

MINUTES OF THE SPECIAL PLANNING MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY 2ND JULY, 2007.

MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 2 IÚIL, 2007.

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

| | | |
|---------------------------|----------------------|-----------------------|
| R. Beasley | J. Brassil | T. Buckley |
| M. Connor-Scarteen | B. Cronin | T. Ferris |
| S. Fitzgerald | T. Fitzgerald | N. Foley |
| M. Gleeson | D. Healy-Rae | P. Leahy |
| B. MacGearailt | P. McCarthy | A. McEllistrim |
| C. Miller | T. O'Brien | B. O'Connell |
| J. O'Connor | P. O'Donoghue | M. O'Shea |
| N. O'Sullivan | L. Purtill | J. Sheahan |
| M. Healy Rae | | |

IN ATTENDANCE/I LÁTHAIR

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|--|---|
| Mr. T. Curran, Co. Manager | Mr. J.D. Flynn, Dir. of Corp. Services |
| Mr. J. O'Connor, Head of Finance | Mr. M. McMahon, Director of Planning |
| Mr. O. Ring, Dir of Water Services | Mr. M. O'Donoghue, SEO Corp. Affairs |
| Mr. T. Sheehy, SE Planning | Mr. D. Murphy, SEE Planning |
| Mr. P. Corkery, Press & Comm. Officer | Ms. B. Reidy, S.S.O. Corp. Affairs |
| Ms. A. O'Sullivan, CO Corporate Affairs | |

The meeting commenced at 10.45am.

The Mayor, Cllr. M. Healy Rae, took the Chair.

The Mayor informed the meeting that Cllr. M. O'Shea sent his apologies for not attending the meeting from the outset, as he had to attend a family funeral.

Votes of Sympathy

Cllr. M. Gleeson extended a vote of sympathy to Mr. Eamon O'Donoghue, Planning Liaison Officer, on the death of his father-in-law.

All members said they wished to be associated with this expression of sympathy.

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Mayor M. Healy Rae extended a vote of sympathy to Mr. Niall Horgan of the Planning Department on the death of his father.

All members said that they wished to be associated with this expression of sympathy.

Requirements of Members under Part 15, Ethics Framework, of the Local Government Act 2001 and the Code of Conduct for Councillors

Mayor M. Healy Rae informed the meeting that he wanted to remind Members of their requirements under Part 15, Ethics Framework, of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. He reminded Councillors that, if the “Beneficial Interest” provision applies, a Councillor must:-

- (i) disclose the nature of his/her interest, or the fact of a connected person’s interest at the meeting, and before discussion or consideration of the matter commences and
- (ii) withdraw from the meeting for so long as the matter is being discussed or considered and accordingly, he or she should take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

07.07.02.01 Consideration of the Manager’s Report on submissions or observations received in relation to the Draft Local Area Plan for North Kerry Settlements

Mr. M. McMahon, Director of Planning, informed members that the Council approved the Draft North Kerry Settlements Local Area Plan on 30th April 2007. The Draft Plan, in conjunction with the publication of notice inviting submissions from the public, was placed on public display from 2nd May 2007 to 14th June 2007. Open days for members of the public were held in Listowel on 28th May 2007, Castleisland 29th May 2007 and in Ballyheigue on 31st May 2007. In all 253 submissions were received during the consultation period. Each submission is summarised, together with the responses and recommendations where considered appropriate in the Manager’s Report, which was circulated. He informed the meeting that it was intended to start with the smaller settlements i.e. Lisselton, and then to deal with the Villages and Towns and General Submissions – in that order.

Lisselton

Mr. T. Sheahy, SE Planning, informed the meeting that five submissions were received in relation to the Draft Lisselton Local Area Plan. Following a meeting with members on Friday last it was agreed that the recommendations in the Manager’s Report in relation to all five submissions would be adopted.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. B. O’Connell it was unanimously agreed to adopt the recommendations in the Manager’s Report on the Draft Lisselton Local Area Plan.

Knockanure

Mr. T. Sheehy, SE Planning, informed the meeting that two submissions were received on the Draft Knockanure Local Area Plan and following the meeting with members it was agreed that the recommendations contained in the Manager's Report be adopted.

On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. P. McCarthy it was unanimously agreed that the recommendations contained in the Manager's Report on the Draft Knockanure Local Area Plan be adopted.

Kilmoyley

Mr. T. Sheehy, SE Planning, informed the meeting that thirteen submissions were received on the Draft Kilmoyley Local Area. Following a meeting with members there was agreement with the recommendations in the Manager's Report on most of the submissions with the exception of Submission K7 from Brendan McElligott, and Submission K9 from Annette Nolan. He informed members that he had discussed these submissions with the Senior Planner in Development Control who had indicated that the planning applications for the development of these lands could be accommodated. On that basis there was agreement with the Manager's Report on the Draft Kilmoyley Local Area Plan.

Cllr. N. O'Sullivan asked if a submission was received from John Sheehy.

In response, Mr. T. Sheehy stated that Mr. Sheehy made Submission K8 but because of the lack of wastewater treatment facilities in the area it was not possible to facilitate this submission.

Cllr. N. O'Sullivan stated that Mr. Sheehy wished to withdraw his submission.

Cllr. J. Brassil stated that Mr. Sheehy was concerned about the green area zoned for amenity on his lands. He requested that as Mr. Sheehy had withdrawn his submission that this green area be moved back to lands which are not zoned.

Mr. T. Sheehy identified the lands in question on the map and said that it was felt that the green area would be more central at the location already identified in the Draft Plan. He suggested that it would be more appropriate to leave it as it is.

Cllr. J. Brassil referred to Submission K7 from Brendan McElligott, and stated that this is an infill site and he understood the Senior Planner in Development Control had no difficulty with this particular application as the applicant was a local person and meets the criteria in the Rural Settlement Guidelines. He then referred to Submission K9 from Annette Nolan and stated that the Planning Department had requested a copy of the land holding as there is concern regarding wastewater. He stated that the applicant has indicated it may be possible to dispose of effluent using a route through the bog which is already substantially piped. As sewerage can be facilitated in many ways through

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modern treatment methods he requested the planners to work with the applicant in this case.

Cllr. N. O'Sullivan supported the sentiments expressed by Cllr. Brassil.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. A. McEllistrim, it was unanimously agreed that the recommendations contained in the Manager's Report for the Draft Kilmoyley Local Area Plan be adopted.

Finuge

Mr. T. Sheehy informed the meeting that forty six submissions were received relating to the Draft Finuge Local Area Plan. These were mostly from residents groups, landowners and developers. The overall thrust of the submissions from residents was their concern about the possible scale of development in the future as it is likely that a new sewerage scheme will be provided. They expressed concern at the density of development, which may be permitted. He added that he met with residents and developers that morning and he understood that there was agreement that the Draft Plan, as proposed, would proceed with the following Objective included – *It is an objective of the Council that development in Finuge would be low density in keeping with the existing settlement pattern and reflecting the existing character of the settlement.* Based on the inclusion of this Objective, the people of Finuge are happy to accept the Manager's Report.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by the Cllr. P. Leahy it was unanimously agreed that the recommendations in the Manager's Report for the Draft Finuge Local Area Plan be adopted.

Cllr. Ned O'Sullivan asked what was the significance or the impact of the Objective.

In response Mr. T. Sheehy stated Finuge has an old world charm, which is largely unspoilt. At the crossroads there is a terraced streetscape, and it is intended that this would be maintained, and the remaining area would be developed at a low density of 2-3 houses to the acre and any proposed development must be accompanied by a Design Statement to ensure that the existing character of the village is maintained.

Cllr. N. O'Sullivan welcomed this and said that Finuge is a very charming village and members would be anxious that this character would not be ruined by future development, however, there must be a reasonable compromise.

Cllr. N. Foley requested assurances that the landowner's family members would be accommodated.

In response Mr. T. Sheehy stated that they would be treated in accordance with the provisions of the County Development Plan.

A vote was then taken on the following resolution proposed by Cllr. R. Beasley and SECONDED by Cllr. P. Leahy *“that this Council having considered the County*

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Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Finuge resolves to amend the Local Area Plan as follows: to adopt the Manager's Report with the inclusion of the following Objective: It is an Objective of the Council that development in Finuge would be low density in keeping with the existing settlement pattern and reflecting the existing character of the settlement".

This vote resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Cronin, Ferris, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Leahy, MacGearailt, McCarthy, McEllistrim, O'Brien, O'Connell, O'Sullivan, Purtill, Sheahan, M. Healy-Rae **(19)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, S. Fitzgerald, Fleming, Miller, O'Connor, O'Donoghue, O'Shea **(8)**

The Mayor declared the resolution carried.

Cordal

Mr. T. Sheehy informed the meeting that 7 submissions were received on Cordal and it was agreed that a meeting of the members that the recommendations contained in the Manager's Report would be adopted with the exception of those relating to Submissions C03 and C05. These relate to a green area of land near the Church and Florence and Marie Flynn want this area zoned residential and that the green area would be moved to an area at the opposite side of the Church.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. A. McEllistrim "*that this Council having considered the County Manager's Report and recommendations on the submissions received in relation to the Draft Local Area Plan for Cordal resolves to amend the Local Area Plan as follows: in respect of Submissions C03 and C05 that the area zoned amenity east of the Church be relocated West of the Church and the existing amenity area be rezoned residential proposed.*"

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Leahy, MacGearailt, McCarthy, McEllistrim, O'Brien, O'Connell, Purtill, Sheahan, M. Healy-Rae **(19)**

Against: None **(0)**

Not Voting: None **(0)**

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Absent: Cllrs. Cahill, Connor-Scarteen, Fleming, Miller, O'Connor, O'Donoghue, O'Shea, O'Sullivan (8)

The Mayor declared the resolution carried.

Asdee

Mr. T. Sheehy informed the meeting that 3 submissions were received regarding the Draft Asdee Local Area Plan and following a meeting with members it was agreed that the recommendations contained in the Manager's Report would be adopted.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. R. Beasley it was unanimously agreed that the recommendations in the Manager's Report relating to the Draft Asdee Local Area Plan be adopted.

Moyvane

Mr. T. Sheehy informed the meeting that 13 submissions were received regarding the Draft Moyvane Local Area Plan and at a meeting with members they agreed that the recommendations contained in the Manager's Report be adopted.

On the PROPOSAL of Cllr. P. Leahy SECONDED by Cllr. A. McEllistrim it was unanimously agreed that recommendations contained in the Manager's Report relating to the Draft Moyvane Local Area Plan be adopted.

Knocknagoshel

Mr. T. Sheehy informed the meeting that 20 submissions were received regarding the Draft Knocknagoshel Local Area Plan and following a meeting with members it was agreed that the recommendations contained in the Manager's Report relating to the following submissions would be agreed: K03, K04, K05, K06, K07, K08, K09, K011, K012, K013, K014, K015, K016, K017, K018, K020.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. T. O'Brien, it was unanimously agreed that the recommendations contained in the Draft Knocknagoshel Local Area Plan for these submissions be adopted.

Cllr. P. McCarthy requested clarification on Submission K013 from Patricia Collins.

Mr. T. Sheehy stated that this land is located way outside the village and could not be considered.

Cllr. P. McCarthy informed the meeting that the reason that the landowner made the submission is that it is for a family member. This land is surrounded by trees and is below the level of the road and she has already been refused planning permission for a house for herself.

The Mayor requested Mr. Sheehy to identify this land on the map.

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Mr. T. Sheehy then indicated the lands in question on the map.

The Mayor stated that this submission is seeking to facilitate the development of a single house for use as a permanent home and he called on the Planning Department to look on this application favourably as it is for a family member.

Mr. T. Sheehy stated that there is a presumption in the County Development Plan in favour of family members.

Cllr. P. McCarthy stated that permission was refused on these lands on the basis that the proposed development could be seen from another road. Trees surround the site and the only time it can be seen is in winter time when the trees are bare.

Mr. T. Sheehy stated that this application was refused, as there were road safety issues involved.

The Mayor requested that, rather than rezoning these lands, the Planning Department would try to facilitate the development of one house to be occupied by the landowner. He also requested that the minute of the meeting would record the wishes of the members that serious consideration would be given to facilitate this application.

Cllr. P. McCarthy pointed out that the proposed dwelling is for the applicant's full time permanent residence.

Mr. T. Sheehy then referred to Submission K01 from Denis O'Donoghue and stated that this land is contiguous to zoned land. He identified a portion of land and said that it was agreed that the portion of land would be zoned residential and that it would be included within the boundary of the plan.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. A. McEllistrim, *"that this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Knocknagoshel resolves to amend the Local Area Plan as follows: in relation to Submission K01 from Denis O'Donoghue that the lands, as indicated on the attached map, be included within the boundary of the Local Area Plan and zoned for residential development.*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Leahy, MacGearailt, McCarthy, McEllistrim, O'Brien, O'Connell, Purtill, Sheahan, M. Healy-Rae **(18)**

Against: None **(0)**

Not Voting: None **(0)**

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Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Miller, O'Connor, O'Donoghue, O'Shea, O'Sullivan (9)

The Mayor declared the resolution carried.

Cllr. B. O'Connell asked if it was necessary to vote on each submission and resolution individually.

In response, Mr. M. O'Donoghue, SEO Corporate Affairs, confirmed that it was.

Submission K02 Mike Cotter

Mr. T. Sheehy identified the lands the subject of this submission on the map and said that it was agreed that the field which he indicated would be included for low density development of less than 4 houses to the acre, subject to Objective R1 which states *"It is an objective of the Council that the lands be developed at a density not greater than 4 houses to the acre"*.

Submission K10 M. Roche

Mr. T. Sheehy informed the meeting that this submission related to designated arts space contained in the draft plan, and he indicated the area in question on the map. He stated that it was agreed that this zoning would be removed from the draft plan and that the land would be zoned for mixed use development.

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. B. O'Connell, *"that this Council, having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Knocknagoshel resolves to amend the Local Area Plan as follows:*

- a. To include lands the subject to the Submission K02 for residential development subject to Objective R1 which states 'It is an objective of this Council that the lands be developed at a density of not greater than 4 houses to the acre and*
- b. That the public arts space the subject of Submission K10 be removed and that these lands be zoned for mixed use development.*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Connor-Scarteen, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Leahy, MacGearailt, McCarthy, McEllistrim, O'Brien, O'Connell, Purtill, Sheahan, M. Healy-Rae (19)

Against: None (0)

Not Voting: None (0)

Absent. Cllrs. Cahill, Cronin, Fleming, Miller, O'Connor, O'Donoghue, O'Shea, O'Sullivan (8)

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The Mayor declared the resolution carried.

Submission K019 Mike Greaney

Mr. T. Sheehy informed the meeting that he had spoken to the Development Control Section regarding this submission and they indicated that the land has development potential and there is scope to include two houses with a possibility of a third on these lands. On that basis there is agreement with the Manager's Report and it would not be necessary to zone these lands.

On the PROPOSAL of Cllr. B. O'Connell SECONDED by Cllr. P. McCarthy it was agreed that the recommendation of the Manager's Report relating to Submission K019 from Mike Greaney be adopted.

The Mayor informed the meeting that he would then deal with Item No. 3

07.07.02.03 Material Contravention of the County Development Plan

Mr. M. O'Donoghue, SEO, read the following report into the record of the meeting:

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 in relation to an application for permission to build a warehouse/retail park on the site of the former Stag Cutlery factory, to include 1) a Home Value Hardware store of 15,300 sq ft 2) a change of use of the existing warehouse on the site of the retail/wholesale furniture distribution warehouse, a 10,000 sq ft extension to the existing warehouse and a new front entrance porch 3) a convenience store of 4000 sq ft 4) seven retail units with 4 apartments on the first floor 5) all associated site works for the above development including all sewers, water services, footpaths, tar macadam car parks and all associated landscaping and signage, at Dromin Upper, Listowel.

Name of Applicant:

Pat Stakelum

Address of Applicant:

*c/o; Jerry Fitzmaurice, Castlemorris Construction
Doon North, Tralee.*

Agent:

Paul O Dowd

Location of Proposed Development:

DrominUpper, Listowel

Nature/Description of Proposed Development:

Permission to build a warehouse/retail park on the site of the former Stag Cutlery factory, to include 1) a Home Value Hardware store of 15,300 sq ft 2) a change of use of the existing warehouse on the site of the retail/wholesale furniture distribution warehouse, a 10,000 sq ft extension to the existing warehouse and a new front entrance porch 3) a convenience store of 4000 sq ft 4) seven retail units with 4 apartments on the first floor 5) all associated site works for the above development including all sewers, water services, footpaths, tar macadam car parks and all associated landscaping and signage. 06-4516

Planning Reg. No:

Decision Due Date:

Material Contravention procedure initiated with publication of the statutory notice in the Irish Examiner newspaper on 25th May 2007.

Planning History

All recent applications relate to and are similar to the current application. 06-1001, 06-1393, 06-2640, 06-2641, 06-3639, 06-3740. Further information was requested on all these.

Zoning

The proposed development site is located in an area zoned for residential uses, as indicated in Listowel Environs Zoning Strategy within Section 11.2.6 and the Map 11.7 of the Kerry County Development Plan 2003-2009

Objections/Submissions:

There has been 1 number letter of objection and 1 submission lodged. These have been noted. In brief, it is considered that the main concerns related to the following:-

- Proposed land use
- Devaluation of property in the vicinity
- Traffic hazard & inadequate parking
- Retail impact on Listowel town and surrounds
- Archaeological testing

Appraisal:

The factory is known as the Stag Cutlery. This factory was open and used up until a few years ago. It is proposed to demolish the existing derelict industrial building

Design

The design of the proposed structures is a typical mixed retail , commercial & residential design.

The site is well screened from the east and west with mature trees.

The proposed development would provide for a large 8.5m high structure, which would be used for retail use and ancillary storages.

It is proposed to erect an extension onto the existing large retail warehouse

It is proposed to erect a single storey mini mart and a two storey block of shops and apartments along the road

The site has extensive road frontage on the main approach roads to the town N69 and accordingly the site is a sensitive one. It is considered that these architecturally designed structures would integrate well into the area.

The large car park to the front is broken up with the use of trees and other forms of hard and soft landscaping.

Roads & infrastructure

The proposed development includes the provision of a new vehicular access onto the N69 Tarbert road, a right hand turning lane and pedestrian crossing is provided. A traffic audit was submitted with the application and is considered acceptable.

Foul & storm water will be disposed off to existing sewers to the satisfaction of the Water Services Dept, Environment Section and the Area & Town Engineer.

Retail development

This application is dealt with on its own merits taking into consideration the sequential approach. The planning dept consider that the site is located in close proximity to the town centre and the site should not be considered as an out of town location.

The proposed development of site for retail purposes can be regarded as enhancing the attractiveness of the town centre. It is considered that the development will

help to ensure that leakage of retail spending to other towns will be mitigated.

The contents of the Retail Evaluation report have been noted by the planning authority, it is considered that the proposal is in accordance with the Retail Planning Guidelines (2000).

Relevant Policy in Listowel town Development Plan 2004-2010 and the County Development Plan 2003-09

Objective Z3; it is an objective of the council to facilitate and improve the commercial viability and vibrancy of the town centre and to preserve and enhance its character and urban amenity. To this end, large out of town shopping facilities shall not be permitted. .

OS 2; provide for the development of the town in a manner which is sustainable and protects its social, cultural environmental and economic assets for future generations.

OS 8; Ensure the town maximises its potential as a regional centre to create the critical mass necessary for economic growth.

It is considered that the proposal complies with Section 5.7 of the County Development Plan 2003-09.

Conclusion

The proposal is considered acceptable as the development complies with the objectives and standards as set out in the County Development Plan 2004-09. The planning authority considers that the proposed development is very important to the future economic development and attractiveness of Listowel town.

Having considered the location of the site, the nature of the development the derelict nature of the existing structure, the County Development Plan & the Listowel Town Plan it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the amenities of the area, property

in the vicinity, would not be prejudicial to public health, would not be prejudicial to drainage in the area and would be acceptable in terms of traffic safety and convenience. Accordingly, it is considered that the proposed development would be in accordance with the proper planning and sustainable development of the area and therefore a grant of permission is recommended subject to the conditions as set out on the attached

Recommendation for permission :

A decision to grant permission is recommended with the following conditions;

File No.: 06-4516

Applicant: Pat Stakelum

Proposed development: as per advert

Location: Dromin; Listowel

A. Schedule A:

Having regard to the location of the site in a serviced area close to the town centre, the existing use on site, the derelict nature of the existing factory and the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities or depreciate the value of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not unduly adversely impact on the vitality and viability of the town centre and would be in accordance with the proper planning and sustainable development of the area.

Second Schedule

The proposed development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged as part of the application on the 27th of November 2006, as amended by way of Further Information received by the Planning Authority on the 30th of January 2006 and on the 26th of April 2007, save as may be required by the other conditions attached hereto.

Reason: In the interests of clarity and in order to ensure that the development shall be in accordance with the permission and that effective control can be maintained.

(i) *The proposed structures shall not be amalgamated, interconnected or sub-divided without prior written agreement from the Planning Authority, save as may be otherwise required in order to comply the other conditions attached.*

(ii) *Other than that specifically indicated on the plans hereby permitted, no additional first floor or mezzanine floor space shall be constructed within the buildings without a prior grant of a necessary further and separate planning permission.*

(iii) *The use of the proposed home value hardware store, the retail/wholesale furniture distribution warehouse and the extension to the existing warehouse shall be strictly limited to retail warehousing, as defined by the "Retail Planning Guidelines for Planning Authorities published by DoELG Dec 2000.*

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Reason: In the interests of clarity, orderly development and in order to enable the planning authority to consider whether such intensification of use would constitute overdevelopment of the site or would otherwise be detrimental to the amenities of the area.

The applicant / developer shall submit revised plans / elevation drawings and particulars to the planning authority within 4 weeks of the grant date of this permission, showing the following required modifications and written agreement shall be received prior to the commencement of any development:-

- (a) The three proposed retail units located in the shop apartment building to the south west of the site shall be amalgamated and used as one retail unit only.*
- (b) The four proposed retail units located in the shop apartment building to the south west of the site shall be amalgamated and used as one retail unit only.*
- (c) Any required internal modifications and minor external modifications required in order to comply with (a) and (b) above shall also be submitted for written agreement.*
- (d) The use of the two retail units referred to in (a) and (b) above shall be limited to retail warehousing or comparison-shopping as defined by the "Retail Planning Guidelines for Planning Authorities published by DoELG Dec 2000.*

Reason: In order to protect the vitality and viability of the town centre and in the interests of the proper planning and sustainable development of the area.

*Before the development is commenced the developer shall lodge with the Planning Authority a Bond in the sum of **EUR 300,000.00** coupled with an agreement to empower the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. Such Bond will be increased from 1st January, 2008 and annually thereafter in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office to the value pertaining at the time of payment and shall be from an approved Financial Institution as may be acceptable to the Planning Authority to secure the provision and satisfactory completion and maintenance of roads including any right hand turning lane / pedestrian crossing, footpaths, water supply, foul and storm drainage, landscaping, boundary treatment, public lighting etc required in connection with the proposed development. The Bond shall remain in place for a period of 7 years from the date of grant of permission or until such time as the development has been completed to the satisfaction of the Planning Authority (whichever is the sooner).*

Reason: In order to secure the satisfactory completion of the development.

*Prior to the commencement of development the developer shall pay a contribution of **EUR 65,138.00** to Kerry County Council (Planning Authority) in respect of public water and sewerage infrastructure and facilities benefiting the development.*

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2008 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital

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Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

Prior to the commencement of development the developer shall pay a contribution of €19,171.38 to Kerry County Council (Planning Authority) in respect of amenity facilities.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2008 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

The developer shall pay a special development contribution to the sum of €100,000.00c prior to the commencement of any development on the site and which shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of upgrading and improvements of public infrastructure (public footpaths, road surfacing, sewers, lighting, right hand turning lane and road markings). This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. Payment is subject to the provisions of section 48 (12) of the Planning and Development Act 2000.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which has been or will be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features, which may exist within the site. In this regard, the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and*
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall carry out pre-development archaeological testing across the site in accordance with the requirements of the County Archaeologist and the DoEHLG and monitor all site development works.*

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The assessment shall address the following issues:-

- (i) the nature and location of any archaeological material on the site, and*
- (ii) the impact of the proposed development on any such archaeological material.*

Prior to the commencement of development, a report containing the results of the assessment shall be submitted to the planning authority, the county archaeologist and the DoEHLG. Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

- (c) The archaeologist will be empowered to halt development work, if necessary, for the purpose of recording and recovering any archaeological material encountered. A report on the archaeological monitoring shall be forwarded to the Planning Authority, the DoEHLG, and the Heritage Service, upon completion.*

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

- (i) The demolition of the existing industrial premises as indicated shall be carried out in safe and satisfactory manner; materials shall be disposed of to an authorised site or otherwise re-utilised in an authorised manner.*
- (ii) Prior to the commencement of development, the developer shall liaise with the Environment Section of Kerry County Council to agree to a suitable location for the proper and safe disposal of all waste material arising as a result of the proposed demolition and development. Prior to the commencement of any development work on site, a copy of any agreement reached with the Environment Section shall be forwarded to the Planning Authority for approval.*
- (iii) Such demolition works shall be carried out so as not to cause damage to, interfere with nor infringe upon adjoining properties, nor cause damage to the public road or underground services.*

Reason : In the interests of orderly development and the protection of private and public properties

Full details of all proposed signage and the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to the planning authority for written agreement and such agreement obtained prior to commencement of development on the signage / external finishes. As part of this the following shall be adhered to:-

- (i) A colour scheme for the buildings shall be submitted for agreement to the Planning Authority prior to the commencement of development.*
- (ii) A sample of the materials shall also be submitted.*
- (iii) All external finishes shall be neutral in tone, colour and texture. Any security grills/shutters shall be internally fitted, colour finished and of a see through variety.*
- (iv) External lightning, where to be provided shall be of a concealed variety. Neon, pulsating or flickering type lighting shall not be used.*

Reasons: In the interests of visual amenity, orderly development and in order to provide for an adequate standard of development.

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Prior to the commencement of development, details of all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with the overall development shall be submitted to the planning authority for written agreement. This shall include details of proposed sound attenuation measures and visual screening measures to be incorporated within / around such plant, machinery, chimneys, ducting, filters or extraction vents.

Reason: In order to protect the residential and visual amenities of the area.

The proposed totem (standing) sign/advertisement/nameplate at the entrance shall be lit by static external illumination only. The sign shall be utilised for the sole purpose of advertising the premises located within the site only.

Reason: In the interests of protecting the amenities of the area

Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, (or any subsequent Regulations revoking or re-enacting those Regulations), no advertisements or advertisement structures, signs, flags, logos or emblems shall be erected on the exterior of the structure or within the curtilage of the overall site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

No display or storage of goods, produce, waste, plant, packaging or crates, machinery or equipment shall be stacked or stored on this site at any time except within such buildings or storage areas as may be agreed beforehand in writing by the planning authority.

Reason: In the interest of residential and visual amenity.

Before development commences the developer shall obtain a written agreement from the area/town engineer on all details relating to scaffolding & hoarding required during construction.

Reason: To safeguard public health and to ensure a proper standard of development

- (i) *Street lighting columns shall be provided as per the recommendations of Department of the Environment and Local Government's 'Recommendations for Site Development Works in Housing Areas 1998' and so as to provide safe access for the users of the site after dark. All lighting shall be approved and certified by the Electricity Supply Board on completion and shall be ornamental or contemporary in design.*
- (ii) *All external lighting shall be cowled away from residential properties and the public roadway.*

Reason: In the interests of public safety and in the interests of residential and visual amenity and the proper planning and sustainable development of the area.

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Adequate provision shall be made to facilitate access to the proposed development by disabled persons. The minimum requirements to be provided shall be as set out in 'Access for the Disabled – Minimum Design Criteria' published by the National Rehabilitation Board. Drawings showing compliance with this condition shall be submitted to and agreed with the Planning Authority prior to commencement of development.

Reason: To ensure satisfactory facilities for disabled persons.

- (a) Any works involving the cutting of a public road shall be carried out by Kerry County Council at the applicants expense on foot of a road opening licence.*
- (b) Under no circumstances shall the applicant\developer cut the public road.*

Reason: In the interests of public property.

- (i) Car parking spaces shall be clearly delineated and shall be finished in tarmacadam.*
- (ii) A minimum of 3 disabled parking bays shall be provided in close proximity to the entrances of each of the proposed 3 retail unit blocks, proposed to be located within the landholding.*
- (iii) Bicycle stands shall be provided in the vicinity of all public entrances to the proposed retail units, the details of which shall be submitted to the Planning Authority for agreement prior to the commencement of development.*

Reason: In the interests of road safety and the proper planning and sustainable development of the area.

Full details in relation to the proposed foul and storm water disposal shall be submitted to the sanitary services section of Kerry County Council and written agreement shall have been obtained prior to the commencement of any development on the site. As part of this the following or suitably similar alternatives to be agreed with the Planning Authority shall be fully complied with in the development:-

- (i) The publication "Recommendations for site development works for housing areas" (DOELG 1998) shall be used as a standard specification.*
- (ii) Separate foul and storm sewers shall be provided for the overall development, the layout and design of which shall have been submitted to the Sanitary Services Section of Kerry County Council and written agreement shall have been obtained prior to the commencement of development.*
- (iii) Each residential and commercial unit shall be separately connected to the public foul sewer network.*
- (iv) Separate foul and storm sewers shall be provided in the development. In addition no surface waters shall be permitted to enter the foul sewer network at any stage of construction.*
- (v) The proposed foul sewer shall be connected to the public foul sewer. Final details to be agreed with Sanitary Services Section of Kerry County Council prior to commencement of development.*
- (vi) All manhole covers shall be of a cast iron lid and frame variety.*
- (vii) Storm water attenuation shall be provided on site in accordance with the 'DCC (1999): 'Stormwater Management Policy for Developers' and 'Stormwater Management Policy – Technical Guidelines', Dublin Corporation (now Dublin City*

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- Council), Ireland' or in accordance with a suitable similar alternative guideline document to be agreed with the planning authority.*
- (viii) *Silt trap(s) of adequate design and capacity shall be provided and maintained on site in order to cater for storm waters generated on site.*

Reason: In the interests of public health, public safety, to prevent flooding and in order to provide for an adequate standard of development.

Full details in relation to the proposed water supply shall be submitted to the sanitary services section of Kerry County Council and written agreement shall have been obtained prior to the commencement of any development on the site. As part of this the following or suitably similar alternatives to be agreed with the Planning Authority shall be fully complied with in the development:-

- (i) The proposed development shall be connected to the public water supply network.*
- (ii) The layout and design of the proposed water main shall be agreed with the Sanitary Services Section of Kerry County Council.*
- (iii) The applicants shall provide an adequate number of fire hydrants and valves etc at locations to be agreed with the Sanitary Services Section of Kerry County Council.*
- (iv) The proposed development and shall be metered at the entrance to the development, the exact location and design of which shall be agreed with the Water Services Section of Kerry County Council.*
- (v) Each dwelling and commercial unit shall be separately connected to the public water supply network and provided with a stop cock to the approval of the Planning Authority to be located in the footpath outside the curtilage of individual sites.*
- (vi) On completion of the development an approved person in private practice and holding professional indemnity insurance shall supervise and certify that the pipeline has been pressure tested, swabbed and sterilised to the requirements of the Water Services Section of Kerry County Council, details to be agreed prior to construction.*
- (vii) Provision shall be made for twenty-four hour water storage capacity on site. Details to be submitted and agreed in writing with the Water services dept prior to commencement of development.*

Reason: In the interests of public health, public safety and in order to provide for an adequate standard of development.

The following roads requirements or suitably similar alternatives to be agreed with the Planning Authority shall be fully complied with in the development:-

- (i) Vehicular access to the site shall be located the site in accordance with the plans submitted on 27-11-06.*
- (ii) A ghost island right turn is to be provided along the N69 in accordance with the plans submitted on the 27-11-2006, save as may otherwise be agreed in writing with the Roads Secion of the Planning Authority.*
- (iii) The boundary and kerb line on the eastern side of the N69 shall be set back to the agreement of the Area/Roads Engineer to allow for the provision of a turning lane etc. Any newly formed area between the existing edge of the carriageway and the new kerb line shall be finished in bitumen macadam and adequately drained.*
- (iv) A 2m wide footpath shall be provided / maintained for the length of the site frontage with the N69 public roadway.*

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- (v) *A road opening license shall be obtained if any cutting/disturbance of a public road is to occur, all such works shall be carried out by Kerry County Council at the applicants expense subject to the provisions of the road opening license. Under no circumstances shall the applicant/developer cut the public road.*
- (vi) *The developer shall undertake all works associated with the construction of the proposed access junction.*
- (vii) *Final details in relation to the upgrading and improvement of the N69, including the provision of any required right hand turning lane / pedestrian crossing facilities and to include a timescale for the implementation of these works shall be agreed with the Roads Section of Kerry County Council prior to the commencement of development.*
- (viii) *Formation of the road junction shall not cause surface water or seepage water to flow onto the public road surface.*
- (ix) *The proposed development shall not adversely affect existing land and road drainage in the area.*
- (x) *Any damage to existing road or public surfaces as a result of the proposed development shall be repaired by the developer at his/her own expense subject to the requirements of the planning authority.*
- (xi) *Roads to the proposed units shall be constructed of suitably compacted crushed limestone or other suitable engineering grade material to be approved by the Planning Authority. A minimum depth of road and footpath base shall be provided to the satisfaction of the Planning Authority and each side of the road shall be kerbed. Surface of all roads which form part of this development are to be 40mm Hot Rolled asphalt on 60mm DBM basecourse on 100mm DBM Roadbase on 150mm Cl 804*
- (xii) *Road gullies shall be a maximum distance of 30 metres apart.*
- (xiii) *The proposed footpaths to be located within the development shall be finished in quality cobble lock type paving – a sample of which shall be submitted to the planning authority for agreement.*
- (xiv) *Dropped kerbs and buff tactile paving shall be provided within the proposed site in accordance with the Traffic management Guidelines at all crossing locations. In addition, proposed footways shall be a minimum of 2m in width and constructed in such a manner to allow surface runoff from the footway to the adjacent gullies.*

Reason: In the interests of traffic and pedestrian safety and circulation and the orderly and sustainable development of the area.

- (i) *The developer and his/her agents shall ensure that no pollution or obstruction of existing streams, rivers, ponds, groundwater, watercourses or tidal waters is caused by their actions or operations.*
- (ii) *During the course of the construction phase of the development, site works shall be restricted to 07.00 to 20.00, Monday to Friday and 07.00 to 16.00 on Saturdays.*
- (iii) *All necessary measures shall be taken by the developer to prevent any spillage or deposition of clay, dust, rubble or other debris, whether arising from vehicle wheels or otherwise, on the adjoining and/or adjacent public road network during the course of the construction works. As part of this a wheel wash shall be provided within the site and the developer shall arrange to have the road and adjoining roads cleaned on a regular basis during the course of all construction works.*
- (iv) *Any damage to existing road or public surfaces as a result of the proposed development shall be repaired by the developer at his/her own expense subject to the requirements of the planning authority.*

Reason; in the interest of proper planning and sustainable development & to prevent pollution

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1. *Any hydrocarbons (including waste oil) shall have appropriate containment bunding to a minimum of 110% effective capacity of the tank shall be provided. The wall and base of the bund shall be of watertight construction.*
2. *All hazardous waste produced onsite (such as fluorescent tubes, waste batteries, waste oil, waste oil filters etc) shall be stored in an environmentally secure manner prior to removal offsite to a recognised disposal/recovery facility by a suitably licensed contractor.*
3. *All surface water run-off, shall discharge to class 1 oil/water interceptors prior to final discharge. The oil fraction of the interceptor shall be emptied when required by a suitably licenced waste collector*
4. *All mitigation measures detailed in the Noise Assessment report accompanying the application shall be adhered to, to ensure that the noise levels predicted in the assessment are met for the duration of the operation of the facility.*
5. *No activity carried out at the facility shall give rise to noise nuisance at the nearest or any other occupied dwelling in the area.*
6. *In the event of complaints being received regarding alleged noise or nuisance and, upon investigation, such complaints are found to be justifiable; the applicant shall be liable for all costs incurred by the Planning Authority in investigation of the complaint.*
7. *Upon receipt of a written notification from the Planning Authority, the applicant shall retain the services of an acoustic specialist or engineer to establish the cause of the noise or nuisance and the remediation measures required in order to abate said nuisance and details of the measures proposed shall be provided to the Planning Authority for approval. The applicant shall ensure that all such measures are complied with and shall be liable for all costs incurred therein.*
8. *Burning of shrink wrap, cut-off material, or any other waste material is strictly prohibited.*
9. *Prior to the commencement of any works on site, the developer shall carry out an evaluation and quantification of all construction, demolition and excavation waste likely to arise during all phases of development/construction and shall develop a waste management and disposal plan for all such wastes arising. A copy of this plan shall be submitted to the Planning Authority for agreement and approval prior to Commencement Notice stage.*

Reason; in the interest of proper planning and sustainable development of the area and in order to prevent pollution

Delivery Vehicles shall not access the facility between the hours of 20.00 and 08.00.

Reason: To safeguard the amenities of residential properties.

- (i) *An area within the proposed car park, shall be identified and reserved for use as a bring facility for recycling purposes, if required by the Planning Authority, the details of which shall be submitted on request to the Planning Authority.*

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- (ii) *High quality litterbins shall be provided within the overall development. Full details in relation to these including their number and location shall be submitted to the Planning Authority for written agreement prior to the opening of the proposed development for public trading.*

Reason: In order to promote sustainable travel patterns and in the interests of road safety, visual amenity and the proper planning and sustainable development of the area.

Details of all boundary treatments to be located within the landholding, including colours and materials to be used in the development shall be submitted to the Planning Authority for written agreement. These works shall be carried out within a reasonable timeframe. As part of this the following shall be adhered to:

- (i) *Palisade type fencing shall not be used within the landholding.*
- (ii) *The roadside boundary and entrance wing walls shall consist of a wall constructed of or faced in natural limestone (reconstituted or artificial stone materials shall not be used). A railing painted black in colour may be provided overhead, if required.*
- (iii) *All other boundary walls visible from a public place shall be rendered, plastered and painted finished, or finished in natural stone.*
- (iv) *The existing mature hedgerows located along site boundaries shall be retained and augmented so as to provide thick hedgerows.*

Reason: In the interests of residential, visual amenity the proper planning and sustainable development of the area and in order to provide for an adequate standard of development.

The proposed Landscaping and boundary treatment shall be carried out in accordance with the plans / details submitted as part of this PROPOSAL, save as may be required in order to comply with the following:-

- A revised landscape plan shall be submitted, showing the number of proposed semi mature trees significantly increased.*
- The trees proposed to be retained, as indicated on the plans submitted as part of this application, shall not be removed, without the prior written agreement of the planning authority. All necessary measures shall be undertaken at construction and operation stages so as to ensure that the health of these trees is maintained.*
- Any failure of plant/shrubs/tree through disease, damage or are removed after planting shall be replaced by similar species.*
- The large parking area shall be further broken up by the use of a significant number of tree planters, full details shall be submitted for agreement.*
- The Landscape Plan must include full details of the planting schedule, including no. and types of species to be planted, their heights at Maturity etc hard surfacing, kerbing, paving etc for the written agreement of the planning authority.*
- Additional street furniture, including seating, shall be provided in the vicinity of the proposed entrances to the retail unit blocks.*

Reason: In the interests of visual amenity, biodiversity and in order to provide for an adequate standard of development.

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The proposed development shall not be opened to the public until all the services have been connected thereto and are operational. In addition all car parking spaces associated with this site shall be fully marked out and available for public use when the proposed development first opens for public trading.

Reason: In the interest of orderly development.

Cllr. N. O'Sullivan said that overall this proposed development is welcome but he asked if it was a fact that the Planning Department had insisted that 7 retail units be included in the development as he understood that this was included in the planning application at the insistence of the planning authority. He pointed out that if this development was 50 yards closer to Listowel town Listowel Town Council would not permit it. He informed the meeting that he understood that, if planning permission was granted, the developer intended to apply for a change of use for the retail units.

Mr. M. McMahon, Director of Planning, informed members that, what was being dealt with was a material contravention of the County Development Plan in the context of the current planning application. He presumed it was the intention of the developer to carry out the development as proposed. He acknowledged that the developer could apply for change of use in the future. He informed the meeting that if members approved the Material Contravention, then planning permission would be granted for the development, as applied for. Any private discussions held with the developer by members were not part of the planning process.

Mayor M. Healy Rae asked if members voted for the material contravention as presently before them, and the developer is granted planning permission, could he apply for a change of use for the 7 retail units at a future date and would this also be a material contravention.

Mr. M. McMahon stated that this would be dependent on the proposal that would be submitted and it would not be possible to state whether it would be a material contravention or not.

Cllr. T. Ferris asked if it would be possible to condition it into the planning permission that the 7 retail units would not be developed.

Cllr. R. Beasley indicated his agreement with the views expressed by Cllr. O'Sullivan regarding the 7 retail units and asked if a condition could be included in the planning permission that these 7 retail units would be removed.

Cllr. N. O'Sullivan said that he was anxious to facilitate this development, as Listowel urgently needs new development. He stated that he was in receipt of a letter from the developer, which indicated that if the material contravention was approved he would apply for a change of use for the 7 retail units. He said that the developer was personally known to him and also the builder and he would be happy to stand over their proposal.

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However he was concerned that the inclusion of the 7 retail units was at the insistence of Kerry County Council planners.

Cllr. J. Brassil stated that he also got a letter from the developer and he was satisfied to take the developer at his word.

Mr. M. McMahon stated that this planning application was ongoing for the past 12 months and there had been extensive pre-planning discussions. The application now before the members is what must now be decided upon. If, at some stage in the future, the developer wants to reapply for a change of use for any part of the development he is free to do so. However, the Council could not give an undertaking as to the outcome of that application or whether or not it would be a material contravention of the County Development Plan.

Cllr. R. Beasley requested that a condition of planning be, that the 7 retail units be removed from the development.

Mr. M. McMahon stated it was not possible to do this.

Cllr. N. O'Sullivan again asked if the 7 retail units were included in the proposal at the insistence of Kerry County Council Planning staff.

Mr. M. McMahon stated that he was not in a position to either confirm or deny this. He pointed out, however, that the planning department cannot insist on anything being included in plans submitted by a developer as that is a matter entirely for the developer.

Cllr. S. Fitzgerald asked if the developer could proceed with the development while excluding the 7 retail units.

In response Mr. M. McMahon said that the developer would be expected to implement his entire permission. There appears to be an indication through the members that he will not implement a portion of it and he may apply for change of use in the future.

Cllr. B. Cronin asked when the planning application was submitted did the application cover all items, including the 7 retail units.

Mr. J. Flynn, Director, Corporate Services, confirmed that it did.

Cllr. B. Cronin then called for a vote to be taken on the material contravention.

Cllr. T. Ferris said that she had difficulty with this proposal. Members are suggesting that planning permission should be granted for 7 retail units, yet they would be hoping that the developer would not implement this part of the planning permission. She suggested that there must be a more sensible way of dealing with this application.

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Cllr. M. Gleeson asked if the developer could withdraw the current application and reapply without the 7 retail units.

Mayor M. Healy Rae said that it appeared to be sensible to proceed with the application as already submitted.

Cllr. N. Foley asked if the Director was stating that in the event of the application being granted and at a future date the developer decided not to proceed with the 7 retail units and to reapply for alternative use, he did not foresee a difficulty.

Mr. M. McMahon again stated that substantial preplanning discussions had taken place regarding this application. He confirmed that it was at the suggestion of the planning authority that the 7 retail units were included in the application, but the planning authority did not insist on this.

Cllr. N. O'Sullivan welcomed the clarification and said that he regretted that the Planning Department had suggested it. If there was no reason why the 7 retail units could not be removed or changed at a later date he would be satisfied to proceed with the material contravention.

Cllr. J. Brassil PROPOSED that, in accordance with the provisions of Section 34(6)(a) of the Planning & Development Act 2000, that planning permission be granted to Pat Stakelum, c/o Jerry Fitzmaurice, Castlemorris Construction, Doon North, Tralee, to develop a warehouse/retail park on the site of the former Stag Cutlery Factory, Dromin Upper, Listowel to include (a) A Home Value Hardware store of 15,300 square feet, (b) a change of use of the existing warehouse on the site to a retail/wholesale furniture distribution warehouse, a 10,000 square feet extension to the existing warehouse and a new front entrance porch, (c) a convenience store of 4,000 square feet, (d) seven retail units with four apartments on the first floor, (e) all associated siteworks for the above development including all sewers, water services, footpaths, tarmac car parks, and all associated landscaping and signage at Dromin Upper, Listowel, in accordance with plans submitted on planning reg. no 06/4516.

Cllr. T. Buckley SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Brassil, Buckley, Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Leahy, McCarthy, McEllistim, Miller, O'Brien, O'Connell, O'Sullivan, Purtill, Sheahan, M. Healy-Rae (20)

Against: None (0)

Not Voting: Cllrs. Beasley, MacGearailt (2)

The Mayor declared the resolution carried.

Mast at Looscaunagh

Cllr. D. Healy-Rae stated that a number of months ago members requested the County Manager to initiate the material contravention procedure to facilitate a planning application for a mast at Looscaunagh. At that time he indicated he would only do so if the members directed him. A Section 140 motion was subsequently passed and while Kerry County Council granted the planning application An Bord Pleanála subsequently refused it. He stated that this was the only material contravention requested by the members in recent times and it was to facilitate the people of the Black Valley in providing them with a modern communications system. He added that the previous night a bus had overturned on the road and there were no phones to call for assistance. He pointed out that management had put material contraventions on the agenda for approval by the members on 3 or 4 occasions in the recent past in the North Kerry area yet management appear to be slow to initiate this process at the request of members.

07.07.02.04 Opening of Tenders

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. O'Connell, it was agreed to approve the opening of tenders for the Preliminary Environmental Assessment for the N23 Castleisland to Farranfore Road Improvement Scheme.

07.07.02.01 Manager's Report on submissions or observations received on the Draft Local Area Plan for North Kerry Settlements (Cont.'d)

Duagh

Mr. T. Sheehy informed the meeting, that 6 submissions were received on the Draft Duagh Local Area Plan. There was agreement with the Manager's Report on 5 of these with the exception of Submission D2 from Michael Mulcaire. He then indicated a portion of lands on the map and stated that it was agreed that that portion of the land would be included in the plan area and zoned for residential development subject to Objective R1 which reads "*it is an objective of the council that the development of these lands shall be for low density development subject to the provision of community facilities and adequate safe access from the road to the South.*"

Cllr. N. O'Sullivan PROPOSED that the recommendations in the Manager's Report in relation to Submissions D1, D3, D4, D5 and D6 be agreed,

Cllr. T. Ferris SECONDED this proposal and it was unanimously agreed.

On the PROPOSAL of Cllr. N. O'Sullivan SECONDED by Cllr. T. Ferris, "*that this Council, having considered the County Manager's Report and Recommendations on the submissions received on the Draft Local Area Plan for Duagh resolve to amend the Local Area Plan as follows: in relation to Submission D2 the portion of land as indicated on the map to be included in the plan area and to be zoned for residential development subject to Objective R1 which states: It is an objective of the Council that the development of*

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these lands shall be for low density development subject to the provision of community facilities and adequate safe access from the road to the South”.

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O’Connell, O’Sullivan, Sheahan, M. Healy-Rae **(18)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, O’Brien, O’Connor, O’Donoghue, O’Shea, Purtill **(9)**

The Mayor declared the resolution carried.

Cllr. D. Healy Rae referred to a submission from H.L. Homes, Shanavally who had requested that their submission be considered in the context of the Duagh Local Area Plan. While he accepted that the lands referred to in this submission are not in Duagh, they are in the parish and are adjacent to Abbeyfeale yet the land is in Co. Kerry. Limerick County Council cannot consider this submission and he could see no reason why these lands could not be included in the Duagh Local Area Plan. He requested clarification on this matter.

Mr. T. Sheehy stated that the lands in question do not appear on the map presently being considered by members as they are so far removed from Duagh. He accepted what Cllr. D. Healy Rae was stating but stated that these lands should really be considered more in the context of the Abbeyfeale Town Plan. The sewerage is across the river, which could pose a difficulty, but before he could comment on the zoning of these lands he would need to consult with his colleagues in Limerick County Council. He stated that it would be more appropriate to deal with this issue in the context of the review of the County Development Plan.

Cllr. T. Ferris stated that an application for planning permission for 16 houses on these lands has been submitted.

Cllr. D. Healy Rae said that the submission by H.L. Homes was made in the timeframe set out for the planning authority and they were entitled to have their submission considered.

Mr. T. Sheehy stated that members were confined to the consideration of the settlements outlined in the report.

Cllr. D. Healy Rae PROPOSED that the submission from H.L. Homes be agreed.

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Mr. T. Sheehy listed all 6 submissions received in relation to Duagh and said that no submission was received from H.L. Homes.

Mayor M. Healy Rae said that he would second Cllr D Healy Rae's proposal if a submission had been received.

Mr. M. O'Donoghue, SEO, Corporate Affairs, stated that no submission was received and it is not part of the Plan that was put forward for public consultation.

Mr. T. Sheehy stated that planners had not been given appropriate time to consider the issue raised by Cllr. D. Healy Rae and for this reason it would not be possible to give a reasonable assessment on it. It would not be appropriate for members to vote on it in the absence of a proper informed debate. He undertook to deal with this issue in the context of the review of the County Development Plan, which would be commencing in October and would be a 2 year process.

Causeway

Mr. T. Sheehy informed the meeting that 14 submissions were received on the Draft Causeway Local Area Plan. Following a meeting with members there was agreement with the recommendations in the Manager's Report on the following submissions:

- C1 County Archaeologist
- C2 NRA
- C4 Brendan Nolan, on behalf of John Donegan
- C6 John & Mary Donegan
- C7 Dermot & Monica Flynn
- C9 Oliver Daly on behalf of Thomas & Johanna O'Carroll
- C10 Thomas O'Carroll
- C11 Kerry County Council's Play Appraisal Team
- C12 Peggy & John P. O'Carroll
- C13 Brendan O'Carroll on behalf of Eamon Young
- C14 Richard Kane

On the PROPOSAL of Cllr. R. Beasley **SECONDED** by Cllr. T. Fitzgerald it was unanimously agreed that the recommendations contained in the Managers Report for these submissions be adopted.

Mr. T. Sheehy then informed the meeting that there was no agreement regarding Submissions C3 from Griffin Project Management on behalf of Declan Carmody or C8 from Griffin Project Management on behalf of Declan Carmody. He informed the meeting that there was agreement with regard to Submission C5 from William Moyles on behalf of Kieran Harty but this agreement was not in accordance with the Managers Report. He then identified a portion of land on the map, which was to be included within the plan area and to be zoned residential.

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On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. N. Foley, *“that this Council having considered the Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Causeway resolves to amend the Local Area Plan as follows: in relation to Submission C5, that a portion of the lands as indicated on the attached map be included in the plan area and zoned for residential development.”*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O’Connell, Purtill, Sheahan, M. Healy-Rae (17)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Brassil, Cahill, Connor-Scarteen, Cronin, Fleming, O’Brien, O’Connor, O’Donoghue, O’Shea, O’Sullivan (10)

The Mayor declared the resolution carried.

Mr. T. Sheehy then referred to Submission C3 and C8 and he indicated these lands on the map. He said that he had discussed them with the Senior Planner in Development Control who had accepted that a certain number of houses could be facilitated but stated that zoning these lands in the Draft Plan was not an option as it was too far removed from the plan area.

The Mayor indicated that there was 2.5 hectares involved in these submissions.

Cllr. P. Leahy asked if there would be any possibility of granting permission for a cluster development on these lands.

In response Mr. T. Sheehy stated that this was very much dependant on the quality of the application and there are already 4 dwellings on this land.

Cllr. T. Buckley stated that the applicant has emphasised that he has access to the sewer.

Mr. M. McMahon pointed out that a lot of lands closer to the plan area have not been zoned and if it is necessary to zone additional lands they should be contiguous to existing zoned land.

Mr. T Sheehy informed members that he could not state that the landowner would be granted planning permission, however, he should enter into discussions with the development control section.

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Cllr. B. O'Connell asked if this land was being sterilised.

Mr. T. Sheehy stated that it was not being sterilised as it had certain development potential.

Cllr. P. Leahy stated that he was reluctant to agree that these lands would not be zoned and he would like to see provision made for a cluster development on these lands.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by the Cllr. R. Beasley it was unanimously agreed that the recommendations contained in the Manager's Report in relation to Submissions C3 and C8 be adopted.

Cllr. J. Brassil returned to the meeting and stated that he wished to record his support for the Draft Causeway Local Area Plan.

Brosna

Mr. T. Sheehy informed the meeting that 8 submissions were received on the Draft Brosna Local Area Plan. The members were in agreement with the recommendations in the Managers Report on the following submissions:-

| | |
|-----|--|
| BR1 | Michael Connolly, County Archaeologist |
| BR2 | NRA |
| BR3 | Patrick O'Flynn |
| BR4 | Margaret Kenny Downey |
| BR5 | Kerry County Council's Play Appraisal Team |
| BR6 | Eoin Flynn |
| BR8 | The Rev George Hayes, Diocesan Secretary |

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. R. Beasley it was unanimously agreed that the recommendations contained in the Managers Report in relation to Submissions BR1, BR2, BR3, BR4, BR5, BR6 and BR8 be adopted.

Mr. T. Sheehy then referred to submission BR7 from Danny O'Donnell and stated that 2 houses could be accommodated on these lands.

Cllr. A. McEllistrim stated that, on condition that there was agreement that two houses could be accommodated on these lands she was satisfied to propose that the recommendation contained in the Manager's Report regarding Submission BR7 be adopted.

Cllr. T. Fitzgerald SECONDED this proposal and it was agreed.

Ballylongford

Cllr. A. McEllistrim stated that in accordance with Section 177 of the Local Government Act 2001 she wished to declare that her cousin, Tim McEllistrim, made Submission

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BL14 listed in the Managers Report, and for this reason she would leave the meeting when this was being considered.

Cllr. McEllistrim then left the Chamber.

Mr. T. Sheehy informed the meeting that there was agreement with the recommendations in the Managers Report in relation to the following submissions:

- BL1 NRA
- BL3 Pat & Breda Creedon
- BL5 Pat Lynch
- BL7 Kate Carmody
- BL9 Noel Lynch on behalf of Tom & Mary Kelly
- BL11 Paul O'Dowd on behalf of Richard O'Donoghue
- BL12 Paul O'Dowd on behalf of Richard O'Donoghue
- BL13 John O'Riordan and Gerard O'Dowd
- BL14 John O'Riordan and Gerard O'Dowd on behalf of Tim McEllistrim
- BL15 Petition C/o Noel Heaphy
- BL16 Kerry County Council's Play Appraisal Team

On the PROPOSAL of Cllr. T. Ferris SECONDED by Cllr. L. Purtill it was unanimously agreed that the recommendations contained in the Manager's Report in relation to these submissions be adopted.

Cllr. A. McEllistrim then returned to the Chamber.

Mr. T. Sheehy then referred to Submission BL2 from Bennett & Co. Planning & Design Consultants. He identified the land on the map for members and also outlined the current boundary of the plan. Following a lot of negotiations and discussions with members and the general public, the current boundary of the plan was agreed and planners are strongly opposed to the zoning of the lands as requested in this submission. He recommended that members would not adopt this submission.

Cllr. L. Purtill stated that he disagreed with Mr. Sheehy. This land is located halfway between Ballylongford and Rusheen Park and is in fact waste ground. The development of this land would enhance the area and there is a footpath as far as it. It is also inside the 30mph speed limit. He PROPOSED that the land be zoned in accordance with the submission received.

Cllr. T. Buckley SECONDED this proposal.

Mr. T. Sheehy pointed out that there had been pre-planning discussions relating to this land prior to the preparation of the Draft Plan and each time the outcome was negative for the development of this land. If members agree to zone this land it is simply a way of getting around the proper planning and development of the area. Even if the land is zoned planning permission could be refused and if this happens a compensation issue

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could arise. He again stated that he was strongly opposed to the zoning of this land. This proposal is a significant expansion in light of what was already agreed.

Cllr. B. O'Connell requested clarification on why the planners were so opposed to the zoning of this land.

In response Mr. T. Sheehy indicated the river on the map and said that there is also an issue with percolation on these lands and its proximity to the river. The river forms a natural boundary, there are also visual issues and this land is adjacent to an SAC. At present 18 acres of land are zoned for residential development and in the Draft Plan it is proposed that an additional 36 acres be zoned. If this land is zoned there would be approximately 50 acres zoned which would be excessive, and he had already conceded on a number of other zonings at the request of members. In conclusion he stated that there was no planning justification for the zoning of this land.

Cllr. R. Beasley asked if consideration would be given to the granting of permission for a cluster development on these lands.

Mr. T. Sheehy stated that, during the course of pre-planning consultations in the past this was not agreed and the Development Control Section are opposed to it.

Cllr. R. Beasley pointed out that there are council houses located nearby.

Mr. T. Sheehy stated that the purpose of local area plans is to set out how areas will develop into the future.

Cllr. Purtill stated that this area is an eyesore in the village and it would be a vast improvement to have it developed.

Mr. T. Sheehy stated that he had consulted with the Senior Planner in Development Control on this submission and he had indicated that perhaps 1 house could be accommodated on these lands.

Cllr. P. Leahy stated that there is a large council estate beyond this land.

Mr. T. Sheehy stated that looking forward to the future development in this direction was incorrect.

Cllr. J. Brassil stated that members had met with planners on Friday last at which time the Draft Ballylongford Local Area Plan was discussed. At that time he understood that agreement was reached and that members had requested that a substantial amount of additional land be zoned and planners had agreed to this. He was disappointed that another proposal was being put before the meeting for decision while he had understood that an overall package for Ballylongford was agreed on Friday last.

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Cllr. L. Purtill stated that he understood that this submission was still up for debate and he was simply giving his views on how this land could be upgraded.

The Mayor informed Cllr. Purtill that his views were noted and he asked if he was willing to agree that the lands would not be rezoned or was he calling for a vote on it.

Cllr. L. Purtill requested that a vote be taken.

Mr. T. Curran, County Manager, informed the meeting that there had been planning discussions relating to this site in the past and the outcome was negative. He urged members to be cautious in the zoning of this land in an effort to get over the planning process. If this land is zoned and planning permission is subsequently refused, Kerry County Council could be open to a compensation claim.

Cllr. R. Beasley stated that at the meeting held on Friday last he understood there was agreement on the Draft Ballylongford Local Area Plan and he had not anticipated that members would be asked to vote on this issue.

On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. T. Buckley *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballylongford resolves to amend the Local Area Plan as follows: the land the subject of Submission BL2 be included within the plan area and zoned for residential development.”*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Buckley, S. Fitzgerald, D. Healy-Rae, Leahy, McCarthy, Purtill, Sheahan, M. Healy-Rae **(8)**

Against: Cllrs. Beasley, Brassil, Ferris, T. Fitzgerald **(4)**

Not Voting: Cllrs. Foley, MacGearailt, McEllistrim, Miller, O’Connell **(5)**

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Gleeson, O’Brien, O’Connor, O’Donoghue, O’Shea, O’Sullivan **(10)**

The Mayor declared the resolution carried.

Mr. T. Sheehy referred to Submission BL4 from Brendan Nolan on behalf of Maurice O’Connor. He informed members that he had discussed this submission with the Development Control Section who considered that a cluster of up to 7 houses could be accommodated subject to good design. If this is acceptable there is agreement with the recommendation in the Manager’s Report.

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On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. P. Leahy Purtill it was unanimously agreed that the recommendations contained in the Manager's Report in relation to Submission BL 4 be adopted.

Mr. T. Sheehy then referred to Submission BL6 and indicated the lands, the subject of this submission, on the map. He informed the meeting that a cluster of up to 6 houses could be accommodated on these lands and if this was acceptable the recommendation contained in the Manager's Report could be agreed.

On the PROPOSAL of Cllr. L. Purtill SECONDED by Cllr. T. Buckley it was unanimously agreed that the recommendation contained in the Manager's Report in relation to Submission BL6 be adopted.

Mr. T. Sheehy referred to Submission BL8 and indicated the lands, the subject of this submission, on the map. He informed the meeting that it has been agreed that 6 acres of these lands would be included in the plan area as there is a lack of development on this road. He also referred to Submission BL10 on behalf of P. McNamara and he indicated the lands the subject of this submission on the map. He informed the meeting that it has been agreed that a portion of land, which he indicated, on the map would be included in the plan area and zoned for residential development.

On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. T. Buckley *"that this Council, having considered the County Managers Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballylongford resolves to amend the Local Area Plan for Ballylongford as follows: in relation to (a) Submission BL8 that 6 acres as indicated on the attached map be included within the plan area and zoned for residential development and (b) in relation to Submission BL10 a portion of the land as indicated on the attached map to be included in the plan area and to be zoned for residential development.*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Gleeson, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O'Connell, Purtill, Sheahan, M. Healy-Rae (17)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, D. Healy-Rae, O'Brien, O'Connor, O'Donoghue, O'Shea, O'Sullivan (10)

The Mayor declared the resolution carried.

Ballyduff

Cllr. N. Foley stated that in accordance with Section 177 of the Local Government Act 2001 she wished to declare that she was a connected person to the person who made Submission BD29 listed in the Managers Report, and for this reason she would leave the meeting when this submission was being considered.

Cllr. N. Foley then left the chamber.

Mr. T. Sheehy informed the meeting that 30 submissions were received regarding the Draft Ballyduff Local Area Plan. There was agreement with the recommendations in the Managers Report in relation to the following submissions:

BD1 NRA
BD2 Brendan Nolan on behalf of Matt Boyle
BD4 Tim Fitzmaurice
BD5 Bernard Guerin
BD7 Mary Slattery
BD8 Eamon Deenihan and Bob Scott
BD10 Eamon Deenihan
BD11 Robert and Mary Scott
BD12 Ballyduff Family & Resource Centre
BD14 Liam Houlihan
BD17 John O'Connor
BD18 John O'Connor
BD19 Gean & Elma O'Sullivan
BD20 Kerry County Councils Play Appraisal Team
BD21 Thomas O'Sullivan
BD22 Elaine O'Sullivan
BD23 Ballyduff Central National School
BD24 Michael Dowling
BD25 Bernard Gavin
BD26 Margaret O'Connor
BD27 Monica Murphy
BD28 Una Kearney O'Carroll
BD29 Noelle O'Grady and Gerald O'Neill
BD30 Central National School, Ballyduff

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. R. Beasley, it was unanimously agreed that the recommendations in the Managers Report on these submissions be adopted.

Mr. T. Sheehy referred to Submission BD3 from Brendan Nolan on behalf of Patrick O'Connor, and he indicated these lands on the map. He informed the meeting that it was agreed that half of these lands on the western side be included in the plan area and zoned residential.

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Cllr. R. Beasley asked how many acres were involved.

In response Mr. T. Sheehy stated that there were approximately 5 acres.

On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. J. Brassil *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballyduff resolves to amend the Local Area Plan as follows: in relation to Submission BD3 that half the land, 5 acres, on the western side, be included in the plan area and be zoned for residential development.*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, D. Healy Rae, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O’Connell, Purtill, Sheahan, M. Healy-Rae **(16)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, O’Brien, O’Connor, O’Donoghue, O’Shea, O’Sullivan **(11)**

The Mayor declared the resolution carried.

Submission BD6 Marguerite Wixted, Ballyduff Village

Mr. T. Sheehy informed the meeting that no map was received with this submission but he outlined these lands on the map. He stated that this submission was not agreed but subject to agreeing a later submission this would also be included. He recommended that members leave this submission for the present.

This was agreed.

BD9 Patrick & Imelda O’Connor, Ballduff

Mr. T. Sheehy informed the meeting that now that submission BD3 had been agreed, this one was also agreed.

BD13 Martin Ross c/o Brendan O’Connell, Tralee

Mr. T. Sheehy indicated the lands the subject of this submission on the map. He stated that the submission included a layout for an extension of the development. The submission proposed that portion of the land, which he then indicated, on the map be included in the plan area and zoned residential and that the boundary of the plan be extended as he indicated on the map.

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On the PROPOSAL of Cllr. R. Beasley SECONDED by Cllr. P. Leahy *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballyduff resolves to amend the Local Area Plan as follows: in relation to Submission BD13 the portion of the land indicated on the attached map to be included within the plan area and zoned for residential development”*.

A vote was taken on this resolution, which resulted as follows

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, D. Healy Rae, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O’Connell, Purtill, Sheahan, M. Healy-Rae **(16)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, O’Brien, O’Connor, O’Donoghue, O’Shea, O’Sullivan **(11)**

The Mayor declared the resolution carried.

BD15 **Sheila Nolan, The Square, Benmore, Ballyduff**
BD 16 **Maurice Sheehy, c/o Molone O’Regan & McGillicuddy**
Consultant Engineers

Mr. T. Sheehy stated that Submissions BD15 and BD16 would be taken together. He indicated the lands the subject of these submissions on the map. He also indicated the area of land previously zoned. He indicated the school, the church and the GAA pitch on the map and stated that he felt it was appropriate that the lands the subject of BD15 and two adjacent portions of lands, which he indicated on the map, would be included in the plan area and zoned for development. He also suggested that portion of the land the subject of Submission BD6, which he indicated on the map, be included within the plan area and zoned for residential development.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Brassil *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballyduff resolves to amend the Local Area Plan as follows: in relation to Submissions BD15, BD6 and BD16, the land the subject of these submissions as indicated on the attached map, together with 2 adjacent plots of land, be included in the plan area and be zoned for residential development, subject to Objective R1 as follows: is it an objective of the Council that the development of these lands is contingent on the development of the area indicated as T5 as a car park and linear walkway.”*

A vote was taken on this resolution, which resulted as follows:

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For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, D. Healy Rae, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O'Connell, Purtill, Sheahan, M. Healy-Rae **(16)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, O'Brien, O'Connor, O'Donoghue, O'Shea, O'Sullivan **(11)**

The Mayor declared the resolution carried.

Ballyheigue

Mr. T. Sheehy informed the meeting 67 submissions were received in relation to the Draft Ballyheigue Local Area Plan. There was agreement with the members on the recommendations contained in the Managers Report in relation to the following submissions:

| | |
|------|--|
| BE1 | Jim Fitzgerald for Brendan Fitzgerald |
| BE2 | Jim Fitzgerald for James and Thomas Fitzgerald |
| BE4 | NRA |
| BE6 | Edward O'Sullivan for John & Margaret Stritch |
| BE7 | Maurice Leen, Ballyheigue |
| BE9 | Cllr. John Brassil |
| BE11 | Michael Leane |
| BE13 | Michael Hanlon |
| BE14 | Kathleen Jacob and Alice Lawlor |
| BE15 | John, Margaret & Anne Stritch |
| BE16 | Cliona McGuire |
| BE17 | Kathleen McAuliffe and Aileen Brosnan |
| BE18 | Mary Ellen O'Connor |
| BE19 | Kathleen Jacob |
| BE20 | Vincent & Susan Crean |
| BE21 | David Lane |
| BE23 | Sinead Crean |
| BE25 | Oliver Daly for Dalgale Developments |
| BE26 | Mary Harty |
| BE27 | Ollie Diggin |
| BE28 | John Brassil on behalf of Michael Hearty |
| BE31 | Ballyheigue Residents Group |
| BE32 | Ballyheigue Development Association |
| BE33 | Mary Ellen O'Connor |
| BE37 | John Thornton |
| BE38 | Anita Hynes |
| BE39 | Parents and Residents Ballyheigue Playground Development Group |

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| | |
|------|---|
| BE40 | Mary & Patrick Hobbins |
| BE41 | Sean Kelly |
| BE43 | Cecilia & Gerard Reidy, Christina & Brian Fitzgerald |
| BE44 | Susan & Vincent Crean |
| BE45 | John & Margaret Stritch |
| BE46 | Norma O'Sullivan |
| BE47 | John & Margaret Stritch |
| BE48 | John & Margaret Stritch |
| BE49 | John O'Callaghan |
| BE50 | Patrick & Maurice Lean |
| BE51 | Dermot & Martina O'Mahony |
| BE52 | Dr. Joseph Sheehan |
| BE53 | Caitriona Goggin & Terence, Cormac Mathew and Adam Dineen |
| BE55 | John Duggan |
| BE56 | John & Kitty Kennelly |
| BE58 | Michael Leane |
| BE60 | John Casey |
| BE61 | John Casey, Cashman & Associates |
| BE62 | John Stritch |
| BE63 | Anto Casey |
| BE64 | Patrick Casey, Cashman & Associates |
| BE65 | Chris Higgins |
| BE66 | Catherine McMullin, An Taisce |
| BE67 | Michael Connolly, Kerry County Archaeologist |

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. R. Beasley, it was unanimously agreed that the recommendations in the Managers Report in relation to these submissions be adopted.

Submission BE3 David & Joan Leen

Mr. T. Sheehy informed the meeting that this submission relates to lands at the Castle and a Tree Preservation Order. He then indicated these lands on the map. He informed the meeting that Kerry Council Council's Conservation Architect has recommended that the walls of the Castle be preserved. However he has agreed that the Tree Preservation Order could be removed and that the land be zoned residential, but that the walls would have to be retained.

Cllr. J. Brassil stated that he understood that some minor alterations could be made to the walls.

In response Mr. T. Sheehy stated that there would be very stringent control on the removal of any part of these walls and any issues relating to alterations to the wall would be dealt with at the planning stage. He referred to Objective SW1, in particular in relation to this matter.

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Cllr. J. Brassil said that there was no blanket prohibition on the removal of any part of this wall and he understood that minimum removal, such as the cutting of an arch would be acceptable.

Mr. T. Sheehy stated that this could result in significant damage to the wall which is within the curtilage of Ballheigue Castle. Any such work would not be exempt from planning and would be subject to a report from our Conservation Architect and the Planning Department would be guided by that report. This also applies to submissions BE22, BE34, BE54 and BE57.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Brassil *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballyheigue resolves to amend the Local Area Plan as follows: in relation to Submission BE3, BE22, BE34, BE54 and BE57 that the Tree Preservation Order be removed and that the lands be included within the plan area and zoned residential”*.

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, MacGearailt, McCarthy, McEllistrim, Miller, O’Connell, Purtill, Sheahan, M. Healy-Rae **(14)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, D. Healy Rae, Leahy, O’Brien, O’Connor, O’Donoghue, O’Shea, O’Sullivan **(13)**

The Mayor declared the resolution carried.

Mr. T. Sheehy then referred to submission BE5 from Oliver Daly for Andrew Thornton and stated that these lands are located east of the cross to the Dirtane Road. He informed the meeting that members had agreed that this land would be zoned for residential development. The following submissions should also be considered with this:

| | |
|------|--------------------------------|
| BE8 | Brendan Nolan for Mary Flahive |
| BE10 | Andreas Thornton |
| BE29 | Mary Flahive |
| BE30 | Mary Flahive |
| BE36 | Mary Flahive |
| BE42 | Andrew Thornton |
| BE59 | Jimmy Brown |

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An additional portion of land, not the subject of any submission, which he then indicated on the map and is located to the East of Submission BE5, should also be zoned residential.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr R. Beasley *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballyheigue resolves to amend the Local Area Plan as follows: having regard to Submissions BE5, BE10, BE8, BE42, BE29, BE30, BE36 and BE59 that these lands be zoned residential permanent and that the additional lands, not the subject of any submission as indicated on the attached map to the East of the BE5 be included within the plan area and zoned for residential development.”*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O’Connell, O’Connor, Purtill, Sheahan, M. Healy-Rae **(16)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, D. Healy Rae, O’Brien, O’Donoghue, O’Shea, O’Sullivan **(11)**

The Mayor declared the resolution carried.

Submission BE12 Jerry O’Halloran

Ms. T. Sheehy stated that this submission also relates to the removal of a Tree Preservation Order on these lands, which he then indicated on the map and stated that it was agreed that this lands be included within the plan area and be zoned for residential development.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Brassil *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballyheigue resolves to amend the Local Area Plan as follows: in relation to Submission BE12 that the Tree Preservation Order be removed and that the land be included within the plan area and zoned for residential development.”*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O’Connor, Purtill, Sheahan, M. Healy-Rae **(15)**

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, D. Healy Rae, O'Brien, O'Connell, O'Donoghue, O'Shea, O'Sullivan (12)

The Mayor declared the resolution carried.

Submission BE24

Donal McMahon & Anita Barrett

Submission BE35

The McMahon Family

Mr. T. Sheehy stated that these submissions are on behalf of the McMahon Family and he indicated the lands the subject of these submissions on the map. He stated that it was agreed that these lands be included within the plan area and zoned residential, subject to Objective R5 which states *'it is an objective of the Council that the development of these lands shall be for low density residential development not exceeding 4 units to the acre and shall be for permanent residential occupation.'*

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr R. Beasley, *this Council, having considered the County Managers Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballyheigue resolves to amend the Local Area Plan as follows: in relation to Submissions BE24 and BE35 that the lands as indicated on the attached map be included in the plan area and zoned residential subject to Objective R5 which states, it is an objective of the Council that the development of these lands shall be for low density residential development not exceeding 4 units/acre and shall be for permanent residential occupation.'*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O'Connor, Purtill, Sheahan, M. Healy-Rae (15)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, D. Healy Rae, O'Brien, O'Connell, O'Donoghue, O'Shea, O'Sullivan (12)

The Mayor declared the resolution carried.

Mr. T. Sheehy informed members that there were 6 general submissions with regard to the Local Area Plans for the North Kerry Settlements and there was agreement that the recommendations contained in the Manager's Report relating to these would be adopted.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr T. Fitzgerald, it was unanimously agreed that the recommendations in the Manager's Report in relation to the general submissions be adopted.

Cllr. J. Brassil referred to the beach front adjacent to the car park. This land is zoned prime special amenity, but he pointed out that there is nowhere to expand the beach car park. He PROPOSED that a small portion of land at the start of the dunes be identified for a potential car park extension to allow the general public to comment on it.

Cllr. R. Beasley SECONDED this proposal and said there is no other option for an extension to the car park.

Mr. T. Sheehy stated that he had intended to view this area but had not had the opportunity to do so. While it is not an SAC it is a continuation of the habitat further south. He stated that Cllr. Brassil's proposal could be put on public display and statutory bodies and the general public would be given the opportunity to comment. He asked what area of land would be identified as a proposed extension to the car park.

Cllr. J. Brassil suggested 20, 30 or 40 yards in length.

Mr. T. Sheehy suggested that an area of land to the south of the existing car park, for a distance of 20 metres between the public walkway and the public road, 20 metres wide as indicated on the attached map be rezoned from prime special amenity to proposed public car park.

Cllr. T. Fitzgerald said that he would agree to this proposal being put out on public display but did not want this to be interpreted as supporting the proposal. He said it is important to get the views of the general public on it prior to making a decision.

Cllr. J. Brassil concurred with his statement.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr R. Beasley "that this Council, having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ballyheigue resolves to amend the Local Area Plan as follows: that the area of land to the south of the existing car park for a distance of 20 metres between the public walkway and the public road as indicated on the attached map be rezoned from prime special amenity to proposed public car park.

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Ferris, S. Fitzgerald, T. Fitzgerald, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O'Connell, O'Connor, Purtill, Sheahan, M. Healy-Rae (16)

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Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, D. Healy Rae, O'Brien, O'Donoghue, O'Shea, O'Sullivan (11)

The Mayor declared the resolution carried.

Cllr. J. Brassil referred to Submissions BE7, BE18 and BE26, which he stated, related to lands from Healy's Cross to the School. These lands are owned by Maurice Leane, Harty's and O'Connors and none of these lands have been included within the plan area which he accepted. However, these lands are served by the sewer, water and footpaths and the School and Church are also nearby. The County Development Plan provides for cluster developments of up to 8 houses and he requested that favourable consideration be given to the granting of planning permission for cluster development on these lands. He wished to put it on record that cluster type development should be permitted on these lands as provided for in the County Development Plan.

The Mayor, Cllr. M. Healy Rae, stated that Cllr. Brassil's views would be noted in the record of the meeting.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 2.30pm.

07.07.02.02 Manager's Report on Submissions or Observations received in relation to the Draft Local Area Plan for the West Kerry Settlements

Mr. T. Sheehy informed the meeting that 14 general submissions were received in relation to the Draft Local Area Plan for the West Kerry Settlements and he understood that members were in agreement with the provisions of the Manager's Report on these. He pointed out that a number of submissions raised the importance of strengthening the Irish language and arising from this he has agreed to meet representatives of all these groups towards the end of August or September. The outcome of these discussions will form the basis of the Gaeltacht plan.

Cllr. B. MacGearailt welcomed the fact that Mr. Sheehy would meet with the various interest groups in the Gaeltacht area. He pointed out that there has been a decrease in the population in rural areas as people are being encouraged to move into growth nodes. He stated that people in rural areas are those who speak Irish and local people should be facilitated if they wish to live in their own area or village. It is important to understand the tradition of an area and he welcomed proposals to prepare a Local Area Plan for the Gaeltacht.

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Cllr. M. O'Shea supported the sentiments expressed by Cllr. MacGearailt. He added that the issue of density must be looked at carefully in the preparation of local area plans. In recent years many towns have seen extensive development and he believes that the density of development is too extensive and an important lesson must be learned from this for the future. A maximum of 4-5 houses to the acre is all that should be permitted.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr B. MacGearailt, it was unanimously agreed that the recommendations in the Managers Report on the general submissions on the West Kerry Settlements be adopted.

Cllr. B. MacGearailt stated that he wished to make a proposal regarding the zoning of land for light industrial and commercial facilities in all five settlements.

Mr. T. Sheehy advised Cllr. MacGearailt to make these proposals individually as each settlement was being dealt with.

Baile na nGall

Mr. T. Sheehy informed the meeting that 18 submissions were received regarding the Draft Local Area Plan for Baile na nGall. There was agreement amongst the members on the recommendations made in the Managers Report regarding these submissions.

Cllr. B. MacGearailt PROPOSED that that Submissions BL1 and BL2 be adopted and he stated that he also wanted to provide for the zoning of lands for light/industrial/business purposes.

Mr. T. Sheehy indicated the lands the subject of these submissions on the map and said that he had no difficulty in zoning these lands for community/light industrial use subject to the construction of a road. He then informed the meeting that he understood there was agreement amongst members on the recommendations contained in the Managers Report for Submissions BL3 to BL18.

On the PROPOSAL of Cllr.B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed that the recommendations in the Manager's Report relating to Submissions BL3 to BL18 inclusive be adopted.

Submissions BL1 and BL2

Mr. T. Sheehy stated that these submissions seek to have the land as indicated on the map zoned for community/light industrial use.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea *"that this Council, having considered the Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Baile na nGall resolves to amend the local area plan as follows: In relation to Submissions BL1 and BL2 that the lands as indicated on the attached map be zoned for community/light industrial use"*.

A vote was taken on this resolution which resulted as follows:

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For: Cllrs. Ferris, S. Fitzgerald, T. Fitzgerald, D. Heay Rae, MacGearailt, McCarthy, Miller, O'Connell, O'Connor, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae **(13)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, Leahy, McEllistrim, O'Brien, O'Sullivan, Purtill **(14)**

The Mayor declared the resolution carried.

Ceann Trá

Mr. T. Sheehy informed the meeting that 24 submissions were received regarding the Draft Local Area Plan for Ceann Trá. He understood that there was agreement amongst the members with the provisions of the Manager's Report in relation to all submissions with the exception of CA16 from Damien & Debbie Brown.

Cllr. S. Fitzgerald requested clarification on Submission CA3 from Michael O'Connor. He also requested clarification on Submission CA8 from Michael and Maura Wallace.

In response, Mr. T. Sheehy stated that there are 3 holiday homes at this location and the proposed green area to the rear of the school will be used for the proposed extension of the school and one additional house can be accommodated on these lands.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. MacGearailt, it was unanimously agreed that the recommendations in the Manager's Report relating to the following submissions be adopted:

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|------|-------------------------|
| CA1 | Cáitlin Bean Uí Shé |
| CA2 | Sean O'Lúing |
| CA4 | James Murphy |
| CA5 | John Martin |
| CA6 | Arha Zipf |
| CA7 | Mary Carroll |
| CA8 | Michael & Maura Wallace |
| CA9 | Penny Sheehy |
| CA10 | Abigail Toffe |
| CA11 | Patrick Quinn |
| CA12 | Ted Lenihan |
| CA13 | Noel O'Ciobhain |
| CA14 | Michael & Maura Wallace |
| CA15 | Ventry Holdings Ltd |
| CA17 | Maurice Sheehy |

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|------|--|
| CA18 | Seamus O'Lúing & Noirín Ní Chrualaíoch |
| CA19 | Kathleen & James O'Shea |
| CA20 | Patrick & Elaine Garvey |
| CA21 | Maurice Fenton |
| CA22 | Peter Fenton |
| CA23 | Orna Dunlevy |
| CA24 | Michael & Noirín O'Connell |

Submission CA3 Michael O'Connor, Kilfountain, An Daingean

Cllr. S. Fitzgerald requested that Submission CA16 also be taken with Submission CA3.

Mr. T. Sheehy informed the meeting that there was an existing structure on the site of the lands relating to Submission CA3 but there is no structure in place on the lands the subject of Submission CA16. These lands are between the road and the sea and there is no valid planning reason why this land should be zoned.

Cllr. S. Fitzgerald again requested that both these submissions be taken together.

Mr. T. Sheehy then identified on the map the lands the subject of Submission CA16. He stated that these lands are located at the entrance to Ventry on the road from An Daingean to Ventry. The development of this land would impact on the views and prospects and would obscure further the views of the beach. He stated that this was an inappropriate location for development.

Cllr. T. Ferris stated that she was not satisfied to vote on both these submissions together and she requested further clarification on them.

Mr. T. Sheehy again indicated on the map the road from An Daingean to Ceann Trá. He indicated the existing structure i.e. the forge on the lands the subject of Submission CA3 and stated that the forge is located beside a house. He then indicated the lands the subject of CA16 and stated that this submission is seeking to zone land for 2 dwellings for Damien & Debbie Browne. There is an existing structure on the land the subject of Submission CA3, which is adjacent to an existing structure.

Cllr. T. Ferris stated that she was informed by the Brownes that these lands are at the end of an existing development. The proposal is that 2 dwellings would be provided for.

Mr. T. Sheehy informed the meeting that Submission CA3 from Michael O'Connor refers to 1/16th of an acre while Submission CA16 relates to the zoning of land for 2 sites on the left hand side of the road between the road and the sea as you enter Ceann Trá. In 1978 permission was granted for a dwelling house on these lands, while in 2002 and 2003 permission was refused. The proposal to zone these lands is simply a matter of trying to find a solution to these refusals. The executive has taken a decision that the development of these lands is not appropriate. He added that he had no particular problem with the forge, which is already in place on the lands the subject of Submission CA3.

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Mr. J. Flynn, Director of Corporate Services, stated that these submissions should be taken separately.

Cllr. T. Ferris stated that generally she agrees with the views of the executive, and on this occasion she would agree if the lands in question were removed from the plan boundary. This submission was made by a local person for 2 houses and the land the subject of Submission CA3 on 1/16th of an acre is overlapping these lands.

Mr. T. Sheehy then displayed photographs showing a view of the existing location, which is overlooking Ventry Beach. The photomontage submitted with the submission shows a significant portion of Ventry Beach hidden as a result of the development. He pointed out also that the ridgeline of the house in the photomontage is not accurate. He added that it would set a dangerous precedent to allow people to build between the road and the sea. The views and prospects in this location are worth protecting and planning permission was refused on these lands in the past 5 or 6 years. He recommended that members would not zone these lands for residential development and that they would accept the recommendation in the Manager's Report.

Cllr. B. MacGearailt PROPOSED that Submission CA16 be adopted.

Cllr. S. Fitzgerald SECONDED this proposal.

Mr. T. Sheehy asked why Debbie & Damien Brown required 2 houses and added that he could not see the Planning Authority granting planning permission for 2 houses on these lands.

Cllr. J. Brassil stated that if the land is zoned prime special amenity the proposals would still be for their own use and permanent residences.

Mr. T. Sheehy stated that this was not a relevant factor.

Cllr. C. Miller asked if Damien & Debbie Browne were in need of a house, would it not be appropriate to zone the land to accommodate 1 house.

Mr. T. Sheehy stated that it was not a question of allowing 1 house – the proposal is to zone 2 portions of land, which he indicated on the map. He asked why were members discussing the zoning of 2 portions of land if the real issue is the provision of 1 dwelling.

Cllr. M. O'Shea concurred with the suggestion by Cllr. Miller and stated that Mr. Browne's family are living in a house next door.

Mayor M. Healy Rae said that this appeared to be a fair compromise.

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Cllr. T. Ferris stated that it would not solve the problem to zone the site closest to the existing development, as it is not in the ownership of the person who made the submission.

Mr. T. Sheehy asked where were the Browne's from, and were they local to the area.

Cllr. T. Ferris said that she did not know as she had only met them for the first time that morning.

Mayor M. Healy Rae asked if it was being proposed that 1 site would be leapfrogged to zone land to cater for the housing needs of a family.

Mr. T. Sheehy again recommended to members that they would not proceed with this zoning.

Cllr. M. Connor-Scarteen stated that the zoning of land for 1 house would be a fair compromise.

Mr. T. Curran, County Manager, urged members to be careful in considering these submissions. He pointed out that a lot of land was zoned in Ceann Trá and it is important to protect this strategic tourist route. There was an outcry recently when part of the Sleah Head Road collapsed and rightly so. Any evaluations of travel on the Sleah Head Road have indicated that people travel this route for its rural, tourist views. If these lands are zoned, this will no longer be the case. This land is zoned prime special amenity and he urged members strongly not to zone it as it would severely interfere with the views of the beach. In conclusion, Mr. Curran advised members that the photomontage submitted was out of line and deceptive.

Mayor M. Healy Rae asked members if they were satisfied to abide by the recommendation of management on this issue.

Cllr. T. Ferris asked if the land could be zoned if local need was established.

In response, Mr. T. Curran, County Manager, stated that it was not possible to comment on this in the absence of the facts of the case.

Cllr. T. Ferris requested the planners to meet with the Brownes and to establish their needs.

Mr. T. Sheehy stated that nothing has been submitted to the Planning Department, which indicates that the Brownes are working, or grew up in Ceann Trá. He believed that if there was a strong established local need it would have been highlighted in the submission.

Mayor M. Healy Rae informed the meeting that the Manager and Director of Services had agreed that if this land was not zoned, discussions could take place between the

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Brownes and the Planning Department to establish if there is a strong local need. He added that it was not appropriate that members would zone these lands at that particular time. The members then agreed not to proceed with the zoning of this land.

Mr. T. Sheehy referred to Submission CA3 from Michael O'Connor, which relates to 1/16th of an acre. There is already a forge on these lands and he felt that the existing use of the forge did not warrant the rezoning of these lands and advised members that it would be appropriate that they agree with the recommendations contained in the Managers Report relating to this submission.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea *"that this Council, having considered the Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Ceann Trá resolves to amend the Local Area Plan as follows: that the portion of land as indicated on the attached map be zoned/light industrial use"*.

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Brassil, Ferris, S. Fitzgerald, T. Fitzgerald, D. Healy Rae, Leahy, MacGearailt, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae **(12)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Buckley, Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Sullivan, Purtill **(15)**

The Mayor declared the resolution carried.

Dún Chaoin

Mr. T. Sheehy informed the meeting that 18 submissions were received on the Draft Local Area Plan for Dún Chaoin. He understood there was agreement amongst the members for the recommendations contained in the Managers Report relating to all these submissions.

Cllr. S. Fitzgerald referred to Submission DN10 and stated that this submission refers to the sons and daughters of landowners. It is not intended to include Kearney's land within the plan area and to zone for residential use.

Mr. T. Sheehy indicated these lands on the map and stated that it is outside of the red zoned area and provision is made on the County Development Plan for family members.

Cllr. S. Fitzgerald stated that he wanted a guarantee that strong consideration would be given to the son and daughter in this instance.

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Mr. T. Sheehy confirmed that the Planning Department would do their best for this family.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea, it was unanimously agreed that the recommendations in the Managers Report on the submissions on the Local Area Plan for Dún Chaoin be adopted.

Mr. T. Sheehy informed the meeting that it was agreed that a circle around the crossroads at Krugers would be included as an area for possible preferred commercial development.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr M. O'Shea *"that this Council, having considered the County Managers Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Dún Chaoin resolves to amend the Local Area Plan as follows: that the lands as indicated on the attached map be zoned as preferred for commercial development"*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Ferris, S. Fitzgerald, T. Fitzgerald, D. Healy Rae, MacGearailt, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae **(10)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, Leahy, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Sullivan, Purtill **(17)**

The Mayor declared the resolution carried.

An Mhuríoch

Mr. T. Sheehy informed the meeting that 17 submissions were received in relation to the Draft Local Area Plan for An Mhuríoch. The first 9 submissions related to the same issue and concern the lands, which he then indicated on the map. There is a current planning application for the retention of a yard for the storage of sand and gravel and the landowner wants it zoned for this purpose. These lands were zoned residential in the Draft plan. He pointed out that the landowner also owned the land around this particular area. He said it would be possible to facilitate the commercial zoning but the residential zoning in the immediate vicinity would have to be removed.

Cllr. M. O'Shea PROPOSED that Submission MH1 be adopted. He stated that the landowner wants the land zoned for commercial purposes and he wants family members to be accommodated on the surrounding land. He also wants the walkway removed from his lands.

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In response Mr. T. Sheehy stated that it is not possible to zone land to accommodate sons and daughters. Provision has already been made in the County Development Plan in the Rural Settlement Policy for this purpose. He stated that the recommendation contained in the Manager's Report facilitates what the landowner is seeking.

Cllr. M. O'Shea asked Mr. Sheehy if he could foresee any difficulty in the granting of planning permission for sons and daughters in the future if the adjoining land is zoned commercial.

In response Mr. T. Sheehy stated that if the proposed developments were for sons and daughters of the landowner he could not foresee any difficulty. He added that on that basis Submissions MH1-MH9 are agreed. He also pointed out that members agreed the following submissions: MH10, MH11, MH12, MH13, and MH17.

On the PROPOSAL of Cllr. B MacGearailt, SECONDED by Cllr. M. O'Shea, it was unanimously agreed that the recommendations contained in the Managers Report relating to the following submissions be adopted:

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| MH1 | Jerry & Kathleen Nagle |
| MH2 | Seamus Nagle, Ricky Ashe, Tommy Hand, Jenny Nagle |
| MH3 | Gerry Nagle |
| MH4 | Gráinne & Pat O'Connor |
| MH5 | Maedhbh Ní Dhonncha |
| MH6 | James Dennison |
| MH7 | Ruarí Dennison |
| MH8 | Noraine Ní Chiosain |
| MH9 | Jim Simison |
| MH10 | James O'Donnell |
| MH11 | Derek McDonnell |
| MH12 | Pat O'Sullivan |
| MH13 | Anthony O'Connell |
| MH17 | Tomás MacGearailt |

MH14 Sean Moriarty

Mr. T. Sheehy informed the meeting that the Development Control Section have indicated that 2 dwellings for family members would be acceptable on these lands and on this basis it is not necessary to zone these lands.

MH16 Seamus & Fionnuala Ní Choileain

This submission is seeking a replacement dwelling and he did not envisage any problem with this.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed that the recommendations contained in the Manager's Report relating to submissions MH14 and MH16 be adopted.

MH15 Eibhlín Nic Gheairailt

Mr. T. Sheehy informed the meeting that the recommendation in the Managers Report in relation to this submission is that this land should not be zoned for development purposes.

Cllr. S. Fitzgerald PROPOSED that the lands the subject of submission MH15 be zoned for residential low density. He stated that these lands are located inside the 30 mph speed limit and the sewer is nearby.

Mr. T. Sheehy pointed out that no intervening land has been zoned.

Cllr. S. Fitzgerald pointed out that the school is nearby and he again PROPOSED that the lands the subject of Submission MH15 be zoned low density residential.

Cllr. B. MacGearailt SECONDED this proposal.

Mr. T. Sheehy then indicated these lands on the map and stated that it is approximately 3 acres. He pointed out that the landowner is as likely to get planning permission for as much development unzoned and zoned. In the context of the Local Area Plan the zoning of these lands will involve non-sequential development and leap-frogging of other non-zoned lands.

Cllr. S. Fitzgerald stated that the public sewer is across the road from these lands.

Mr T. Sheehy again stated hat he was opposed to this zoning.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr B. MacGearailt *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for An Mhuríoch resolves to amend the Local Area Plan as follows: in relation to Submission MH15 that the land be included in the plan area and zoned residential permanent”*.

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Connor-Scarteen, S. Fitzgerald, MacGearailt, O’Donoghue, O’Shea, Sheahan, M. Healy-Rae (7)

Against: Cllrs. Beasley, Ferris (2)

Not Voting: Cllr. T. Fitzgerald (1)

Absent: Cllrs. Brassil, Buckley, Cahill, Cronin, Fleming, Foley, Gleeson, D. Healy-Rae, Leahy, McCarthy, McEllistrim, Miller, O’Brien, O’Connell, O’Connor, O’Sullivan, Purtill (17)

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The Mayor declared the resolution carried

Mr. T. Sheehy then informed the meeting that Cllr. MacGearailt wanted to zone an area of land, which he indicated on the map for light industrial use. He asked if there was a need for this zoning as there is no policy in the County Development Plan to prevent such a development. He pointed out that if the land is zone and a developer applies for planning permission on another field that might also be acceptable.

Cllr. B. MacGearailt stated that developers often ask if there is a specific site zoned in an area and that was why he wanted to make provision for it.

Cllr. M. O'Shea supported the inclusion of commercial zoning in this area.

Mr. T. Sheehy informed members that by zoning this site it may eliminate other sites.

Cllr. B. MacGearailt stated that there is no real option open to developers and he was in favour of designating this site for commercial use.

Mr. T. Sheehy stated that this site is located next to land, which has been zoned for residential purposes, which is not ideal.

Cllr. B. MacGearailt suggested that the end of that field could be zoned for commercial use.

Mr. T. Sheehy pointed out that access to the rear of this field could be a problem. He suggested that members would leave the zoning of this land and to allow each application for light industrial development to be dealt with on its merits. He added that it is an objective of the County Development Plan to promote this type of development.

Cllr. B. MacGearailt PROPOSED that the lands indicated on the map by Mr. Sheehy be zoned for commercial purposes.

Cllr. S. Fitzgerald SECONDED this proposal and requested that provision also be made for office space.

On the PROPOSAL of Cllr B. MacGearailt, SECONDED by Cllr. S. Fitzgerald *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for An Mhuríoch resolves to amend the Local Area Plan as follows: the land indicated on the attached map attached be zoned community/light industrial/commercial.”*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Connor-Scarteen, S. Fitzgerald, T. Fitzgerald, MacGearailt, O'Shea, Sheahan, M. Healy-Rae (8)

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Against: None (0)

Not Voting: Cllr. Ferris (1)

Absent: Cllrs. Brassil, Buckley, Cahill, Cronin, Fleming, Foley, Gleeson, D. Healy Rae, Leahy, McCarthy, McEllistram, Miller, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Sullivan, Purtill (18)

The Mayor declared the resolution carried.

Baile an Fheirtearaigh

Mr. T. Sheehy informed the meeting at 26 submissions were received regarding the Draft Local Area Plan for Baile an Fheirtearaigh. There was a long debate by the members on this Local Area Plan at the meeting held on Friday last and a number of significant changes were agreed. He then indicated these changes on a map for the meeting. He informed the meeting there was agreement with the recommendations in the Managers Report in relation to the following submissions:

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| BH5 | Mairead Ní Chinnéide |
| BH10 | Mark Ryan, Shelley Uí Fhaolain, Cúirt Phiaris Residents Association |
| BH12 | Donal MacSithigh |
| BH13 | Padraig Ó Mahuna |
| BH14 | Michelle Barrett |
| BH15 | Niamh Ní Bhaoill |
| BH17 | Eamon Ó Neachtain |
| BH18 | Mike & Mairead Kennedy |
| BH20 | Darryl Broe |
| BH23 | Victoria Cotton |
| BH24 | Conall MacGearailt |
| BH25 | Gearóid O Brosnacháin and Caitríona Ní Chathail |
| BH26 | Caitríona Ní Chathail |

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt, it was unanimously agreed that the recommendations contained in the Manager's Report relating to submissions listed by Mr. Sheehy be adopted.

Submission BH1 John Hannafin, Baile an Fheirtearaigh West

Mr. T. Sheehy indicated these lands on the map and said that it had been agreed that an additional portion of these lands would be included within the plan area and zoned for residential development. He indicated the relevant portion of land on the map for the members.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald *"that this Council, having considered the County Managers Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Baile an*

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Fheirtearaigh resolved to amend the Local Area Plan as follows: in relation to Submission BH1 that the land indicated on the attached map be zoned residential R1”.

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Connor-Scarteen, Ferris, S. Fitzgerald, MacGearailt, O’Donoghue, O’Shea, Sheahan, M. Healy-Rae (9)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Fleming, Foley, Gleeson, D. Healy-Rae, Leahy, McCarthy, McEllistrim, Miller, O’Brien, O’Connell, O’Connor, O’Sullivan, Purtill (18)

The Mayor declared the resolution carried.

Submission BH2 Michael & Mirian de Barra

Mr. T. Sheehy stated that he had discussed this submission with the Senior Planner in Development Control who had indicated that 1 house for a family member could be accommodated on these lands. On this basis, there was agreement, in accordance with the recommendations contained in the Managers Report.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt, it was unanimously agreed that the recommendation contained in the Manager’s Report relating to Submission BH2 be adopted.

Submission BH3 Michael Kelliher

Mr. T. Sheehy indicated the lands the subject of this submission on the map and stated that it was agreed that the field which he then indicated on the map be zoned for community facilities/light industrial use. In addition members felt that with the school in the village centre there was too much emphasis on residential zoning and they suggested that the depth of residential development be reduced to the line indicated on the map.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O’Shea *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Baile an Fheirtearaigh resolves to amend the Local Area Plan as follows: (i) in relation to Submission BH3 that the land indicated on the attached map be zoned Community/Light Industrial,(ii) that the land as indicated on the attached map, currently zoned residential, be removed from the plan area and zoned rural/general.”*

A vote was taken on this resolution, which resulted as follows:

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For: Cllrs. Beasley, Ferris, T. Fitzgerald, S. Fitzgerald, MacGearailt, O'Shea, Sheahan, M. Healy-Rae (8)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, D. Healy-Rae, Leahy, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Sullivan, Purtill (19)

The Mayor declared the resolution carried.

Submission BH4 John Hannafin, Baile an Fheirtearaigh

Mr. T. Sheehy informed the meeting that this submission is the same as submission as BH1 and this had already been dealt with and agreed.

Submission BH6 Thomas & Helena Kane

Mr. T. Sheehy informed the meeting that he had discussed this submission with the Senior Engineer in Development Control who had indicated that if the landowners can sort out their sanitary services issues planning permission may be granted for a house. On this basis the recommendation in the Managers Report is agreed.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed that the recommendation contained in the Managers Report in relation to Submission BH6 be adopted.

Submission BH8 Mairin Feirtear

Mr. T. Sheehy informed the meeting that if Submission BH8 is agreed an objective may now be included for an extension to the car park. This is the rear of the streetscape and is suitable.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr B. MacGearailt *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Baile an Fheirtearaigh resolves to amend the Local Area Plan as follows: in relation to Submission BH8 to extend the car park in accordance with Objective T4 as indicated on the attached map”*.

A vote was taken on this resolution, which resulted as follows:

For: Cllrs. Beasley, Ferris, T. Fitzgerald, S. Fitzgerald, MacGearailt, O'Connor, O'Shea, Sheahan, M. Healy-Rae (9)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Fleming, Foley, Gleeson, D. Healy-Rae, Leahy, McCarthy, McEllistrim, Miller, O'Brien, O'Connor, O'Donoghue, O'Sullivan, Purtill (18)

The Mayor declared the resolution carried.

Submission BH9 Breege Granville

Mr. T. Sheehy informed the meeting that members had agreed that the lands which he then indicated on the map be included within the plan area and zoned residential R1.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Baile an Fheirtearaigh resolves to amend the Local Area Plan as follows: in relation to Submission BH9, that the lands, as indicated on the attached map, be included within the plan area and zoned residential R1.”*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs S. Fitzgerald, T. Fitzgerald, MacGearailt, O'Connor, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae (8)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. . Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Fleming, Foley, Gleeson, D. Healy-Rae, Leahy, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Sullivan, Purtill (19)

The Mayor declared the resolution carried.

Submission No. BH11 Tomas O’Catháin

Mr. T. Sheehy indicated these lands on the map and stated that members had agreed that these lands would be included within the plan area and zoned residential area R1.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald *“that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Baile an Fheirtearaigh resolves to amend the Local Area Plan as follows: in relation to Submission BH11 that the lands, as indicated on the attached map, be included within the plan area zoned residential R1.”*

A vote was taken on this resolution, which resulted as follows:

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For: Cllrs. T. Fitzgerald, S. Fitzgerald, MacGearailt, O'Connor, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae (8)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Fleming, Foley, Gleeson, D. Healy-Rae, Leahy, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Sullivan, Purtill (19)

The Mayor declared the resolution carried.

Submission BH16 Siobh  n Kennedy

Mr. T. Sheehy informed the meeting that members had requested that he consult with the Developing Control Section regarding this submission. Having done so, they are satisfied that two dwellings for permanent residences can be accommodated on these lands. On this basis, there is agreement, with the recommendations contained in the Managers Report in relation to this submission.

On the PROPOSAL of Cllr S. Fitzgerald, SECONDED by Cllr. M. O'Shea, it was unanimously agreed that the recommendation contained in the Managers Report on this submission by adopted.

Submission BH19 Richard McElligott & Associates

Mr. T. Sheehy informed the meeting that this submission is the same as Submission BH8 and relates to the car park. The vote taken on Submission BH8 also covers BH19.

Submission BH21 Donal O'Cath  in

Mr. T. Sheehy informed the meeting that Mr. O'Cath  in had requested that a portion of his land be zoned from CE1 to residential. Following a meeting with members this was agreed. He indicated the relevant portion of land on the map for members.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt *“that that this Council, having considered the County Manager’s Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Baile an Fheirtearaigh resolves to amend the Local Area Plan as follows: in relation to Submission BH21 that the lands indicated on the attached map be changed from CE1 to residential R1.”*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs T. Fitzgerald, S. Fitzgerald, D. Healy Rae, MacGearailt, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae (8)

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Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Fleming, Foley, Gleeson, Leahy, McCarthy, McEllistram, Miller, O'Brien, O'Connell O'Connor, O'Sullivan, Purtill (19)

The Mayor declared the resolution carried.

Submission BH22 Donal O'Catháin

Mr. T. Sheehy indicated the lands the subject of this submission on the map and informed the meeting that it was agreed that the area which he then indicated on the map be included within the plan area and zoned residential R1.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt *“that this Council, having considered the County Managers Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Baile an Fheirtearaigh resolves to amend the Local Area Plan as follows: in relation to Submission BH22 that the lands indicated on the attached map be included in the plan area and zoned residential R1.”*

A vote was taken on this resolution, which resulted as follows:

For: Cllrs T. Fitzgerald, S. Fitzgerald, D. Healy Rae, MacGearailt, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae (8)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Fleming, Foley, Gleeson, Leahy, McCarthy, McEllistram, Miller, O'Brien, O'Connell O'Connor, O'Sullivan, Purtill (19)

The Mayor declared the resolution carried.

Submission BH7 Siobháin & Thomas P. Dowling

Mr. T. Sheehy informed the meeting that having made provision in the plan for additional lands for CE1 zoning it was agreed that the lands the subject of Submission BH7 which were zoned CE1 in the Draft plan would be zoned residential R1.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea *“that this Council, having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Baile an Fheirtearaigh*

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resolves to amend the Local Area Plan as follows: having regard to Submission BH7 that the lands the subject of this submission, which were zoned CE1 on the Draft plan, be rezoned residential R1.

A vote was taken on this resolution, which resulted as follows:

For: Cllrs S. Fitzgerald, T. Fitzgerald, D. Healy Rae, MacGearailt, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae **(8)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Fleming, Foley, Gleeson, Leahy, McCarthy, McEllistram, Miller, O'Brien, O'Connell O'Connor, O'Sullivan, Purtill **(19)**

The Mayor declared the resolution carried.

Cllr. B. MacGearailt said that he wished to propose that BH18 be adopted.

Mr. T. Sheehy informed the meeting that this submission was already dealt with and members agreed that the recommendation contained in the Manager's Report be adopted. He pointed out that this land is elevated and the landowner should apply for planning permission and let their application be dealt with in the normal course of events. He felt it was not appropriate to zone this land.

Cllr. B. MacGearailt stated that if a planning application is made it would be refused.

Mr. T. Sheehy stated that if that was the case there was no point in zoning it.

Cllr. B. MacGearailt again PROPOSED that Submission BH18 be adopted.

The Mayor informed Cllr. MacGearailt that the members already agreed this submission and he didn't think it was possible to change it.

Mr. T. Sheehy recommended that members would not seek to change this submission and stated that while one individual site may be suitable for development on these lands, the general area is not suitable for zoning or development.

The Mayor informed Cllr. MacGearailt that his proposal would be noted.

In conclusion the Mayor thanked Mr. Tom Sheehy, Mr. Michael McMahon, and all the Councillors for all their co-operation in dealing with these plans.

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Voting for the Senate

Cllr. P. O'Donoghue stated that the July Council Meeting would be held on Monday 16th July and members should be facilitated if they wish to cast their Senate votes on that date. He suggested that the meeting would break for lunch at 1pm to facilitate this.

Mr. J. Flynn, Director Corporate Services, confirmed that this could be arranged.

The meeting concluded at 4.40pm.

M. O'Donoghue

SEO Corporate Affairs

Mayor of Kerry