

**MINUTES OF THE SPECIAL PLANNING MEETING OF KERRY  
COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN  
CHONTAE, TRALEE ON MONDAY 14<sup>TH</sup> APRIL 2008.**

**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE  
COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA  
COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN 14 AIBREAN  
2008.**

**PRESENT/I LÁTHAIR**

***Councillors/Comhairleoirí***

<b>R. Beasley</b>	<b>J. Brassil</b>	<b>T. Buckley</b>
<b>M Cahill</b>	<b>M. Connor-Scarteen</b>	<b>B. Cronin</b>
<b>S. Fitzgerald</b>	<b>T. Fitzgerald</b>	<b>T. Fleming</b>
<b>N. Foley</b>	<b>M. Gleeson</b>	<b>M. Healy-Rae</b>
<b>D. Kiely</b>	<b>P. Leahy</b>	<b>B. MacGearailt</b>
<b>P. McCarthy</b>	<b>A. McEllistrim</b>	<b>C. Miller</b>
<b>T. O'Brien</b>	<b>B. O'Connell</b>	<b>J. O'Connor</b>
<b>P. O'Donoghue</b>	<b>M. O'Shea</b>	<b>L. Purtill</b>
<b>J. Sheahan</b>		

**Absent:**

***Councillors/Comhairleoirí***

<b>T. Ferris</b>	<b>D. Healy Rae</b>
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**IN ATTENDANCE/I LÁTHAIR**

<b>Mr. T. Curran, Co. Manager</b>	<b>Mr. J.D. Flynn, Dir of Corp. Serv.</b>
<b>Mr. M. McMahon, Dir of Planning</b>	<b>Mr. G. O'Brien, A/SEO Corp. Affairs</b>
<b>Mr. T. Sheehy, SE, Planning</b>	<b>Ms. B. Reidy, S.S.O. Corp. Affairs</b>
<b>Mr. D. Murphy, SEE, Planning</b>	<b>Ms. .T. O'Leary, AP, Planning</b>

The meeting commenced at 10:45am.

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

The Mayor commenced the meeting with a prayer.

The Mayor informed the meeting that Cllr. D. Healy-Rae was absent from the meeting for a genuine reason and he wished to record his apology in the minutes.

**VOTES OF SYMPATHY**

The Mayor extended a vote of sympathy to Mrs. Hillary and her family on the death of her husband Paddy who was a late President of Ireland. Mr. Hillary

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gave excellent service as a politician prior to becoming President of Ireland and he was always a very dignified statesman who represented the country extremely well.

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

Cllr. R. Beasley extended a vote of sympathy to the Murphy Family, Balleigh, Ballybunion on the sudden death of their uncle Gerard in Holland. Cllr. Beasley also extended a vote of sympathy to the Scanlon Family, Ballybunion on the death of their brother, Jerry.

All members said that they wished to be associated with these expressions of sympathy.

Cllr. J. O'Connor extended a vote of sympathy to the family of Mary Joy, Lonart, Killorglin, who died recently. Mary was a tremendous community person and she will be a huge loss to her community and her family.

Cllr. C. Miller extended a vote of sympathy to the families of Mrs. Nora Mannix, Killarney who died recently aged 99 years and also the family of Mrs. Nora Sommers who died recently at 104.

All members said that they wished to be associated with these expressions of sympathy.

### **RETIREMENT OF TAOISEACH BERTIE AHERN**

Mayor M. Healy-Rae wished the outgoing Taoiseach Bertie Ahern every health and success on his retirement as Taoiseach. Regardless of anyone's political affiliations, they must acknowledge, that Mr. Ahern, was extremely hardworking and contributed greatly to the boom experienced in Ireland over the last few years. He added that he was sure that Mr. Ahern would continue to play an active role in politics for many years to come. He also wished the incoming Taoiseach Mr. Brian Cowan every success in his new role, which he said is a very daunting task.

### **LISTOWEL AFC**

Mayor M. Healy-Rae complemented Listowel AFC on hosting the first International Soccer Match in Listowel recently between the Republic of Ireland and Germany and it was a tremendous event. He complemented Mr. Dominic Scanlon and Mr. David O'Brien both of whom work with Kerry County Council and are very involved with this Club and said that it was a tremendous achievement.

Cllr. D. Kiely **SECONDED** the vote of congratulations to Listowel AFC and said that this was a tremendous occasion and was very well organised.

### **INTERNATIONAL CHILDREN'S GAMES**

Mayor M. Healy-Rae informed the meeting that it is hoped to bring the International Children's Games to Tralee in 2013. A committee visited Kerry at the weekend and were very impressed. It would be very beneficial for the county if the games could be held in Tralee in 2013. He assured this Committee of the support of all members for this event.

### **LACK OF FUNDING FOR BLENNEVILLE SCHOOL**

Cllr. T. Fitzgerald requested that a letter be forwarded to the Minister for Education expressing members' disappointment that funding was not provided for Blennerville Primary School. There are 150 pupils attending this small school and prior to the last General Election, the school was approved for funding and was awaiting the appointment of a design team. He called on the Council to support the principal and parents of Blennerville School in their efforts to secure the funding for this school and for the appointment of a design team.

All members present supported this sentiments expressed by Cllr. Fitzgerald and it was agreed to forward a letter to the Minister for Education and Science outlining members concerns on this issue.

### **08.04.14.01 OPENING OF TENDERS**

- (a) On the PROPOSAL of Cllr. M. Healy-Rae SECONDED by Cllr. P. McCarthy it was agreed to approve the opening of tenders for the West Kerry/Dingle Peninsula Pilot Hedgerow Survey.
- (b) On the PROPOSAL of Cllr. R. Beasley SECONDED by Cllr. T. Fitzgerald, it was agreed to approve the opening of tenders for the Kerry Pilot Graveyard Bio-Diversity Survey.

### **APPROVAL FOR ATTENDANCES AT CONFERENCES**

The Mayor informed the Meeting that it was necessary to approve members' attendance at the following conferences:

- (a) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. N. Foley it was agreed to authorise the attendance of Cllr. R. Beasley at the Annual Conference of the Library Association to be held in Athlone from the 15<sup>th</sup> to 17<sup>th</sup> April 2008.
- (b) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. C. Miller, it was agreed to authorise the attendance of Mayor M. Healy-Rae at an Awards Ceremony to be held in Dublin on Wednesday the 16<sup>th</sup> April 2008.

### **MEMBERS DUTIES UNDER ETHICS LEGISLATION**

The Mayor reminded 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 Councillor's that under the beneficial interest provision and should that provision apply, a Councillor must

- (1) 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
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

In conclusion, the Mayor advised Members that there could be no interaction between Members and the general public while the Local Area Plans were being considered.

**08.04.14.02    Manager's Report on Submissions or Observations received in relation to the Draft North Iveragh Settlements Local Area Plan.**

Mr. M. McMahon Director of Planning, advised members that these are the last two Local Area Plans to be prepared and then Local Area Plans will be in place for all 87 settlements mentioned in the County Development Plan. This is a huge achievement and it sets out the way settlements should develop over the next 10 to 15 years. He then referred to the Manager's Report on submissions or observations received in relation to the Draft North Iveragh Settlements Local Area Plan. He advised members that the process for the preparation of this Local Area Plan was set out in Table 1 in the report circulated. The Draft Plan, in conjunction with the publication of notice inviting submissions from the public, was placed on public display from the 23<sup>rd</sup> January 2008 to the 6<sup>th</sup> March 2008. An open day for members of the public was held in Glenbeigh on Wednesday the 20<sup>th</sup> February. In all 49 submissions were received during the consultation period. Each submission was summarised in the Report circulated together with responses and recommendations where considered appropriate. He then called on Mr. Sheehy, to brief members in detail on the Manager's Report.

**General Submissions**

Mr. T. Sheehy informed the meeting that 5 General Submissions were received on the Draft North Iveragh Settlements Local Area Plan and he understood that there was agreement on all 5 submissions. He then referred to Submission GI5 which refers to the percentage of residences to be reserved for permanent residences in the Plan and said that this matter would be dealt with under the Glenbeigh Local Area Plan.

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. M. Cahill it was unanimously agreed to adopt the recommendations in the Manager's

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Report in relation to the General Submissions on the Draft North Iveragh Settlements Local Area Plan.

### **Kilgobnet**

Mr. T. Sheehy informed the meeting that 3 submissions were received on the Draft Kilgobnet Local Area Plan and he understood that members were in agreement with the recommendations in the Manager's Report on all 3 submissions.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. R. Beasley it was unanimously agreed to adopt the recommendations in the Manager's Report on all submissions received on the Draft Kilgobnet Local Area Plan.

### **Rossbeigh**

Mr. T. Sheehy informed the meeting that 3 submissions were received on the Draft Rossbeigh Local Area Plan and he understood members were in agreement with the recommendations in the Manager's Report on all 3 submissions. However members also wanted to include the following 3 Objectives:-

*Objective 00-10 It is an objective of the Council to facilitate the provision of disabled parking spaces in proximity to the accesses to the Beach.*

*Objective 00-11 It is an objective of the Council to facilitate the provision of a public car park in the proximity of the Beach, and the last line of the section on Urban Reform should be modified to read "the upgrading and redevelopment at the Beach side structure and public spaces in conjunction with the picnic area has the potential to enhance the settlement and make a significant contribution to improving the entrance to the beach and enhancing tourist facilities.*

Cllr. J. O'Connor thanked Mr. Sheehy for incorporating these objectives and requested that two additional accesses to the Beach be provided, one of which would be for disabled access.

Mr. T. Sheehy said that one of the Objectives which he previously read refers to accesses to the Beach and this will cover all accesses.

Cllr. J. O'Connor requested that as many entrances as are necessary would be provided to this Beach.

On the PROPOSAL of Cllr. J. O'Connor and SECONDED by Cllr. M. Cahill, *this Council having considered the County Manager's Report and Recommendations on the Submissions Received in relation to the Draft Local Area Plan for Rossbeigh resolves to amend the Local Area Plan as follows:- having regard to Submission RB1 to including the following objectives:-*

*Objective 0010 It is an objective of the Council to facilitate the provision of disabled parking spaces in proximity to the accesses to the Beach.*

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*Objective 0011 It is an objective of the Council to facilitate the provision of a public car park in the proximity to the Beach.*

*The last line on Urban Form shall be modified to read “the upgrading and redevelopment of the Beach side structure and public spaces in conjunction with the picnic area has the potential to enhance the settlement and make a significant contribution to improving the entrance to the Beach and enhance tourist facilities”.*

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

**For:** Cllrs. Beasley, Buckley Cahill, Connor-Scarteen, S. Fitzgerald, T. Fitzgerald, Foley, Kiely, Leahy, McCarthy, McEllistrim, Miller, O'Connor, O'Shea, Sheahan, M. Healy-Rae **(16)**

**Against:** None **(0)**

**Not Voting:** Cllr. O'Brien **(1)**

**Absent:** Cllrs Brassil, Cronin, Ferris, Fleming, Gleeson, D. Healy-Rae, MacGearailt, O'Connell, O'Donoghue, Purtill **(10)**

The Mayor declared the resolution CARRIED.

### **Glencar**

Mr. T. Sheehy informed the meeting that two submissions were received on the Draft Glencar Local Area Plan and he understood that members were in agreement with the recommendations in the Manager's Report on both these submissions.

Cllr. M. Healy-Rae referred to Submission GC1 from the O'Grady Family. There is a shop and a pub at this location which is the nucleus of Glencar and they want to ensure that wording is included to allow for some development such as the enhancement of the pub and they want to see this catered for in the Local Area Plan. They did not want any obstacles put in their way when they submit an application for the future development of their property.

Mr. T. Sheehy said that he had met with the O'Grady's Agent and he saw the plans for the proposed development. He informed their Agent that they were too ambitious and they agreed that as an initial step, they would develop the existing pub and their agent was satisfied with that. He informed members that the Planning Department would facilitate further development in the future.

The Mayor asked Mr. Sheehy, if there was need to incorporate an objective in the Draft Local Area Plan to facilitate this development.

Mr. T. Sheehy said that if this land is zoned Part V will apply and the landowner is satisfied to see how his first application will progress.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. O'Connor it was agreed that the Recommendations in the Manager's Report in relation to Submissions GC1 and GC2 be adopted.

**Cromane**

Mr. T. Sheehy informed the meeting that six submissions were received on the Draft Cromane Local Area Plan and he understood that members were in agreement with the recommendations in the Manager's Report in relation to Submissions CM1, 2, 3 and 6.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. R. Beasley it was unanimously agreed to adopt the recommendations in the Manager's Report in relation to Submissions CM1, 2, 3 and 6.

**Submission CM4 - Patrick McCarthy**

Mr. T. Sheehy informed the meeting that there was no agreement on this submission.

Cllr. M. Cahill referred to this submission and also to the submission by Malone O'Regan on behalf of David Griffin and indicated the lands the subject of these submissions on the map. These lands are adjacent to the boundary of the village and also adjacent to the GAA grounds. This land is serviced and Cromane urgently needs the development of new sewer and a new pier. Cromane is located close to Dooks Golf Course and he PROPOSED that the lands from the road, which he indicated on the map, be included in the Cromane Local Area Plan.

Mr. T. Sheehy outlined the area of the Plan on the map for members and said that the amount of land now proposed to be zoned is in excess of the total existing land zoned in Cromane.

Cllr. M. Cahill said that some of the land already zoned will not be developed and he understood that the landowners had spoken to the GAA with a view to accommodating their needs. He PROPOSED that these lands be zoned residential and included in the plan area.

Cllr. J. O'Connor SECONDED this proposal.

Mr. T. Sheehy indicated the land proposed to be zoned on the map and said that it would be inappropriate. He urged members to consider zoning a revised amount which he then indicated on the map.

Cllr. M. Cahill said that he could not agree to this as it would not facilitate the GAA and his proposal stood.

Mr. T. Sheehy stated that zoning for an extension of the GAA facilities would be more appropriate and members must decide what they want to facilitate.

Mr. M. McMahon, Director of Planning, said that the zoning of this land on the approach to Cromane could result in the zoning of land on the edge of Cromane with amenity land inside it. This will result in the leap-frogging of landing order to zone additional land which will in effect double the amount of land already zoned. This is contrary to the new guidelines received from the Department and will result in unco-ordinated development. He called on Members not to zone these lands.

Cllr. R. Beasley asked how much land was involved.

In response, Mr. M. McMahon said that it was substantially greater than the GAA pitch.

Cllr. J. Brassil asked what sewerage treatment capacity would be required to service these lands and were members referring to 3 portions of land, as he had not seen the submission Cllr. Cahill was referring to.

Mr. T. Sheehy indicated the lands the subject of Submission CM4 which is the only submission received in relation to these lands.

Cllr. J. Brassil said that members were being asked to vote on the zoning of land and the landowner may not want it.

Mr. T. Sheehy advised members that there is no sewerage scheme in Cromane and the Local Area Plan indicates that any development is contingent on the provision of a new sewerage scheme. Unless a developer is willing to provide a sewerage scheme development will not be permitted. This issue will be dealt with at the planning stage. There is a limit on the amount of development that can take place in the upper portion of the land and the development of these lands does not represent proper planning for Cromane. Members should not be trying to accommodate individual landowners.

Cllr. M. Cahill pointed out that there are houses to the left and the right of these lands on either side of the road and he PROPOSED that the area of land which he indicated on the map would be zoned for mixed use, with the remainder being zoned for residential development.

Mr. T. Sheehy said that it made no sense to put shops in the middle of the countryside and he suggested that the portion of land which he indicated on the map should be omitted.

Cllr. M. Cahill requested that a vote be taken on his proposal.



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On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. O'Connor, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Cromane resolves to amend the Local Area Plan as follows: having regard to Submission CM4 to zone the lands outlined on the map by Mr. T. Sheehy at Cllr. Cahill's request for residential development*".

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

**For:** Cllrs. Cahill, Connor-Scarteen, S. Fitzgerald, Kiely, McEllistrim, Miller, O'Connor, O'Shea, Sheahan, M.Healy-Rae **(10)**

**Against:** Cllrs. Brassil & O'Brien **(2)**

**Not Voting:** Cllrs. Beasley, T. Fitzgerald, Foley, Leahy **(4)**

**Absent:** Cllrs. Buckley, Cronin, Ferris, Fleming, Gleeson, D. Healy-Rae, MacGearailt, McCarthy, O'Connell, O'Donoghue, Purtill **(11)**

The Mayor declared the resolution CARRIED.

### **Submission CM5 – Siobhan Griffin**

Mr. T. Sheehy informed Members that this submission states that there should be less holiday home development and development should be for residential purposes. He understood that members did not agree with this and they suggested that 60% of residences should be for permanent residential use. Members wanted to realise the tourism potential of this area but he pointed out that this is a small settlement. If 10 houses are constructed and 4 of these houses are for holiday homes, they could remain vacant for a large portion of the year. That is the reason that the Manager's Report recommends the inclusion of objective R3 which reads "*It is an objective of the Council that land zoned for residential development should be reserved for permanent residential occupation.*"

Cllr. M. Cahill PROPOSED that 60% of residences would be for permanent residential use.

Cllr. J. O'Connor SECONDED this proposal.

Cllr. J. Brassil asked if this percentage would only apply around the village core.

In response, Mr. T. Sheehy confirmed that it would.

On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. J. O'Connor, *this Council having considered the County Manager Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Cromane, resolves to amend the Local Area Plan as follows: having regard to Submission CM5 to include Objective R3 as follows: "60% of land zoned for residential development should be reserved for permanent residential use".*

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

**For:** Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, S. Fitzgerald, T. Fitzgerald, Foley, Kiely, Leahy, McEllistram, Miller, O'Brien, O'Connor, O'Shea, Purtill, Sheahan, M. Healy-Rae **(17)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Buckley, Cronin, Ferris, Fleming, Gleeson, D. Healy-Rae, MacGearailt, McCarthy, O'Connell, O'Donoghue **(10)**

The Mayor declared the resolution CARRIED.

Cllr. J. O'Connor then stated that a submission dated the 31<sup>st</sup> October 2007 was made but due to some error it was not included in the Report. He said that it is difficult to access the back corner of the adjoining lands. He PROPOSED that the portion of lands which he indicated on the map be zoned residential to facilitate access to the adjoining lands.

Cllr. J. Sheahan SECONDED this proposal.

Mr. T. Sheehy said that there was no logical reason for this proposal other than for the benefit of that particular landowner. He referred members to Appendix 1 of the North Iveragh Settlements Draft Local Area Plan, which is on Page 12 of the Draft Plan and reads as follows:

**"1. Is there a demand for residential land in this location.**

*Demand must be evident in census data, population projections and current levels of development.*

*Demand maybe determined on a number of factors such as population projections, past history of development, location as holiday home destination, strategic objectives etc.*

**2. Is the proposed zoning consistent with the vision for the settlement.**

*Does the zoning of the land comply with the overall vision for the development of this settlement?*

*The vision for a settlement will determine the future role of the settlement. Zoning contrary to this vision will jeopardise the long-term development strategy.*

**3. Can the land be serviced.**

*Servicing (sewerage, water, roads etc) in terms of existing and planned in the short to medium term?*

*The zoning of lands which may place unnecessary servicing costs on the public should be avoided.*

**4. Proximity to existing services**

*Is the land adjacent to existing services and facilities, such as the village centre, schools amenities etc?*

*Proximity to services and facilities leads to efficiently functioning settlements.*

**5. Will the proposal contribute to the acceptable urban form?**

*Will zoning facilitate the compact sequential development of the town rather than uneven development that leapfrogs pockets of suitable land adjacent to the footprint of the town and contributes to a haphazard, inefficient and unsustainable pattern of development.*

*Will the development of the lands contribute to creating a sense of place, character and belonging with a good urban pattern or lead to uncoordinated haphazard development patterns?*

**6. Can safe access be provided?**

*Does the road network serving the development have the capacity to carry additional vehicular movements generated by development in a safe manner.*

*Can safe access be provided? Does the road network have the capacity to serve the development while contributing to the urban realm? Is pedestrian access safe?*

**7. Does the proposal have the potential to contribute to Urban Amenity or the Public Domain?**

*By incorporating the land is the potential for improving the amenity or the public realm of the settlement increased?*

*The public realm is the network and interconnecting routes of public open spaces which contribute to the efficient functioning and amenity value of a settlement.*

**8. Is the proposal consistent with adjacent land uses?**

*Will the development lead to incompatible land uses on adjoining lands?*

*Issues such as residential density, overlooking, overshadowing, traffic noise etc.*

**9. Does the proposal have negative environmental impacts?**

*Is there a negative visual impact? Are there any natural land features such as watercourses or woodland on which development would have a negative environmental impact. Are there any natural designations?*

*The proposal should not lead to deterioration of the environmental attributes of the settlement.*

**Amenity/open space**

**10. What is the demand for public open space?**

*What is the shortfall of public open space within the development. Two types of open space are required. The first is communal or neighbourhood open space and the standard for this is generally 64m<sup>2</sup> per dwelling. The second is formal open space including sports pitches etc. The requirement for this is 25m<sup>2</sup> per dwelling.*

**How central is the land to the settlement?**

*The more central the land is to the development the more accessible it will be for the public to access it on foot and integrate the development into the urban realm and fabric of the settlement.*

**11. Is the land accessible and permeable?**

*The land must be easily accessed and permeable in that there are a number of accesses which facilitate its use as a living used space.*

**12. Does the land have existing amenity value?**

*Are there existing amenity values on the site which can or should be capitalised on, such as access to waterways or existing woodlands etc.*

**13. Does the land have existing amenity constraints?**

*Does the land have existing environmental designations which may render it unsuitable for development and therefore more suitable for amenity lands."*

Mr. T. Sheehy stated that the proposed zoning is not consistent with these criteria.

Cllr. J. O'Connor pointed out that this land is adjacent to the Plan Area and can be serviced.

Mr. T. Sheehy pointed out that it is one portion of land proposed for residential development to facilitate the landowner.

Cllr. J. O'Connor said that it will provide access to the corner of the zoned land which he then indicated on the map.

Mr. T. Sheehy stated that this land is existing residential and access can be provided by the access road which he then indicated. He asked why Cllr. O'Connor was proposing that this land would be zoned rather than any other land, as there was no logical reason for it.

Cllr. J. O'Connor said that his proposal stood and a road could be provided to facilitate the other lands which he indicated. He said that the landowner's sons are seeking planning permission.

Mr. T. Curran County Manager urged Members to be very careful and said that there was no logical justification for the proposed zoning. He acknowledged that Members have a very difficult decision to make but said that there must be logical reasons for any zoning.

Cllr. J. O'Connor said that there are houses adjacent to these lands and it would be more logical to provide the road that he was suggesting for access to the adjacent lands.

Mr. T. Curran County Manager informed members that any zoning proposed by the Planning Department is on the grounds that it is the best way for a

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village to develop and is in fact our vision for the future development of that village. The zoning proposed by Cllr. O'Connor was not the correct way to zone land.

Mr. J. D. Flynn, Director of Corporate Services, reminded members that they must consider zonings in the context of the proper planning and development of the area.

Cllr. J. O'Connor asked was Mr. Flynn suggesting that he was getting something out of that zoning.

In response Mr. J. D. Flynn Director of Corporate Services said that he was not suggesting this.

Cllr. T. Fitzgerald said that when a proposal is made by a councillor without advance notice other members are not aware if they have any connection with the landowner, as they do not know who the landowner is.

Cllr. J. O'Connor informed the Members that this submission was sent to the Planning Department on the 31<sup>st</sup> October 2007.

Mayor M. Healy-Rae advised members that the only way they would be breaching the Ethic's Legislation, is if they did it knowingly.

Cllr. J. O'Connor informed the meeting that the landowner in question is Michael Moroney.

The Mayor then read the following letter submitted by Dunloe Design and Management Services on behalf of Michael Moroney, Cromane Co. Kerry into the record of the meeting.

*"Re: Proposed Local Area Plan for the Villages in North Iveragh Peninsula.*

*Submission on proposed Local Area Plan for Cromane.*

*We refer to the proposed Local Area Plan for the villages in North Iveragh Peninsula and specifically to the village of Cromane.*

*On behalf of our client, Mr. Michael Moroney, Cromane, Co. Kerry we wish to make a submission with respect to his site at Cromane (see attached OS Map) as follows: we request on behalf of our client that the lands outlined on the attached map within our clients ownership be zoned Medium Density Residential, given the proximity of the lands to the village centre and existing surrounding local amenities".*

Mr. M. McMahon Director of Planning said that he wished to clarify the position regarding the process for the preparation of Local Area Plans. Prior to a Local Area Plan being prepared submissions are invited from the general public. These submissions are then considered in the preparation of the Local Area Plan. However, it was the view of the Forward Planning Unit that it would not be appropriate to include these lands in the plan area. It was then a matter for the landowner to view the Draft Local Area Plan and to make a further submission if he so wished.

Mayor M. Healy-Rae stated that the site is 3 acres.

Cllr. J. O'Connor PROPOSED that this submission be agreed, as he believed it should have been included in the first instance. There is great potential for tourism in this area, as it has a pier and is close to Dooks Golf Club.

Mr. T. Sheehy again stated that there was no explanation as to why this land was being proposed and not any other land and he was strongly opposed to this zoning.

Cllr. J. O'Connor PROPOSED that this land be zoned low density and he called for a vote to be taken on his proposal.

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. J. Sheahan, *this Council having considered the County Managers Report and recommendations on the submissions received in relation to the Draft Local Area Plan for Cromane, resolves to amend the Local Area Plan as follows: "to zone the land the subject of the submission made by Cllr. O'Connor as indicated on the map by Mr. Sheehy residential"*.

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

**For:** Cllrs. Buckley, Cahill, S. Fitzgerald, O'Connor, O'Shea, Purtill, Sheahan, M. Healy-Rae **(8)**

**Against:** Cllrs. Beasley, Brassil, T. Fitzgerald, Foley, McEllistrim **(5)**

**Not Voting:** Cllrs. Kiely & Leahy **(2)**

**Absent:** Cllrs. Connor-Scarteen, Cronin, Ferris, Fleming, Gleeson, D. Healy-Rae, MacGearailt, McCarthy, Miller, O'Brien, O'Connell, O'Donoghue **(12)**

The Mayor declared the resolution carried.

### **Glenbeigh**

Cllr. J. Sheahan stated that in accordance with Section 177 of the Local Government Act 2001 he was declaring that he was connected to Pat & Eileen Sheahan who made Submission Nos.GB6 and 21on the Draft Glenbeigh Local Area Plan. For this reason he would leave the meeting when those Submission were being discussed.

Mr. T. Sheehy informed the meeting that 30 submissions were received on the Draft Glenbeigh Local Area Plan and he understood that there was agreement on the following submissions GB3, 4, 5 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 22, 25, 26, 27, 30.

On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. J. O'Connor it was unanimously agreed that the recommendations in the Manager's Report in relation to these submissions would be adopted.

**Submission GB23 – Anne O’Riordan, Joan Connors & Michael Foley**

Mr. T. Sheehy informed the meeting that he understood that members were also in agreement with the recommendations in the Manager's Report in relation to this submission.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Healy-Rae it was unanimously agreed to adopt the recommendation in the Manager's Report in relation to Submission GB23.

**Submission GB1 – Griffin Lonergan & Co Ltd on behalf of Michael & Majella Horan**

Mr. T. Sheehy said that the lands the subject of this submission are not contiguous to the development boundary of Glenbeigh. He referred members to Page 9 of the Manager's Report and read the following response to this submission from the report *"The village of Glenbeigh has a population of 280 persons as recorded in the 2006 Census. The Draft Plan and the recommended amendments make provision for zoning 11 hectares of land as proposed residential development. This additional zoning has the potential to accommodate an additional 150 dwellings. The Draft Guidelines on Sustainable Residential Development in Urban Areas issued by the Department of Environment, Heritage and Local Government states that the development plan should identify as a policy the sequential and co-ordinated manner in which zoned lands will be developed, so as to avoid a haphazard un-coordinated and costly approach to the provision of social and physical infrastructure and that areas to be zoned shall be contiguous to existing zoned development lands and that any exception must be clearly justified in the written statement of the development plan". The Guidelines also state "6.7 The overall order and re-zoning of development of small towns and villages should avoid so-called leap-frogging where development of new residential areas takes place at some remove from the existing contiguous urban area and leads to discontinuities in terms of footpaths lighting or other services which militates against proper planning and development.*

*Object 00-1 at the Glenbeigh plan states:*

*"It is an objective of the Council to encourage the development of a compact and sustainable town structure by ensuring that new development is contiguous with existing development and makes effective use of backland and infill sites."* Mr. T. Sheehy again stated these lands are not contiguous to the plan area and therefore development would not constitute orderly development. There is no footpath or public lighting at this location and he urged members not to zone this land. He requested Michael Lynch S.E.E. in the Planning Control Section to view these lands and he had reported that the road at this location is in poor condition. Permission has been granted for family members and 4 to 5 dwellings for family members could be accommodated subject to safe access.

In conclusion, he said he did not consider it appropriate to zone this land for residential use.

Cllr. M. Cahill said that it is proposed to zone 11 hectares for residential development in Glenbeigh and of that 5.3 hectares are owned by two landowners who have no interest in selling their land for development. Glenbeigh is a tourist village with huge demand for housing and it is very difficult to get planning permission on either side of the village. There is one field between the town boundary and Horan's lands and 3 houses have already been developed on this land. This family provided land for the treatment plant for Glenbeigh and the land has access to all the services and it is close to the village. He PROPOSED that the nearest field, already indicated on the map be zoned residential.

Cllr. M. Healy-Rae said that in the course of his day as a councillor, he encounters a large number of planning refusals and this leads him to support this particular submission. Many applicants for planning permission in rural areas are being advised to move into towns and villages. He appreciated the assurances given to the Horan family regarding family members but added that some land, already zoned will not come on the market and therefore, there will be a shortage of developable land. Members want to develop Glenbeigh as a holiday village and the Horan land is ideally suited to development. It could be a condition of planning that the road would have to be upgraded in conjunction with any development. He SECONDED Cllr. Cahill's proposal.

Cllr. M. Connor-Scarteen said that these people should get planning permission as they have provided land for a sewerage treatment plant. The road can be improved as a condition of planning and Glenbeigh is a tourist village.

In response Mr. T. Sheehy said that the access to these lands is very poor and he could not foresee that a planning applicant would be in a position to upgrade the road to a satisfactory standard to allow planning permission to be granted.

Cllr. J. Brassil requested clarification regarding the provision of a new sewerage scheme for Glenbeigh.

Mr. T. Sheehy indicated the lands on which it is proposed to locate the sewerage treatment plant.

Cllr. J. O'Connor pointed out that if the sewerage treatment plant is provided on those lands, the road would have to be upgraded anyway.



Mr. T. Sheehy indicated the land being proposed to be zoned by Cllr. Cahill on the map.

On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. M. Healy-Rae, *this Council having considered the County Manager's Report and recommendations on the submissions received in relation to the Draft Local Area Plan for Glenbeigh, resolves to amend the Local Area Plan as follows:-having regard to Submission GB1 to zone the lands outlined on the attached map residential".*

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

**For:** Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, S. Fitzgerald, T. Fitzgerald, Fleming, Foley, Kiely, Leahy, MacGearailt, Miller, O'Connor, O'Donoghue, O'Shea, Purtill, Sheahan, M. Healy-Rae **(18)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Buckley, Cronin, Ferris, Gleeson, D. Healy-Rae, McCarthy, McEllistram, O'Brien, O'Connell **(9)**

The Mayor declared the resolution carried.

**Submission GB2 – Griffin Lonergan & Company Ltd on behalf of Pat & Maureen O'Grady**

**Submission GB8 – Frank Curran on behalf of Mary Clifford**

Mr. T. Sheehy informed members that Submission GB8 would also be taken with Submission GB2. He informed members that these submissions relate to the lands which he then indicated on the map. In the Draft Plan Glenbeigh was not extended in that direction as it was intended to develop it in a more in-dept manner. Land was not zoned on that site as there was no land suitable for development. However, following consultation with the members, he understood that the members would be willing to except that an additional portion of land, which he then indicated on the map, should be zoned for residential development.

On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. P. O'Donoghue, *this Council having considered the County Manager's Report and recommendations on the submissions received in relation to the Draft Local Area Plan for Glenbeigh, resolves to amend the Local Area Plan as follows, "having regarding to Submissions GB2 and GB8, to zone the lands as outlined in the attached map residential".*

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

**For:** Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, S. Fitzgerald, Fleming, Foley, Kiely, Leahy, MacGearailt, Miller, O'Connor, O'Donoghue, Purtill, Sheahan, M. Healy-Rae **(16)**

**Against:** None (0)

**Not Voting:** None (0)

**Absent:** Cllrs. Buckley, Cronin, Ferris, T. Fitzgerald, Gleeson, D. Healy-Rae, McCarthy, McEllistrim, O'Brien, O'Connell, O'Shea (11)

The Mayor declared the resolution CARRIED.

**Submission GB6 – Mott McDonald Pettit – on behalf of Pat & Eileen Sheahan**

**Submission GB21 – Mott McDonald Petit on behalf of Pat & Eileen Sheahan**

Cllr. J. Sheahan then left the meeting.

Mr. T. Sheehy informed members that Submissions GB6 and GB21 would be taken together.

Cllr. P O'Donoghue declared that in accordance with Section 177 of the Local Government Act 2001, as there maybe deemed to be a conflict of interest because of business reasons with this submission he would leave the meeting.

Cllr. O'Donoghue then left the meeting.

Mr. T. Sheehy indicated that the lands the subject of this submission on the map and referred members to Map GB3 in the Manager's Report. On foot of the submission, it is proposed that the area in front of the Castle would be zoned amenity and that the area which he then indicated on the map would be zoned residential with the remainder of the lands being be zoned amenity. The Castle is a protected structure and the proposed extension of the residential zoning would destroy the Castle. On the basis of the submission it is agreed that the area which he then indicated could be zoned residential. Any further extension of this residential zoning would take from the isolation of the Castle and take from its character. He informed members that An Bord Pleanála might not take the same view and the submission proposed that the amenity would be along the line which he indicated on the map. However, he was suggesting that should be extended, as he then indicated on the map, in order to protect the view of the Castle.

Cllr. M. Cahill said that these lands are located within the Draft Glenbeigh Local Area Plan and the landowner is agreeable that almost half of his landholding to the front and rear of the Castle would be zoned amenity. He PROPOSED that the boundary would be the stream running to the Main Road, as he indicated on the map.

Mr. T. Sheehy then indicated Cllr. Cahill's proposal on the map for the meeting and said that he was opposed to it. Previously, An Bord Pleanála made reference to the loss of the view of the Castle and the boundary proposed by Cllr. Cahill is the same as the one previously rejected by An Bord Pleanála. He suggested that the line should be taken, as he indicated on the map and this would ensure the maximum view of the Castle from the N70.

Cllr. M. Cahill said that there should be no real difficulty in extending the line as he indicated on the map.

In response, Mr. T. Sheehy said that the extension would go as far as the ridge. By keeping the isolation of the Castle members will be addressing the reasons for a refusal by An Bord Pleanála in the past and the proposal is contrary to what his Department feels is reasonable for the development potential of these lands.

Cllr. M. Healy-Rae SECONDED Cllr. Cahill's proposal.

Cllr. T. Fitzgerald requested clarification on Cllr. Cahill's proposal.

Mr. T. Sheehy then indicated the proposal as indicated by Cllr. Cahill on the map and also what is recommended in the Manager's Report. He stated that it was his view that if members proceeded to zone the land in the area which he then indicated on the map, any planning application will be refused by An Bord Pleanála. The recommendations in the Manager's Report addresses the reasons for refusal by An Bord Pleanála in the past while Cllr. Cahill's proposal does not.

Cllr. M. Connor-Scarteen suggested that the additional area included be Phase 2 of the development if and when it takes place.

Cllr M. Cahill said that he wished to pursue his original proposal.

On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. M. Healy-Rae, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Glenbeigh, resolves to amend the Local Area Plan as follows "having regard to Submissions GB6 & GB21 to zone the lands indicated on the map submitted for residential development"*.

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

**For:** Cllrs. Beasley, Cahill, Connor-Scarteen, S. Fitzgerald, Fleming, Foley, Kiely, Leahy, MacGearailt, Miller, O'Connor, Purtill, M. Healy-Rae **(13)**

**Against:** Cllrs. Brassil, Ferris & T. Fitzgerald **(3)**

**Not Voting:** None (0)

**Absent:** Cllrs. Buckley, Cronin, Gleeson, D. Healy-Rae, McCarthy, McEllistrim, O'Brien, O'Connell, O'Donoghue, O'Shea, Sheahan (11)

The Mayor declared the resolution CARRIED.

Cllrs. J. Sheahan and P. O'Donoghue then returned to the meeting.

**Submission GB15 – John Riordan**

Mr. T. Sheehy informed the meeting that he understood that members wanted the following objective included in the Draft Glenbeigh Local Area Plan. *It is an objective to facilitate the provision of a public toilet in Glenbeigh.*

On the PROPOSAL of Cllr. M. Healy-Rae SECONDED by Cllr. M. Cahill *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Glenbeigh, resolves to amend the Local Area Plan as follows: "having regard to Submission GB15 to include an objective to facilitate the provision of a public toilet in Glenbeigh".*

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

**For:** Cllrs. Beasley, Brassil, Cahill, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Kiely, MacGearailt, Miller, O'Conner, O'Donoghue, Purtill, Sheahan, M. Healy-Rae (15)

**Against:** None (0)

**Not Voting:** None (0)

**Absent:** Cllrs. Buckley, Connor-Scarteen, Cronin, Fleming, Gleeson, D. Healy-Rae, Leahy, MacCarthy McEllistrim, O'Brien, O'Connell, O'Donoghue (12)

The Mayor declared the resolution CARRIED.

**Submission GB24 – Anne O'Riordan, Joan Connors, Michael Foley  
Submission GB29 – Department of the Environment, Heritage & Local Government**

Mr. T. Sheehy informed the meeting that Submissions GB24 & 29 would be taken together. The Manager's Report recommends that Objective R2 be amended to read as follows: *"ensure that at least 50% of the lands zoned for residential development shall be for permanent residential use"* but he understood that members were not in agreement with this and they wanted to reduce this to 40%.

Cllr. M. Cahill PROPOSED that Objective R2 would require that 40% of land zoned for residential development shall be for permanent residential use.

Cllr. J. O'Connor SECONDED this proposal.

On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. J. O'Connor, *this Council having considered the County Managers Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Glenbeigh, resolves to amend the Local Area Plan as follows: "having regard to Submissions GB24 and GB29 that Objective R2 requiring 40% of land zoned for permanent residential use shall remain unchanged.*

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

**For:** Cllrs. Beasley, Brassil, Cahill, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Kiely, MacGearailt, Miller, O'Shea, Purtill, Sheahan, M. Healy-Rae (14)

**Against:** None (0)

**Not Voting:** None (0)

**Absent:** Cllrs. Buckley, Connor-Scarteen, Cronin, Fleming, Gleeson, D. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Connell, O'Connor, O'Donoghue (13)

The Mayor declared the resolution CARRIED.

**Submission GB28 – O'Keeffe Consulting Engineers Ltd on behalf of Mary O'Connor**

Mr. T. Sheehy indicated a portion of the land the subject of this submission and informed the meeting that he had spoken with Michael Lynch, S.E.E., Development Control and he believed that with the access point which he indicated two houses could be accommodated on that land.

Cllr. M. Cahill said that this submission refers to 18 acres of land and the portion of land referred to by Mr. Sheehy is less than 2.5 acres. There is a caravan park outside the boundary with a hostel close by. The area between this land and Glenbeigh is almost completely developed. Glenbeigh is a tourist village on the Ring of Kerry Road and he believed that sufficient land was not zoned in Glenbeigh. Approximately 50% of the land zoned will not be made available for development.

Mr. T. Sheehy stated that he had agreed with the members that if this landowner got an undertaking that one or two houses could be accommodated that would be acceptable. The proposal now being made by Cllr. Cahill was a significant change on this.

## Special Planning Meeting

Cllr. M. Cahill said that there was no agreement on this submission, which relates to 18 acres. He PROPOSED that 2.4 acres be zoned for residential development.

Mr. T. Sheehy said that this proposal is ridiculous and it would be very difficult to get planning permission for one or two houses on that land.

Cllr. M. Cahill said that this land is part of the village and there is a footpath across the road.

Mr. T. Sheehy informed Cllr. Cahill that there was no indication at his recent meeting with the members from the Killorglin Electoral Area that this was being proposed. This land is too far from the village and other submissions were agreed as part of an overall agreement on the Draft Glenbeigh Local Area Plan, but Cllr. Cahill is now making this new proposal. If there is to be any trust between members and the executive, this land should not be rezoned.

Cllr. M. Cahill pointed out that he did ask that the first field would be zoned at the meeting with Mr. Sheehy the previous week.

Mr. T. Sheehy said that he had indicated that these lands were too far out from the village. There was no mention of this proposal at his meeting with the members on Friday last or at an earlier meeting that morning with Cllr. Cahill.

Cllr. J. Brassil said that while all the Local Area Plans were being considered, members had met with the Senior Planners and they had reached agreement on the various submissions and it was understood that no new proposals would be made at the meeting. New proposals being made on the day of a meeting are unfair on Officials and elected members who are not familiar with the proposals. He asked Cllr. Cahill to reconsider his proposal.

Mr. T. Sheehy again stated that he understood that 2 houses for family members could be accommodated on this land.

Cllr. J. O'Connor pointed out that there are 3 family members seeking planning permission on these lands and he added that any development on these lands can be connected to the sewer.

Mr. M. McMahon informed members that Mr. Sheehy had indicated that 2 houses for family members could be accommodated on this land. This proposal brings into question the trust between the executive and elected members.

## Special Planning Meeting

Cllr. M. Cahill said that he had asked about 3 houses for family members who have been trying to get planning permission for a few years.

Mayor M. Healy-Rae stated that a compromise was suggested by Mr. Sheehy in that 2 houses could be accommodated on the land for family members. If the family have another landholding every avenue will be explored to cater for the third family member.

Cllr. M. Cahill informed the meeting that this field is 2.4 acres and it is inside the speed limit. There is a footpath at the other side of the road and he would agree, if 3 houses could be accommodated for family members on that field.

Cllr. T. Ferris asked if it was worth going to a vote, when a compromise was being proposed.

Mr. T. Sheehy stated that he could look at this landholding again, but he could not guarantee that 3 houses would be granted planning permission for family members. However, he undertook to do everything possible to accommodate family members.

Cllr. M. Cahill said that of the 18 acres surely 3 family members could be accommodated on this landholding. He asked if a commitment could be given that 3 dwellings would be permitted on the 18 acre landholding.

In response, Mr. T. Sheehy said that he could not give this commitment. He added, however, that if it was at all possible, the Planning Department would facilitate the granting of planning permission for 3 houses.

Cllr. M. Cahill said that there are 18 acres in this landholding and he could propose that all 18 acres be zoned residential.

Cllr. J. Brassil said that if the compromise suggested by Mr. Sheehy is proposed, he would agree with it but he would not agree with any other proposal.

Cllr. T. Fitzgerald concurred with the view expressed by Cllr. Brassil.

Mayor M. Healy Rae pointed out that if the compromise was acceptable no vote would then be taken.

Cllr. M. Cahill said that site is fully serviced and he was only looking to accommodate family members.

Mayor M. Healy-Rae said that Mr. Sheehy cannot legally commit to guaranteeing that 3 family members will be accommodated on this land. However, he would do his best to accommodate them if at all possible. He

added that he would be concerned that if this issue went to a vote, it could be lost.

Cllr. M. Cahill asked what about the 3<sup>rd</sup> family member.

The Mayor stated that Mr. Sheehy would do his best to accommodate the 3<sup>rd</sup> family member, if it was possible.

Mr. M. McMahon, Director of Planning, said that his Department could not give a guarantee but there is a clear indication that permission for 2 dwellings for family members could be accommodated and the 3<sup>rd</sup> dwelling would be considered.

Cllr. M. Cahill said that he had great difficulty with that suggestion.

Mayor M. Healy-Rae pointed out that the Forward Planning record shows that when there is an agreement that everything will be done, that has always been the case.

Cllr. M. Cahill then agreed that two family members would be accommodated on this landholding and that every effort would be made to try to accommodate the 3<sup>rd</sup> family member.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. J. O'Connor it was agreed to adopt the recommendation in the Manager's Report in relation to Submission GB28.

On the PROPOSAL of Cllr. R. Beasley SECONDED by Cllr. D. Kiely it was agreed to adopt the Manager's Report in relation to the Draft North Iveragh Settlements Local Area Plan subject to the amendments previously agreed.

The Mayor thanked the councillors from the Killorglin Electoral Area for co-operating with the Forward Planning Unit in dealing with the submissions on the Draft North Iveragh Settlements Local Area Plan.

**08.04.14.03      Manager's Report on submissions or observations received in relation to the East Dingle Settlements Local Area Plan.**

Mr. J. D. Flynn, Director of Corporate Services, informed the meeting that in accordance with Section 177 of the Local Government Act 2001 he wished to declare that in relation to the Draft Local Area Plan for Stradbally Martha Flynn who made Submission No SY1 is his sister in law. He is a member of the Castlegregory Golf & Fishing Club who made Submission SY3, and for this reason he would leave the meeting when Stradbally was being considered.

Mr. Flynn then left the meeting.



### **General Submissions**

Mr. T. Sheehy then referred to the General Submissions received on the East Dingle Settlements Draft Local Area Plan. He informed the meeting that 6 General Submissions were received and he understood that members were in agreement with Submissions G1, 2, 3 5 and 6.

On the PROPOSAL of Cllr. M. Healy Rae, SECONDED by B. MacGearailt, it was unanimously agreed to adopt the recommendations in the Manager's Report on the General Submissions on the East Dingle Settlements Draft Local Area Plan.

### **Submission G4 Catherine McMullen, An Taisce**

Cllr. B. MacGearailt PROPOSED that there would be no change to the wording in the Draft Plan.

Cllr. M. O'Shea SECONDED this proposal.

*On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea, this Council, having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for the East Dingle Settlements resolves to amend the Local Area Plan as follows: having regard to Submission G4, that there would be no change to the proposed wording in the Draft Plan.*

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

**For:** Cllrs. Brassil, Connor Scarteen, Cronin, S. Fitzgerald, T. Fitzgerald, Foley, Kiely, MacGearailt, McEllistrim, Miller, O'Donoghue, O'Shea, Purtill, M. Healy Rae **(14)**

**Against:** None **(0)**

**Not voting:** None **(0)**

**Absent:** Cllrs. Beasley, Buckley, Cahill, Ferris, Fleming, Gleeson, D. Healy-Rae, Leahy, McCarthy, O'Brien, O'Connell, O'Connor, Sheahan **(13)**

The Mayor declared the resolution CARRIED.

### **Stradbally**

Mr. T. Sheehy said that 4 submissions were received on the Draft Stradbally Local Area Plan and he understood there was agreement amongst the members with the recommendations in the Manager's Report on all 4 submissions.

Members also asked if it was possible to accommodate the owner of the lands which he indicated on the map the subject of Submission SY4. He informed members that Declan O'Malley had looked at these lands and he felt that the landowner could be accommodated with a dwelling for a family member on these lands.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea it was agreed to adopt the recommendation in the Manager's Report in relation the Draft Stradbally Local Area Plan.

Mr. J. D. Flynn, Director of Corporate Services then returned to the Chamber

### **Inch**

Mr. T. Sheehy informed the meeting that 10 submissions were received on the Draft Inch Local Area Plan and he understood there was agreement amongst the members with the recommendations in the Manager's Report on Submissions IH2 and 6 only.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea it was unanimously agreed that the recommendations in the Manager's Report on Submissions IH2 and 6 be adopted.

### **Submission IH1 Liam Fitzgerald**

Cllr. M. O'Shea thanked the staff of the Forward Planning Department for arranging meetings with elected members and the general public and he thanked the general public for attending these meetings. He stated that the people of Inch feel that the Council is not being ambitious enough in what Inch could achieve. Inch was once a tourism destination with a golf course, hotel, caravan park etc. The adoption of the Local Area Plan provides an opportunity to extend and further develop Inch. Resorts are developed worldwide so it should also be possible to develop a resort at Inch. Last Saturday morning there were 65 cars in the car park at Inch Beach and the public toilets were closed. This is not an adequate service being offered by the Council. The people of Inch want a vibrant community which will attract people to their area. He PROPOSED that Submission IH1 from Liam Fitzgerald be agreed. Mr. Fitzgerald is seeking planning permission for his family. This land is within the speed limit and part of the village and is serviced by footpaths and public lighting. Mr. Fitzgerald's family have been refused planning permission and now they are left with no other option only to zone this land for family use.

Cllr. S. Fitzgerald SECONDED this proposal.

Mr. T. Sheehy informed the meeting that planning permission has been granted for a golf course at Inch and it is an objective of the Inch Local Area Plan to facilitate the development of a golf course subject to not damaging the

environment. He believed that the development of a golf course may help the preservation of the sand dunes. Many people travel abroad for the sun while people come to Ireland for the scenery and the people. If members zone a lot of land at Inch it will destroy the area and they must take responsibility for this. Mr. Sheehy said that he recognised the potential of Inch, but it is 2-2.5 miles long. Members want to zone individual pockets of land without any overall strategy. He then referred to Submission IH1 from Mr. Fitzgerald and said that this land is on a slope of 45 degrees and its' potential for development is difficult. With extreme difficulty a house could be accommodated for a family member on this land as he understood they do not have any other land. He added that the road is not in great condition at this location.

Mayor M. Healy Rae suggested that members would agree with Mr. Sheehy, in that he has undertaken to look after the family member and they should not proceed with this zoning.

Cllr. M. O'Shea said that he accepted what Mr. Sheehy had said, but planning was granted on this site on a number of occasions, but it was subsequently appealed to An Bord Pleanála. For this reason, this land must be zoned.

In response, Mr. T. Sheehy said that the zoning of this land will have no material affect on An Bord Pleanála's decision. However, the zoning of the land could leave the Council open to a compensation claim and he advised members that the zoning of this land could be dangerous.

Cllr. M. O'Shea said that other land was zoned earlier that morning and he did not accept Mr. Sheehy's claim that the zoning of this land could leave the Council open to a compensation claim. He added that he would prefer to zone the land.

In response, Mr. T. Sheehy said that none of the lands zoned that morning are as scenically sensitive as the land the subject of Submission IH1.

Cllr. M. O'Shea said that geographically speaking, Inch is elevated and several families have been refused planning permission. There are no facilities available in Inch for tourists and the local community feel that they want land zoned to attract tourists to the area and also to facilitate the locals

Mr. T. Sheehy said that it is an objective of the Council to facilitate small scale and commercial and tourism related facilities in the area, such as a water sports centre and craft/enterprise units. Such facilities will only be considered at suitable locations and the re-use of existing structures for such uses will be encouraged. This wording included in the Draft Plan, is almost a direct extract from the pre-planning submissions by Inch Community Council. The Draft Plan does not neglect the tourism potential of this area.

There is no proposed zoned land included in the Plan and that is done on purpose. The zoning of land would result in one landowner being accommodated but local landowners will not purchase land from him.

Cllr. M. O'Shea said that the people of Inch would accept this, if two separate policies were in place for holiday homes and residential development.

Mr. T. Curran, County Manager said that members intention in zoning a site is to guarantee planning permission for the applicant and zoning does not guarantee that but creates an expectation that planning will be granted and it exposes the Council to a potential compensation claim. Mr. Sheehy has indicated that one house could be accommodated on this land.

Cllr. B. MacGearailt said that Inch has not developed and must be allowed to develop. Provision should be made in the Draft plan for the development of a few hotels, B&B's etc. He accepted Mr. Sheehy's commitment that Mr. Fitzgerald could be accommodated and said that this is reasonable.

Cllr. M. Connor-Scarteen, said that there is 0.6 acres in this land and asked if it was zoned how many houses could be built on it.

Cllr. B. MacGearailt pointed out that the landowner is only seeking planning permission for one house.

Cllr. S. Fitzgerald said the compromise suggested by Mr. Sheehy was reasonable.

Cllr. D. Kiely said that he was concerned that even though assurances were being given by Mr. Sheehy, planning permission could be refused by the Development Control Section.

Cllr. B. MacGearailt said that in the past, any time Mr. Sheehy had given a commitment to the members, he had tried his best to ensure that it is honoured. For this reason he was satisfied to accept Mr. Sheehy's commitment on Submission IH1.

Cllr. N. Foley, requested that the minutes would reflect Mr. Sheehy's view that one house can be accommodated for a family member on this land.

The Mayor stated that nobody is questioning the trust between the Forward Planning Unit and elected members.

Cllr. M. O'Shea said that if both his colleagues in the Dingle Electoral Area were satisfied to accept Mr. Sheehy's commitment he would also accept it.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed that the recommendation in the Manager's Report in relation to Submission IH2 be adopted.

**IH3 Fionan McCarthy on behalf of Kathleen & Sean Brown**

**IH5 Michael Cahill on behalf of Kathleen & Sean Brown**

Mr. T. Sheehy informed the meeting that Submissions HI3 and IH5 would be taken together as they relate to the same lands. He indicated the lands the subject of these submissions on the map.

Cllr. M. O'Shea said that this land is next to 13 chalets and planning permission was granted on at least one if not two occasions. However, a third party appealed this decision and An Bord Pleanála overturned the decision of Kerry County Council. He added that the landowner is willing to accommodate locals and tourists one for one, which was a fair offer. This land is in the heart of the village and close to Foley's Pub and he could not see why it could not be part of the new village centre. He PROPOSED that these submissions be adopted.

Cllr. M. Cahill SECONDED this proposal.

Cllr. S. Fitzgerald also supported the proposal and said that planning permission has been granted nearby. There is a shop and restaurant and there are also footpaths in the area.

Mr. T. Sheehy said that the overall strategy for Inch aims to retain it's existing character of one off dispersed houses. This land is located behind the Church and while planning permission was granted, this decision was appealed to An Bord Pleanála and then refused by them. If the land is zoned and an application is subsequently granted and the decision appealed to An Bord Pleanála, they are likely to refuse it, as there has been no materially change since the last application. He added that he was opposed to the principal of zoning land for an individual. This developer is from Tralee and another local person has three portions of land which they are seeking to zone. In total 5 people made submissions seeking the zoning of their land. Planning permission can be granted without zoning land and the zoning will not make any difference if the decision to grant permission is appealed, other than it could expose the Council to a possible compensation claim. In proposing these zonings, members are not setting out a strategy for the future development of Inch but simply trying to accommodate individual landowners.

Cllr. M. O'Shea said that he was very concerned that the possibility of a compensation claim was again mentioned in relation to this submission yet it was not mentioned when land was being zoned earlier in the meeting. Members want to propose 5 zonings in Inch with a total of 10 acres, with 4

houses to the acre. In the 1960's there was a caravan park in Inch and tourism is the only source of local employment with just two Bed & Breakfast properties in Inch. Inch is located between Dingle & Killarney and he appealed to the Forward Planning Unit to allow some development at Inch.

Cllr. J. Brassil said that planning permission was granted on this land by Kerry County Council twice in the past and would possibly grant it again. He asked why permission was refused by An Bord Pleanála. Could an objective be included in the Draft Inch Local Area Plan to facilitate the development of that land and if so would it strengthen the planning application.

In response Mr. T. Sheehy said that this would be a backland development and would lead to an urbanised development in a rural area.

Cllr. B. MacGearailt said that planning permission was granted for 12 houses next to this land but An Bord Pleanála did not refer to this when they were refusing previous applications on this site.

Cllr. T. Fitzgerald said that permission should be granted for a residential estate behind the Church to give Inch a village centre point. Member's proposal to zone this land is not going against the wishes of the Planning Department who have granted planning permission on this site in the past.

Cllr. N. Foley called for consistency on the part of Kerry County Council by zoning this land and said that the owners are prepared to go for a 50/50 to provide for both locals and to give potential for the development of tourism.

Cllr. M. Connor-Scarteen said that there are 13 houses on the western side of these lands.

Cllr. J. Brassil asked how the decision to grant planning permission for the 13 houses in the adjoining lands was not appealed to An Bord Pleanála. In response, Mr. T. Sheehy said that he did not know.

Cllr. B. Cronin asked how it would be possible to expose the Council to a compensation claim if this land is zoned residential.

In response, Mr. T. Sheehy said that when permission is refused by either the Council or by An Bord Pleanála, the refusal can only be for certain reasons that do not attract compensation. If the refusal is not on one of these grounds the Council is open to a compensation claim. The zoning of this land would reduce the Bord's options for reasons for refusal.

Cllr. S. Fitzgerald said that a lot of zonings could leave the Council open to a compensation claim. He was very familiar with these lands and in this instance he did not think that situation would arise.

Mr. T. Sheehy pointed out that on two occasions when permission was granted in the past these decisions were appealed to An Bord Pleanála and it is likely that this will happen again. A compensation case can only be taken when a case is appealed to An Bord Pleanála. The zoning of an isolated portion of land, is not the way to go and the zoning of this land will not make any material difference. The zoning proposals now being made by members do not make sense. The Draft Inch Local Area Plan is not anti-development or anti tourism members are simply trying to zone land to ensure that planning permission will be granted.

Cllr. M. O'Shea said that he refuted, the statement made by Mr. Sheehy. He added that there are two roads at Inch one at the Church & Foley's Bar and the other at the entrance to the Beach.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Cahill, *this Council having considered the County Manager's Report & Recommendations on the submissions received in relation to the Draft Local Area Plan for Inch, resolves to amend the Local Area Plan, as follows: having regard to Submissions IH3 & IH5 to zone the lands the subject of these submissions proposed residential"*

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

**For:** Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, S. Fitzgerald, T. Fitzgerald, Foley, Kiely, Leahy, MacGearailt, McEllistrim, Miller, O'Connor, O'Shea, Purtill, Sheahan, M. Healy-Rae **(19)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Ferris, Fleming, Gleeson, D. Healy-Rae, McCarthy, O'Brien, O'Connell, O'Donoghue **(8)**

The Mayor declared the resolution CARRIED.

The Mayor informed the meeting that it is was 1:25pm and he would adjourn the meeting for lunch until 2:30pm.

The meeting resumed at 2:45pm.

**Submission IH4 Frank Curran, Consulting Engineers Ltd on behalf of Mahmood Hussein.**

Mr. T. Sheehy indicated the lands the subject of this submission on the map for the meeting. He referred members to Page 48 of the East Dingle Settlements Local Area Plan and in particular to Objective 004 which reads as follows:

*"the Council will facilitate small scale commercial & tourism related facilities in the area such as a water sports centre and crafts/enterprise units. Such facilities will only be considered at suitable locations and the reuse of existing structures for such uses will be encouraged".* The zoning of the land the subject of Submission IH4 Mixed Use/Residential will mean that any commercial development will have to be at this location and nowhere else.

Cllr. M. O'Shea said that there are two nodes in Inch, one next to the Church and the second next to the Beach. Inch needs commercial development and holiday home development.

Mr. T. Sheehy stated that if this land is zoned for commercial purposes, other lands will be excluded and this is not the right way to go. Other people in Inch have expressed an interest in developing craft industries and this is accepted and it is why provision was made for this type of development in the Draft Plan.

Cllr. M. O'Shea said that this location is ideal. It is next to the Hotel and the Beach and he was simply asking for what the people of Inch want.

Cllr. P. O'Donoghue supported the sentiments expressed by Cllr. M. O'Shea.

Mr. T. Sheehy requested Cllr. O'Shea to be more specific in his proposal.

Cllr. M. O'Shea PROPOSED that the front portion if these lands be zoned commercial for small shops/craft shops etc and that it would be zoned to the rear for holiday home and permanent residential development.

Mr. T. Sheehy pointed out that this area of land is 10acres and Cllr. O'Shea was proposing to zone 8.5acres for residential development and 1.5acres for commercial development.

Cllr. M. O'Shea referred to the lands on the map and said that the divide should be on the natural line which he indicated on the map.

Mayor M. Healy-Rae said that when a councillor is making a proposal, they must hand up a map with their proposal marked on it.

Cllr. M. O'Shea said that planning permission was granted by Kerry County Council on these lands some time ago and this was subsequently appealed to An Bord Pleanála. He again PROPOSED that the lands on the roadside indicated on the map by Mr. Sheehy in the front section should be zoned for commercial development including shops for tourists and the back portion of the land should be zoned for residential development, including holiday homes and permanent residential development.



On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue  
*"this Council having considered the County Manager's Report and  
Recommendations on the Submissions received in relation to the Draft Local Area  
Plan for Inch, resolves to amend the Local Area Plan as follows:"having regard to  
Submission IH4 to zone the lands the subject of Submission IH4 50% commercial and  
50% residential as outlined on the map to Council"*

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

**For:** Cllrs. Connor-Scarteen, S. Fitzgerald, Fleming, MacGearailt, Miller,  
O'Connor, O'Donoghue, O'Shea, M. Healy-Rae **(9)**

**Against:** Cllr. Brassil **(1)**

**Not Voting:** Cllr. Leahy **(1)**

**Absent:** Cllrs Beasley, Buckley, Cahill, Cronin, Ferris, T. Fitzgerald, Foley,  
Gleeson, D. Healy-Rae, Kiely, McCarthy McEllistrim, O'Brien, O'Connell,  
Purtill & Sheahan **(16)**

The Mayor declared the resolution CARRIED.

**Submission IH7 Complete Contract Management on behalf of Mr. John  
Cahillane**

Mr. T. Sheehy informed the meeting that he understood that members would  
not propose this submission and would in fact agree with the  
recommendation in the Manager's Report.

On the PROPOSAL of Cllr. C. Miller SECONDED by Cllr. J. Brassil, it was  
unanimously agreed that the recommendation in the Manager's Report in  
relation to Submission IH7 be adopted.

**Submission IH8 Sean Moriarty on behalf of Dan O'Shea**

Mr. T. Sheehy indicated that the lands the subject of this submission on the  
map and said that he had looked at these lands and he was satisfied that a  
dwelling could be accommodated.

Cllr. M. O'Shea said that the landowners choice is by the road, near the family  
home.

Cllr. B. MacGearailt said that if the family member can be accommodated this  
is acceptable.

On the PROPOSAL of Cllr. B. MacGearailt SECONDED by Cllr. S. Fitzgerald  
it was unanimously agreed that the recommendation in the Manager's Report  
in relation to Submission IH8 be adopted.

**Submission IH9 Bridie O'Donnell**

Mr. T. Sheehy informed the members that this submission relates to three portions of land which he then indicated on the map. The Manager's Report recommends that this land should not be zoned as it would result in the creation of a development node.

Mayor M. Healy-Rae asked if family members could be accommodated.

Cllr. M. O'Shea said that the landowner would be willing to forfeit the top two portions of land and to concentrate on the area near the beach. He PROPOSED that the front half of the land would be zoned for commercial development with the remainder being zoned for permanent residential use.

Mayor M. Healy-Rae SECONDED this proposal.

*On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Healy-Rae, this Council having considered the County Manager's Report and Recommendations on the Submissions received in relation to the Draft Local Area Plan for Inch resolves to amend the Local Area Plan as follows: "having regard to Submission IH9 to zone portion of the lands, the subject of Submission IH9 near the beach as indicated on map to Council 50% for commercial development and 50% for permanent residential development"*

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

**For:** Cllrs. Brassil, S. Fitzgerald, Fleming, Leahy, MacGearailt, Miller, O'Shea, M. Healy-Rae **(8)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Kiely, McCarthy McEllistrim, O'Brien, O'Connell, O'Connor, O'Donoghue, Purtill, Sheahan **(19)**

The Mayor declared the resolution CARRIED.

**Submission IH10 Michael Foley**

Mr. T. Sheehy indicated that the lands the subject of this submission on the map and said that it made no sense to zone this land. He asked if the nearby house was also in this family's ownership. If it was, it maybe possible to accommodate one house there if it was for a family member of the adjacent house. However, it would not be possible to impose such a development on anyone else other than a family member as it would impact on the residential amenity of the nearby house.

Cllr. M. O'Shea said that the family farm is nearby and it is only out of frustration that they are seeking to have this land zoned as they want to get permission for a family member.

Mr. T. Sheehy again stated that if it is the case that the house which he then indicated on the map nearby belongs to a family member, then a house could be accommodated for another family member. However, if this was not the case, it could not be granted as it would not represent good planning and would depreciate the residential value of the original house. He could not impose the loss of residential amenity on the owner of the nearby house if they were not a family member.

Cllr. M. O'Shea said that the landowner wants to accommodate two family members.

Mr. T. Sheehy said that there is 1.9 acres in this land and he could not see how two houses could be accommodated as a road would also have to be facilitated. However, if they could come up with an acceptable layout, which would accommodate two houses, he would be willing to consider it.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed that the recommendation in the Manager's Report in relation to Submission IH10 be adopted.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. O'Donoghue, it was unanimously agreed to adopt the Manager's Report on the Draft Inch Local Area Plan subject to the amendments already agreed.

### **Lispole**

Mr. T. Sheehy informed the meeting that 15 submissions were received on the Draft Lispole Local Area Plan and he understood that members were in agreement with the recommendations in the Manager's Report in relation to Submission LL1, 2, 6, 7, 9, 11 and 13.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea it was unanimously agreed to adopt the recommendations in the Manager's Report in relation to these submissions.

### **Submission LL3 Sean O'Sullivan**

Mr. T. Sheehy indicated the land the subject of this submission on the map and said that it is located opposite the garage. Permission was granted for a house in this area. This land is sloping significantly away from the road and it is difficult to see how a house could be built there as it would result in significant costs in building up the site and camouflaging the impact of the development. In principle he had no objection to a house at this location, if it can be integrated into the landscape.

Mayor M. Healy-Rae asked how many acres were in with this submission.

Cllr. S. Fitzgerald said that he simply wanted to facilitate a family member. The previous County Manager had said that he would consider this and the Area Engineer had marked a red spot on the road where the entrance was agreed to be placed. He was simply looking for a commitment that serious consideration would be given to the granting of planning permission on this land as silage has been cut on this land and it is not as steep as Mr. Sheehy appears to think.

In response, Mr. T. Sheehy said that if a location and site map was drawn up and the applicant brings forward an acceptable proposal then he accepted in principle that a house could be located there.

Cllr. S. Fitzgerald said that he was willing to take Mr. Sheehy's word on this.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt. It was unanimously AGREED to adopt the recommendation in the Manager's Report in relation to Submission LL3.

**Submission LL4 – Michael Brosnan**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and informed the meeting that he had spoken with Mr. O'Malley regarding the development potential of these lands. Mr. O'Malley has indicated that he is satisfied that it would be possible to accommodate two houses for family members on these lands.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to adopt the recommendation in the Manager's Report in relation to Submission LL4.

**Submission LL5 – Liston & Co. Solicitors on behalf of Bernadette and Vincent Keane**

**Submission LL12 – Kevin Keane**

**Submission LL15 – Brian Keane**

Mr. T. Sheehy informed the meeting that these three submissions would be taken together. He informed the meeting that the map which he then circulated outlines a possible alternative route for the road and members are satisfied to accept the revised map.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Lispole resolves to amend the Local Area Plan as follows:-having regard to Submissions LL5, 12 and 15 to amend the Local Area Plan in accordance with the map submitted and Objective T11 to reflect the alternative road layout.*

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

**For:** Cllrs. Brassil, S. Fitzgerald, Fleming, Gleeson, MacGearailt, McEllistrim, Miller, O'Donoghue, O'Shea, M. Healy-Rae (10)

**Against:** None (0)

**Not Voting:** None (0)

**Absent:** Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, T. Fitzgerald, Foley, D. Healy-Rae, Kiely, Leahy, McCarthy, O'Brien, O'Connell, O'Connor, Purtill, Sheahan (17)

The Mayor declared the resolution CARRIED.

**Submission LL8 – John Divers**

Mr. T. Sheehy indicated the land the subject of this submission on the map and said that Mr. Divers is seeking to extend the plan boundary to include the lands for the following zoning: lands for 2 houses and lands for workshop/light industry. At present a spray painting business is being operated out of an outhouse and he is seeking to have this accommodated in a new development. Mr. Sheehy had discussed this submission with Mr. O'Malley and he was satisfied that this development could be accommodated.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed that the recommendation in the Manager's Report in relation to Submission LL8 be adopted.

**Submission LL10 – John O'Sullivan.**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that he was satisfied that 2 dwellings for permanent residences for family members could be accommodated on these lands.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. B. MacGearailt it was unanimously agreed that the recommendation in the Manager's Report in relation to Submission LL10 be adopted.

**Submission LL14 – Frank O'Connor & Co. Solicitors on behalf of Eoin Divane and Sharon Divane**

Mr. T. Sheehy said that he had discussed this submission with members and they felt that notwithstanding future development provided for in the village plan, the plan should reflect existing development and they proposed to include on the map the GAA Pitch, the School, existing development and permissions already granted. Mr. Divane's submission should also be included within the plan area and his land to be zoned commercial/residential. Permission was granted on that site previously but

the decision was appealed to An Bord Pleanála and was subsequently refused on traffic grounds.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt, *this Council having considered the County Manager's Report and recommendations on the submission received in relation to the Draft Local Area Plan for Lispole resolves to amend the Local Area Plan as follows:- having regard to Submission LL14 to amend the Lispole Local Area Plan to include the areas outlined on the attached map indicating existing development in Lispole.*

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

**For:** Cllrs. Brassil, S. Fitzgerald, Fleming, MacGearailt, McEllistrim, Miller, O'Shea, M. Healy-Rae (8)

**Against:** None (0)

**Not Voting:** None (0)

**Absent:** Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, O'Brien, O'Connell, O'Connor, O'Donoghue, Purtill, Sheahan (19)

The Mayor declared the resolution CARRIED.

#### **Submission LL9 – Kevin Keane**

Cllr. B. MacGearailt requested clarification on Submission LL9.

Mr. T. Sheehy said that the zoning of this land is immaterial if the landowner wants to replace an existing house as this will not be a problem.

Cllr. S. Fitzgerald asked in the interest of consistency that the petrol pumps and shop would also have been included within the plan area.

In response, Mr. T. Sheehy said that it was not necessary as it an existing use.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. T. Fleming, *this Council having considered the County Managers Report and recommendations on the submissions received in relation to the Draft Local Area Plan for Lispole resolves to amend the Local Area Plan as follows:- having regard to Submission LL9 the lands the subject of this submission to be zoned residential.*

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

**For:** Cllrs. Brassil, S. Fitzgerald, Fleming, MacGearailt, McEllistrim, Miller, O'Shea, M. Healy-Rae (8)

**Against:** None (0)

**Not Voting:** T. Fitzgerald (1)

**Absent:** Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, O'Brien, O'Connell, O'Connor, O'Donoghue, Purtill, Sheahan (18)

The Mayor declared the resolution CARRIED.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to adopt the Manager's Report on the Draft Lispolse Local Area Plan subject to the amendments previously agreed.

### **An Fheothanach**

Mr. T. Sheehy said that it is a major difficulty for members that a number of people are looking for planning permission and have been unable to get it. In some instances he would not be in a position to give a specific response to the submission but he undertook to view the land in question and to revert to members in due course. He informed the meeting that six submissions were received on An Fheothanach Draft Local Area Plan all of which relate to people who want to make planning applications for family members.

Cllr. S. Fitzgerald asked if members could come along with Mr. Sheehy to show him the sites.

The Mayor recommended that members would agree the recommendations in the Manager's Report in relation to all the submissions on An Feothanach and that Mr. Sheehy would then visit the sites and revert to members on them.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt it was unanimously agreed that the recommendations in the Manager's Report in relation to Submissions AH1, 2, 3, 4, 5, 6 be adopted.

### **Fahamore**

Mr. T. Sheehy informed the meeting that 22 submissions were received on the Draft Fahamore Local Area Plan and he understood that members were in agreement with all submissions with the exception of Submission FE5.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. B. MacGearailt it was unanimously agreed to adopt the recommendation in the Manager's Report in relation to Submissions, FE1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22.

**Submission FE5 – Patrick Driscoll**

Mr. T. Sheehy indicated the lands the subject of this Submission on the map.

Cllr. M. O'Shea expressed his disappointment with the Draft Fahamore and Kilshannig Local Area Plans and said that serious advances must be made in these areas for tourism. The World Surfing Championships have been held in this area and it should be possible to accommodate holiday apartments and hotels there as there are no facilities in this area at present. This is a forgotten part of Kerry, yet the area has so much to offer. The Draft Local Area Plan offers a golden opportunity to promote this area. Fahamore Community Council hopes to meet with Mr. Sheehy in the coming weeks.

In relation to Submission FE5, Cllr. O'Shea informed the meeting that this submission relates to zoning of lands in Fahamore for residential development/land suitable for caravan parks/lands suitable for holiday homes. In the early 1960's there was a full caravan park on this site but it subsequently closed down. If this caravan park was again opened it would be good for the area. It is located near the Green Door Bar and it would create vibrancy in the area. He PROPOSED that this submission be adopted and said that if this land was development it would help to attract people to the area.

Cllr. S. Fitzgerald SECONDED this proposal.

Mr. T. Sheehy informed the meeting that there was an excellent submission made on behalf of Fahamore Residents who wanted the Council to change the name to the Maherees to develop the tourism potential of the area. However, this submission is misplaced and should in fact be in the County Development Plan. There is a chapter in the County Development Plan on Tourism. Through a meeting with the residents he felt that this submission can be incorporated in the County Development Plan. This is an extremely sensitive area which is very flat and we must ensure that both these issues are reconciled. He was aware that a caravan park operated in this area 40 years ago but said that it would be premature to zone the area at that time. It would be more appropriate to consider the overall area with the local residents and to incorporate a vision for it in the County Development Plan.

Cllr. B. MacGearailt said that it would be an excellent idea if representatives of the Forward Planning Unit would meet with the local community to come up with a constructive plan for the area. It is important that a plan which is agreeable both to the Council and the local community is incorporated in the County Development Plan.

Cllr. M. O'Shea said that the Fahamore Community Council is fully supportive of this caravan park.



Cllr. M. O'Shea again PROPOSED that Submission FE5 be adopted and said that this is the only opportunity get a caravan park at this location which would benefit the entire area.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald, *this Council having considered the County Manager's Report and recommendations on the submission received in relation to the Draft Local Area Plan for Fahamore resolves to amend the Local Area Plan as follows:- having regard to Submission FE5 to zone the lands the subject of this submission for a caravan park development.*

**For:** Cllrs., S. Fitzgerald, T. Fitzgerald, Fleming, MacGearailt, McEllistrim, Miller, O'Connor, O'Donoghue, O'Shea, M. Healy-Rae **(10)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, O'Brien, O'Connell, Purtill, Sheahan **(17)**

The Mayor declared the resolution CARRIED.

#### **An Clocháin**

Mr. T. Sheehy informed the meeting that 9 submissions were received on the An Clocháin Draft Local Area Plan and he understood that members were in agreement with the recommendations in the Manager's Report on Submissions AN1, 2, 3, 4, 5, 6, 9.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. O'Shea it was unanimously agreed to adopt the recommendations in the Manager's Report in relation to these submissions.

#### **Submission AN7 - Seamus O'Neill**

Mr. T. Sheehy informed members that Mr. O'Neill had requested the zoning of the land which he indicated on the map for residential development and said that this is elevated land behind the school. He indicated the road on the map and said that in his opinion all this land is elevated as is the school.

Cllr. B. MacGearailt stated that above the school is not elevated.

Mr. T. Sheehy said that he would be willing to accept that if this landowner has a suitable site for a family member the Planning Department would be willing to facilitate him.

Cllr. B. MacGearailt asked what area of land was involved in this submission.

In response, Mr. T. Sheehy said that it was 2.7 acres and added that it was his understanding that all the landowner's family have houses with the exception of 1 family member.

Cllr. B. MacGearailt said that the landowner has two pieces of land and he is seeking residential zoning on these lands.

Mr. T. Sheehy again stated that if the lands were suitable for residential development, he was prepared to consider it.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to adopt the recommendation in the Manager's Report in relation to Submission AN7.

**AN8 – Malachy Walsh & Partners Consulting Engineers on behalf of Cáit O'Sullivan**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that it was agreed to zone an additional portion of land in accordance with the map which he circulated to members.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt, *this Council having considered the County Managers Report and recommendations on the submission received in relation to the Draft Local Area Plan for An Clocháin resolves to amend the Local Area Plan as follows:- having regard to Submission AN8 to zone an additional portion of land residential in accordance with the map circulated.*

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

**For:** Cllrs., S. Fitzgerald, T. Fitzgerald, Fleming, MacGearailt, Miller, O'Connor, O'Donoghue, O'Shea, M. Healy-Rae **(9)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistrim, O'Brien, O'Connell, Purtill, Sheahan **(18)**

The Mayor declared the resolution CARRIED.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. B. MacGearailt it was agreed to adopt the Managers Report on submissions received on the An Clocháin Draft Local Area Plan subject to the amendments previously adopted.

**Camp**

Mr. T. Sheehy informed the meeting that 14 submissions were received on the Draft Camp Local Area Plan and he understood that members were in agreement with the recommendations in the Manager's Report in relation to submissions CP1, 2, 3, 5, 6, 10, 11, 12, 13, 14.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Fitzgerald it was unanimously agreed to adopt the recommendations on the Manager's Report in relation to these submissions.

**Submission CP4 – Sean and Mary Ellen Barry, Padraig Murphy and Pauline Duffy.**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that the land is located just beyond Ashe's Pub. He had spoken with Declan O'Malley of Development Control who has indicated that the lands are elevated. Permission has been granted for one house on the opposite side of the road and planning permission can be granted for another house. The development of any of the remaining land is inappropriate.

Cllr. M. O'Shea said that this land is inside the speed limit. He acknowledged that the upper portion of the land is high but said that the landowner is willing to accept the zoning of the lower part of the land. There are only a few acres involved and with four houses to the acre it would result in a development of 10-12 houses. This land is located in a scenic area in the environs of the plan. In conclusion he PROPOSED that the lower portion of these lands be zoned residential.

Mr. T. Sheehy again indicated Murphy's lands, Barry's land and Duffy's lands and said that there is approximately 4 acres involved in total. He said that much of this land is steep and is not appropriate for housing.

Cllr. M. O'Shea indicated a portion of land on the map which is 4 acres in total and said with 4 houses to the acre it would result in 16 houses and this is what he was proposing.

Mr. T. Sheehy said that a development of 16 houses at that location would destroy Camp village. Land is already zoned residential below the road in the Manager's Report. This proposal is to extend this further and any application for permission on these lands is likely to be refused. This is a small village with a traditional character and it is very sensitive.

Cllr. M. O'Shea said that there are two nodes in Camp, one on the Lower Road and the other on the Upper Road. There is very little in Camp only a shop, a pub and there is no land zoned for local people. People are being refused planning permission on a daily basis on their own land because it is too high. The Draft Local Area Plan now affords the opportunity to zone land

inside the speed limit to cater for local people and he could not understand why Mr. Sheehy was opposed to some residential development at this location. He added that members had taken on board his advice in relation to Lower Camp.

In response, Mr. T. Sheehy said that he appreciated that members took his advice in relation to the 200 acres in Lower Camp. Land has been zoned in the Draft Plan in Camp and if additional land is zoned the lands which he then indicated on the map would be more suitable.

Mayor M. Healy-Rae said that if members require additional lands to be zoned in Camp, Mr. Sheehy had no objection to the zoning of land which he had indicated on the map.

Cllr. B MacGearailt said that if the 3 plots which he indicated on the map were to be zoned the number of houses to be permitted should be restricted. Mr. Duffy only wants one or two houses.

Mr. M. McMahon advised members that they were dealing with the proper planning and development of Camp Village and the land indicated by Mr. Sheehy was just as close to the village as the land they were proposing.

Cllr. B. MacGearailt pointed out that a house has been built on Barry's land already.

Cllr. T. Fleming PROPOSED that the lower part of this land would be zoned and that the elevated area would be left for amenity.

Cllr. B. MacGearailt asked if the lower part of land being referred to was above the road or below the road. He said that Mr. Barry and Mr. Duffy have houses on the lower side and he presumed that further houses could be accommodated on that side. He would like to see a compromise agreed as he did not want to see a lot of houses at this location.

Mr. T. Sheehy asked members if they were proposing to zone the land which he indicated below the houses. He referred to Mr. Barry's portion of land below the road and said that Declan O'Malley has indicated that 1 house can be accommodated on this land. He suggested that this submission would not be proposed and that his Department would view these lands to establish the development potential of them.

Cllr. M. O'Shea asked why the streetscape could not be extended beyond Ashe's Pub as there is a footpath and public lighting there.

Mr. T. Sheehy stated that the elevation of the land was the problem and it would be necessary to cut into the land to facilitate any type of development.

Cllr. B. MacGearailt agreed that a streetscape at this location would enhance the area.

Mr. T. Sheehy suggested that members should consider the portion of land which he then indicated for a mixed use streetscape and said that he would view this land to see if this type of development could be accommodated.

Cllr. M. O'Shea requested that the entire landholding be considered as it is not that high.

Mr. T. Sheehy then showed photographs of this area to the meeting and said that if the entire area was developed it would destroy the village. He was willing to assess the land to see if a portion of it could accommodate some development. He suggested that to match the development below the road a portion of land which he indicated could be included in the plan area in order to fill in the gap and match what was on the other side of the road. He would be willing to consider this when he viewed the land.

On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. B. MacGearailt, *this Council having considered the County Manager's Report and recommendations on the submissions received in relation to the Draft Local Area Plan for Camp resolves to amend the Local Area Plan as follows:- Having regard to Submission CP4 that the plan boundary be extended to the west in accordance with the map submitted to provide for a mixed use streetscape and residential zoning to the north of the road.*

A vote was taken on this proposal which resulted as follows:-

**For:** Cllrs., Brassil, S. Fitzgerald, T. Fitzgerald, Fleming, MacGearailt, Miller, O'Donoghue, O'Shea, M. Healy-Rae **(9)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistram, O'Brien, O'Connell, O'Connor, Purtill, Sheahan **(18)**

The Mayor declared the resolution CARRIED.

**Submission CP7 – Patrick and Mary J. Slattery**

Cllr. B. MacGearailt said that he was not proposing that the entire 26 acres would be zoned but rather 3 or 4 acres.

Mr. T. Sheehy indicated the lands the subject of this submission on the map and he also indicated the plan area. The zoning of the area would result in

the leap frogging of lands of about a half a mile and he would not recommend this.

Cllr. B. MacGearailt said that there was only a few hundred yards between the plan boundary and these lands.

Cllr. M. O'Shea said that he understood that members agreed to extend the lands, which he indicated in purple on the map, towards the road. If this was done then there would be no leapfrogging of lands to zone this land.

Mr. T. Sheehy said that even if those lands were included it would still result in the leapfrogging of lands to zone this portion of land.

Cllr. B. MacGearailt said that Camp is a dormer town for Tralee and people must be accommodated. The landowner is waiting for this plan for 4 years. He suggested that a portion of the land where the petrol pumps were located could be zoned as this is leading to the village and the strand.

Cllr. S. Fitzgerald PROPOSED that all the area shaded purple in the map to the lower road should be zoned as there is a sports field there. This would incorporate a larger block of land in the plan area and much of this land is built up already.

Mr. T. Sheehy pointed out that if members zone all of the land which he indicated, it would result in the inclusion of 14 acres of land for residential development and there is no sewerage scheme there.

Cllr. S. Fitzgerald said that housing cannot be developed in this area until a sewerage scheme is provided.

Mr. T. Sheehy said that he was trying to develop a village core. If this zoning is passed it will result in the development of a housing estate and there will be no coordination in the development of Camp.

Cllr. B. MacGearailt indicated land on the map and said that it is steep and houses are already built there.

Mr. T. Sheehy asked if members were suggesting that two village centres would be developed for Camp.

Cllr. S. Fitzgerald said that there is extensive ribbon development and then a petrol station and shop which have now gone out of business. At the Pub there is a Church, residential development, petrol station, shop and laundry.

Cllr. B. MacGearailt referred to the old petrol pumps and Moloney's land – all of which is flat land and suitable for development.

## Special Planning Meeting

The Mayor informed the members that there were still a large number of settlements to be considered and unless real progress was made, it would take another day to complete the settlements.

Cllr. S. Fitzgerald asked if it would be possible to return to the East Dingle Settlements Local Area Plan another day.

In response, Mr. M. McMahon, Director of Planning said that members have 6 weeks to deal with the Manager's Report.

Cllr. B. MacGearailt PROPOSED that a portion of the land which he indicated on the map, the subject of Submission CP7 be zoned residential.

Cllr. S. Fitzgerald SECONDED this proposal.

*On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Camp, resolves to amend the Local Area Plan as follow: "having regarding to Submission CP7 to zone a portion of the lands indicated on the map submitted residential"*

A vote was taken on this resolution which resulted as follows

**For:** Cllrs. Brassil, S. Fitzgerald, T. Fitzgerald, Fleming, MacGearailt, Miller, O'Donoghue, O'Shea, M. Healy-Rae **(9)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistram, O'Brien, O'Connell, O'Connor, Purtill, Sheahan **(18)**

The Mayor declared the resolution CARRIED.

### **Submission CP8    Dan Maloney**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and advised members that he would not recommend that this land would be zoned for residential development.

Cllr. S. Fitzgerald PROPOSED that Submission CP8 be adopted.

Cllr. B. MacGearailt SECONDED this proposal.

Cllr. T. Fitzgerald PROPOSED that the recommendation in the Manager's Report in relation to Submission CP8 be adopted.

Cllr. J. Brassil SECONDED this proposal.

Mr. G. O'Brien advised members that a vote would first be taken on the amendment proposed by Cllr. T. Fitzgerald.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. J. Brassil *"this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Camp resolves to amend the Draft Local Area Plan as follow: "having regard to Submission CP8 to agree the recommendations in the Manager's Report"*

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

**For:** Cllrs. Brassil, T. Fitzgerald, M. Healy-Rae **(3)**

**Against:** Cllrs. S. Fitzgerald, MacGearailt, Miller, O'Donoghue & O'Shea **(5)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution DEFEATED.

The Mayor then requested Cllr. T. Fitzgerald to take the Chair as he had to leave the meeting.

The Mayor Cllr. M. Healy-Rae then left the Chamber.

Cllr. T. Fitzgerald then took the Chair.

Mr. G. O'Brien A/SEO advised members that a vote would then be taken on the proposal made by Cllr. S. Fitzgerald and seconded by Cllr. B. MacGearailt.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt, *"this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Camp, resolves the amend the Local Area Plan as follows: "having regard to Submission CP8 to zone the lands the subject of Submission CP8 residential"*

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

**For:** Cllrs S. Fitzgerald, Fleming, MacGearailt, Miller, O'Donoghue, O'Shea **(6)**



**Against:** Cllrs. Brassil, T. Fitzgerald (2)

**Not Voting:** None (0)

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

The Deputy Mayor declared the resolution CARRIED.

**Submission CP9 Elizabeth Bowler**

Cllr. B. MacGearailt PROPOSED that 1.9 acres of the lands the subject of this submission be zoned residential/commercial.

Cllr. C. Miller SECONDED this proposal.

On the PROPOSAL of Cllr. B. MacGearailt SECONDED by Cllr. C. Miller, *"this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Camp, resolves to amend the Local Area Plan as follows: "having regard to Submission CP9 to zone the lands the subject of this submission residential/commercial"*

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

**For:** Cllrs. S. Fitzgerald, Fleming, MacGearailt, Miller, O'Donoghue, O'Shea (6)

**Against:** Cllr. Brassil (1)

**Not Voting:** Cllr. T. Fitzgerald (1)

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

The Mayor declared the resolution CARRIED.

Cllr. S. Fitzgerald then submitted a map and PROPOSED that the lands which he had indicated on the map would be zoned residential.

Mr. T. Sheehy indicated the land the subject of this proposal on the map and said that Cllr. O'Shea had previously proposed an extension in the area which he then indicated on the map.

The Mayor Cllr. M. Healy-Rae then took the Chair.

## Special Planning Meeting

On the PROPOSAL of Cllr. S. Fitzgerald SECONDED by Cllr. M. O'Shea *"this Council having considered the County Manager's Report & Recommendations on the submissions received in relation to the Draft Local Area Plan for Camp, resolves to zone the lands the subject of the submission from Cllrs. S. Fitzgerald and M. O'Shea as indicated on the attached map residential"*

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

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

**Against:** None **(0)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.

On the PROPOSAL of Cllr. C. Miller SECONDED by Cllr. B. MacGearailt it was unanimously agreed to adopt the Manager's Report in relation to the submissions or observations received on the Draft Camp Local Area Plan, subject to the amendments previously adopted.

### **Cé Bhreánnan**

Mr. J. D. Flynn, Director of Corporate Services stated that in accordance with Section 177 of the Local Government Act 2001 Mike Tuffy who made Submission CN2 is married to his wife's twin sister. Tom Fitzgerald who made Submission CN4 is his brother in law. Tom Fitzgerald who made Submission CN8 is his brother in law and Edward Fitzgerald who made Submission CN10 is also his brother in law. For this reason he would leave the Chambers while these submissions were being considered.

Mr. Flynn then left the meeting.

Mr. T. Sheehy informed members that 12 submissions were received on Ce Bhreánnan Draft Local Area Plan and he understood that members were in agreement with the recommendations in the Manager's Report in relation to submissions CN2, 3, 4, 5, 7, 8, 9, 10 and 12.

On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. B. MacGearailt it was unanimously agreed that the recommendations in the Manager's Report in relation to Submission CN2, 3, 4, 5, 7, 8, 9, 10 and 12 be adopted.

Mr. J.D. Flynn then returned to the meeting.

**Submission CN1 Mike Lyne**

Cllr. S. Fitzgerald referred to Submission CN1 from Mike Lyne and said that he is simply seeking to zone enough land to accommodate 3 houses for family members. He wants to zone 2 acres for permanent residences for family members. In conclusion Cllr. Fitzgerald PROPOSED that 2 acres be zoned for permanent residential development.

Cllr. B. MacGearailt SECONDED this proposal.

On the PROPOSAL of Cllr. S. Fitzgerald SECONDED by Cllr. B. MacGearailt, *"this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Cé Bhréannan resolves to amend the Local Area Plan as follows: "having regard to Submission CN1 to zone a portion of the lands in relation to this submission as indicated on the attached map residential"*

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

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

**Against:** None **(0)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.

**Submission CN6 Seamus O'Neill**

Mr. T. Sheehy indicated the lands the subject of this submission on the map for the meeting and said that every effort would be made to facilitate family members on this landholding. He indicated one area of land which was part of this landholding and said that it was too narrow for development.

Cllr. B. MacGearailt said that the landowner was seeking to have some of this land zoned commercial.

In response, Mr. T. Sheehy said that the long portion of land is zoned amenity in the Draft Plan.

Cllr. B. MacGearailt said that the landowner wants to have it changed but he agreed that it should remain amenity. He pointed out that there are seven houses already built between that land and the plan boundary.

Mr. T. Sheehy pointed out that this land is not for family members, as Mr. O'Neill sought to accommodate family members in An Clocháin.

Cllr. B. MacGearailt said that the landowner is seeking to have the land zoned for permanent residences and he PROPOSED that the land would be zoned for permanent residential development.

Mr. T. Sheehy pointed out that it made no sense to zone that particular portion of land as it is isolated.

Cllr. B. MacGearailt PROPOSED that 3.3 acres be zoned for permanent residential development and he would be prepared to forego the zoning of the amenity area.

Cllr. S. Fitzgearld SECONDED this proposal.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, *"this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Cé Bhreánnan resolves to amend the Local Area Plan as follows: "having regard to Submission CN6 to zone portion of the land outlined on the attached map for permanent residential development"*.

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

**For:** Cllrs. S. Fitzgerald, Fleming, MacGearailt, Miller, O'Donoghue, O'Shea, M. Healy-Rae (7)

**Against:** None (0)

**Not Voting:** Cllr. T. Fitzgerald (1)

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

The Mayor declared the resolution CARRIED.

**Submission CN11 Warren Reidy Engineering on behalf of David O'Connor**

Mr. T. Sheehy informed the meeting that following discussions with members, it had been agreed that the residential development zoning on these lands would be extended in accordance with the map which he circulated.

## Special Planning Meeting

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Cé Bhreánnan, resolves to amend the Local Area Plan as follows: "having regard to Submission CN11 to zone the lands as indicated on the attached map to Council residential"*

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

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

**Against:** None (0)

**Not Voting:** None (0)

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

The Mayor declared the resolution CARRIED.

On the PROPOSAL of Cllr. M. O'Shea SECONDED by Cllr. C. Miller, it was unanimously agreed to adopt the recommendations in the Manager's Report in relation to the submissions or observations received on the Cé Bhreánnan Draft Local Area Plan, subject to the amendments previously adopted.

### **Boolteens/Keel**

Mr. T. Sheehy informed the meeting that 13 submissions were received on Boolteens/Keel Draft Local Area Plan and he understood that members were in agreement with the recommendations in the Manager's Report in relation to Submissions: BK2, 3, 4, 5, 6, 8, 9, 11, 13.

On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. B. MacGearailt, it was unanimously agreed to adopt the recommendations in the Manager's Report in relation to these submissions.

### **Submission BK1 Mr. Joe Barry OPW**

Cllr. M. O'Shea referred to the map for Boolteens/Keel and in particular to the yellow line which is drawn through 4 houses. He suggested that an alternative route for this road could be to the side of the houses, which is a route used by the OPW for access to drains. He PROPOSED that this line would be removed from these 4 properties.

Cllr. P. O'Donoghue SECONDED this proposal.

## Special Planning Meeting

On the PROPOSAL of Cllr. M. O'Shea SECONDED by Cllr. P. O'Donoghue, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Boolteens/Keel resolves to amend the Local Area Plan as follows: "having regard to Submission BK1, to remove the line as indicated on the attached map submitted with Submission BK1"*

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

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

**Against:** None (0)

**Not Voting:** None (0)

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

The Mayor declared the resolution CARRIED.

### **Submission BK6 Willie Murphy**

Cllr. M. O'Shea referred to Submission BK6 and said that the local community do not want the water pumps and the ruins of the old Catholic Church designated as a protected structure. They want it zoned amenity with a plaque erected on the wall.

Mayor M. Healy-Rae informed the meeting that this matter could be dealt with in consultation with the local community and that particular submission was already agreed.

### **Submission BK7 David Rae**

Mr. T. Sheehy stated that the Community Council made a submission and a zoning amendment is to be agreed. He indicated the portion of land to be zoned for residential development, the subject of this submission.

On the PROPOSAL of Cllr. M. O'Shea SECONDED by Cllr. P. O'Donoghue, *this Council having considered the County Manager's Report and Recommendations on the Submissions received in relation to the Draft Local Area Plan for Boolteens/Keel resolves to amend the Local Area Plan as follows: "having regard to Submission BK7 to zone the lands as indicated on map BK7 residential"*.

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

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

**Against:** None (0)

**Not Voting:** None (0)

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

The Mayor declared the resolution CARRIED.

**Submission BK10 Liam Sugrue**

Mr. T. Sheehy said that following discussions with members it was agreed that the portion of land the subject of this submission which he indicated on the map to Council would be zoned residential.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Boolteens/Keel resolves to amend the Local Area Plan as follows: "having regard to Submission BK10 to zone the lands as indicated on map BK10 residential"*.

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

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

**Against:** None (0)

**Not Voting:** None (0)

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

The Mayor declared the resolution CARRIED.

**Submission BK12 Sean Clifford**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that following discussions with members it was agreed that the portion of land which he indicated on the map to Council would be zoned for light industrial use.

## Special Planning Meeting

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. C. Miller, *this Council having considered the County Manager's Report and Recommendations on the submission received in relation to the Draft Local Area Plan for Boolteens/Keel resolves to amend the Local Area Plan as follows: "having regard to Submission BK12, to zone a portion of land, as indicated on Map BK12 for light industrial use".*

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

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

**Against:** None **(0)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.

Cllr. M. O'Shea then submitted a map with a field of approx. 1.5acres outlined and he PROPOSED that this field would be zoned residential.

Cllr. P. O'Donoghue SECONDED this proposal.

On the proposal of Cllr. M. O'Shea seconded by Cllr. P. O'Donoghue, *this Council having considered the County Manager's Report and Recommendations on the submission received in relation to the Draft Local Area Plan for Boolteens/Keel resolves to amend the Local Area Plan as follows: "to zone the lands indicated on the attached map submitted by Cllr. M. O'Shea residential"*

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

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

**Against:** None **(0)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.



Cllr. T. Fleming referred to Submission BK4 from Seamus O'Connor.

The Mayor informed Cllr. Fleming that this submission was already agreed and he was moving on to the next settlement.

On the PROPOSAL of Cllr. M. Healy-Rae SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed to adopt the recommendations in the Manager's Report on the submissions or observations received on the Draft Boolteens/Keel Local Area Plan.

### **Castlegregory**

Mr. T. Sheehy informed the meeting that 30 submissions were received on the Draft Castlegregory Local Area Plan. He understood members were in agreement with the recommendations in the Manager's Report, in relation to Submissions CY3, 4, 5, 8, 9, 10 11, 13, 15, 16, 17, 18 20, 21, 22, 24, 25, 26, 28, 29.

On the PROPOSAL of Cllr. M. Healy-Rae SECONDED by Cllr. S. Fitzgerald it was unanimously agreed that the recommendations in the Manager's Report be adopted in relation to these submissions.

**Submission CY1    Warren Reidy Planning & Design Ltd on behalf of Philip Fitzgibbon & Pascal Campbell**

**Submission CY7    Warren Reidy on behalf of Philip Fitzgibbon & Pascal Campbell**

Mr. T. Sheehy informed the meeting that both these submissions would be taken together. He then presented a map that amalgamates a number of submissions but added that there was agreement on a portion of land to be zoned for residential development which he then indicated on the map.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgearld, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Castlegregory, resolves to amend the Local Area Plan as follows: "having regard to Submissions CY1 & CY7 to zone the lands as indicated on Map CY1 for proposed residential development."*

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

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

**Against:** None **(0)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.

**Submission CY2 James Fitzgerald on behalf of Brendan & Shelia Rohan**  
Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that it was agreed with members that the field which he then indicated on the map would be zoned proposed residential.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Castlegregory, resolves to amend the Local Area Plan as follows: "having regard to Submission CY2 to zone the lands as indicated on Map CY1, the subject of Submission CY2 proposed residential"*

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

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

**Against:** None **(0)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.

**Submission CY6 Alex Moriarty**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that he was opposed to zoning these lands.

Cllr. B. MacGearailt PROPOSED that these lands be zoned residential.

Cllr. S. Fitzgerald SECONDED this proposal.

Mr. T. Sheehy said that the submission relates to 11.3 acres. The proposed zoning relates to an area of 2.5 acres approximately. A house is already built on this land and it is impossible to access the remainder of the land. He believed that planning permission would not be granted on this land.

On the PROPOSAL of Cllr. B. MacGearailt SECONDED by Cllr. S. Fitzgerald, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Castlegregory resolves to amend the Local Area Plan as follows: "having regard to Submission CY6, to zone the lands as indicated on Map CY1, the subject of Submission CY6 proposed residential (2.5 acres approx.)"*

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

**For:** Cllrs. S. Fitzgerald, Fleming, MacGearailt, Miller, O'Donoghue, O'Shea, M. Healy-Rae (7)

**Against:** None (0)

**Not Voting:** Cllr. T. Fitzgerald (1)

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

The Mayor declared the resolution CARRIED.

**Submission CY12 Warren Reidy on behalf of Michael O'Callaghan**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that these lands are isolated from the town.

Cllr. M. Healy-Rae said that this land comprises of 2.2 hectares.

Cllr. M. O'Shea PROPOSED that this submission be adopted as the landowner is willing to speak with the Council regarding the disposal of land for social and affordable housing.

Cllr. P. O'Donoghue SECONDED this proposal.

In response, Mr. T. Sheehy said that members could not zone land for social and affordable housing. The land must be zoned for residential development. If land is to be zoned, he would prefer that the field between the town boundary and this land is zoned and he believed that there was no need to zone this land as adequate land was already zoned in the Draft Plan.

Cllr. M. O'Shea said that it is impossible to get planning permission in Fahamore and Kilshannig and he simply wanted to cater for the local people.

Mr. M. McMahon, Director of Planning said that a lot of houses have been built in Castlegregory in recent times.

## Special Planning Meeting

Mr. T. Sheehy said that what Councillor O'Shea said was not logical and there was no connection between Castlegregory, Kilshannig & Fahamore.

Cllr. T. Fitzgerald PROPOSED that members agree the recommendation in the Manager's Report in relation to Submission CY12.

There was no seconder for this proposal.

Cllr. M. O'Shea PROPOSED that half of the lands, the subject of Submission CY12 be zoned residential.

Cllr. M. Healy-Rae SECONDED this proposal.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Healy-Rae, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Castlegregory, resolves to amend the Local Area Plan as follows: "having regard to Submission CY12, to zone portion of the lands the subject of Submission CY12 as indicated on Map CY1 residential"*

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

**For:** Cllrs. S. Fitzgerald, Fleming, MacGearailt, Miller, O'Donoghue, O'Shea, M. Healy-Rae **(7)**

**Against:** None **(0)**

**Not Voting:** Cllr. T. Fitzgerald **(1)**

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

The Mayor declared the resolution CARRIED.

### **Submission CY14 Warren Reidy on behalf of Pat & Susan Browne**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that members had agreed that the portion which he then indicated on the map would be included in the plan area and zoned proposed residential.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Castlegregory, resolves to amend the Local Area Plan as follows: "having regard to Submission CY14, to zone portion of the lands the subject of Submission CY14 as indicated on Map CY1 residential"*

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

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

**Against:** None **(0)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.

**Submission CY19 Michael Cahilliane – Castlegregory Community Council Ltd**

**Submission CY23 John Demercy**

**Submission CY30 Department of the Environment, Heritage & Local Government**

Mr. T. Sheehy said that all these submission relate to the same issue, that is the percentage of residential development for permanent residences. This has not been agreed with the members. The Manager's Report recommends an amendment to the Draft Plan to ensure that 60% of the land zoned in the plan for residential development shall be reserved for permanent residential use.

Cllr. M. O'Shea PROPOSED that the recommendation contained in the Manager's Report in relation to Submissions CY19, 23 and 30 be agreed.

Cllr. C. Miller SECONDED this proposal and it was unanimously agreed.

**Submission CY27 Liam Maunsell**

Mr. T. Sheehy indicated the lands the subject of this submission on the map. He indicated the junction, near these lands and said that it is poor and he would not like to see development on these lands. This land is also marshy.

Cllr. M. O'Shea said that he had visited these lands and the land is located within the plan boundary. He PROPOSED that half of the land would be zoned residential.

Cllr. S. Fitzgerald SECONDED this proposal.

## Special Planning Meeting

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Castlegregory resolves to amend the Local Area Plan as follows: "having regard to Submission CY27 to zone portion of the lands the subject of Submission CY27 as indicated on Map CY1, residential"*

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

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

**Against:** None **(0)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.

On the PROPOSAL of Cllr. M. O'Shea SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed to adopt the Recommendations in the Manager's Report in relation to the submissions or observations received on the Draft Castlegregory Local Area Plan, subject to the amendments previously adopted.

### **Annascaul**

Mr. T. Sheehy informed the meeting that 18 submissions were received on the Draft Annascaul Local Area Plan and he understood that members were in agreement with the recommendations in the Manager's Report in relation to Submissions AL2, 3, 5, 8, 9, 11, 12, 13, 14 and 15.

On the PROPOSAL of Cllr. S. Fitzgerald SECONDED by Cllr. M. O'Shea it was unanimously agreed that the recommendation in the Manager's Report in relation to Submission AL2, 3, 5, 8, 9, 11, 12, 13, 14 and 15 be adopted.

### **Submission AL1 Michael Devane & Keith Newsome**

Cllr. S. Fitzgerald PROPOSED that the lands the subject of Submission AL1 be zoned mixed use.

Mr. T. Sheehy asked Cllr. Fitzgerald if he was in fact referring to Submission AL3.

## Special Planning Meeting

Cllr. S. Fitzgerald stated that it was agreed at the meeting of the members from the Dingle Electoral Area last week that this land would be zoned mixed use and he proposed this.

Cllr. B. MacGearailt **SECONDED** this proposal.

*On the PROPOSAL of Cllr. S. Fitzgerald **SECONDED** by Cllr. B. MacGearailt, this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Annascaul, resolves to amend the Local Area Plan as follows: "having regard to Submission AL1 to zone the lands the subject of Submission AL1 Mixed Use"*

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

**For:** Cllrs. S. Fitzgerald, Fleming, MacGearailt, Miller, O'Donoghue, O'Shea, M. Healy-Rae **(7)**

**Against:** None **(0)**

**Not Voting:** Cllr. T. Fitzgerald **(1)**

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

The Mayor declared the resolution **CARRIED**.

**Submission AL4    John Guilfoyle, Jimmy McCarthy & John McCarthy**

**Submission AL6    John Guilfoyle, Jimmy McCarthy & John McCarthy**

Mr. T. Sheehy informed the meeting that these submissions would be taken together. He indicated Mr. Guilfoyle's land on the map and said that the capacity of the road at that location was not great, the land is elevated and he was opposed to zoning it for residential development.

Cllr. M. O'Shea said that this land can be accessed from 3 roads. It can be seen from the map that this land is just 87m above sea level and land has already been zoned which is 232m above sea level. He said that there is merit in their proposal to zone this land with four houses to the acre and he **PROPOSED** it.

Cllr. P. O'Donoghue **SECONDED** this proposal.

Mr. T. Sheehy said that this land comprises of 7.2 acres.

## Special Planning Meeting

On the PROPOSAL of Cllr. M. O'Shea SECONDED by Cllr. P. O'Donoghue, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Annascaul resolves to amend the Local Area Plan as follows: "having regard to Submissions AL4 & AL6 to zone the lands the subject of Submission AL4 & AL6 residential (7.2 acres)"*

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

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

**Against:** None (0)

**Not Voting:** None (0)

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

The Mayor declared the resolution CARRIED.

### **Submission AL7 Mrs. Marguerite Foley & Mr. Sean Foley**

Mr. T. Sheehy indicated that the lands the subject of this submission on the map and said that he thought members had agreed that this land would not be zoned. He added that he was opposed to it.

Cllr. M. O'Shea said that he wanted to accommodate family members on this land.

Mr. T. Sheehy undertook to view this land to establish if family members could be accommodated on it.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed that the recommendation in the Manager's Report in relation to Submission AL7 be adopted.

### **Submission AL10 Jerry O'Connor c/o Sean Moriarty**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that it relates to the hatched portion. He indicated the area which members had already agreed to zone and added that this land is too far out from the town to consider zoning it.

Cllr. S. Fitzgerald said that he wanted to zone a portion of this land for family members and added that land was zoned inside it anyway.



## Special Planning Meeting

Mr. T. Sheehy undertook to view this land with a view to establishing if family members could be accommodated on it.

Cllr. S. Fitzgerald PROPOSED that 3 acres of this land, which he indicated on the map, be zoned residential as the landowner has three sons.

Mr. T. Sheehy advised members that there was no need to zone land for family members.

Cllr. M. O'Shea SECONDED Cllr. S. Fitzgerald's proposal.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea, *this Council having considered the County Manager's Report and Recommendations on the submissions received in relation to the Draft Local Area Plan for Annascaul resolves to amend the Local Area Plan as follows: "having regard to Submission AL10 to zone a portion of the lands the subject of Submission AL10 as indicated on the attached map submitted residential"*

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

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

**Against:** None **(0)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.

### **Submission AL16 Kevin Knightly c/o Sean Moriarty**

Cllr. B. MacGearailt PROPOSED that Submission AL16 be adopted.

Cllr. S. Fitzgerald SECONDED this proposal.

Mr. T. Sheehy said that he was strong opposed to this zoning and this land comprises of 34 acres.

Cllr. S. Fitzgerald said that this landowner has planning permission for 10 houses and he wants to secure planning permission for a few more houses.

Mr. T. Sheehy pointed out that this landowner already got planning permission for 10 houses.

## Special Planning Meeting

Cllr. B. MacGearailt PROPOSED that an additional area which he indicated on the map, comprising of approximately 2 acres be zoned residential.

Mayor M. Healy-Rae asked how many acres were involved in this submission.

Mr. T. Sheehy said that this landowner has already been granted planning permission for 10 houses. Members are now proposing to leap-frog other lands to accommodate him and there is no good planning basis for this proposal. The 10 houses which have already been granted planning permission have not yet been built.

Cllr. B. MacGearailt referred members to the map and said that he PROPOSED that the additional portion of land which he then indicated on the map, would be zoned residential.

Cllr. S. Fitzgerald SECONDED this proposal.

Mr. T. Sheehy again advised members that the zoning of this land would result in the leap-frogging of other lands and in the light of recent Government Guidelines, this is not appropriate.

Cllr. B. MacGearailt said that a planner had said that he thought this land was good land for development and the landowner is only looking to have a small portion of the land zoned.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, *this Council having considered the County Manager's Report & Recommendations on the submissions received in relation to the Draft Local Area Plan for Annascaul, resolves to amend the Local Area Plan as follows: "having regard to Submission AL16 to zone a portion of the lands outlined in red the subject of Submission AL16, as indicated on Map AL16, residential"*

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

**For:** Cllrs. S. Fitzgerald, Fleming, MacGearailt, O'Shea (4)

**Against:** None (0)

**Not Voting:** Cllrs T. Fitzgerald, Miller, O'Donoghue, M. Healy-Rae (4)

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

The Mayor declared the resolution CARRIED.

**Submission AL17 Rory O'Shea**

Mr. T. Sheehy informed members that this submission was not agreed. However, he had viewed these lands on the ground and said that he was willing to include an additional portion of the field for residential development which he then indicated on the map and to zone another area which he then indicated amenity. The total submission is 17 acres and he would be agreeable to zone 3 acres residential. He added that this landowner already had lands zoned residential.

Cllr. P. O'Donoghue asked what were the total lands in the ownership of this landowner.

In response, Mr. T. Sheehy said it was 52 acres in total and approximately 8 acres were being zoned residential.

Cllr. S. Fitzgerald said that there are six houses built on these lands and the land above it has already been zoned.

Mr. T. Sheehy said that he was suggesting that an area of land where no houses have been built would be zoned residential and he again indicated this field on the map.

Cllr. S. Fitzgerald suggested that an additional field would also be included which he then indicated on the map.

Mr. T. Sheehy said that the Draft Plan can reflect existing permissions.

Cllr. S. Fitzgerald said that it was important to do that.

Mr. T. Sheehy then indicated on the map, the additional portion of land on the high road to be zoned residential and added that existing housing will also be reflected on the map.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. S. Fitzgerald, *this Council having considered the County Manager's Report and recommendations on the submissions received in relation to the Draft Local Area Plan for Annascual resolves to amend the Local Area Plan as follows: "having regard to Submission AL17 to zone lands as indicated on Map AL17(a) and AL17(b) residential. To zone a portion of land amenity as indicated on Map AL17. The development of the lands the subject of Map AL17(a) is contingent on the upgrading of the junction with the N86."*

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

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

**Against:** None (0)

**Not Voting:** None (0)

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

The Mayor declared the resolution CARRIED.

**Submission AL18 John O'Shea c/o Sean Moriarty**

Mr. T. Sheehy indicated the lands the subject of this submission on the map and said that this is high land on the left as you approach Annascaul from Dingle. The landowner is seeking to have the portion of land which he indicated on the map zoned for residential development and he could not agree to that.

Cllr. S. Fitzgerald suggested that the land could be zoned the depth of a house in a field to create a matching streetscape with the other side of the road.

Mr. T. Sheehy then presented photographs to members indicating these lands.

Cllr. P. O'Donoghue said that Cllr. Fitzgerald's proposal appeared to be reasonable.

Cllr. S. Fitzgerald PROPOSED that the lower portion of these lands would be zoned commercial.

Cllr. M. O'Shea said that there is no petrol station in Annascaul.

Cllr. B. MacGearailt SECONDED Cllr. S. Fitzgerald's proposal.

Cllr. S. Fitzgerald said that there is nothing in Annascaul and this is a suitable site for development.

On the PROPOSAL of Cllr. S. Fitzgerald SECONDED by Cllr. B. MacGearailt *this Council having considered the County Manager's Report & Recommendations on the submissions received in relation to the Draft Local Area Plan for Annascaul, resolves to amend the Local Area Plan as follows: "having regard to Submission AL18 to zone the area shaded green marked B on the attached map commercial and to zone the area shaded yellow marked C on the Map residential/streetscape".*

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

**For:** Cllrs. S. Fitzgerald, Fleming, MacGearailt, O'Donoghue, O'Shea, M. Healy-Rae (6)

Special Planning Meeting

**Against:** Cllrs. T. Fitzgerald & Miller **(2)**

**Not Voting:** None **(0)**

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

The Mayor declared the resolution CARRIED.

On the PROPOSAL of Cllr. S. Fitzgerald SECONDED by Cllr. B. MacGearailt it was unanimously agreed to adopt the Manager's Report in relation to the submissions/observations received on the Draft Annauscaul Local Area Plan subject to the amendments previously adopted.

The Mayor informed the meeting that it was 6:45pm and Aughacasla would be deferred to the April Meeting.

The Meeting concluded at 6:45pm.

Gerard O'Brien  
A/SEO Corporate Affairs

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Mayor of Kerry