-sized settlements and rural areas.

To address these shortcomings, achieving a dynamic urban or rural settlement structure “will involve working with and building upon the strengths of different places” while at the same time, protecting these same assets for future generations. In the case of the Border Region, its rural settlement pattern, together with the quality of life potentials, will play a key role in its future social and economic growth and development. It is these potentials which make both urban and rural areas attractive places to live and work, and their ability to adapt to meet changing lifestyle needs.

1.07.04 Population re-distribution within the Settlement Strategy

Development land requirements are met through the zoning of lands for a variety of uses. The purpose of a land use zoning strategy is to indicate the Planning Authority’s intentions in respect to the use of all lands within the boundaries of each centre, to promote development in an orderly manner and to prevent the co-location of conflicting or incompatible uses. The approach to zoning in the plan is based on the following principles:

- the requirement to reserve land for residential development in accordance with the balanced development growth scenario, the settlement hierarchy and the RPG recommendations;
- the need to provide suitably-located lands for a variety of uses, including commercial, enterprise, community facilities, open space, sports and recreation amenities to serve and complement residential uses;
- protecting the environment, landscape setting and heritage in and around settlements
- consolidating settlements
- the principle of sequential development

The proposed land-use zoning is based on the four principles outlined above

As is evident in section 1.07.02 above, the towns and villages in the County have a surplus of land zoned for residential development. The amount of land being zoned for development of housing is addressed below, along with mixed use area where housing provision is permitted.

\(^6\) (National Spatial Strategy (NSS), p.41)
### Table 1.8. Existing and Proposed Residential Zoning for Plan period 2009 - 2015.

<table>
<thead>
<tr>
<th></th>
<th>Core Strategy Population growth Allocation</th>
<th>Existing Zoned Residential Lands (Ha)</th>
<th>Proposed Zoned Residential Lands (Ha)</th>
<th>Proposed Housing Yield (units)</th>
<th>Excess Residential Lands (Ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
<td>2085</td>
<td>92.5</td>
<td>382</td>
<td>49</td>
<td>750</td>
</tr>
<tr>
<td>Carrick on Shannon</td>
<td>500</td>
<td>17.5</td>
<td>83</td>
<td>12</td>
<td>240</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Towns Tier 2 &amp; 3</td>
<td>1585</td>
<td>60</td>
<td>284</td>
<td>22</td>
<td>330</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tier 4 Centers and Countryside</td>
<td>Included in above</td>
<td>15</td>
<td>15(^{14})</td>
<td>15(^{14})</td>
<td>180(^{14})</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2085</td>
<td>92.5</td>
<td>382</td>
<td>49</td>
<td>750</td>
</tr>
</tbody>
</table>

In calculating the land use requirements in Column 4, full account has been taken of the existing newly constructed vacant and under construction housing stock. There is also a variance between the returns from the Housing Lands Availability Survey 2010 and these contained here, as these reflect updates identified in the preparation of the revised zoning maps for each of the settlements as part of the preparation of the Core Strategy.

There are significant areas of excess residentially zoned lands, as shown in Table 1.8 and the Core Strategy is formulated to redress this imbalance. In developing the strategy, the Council have considered:

1. **Prioritising / phasing of development:** by indicating on relevant tables and maps, where any surplus capacity of land and/or housing will be regarded as a ‘residential reserve/support’ and that proposals for the development of such lands for housing will not be considered for development purposes during the plan period;

2. **Alternative Objectives:** by indicating lands that will be considered for alternative appropriate uses within the plan period such as employment, amenity, community or other uses;

3. **Discontinuing the Objective:** by deletion of the zoning objective and related lands from the written statement and maps of the development plan.

---

\(^{7}\) From RPGs (adjusted for the Plan period i.e. 2015)  
\(^{8}\) Expressed in hectares, from RPG's (adjusted for the Plan period i.e. 2015)  
\(^{9}\) Amount of vacant land zoned in previous development plan exclusively or primarily for housing  
\(^{10}\) Includes both Vacant Primarily Residential Lands and Other Vacant Residential Accommodation Lands (consisting mainly of Mixed Use)  
\(^{11}\) From the RPGs (adjusted for the Plan period i.e. 2015)  
\(^{12}\) Preliminary figure for Carrick on Shannon (2015) – may be extended upwards to 17.5 Ha in accordance with RPGs. Carrick Local Area Plan may be incorporated into County Development Plan by way of a Variation  
\(^{13}\) From RPGs (for the Plan period i.e. 2015) and includes population allocation for Tier 4 and the Countryside  
\(^{14}\) Notional figure - there are no lands zoned specifically for residential development in Tier 4 Centers or in the Countryside
Cognisance has been taken of the need to consolidate settlements by keeping them as physically compact as possible and applying the sequential approach to land-use zoning (as set out in Chapter 5 of NSS and section 28 Guidelines such as the Development Plan Guidelines and Sustainable Urban Residential Development Guidelines. See also section 2.01.03e of the Plan.).

The existing lands, that are surplus to the residential land use requirements, depending on their location and particular criteria, are rezoned “residential reserve/support”. Within this land use zone, these lands will retain all existing permitted uses, apart from residential schemes. Some lands, generally located at the periphery of the settlement, or where they may impact on a designated site, or be subject to flooding, have been removed from the zoning schedule and returned to their existing use, and placed outside the development boundary.

Having regard to the existing amount of lands zoned to accommodate residential development,, the levels of vacant housing and unfinished developments in each area, the required lands are being distributed, so as to provide a minimum of 2 ha. of undeveloped residually zoned lands in each of the tier 2 towns and 1 ha. in each of the tier 3 towns and villages. This is to allow for a further mixture of housing types to cater for housing need which the existing vacant and unfinished housing may not cater for in any particular settlement.

1.07.05 Policy regarding ‘Residential Reserve /Support’

These lands are identified primarily to serve the long term housing requirements of the settlement in which they are located. These lands will be considered as suitable for the accommodation of development that would be compatible with residential use. Whereas residential development (other than that set out below) will not be permitted on these lands during the lifetime of the Plan, they may be considered for residential development in future Plans. The Details of these zoning shows where development of these lands may be considered.

See Section 2.01.0, which sets out development types that may be considered acceptable on lands zoned ‘Residential Reserve / Support’;

1.07.06 Justification Test

It is clear that the ‘potential housing stock’ will meet a significant level of the housing requirements during the Plan period [and in some instances beyond]. Considering the foregoing and in particular the need to ensure the utilization of the existing stock of

---

15 To see the detailed calculations regarding allocations to each settlement see Table 1, appendix F.
16 See comments on ‘Potential Housing Stock’ in Appendix F.
residential units and the proper release of zoned lands for residential type development a 'Justification Test' shall apply. Section 2.01.03 also gives details of the Justification test.

1.07.07 Unfinished/Unoccupied Estates and Commercial Property

Unfinished/unoccupied estates and commercial property are a manifestation of a systemic failure to properly manage the property sector. This has led to unprecedented social and economic difficulties, particularly within the housing sector. The Council fully recognise and acknowledge this legacy and have to date done much work, from a planning perspective, to help address these difficulties. Section 2.01.03 also gives further detail in respect to the above.

Where planning permissions for housing developments exist but are approaching the expiration of their appropriate period and where a) development works have not commenced or b) where they have commenced but substantial works have not been undertaken, it is the policy of the Council, when considering an extension of the duration of the appropriate period, to have regard to the existing levels of 'vacant developments' or 'commenced but unfinished dwellings' in the area, and the likely impact of the proposed extension of duration of the expiring permission may have on the uptake of the existing vacant housing stock.

1.07.08 Provision of Related Services and Infrastructure

1.07.08a Transport Infrastructure

A modern, efficient and safe road network is vital for the future development of Leitrim. The county is served by the N.4 (Dublin-Sligo), N.15 (Letterkenny-Sligo) and the N.16 (Enniskillen-Sligo) national primary routes.

A priority will be to upgrade the National Primary Routes serving the County. This shall be achieved by carrying out and completing the following road schemes within the lifetime of the Development Plan:

- N4 Carrick on Shannon to Dromod [end of recently completed bypass]
- N16 Manorhamilton to Sligo County Boundary at Glencar
- N16 Manorhamilton Bypass
- N16 Manorhamilton to Cavan County Boundary at Glenfarne

Preferred routes have now been chosen for the Carrick on Shannon By-Pass and the Manorhamilton By-Pass. See Section 2.05.06, Maps 2.4, 2.7 and 2.8 refer. These and other strategic external routes are illustrated on the Core Strategy Map [Map No. 4]

It is also part of the Core Strategy that the key internal strategic routes, linking the hierarchy of county towns, is upgraded and developed. These are also set out in the Core Strategy Map and Section 2.05.06 and Policy 5.6d and Objectives 5.6d to 5.6f of the Plan.
Smarter Travel, A Sustainable Transport Future, (2009) is the new transport policy for Ireland for the period 2009-2020. The Plan encompasses the transport guidance set out in this document. It recognises the vital importance of continued investment in transport to ensure an efficient economy and continued social development, but also promotes more sustainable transport modes such as walking, cycling and public transport.

The National Cycle Policy Framework (as part of Smarter Travel – A Sustainable Transport Future 2009) sets out a national policy for cycling, in order to create a stronger cycling culture, a more friendly environment for cycling and improved quality of life. The vision is that all cities, towns and rural areas will be bicycle friendly. The policy document sets a target of 10% of all trips by bicycle by 2020 and places emphasis on promoting and integrating cycle networks. Leitrim will aim to achieve this target.

1.07.08b Flood Risk Management

The Plan contains robust policies and objectives in relation to Flood risk Management, which are designed to ensure that proposed developments in areas at risk of flooding shall conform with the Department of Environment’s Guidelines\(^\text{17}\) or any subsequent amendments, during the lifetime of the plan. Section 2.01.03h of the plan refers.

1.07.08c Protection of the natural environment and Natural Heritage

The Plan contains policies in relation to the protection of Natural Environment and Natural heritage. Section 2.07 refers. These policies have been updated to deal with issues in relation to

a) Climate Change: the Council supports the implementation of the National Climate Strategy 2007-2012
b) Ecological Corridors: Section 2.07.04 recognises the importance of a number of key ecological corridors located outside designated sites. It is the policy of Council to protect these corridors connecting protected and designated sites
c) Water Framework Directive and River basin Management

1.07.08d Enterprise and Employment

Until very recently poor access, poor infrastructure, lack of a prosperous agricultural industry and a weak urban structure have all militated against the development of industrial and other commercial development.

It is the Council’s policy to actively promote and develop Enterprise and Employment throughout the County. The Council will support the development of transport, energy, telecommunications, water and drainage infrastructure to facilitate such development.

\(^{17}\) "The Planning System and Flood Risk Management ~ Guidelines for Planning Authorities" Department of Environment Heritage and Local Government, Nov 2009
Generally new industry and employment generating enterprises will be encouraged to locate in towns and villages where adequate infrastructure and support services exist. However industries related to agriculture and other land uses or tied to a fixed resource and large scale industries requiring extensive sites will be acceptable in rural locations. Small enterprises in rural areas will also be acceptable where there are no adverse impacts on the environment or on neighbouring amenity and subject to proper planning and development considerations. Effects on environment, safe access and residential amenities will be considered in all applications for rural enterprises. Some rural enterprises considered suitable include; agriculturally related industry, businesses directly related to farming e.g. servicing and repair of farm machinery, land reclamation, drainage work, agricultural contracting etc. tele-working and tele-cottages.

1.07.08e Retail

The Council adopted the Retail Strategy 2009-2015 in accordance with its obligations under the Retail Planning Guidelines as issued by the DoEHLG. All developments which fall under this category are advised to consult this Retail Strategy. The vast majority of the retail developments granted in the last ten years has been in Carrick-on-Shannon. This is not surprising considering it is the County Town and the centre with the largest population. It is anticipated that the majority of all future retail applications will continue to be made in Carrick-on-Shannon and to a lesser degree the Tier 2 centres of Manorhamilton, Ballinamore, Drumshanbo and Mohill. Appropriately located large scale retail developments will be encouraged in Tier 1 and 2 Centres only where a need has been identified. Appropriate zoning provision to accommodate existing and expanding provision have been made in the “Town Centre” zonings in these settlements. The policies relating to Retail are set out in section 2.06.05 with the hierarchy illustrated in section 2.06.05b. The Retail hierarchy reflects, with minor difference, the settlement hierarchy of the plan.

The prospects of growth and expansion in the more rural parts of the County are expected to be more limited. The policy of the Council is to maintain and enhance the existing retail environment to serve and benefit local communities. The importance of general foodstores, post offices and pharmacies, in addition to pubs, restaurants and cafés to is acknowledged.

The Council will encourage the provision of retail development within the core area of towns and villages. The Council encourages appropriately located shops and services associated with tourism or agri-tourism.
Implementation

Implementation of the policy framework outlined above, coupled with the meeting of population targets will
- prevent over-zoning;
- provide an incentive for those owning first-phase development land to dispose of it and an incentive for purchasers not to hoard it,
- permit the orderly development of land, and the creation of a coherent urban form; and
- create either an actual or a virtual market for development land.

Variations from the population distribution, as set out here in the Core Strategy, will be regularly considered by the Planning Authority and adjusted as necessary to respond to changing population trends, in consultation with the Regional Authority.

During the period of this Plan, should there be a requirement for additional residential zoned lands, i.e., in addition to the figures outlined above, this may only be provided through an evidenced based approach within a relevant development plan review or variation.
Variation No 1 of Leitrim County Development Plan
2009 -2015

{As required under the Planning and Development (Amendment) Act 2010}

Schedule of Amendments

April 2011

Forward Planning Section
Leitrim County Council
Introduction

The following is a list of proposed Amendments to the County Development Plan 2009-2015 (CDP) which have been prepared in order to incorporate a Core Strategy into the Plan as required by legislative requirements. The amendments seek to update and strengthen the Plan having regard to more recent National and Regional Plans and Guidelines with particular reference to the Regional Planning Guidelines 2010 – 2022. In addition it is proposed to update plans in respect to the preferred routes for; the N4 Carrick on Shannon By-pass, the N16 Manorhamilton By-pass and N16 Manorhamilton to County Boundary. It is proposed to incorporate these Amendments into the CDP by way of a Variation.

Making a Submission

You are invited to make a written submission on the proposed Variation to the Council on or before Wednesday 15th June 2011 as outlined on attached Public Notice.

A ‘Determination’ as to whether a Strategic Environmental Environmental Assessment is required, and an ‘Appropriate Assessment’ Screening Report, has been carried out and is attached to this schedule of Amendments.

Documents Attached

- Core Strategy
- Amendments to Appendix D book of maps
- Determination as to whether a Strategic Environmental Assessment is required
- Appropriate Assessment Screening Report

Stages in Process

1. Public Display
2. Managers Report on submissions
3. Draft Variation presented to Members
4. Members consider Managers Report
5. Members adopt or amend Variation

If amendments are considered to be significant the amendments will be put on public display and the process repeats itself.

In any event it is envisaged that the Variation will be adopted before ... Sept 2011

The Variation is being carried out primarily to ensure that the aforementioned Development Plan is compliance with the Core Strategy provisions introduced by the Planning and Development (Amendment) Act 2010, the Border Regional Planning Guidelines 2010 - 2022 and also to
Amendment 1
The attached document entitled “County Leitrim Core Strategy – Spatial Development Strategy for the County Development Plan 2009 – 2015”, to be read as part of the Plan

Amendment 2
The current Appendix D book of maps to be updated to reflect the changes in the attached book of maps entitled “Amendments to Appendix D – Zoning Maps”.

Amendment 3
Section 1.03 – Policy Context pg 5. The following statements to be inserted into Section 1.03 of the Plan

Smarter Travel – A Sustainable Transport Future – A New Transport

Policy for Ireland 2009 - 2020 (Feb 2009)

Smarter Travel, A Sustainable Transport Future, (2009) is the new transport policy for Ireland for the period 2009-2020. It recognises the vital importance of continued investment in transport to ensure an efficient economy and continued social development, but also promotes more sustainable transport modes such as walking, cycling and public transport.

National Cycle Policy Framework 2009-2020

The National Cycle Policy Framework (as part of Smarter Travel – A Sustainable Transport Future 2009) sets out a national policy for cycling, in order to create a stronger cycling culture, a more friendly environment for cycling and improved quality of life. The vision is that all cities, towns and rural areas will be bicycle friendly. The policy document sets a target of 10% of all trips by bicycle by 2020 and places emphasis on promoting and integrating cycle networks.

Flood Risk Management

The formulation of the policies and objectives in respect to the management of areas at risk of flooding must have regard to the document issued by the Minister entitled; “The Planning System and Flood Risk Management- Guidelines for Planning Authorities” (Nov. 2009).

The guidelines require the planning system at national, regional and local levels to:

1. Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;
2. Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and

3. Incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

In terms of existing undeveloped zoned areas that are potentially at risk of flooding, the guidelines indicate that zoning policies and objectives should be reconsidered for any such lands where flood risk is assessed to be potentially significant and likely to increase in the future. Emphasis is placed on inter-alia; removing high risk/vulnerable uses, revisions to the land use zoning area/objectives for such areas, preparing a detailed local area plan informed by more detailed flood risk assessment addressing development issues prior to development; specification of pre-requisite flood risk measures.

Flood Risk Assessment and Environmental Impact Assessment

At the project level, development either exceeding the specified thresholds for Environmental Impact Assessment (EIA) or development under the thresholds but with significant environmental effects and in an area at risk of flooding will require EIS. Flood risk will therefore need to be an integral part of the EIA process. Screening for EIA should be an integral element of all planning applications in an area at risk of flooding.

Amendment 4

Section 2.01.01 National and Regional Context pg 27. The paragraph in Section 2.01.01 entitled 'Regional Planning Guidelines' to be replaced by the following;

The 2004 Guidelines set out a vision for the Region and nine key strategic goals that are required to achieve that vision. It is considered that the core elements of that vision remain valid, but it has been updated to reflect the changed circumstances of the Region since 2004. The key strategic goals have also been updated to reflect the new circumstances that this Region faces over the period of the Guidelines of 2010 – 2022.

'By 2022, the Border Region will be a competitive area recognised as, and prospering from, its unique interface between two economies, where economic success will benefit all, through the implementation of the balanced development model, which will provide an outstanding natural environment, innovative people, which in themselves, will be our most valuable asset'

KEY STRATEGIC GOALS

The key Strategic Goals required to achieve this vision for the Region are as follows:

SG.1 To foster the development of the Region's most important asset, its people by providing an improved quality of life for all people and communities living, working and visiting the Region.
SG.2 To ensure the development of the Gateways, Hubs, Drogheda and Carrick-on-Shannon as the strategic drivers of growth for the Region and to facilitate integrated sustainable development between urban and rural areas;

SG.3 To improve intra and inter regional connectivity and mobility throughout the Region through the development of Strategic Radial Corridors and Strategic Links;

SG.4 To promote innovation, economic growth, competitiveness and the development potential of the Region, and to facilitate emerging sectors in the Region that will provide sustainable jobs for the future;

SG.5 To protect and enhance the quality of the natural environment and built heritage of the Region;

SG.6 To co-ordinate a regional approach to the key environmental challenges facing the Region;

SG.7 To co-ordinate and integrate key issues in National and Regional Spatial Planning Strategies and in particular, the National Spatial Strategy and the National Development Plan, and associated inter-regional development initiatives that support and promote strategic links;

SG.8 To co-ordinate and integrate key aspects of cross border spatial planning strategies, and in particular, the Regional Development Strategy for Northern Ireland and associated inter-regional development initiatives, that support and promote strategic links between the two economies.

SG.9 To exploit the Regions unique location at the interface between two economies, by putting in place the drivers for economic growth, through the development of the Eastern Corridor, Atlantic Arc and the Central Border Area.

The Core Strategy for the County sets out the framework for the implementation of the aims and objectives of the RPGs. The aims and objectives set out herein are considered to interpret and support the RPGs in terms of National, Regional and in particular Local developme

**Amendment 5**

Section 2.01.03 Land Use Strategy for Tier 2, 3 and 4 Towns and Villages, pg 29. The following statements and policies to be inserted into Section 2.01.03

**Residential Reserve/Support**

These lands are identified primarily to serve the long term housing requirements of the Centre in which they are located. These lands will also be considered as suitable for the accommodation of development that would be compatible with residential use. Whereas residential development (other than that set out below) will not be permitted on these
lands during the lifetime of the Plan they may be considered for residential development in future Plans.

The following residential type development may be considered acceptable on lands zoned Residential Reserve/Support;

1) Where there is a live permission for residential development that has not been activated. The life of these permissions may be extended in accordance with the Provisions of Section 42A of the Planning & Development Act 2010, as amended. New permission will not be considered.

2) A proposal for a dwelling house where;
   a) the unit to be provided will serve as the permanent place of residence of the landowner or a member of his/her immediate family
   b) and where it can be clearly demonstrated that the provision of such a unit would not compromise the development of the adjoining lands (lands from which the site is being annexed),
   c) and the unit to be provided would easily integrate with the future development of the lands and those in the vicinity.

3 In exceptional circumstances where it can be clearly demonstrated by the developer that there is a significant difficulty in the release or identification of lands for a specific residential type development, consideration will be given to the release of lands zoned Residential Reserve/Support, subject to established planning criteria and including in particular;
   a) The requirement to remain within the overall residential land use targets as set out in the ‘Core Strategy’.
   b) Compliance with the ‘Justification Test’ (refer to details below)
   c) Compliance with the ‘Sequential Approach’ (refer to Section 2.01.03e of CDP)

Policy It is the policy of the Council to manage the development of settlements in accordance with the Core Strategy and as detailed in Section 2.01.03 – Land Use Strategy for Tier 2, 3 and 4 ‘Towns and Villages’.

Existing Housing Stock

It is clear from a comprehensive housing survey completed by the Council in the last quarter of 2010 that the level of vacant and under construction housing units will meet a significant level of the housing requirements during the Plan period, and is some instance beyond.

Considering the foregoing and in particular the need to ensure the utilization of the existing stock of residential units and the proper release of zoned lands for residential type development the following ‘Justification Test’ shall apply.

Justification Test
A justification test in terms of the market demand for new residential development will generally be required in the case of all new applications for residential schemes (two or more dwellings), pending a narrowing of the supply and demand of residential units in those centres where there remains a wide divergence. Certain developments that can demonstrate a strategic element (e.g. a significant commercial or social element), may be deemed acceptable. Developments that satisfy a 'Niche' housing market may also be deemed acceptable. Normally the requirements of a justification test will be in the form a 'Property Development Surveyors Report'.

Unfinished/Unoccupied Estates and Commercial Property

Unfinished/unoccupied estates and commercial property are a manifestation of a systemic failure to properly manage the property sector. This has led to unprecedented social and economic difficulties, particularly within the housing sector. The Council fully recognises and acknowledges this legacy and has to date done much work, from a planning perspective, to help address these difficulties.

Notwithstanding this legacy, unfinished/unoccupied buildings represent a significant resource that needs to be resolved in a pragmatic and sustainable way. In the interest of clarity, and not to deflect from the responsibilities of the Council, it must be stated from the outset, that the primary responsibility in relation to the completion of unfinished estates and commercial property lies with the developers and property owners.

Nevertheless, given the scale, extent and complexity of the social, economic and environmental issues involved, public intervention may be required. Resolution of the issues involved will require a joint, sustained and measured response with some innovative solutions needed and indeed a considerable commitment in terms of resources. It is therefore a key Planning issue that will continue to be addressed by the Council and kept under review.

At a National level the Department of the Environment is working on measures to resolve the issues with a particular focus on unfinished estates. The Council will be guided in its approach by the forthcoming final version of the document to be issued by the Department of Environment entitled; "Managing and Resolving Unfinished Housing Developments - Guidance Manual" and any subsequent Guidance in this regard. With this in mind the Council is anxious to fully support any such measures falling within its remit and as resources permit.

The Council has established a dedicated team within the Planning Department to deal with planning issues relating to unfinished estates in particular. This team will continue to identify record and monitor the status of unfinished estates within the County and will actively engage with the relevant stakeholders in an effort to resolve the Planning issues involved. The Council is currently working with Developers, Financial and Legal institutions, the Department of Environment, and other relevant parties in order to secure the satisfactory resolution of any unfinished estates.

A range of measures will continue to be developed and deployed by the Council in relation to resolving planning matters associated with Unfinished/Unoccupied estates and commercial property, including;
• Appropriate and timely action where deemed necessary on significant issues of Public Health and Safety.

• Prioritising site resolution of occupied/unfinished estates.

• Providing direction to, and securing the co-operation of, developers and other relevant stakeholders in an effort to secure compliance with planning permission.

• Taking enforcement action and the ‘calling-in’ of bonds and cash deposits in order to complete the developments, where appropriate.

• Accommodating (under the development management process) appropriate revisions to the design, layout and/or use of the permitted development in order to secure their completion/occupation.

• Restricting (under the planning process) certain additional development types in areas where there is a surplus.

• Implementing key infrastructural and community based works including Town and Village Improvement Schemes, thereby making Towns and Villages more attractive places in which to live, work and visit.

• Increased efforts towards facilitating and promoting opportunities for enterprise and employment.

Policy It is the policy of the Council to operate a pro-active approach, and to work with other relevant parties, towards achieving a sustainable resolution to the difficulties associated with unfinished/unoccupied estates and commercial property within the County.

Amendment 6
Section 2.01.03e Sequential Release of Lands pg 34. The following statement to be replaced;

In the interest of orderly development priority will be given to the release of lands close to the core of the settlement. In this regard and as a general rule priority will be given to the development of lands that can be served by means of a gravity sewer as opposed to proposals that rely on pumping. Additional pumping stations will not be permitted while land capable of being serviced by an existing gravity sewer, or by an existing pumping station, remain undeveloped.

By;

Cognisance will be had of the need to consolidate settlements by keeping them as physically compact as possible and applying the sequential approach to the release of lands for housing developments. (as set out in Chapter 5 of NSS and Section 28 Guidelines, such as the Development Plan Guidelines and Sustainable Urban Residential Development Guidelines). In the interest of orderly development priority will be given to the release of lands close to the core
of the settlement, as identified in the zoning maps, for this purpose. The lands surplus to the identified housing needs, which have been identified as ‘residential reserve/support’, will be regarded as a strategic reserve and that proposals for the development of such lands for housing will not be considered for development purposes during the plan period, other than by testing through the sequential approach and where justification in terms of housing demand can be demonstrated. Lands which are located at the periphery of the settlement may only be developed for residential development where it is demonstrated that both lands, zoned for residential development, and lands, identified as residential reserve, have been exhausted, or where it can be demonstrated that these lands cannot be developed for reasons related to their ownership status or tenure.

In this regard and within the context set out above, as a general rule, priority will be given to the development of lands that can be served by means of a gravity sewer as opposed to proposals that rely on pumping. Additional pumping stations will not be permitted while lands capable of being serviced by an existing gravity sewer, or by an existing pumping station, remain undeveloped.

**Amendment 7**

**Section 2.01.03 Land Use Strategy for Tier 2, 3 and 4 Towns and Villages, pg 36**

The following Table 2.3: ‘Land Use Zoning Matrix’ to be replaced;
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Mixed Use</th>
<th>Primarily Residential</th>
<th>Enterprise &amp; Employment</th>
<th>General Development</th>
<th>Amenity</th>
<th>Social &amp; Community</th>
<th>Tourism Related Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>y</td>
<td>y</td>
<td>n</td>
<td>y</td>
<td>n</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Guest house/hotel/hostel</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>o</td>
<td>y</td>
</tr>
<tr>
<td>Restaurant</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>o</td>
<td>y</td>
</tr>
<tr>
<td>Pub</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Shop (convenience)</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>o</td>
</tr>
<tr>
<td>Shop (corner shop)</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Retail warehouse</td>
<td>n</td>
<td>n</td>
<td>o</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>School</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>o</td>
<td>n</td>
</tr>
<tr>
<td>Medical and Related Consultant</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>y</td>
<td>n</td>
</tr>
<tr>
<td>Health centre</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>y</td>
<td>n</td>
</tr>
<tr>
<td>Nursing home</td>
<td>y</td>
<td>y</td>
<td>n</td>
<td>y</td>
<td>n</td>
<td>y</td>
<td>n</td>
</tr>
<tr>
<td>Community hall &amp; Sports halls</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Recreational buildings/ marina</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Cultural uses library</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Offices</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>y</td>
<td>n</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Garages car repairs</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Petrol station</td>
<td>o</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Motor sales</td>
<td>o</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Car parks</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
</tr>
<tr>
<td>Heavy commercial vehicle parks</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Cinema dance hall disco</td>
<td>y</td>
<td>n</td>
<td>o</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>o</td>
</tr>
<tr>
<td>Warehouse (wholesale)</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Repository store depot</td>
<td>o</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Industry</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Industry (light)</td>
<td>n</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Workshops</td>
<td>o</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Playing fields</td>
<td>o</td>
<td>Y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Place of worship</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>o</td>
</tr>
<tr>
<td>Park/playground</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Tourist camping site</td>
<td>n</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>n</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Tourist caravan park</td>
<td>n</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>n</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Halting site</td>
<td>n</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>n</td>
</tr>
<tr>
<td>Cattle-shed/slatted unit</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Broiler house</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Stable yard</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Amusement Arcade</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Hot food take-away</td>
<td>o</td>
<td>n</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>o</td>
</tr>
<tr>
<td>Utility structures</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Funeral homes</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Creche/playschool</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>n</td>
</tr>
<tr>
<td>Land Use</td>
<td>Mixed Use</td>
<td>Primarily Residential</td>
<td>Residual Reserve/Support</td>
<td>Enterprise &amp; Employment</td>
<td>General Development</td>
<td>Open Space &amp; Amenity</td>
<td>Social &amp; Community</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----------</td>
<td>-----------------------</td>
<td>--------------------------</td>
<td>-------------------------</td>
<td>---------------------</td>
<td>---------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Dwelling</td>
<td>y</td>
<td>y</td>
<td>n&lt;sup&gt;1&lt;/sup&gt;</td>
<td>n</td>
<td>y</td>
<td>n</td>
<td>o</td>
</tr>
<tr>
<td>Guest house/note/hostel</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>o</td>
</tr>
<tr>
<td>Restaurant</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>o</td>
</tr>
<tr>
<td>Pub</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>n</td>
<td>o</td>
</tr>
<tr>
<td>Shop (convenience)</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Shop (comparison)</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Retail warehouse</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>o</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>School</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>y</td>
<td>n</td>
</tr>
<tr>
<td>Medical and Related Consultant</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>y</td>
</tr>
<tr>
<td>Health centre</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>y</td>
<td>n</td>
</tr>
<tr>
<td>Nursing home</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>n</td>
<td>y</td>
<td>n</td>
<td>y</td>
</tr>
<tr>
<td>Community hall &amp; Sports halls</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Recreational buildings/./marina</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>y</td>
</tr>
<tr>
<td>Cultural uses library</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>y</td>
</tr>
<tr>
<td>Offices</td>
<td>y</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>n</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Garages car repairs</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Petrol station</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Motor sales</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Car parks</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Heavy commercial vehicle parks</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Cinema dancehall disco</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>o</td>
<td>n</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Warehouse (wholesale)</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Repository store depot</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Industry</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Industry (light)</td>
<td>n</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Workshops</td>
<td>o</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>n</td>
<td>o</td>
</tr>
<tr>
<td>Playing fields</td>
<td>o</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Place of worship</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>y</td>
</tr>
<tr>
<td>Park/Playground</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Tourist camping site</td>
<td>n</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>n</td>
<td>o</td>
<td>n</td>
</tr>
<tr>
<td>Tourist caravan park</td>
<td>n</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>o</td>
</tr>
<tr>
<td>Helting site</td>
<td>n</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
</tr>
<tr>
<td>Cattle shed/slatted unit</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Broiler house</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Stable yard</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>n</td>
<td>o</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Amusement Arcade</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>o</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
</tbody>
</table>

<sup>1</sup> For exceptions refer to Section 2.01.03 'Residential Reserve/Support'
<table>
<thead>
<tr>
<th>Hot food take-away</th>
<th>o</th>
<th>n</th>
<th>n</th>
<th>o</th>
<th>y</th>
<th>n</th>
<th>n</th>
<th>o</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility structures</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>y</td>
</tr>
<tr>
<td>Funeral homes</td>
<td>o</td>
<td>o</td>
<td>o</td>
<td>y</td>
<td>y</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>Creche/playschool</td>
<td>y</td>
<td>y</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>o</td>
<td>y</td>
<td>n</td>
</tr>
</tbody>
</table>

Table 2.3: Land Use Zoning Matrix
'Y' Acceptable in principle, 'O' Open for consideration, 'N' not acceptable.

With regard to determining the suitability of retail developments, applications will be assessed having due regard to the current County Retail Strategy and the Retail Planning Guidelines for Planning Authorities.

In the case of lands at risk of flooding, the types of uses mentioned above may be further constrained having regard to the policies, objectives and guidelines of this Plan and in particular the guidelines outlined in the document: "The Planning System and Flood Risk Management - Guidelines for Planning Authorities" Nov. 2009

The title of lands zoned 'Amenity' to be changed to read 'Open Space & Amenity' the heading in Section 2.01.03c to be changed accordingly.

Amendment 8

Section 2.01.03 Land Use Strategy for Tier 2, 3 and 4 Towns and Villages, pg 37 The following statement to be inserted as Section 2.01.03h;

Flood Risk Management
It is the aim of the Council to ensure, where appropriate, that proposed developments in areas at risk of flooding shall conform with the "The Planning System and Flood Risk Management - Guidelines for Planning Authorities", Nov. 2009 or any subsequent version of this document issued by the Department of Environment, Heritage and Local Government, during the lifetime of the Plan. It should be noted that Carrick-on-Shannon has been identified in the Border Regional Guidelines as a Regionally Strategically Important Town and as such has been identified as a growth centre. Accordingly, its status as such will be taken into consideration when assessing certain type developments within areas at risk of flooding.

Policy 1.3d It is the policy of the Council to require, where appropriate, that developments of a type that may be considered sensitive to flooding are subject to a 'justification test'. Where a justification test is required it shall demonstrate to the satisfaction of the Council that;

a) Such proposals apply the 'sequential approach' as outlined in Section 3 of the Planning System and Flood Risk Management – Guidelines for Planning Authorities, Nov. 09. In particular, the proposal shall demonstrate that there are no alternative sites available at a more suitable location within the town that would meet the requirements of the development:
b) The area comprises significant previously developed and/or underutilised lands within the urban envelope;

c) The development of the area is essential to facilitate regeneration or town centre expansion;

d) Environmental/hydrological assessment has been undertaken to identify the impact of flood risk as a result of development and that the development would not result in increased or new flood risk elsewhere and if possible will reduce the overall flood risk;

e) The proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as is reasonably possible;

f) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future risk management measures and provisions for emergency services access;

g) The proposal complies with other relevant policies and development standards as set out in the County Development Plan and this Local Area Plan.

* In general, but not exclusively, the justification test will only apply to lands that are affected by the flooding as set out in the Flood Risk Management Guidelines (2009).

Policy 1.3e. It is the policy of the Council to seek to ensure that proposals within flood risk areas exclude high vulnerability uses such as residential care homes, hospitals, emergency services, residential use at ground floor level and certain strategic infrastructural services and facilities.

Policy 1.3f. It is the policy of the Council to protect the floodplain of the Shannon. Planning permission for development on the floodplain will only be granted in exceptional circumstances and where the Council is satisfied that downstream (and upstream) consequences are insignificant. The Council must be satisfied that all floor levels in such developments are sufficiently high above the maximum recorded flood levels.

Refer to Section 2.07.09 and Appendix E – Guidelines on Flood Risk and Development.

**Amendment 9**

The following policy to be inserted into Section 2.01.03 of the Plan

Policy. It is the policy of the Council to ensure that development would not overload or otherwise compromise the proper operation of the Public Wastewater Treatment Plants. Such development will not be permitted, notwithstanding the zoning of lands.
Amendment 10

Section 2.05.01 Sustainable Transportation, pg 60. The following statement to be inserted at the beginning of Section 2.05.01 Sustainable Transportation:

The council policies and objectives in relation to Sustainable Transportation are guided by National Policy document "Smarter Travel, A Sustainable Transport Future, (2009)". This document recognises the vital importance of continued investment in transport to ensure an efficient economy and continued social development, but also promotes more sustainable transport modes such as walking, cycling and public transport. The promotion of initiatives that can reduce congestion, improve local environments and encourage healthier and safer lifestyles are key features of sustainable transportation.

The Council seeks to influence people's travel behaviour towards more sustainable options and seeks to do so by working closely with relevant organisations in improving public transport facilities and promoting opportunities for alternative transportation such as walking and cycling.

The Council recognises the importance of walking to the well being and quality of life of residents. It will support and encourage the continued development of walking as a sustainable form of transportation and will work with organisations and groups in the promotion of safe walking throughout the county, including heritage walks and the protection of public rights of way, which are an important amenity and tourism resource.

Policy It is the policy of the Council to support the National Policy document "Smarter Travel, A Sustainable Transport Future, (2009)" or any updated version of the document issued within the lifetime of the Plan.

Amendment 11

Section 2.05.06 Roads, pg 61. The following map of the N4 Carrick on Shannon to Dromod Road Scheme to be inserted into Section 2.05.06, replacing maps 2.4 and 2.5
Map 2.4 N4 Carrick on Shannon to Dromod Preferred Route

**Amendment 12**

Section 2.05.06 Roads, pg 64. Remove Map 2.3 indicating those parts of the constraint areas associated with the N4 Mullingar to Longford (Roosky) Road Improvement Scheme that are located within County Leitrim. Also remove the reference to the map in the paragraph preceding the said map.

**Amendment 13**

Section 2.05.06 Roads, pg 65. The following map of the N16 Manorhamilton – Sligo Boundary Preferred Route to be inserted into Section 2.05.06, replacing map 2.7. Objective 5.6a accordingly.
Map 2.7  N16 Manorhamilton to Sligo Boundary Preferred Route

Amendment 14

Section 2.05.06 Roads, pg 65. The following map of the N16 Manorhamilton By-Pass Preferred Route to be inserted into Section 2.05.06, replacing map 2.8
Amendment 15

Section 2.07 Protection of the Natural Environment/Natural Heritage. The following statement and policy to be inserted into Section 2.07 pg 92.

Climate Change
The National Climate Change Strategy 2007-2012 builds on measures established under the first National Climate Change Strategy (2000), and provides a framework for achieving emissions reductions. Its purpose is:

- to show clearly the measures by which Ireland will meet its 2008 - 2012 Kyoto Protocol commitment;

- to show how these measures position us after 2012, and to identify the areas in which further measures are being researched and developed;

- to take a long term view, having regard to likely future commitments and the economic imperative for action; and,

- the promotion of sustainable development including the integration of climate change considerations into all policy areas.

Policy: It is the policy of the Council to support the Implementation of National Climate Strategy 2007-2012 (or any similar updated version issued within the lifetime of the Plan).

Amendment 16

Section 2.07.02a 'Natura Sites', pg 92. The following policy shall be inserted into immediately before Policy 2.7a;

Policy: It is the Policy of the Council to ensure that all Plans and Projects that have the potential to negatively impact on the integrity of the Natura 2000 network, will be subject to a Habitats Directive Assessment (HDA), in accordance with Article 6 of the Habitats Directive and in accordance with best practice and guidance.

Amendment 17

Section 2.07.04 Nature Conservation outside Designated Sites. The following statement and policy to be inserted into Section 2.07.04.

Important ecological corridors within the County include the following water bodies (including their tributaries and lakes where relevant) - the list is not exhaustive and their
inclusion is not an indication that they fall within the remit of Article 10 of the Habitats Directive:

- River Shannon System
- Shannon-Erne Waterway (Ballyconnell-Ballinamore Canal)
- Bonet River System
- Duff River
- The Drumcliff River (including Diffreen River)
- Drowes River/Lough Melvin System
- Bradoge River
- River Erne

Policy It is the policy of the Council to protect ecological networks linking protected and designated important sites within the County, in accordance with Article 10 of the Habitats Directive.

Amendment 18

Section 2.07.09 Protection of Water Courses, pg 105. The following statement and policy amendment to be inserted into Section 2.07.09

The Water Framework Directive

The Water Framework Directive (WFD) sets out a framework for comprehensive management of water resources in the European Community. It addresses inland surface waters, estuarine and coastal waters and groundwater. The fundamental objective of the WFD aims at maintaining "high status" of waters where it exists, preventing any deterioration in the existing status of waters and achieving at least "good status" in relation to all waters by 2015. Member States will have to ensure that a co-ordinated approach is adopted for the achievement of the objectives of the WFD and for the implementation of programmes of measures for this purpose. Irrespective of political boundaries, the river basin is the natural unit for water management; Ireland is divided into 8 River Basin Districts, 3 of which affect County Leitrim. River Basin Management Plans have been adopted for each of the Districts.

River Basin Management Plans

These Plans set out a program of measures aimed at protection and improvement of the aquatic environment (both groundwater and surface waters). The principal objectives of these plans include:

- To prevent further deterioration in water quality;
• To protect/enhance all waters including surface, ground and coastal waters;
• To manage water bodies based on river basins or catchments;

County Leitrim falls into 3 of these River Basin Districts as follows:

• The Shannon RBD covering all of the River Shannon and its tributaries;
• The North Western International RBD covering the River Erne(part of the Shannon/Erne Waterway, Cullies River, Lough McNean) and its tributaries and Lough Melvin catchment area;
• The Western RBD covering the Bonet River and Lough Gill catchment.

Policy 7.9d (pg 106) to be amended as indicated below;

Policy 7.9d  It is the policy of Leitrim County Council to complete the Shannon International River, Western River and North Western International River Basin District Plans and to implement the recommendations of the Shannon, North Western International and Western River Basin District Plans, as appropriate, in co-operation with the other relevant local authorities and statutory bodies, subject to funding being available.

Amendment 19

Section 2.10 - Utility Services, pg 133. The following statement and policies and objectives to be inserted into Section 2.10 - Utility Services.

Waste Water Discharge (Authorisation) Regulations 2007
Circular PD/709 issued by the Department of the Environment, Heritage and Local Government to local authorities and dated 16th July 2009 sets out certain obligations on planning authorities under the Waste Water Discharge (Authorisation) Regulations 2007 (SI 684 of 2007) as well as the interrelationship between these requirements and investment plans under the Department’s Water Services Investment Programme.

In accordance with the aforementioned Regulations, Planning authorities must assure themselves that in approving development that it would not compromise the operation of municipal wastewater treatment plants, and furthermore that they operate in accordance with the requirements of the EPA licence governing the plant.

Policy:  It is the policy of the Council to ensure that in approving development that would give rise to additional discharges to a waste water works or from storm water overflows governed by EPA licences, such discharges, taken in conjunction with discharges from other existing and/or already approved development, are capable of being treated in a manner that is compliant with the stricter of the requirements of:

1. The Urban Waste Water Regulations;
2. The requirements of an EPA licence
Objective: It is an objective of the Council to prioritise, and aim to comply with, the recommendations set out in the EPA Report 2009, Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2006 and 2007 (or any similar updated version issued by the EPA).

Objective: It is an objective of the Council to prioritise, and aim to comply with, the recommendations set in the EPA Report 2009, The Provision and Quality of Drinking Water in Ireland – A Report for the Years 2007 and 2008 (or any similar updated version issued by the EPA) (or any similar updated version issued by the EPA).
Appendix 1

March 2011

Comprehensive List of Prescribed Authorities

In accordance with the requirements of Article 5 of the Planning and Development Regulations 2006 which substituted Article 13 of the Planning and Development Regulations 2001

(a) Spatial Policy Section
Dept. of Environment, Heritage & Local Government,
Custom House,
Dublin 1
(in lieu of the Minister as per circular letter SP/08)

(b) An Bord Pleanala,
64 Marlborough Street,
Dublin 1.

(c) The Minister,
Department of Agriculture, Fisheries and Food,
Agriculture House,
Kildare Street,
Dublin 2.

(d) The Minister,
Dept of Community, Rural and Gaeltacht Affairs,
Dún Aímhirgin,
43-49 Mespil Road,
Dublin 4

(e) The Minister,
Department of Defence,
Infirmary Road
Park Gate,
Dublin 7.

(f) The Minister,
Department of Education & Science,
Malborough Street,
Dublin 1.
(g) The Minister, Department of Communications, Energy and Natural Resources, 29-31 Adelaide Road, Dublin 2.

(h) The Minister, The Department of Transport, Transport House, Kildare St., Dublin 2.

(i) Dublin Airport Authority, Head Office, Dublin Airport, Dublin.

(j) Fáilte Ireland Baggot Street Bridge, Dublin 2.

(k) Central Fisheries Board, c/o Inland Fisheries Ireland, Swords Business Campus, Swords, Co. Dublin.

(l) An Chomhairle Éalaíon, 70 Merrion Square, Dublin 2.

(m) The Office of Public Works, 51 St. Stephen’s Green, Dublin 2.

(n) Not Applicable

(o) Property Services ESB Head Office, 27 Lr. Fitzwilliam Street, Dublin 2.

(p) Forfás, Wilton Park House Wilton Place Dublin 2
(q) HSE (North West), Manorhamilton, Co. Leitrim.

(r) The Heritage Council, Aras na hOidreacht, Church Lane, Kilkenny.

(s) Health and Safety Authority, The Metropolitan Building, James Joyce Street, Dublin 1.

(t) National Roads Authority, St. Martin's House, Waterloo Road, Dublin 4.

(u) Northern Regional Fisheries Board, c/o Inland Fisheries Ireland, Station Road, Ballyshannon, Donegal, Co. Donegal.

North Western Regional Fisheries Board, c/o Inland Fisheries Ireland, Ardnaree House, Abbey St., Ballina, Co. Mayo

Western Regional Fisheries Board, c/o Inland Fisheries Ireland, Wier Lodge, Earls Island, Galway

Shannon Regional Fisheries Board, c/o Inland Fisheries Ireland, Ashbourne Business Park, Dock Rd., Limerick

(v) Not Applicable
(w) An Taisce,  
Tailor’s Hall,  
Dublin 8.

(x) Longford County Council,  
Áras an Chontae,  
Great Water St.,  
Longford

Sligo County Council,  
County Hall  
Riverside,  
Sligo

Roscommon County Council,  
The Courthouse,  
Roscommon,  
Co. Roscommon.

Cavan County Council,  
The Courthouse,  
Farnham Street,  
Cavan,  
Co. Cavan.

Donegal County Council,  
County House,  
The Diamond,  
Lifford,  
Co. Donegal.

Fermanagh District Council,  
Town Hall,  
Enniskillen,  
Co. Fermanagh  
N. Ireland BT74 7BA

(y) Leitrim County Enterprise Board,  
Dublin Rd.,  
Carrick on Shannon,  
Co. Leitrim

Leitrim County Development Board,  
Leitrim County Council,  
Áras an Chontae,  
Carrick-on-Shannon,  
Co. Leitrim
Bundoran Town Council,
Main Street,
Bundoran,
Co Donegal

Border Regional Authority,
Corlurgan Business Park,
Ballinagh Road,
Cavan,
Co. Cavan.

Midland Regional Authority,
Bridge Centre,
Bridge St.,
Tullamore,
Co. Offaly

West Regional Authority,
First Floor,
Woodquay Court,
Woodquay,
Galway

************

Additional Bodies not specifically referenced under Article 5 of the Planning and Development Regulations 2006 but which are considered relevant:

Development Applications Unit,
Department of the Environment, Heritage and Local Government, Newtown Road,
Wexford.

Environmental Protection Agency,
EPA Headquarters,
PO Box 3000,
Johnstown Castle Estate ,
Co. Wexford

Western Development Commission,
Dillon house,
Ballaghaderreen,
Co. Roscommon.

The Minister,
Department of Enterprise, Trade and Employment,
Davitt House,
Adelaide Road,
Dublin 2.
Amendments to Appendix B - Zoning Maps

As required under the Planning and Development (Amendment) Act 2010

County Development Plan 2009 - 2015

Variation No 1
County Development Plan 2009 - 2015 Draft Variation No 1
Dromahair

Changes to Zoning
The following sites to be rezoned from Primarily Residential to Residential Reserve/Support;
1, 2a, 2b, 3, 7 & 8

Sites 6 & 9 to be rezoned from Primarily Residential to Open Space & Amenity

Map 6a
County Development Plan 2009 - 2015 Draft Variation No 1

Dromod

Changes to Zoning
The following Sites to be rezoned;
Sites 4 & 13b from Primarily Residential to Residential Reserve/Support
Site 7 to be rezoned from Primarily Residential/Mixed Use to Residential Reserve/Support
Sites 5a, 9 & 10 from Mixed Use to Residential Reserve/Support
Site 14 from Primarily Residential to Enterprise & Employment
Site 2 from Primarily Residential to Tourism Related Development
Site 12 from Primarily Residential to Open Space & Amenity

The following sites to be dezoned
Sites 1a, 1b, 3 & 5b

Map 7a
Changes to Zoning
The following Sites to be rezoned from Primarily Residential to Residential Reserve/Support:
5, 6, 11, 12a & 12b
Site 10 to be rezoned from Mixed Use to Residential Reserve/Support
Sites 2 & 3a to be rezoned from Primarily Residential to Mixed Use

Map 8a
Changes to Zoning
The following Sites to be rezoned from Primarily Residential
- Residential Reserve/Support
  - 6a, 6b, 7c, 9b, & 9c
Site 8 to be rezoned from Primarily Residential
- Social & Community
The following Sites to be dezonned:
- 1, 4, 12, 13 & 14

Map 9a
County Development Plan 2009 - 2015 Draft Variation No 1
Leitrim Village

The following Site to be rezoned from Primarily Residential to Residential Reserve/Support:
2, 4a, 4b, 6b and 9

Site 3, 5b and 7 to be rezoned from Mixed Use to Tourism Related Development

Sites 5a to be rezoned from Primarily Residential to Tourism Related Development

Site 1 to be dezoned

Map 10a
County Development Plan 2009 - 2015 Draft Variation No 1
Tullaghan

Changes to Zoning
Site 2 to be rezoned from General Development to Residential Reserve/Support
Site 3 to be dezone
Dear Member,

I attach herewith copy of Student Grants Scheme 2011 and set out hereunder the significant changes in the 2011 Scheme. As part of the overall student grants reform programme, the four existing grant schemes have been consolidated and this year, a single unified grant scheme is being introduced to cover all study from PLC through to postgraduate levels. The development of a single scheme was enabled by the Student Support Act which was signed into law in February 2011.

> **Reckonable Income Limits**

The Reckonable Income Limits for entitlement to all rates of support are to remain unchanged for students, however, an additional level of reckonable income limit will be introduced from September 2011 to cover the cost of 50% of the new student contribution charge (previously referred to as the Student Services Charge) for qualifying students. The 2011 reckonable income limits are set out on the attached Appendix 1.

> **Maintenance Grant Rates.**

In relation to the rates of maintenance grant, the current rates, as announced in Budget 2011, will continue to apply up to the end of 2011. Since 2008, changes in the rates of student grant are considered as part of the annual Budget process each year and rates become effective on a financial, rather than an academic year basis.

<table>
<thead>
<tr>
<th>2011 Maintenance Grant Rates</th>
<th>Non-Adjacent Rate</th>
<th>Adjacent Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Maintenance</td>
<td>€3,120 (NA1)</td>
<td>€1,250 (NA1)</td>
</tr>
<tr>
<td>Part Maintenance(75%)</td>
<td>€2,340 (NA2)</td>
<td>€940 (NA2)</td>
</tr>
<tr>
<td>Part Maintenance(50%)</td>
<td>€1,560 (NA3)</td>
<td>€625 (NA3)</td>
</tr>
<tr>
<td>Part Maintenance(25%)</td>
<td>€780 (NA4)</td>
<td>€315 (NA4)</td>
</tr>
<tr>
<td>Special Rate of Grant</td>
<td>€6,100</td>
<td>€2,445</td>
</tr>
</tbody>
</table>

> **Student Contribution Charge and Maximum Fee Limit**

The Student Contribution Charge has increased and will now be covered up to a maximum of €2000. The maximum fee limit to date has not increased and remains unchanged at €6,270.

> **Other Amendments to the Terms and Conditions of the 2011 Scheme**

> The qualifying distance criterion for entitlement to the higher non-adjacent rate of grant (distance from home to the higher education institution) will be changed from 15 miles (24 kilometres) to 28 miles (45 kilometres). This measure will take effect for all students both new and renewal from the start of the 2011/2012 academic year.

> The automatic eligibility of mature students to the higher non-adjacent rate of payment, will no longer apply, effective for all students both new and renewal from the commencement of the 2011/2012 academic year. This measure will bring the arrangements for mature students into line with all other students.
New applications will be made to local authorities in respect of attendance on an approved course in one of the following institutions in the 2011/12 academic year; a university, a prescribed education institution in Ireland (for example a college of education); an approved undergraduate course in an approved education institution in the EU; an approved postgraduate course in an approved education institution in Northern Ireland.

Yours Sincerely,

[Signature]

Senior Executive Officer
Housing and Corporate Services

Encl.
## Appendix 1

### Income Limits for Maintenance and Fee Grants – Table A

| Number of Dependent Children | Maintenance: Special Rate* | Fee elements: 100% Tuition Fees | 100% Student Contribution | Field Trip | Maintenance: 100% Standard Rate | Fee elements: 100% Tuition Fees | 100% Student Contribution | Field Trip | Maintenance: 75% Standard Rate | Fee elements: 100% Tuition Fees | 100% Student Contribution | Field Trip | Maintenance: 50% Standard Rate | Fee elements: 100% Tuition Fees | 100% Student Contribution | Field Trip | Maintenance: 25% Standard Rate | Fee elements: 100% Tuition Fees | 100% Student Contribution | Field Trip | Maintenance: Not Payable | Fee elements: Tuition Fees - Not Payable | 50% Student Contribution | Field Trip – Not Payable | Field Trip – Not Payable |
|-----------------------------|-----------------------------|--------------------------------|---------------------------|------------|-------------------------------|--------------------------------|---------------------------|------------|-------------------------------|--------------------------------|---------------------------|------------|-------------------------------|--------------------------------|---------------------------|------------|-------------------------------|--------------------------------|---------------------------|------------|-------------------------------|--------------------------------|---------------------------|------------|-------------------------------|--------------------------------|---------------------------|------------|
| Less than 4                 | €22,703                     | €41,110                        | €42,235                   | €44,720    | €47,205                       | €51,380                        | €55,920                   |            |                               |                               |                          |            |                               |                               |                          |            |                               |                               |                          |            |                               |                               |                          |            |
| 4-7                         | €22,703                     | €45,165                        | €46,415                   | €49,145    | €51,880                       | €56,460                        | €61,440                   |            |                               |                               |                          |            |                               |                               |                          |            |                               |                               |                          |            |                               |                               |                          |            |
| 8 or more                   | €22,703                     | €49,045                        | €50,400                   | €53,360    | €56,320                       | €61,295                        | €66,700                   |            |                               |                               |                          |            |                               |                               |                          |            |                               |                               |                          |            |                               |                               |                          |            |

### Additional increments that may be applied to the income limits in Table A for Maintenance & Fee Grants

where there are two or more in a household attending third level education in 2011/12 – Table B

| + Increment for each additional relevant person | 0 | +€4,980 | +€4,815 | +€4,815 | +€4,815 | +€4,980 |

*To be eligible for the special rate of maintenance an applicant’s reckonable income on 31st December 2010 must include an eligible payment listed in the Scheme*
STATUTORY INSTRUMENTS.

S.I. No. of 2011

____________________________________

STUDENT GRANT SCHEME 2011

(Prn. )
S.I. No. 6 of 2011

STUDENT GRANT SCHEME 2011

ARRANGEMENT OF SCHEME

Part 1

Preliminary and general

1. Citation.
2. Commencement and application.
3. Interpretation.

Part 2

Scheme of grants

4. Persons to whom the Scheme applies.
5. Awarding authority.
6. Classes of grant.
7. Maintenance grant.
8. Fee grant.
9. Tuition fee element of fee grant.
10. Student contribution element of fee grant.
11. Field trip element of fee grant.
12. Classes of applicant.
13. Eligibility exclusions.
14. Period of eligibility and progression.
15. Post leaving certificate courses — progression.
16. Undergraduate courses — progression.
17. Postgraduate courses — progression.

Part 3

Reckonable income

18. Reckonable income limits and eligible payments.
20. Person whose income is considered.

22. Determination of reckonable income — self-employment and farming, including rental and other income from land and property.


24. Treatment of losses.

**Part 4**

**AWARD OF GRANTS**

25. Offer and award of grant and transfer of status.

26. Rates and value — maintenance grant.

27. Rates and value — fee grant, tuition fee element.

28. Rates and value — fee grant, student contribution element.

29. Rates and value — fee grant, field trip element.

30. Review of eligibility during academic year.

**Part 5**

**APPLICATION, PROVISION OF INFORMATION AND PAYMENT**

31. Appropriate awarding authority.

32. Application time limits.

33. Applications generally.

34. Submission of information.

35. Payment of maintenance grants.

36. Payment of fee grants.

37. Overpayments.

**Part 6**

**APPEALS**

38. Appeals to appeals officers.

39. Appeals to Appeals Board.

**Schedule 1**

**RECKONABLE INCOME LIMITS FOR MAINTENANCE AND FEE GRANTS FOR THE 2011/12 ACADEMIC YEAR.**
Schedule 2

Eligible payments for the special rate of maintenance grant for the 2011/12 academic year.

Schedule 3

Rates of maintenance grant for the financial year 2011.

Schedule 4

Maximum overall limits for a fee grant for the 2011/12 academic year.

Schedule 5

Documentary evidence.
I, RUAIRI QUINN, Minister for Education and Skills, in exercise of the powers conferred on me by section 16 of the Student Support Act 2011 (No. 4 of 2011), with the consent of the Minister for Finance, hereby make the following scheme of grants:—

Part 1

PRELIMINARY AND GENERAL

Citation
1. This Scheme may be cited as the Student Grant Scheme 2011

Commencement and application
2. (1) This Scheme shall come into operation on 2011.

   (2) This Scheme applies in relation to the provision of grants to students in the 2011/12 academic year, where such year begins on or after 1 September 2011, irrespective of whether anything done under this Scheme is done before, on or after 1 September 2011.

Interpretation
3. (1) In this Scheme—

   “Accelerated Technician Programme” has the meaning assigned to it in Regulation 4(b)(viii) of the Regulations;

   “Act” means the Student Support Act 2011 (No. 4 of 2011);

   “appeals officer” means a person designated under section 20(1) of the Act;

   “approved course” shall be construed in accordance with section 8 of the Act and Regulation 4 of the Regulations;

   “approved institution” shall be construed in accordance with section 7 of the Act and Regulation 3 of the Regulations;

   “awarding authority” means—

   (a) a vocational education committee, or

   (b) a local authority;

   “dependent child” shall be construed in accordance with section 16(7) of the Act and article 18(8);
“dependent student” means a class of applicant coming within the meaning of that term in accordance with article 12;

“EU rate of fee” means the fee determined and charged by an institution for a course to European Union, EEA and Swiss nationals, and related categories of student;

“field trip” means a trip which is compulsory and an integral part of a course, which is for fact-finding or research purposes, and without which the student cannot graduate or progress to the next year of the course;

“framework of qualifications” means the framework of qualifications established and maintained pursuant to section 7 of the Qualifications (Education and Training) Act 1999 (No. 26 of 1999);

“Free Fees Schemes” includes the Free Fees Schemes and the Middle Level Technician Programme (M.L.T) and the Higher Technical and Business Skills Programme (H.T.B.S.) which provide for the Exchequer to meet the tuition fees of eligible students attending approved full-time undergraduate courses in approved institutions in the State who meet the criteria of those initiatives;

“independent student” means a class of applicant coming within the meaning of that term in accordance with article 12;

“Member State” means, where the context so admits, Member State of the European Union;

“Minister” means the Minister for Education and Skills;

“normal residence” shall be construed in accordance with article 7(2);

“postgraduate course” means a course leading to a major higher education and training award at Level 8 (Higher Diploma), Level 9 (Postgraduate Diploma, Masters Degree), Level 10 (Doctoral Degree) of the framework of qualifications or equivalent awards;

“post leaving certificate course” has the meaning given to it in Regulation 4(a) of the Regulations;

“prior scheme” means the Higher Education Grants (HEG) Scheme made pursuant to the Local Authorities (Higher Education Grants) Acts 1968 to 1992 or the schemes administered by a Vocational Education Committee, namely the Vocational Education Committees’ (VEC) Scholarship Scheme, the Third Level Maintenance Grants Scheme for Trainees (TLT) and Maintenance Grants Scheme for Students attending Post Leaving Certificate (PLC) courses;

“recognised awarding body in the State” means—

(a) the Higher Education and Training Awards Council (HETAC);

(b) one of the universities in the State;
(c) the Royal College of Surgeons in Ireland;

(d) the Further Education and Training Awards Council (FETAC);

(e) one of the Institutes of Technology with delegated authority; or

(f) the Dublin Institute of Technology;

“Regulations” means the Student Support Regulations 2011 (S.I. No. 304 of 2011);

“relevant persons” include—

(a) dependent children,

(b) a dependent student’s parent(s), and

(c) an independent student’s spouse, civil partner or cohabitant;

“student” shall be construed in accordance with section 14(1) of the Act and Regulation 5 of the Regulations;

“student contribution” means the charge payable by students who are deemed eligible for free tuition fees under the Free Fees Schemes. This contribution encompasses the student services charge and a contribution by students towards tuition costs;

“tuition student” has the meaning given to it by section 14(7) of the Act;

“undergraduate course” means a course leading to a major higher education and training award at Level 6 (Higher Certificate), Level 7 (Ordinary Bachelor Degree), Level 8 (Honours Bachelor Degree) of the framework of qualifications, or equivalent awards, other than a course known for the time being as a post leaving certificate course;

(2) A word or expression which is used in this Scheme and which is also used in the Act has, unless the context otherwise requires, the same meaning in this Scheme as it has in the Act.

(3) (a) A reference in this Scheme to an article is to an article of this Scheme, unless it is indicated that reference to some other instrument is intended.

(b) A reference in this Scheme to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(c) A reference in this Scheme to a Schedule is to a Schedule to this Scheme, unless it is indicated that reference to some other instrument is intended.
Part 2

Scheme of grants

Persons to whom the Scheme applies

4. (1) This Scheme applies to students or tuition students who wish to apply for a grant in respect of attendance on an approved course, in an approved institution, in the academic year 2011/12, other than a person attending a course who was, prior to the coming into operation of section 6 of the Act and this Scheme, awarded a grant to attend their current course under a prior scheme.

(2) An applicant who meets the definition of “student” or “tuition student” and who is attending an approved course in an approved institution shall be eligible to be considered for a grant subject to and in accordance with this Scheme.

(3) An applicant is a student or tuition student in connection with an approved course if, in assessing his or her application for a grant, the awarding authority determines that the person meets or will meet the definition of a “student” or “tuition student” as construed in accordance with section 14 of the Act and Regulation 5 of the Regulations.

(4) To be eligible for a grant in the academic year under this Scheme, a person who meets the definition of student or tuition student who is pursuing an approved course in an approved institution must fulfil the specific eligibility conditions of this Scheme contained in articles 13 to 17 and must have a reckonable income within the limits and other requirements set out in articles 18 to 24.

Awarding authority

5. An applicant’s entitlement to a grant shall be assessed by the awarding authority deemed appropriate pursuant to article 31.

Classes of grant

6. For the purposes of this Scheme there shall be two classes of grant as follows—

(a) a maintenance grant; and

(b) a fee grant.

Maintenance grant

7. (1) A maintenance grant is a contribution towards the living costs of a student and is payable at—

(a) the standard rate, at either a full (100%) or part (75%, 50% or 25%) rate, depending on the level of reckonable income; or

(b) the special rate, depending on the level of reckonable income and other requirements;
and, in either case, at either adjacent or non-adjacent rates, depending on the
distance between a student’s normal residence and the institution where the
approved course takes place.

(2) For the purposes of this article, “normal residence” means a student’s
usual place of residence. For a dependent student this will be the permanent or
home address of the dependent student’s parents. In the case of an independent
student, the normal residence will be the permanent or home address of the
independent student.

(3) The awarding authority shall decide the rate applicable to a maintenance
grant in each particular case, in accordance with article 26.

(4) A maintenance grant shall not be payable to a tuition student, as defined
in section 14 of the Act.

Fee grant
8. (1) Subject to the terms of this article, an eligible student or an eligible
tuition student can be considered for a fee grant.

(2) A fee grant shall be payable in respect of attendance on an approved
course of higher education at an approved institution in the State (other than a
course known for the time being as a post leaving certificate course).

(3) A grant for attendance at an approved postgraduate course in Northern
Ireland listed in Schedule 3 to the Regulations may include a fee grant where it
is awarded to a student, but not where it is awarded to a tuition student.

(4) A fee grant may consist of any of three elements: a tuition fee element, a
student contribution element and a field trip element, payable up to a maximum
overall limit specified in Schedule 4.

(5) Subject to the maximum overall limits, the tuition fee element and the
student contribution element of a fee grant are payable at full (100%) or part
(50%) rates.

(6) The awarding authority shall decide on the rate and value applicable in
respect of the tuition fee element and the student contribution element and the
amount, if any, payable in respect of the field trip element in each particular
case, in accordance with articles 27, 28 and 29

(7) A student or tuition student in receipt of, or eligible for, full assistance
towards the tuition fee element from any other source, including sponsorship or
an award, shall not be eligible for a fee grant under the terms of this Scheme.

(8) A fee grant, or part thereof, shall be subject to a reduction where the
student or tuition student receives, or is eligible for, assistance towards the tui-
tion fee from any other source.
(9) Where a fee grant is subject to a reduction pursuant to paragraph (8), the amount of the reduction shall be equal to the value of the assistance which the person has received or to which he or she is eligible.

**Tuition fee element of fee grant**

9. (1) A student or a tuition student who is eligible under the Free Fees Schemes for free tuition in respect of an approved undergraduate course is not eligible for the tuition fee element of a fee grant under this Scheme.

(2) Subject to article 8(2) and (3), a student or a tuition student, may be assessed for the tuition fee element where they are—

(a) pursuing an approved undergraduate course to which the Free Fees Schemes applies but where the student, or tuition student, is ineligible for free tuition fees under those schemes; or

(b) pursuing an approved undergraduate course which is not a course approved for the Free Fees Schemes; or

(c) pursuing an approved postgraduate course.

**Student contribution element of fee grant**

10. Where a student or a tuition student is pursuing a course approved for the Free Fees Schemes, and where that student has qualified for free tuition fees under those schemes, the awarding authority may award an eligible student or tuition student a full (100%) or part (50%) grant in respect of the student contribution charge in accordance with article 28.

**Field trip element of fee grant**

11. (1) Subject to article 8(2) and (3), where a student or a tuition student qualifies for a full (100%) fee grant, or would have qualified for a full fee grant but for the Free Fees Schemes, and is required to participate in a compulsory field trip, the awarding authority shall, as applicable, consider the student or tuition student for a grant in respect of eligible field trip expenditure, in accordance with article 29.

(2) The rate of the field trip element, if any, is dependent on whether the tuition fee cost, regardless of whether it is funded under this Scheme, and the student contribution element exceeds the maximum limits payable in respect of a fee grant.

(3) The expenditure which is eligible for consideration in respect of a field trip grant is the reasonably incurred, receipted cost of travel and accommodation, associated directly with the field trip.

**Classes of applicant**

12. (1) For the purposes of this Scheme there shall be two classes of applicant as follows—

(a) independent student; and

(b) dependent student.
(2) An applicant’s class is defined at their first point of entry to an approved post leaving certificate course or an approved higher education course or at their point of re-entry to such an approved course and will continue to apply for the duration of their studies.

(3) In this scheme an “independent student” means a mature student who did not ordinarily reside with his or her parents, or either of them, from 1 October of the year before the first point of entry to an approved post leaving certificate course or an approved higher education course or re-entry to an approved course.

(4) “Mature student” means a student who on 1 January—

(a) in the year of entry for the first time to an approved post leaving certificate course;

(b) in the year of entry for the first time to an approved higher education course (other than a course known for the time being as a post leaving certificate course); or

(c) in the year of re-entry to an approved course,

is at least 23 years old.

(5) “Re-entry”, for the purposes of this Scheme, means a mature student entering an approved course following a break in studies of at least three years, having previously attended an approved course.

(6) A mature student pursuing an approved course following a break in studies of at least five years, in circumstances where the mature student previously attended, but did not successfully complete, a course and is returning in order to pursue an approved course in the relevant academic year, shall be known as a “second chance student”.

(7) “Dependent student” means every student other than an independent student, as provided for in this Scheme, who is eligible to be considered under this Scheme.

(8) An applicant for a grant shall be presumed by the awarding authority to be a dependent student until the contrary is established by the applicant to the satisfaction of the authority.

Eligibility exclusions

13. (1) A student or a tuition student is not eligible for a grant if he or she already holds a grant from an awarding authority.

(2) A student or tuition student is not eligible for a grant if he or she has been awarded or holds any grant, scholarship, prize, allowance, bursary or award of similar description made from public funds in the State, or equivalent from a Member State, a contracting state to the EEA Agreement or the Swiss Confederation, in respect of the approved course being attended.
(3) The awards from public funds referred to in paragraph (2) do not include the following—

(a) awards such as scholarships, prizes or bursaries, made by the institution being attended;

(b) postgraduate research awards where the stipend portion of the award does not exceed a specified amount, which for the relevant academic year, is specified to be €16,000;

(c) awards to applicants under the Student Assistance Fund or the Fund for Students with Disabilities;

(d) Easter Week Scholarship Scheme;

(e) Donogh O’Malley Scholarship Scheme;

(f) All Ireland Scholarship Scheme; and

(g) Science Foundation Ireland/Dell Scholarship for Young Women in Engineering.

(4) A student or tuition student in receipt of any award mentioned in paragraph (3) which includes a provision for fees will not be eligible for a fee grant under this Scheme.

(5) A student is not eligible for a maintenance grant if he or she is in receipt of the Back to Education Allowance (BTEA) or Vocational Training Opportunities Scheme (VTOS) allowance, except in the case of a student in receipt of the BTEA or VTOS allowance and the maintenance grant in 2009/10 who is progressing to an approved add-on course, as defined in the Regulations, at Level 8 of the framework of qualifications, without a break in studies.

(6) A student coming within the exception referred to in paragraph (5) may continue to hold either the BTEA or VTOS allowance in conjunction with the maintenance grant for the duration of the add-on course.

(7) Notwithstanding paragraph (5), a student or tuition student in receipt of the BTEA or VTOS allowance is eligible to apply for the fee grant elements, where he or she is pursuing a course in respect of which fee grants are payable.

Period of eligibility and progression

14. (1) A grant awarded under this Scheme shall be awarded only in respect of attendance at an approved course in an approved institution, and for the normal duration of such an approved course. A student or tuition student may not, at any one time, qualify for a grant for more than one approved course.

(2) Where a student is required as part of an approved undergraduate or postgraduate course to attend a higher education institution outside the State for a period of up to one year, a maintenance grant may continue to be paid
where the period abroad does not extend the normal duration of the approved course.

(3) Where a student is required to participate in an off-campus placement as an integral part of an approved undergraduate or postgraduate course, a maintenance grant may continue to be paid where the period of off-campus placement does not extend the normal duration of the approved course.

(4) Notwithstanding paragraph (3), a student participating in an Accelerated Technician Programme is not eligible to have their maintenance grant continued during the period of paid placement.

(5) A grant shall be paid to a student or tuition student, where he or she is in “progression”, within the meaning given to that term by section 2 of the Act, irrespective of whether he or she was paid a grant for previous attendance on a course and subject to the terms and conditions of this Scheme.

(6) Subject to paragraph (8), a grant may not be paid in respect of a repeat period of study on the same course.

(7) Subject to this paragraph, paragraphs (5) and (8), and the specific progression conditions in articles 15 to 17 a grant may not be paid in respect of a repeat period of study, on a different course. Notwithstanding this condition an applicant who, having previously pursued any course, but not completed it, wishes to pursue an approved course, shall be considered for funding in line with the following provisions—

(a) Having previously attended, but not completed, any post leaving certificate course or equivalent, an applicant shall—

(i) be required to complete an equivalent period of study on an approved post leaving certificate course before being eligible to be considered for a grant; or

(ii) be eligible to be considered for a grant to pursue an approved higher education course.

(b) Having previously attended, but not completed, any undergraduate course at Level 6 or 7 of the framework of qualifications, or equivalent, an applicant shall—

(i) be required to complete an equivalent period of study on an approved undergraduate course at Level 6 or 7 of the framework of qualifications before being eligible to be considered for a grant, or

(ii) be required to complete an equivalent period of study on an approved undergraduate course at Level 8 of the framework of qualifications before being eligible to be considered for a grant, or
(iii) be eligible to be considered for a grant to pursue an approved post leaving certificate course where no more than one year was completed on an undergraduate course at Level 6 or 7 of the framework of qualifications, or

(iv) be required to complete an equivalent period of study on an approved post leaving certificate course where more than one year was completed on any undergraduate course at Level 6 or 7 of the framework of qualifications, or equivalent, before being eligible to be considered for a grant, or

(v) be eligible to be considered for a grant to pursue an approved postgraduate course.

(c) Having previously attended, but not completed, any undergraduate course at Level 8 of the framework of qualifications, or equivalent, an applicant will—

(i) be required to complete an equivalent period of study on an approved undergraduate course at Level 8 of the framework of qualifications before being eligible to be considered for a grant, or

(ii) be required to complete an equivalent period of study on an approved undergraduate course at Level 6 or 7 of the framework of qualifications before being eligible to be considered for a grant, or

(iii) be eligible to be considered for a grant to pursue an approved post leaving certificate course where no more than one year was completed on an undergraduate course at Level 8 of the framework of qualifications, or

(iv) be required to complete an equivalent period of study on an approved post leaving certificate course where more than one year was completed on any undergraduate course at Level 8 of the framework of qualifications, or equivalent, before being eligible to be considered for a grant, or

(v) be eligible to be considered for a grant to pursue an approved postgraduate course.

(d) Having previous attended, but not completed, any postgraduate course or equivalent, an applicant will—

(i) be required to complete an equivalent period of study on an approved postgraduate course before being eligible to be considered for a grant, or

(ii) be eligible to be considered for a grant to pursue an approved undergraduate course where no more than one year was completed on any postgraduate course, or
(iii) be required to complete an equivalent period of study on an approved undergraduate course at Level 6, 7 or 8 of the framework of qualifications where more than one year was completed on any postgraduate course at Level 8, 9 or 10 of the framework of qualifications, or equivalent, before being eligible to be considered for a grant.

(iv) be eligible to be considered for a grant to pursue an approved post leaving certificate course where no more than one year has been completed on any postgraduate course, or

(v) be required to complete an equivalent period of study on an approved post leaving certificate course where more than one year was completed on any postgraduate course before being eligible to be considered for a grant.

(8) An awarding authority shall have discretion to waive the provisions at paragraphs (6) and (7) in exceptional circumstances, in line with guidelines drawn up by the Minister.

(9) Notwithstanding paragraphs (6), (7) and (8), a second chance student or second chance tuition student, in accordance with article 12(6), returning in order to pursue an approved course, may be considered eligible for a grant to pursue an approved course, including where this provides for a repeat period of study, subject to the rules of progression, as provided for in this Scheme and section 2 of the Act.

(10) The maximum periods in respect of which a grant may be payable are outlined below and are subject to the conditions set out in this Scheme for progression:

(a) Post leaving certificate courses:

— Grant aid shall be limited to a maximum of three years in total;

(b) Undergraduate courses:

— Grant aid shall be limited to a maximum of four years in total for courses at Level 6 and 7 of the framework of qualifications and, within that total, shall be subject to a maximum of—

(i) two years at Level 6;

(ii) three years at Level 7;

— Grant aid shall be limited to a maximum of four years in total for a course at Level 8 of the framework of qualifications, except for courses where the normal duration is more than four years

(c) Postgraduate courses:
— Grant aid for postgraduate study shall be limited to a maximum of four years in total.

— Account is taken of all previous attendance and attainment at postgraduate level when considering grant aid entitlement for postgraduate study, regardless of whether a person previously received a grant or not.

**Post leaving certificate courses — progression**

15. (1) Subject to the general conditions outlined in this Scheme and the maximum periods specified in article 14(10)(a), the specific progression conditions that apply to participation on a post-leaving certificate course are set out in this article.

(2) A student pursuing an approved post leaving certificate course is ineligible for a grant if he or she already holds a further education qualification at Level 5 or 6 of the framework of qualifications, or a third level qualification at or above Level 6 of the framework of qualifications.

(3) A grant shall not be paid to a student who already holds an undergraduate qualification or a postgraduate qualification and is pursuing a post leaving certificate course, irrespective of whether or not a grant was paid previously.

(4) Notwithstanding paragraph (2), an applicant who already holds a further education qualification not higher than Level 5 of the framework of qualifications, or equivalent, and is now pursuing a course that offers progression, shall be eligible for a grant.

**Undergraduate courses — progression**

16. (1) Subject to the general conditions outlined in this Scheme, and the maximum periods specified in article 14(10)(b), the specific progression conditions that apply to participation at undergraduate level are set out in this article.

(2) A grant shall not be paid to an applicant who already holds a postgraduate qualification and is pursuing an undergraduate qualification, irrespective of whether or not a grant was paid previously.

(3) The progression conditions in respect of study at Level 6 of the framework of qualifications are as follows—

(a) a student or tuition student who is entering for the first time a course which leads to a higher education and training award, and who wishes to pursue an approved course at Level 6 of the framework of qualifications shall be eligible for a grant.

(b) a student or tuition student is ineligible if he or she already holds a higher education and training award at or above Level 6 of the framework of qualifications, or equivalent;
(4) The progression conditions in respect of study at Level 7 of the framework of qualifications are as follows—

(a) A student or tuition student who is entering for the first time a course leading to a higher education and training award, and who wishes to pursue an approved course at Level 7 of the framework of qualifications, shall be eligible for a grant;

(b) A student or tuition student is ineligible if he or she already holds a third level qualification at or above Level 7 of the framework of qualifications, or equivalent;

(c) A student or tuition student who already holds a higher education and training award at Level 6 of the framework of qualifications or equivalent and is progressing to an approved course at Level 7 of the framework of qualifications shall be eligible for a grant in respect of year 2 and year 3 of an approved course at Level 7 of the framework of qualifications;

(d) A student or tuition student who completed part of a course at Level 6 of the framework of qualifications or equivalent and gains admission through exemption to the second or subsequent year of an approved course at Level 7 of the framework of qualifications shall be eligible for a grant;

(5) The progression conditions in respect of study at Level 8 of the framework of qualifications are as follows—

(a) a student or tuition student who is entering for the first time a course which leads to a higher education and training award and wishes to pursue an approved course at Level 8 of the framework of qualifications shall be eligible for a grant;

(b) a student or tuition student is ineligible if he or she already holds an undergraduate higher education and training award at or above Level 8 of the framework of qualifications, or equivalent;

(c) a student or tuition student who already holds a higher education and training award at Level 6 of the framework of qualifications or equivalent and is progressing to an approved course at Level 8 of the framework of qualifications shall be eligible for a grant;

(d) a student or tuition student who already holds a higher education and training award at Level 7 of the framework of qualifications or equivalent and is progressing to an approved course at Level 8 of the framework of qualifications shall be eligible for a grant;

(e) a student or tuition student who completed part of a course at Level 6 or 7 of the framework of qualifications or equivalent and gains admission through exemption to the second or subsequent year of an
approved course at Level 8 of the framework of qualifications shall be eligible for a grant.

Postgraduate courses — progression

17. (1) Subject to the general conditions outlined in this Scheme, and the maximum periods specified in article 14(10)(c) the specific progression conditions that apply to participation at postgraduate level are set out in this article.

(2) The progression conditions in respect of postgraduate study at Level 8 of the framework of qualification are as follows—

(a) a student or tuition student who is entering for the first time a course at postgraduate level leading to a higher education and training award and wishes to pursue an approved postgraduate course at Level 8 of the framework of qualifications shall be eligible for a grant;

(b) a student or tuition student is ineligible for a grant if he or she already holds a postgraduate higher education and training award at or above, or equivalent to, Level 8 of the framework of qualifications;

(c) for the purposes of this Scheme, postgraduate qualifications at Level 8 of the framework of qualifications or equivalent are deemed to be progression from undergraduate qualifications at Level 8 of the framework of qualifications or equivalent.

(3) The progression conditions in respect of postgraduate study at Level 9 of the framework of qualifications are as follows—

(a) a student or tuition student who is entering for the first time a course at postgraduate level leading to a higher education and training award and wishes to pursue an approved postgraduate course at Level 9 of the framework of qualifications shall be eligible for a grant;

(b) a student or tuition student who holds a postgraduate qualification at Level 8 of the framework of qualifications or equivalent, and no higher, may progress to one of the following—

(i) a postgraduate diploma at Level 9 of the framework of qualifications,
(ii) a master’s degree at Level 9 of the framework of qualifications,
(iii) the Barrister-at-Law Degree at the Honorable Society of King’s Inns, or
(iv) the Professional Practice Course in the Law Society of Ireland;

(c) a student or tuition student is ineligible for a grant if he or she already holds a postgraduate higher education and training award at or above, or equivalent to, Level 9 of the framework of qualifications, unless he or she meets the conditions at subparagraph (d);
(d) a student or tuition student who already holds a postgraduate diploma at Level 9 of the framework of qualifications or equivalent and is pursuing one of the following, not having previously pursued a course at Level 10 of the framework of qualifications or equivalent, shall be eligible for a grant—

(i) a masters degree at Level 9 of the framework of qualifications,

(ii) the Barrister-at-Law Degree at the Honorable Society of King’s Inns, or

(iii) the Professional Practice Course in the Law Society of Ireland;

(e) a student or tuition student is ineligible for funding for the Barrister-at-Law Degree at the Honorable Society of King’s Inns or the Professional Practice Course in the Law Society of Ireland if he or she holds a masters degree at Level 9 of the framework of qualifications or equivalent, unless that masters degree is in law;

(4) The progression conditions in respect of postgraduate study at Level 10 of the framework of qualifications are as follows—

(a) a student or tuition student who is entering for the first time a course which leads to a higher education and training award and wishes to pursue an approved postgraduate course at Level 10 of the framework of qualifications or equivalent shall be eligible for a grant;

(b) a student or tuition student is ineligible for a grant if he or she already holds a postgraduate higher education and training award at Level 10 of the framework of qualifications, or equivalent;

(c) a student or tuition student may be eligible for a grant where he or she is progressing to a doctoral degree at Level 10 of the framework of qualifications from a postgraduate qualification at a level lower than Level 10 of the framework of qualifications or equivalent.

(5) Subject to progression, a student or tuition student who completed a one-year postgraduate course which has not led to the conferral of a qualification and gains admittance to the second year or subsequent year of an approved postgraduate course shall be eligible for a grant.

Part 3

Reckonable income

Reckonable income limits and eligible payments

18. (1) To be eligible for an award of a grant or any part thereof in respect of any academic year of an approved course, an applicant’s reckonable income in the specified reference period shall not exceed the income limits specified on an annual basis by the Minister for each relevant academic year.
(2) There shall be income limits in respect of—

Maintenance grants:

(a) the special rate of maintenance grant

(b) full (100%) and part (75%, 50%, 25%) standard rates of maintenance grant

Fee grants:

(c) full (100%) and part (50%) grant in respect of the tuition fee element of a fee grant

(d) full (100%) and part (50%) grant in respect of student contribution element of a fee grant.

(3) The income limit for the field trip element of a fee grant shall be the limit for a full grant in respect of the tuition fee element of a fee grant.

(4) Different income limits in respect of paragraph (2)(b), (c) and (d) will apply in cases where the number of dependent children is—

(a) less than 4,

(b) 4-7, or

(c) 8 or more

(5) The reckonable income limits in respect of paragraph 2(b), (c) and (d) may be increased by an additional increment where the applicant, plus one or more relevant persons, are attending an approved course for the purposes of this Scheme or a full-time course of at least one year’s duration in further or higher education and training in the State or any other Member State leading to a major award at Levels 5 to 10 of the framework of qualifications or to an equivalent qualification made by a recognised awarding body in the State or another Member State.

(6) The income limits for the specified reference period for the academic year are set out in Schedule 1.

(7) It is a condition of receiving a special rate of maintenance grant that an applicant’s reckonable income must include, on the specified date, one of the eligible payments as provided for in Schedule 2.

(8) The following date is prescribed as the relevant date for this Scheme as regards the definition of “dependent child” in section 16(7) of the Act: 1 October of the year prior to the year in which a student, in relation to whose application for a grant a dependent child is relevant, commences a year of study in any year on an approved course.
Reference period

19. (1) The reference period within which reckonable income is determined for an academic year shall be 1 January to 31 December of the relevant calendar year specified in Schedule 1.

(2) If the business year differs from the reference period, the income shown in the business accounts for a year which ends between 1 January and 31 December of the relevant year will be considered.

Persons whose income is considered

20. (1) Where the applicant is a dependent student, the income of the applicant and his or her parents, as appropriate, shall be taken into account in calculating whether the limit(s) specified is exceeded.

(2) Where the dependent student’s parents are divorced or legally separated, or it is established to the satisfaction of the relevant awarding authority that they are separated, the reckonable income shall be that of the applicant and of the parent or parents with whom the applicant resides.

(3) Where it is established to the satisfaction of the relevant awarding authority that the dependent student—

(a) has no living parent, or

(b) is irreconcilably estranged from both of his or her parents and neither of his or her parents furnishes financial support to him or her (to include unaccompanied minor refugees),

a dependent student may be exempted from having parents’ income taken into account.

(4) Where an awarding authority is not satisfied that an applicant meets any of the conditions for being exempt from having their parents’ income taken account it will assess that applicant’s application for a grant taking into account parental income.

(5) Where the applicant is an independent student, the income of the applicant and his or her spouse, civil partner or cohabitant, as appropriate, shall be taken into account in calculating whether the limit specified is exceeded.

Determination of reckonable income — general

21. (1) Reckonable income shall be determined by the relevant awarding authority on the basis of information supplied in the application form and other relevant information and documentary evidence supplied, in accordance with article 34 and Schedule 5. Where there is income in a currency other than euro, the euro equivalent of the gross amounts must be provided.

(2) If the applicant is unsure whether an income, gain or benefit should be included in the calculation of reckonable income, the details including the amounts should be provided when completing the application form.
(3) In calculating reckonable income, the awarding authority shall consider income from all sources, whether it arises in the State or not, including income under the following headings—

(a) Income from employment (including benefit in kind and directorships)
(b) Social welfare payments
(c) Payments from other government departments or state agencies
(d) Self-employment or farming
(e) Rental and other income from land and property
(f) Income from pensions other than the social welfare state pension
(g) Income from savings, deposit accounts and investments
(h) Income from maintenance arrangements
(i) Lump sum payments from retirement and redundancy
(j) Income from the disposal of assets or rights
(k) Gifts and inheritances
(l) Income from other sources not mentioned above

(4) The following payments, known for the purposes of this Scheme as “income disregards”, are not included in calculating reckonable income—

- Child Benefit
- Family Income Supplement
- Disability Allowance (where paid to the applicant)
- Blind Pension (where paid to the applicant)
- One Parent Family Payments (Means Tested) (where paid to the applicant)
- Guardian’s Payment
- Foster Care Allowance
- Domiciliary Care Allowance
- Carer’s Allowance
- Student Assistance Fund
- Student grant
• Compensation for a personal injury

(5) For the purposes of determining the reckonable income of an applicant, the aggregate of any of the following shall be deducted—

(a) in respect of income from employment, employment-related expenses as approved by the Revenue Commissioners, or equivalent;

(b) income from employment which represents holiday earnings outside of term time, subject to a maximum limit set out in Part B of Schedule 1;

(c) maintenance payments made under a legally enforceable arrangement to a separated spouse, as approved by the Revenue Commissioners;

(d) contributions to pension schemes and pension or retirement products, within the limits allowed by the Revenue Commissioners; and

(e) overtime payments earned in the reference period that are not recurring payments.

(6) “Income from maintenance arrangements”, for the purposes of paragraph (3)(h), includes money or money’s worth actually received as maintenance.

(7) In determining whether an applicant meets the reckonable income limit for the special rate of maintenance grant, a deduction may be made in respect of child dependent increase (C.D.I.) paid by the Department of Social Protection.

Determination of reckonable income — self-employment and farming, including rental and other income from land and property

22. (1) The following adjustments shall be made to the profit or loss shown by the accounts in the reference period in order to calculate reckonable income from self-employment and farming—

(a) add-back depreciation;

(b) add-back interest on borrowings which fund the fixed assets of the business or the personal expenditure of the proprietor;

(c) add-back finance lease payments;

(d) add-back remuneration in respect of—

(i) wages or payments made without applying the PAYE and PRSI regulations, or equivalent regulations;

(ii) wages or payments to dependent children; and

(iii) wages or payments to non-dependent children where the payment is above the norm for the work undertaken.
(e) add-back for personal expenditure charged against the business income.

(2) The income tax adjustment for farm stock relief is disregarded in calculating reckonable income from farming.

(3) In calculating reckonable income from self-employment and farming—

(a) no allowance is made in respect of tax capital allowance or tax write downs; and

(b) no allowance is made for any deduction for capital expenditure, regardless of how it is treated for income tax purposes.

(4) In calculating reckonable income in respect of rental and other income from land and property, the adjustments set out in paragraph (1) are made to the profit or loss from land and properties as shown by the statement of rental income and no allowance is made in respect of the matters mentioned in paragraph (3)(a) and (b).

Determination of reckonable income — secondary income

23. (1) Regarding investments, include savings certificates, life assurance bonds and other financial instruments where the interest or profit builds up and is paid out as a lump sum at the end of the investment period, the interest or profit is time apportioned.

(2) If any of the persons whose income is under consideration retired or was made redundant from employment or self-employment in the reference period and received a lump sum, a proportion of the lump sum is taken into account for calculating reckonable income.

(3) If any of the persons whose income is under consideration received income from the disposal of assets or rights in the reference period, other than in the case of the exceptions listed in paragraph (4), only a proportion of the gain or loss is taken into account in calculating reckonable income.

(4) The exceptions referred to in paragraph (3) are—

(a) the disposal of a principal private residence except where the sale price reflects development value;

(b) in the case of an independent student—

(i) disposals between an applicant and his or her spouse, civil partner or cohabitant, and

(ii) disposals from an applicant or his or her spouse to their dependent children; and

(c) in the case of a dependent student—

(i) disposals between parent(s),
(ii) disposals from parent(s) to an applicant, and

(iii) disposals from parent(s) to their dependent children.

(5) If any of the persons whose income is under consideration made a gain on the realisation of a life assurance policy or units in an investment fund in the reference period, only a proportion of the gain is taken into account in calculating reckonable income.

(6) If any of the persons whose income is under consideration received gifts or inheritances in the reference period, these are included in reckonable income, unless—

(a) in the case of an independent student, the gifts or inheritances were between the applicant and his or her spouse, civil partner or cohabitant; or

(b) in the case of a dependent student, the gifts or inheritances were between parents or to the applicant from his or her parent(s).

**Treatment of losses**

24. (1) Losses arising from a trade, other than a trade operated on a non-commercial basis, and losses arising from the disposal of an asset can be offset against all other sources of income in the reference period. However, losses carried forward from a previous year cannot be offset.

(2) Rental losses cannot be offset against other income in the reference period.

**Part 4**

**Award of grants**

**Offer and award of grant and transfer of status**

25. (1) Where an awarding authority makes a provisional offer of a grant to an applicant under this Scheme, the applicant shall confirm to the awarding authority the title of the course he or she proposes to follow within such period after notification of the provisional offer of a grant as the awarding authority may stipulate.

(2) Pursuant to section 18 of the Act, an awarding authority shall determine whether an applicant is eligible to receive a grant under this Scheme having regard to—

(a) information furnished by the applicant pursuant to that section of the Act,

(b) any other information in relation to the application, as appropriate, and

(c) the Regulations and such criteria as are specified in this Scheme.
(3) Where a student is offered a grant or where a student is awarded a grant under this Scheme, but does not pursue an approved course in the academic year, the offer or award shall be deemed to have lapsed.

(4) A grant is awarded for the normal duration of the approved course but is subject to renewal each academic year. Annual renewal will be based on compliance with the reckonable income limit of the relevant academic year and the student progressing from year to year within the course, having successfully completed the part of the course as required during the previous year. The student will also be required to have registered on and continue to attend the same course and to meet all other relevant provisions of this Scheme and schemes appropriate to each relevant academic year. Renewal is subject to the approval of the awarding authority each academic year.

(5) A student who, during the course of his or her studies, wishes to change course or faculty must obtain the prior approval of the awarding authority in order to ensure compliance with this Scheme or a future scheme.

(6) Where an eligible student transfers to another course, the awarding authority shall transfer the student’s status as an eligible student to that course where—

(a) it receives a request from the eligible student to do so, and

(b) it is satisfied that the terms of the relevant scheme continue to be met.

(7) A student who, having commenced an approved course, wishes to defer his or her grant during the course of his or her studies must obtain the prior approval of the awarding authority. Such student’s eligibility will be reassessed on recommencement of the course in order to ensure compliance with the relevant scheme.

Rates and value — maintenance grants

26. (1) The award of a maintenance grant shall be in accordance with the terms of this Scheme and the value of such grant shall be determined by the awarding authority having regard to the applicant’s reckonable income, whether the reckonable income includes an eligible payment for the special rate as specified in Schedule 2 and the income limits for each of the respective rates in Schedule 1.

(2) The value of the special and standard rates of maintenance grant in respect of an approved course shall be in accordance with the annual rates specified by the Minister. The rates specified for the financial year are set out in Schedule 3.

(3) In accordance with article 7, full and part standard maintenance grants, and the special rates of maintenance grant, shall be payable at either adjacent or non-adjacent rates. The awarding authority shall determine the rate applicable in respect of an eligible student as follows—
(a) the adjacent rates of maintenance grant shall be payable in the case of students whose normal residence is 45 km or less from the approved institution which he or she is attending;

(b) the non-adjacent rate of maintenance grant shall be payable in all other cases.

(4) Where a student in receipt of a maintenance grant as part of their approved course is required, to participate in—

(a) compulsory off-campus placement, where the period concerned is not less than one academic term or semester, or

(b) compulsory study abroad for a period up to one year as an integral part of their course,

they may have their grant entitlement paid in the normal manner in accordance with article 14(2) and (3). The rate of grant payable in respect of subparagraph (a) or (b) will be determined by the awarding authority having regard to paragraph (3).

(5) If an approved course is run over a shorter academic year or an academic year is different from the standard academic year, a portion of the rate of grant will be awarded in line with guidelines issued by the Minister in respect of such courses, having regard to the number of weeks over which the course is run.

Rates and value — fee grant, tuition fee element

27. (1) The award of the tuition fee element of a fee grant shall be in accordance with the terms of this Scheme and the rate and value of such grant shall be determined by the awarding authority having regard to the applicant’s reckonable income and income limits, the EU rate of fee applicable to an approved course and the maximum limits applicable for each respective rate in Schedule 4.

(2) The value of the tuition fee element shall be determined in accordance with article 9 and shall conform to the income limits set out in Schedule 1.

(3) A full tuition fee element is payable for the EU rate of fee in respect of an undergraduate approved course provided in the State to which the Free Fees Schemes applies.

(4) A full tuition fee element in respect of the EU rate of fee up to but not exceeding the maximum fee limit prescribed in Schedule 4, is payable in respect of an undergraduate approved course provided in the State, but to which the Free Fees Schemes does not apply.

(5) A full tuition fee element in respect of the EU rate of fee up to, but not exceeding, the maximum fee limit prescribed in Schedule 4, is payable in respect of a postgraduate approved course provided in the State or Northern Ireland.
(6) A part tuition fee element, not exceeding 50% of the EU rate of fee, is payable in respect of an undergraduate or postgraduate approved course provided in the State and covered under the Free Fees Schemes.

(7) A part tuition fee element in respect of 50% of the EU rate of fee, but not exceeding 50% of the maximum fee limit prescribed in Schedule 4, is payable in respect of an undergraduate approved course provided in the State but to which the Free Fees Schemes does not apply.

(8) A part tuition fee element in respect of 50% of the EU rate of fee, but not exceeding 50% of the maximum fee limit prescribed in Schedule 4, is payable in respect of a postgraduate approved course provided in the State or Northern Ireland.

Rates and value — fee grant, student contribution element

28. (1) The award of the student contribution element of a fee grant, in accordance with article 10, and the rate of such grant shall be determined by the awarding authority having regard to the reckonable income which shall conform to the income limits set out in Schedule 1.

(2) A full student contribution element (100%) may be paid, at the rate prescribed in Schedule 4, in respect of an applicant who qualified under the Free Fees Schemes subject to the terms of this Scheme.

(3) A part student contribution element (50%) may be paid, at the rate prescribed in Schedule 4, in respect of an applicant who qualified under the Free Fees Schemes subject to the terms of this Scheme.

Rates and value — fee grant, field trip element

29. The field trip element of a fee grant is payable, in accordance with article 11, subject to the maximum fee limits provided for in Schedule 4.

Review of eligibility during academic year

30. (1) The eligibility of a person to whom this Scheme applies for the award of a grant, or the level of the grant awarded, may be assessed or re-assessed by the awarding authority in the event of changes of circumstances in the academic year relating to the following—

(a) the applicant's reckonable income, within the meaning of articles 18 to 24, which is likely to obtain for the duration of the approved course or for the foreseeable future, including eligible payments for the special rate of maintenance grant, other than where that payment is jobseeker's allowance or jobseeker's benefit;

(b) the number of dependent children;

(c) where a relevant person commences an approved course for the purpose of this Scheme or a full-time course of at least one year's duration in further or higher education and training in the State or any other Member State leading to a major award at Levels 5 to 10 of the
framework of qualifications or to an equivalent qualification made by a recognised awarding body in the State or in another Member State.

(d) normal residence;

(e) nationality or immigration status;

(f) change of course or institution.

(2) If there is a fall in the income of any of the persons whose income is under consideration, between 1 January following the reference period and the end of the academic year, and the awarding authority is satisfied that the fall in income is likely to obtain for the duration of the approved course or for the foreseeable future, a review of the application may be applied for or, where a student grant application form was not completed for the academic year, an application can be made for a student grant under such change in circumstances.

(3) Where an awarding authority is satisfied that a change in circumstances has occurred within the meaning of paragraph (2) the application will be assessed based on current income.

(4) Where an adverse change in the reckonable income occurs, awards or adjustments in cases assessed under this article shall be made with effect from the month in which the change in circumstances occurs.

(5) The amount of the tuition fee element, the student contribution element and maintenance elements of the grant payable in respect of a month shall be one-ninth of the annual rate.

(6) If there is an increase in the income of any of the persons whose income is under consideration, between 1 January following the reference period and the end of the academic year, any grant awarded shall continue to be paid until the end of that academic year.

Part 5

APPLICATION, PROVISION OF INFORMATION AND PAYMENT

Appropriate awarding authority

31. (1) An applicant shall apply to an awarding authority for a grant.

(2) The awarding authority to which an applicant shall make an application shall be the appropriate awarding authority (a local authority or a vocational education committee) in the area in which the applicant normally resides in accordance with article 7(2).

(3) If, at the time of application, an applicant is ordinarily resident in another Member State, a state in the European Economic Area or Switzerland, such applicant shall make an application to the appropriate awarding authority in the area in which the institution he or she proposes to attend is situated.
(4) An applicant shall make an application to the appropriate vocational education committee if they wish to attend, or will be attending, an approved course in one of the following institutions in the relevant academic year—

(a) an approved institution providing post leaving certificate courses and listed in Part D of Schedule 1 to the Regulations;

(b) an approved institution established under section 3 of the Regional Technologies Act 1992 as a regional technical college to which the Institutes of Technology Act 1992 to 2006 applies and which is listed in Part B of Schedule 1 to the Regulations; or

(c) Dublin Institute of Technology.

(5) An applicant shall make an application to the appropriate local authority if they wish to attend, or will be attending, an approved course in one of the following institutions in the relevant year—

(a) an approved institution to which section 4 of the Universities Act 1997 applies and which is listed in Part A of Schedule 1 to the Regulations;

(b) an approved institution that provides higher education and training in the State and is listed in Schedule 2 to the Regulations;

(c) an approved institution that provides higher education and training which is situated in a Member State other than the State and is maintained or assisted by recurrent grants from public funds of that or any other Member State including the State;

(6) Notwithstanding the provisions of paragraphs (4) and (5), an applicant who was awarded a grant under a prior scheme shall make an application to the awarding authority which granted the award if they wish to attend or will be attending an approved course in the relevant academic year.

(7) An awarding authority may transfer an application to another awarding authority as appropriate within the provisions of paragraphs (4), (5) and (6).

Application time limits

32. (1) Applications duly completed must be received by the awarding authority not later than 31 August 2011.

(2) The awarding authority may at its discretion accept an application which is not received on time but is received not later than one month before the end of the academic year to which the application relates.

Applications generally

33. (1) If at the time of application the applicant has not already been accepted onto a course the appropriate awarding authority to which an applicant shall make his or her application should be based on the applicant’s first choice course.
(2) An applicant may not apply for or receive more than one grant at any one time.

(3) An applicant must apply for a grant in connection with each academic year of an approved course by completing and submitting to the awarding authority an application on the official application or renewal form, as appropriate, which must be accompanied by such documentary evidence as required in this Scheme and as the awarding authority may require.

(4) The awarding authority may take such steps and make such inquiries as it considers necessary to determine whether the applicant is an eligible student, whether he or she qualifies for a grant and the amount of a grant payable.

(5) An applicant shall furnish an awarding authority with the personal, family, financial and other information that the awarding authority may seek in relation to the applicant, the applicant’s spouse, civil partner or cohabitant, each parent of the applicant, and any dependent child, as appropriate, and shall produce evidence, in such form as is prescribed in this Scheme, and as may be required by the awarding authority, to verify the information, in order that the awarding authority may determine whether or not the applicant is eligible to receive a grant.

Submission of information

34. (1) An applicant shall furnish to the awarding authority the information specified in Schedule 5, and such other information as the awarding authority may request, and shall produce evidence in a form acceptable to the awarding authority to verify any such information, in order that the awarding authority may determine whether or not the applicant is eligible to receive a grant.

(2) An awarding authority may stipulate the period of time within which the information, further information or evidence shall be submitted or produced to it.

(3) Without prejudice to article 33(5), the following information shall be furnished to an awarding authority in relation to the applicant and, as appropriate, the applicant’s spouse, civil partner or cohabitant, each parent of the applicant, and any other dependent child, as appropriate, namely—

(a) personal public service number,

(b) date of birth,

(c) reckonable income,

(d) nationality, immigration status and residency,

(e) information in relation to any matters in this Scheme, and

(f) normal residence
(4) In addition, the applicant shall furnish the following information to the awarding authority–

(a) whether he or she is a mature student, dependent student, independent student or tuition student;

(b) marital status;

(c) whether he or she has dependants;

(d) academic history;

(e) whether he or she is commencing his or her first year of study, is a student in progression or has previous attendance at further or higher education;

(f) the approved course that the applicant attends or intends to attend and in respect of which he or she is applying for a grant;

(g) the approved institution which is providing the course; and

(h) any funding, awards and financial assistance in relation to his or her course of study.

(5) The provisions in Schedule 5 in relation to the provision of information and evidence, which are not exhaustive, shall be complied with by applicants under this Scheme.

(6) A declaration on the application form shall be signed by the applicant and the applicant's parents or, in the case of an independent student, by the applicant and the applicant's spouse, civil partner or cohabitant, if applicable.

(7) It will be the responsibility of the applicant to ensure that the income details and other details sought are full and complete in every respect. If such details contain a deliberate material omission or inaccuracy, the applicant shall be liable to prosecution, loss of grant and repayment, with interest, of any portion of a grant already received in line with the provisions of sections 23 and 24 of the Act.

Payment of maintenance grants

35. (1) Payment of a maintenance grant shall be made by the awarding authority except in the case of an applicant attending an approved course at Level 6 or 7 of the framework of qualifications in an approved institution in Part B and C of Schedule 1 of the Regulations or Tipperary Institute, in which case the payments are arranged through the relevant institution, or in the case of a post leaving certificate course, in which case the vocational education committee in the area in which the institution providing the course is situated shall make payments in respect of the applicant for the period of time as prescribed in this Scheme.
(2) The awarding authority, or an approved institution in Part B and C of Schedule 1 of the Regulations or Tipperary Institute, in the case of approved courses at Level 6 or 7 of the framework of qualifications in those institutions, or the paying vocational education committee in the case of post leaving certificate courses, shall pay maintenance grants in three or nine equal instalments, in line with the rates specified in Schedule 3.

(3) Payments of maintenance grants should be made in euro and are to be made in such manner as the Minister considers appropriate, either by cheque or by electronic funds transfer. The Minister may make it a condition of entitlement where payment is being made by electronic funds transfer that the eligible student must provide particulars of a bank, building society or credit union account in the State into which payments may be made by electronic transfer.

(4) Payments of maintenance grants made by payable order shall be addressed to the student, care of the Bursar’s or Principal’s office of the institution.

(5) An approved institution is required to verify to the awarding authority at agreed intervals that a person awarded a maintenance grant is enrolled or registered with the institution, in accordance with its rules, and is continuing to attend the course for which they have been approved for in that institution. The awarding authority must not pay the first or subsequent maintenance grant instalments, or, where it has been determined not to pay a maintenance grant, make any payment of maintenance, to the student before it has received such verification.

Payment of fee grants

36. (1) The tuition fee element of a fee grant payable under this Scheme shall be paid by the awarding authority, except in the case of applicants attending approved courses at Level 6 or 7 of the framework of qualifications in an approved institution in Part B and C of Schedule 1 of the Regulations or Tipperary Institute, in which case payments shall be made by the Department of Education and Skills, to the approved institution, in line with the rate of fee awarded, upon receipt of—

(a) an appropriate invoice from the approved institution in respect of the applicable tuition fee, and

(b) confirmation of registration, as supplied by the approved institution.

(2) The student contribution element of a fee grant payable under this Scheme shall be paid by the awarding authority, except in the case of applicants attending approved courses at Level 6 or 7 of the framework of qualifications in an approved institution in Part B and C of Schedule 1 of the Regulations or Tipperary Institute, in which case payments shall be made by the Department of Education and Skills, to the approved institution, in line with the student contribution rate awarded, upon receipt of—

(a) an appropriate invoice from the approved institution in respect of the applicable student contribution fee, and
(b) confirmation of registration.

(3) The field trip element of a fee grant payable under this Scheme shall be paid by the awarding authority to the student or tuition student, in line with provisions in Schedule 4, upon receipt of the following documents—

(a) a field trip form—

(i) with the relevant sections completed, verified and stamped by the approved institution, and

(ii) with relevant sections completed and signed by the student or tuition student; and

(b) receipts for expenses being claimed.

Overpayments

37. Any overpayment made in respect of a grant awarded under this Scheme may be recovered by the paying awarding authority in accordance with section 24 of the Act.

Part 6

Appeals

Appeals to appeals officers

38. Where an applicant is aggrieved by a determination of an awarding authority under this Scheme he or she may, pursuant to section 20 of the Act, appeal against that determination to an appeals officer designated by the awarding authority under that section.

Appeals to Appeals Board

39. Where an applicant is aggrieved by a determination of an appeals officer under section 20(5) of the Act, he or she may, pursuant to section 21 of the Act, appeal against that determination to the Appeals Board.
Schedule 1

RECKONABLE INCOME LIMITS FOR MAINTENANCE AND FEE GRANTS FOR THE 2011/12 ACADEMIC YEAR

Part A

1. Reckonable income limits:

The period 1 January 2010 to 31 December 2010 is the reference period for the academic year 2011/12.

The income limits that apply to tuition students relate to the fee elements only. A tuition student does not qualify for any maintenance grant.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Special Rate*</td>
<td>100% Tuition Fees</td>
<td>100% Standard Rate</td>
<td>75% Tuition Fees</td>
<td>100% Standard Rate</td>
<td>50% Tuition Fees</td>
<td>100% Standard Rate</td>
<td>25% Tuition Fees</td>
<td>100% Standard Rate</td>
<td>Not payable</td>
</tr>
<tr>
<td>To qualify for:</td>
<td></td>
<td>Field Trip</td>
<td></td>
<td>Field Trip</td>
<td></td>
<td>Field Trip</td>
<td></td>
<td>Field Trip</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 4</td>
<td>€22,703</td>
<td>€41,110</td>
<td>€42,235</td>
<td>€44,720</td>
<td>€47,205</td>
<td>€51,380</td>
<td>€55,920</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 — 7</td>
<td>€22,703</td>
<td>€45,165</td>
<td>€46,415</td>
<td>€49,145</td>
<td>€51,880</td>
<td>€56,460</td>
<td>€61,440</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 or more</td>
<td>€22,703</td>
<td>€49,045</td>
<td>€50,400</td>
<td>€53,360</td>
<td>€56,320</td>
<td>€61,295</td>
<td>€66,700</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional increments that may be applied to the income limits in Table A for Maintenance & Fee Grants — Table B **

| + increment for each additional relevant person | €0 | + €4,980 | + €4,815 | + €4,815 | + €4,815 | + €4,980 | + €4,980 |

* To be eligible for the special rate of maintenance an applicant’s reckonable income on 31 December 2010 must include an eligible payment listed in Schedule 2

** Increments which may be applied to the relevant income limits:
In the 2011/12 academic year, where the applicant plus one or more relevant persons are attending an approved course for the purposes of this Scheme or a full-time course of at least one year’s duration in further or higher education and training in the State or any other Member State leading to a major award at Levels 5 to 10, of the framework of qualifications or to an equivalent qualification made by a recognised awarding body in the State or in another Member State, the reckonable income limits for each of the rates of grant in Table A may be increased by an additional increment as identified in Table B.

**Part B**

**Holiday Earnings:**

An allowance of €3,809, in respect of income earned in the reference period but outside of the approved institution’s term time, is deductible from the applicant’s earnings.
Schedule 2

ELIGIBLE PAYMENTS FOR THE SPECIAL RATE OF MAINTENANCE GRANT FOR THE 2011/12 ACADEMIC YEAR

As at 31 December 2010, the reckonable income must include one of the eligible payments listed in this Schedule net of—

(a) income disregards (as set out in article 21(4) of this Scheme); and

(b) Child Dependant Increase (C.D.I.), where paid by the Department of Social Protection.

Social Assistance Payments

1. Blind Pension
2. Carer’s Allowance
3. One Parent Family Payment
4. Deserted Wife’s Allowance
5. Disability Allowance
6. Farm Assist
7. Jobseeker’s Allowance (where held for 391 days or more)*
8. State Pension (Non-Contributory)
9. Guardian’s Payment (Non-Contributory)
10. Pre-retirement allowance
11. Widow’s, Widower’s or Surviving Civil Partners (Non-Contributory) Pension

Social Insurance Payments

12. Carer’s Benefit
13. One Parent Family Payment
14. Deserted Wife’s Benefit
15. Invalidity pension
16. Incapacity Supplement
17. Occupational Injuries Death Benefit (Orphan’s pension)
18. Occupational Injuries Death Benefit (pension for a widow or widower)
19. State Pension (Contributory)
20. Guardian’s Payment (Contributory)
21. Jobseeker’s Benefit (continuous for at least 12 months)*
22. Widow’s, Widower’s or Surviving Civil Partners (Contributory) Pension
23. State Pension (Transition)

**Designated Programmes**

24. Back to Education Allowance (Second Level and Third Level Options)
25. Back to Work Allowance (Employees)
26. Back to Work Enterprise Allowance
27. Community Employment Scheme
28. Rural Social Scheme
29. Tús Initiative
30. FÁS Training Programmes, including Apprenticeships
31. Part time job incentive scheme*
32. Vocational Training Opportunities Scheme (VTOS)

**Others**

33. Family Income Supplement (FIS)
34. In receipt of payments under the FIT (Fastrack to IT) initiative equivalent to a social welfare payment;
35. Participants on a training course approved by a Government Department, State Agency or Area Partnership and who were in receipt of an eligible payment prior to progressing to the programme;
36. Grant aided employees in Community Services Programmes (formerly social economy enterprises);
37. In receipt of payments under the Senior Traveller Training Centre programmes.

*Combine periods of Jobseeker’s Allowance and Jobseeker’s Benefit for purposes of meeting 391 days.
**Schedule 3**

**RATES OF MAINTENANCE GRANT FOR THE FINANCIAL YEAR 2011**

Annual Rates

<table>
<thead>
<tr>
<th>Description</th>
<th>Non-Adjacent Rate</th>
<th>Adjacent Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special rate of maintenance</td>
<td>6,100</td>
<td>2,445</td>
</tr>
<tr>
<td>Standard rate— Full Maintenance (100%)</td>
<td>3,120</td>
<td>1,250</td>
</tr>
<tr>
<td>Standard rate— Part Maintenance (75%)</td>
<td>2,340</td>
<td>940</td>
</tr>
<tr>
<td>Standard rate— Part Maintenance (50%)</td>
<td>1,560</td>
<td>625</td>
</tr>
<tr>
<td>Standard rate— Part Maintenance (25%)</td>
<td>780</td>
<td>315</td>
</tr>
</tbody>
</table>
### Schedule 4

**Maximum overall limits for a fee grant for the 2011/12 academic year**

<table>
<thead>
<tr>
<th><strong>Tuition Fee Element</strong></th>
<th><strong>Maximum fee limit Full (100%) grant in respect of tuition fees</strong></th>
<th><strong>Maximum fee limit Part (50%) grant in respect of tuition fees</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved undergraduate courses to which the Free Fees Schemes applies.</td>
<td>100% of the EU rate of fee</td>
<td>50% of the EU rate of fee</td>
</tr>
<tr>
<td>Approved undergraduate courses provided in the State to which the Free Fees Schemes does not apply</td>
<td>€6,270</td>
<td>€3,135</td>
</tr>
<tr>
<td>Approved postgraduate courses provided in the State or Northern Ireland.</td>
<td>€6,270</td>
<td>€3,135</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Student Contribution Element</strong></th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full (100%) grant in respect of the student contribution charge</td>
<td>€2,000</td>
</tr>
<tr>
<td>Part (50%) grant in respect of the student contribution charge</td>
<td>€1,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Field Trips Element</strong></th>
<th><strong>[Calculation of value available towards compulsory costs]</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A student or tuition student who would have qualified for 100% tuition fee element of a fee grant but for the Free Fees Schemes and was awarded a grant towards the student contribution charge.</td>
<td><strong>Maximum Fee Limit:</strong> 6,270 <strong>Less</strong> the tuition fee claimed from the State by the institution under the Free Fees Schemes: <strong>Less</strong> Student Contribution: - 2,000 <strong>Equals</strong> maximum amount if any available towards field trip element y.yyy <strong>€</strong></td>
</tr>
<tr>
<td>Student or tuition student who qualifies for 100% Tuition Fee element of a fee grant under the scheme of grants.</td>
<td><strong>Max Fee Limit Amount:</strong> 6,270 <strong>Less</strong> EU rate of fee applicable to the course/invoiced to the student: <strong>Equals</strong> the maximum amount if any available towards field trip element y.yyy <strong>€</strong></td>
</tr>
</tbody>
</table>
## Documentary evidence

### Documentary evidence for the applicant
- Birth certificate
- Course Acceptance Form when the applicant has accepted a place on an approved course.

### Documentary evidence for an independent student
Documentary evidence is required of residence from 1 October of the year preceding the first point of entry or re-entry to an approved course. Generally this would include:
- utility bills, such as telephone, gas or electricity;
- registration with the Private Residential Tenancies Board;
- documentation received, for example, bank statement or correspondence from a government department.

### Documentary evidence for separation and divorce
Evidence of separation or divorce and proof of living separately. This should include one or more of the following:
- Separation agreement;
- Divorce decree;
- Decree of dissolution for a civil partnership;
- Evidence from the Department of Social Protection that the applicant is currently in receipt of a payment for a one-parent family situation, such as:
  - One-parent family payment;
  - Deserted Wife’s Allowance.
- Where there is no legal agreement, a letter from the applicant’s solicitor confirming separation and/or that legal proceedings are pending.
- Evidence of living separately

### Documentary evidence for nationality
The documentary evidence should include at least one or more of the following:
- a long form Irish birth certificate if the applicant was born on the island of Ireland before 1 January 2005;
- a certified\(^1\) copy of the applicant’s passport;
- a national identity card issued by an EU Member State;
- a certificate of naturalisation together with a certified copy of the applicant’s passport or other official documentation;
- a foreign births registration certificate together with a certified copy of the applicant’s passport.

### Documentary evidence for current immigration status
- Department of Justice and Equality letters issued to the applicant confirming details of the applicant’s immigration status in the State and/or
- Department of Justice and Equality letters issued to the applicant’s family member where the applicant’s immigration status is dependent on the family member’s immigration status in the State;
- current Garda National Immigration Bureau (GNIB) Certificate of Registration cards;
- certified copy of your passport.

### Documentary evidence for residency for 3 out of the last 5 years
This may be one or more of the following:
- evidence that the applicant sat the Junior Certificate and Leaving Certificate exams in Ireland, or equivalent school exams in the EU, EEA or Switzerland;
- a letter from a school principal in Ireland, the EU, EEA or Switzerland confirming the applicant’s attendance at a school;
- social welfare statements or equivalents from the EU, EEA or Switzerland;
- utility bills;
- registration with the Private Residential Tenancies Board (PRTB), or equivalent from the EU, EEA or Switzerland;
- if the applicant is a non-EEA national, a letter from the Department of Justice and Equality confirming the period of lawful presence in Ireland. Periods of unlawful presence cannot be considered.

\(^{1}\)This is a document which has been stamped and signed as being a true copy of the original by a member of the Garda Síochána or a Commissioner of Oaths. The person certifying the copy must provide his or her name, address and telephone number.
### Documentary evidence for previous courses attended
- a letter from a college or institution confirming attendance **and/or**
- a copy of the award received if the applicant completed a course. If the applicant holds a qualification from outside of Ireland, they must have the National Qualifications Authority of Ireland confirm the qualification to the nearest comparable level in Ireland.

### Documentary evidence for other student financial assistance
If the applicant has applied for or been offered student financial assistance or student funding from another awarding or funding body for the 2011/12 academic year, a letter from that awarding or funding body which has the following information must be submitted:
- the name of the awarding or funding body, and
- a breakdown of the full amount in euro to be awarded, for example, for maintenance, fees and so on.

### Documentary evidence for legal guardian
- Legal court papers

### Documentary evidence for the applicant’s parents or the spouse, civil partner or cohabitant of an independent mature student.

### Documentary evidence for separation and divorce
Evidence of separation or divorce and proof of living separately. This should include one or more of the following:
- Separation agreement;
- Divorce decree;
- Decree of dissolution for a civil partnership
- Evidence from the Department of Social Protection that the relevant person is currently in receipt of a payment for a one —parent family situation, such as:
  - One-parent family payment
  - Deserted Wife’s Allowance
- Where there is no legal agreement, a letter from the relevant person’s solicitor confirming that separation and/or that legal proceedings are pending.
  - Evidence of living separately

### Documentary evidence for dependent children
- Letter from a GP or relevant medical body where a dependent child is 16 years or over and is medically certified as permanently unfit for work.

Additional information that may be requested:
- A letter from the school or institution confirming school attendance in 2010/11.
- A birth certificate for each dependent child.

### Documentary evidence where the applicant plus one or more relevant persons are attending a full-time course as specified in article 18(5)
- If the applicant plus one or more relevant persons which includes dependent children, the dependent students parent, or independent student’s spouse, civil partner or cohabitant are attending a full-time course as specified in article 18(5) a letter from the college or institution confirming that the student(s) will be attending full-time in the 2011/12 academic year.

### Documentary evidence for reckonable income

#### Documentary evidence for income from employment:
- P60 for each employment held at the end of the 2010 tax year and which is issued by employer(s);
- P21 PAYE Balancing Statement for 2010 which the relevant person can get online at www.revenue.ie or by contacting their local Revenue office;
- P45 if the relevant person ceased employment in 2010;
- Payslips for the applicant’s earnings from holiday employment outside of term time in 2010;
- Income earned in a previous tax year:
  - a letter from the employer stating the amount earned in 2009 which was paid in the 2010 and was included in the P60/P45 for 2010. The letter must also state any amount earned in 2010 which was not paid in 2010 but was carried over to be paid in 2011.
- Non-recurring overtime payments:
  - a letter from the employer stating the overtime will not recur in the current tax year. Where overtime has been disregarded as reckonable income, all such cases will be reassessed in the following academic year.
- Foreign income:
  - Documentary evidence for the reference period, 1 January 2010 to 31 December 2010.
### Documentary evidence for social welfare payments:
- A statement from the Department of Social Protection which has the following information:
  - The name of the person getting the payment,
  - The type of payment,
  - The amount the person got in 2010;
  - Whether the payment included a Qualified Adult Allowance and, if so, the amount;
  - Whether the payment included a Child Dependent Increase and, if so, for how many children and the amount for each child,
  - The date the payments started,
  - The date the payments stopped, (if applicable).
- If the relevant person is in receipt of a social welfare payment from outside Ireland, they will need to submit the above details from the relevant authority.

### Documentary evidence for payments from other government departments or state agencies for example, HSE
- A statement from each government department or state agency with the following information:
  - The name of the person getting the payment,
  - The type of payment,
  - The amount the person got in 2010,
  - The date the payments started,
  - The date the payments stopped, (if applicable).

### Documentary evidence for self-employment or farming
- Copy of accounts (that is, trading account, profit and loss account, capital account and balance sheet) for each business for the year ending between 1 January 2010 and 31 December 2010. The accounts extracts pages from the applicant’s Return of Income do not satisfy this accounts requirement;
- Adjusted Profit Computation for income tax for the 2010 tax year;
- Notice of Assessment for 2010 or its foreign equivalent;
- If it applies a current letter from the Revenue Commissioners exempting the relevant person from filing tax returns or equivalent from another state;
- If the accounts contain a wage or remuneration expense, a detailed breakdown of wages paid to the following as outlined in Article 22 (1)(d) must be provided:
  - Wages or payments made without applying the PAYE and PRSI regulations or equivalent regulations;
  - Wages or payments to dependent children
  - Wages or payments to non-dependent children where the payment is above the norm for the work undertaken.

### Documentary evidence for rental income from land and properties:
- Copy of accounts (that is, trading account, profit and loss account, capital account and balance sheet) or statement of rental income for the year ended 31 December 2010. The accounts extracts pages of the applicants Return of Income do not satisfy this accounts requirement;
- Adjusted Profit Computation for income tax for the 2010 tax year;
- Notice of Assessment for 2010 or its foreign equivalent;
- If it applies, a current letter from the Revenue Commissioners exempting the relevant person from filing tax returns or equivalent from another state;
- If the accounts contain a wage or remuneration expense, a detailed breakdown of wages paid to the following as outlined in article 22(1)(d) must be provided:
  - Wages or payments made without applying the PAYE and PRSI regulations or equivalent regulations;
  - Wages or payments to dependent children
  - Wages or payments to non-dependent children where the payment is above the norm for the work undertaken

### Documentary evidence for a proprietary director or shareholder of a limited company:
- The registered name of the company;
- The registered number of the company;
- The percentage of voting rights that the relevant person controls.

As part of the verification process, copies of the audited accounts of these companies may be requested.

### Documentary evidence for income from pensions other than a Social Welfare State Pension:
- A letter from the relevant persons employer(s) or the body/bodies administering the pension;
- P60(s) confirming the gross amount you received in 2010;
- P21 PAYE Balancing Statement or Notice of Assessment for 2010.
**Documentary evidence for savings, deposit accounts or investments:**
- Statements of the interest/dividends paid from the financial institution or other provider, for example, bank, building society, post office or credit union etc covering the period 1 January 2010 to 31 December 2010;
- P21 PAYE Balancing Statement or Notice of Assessment for 2010.

**Documentary evidence for income from a maintenance arrangement:**
- Maintenance agreement stating the amount of maintenance received each month;
- P21 Balancing Statement or Notice of Assessment for 2010;
- Evidence of maintenance payments as well as evidence of any bills, mortgages, rent, tuition or any other such payments made as part of the maintenance arrangement.

**Documentary evidence for a lump sum payment on retirement:**
- a letter from the relevant persons employer or the body administering their pension stating:
  - date of retirement;
  - the gross amount of the lump sum;
  - the number of years of pensionable service or the number of years of contributions;
  - the gross annual pension.

**Documentary evidence for a lump sum payment on redundancy:**
- a letter from the relevant persons employer stating:
  - the date of cessation of employment or redundancy;
  - the gross amount of the lump sum;
  - the number of years of service with the employer.

**Documentary evidence for the disposal of an asset and right:**
- A completed Disposal of Assets and Rights Table;
- Capital Gains Tax Computation for 2010;

**Documentary evidence for the realisation of a life assurance policy:**
- A letter from the financial institution stating:
  - the amount received on realisation;
  - the Irish tax deducted;
  - the amount(s) paid in premium(s);
  - the date the first premium was paid.

**Documentary evidence for gifts or inheritances:**
- A completed Gifts and Inheritances Table
- a letter from the executor/donor;
- Capital Acquisitions Tax Return, if applicable.

**Documentary evidence for any other income not mentioned above:**
Evidence from the appropriate person or body showing
- the gross income or the gross amount received in 2010;
- the source of the income;
- a full description of the income.

If the relevant person received income from woodlands in 2010, a completed Woodlands Table must be submitted.

**Documentary evidence for legally enforceable maintenance payments**
- A copy of the separation or divorce agreement;
- P21 PAYE Balancing Statement or Notice of Assessment for 2010.

Supporting documents for the actual payments, for example, bank statements may also be requested.

**Documentary evidence for pension contributions towards retirement:**
- a letter from the financial institution or agency that provides the retirement product outlining the contributions made directly by the relevant person in 2010 or for public service pension levy, the Pension-Related Deduction End of Year Certificate for 2010;
- P21 PAYE Balancing Statement or Notice of Assessment for 2010.

**Documentary evidence for changes in circumstances:**
- a completed application form for 2011/12 together with all of the required documentary evidence necessary in support of the application and
documentary evidence to show the change of circumstances that has occurred (i.e. if the change is in relation to reckonable income you will need to provide documentary evidence to show that the income between January 2011 and the end of the academic year 2011/12 has fallen and that the fall in income is likely to continue for the duration of the approved course, if the change is in relation to the number of dependent children you will need to provide a copy of the additional child’s birth certificate, if it is in relation to the number of relevant persons attending a full-time course as outlined in article 18(5) you will need to provide a letter from the college or institution confirming that the student(s) will be attending full-time in 2011/12 etc.).
The Minister for Finance consents to the making of the foregoing Scheme.

GIVEN under the Official Seal of the Minister for Finance,
2011.

----------------------------------------------------------
Minister for Finance.

GIVEN under my Official Seal,
2011.

----------------------------------------------------------
Minister for Education and Skills.
EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

This Scheme of Grant is made pursuant to powers conferred on the Minister for Education and Skills under the Student Support Act 2011.

This Scheme may be cited as the Student Grant Scheme 2011.
BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon diolóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€8.89 (Provisional Price)