

**MINUTES OF THE SPECIAL PLANNING MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON WEDNESDAY, 4<sup>th</sup> JUNE, 2008.**

**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN CÉADAÍN, 4 MEITHEAMH, 2008.**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

<b>R. Beasley</b>	<b>J. Brassil</b>	<b>M. Cahill</b>
<b>M. Connor-Scarteen</b>	<b>T. Ferris</b>	<b>S. Fitzgerald</b>
<b>T. Fitzgerald</b>	<b>T. Fleming</b>	<b>N. Foley</b>
<b>M. Gleeson</b>	<b>D. Healy-Rae</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>		

**APOLOGIES**

**T. Buckley                      B. Cronin**

**IN ATTENDANCE/I LÁTHAIR**

<b>Mr. J. O'Connor, Deputy Co. Mgr.</b>	<b>Mr. M. McMahon, Dir. of Planning</b>
<b>Mr. J.D. Flynn, Dir. of Corp. Services</b>	<b>Mr. J. Breen, Dir. Hsg &amp; Comm &amp; Ent.</b>
<b>Ms. A. Haugh, Dir. of Environment</b>	<b>Mr. C. O'Sullivan, Dir. of Roads</b>
<b>Mr. B. Sweeney, A/Dir. Water Services</b>	<b>Mr. G. O'Brien, A/SEO Corp. Affairs</b>
<b>Mr. T. Sheehy, SE Planning</b>	<b>Mr. M. Corridan, SE Roads</b>
<b>Mr. P. Corkery, Press &amp; Comm. Officer</b>	<b>Ms. M. Joy, SEE Water Services</b>
<b>Ms. D. Griffin, SO Corporate Affairs</b>	

The meeting commenced at 10.10 a.m.

Mayor M. Healy-Rae took the chair.

The Mayor commenced the meeting with a prayer.

**Vote of Sympathy**

- (a) Cllr. P. Leahy proposed a vote of sympathy to the McGillicuddy family of Cahirdown, Listowel, on the loss of their son, Mr. Owen McGillicuddy.

Cllr. R. Beasley said he wished to be associated with this vote of sympathy.

Cllr. D. Kiely said he wished to be associated with this vote of sympathy.

- (b) Cllr. P. Leahy proposed a vote of sympathy to the Flynn family of Kilmorna, Listowel, on the death of Mr. David Flynn.

Cllr. R. Beasley said he wished to be associated with this vote of sympathy.

Cllr. D. Kiely said he wished to be associated with this vote of sympathy.

- (c) Cllr. R. Beasley proposed a vote of sympathy to the Nolan family Ballybunion, on the death of Mrs. Nellie Derby.

### **Vote of Congratulations**

Cllr. D. Kiely proposed a vote of congratulations to the Ballybunion Sea and Cliff Rescue Team on the rescue of a girl who had fallen from Ballybunion cliffs in early June. The rescue team were on hand and brought the girl to safety.

Cllr. R. Beasley supported this proposal.

### **Procedures at Council Meetings**

Cllr. P. McCarthy said he wished to raise a number of issues on procedures at Council Meetings. The Mayor has stated that it is important to have as many elected members present as possible in attendance at Council meetings. At 4.30 p.m. at the Special Planning meeting held on 26<sup>th</sup> May, 2008, six elected members had to leave the meeting to attend other Council functions. He requested that the Mayor clarify the position in relation to procedures at Council meetings and discussions that took place at the May Council meeting regarding the submission made to the Commission on Taxation. He sought clarification that it is standard policy and agreed by Council that it is acceptable to hold party meetings during Council meetings. A Fianna Fáil meeting was taking place which is the reason that these members were not in attendance for the discussion on the submission to the Commission on Taxation.

Cllr. D. Kiely said the elected members present for this discussion at the May Council meeting voted in favour of including a proposal in the Submission to the Commission on Taxation to impose a €200 levy.

Cllr. R. Beasley said Fianna Fáil members were absent when the Submission to the Commission on Taxation was being considered. A vote was not taken.

Cllr. P. Leahy said he had stayed in the Council Chamber for the discussion on the Submission to the Commission on Taxation and it was 4.55 p.m. when he left. He said he understood that under Standing Orders Council meetings concluded at 5.00 p.m.

Cllr. P. O'Donoghue said the Fianna Fáil party were at a meeting to discuss the Draft County Development Plan. He said there is a comment purported to have been made by the Mayor that he deemed those absent from the Chamber to be a disgrace. On that day there was a County Enterprise

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Board meeting, a VEC meeting and other events taking place. It is not reported that elected members were in the Council Chamber until 11.00 p.m. at a meeting considering planning issues. Elected members of this Council are very conscientious regarding this Chamber and are not flippant regarding the County Development Plan. Kerry County Council holds more meetings than any other Local Authority. He sought clarification regarding comments made by the Mayor at the Special Planning meeting on 26<sup>th</sup> May.

Mayor Healy-Rae said elected members should be aware that Cllr. T. Fitzgerald initially raised the issue regarding the absence of elected members. It must also be understood that at the Special Planning meeting on 26<sup>th</sup> May there was difficulty in maintaining a quorum. He said he was frustrated at that point of the meeting to try and finalise chapters of the Draft County Development Plan. He acknowledged the workload elected members have to deal with and said at no time did he put a slight on any Councillor.

Cllr. T. Fitzgerald said he raised the matter of absence of elected members as there was difficulty maintaining the quorum. A discussion was held regarding the Submission to the Commission on Taxation and it was agreed that a letter would issue to the Commission on Taxation outlining that the elected members have requested that the reference to the introduction of a levy be removed from the submission. He said that at the Special Planning meeting on 26<sup>th</sup> May he was not willing to stay in the Chamber and adopt Chapter 5 of the Draft County Development Plan without a significant number of elected members present.

Mayor Healy-Rae said he respects the position the whips have with political parties. It is for the whip of the party to decide if a meeting must be held. He said it is correct that the Head of Finance presented the Submission to the Commission on Taxation to the elected members for noting. He said elected members can have a debate if they wish, but he wanted to avoid major debate without proposals. While the original submission was made to the Commission on Taxation it was agreed at the Special Planning meeting on 26<sup>th</sup> May that an amendment would be made. It should be noted that the elected members had received the document prior to the meeting in order that they be aware of its contents.

Cllr. D. Healy-Rae referred to a proposal he had made at a previous meeting that council meetings to consider the Draft County Development Plan be held in the evening. Due to the number of other meetings there is a case to hold these meetings in the evening and facilitate as many members as possible.

### **Job Creation**

Cllr. P. McCarthy said it is important that increased effort be made to create jobs in Kerry as well as sustain jobs. The French Government are subsidising diesel for the fishing fleet and hauliers. A message must be sent to Government that they must support Ireland's fishing fleet and hauliers who need assistance.

Cllr. J. Sheahan SECONDED this proposal.

### **Emergency Motion**

Cllr. M. Connor-Scarteen moved the following Emergency Motion regarding Kenmare Water and Sewerage Improvement Scheme:

- 1 "That we the Members of Kerry County Council urgently request the County Manager, Mr. Tom Curran, to ensure that no work is to start on the Kenmare Water and Sewerage Scheme until the 29<sup>th</sup> September, 2008, and that work on the scheme be suspended during the months of June, July and August, 2009.
- 2 That the above Special Condition be inserted into the contract by Kerry County Council and agreed by the Contractor. This condition is very important as the time for works is 15 months, costing in the region of €20 million overall. The scheme was initially to start in January of this year, however as it has not yet started, disturbance would occur to the Kenmare area over two summers. This must be avoided. Especially due to the fact that Tourism in Kenmare accounts for approximately 80% of the revenue of the area and that disturbance over two summers would have a detrimental effect on Kenmare. The Contract could be amended so that the above special condition could be included, as contracts have not yet been signed by the Council and the Contractor.
- 3 That Mr. Oliver Ring, Senior Official, Water and Sewage Section, Kerry County Council, hold a public meeting shortly in Kenmare to outline what routes are to be taken and what time scale the scheme is to take place in, and to inform and discuss any such plans by Kerry County Council with the Rate Payers, Business People and the Public.
- 4 That maps and routes be displayed in the Local Library, Kerry County Council Web site, and our Local Advertisers, "The South Kerry Advertiser" and "Kenmare News."

Cllr. M. Connor-Scarteen reiterated the request that the County Manager ensure no works start on the Kenmare Water and Sewerage Improvement until September, 2008, and that work is suspended in June, July and August 2009. As there is a delay getting contractors on site he asked if the Council would consider going to tender again with this scheme. The Council could save money as in the current financial climate low tenders would be submitted.

Mayor Healy-Rae said this Emergency Motion is being proposed by Cllrs. D. Healy-Rae, M. Cahill, P. O'Donoghue, Mayor Healy-Rae and Cllr. M. Connor-Scarteen.

Cllr. D. Healy-Rae said he attended a meeting last Friday where it was highlighted by the Chamber of Commerce that the people of Kenmare did not want work to start in the town or the road leading to the town this summer, that works start on the 1<sup>st</sup> of October and next summer that works will be suspended. A comment was made at the meeting referring to a statement allegedly made by Mr. J.D. Flynn, Director of Corporate Services, that when

the contract would be signed that it would be the contractor who would decide on carrying out the works and when they would be done. They were insistent that Mr. Flynn said the Council could not dictate to the Contractor how the works would be done. He said he understands from Mr. Flynn that this is not the case and he sought clarification on this issue.

Cllr. D. Kiely said amendments to the contract will cost the Council money.

Cllr. P. O'Donoghue said he also attended the meeting in Kenmare and asked that works be suspended for the summer period. Tourism is the main stay in Kenmare. Kerry County Council customers and rate payers are the people most affected. While the Kenmare Water and Sewerage scheme is very important it could be suspended until September. He requested that the people of Kenmare be facilitated on this matter.

Cllr. J. Brassil said he opposed the Emergency Motion. There will be financial implications if the Council interferes with a contract before it has been signed and after it has been priced. If conditions are inserted on a contract after it has been priced the Contractor can claim against the Council. He said he has been in Kerry County Council for three years and every elected member in that area has wanted water issues in Kenmare to be addressed. He said it is his understanding that it is contained in the contract that Kenmare town centre will not be disrupted during the summer months.

Mayor Healy-Rae said when he spoke at the meeting in Kenmare he had said that it was written into the contract that only Main Street, Shelbourne Street and one street outside the school could be worked on. He said he then left the meeting.

Mr. J. O'Connor, Deputy County Manager, said it is extraordinary that an Emergency Motion has been tabled to delay a water scheme in one of our towns. At every council meeting elected members request management to progress water schemes. It was with great difficulty and pressure on the Department by Council officials that Kenmare has been included on the WSIP. All major schemes are subject to both national tender regulations and EU tender and procurement regulations with a strict set of criteria. The Kenmare Water Scheme and supply network contract was subject to these criteria and a definite set of conditions are to be fulfilled. Duties and responsibilities rest with the Council and successful tenderer. Neither side can depart from these. At no time was it intended that works would be carried out in the centre of Kenmare during the summer months. He said he is aware that the elected members from the area had discussions with Ms. Maura Joy, SEE, Water Services, and she briefed members on exact arrangements. As soon as the exact detailed contract documents are finalised and the Contractor fulfils all legal health and safety and bond arrangements the contract will be entered into. The contract is based on the set of conditions that have been agreed in the tender documentation. Neither the Council nor Contractor can depart from that. When the contract is signed a programme of works will be agreed with the successful tenderer and at that time, as usual with schemes taking place in towns and villages, there will be discussions with the local interests. Kerry County Council cannot accede to a delay in the contract. Kerry County

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Council are pressurising the successful tenderer to progress the scheme. It is the intention to get the scheme underway and the Council are mindful of disruption. Senior staff will be working with the contractor to keep disruption to a minimum.

Mr. J.D. Flynn, Director of Corporate Services, said he holds meetings with the Kenmare Chamber of Commerce twice a year at their request. He said he attended a meeting with the Chamber on 1<sup>st</sup> May, 2008. This was the second meeting in six months regarding a number of issues, one of which was the water supply in Kenmare. Water supply is urgently required in Kenmare as there are no guarantees for supply. At the meeting on 1<sup>st</sup> May it was clearly stated, with regard to the contract, that Kerry County Council was going through due diligence with the contractor and working through EU tendering requirements. Within the contract provision has been made that no works would be carried out in the town centre during the summer months. Kerry County Council cannot tell the contractor how to do the job. An integral part of a contract is that the contractor does the work his way subject to health and safety standards. He said he had asked the Chamber of Commerce to wait until Kerry County Council had received the programme of works from the contractor. Senior staff would then meet with various interests to make them aware of the programme of works. Works on Railway Road will have to be done during the summer months. Clauses cannot be inserted to the contract at this stage. He said he that he had stated at the meeting that the Contractor must be allowed certain flexibility to do his work until a programme of works is agreed. The contract does include that works will not be carried out in certain areas. He expressed disappointment that a statement he had made at this meeting was taken out of context.

Cllr. M. Cahill said Ms. M. Joy, SEE, Water Services, did explain that no work would take place in June, July and August and that this is written into the contract. She also made it quite clear that no additional planning permission would be granted in Kenmare as the water and sewerage scheme is at capacity. Ms. M. Joy said documents were outstanding from the Contractor and if these documents are not produced the contract cannot be signed.

Mr. J. O'Connor, Deputy County Manager, said this contract will not be signed tomorrow. The final contract must be on the terms on which it was advertised for tender. These terms apply to Kerry County Council and the contractor.

Cllr. T. Fitzgerald said all members are aware of how important tourism is to Kenmare and its economy. He said he would expect any contract would take consideration of such issues. While as far as possible the centre of Kenmare will not be disrupted during the summer months, no matter what contract is in place some disruption will take place during the summer.

Cllr. D. Healy-Rae thanked Director of Corporate Services for clarifying what was said at the meeting with Kenmare Chamber of Commerce. He said he could not accept that there is a difficulty regarding the water supply in Kenmare and requested a report on this matter.

Mayor Healy-Rae said he had requested a meeting with Kerry County Council management and local groups regarding the water supply in Kenmare. A firm commitment was given by a Director of Service with this Council that a meeting would be held with the people who had concerns regarding the Abstraction Order and that the matter would be referred to An Bord Pleanála. He expressed outrage at the delay in progressing this matter.

Cllr. M. Connor-Scarteen thanked the Deputy County Manager and the Director of Corporate Services for outlining the position in Kenmare. He said he had understood the Chamber of Commerce were informed there would be no construction in the town centre of Kenmare during the summer months and from 15<sup>th</sup> December, 2008, to 15<sup>th</sup> January, 2009. He accepted what the Director of Corporate Services had outlined.

Cllr. R. Beasley said great credit is due to Kerry County Council for services being put in place for water supplies. Great work was done in Ballybunion and while there was disruption, it was worth it to have the water services provided.

Cllr. T. O'Brien welcomed the reply from the Deputy County Manager and the Director of Corporate Services and said it would set a dangerous precedent to stop the contract.

Mr. J. O'Connor, Deputy County Manager, referred to the restrictions to works in the town centre condition of the contract. He quoted as follows:

"No works shall be carried out in the town centre from 1<sup>st</sup> to 7<sup>th</sup> January, from the 1<sup>st</sup> June to 30<sup>th</sup> August and December 15<sup>th</sup> to December 31<sup>st</sup> of each and any year. The town centre area is generally defined under this clause as follows:

- Henry Street, Shelbourne Street, Main Street, Market Street, Park Road, East Park Lane and Market Street.
- Side Streets adjoining the aforementioned streets.

No work shall be carried out in the town centre on "Fair Day", 15<sup>th</sup> August each year."

Mayor Healy-Rae said the Treatment Plant in Kenmare is not functioning properly and this must be rectified as soon as possible.

Mr. J. O'Connor, Deputy County Manager, referred to the Kenmare Water Abstraction Order and said significant work has been done on researching and preparing the An Bord Pleanála submission. An update report will be brought to a future Council meeting.

Mr. B. Sweeney, Acting Director of Water Services, referred to Kenmare Waste Water Treatment Plant and said only one complaint has been received but this will be followed up.

### **Illegal Camping at the Maharees**

Mayor Healy-Rae referred to illegal camping and disturbances at the weekends at the Maharees and expressed dissatisfaction with the response from the Environment Section. Elected members were advised last year that the problem would not reoccur this year. Illegal camping is causing distress to local people. While visitors are welcome they must camp in authorised places and not camp illegally and cause difficulties for local people. He requested that this issue be followed up and that the undertaking given in 2007 would be met.

Ms. A. Haugh, Director of Environmental Services, said a Beach Warden was recruited in 2007. The Beach Warden was active over the three days of the weekend and spent time in Inch, Maharees, Banna, and Ballyheigue. Problems were experienced in Inch regarding cars and quad bikes on the beach. Problems were also experienced in the Maharees regarding illegal camping. In total 11 fines were issued by the Beach Warden. The Beach Warden has submitted a full report on all activity over the weekend. It is difficult to deal with the illegal camping without the presence of the Gardaí. The Beach Warden is in discussions with the Gardaí regarding these issues.

Cllr. D. Kiely asked what authority the Beach Warden has.

Ms. A. Haugh, Director of Environmental Services, said the Beach Warden can issue on-the-spot fines and enforce the Beach Bye-Laws. The Bye-Laws refer to a mapped area. Within the mapped areas the Bye-Laws are enforceable by the Gardaí and the Beach Warden.

Cllr. M. O'Shea said for some time Mr. E. Scanlon, SEE, Roads and Transportation, has been trying to create space to facilitate car parking. He asked for an update report on this matter.

Cllr. D. Healy-Rae said there are inadequate toilet facilities where the campers are illegally camping in the Maharees.

In response to the matter raised by Cllr. O'Shea regarding car parking, Mr. C. O'Sullivan, Director of Roads and Transportation, said Kerry County Council has been in discussions regarding the provision of parking at the Maharees. A funding application has been made to Fáilte Ireland.

Cllr. M. Gleeson said he had raised the matter of quad bikes on beaches some time ago. He asked is it the Councils intention to pursue these people, if necessary as far as the courts, rather than just issue a fine.

### **Ethics**

#### **Duty of elected members under Ethics legislation**

The Mayor issued a reminder to elected members of the requirements of 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 requirement of the Act and the Code of Conduct lies with each individual Councillor.



He reminded Councillors 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 connected persons 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.

### **Attendance at Council Meetings**

Cllr. M. Cahill referred to the Special Planning meeting held on 26<sup>th</sup> May, 2008, and the negative publicity regarding attendance of elected members. He said a VEC Meeting and a County Enterprise Meeting were scheduled that evening and Bord Gáis had an official opening of their centre in the town of Killorglin. He said he had to attend this official opening as it is very important to himself and his constituents. He said the elected members had accommodated the Mayor over the last eleven months at all times if he had to leave a Council meeting early to attend another event.

Mayor Healy-Rae this matter was discussed earlier in the meeting. He said he did not raise this matter at the Special Planning meeting on 26<sup>th</sup> May, rather it was raised by Cllr. Ted Fitzgerald who had a genuine reason to raise it. He said he was also frustrated at that point of the meeting on 26<sup>th</sup> May.

Cllr. J. Brassil said at the meeting on 26<sup>th</sup> May Cllr. T. Fitzgerald made a simple statement that he was uncomfortable with adopting a chapter of the Draft County Development Plan with such small attendance in the Council Chamber.

Cllr. M. Cahill said the Mayor was aware that other events were taking place on that day and the reason why elected members were not in attendance.

Cllr. P. O'Donoghue said the Mayor had a duty to inform those present of why the other members could not attend. This Council has accommodated the Mayor on a number of occasions.

Mr. J. O'Connor, Deputy County Manager, requested that the meeting now progress to the Agenda for today's meeting.

### **Draft County Development Plan 2009-2015**

#### **Chapter 5 – Employment, Economic Activity and Retail**

Mr. M. McMahon, Director of Planning, said Chapter 5 relating to Employment, Economic Activity and Retail is now being considered. This chapter was discussed at the meeting held on 26<sup>th</sup> May, 2008, and it was substantially agreed subject to an amendment to Paragraph 5.8 regarding expansion plans for existing rural industries.

Mr. G. O'Brien read the resolution that was agreed at the Planning Meeting held on 26<sup>th</sup> May, 2008, as follows: "That we the Members of Kerry County Council resolve that the following text would be added to the end of paragraph 5.8, page 5-11 "Subject to proper planning criteria in relation to road safety, effluent disposal and residential amenity, particular emphasis will be placed on existing rural industries where expansion plans are required."

Cllr. D. Healy-Rae asked if conversion of farm buildings for commercial use is catered for within the plan.

Mr. T. Sheehy said wording is included in the plan to address this matter.

Mr. M. McMahon said debate at the meeting on 26<sup>th</sup> May, 2008, concluded with near agreement on Chapter 5 subject to the addition agreed. The elected members were not prepared to adopt this chapter due to the small number of members in the Chamber at the time. It was agreed that an opportunity would be given to any other member to make a submission on that chapter at the start of today's meeting.

Cllr. P. O'Donoghue said he wished to raise an issue regarding economic activity and the proposal by the courts to close the court house in Tralee and Killarney and relocate them outside the towns. This would be detrimental to these towns. Court houses provide some of the nicest facades are in the towns. It is the overwhelming view of people in that business that court facilities should be retained, as far as possible, in our towns.

Cllr. D. Kiely **SECONDED** this proposal.

Cllr. M. Gleeson said he wished to raise a number of issues:

- He welcomed Cllr. O'Donoghue's comments regarding court houses and said he and Killarney Town Council have been pursuing the continued use of Killarney court house and requesting that attention be given to its appearance. The most recent report from the Court Services states they are no longer interested in retaining the Killarney court houses and they have not advised how they intend proceeding.
- He expressed concern regarding the addition at paragraph 5.8. Large industries are the lifeblood of the greater Killarney area. These industries and such industries in the county must be accommodated. Certain industries are inappropriate for an urban area.
- County Kerry continues to suffer from an infrastructure deficit. Roads are still in a deplorable condition and impact adversely on the county. As long as this continues the peripherality of the county will be a deterrent to being treated in a way equal to the counties on the east coast. County Kerry has been failed by successive governments and deserves special treatment because of its peripherality and infrastructure deficit.
- He said with regard to the addition to item 5.8, industry is important but tourism is our greatest industry and cannot be impacted upon. Considering

the rise in oil prices access must be gained to natural gas. He questioned the viability of the Tralee Killarney Hub to progress economic development in the county. For the overall economic wellbeing of this county the development and advancement of Kerry Airport is of great importance. It is vital this county gives every possible support to the development of the airport. The development of organic farming will become hugely important. Organic farming and industry must be fostered and developed. For the vibrancy of villages services, shops, post offices and banks must prosper and be retained.

Cllr. D. Kiely said he has sought a gas supply to the county for many years. He referred to the inclusion of road safety at paragraph 5.8 and asked if the road safety of a planning application is determined by planners or the roads authority. He asked if there is consultation between the Planning and Roads Departments on road safety and said this area should be under the control of the Roads Department.

Cllr. T. Fitzgerald said the economic development of the county is dependant of a lot of factors. Kerry is dependant on tourism. The IT Tralee is important and there are a lot of important industries in the county. While unemployment has reduced in the county, unfortunately the unemployment rate is well above the national average. There are a lot of hindrances to our activities in this county, e.g. the development of roads and the airport. Development of Tralee is dependant on the provision of the Ring Road. Kerry is being deprived of economic development at national level. The Tralee Killarney Hub must be questioned. It is not expected that there will be funding available for the development of the Hub. Item 5.4 regarding Tralee Killarney Hub states that the Hub will generate approximately 290 jobs per year. It is difficult to see how this could be achieved. The county must be attractive for people to invest in and live in. There are a lot of impediments in the county, e.g. recently increased levies and people cannot get planning because of the lack of infrastructure. This will have an impact on employment in the construction sector employment. Kerry is at a disadvantage until infrastructure is in place.

Cllr. T. Fitzgerald referred to Item 5.10.3.2 - Location of Retail Uses, on page 5-17. Difficulties have arisen within the current County Development Plan regarding this item. The County Development Plan must give clear guidance regarding the development of town centres as major shopping areas and the development of shopping centres outside the towns.

Cllr. D. Healy-Rae referred to the Killarney Environs Plan and said in 2007 management proposed a Business and Retail Park at Deerpark in Killarney. This development cannot be progressed because access is not available. A link road from the Park Road to the By-pass and a roundabout to facilitate the free-flow of traffic and the business park is required. This development is vital for the continuation of employment in Killarney. He said Mr. T. Sheehy initially spoke about planting forestry on this land, but he had not found a reference to this in the draft County Development Plan. Good land should not be planted as this land is an asset. Poorer land can be planted. It is unfair to farmers trying to exist on small holdings that they be required to forestry plant good

land. He PROPOSED that only bad land be used for forestry planting and that bog land also be excluded. Bog land should be fostered and maintained for the future.

Cllr. P. O'Donoghue referred to Section 5.10.3.4 - Retail Warehousing. Objective No. ECO 5-46 states "proposals for retail warehousing will generally be permitted on land zoned for this purpose where proposals comply with the objectives of this plan." He said this wording is slightly restrictive and asked if the following wording could be added "That proposals for retail warehousing where reasonably sustainable can be made in the context of a major development."

Cllr. M. O'Shea SECONDED this proposal.

Cllr. M. Cahill referred to Item 5.10.2 - Home Working. He asked that Council support for the development of and investment in Broadband be incorporated. A lot of businesses are operating from the home and hopefully that will increase.

Cllr. Cahill said Castlemaine Harbour, particularly Cromane, is facing a number of issues. Sourcing of mussel seed and draft net fishing are affected. He said the current County Development Plan includes a paragraph regarding Ballylongford Landbank and he asked if a similar paragraph could be incorporated regarding Castlemaine Harbour as it is an SPA. Employment is being created locally within the mussel industry with 80 people directly employed. This industry will be eradicated if proposals to prohibit mussel seed harvesting go ahead. Local people have made investments in the industry.

Cllr. J. O'Connor said:

- The SPA for Castlemaine Harbour was appealed five years ago and a plan was to be put in place and traditional practices were to be allowed continue. This designation is recommended by the NPWS and being driven by Europe. He said he questioned some of the designations being proposed.
- Kerry has a fabulous coastline. In France the sea and sea sports are developed. Kerry must make efforts to develop a sports structure for the sea for tourism purposes.
- The area of organics is developing. Over 65% of food being imported is organic. He said he led a deputation to the Minister for support for organic food. Tenders have been advertised and it is hoped to have consultants working on developing a structure around organics in this county, e.g. hotels and locals to buy locally. It is hoped, by year end, to have determined if there is a viable future in organics. The person producing organic food must be able to make a viable living from it.
- He referred to the creation of employment in the county and bringing new industries to the county. Money is being spent in gateways at present. Donegal had a gateway designated and roads there have improved. Funding is not being allocated to the hubs. Agencies creating employment and bringing industry to the county must be reviewed. Enterprise Ireland, with communities, are creating industrial units but the community must

provide a lot of money. Shannon Development are working on e-Towns. The future for Kerry is in e-commerce. Broadband is required in the county. A strategy to provide Broadband must be developed. People want to live in a beautiful area and work from home. Sufficient capacity with backhaul must be provided. This is not available at present. Broadband is the single most important thing for this county. The County Enterprise Board assists people starting up businesses. There is no other means of funding available to people to start up businesses in Kerry. The County Enterprise Board budget for 2008 has already been allocated. The youth of our county should be in a position to stay and work in the county but without infrastructure and facilities to get gainful employment this is not possible. People start up small businesses in their own homes in rural areas and the Planning Section are rejecting these proposals.

Cllr. P. McCarthy referred to businesses dealing with farm equipment that have developed in rural areas over a number of years. If these businesses require to increase their capacity and provide better facilities/buildings they would be deemed as operating an unauthorised operation and would not get planning. He asked how this should be dealt with the County Development Plan.

Mayor Healy-Rae said Cllr. Brassil had a motion to that effect at the Planning Meeting on 26<sup>th</sup> May, 2008.

Mr. G. O'Brien said the following resolution was voted on at the Planning Meeting on 26<sup>th</sup> May, 2008, and it was carried "That we the Members of Kerry County Council resolve that the following text would be added to the end of paragraph 5.8, page 5-11, "subject to proper planning criteria in relation to road safety, effluent disposal and residential amenity, particular emphasis will be placed on existing rural industries where expansion plans are required."

Mr. M McMahon replied to queries raised by Councillors as follows:

- He accepted the comment made regarding infrastructure deficit in the county. While some issues can be addressed by Kerry County Council, the Local Authority is dependent on funding at national level and co-operation from adjoining counties. It should be noted that works in Limerick are being designed by the NRDO based in Castleisland. Chapter 8 deals with Broadband. Infrastructure deficit does not only refer to roads, water and sewerage. Telecommunications is also a very important issue.
- Tourism is the premier industry in the county and its importance has been highlighted by, for the first time ever, allocating a chapter within the County Development Plan to Tourism (Chapter 6).
- Tralee Killarney Hub - Specific funding was identified for gateways. Hubs are also on the agenda regarding Developing Areas (areas which are within the hubs). The Minister for Housing and Urban Renewal has specific Ministerial responsibility to develop these areas. A Land Use Strategy has been prepared for the Hub. The County Development Board are preparing a Social Strategy for the Hub. The Hub is the major economic driving force within the county which will drive forward future development of the county.

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- Addition of town shopping centres and retaining services in towns and villages - It is very important to have a policy regarding out of town shopping centres. There is experience of their effect. The draft County Development Plan addresses this issue.

Mr. T. Sheehy responded to the following queries:

- Organic farming - The policy in the plan facilitates diversification of farming and development of farmers markets throughout the county. The plan is favourably disposed towards organic farming.
- Broadband - This will be dealt with at Section 8.6 of the County Development Plan.
- Castlemaine Harbour Designation. Castlemaine is designated as an SPA. Kerry County Council has no influence over this designation.
- Forestry – Mr. Sheehy said he could not recall indicating that good land should be used for forestry

Cllr. J. O'Connor asked that a letter issue to the Department seeking details on what was agreed for the Castlemaine Harbour.

Mr. T. Sheehy undertook to contact the Department on this matter.

Mayor Healy-Rae said the reference to good land being used for forestry was raised by Mr. Sheehy when he was reading from a document. This may have been an objective from a national policy.

Cllr. R. Beasley said it has always been an objective of Kerry County Council that arable land not be used for forestry.

Mr. T. Sheehy said there is no such objective in the Draft County Development Plan.

Mayor Healy-Rae said elected members wish to support an objective that poorer land be used for forestry. He asked that this objective be inserted to the draft County Development Plan. The draft County Development Plan cannot have an objective that only good land be considered for forestry.

Cllr. J. O'Connor asked for clarification regarding forestry not being allowed on Iveragh Peninsula.

Cllr. S. Fitzgerald he could not understand how Kerry County Council have a role in indicating to farmers where to plant forestry.

Mr. T. Sheehy said forestry planting in excess of 50 hectares requires planning permission. Planning legislation deals with the location of planting on certain land. Government policy deals with development of forestry. Kerry County Council are not developing or promoting individual new policies for forestry. He said he was not aware of a ban on forestry planting on Iveragh Peninsula.

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Cllr. J. O'Connor said he understands there is an issue regarding acidity and the sitca spruce on Iveragh Peninsula.

Mr. T. Sheehy said forestry is dealt with in Chapter 7 and can be discussed in considering that chapter. Chapter 7 does not mention planting on good land.

Cllr. D. Healy-Rae said this is an issue for farmers.

Mr. T. Sheehy referred to Cllr. O'Donoghue's comments regarding courthouses. Tralee and Killarney courthouses are not a matter for this plan. They will be dealt with by the Town Councils. There is merit regarding the vibrancy courthouses bring to the town centres. The heritage and maintenance of these buildings is important.

Cllr. P. O'Donoghue said Killarney courthouse is to be relocated outside the town centre. This proposal is contrary to the interests of the town.

Mr. T. Sheehy said there are instances where, by virtue of the size of the structure, the economics of repairing it and continuing the business of the courthouse, this may need to be done. The draft County Development Plan could have an objective to ensure where possible that courthouses be located in town centres.

Cllr. P. O'Donoghue PROPOSED that an objective be inserted to the draft County Development Plan "to ensure where possible that courthouse facilities will be located in town centres".

Cllr. M. Gleeson said there should be a requirement on state bodies to maintain such facilities and he SECONDED Cllr. P. O'Donoghue's proposal.

Mr. G. O'Brien said a vote would now be taken on the PROPOSAL by Cllr. P. O'Donoghue, SECONDED by Cllr. M. Gleeson "That we the members of Kerry County Council hereby resolve to insert Objective ECO 5-61 to read as follows: "to ensure where possible that courthouse facilities will be located in town centres".

The result of the vote was as follows:

**For:** Councillors Beasley, Brassil, Connor-Scarteen, S. Fitzgerald, T. Fitzgerald, Gleeson, Kiely, Leahy, McCarthy, O'Connor, O'Donoghue, O'Shea, Purtill, Sheahan, Healy-Rae **(15)**

**Against:** **(0)**

**Not Voting:** **(0)**

**Absent:** Councillors Buckley, Cahill, Cronin, Ferris, Fleming, Foley, D. Healy-Rae, MacGearailt, McEllistram, Miller, O'Brien, O'Connell **(12)**

Mr. G. O'Brien declared the resolution CARRIED.

Cllr. P. O'Donoghue referred to the proposal regarding warehousing.

Mr. T. Sheehy said Objective ECO 5-8 relates to home work units and it is a policy promoted by the County Development Plan. The Objective reads "Promote new, small and medium scale enterprises by facilitating the development of property solutions such home-work units, shared incubation facilities and home-working". Retail warehousing is dealt with in Local Area Plans where it has been designated. To include warehousing in Objective ECO 5-8 would give carte blanche to the County Development Plan.

Cllr. P. O'Donoghue said he was referring to the promotion of proposals on lands zoned where the proposal is reasonable and sustainable. Kerry County Council could decide whether the project would or would not be viable.

Mr. T. Sheehy said the inclusion of warehousing at ECO 5-8 would not give sufficient guidance and the Council's policy on this matter would not be clear to developers. Such cases could be dealt with through the material contravention process.

Cllr. P. O'Donoghue said the objective could be framed in order that it would be the Planner's decision. The proposed warehousing development would not be a stand alone development rather it would be part of a bigger development. Kerry County Council would be in a position to say whether the development was reasonable.

Cllr. D. Kiely said a lot of farm houses could be put to other use. He also referred to the use of 'visual impact' as a reason for refusal of planning permission. He sought a response to the query raised regarding road safety.

Mr. M. McMahon said the Planning Department and Roads Department co-operate with each other on road safety issues relating to planning applications. All major developments on national primary and national secondary roads are referred to the Roads Department and, if appropriate, to the National Roads Authority. The Roads Department do not specifically inspect each individual small planning application as Planners have training in this area and are in a position to adjudicate on road safety matters in these cases. The Roads Department do not have the capacity to inspect every planning application.

Cllr. D. Kiely said there may be more uniformity with planning decisions if all applications were referred to the Roads Department. Staff of the Roads Department may have more experience than the Planners to decide on these applications.

Cllr. Kiely requested that Item 5.7 – Ballylongford Landbank be changed to read Tarbert Landbank.

Cllr. L. Purtill said he could not agree with this proposal.



Mr. T. Sheehy referred to Cllr. O'Donoghue's proposal on warehousing and said he considered that land zoned for retail warehousing in the Local Area Plans addresses this matter sufficiently. If a proposal is received, rather than indicating to a developer it is possible to locate such a development in any area, the Local Authority is in a stronger position in dealing with the applicant. By inserting this proposal the Local Authority would have to justify why the development cannot go ahead.

Cllr. P. O'Donoghue said the material contravention procedure is cumbersome and tedious. In any County Development Plan Kerry County Council should be stimulating development in the county. A lot of big developments are not viable in the current climate. He said in order to stimulate growth and sustain existing jobs such a development could be allowed where it is found to be reasonable and sustainable.

Mr. T. Sheehy asked for a definition of "in the context of bigger development".

Cllr. P. O'Donoghue said this may apply where a residential development would need a warehousing development to make it viable. The Planning Authority may deem the development unviable. This County Development Plan must stimulate growth.

Mr. M. McMahon said this proposal suggests a warehousing development would make a bad development viable. The Planning Authority would argue that retail development makes towns and villages viable. If warehousing is not provided in areas that have been zoned then towns and villages will be made unviable because warehousing is being provided in another area.

Cllr. S. Fitzgerald referred to a case in An Daingean. Údarás na Gaeltachta were not in favour of a development because it was considered that goods were not being made on site. Kerry County Council did not identify an alternative site. A policy to deal with such cases is required. Lands zoned in towns are perceived to be very valuable. Businesses are seeking these storage units. The County Development Plan does not make provision for warehousing. The Planning Department say visual impact and road safety must also be considered. Cases in question have a low commercial type element.

Mr. T. Sheehy said Cllr. S. Fitzgerald is referring to retail warehousing not light industry.

Cllr. S. Fitzgerald said it is hard to distinguish the two types as both use storage and deal with bulky goods.

Mr. T. Sheehy said if land is zoned for retail warehousing it is good to see it become viable. It is not satisfactory to provide a warehousing outlet at a major housing development. It is inefficient for people using the warehousing outlet. Transportation is minimised by locating warehousing outlets in one area. He said the proposal undermines the viability of land that has been zoned and the proposal should not be permitted. The material contravention is available in such cases.

Cllr. P. O'Donoghue said this situation would arise in very few cases. The viability of a housing development/hotel may be dependent on whether or not retail warehousing was provided within the development. As a Local Authority the County Development Plan should react to the current economy which is on a down turn.

Cllr. M. O'Shea said he is aware of an application which was granted recently involving housing units with large units attached.

Mr. T. Sheehy outlined a case whereby full pre-planning had taken place and a developer was advised the proposed development would not be granted planning permission. The developer did not adhere to the Planning Authority's arguments against the development. The developer in this particular case still submitted an application.

Cllr. J. Brassil said he disagreed with Mr. Sheehy that a meeting can be held with a developer and the developer does not take the advice of the Planning Department. At all times it is open to any person to submit a planning application to make their development viable. Planners and developers can meet with 90% agreement but it is still the choice of the developer to make an application. Kerry County Council should be working towards making development viable. It will not happen very often in the current climate. If a development will create jobs and is of benefit to a town or village it should be supported.

Cllr. T. Fitzgerald said any proposal that creates employment should be supported. A developer could prove a development is viable in an unzoned location. Zoned land becomes unviable. The material contravention process can be used if necessary.

Mr. T. Sheehy agreed with Cllr. Brassil that anyone can make an application for any development they want. He also agreed with Cllr. T. Fitzgerald. Land is zoned in the environs of Tralee for retail warehousing and people are considering this land. This land has a price and people have purchased land on the basis of zoning. To include this proposal in the County Development Plan undermines the credibility of the zoning process. It also undermines the viability of the land and the Council's vision for that land. He said he could not accept the inclusion of this proposal in the draft County Development Plan.

Cllr. P. O'Donoghue said elected members discuss applications with Planners and the Planners tell elected members the County Development Plan is their plan. Every five years the County Development Plan reacts to the economic climate at the time. The construction area is currently stalled. This proposal is not carte blanche to everyone. This proposal relates to proposed developments within the context of bigger developments. Land may have amenity zoning but now it could include retail warehousing to create viability. This proposal creates options that developers may be abandoning and is proposed to stimulate growth. Such a development may be restricted by other objectives in the County Development Plan. The draft County Development Plan should include a positive statement to say such a development will be considered if it stimulates growth.

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Cllr. M. O'Shea said the IDA has not created jobs in Kerry for years. Kerry County Council must be pro-active to create sustainable jobs. There is merit in Cllr. O'Donoghue's proposal.

Cllr. N. Foley asked if the Tralee Environs Plan would be null and void should this proposal proceed.

Mr. T. Sheehy said the viability of land which has been zoned would be undermined.

Cllr. N. Foley asked if it is possible to include this proposal for exceptional cases.

Cllr. T. Fitzgerald said he would support any proposal that would stimulate job creation. He asked what effect Cllr. O'Donoghue's proposal would have on zoning in the Environs Plan.

Mr. T. Sheehy said Cllr. O'Donoghue is not referring to a specific case. The impact of the proposal has been outlined and land has been zoned in the Environs Plan for this purpose.

Cllr. T. Fitzgerald asked if the proposal is adopted and such developments proceed in other parts of the county would others follow.

Mr. T. Sheehy said it is impossible to say. It might not happen but there is a risk.

Cllr. P. McCarthy referred to page 5-19, Objective ECO 5-46 where it states "proposals for retail warehousing will generally be permitted on land zoned for this purpose where proposals comply with the objectives of this plan." and asked if this objective provides for the exceptional warehousing application.

Cllr. P. O'Donoghue said he wished to add the following to his proposal: "may be allowed in the context of a bigger development where valid, sustainable and viable reasons have been provided".

Mayor Healy-Rae asked if this debate is concluded.

Cllr. O'Donoghue said he had no further comments.

Cllr. T. Fitzgerald said the Objective ECO 5-46, referred to by Cllr. McCarthy, appears to provide for economic viability and job creation.

Cllr. P. O'Donoghue said he disagreed and said adding "may be allowed in the context of a bigger development where valid, sustainable and viable reasons have been provided." gives the Council options in making decisions.

Cllr. T. Fitzgerald declared he could have a conflict of interest in this area and may have to leave the Chamber.

Mayor Healy-Rae said he did not make any contribution on this debate. He declared that if a vote is taken on this matter he and Cllr. D. Healy-Rae would be leaving the Chamber as they have a direct conflict on this matter.

Cllr. N. Foley said she will also be withdrawing from the Council Chamber.

Mr. J.D. Flynn, Director of Corporate Services, said while a general discussion was taking place there was no issues for the members but when a vote is being taken this may create an issue under ethics legislation.

Cllr. T. Fitzgerald and Cllr. N. Foley left the Council Chamber.

Mr. McMahon said the situation proposed by Cllr. O'Donoghue will arise on few occasions. If there is a particular application where the Planning Authority is in favour of granting planning permission the material contravention process is available. This process takes, at longest, a period of two months.

Cllr. P. McCarthy asked if the following could be included in the Draft County Development Plan "that all other applications be dealt with through material contravention".

Mr. M. McMahon said there is no need to insert a reference to this legislation in the draft County Development Plan. The law specifically provides the material contravention process.

Cllr. P. O'Donoghue said he wanted a positive statement included in the Draft County Development Plan so people have an option available to them.

Mayor Healy-Rae asked for a proposal for a Councillor to take the chair.

On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. R. Beasley, Cllr. J. Brassil took the chair.

Mayor M. Healy-Rae, Cllr. D. Healy-Rae and Cllr. M. O'Shea left the Council Chamber.

Mr. T. Sheehy said wording as follows could be included: "in the context of larger developments retail warehousing may be considered where clear justification may be provided".

Mr. G. O'Brien, A/SEO, informed the meeting that a vote would now be taken on the following:

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Cahill, "That we the members of Kerry County Council hereby resolve to add the following to Objective ECO 5-46 "as part of a larger development retail warehousing may be considered where clear justification can be provided."

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The vote resulted as follows:

**For:** Councillors Cahill, S. Fitzgerald, Kiely, McEllistrim, O'Donoghue, Purtill, Brassil **(7)**

**Against:** Councillors Beasley, Ferris, Gleeson, Leahy, McCarthy, O'Brien, O'Connor, Sheahan **(8)**

**Not Voting: (0)**

**Absent:** Councillors Buckley, Connor-Scarteen, Cronin, T. Fitzgerald, Fleming, Foley, D. Healy-Rae, M. Healy-Rae, MacGearailt, Miller, O'Connell, O'Shea, **(12)**

Mr. G. O'Brien declared the proposal DEFEATED and the original wording in the Draft County Development Plan 2009-2015 stands.

Cllr. S. Fitzgerald referred to the storage yard in An Daingean and asked where that fits within the County Development Plan.

Mr. M. McMahon said that this was light industrial use.

Cllr. S. Fitzgerald asked where land in An Daingean has been zoned for this purpose.

Mr. M. McMahon said there is no prohibition against such a development. It is possible to provide such a development in rural general areas. Traffic would be the main issue to be considered.

Mayor M. Healy-Rae and Cllr. D. Healy-Rae returned to the Council Chamber.

Cllr. J. Brassil said job creation has been raised across all organisations; Chambers of Commerce, Kerry County Council, Enterprise Ireland and Shannon Development. He requested a report on the availability of broadband in Kerry as part of the draft County Development Plan or for full Council Meeting. The report should outline whether broadband is being provided by fibre optics or wireless. A clear message must be given to people investing in Kerry regarding broadband services that are available. Kerry Technology Park is fully equipped with broadband services and can facilitate any type of company starting up. Tarbert E-Town is going ahead because broadband is available.

Cllr. M. Gleeson SECONDED this proposal.

Cllr. T. Fitzgerald returned to the Chamber.

Cllr. T. Ferris said any area that has a mobile phone service can also be serviced with broadband. Availability of broadband must be clarified for people.

Cllr. J. O'Connor referred to Objective ECO 5-58 "Have regard to the advice of the South West Regional Fisheries Board, the Shannon Regional Fisheries Board and/or Southern Regional Fisheries Board as appropriate, and recommendations of the Environmental Section of Kerry County Council in assessing the environmental impact of developments." The water framework established the River Basin Districts and they should also be included in this objective.

Cllr. T. Fitzgerald SECONDED this proposal.

Mr. T. Sheehy sought clarification on the name of this body and asked if they are statutorily established.

Cllr. J. O'Connor said these bodies are statutorily established and elected members are representatives on these boards.

Ms. A. Haugh, Director of Environmental Services, said these are statutorily established bodies and are titled South West River Basin District and Shannon River Basin District.

Mr. M. McMahon undertook to update Objective ECO 5-58 with the titles of the River Basin Districts.

Cllr. N. Foley and Cllr. M. O'Shea returned to the Chamber.

Mr. T. Sheehy referred to the expansion of existing farming equipment businesses and said generally the Planning Authority are in favour of them unless there is a particular difficulty.

Cllr. P. McCarthy referred to comments made by the Director of Planning that the Roads Department, generally speaking, do not provide reports on every application for planning in rural areas where dealing with national primary and national secondary roads. He asked if the report by a Roads Engineer on a particular issue is taken on board by the Planning Department and if the Roads Engineer says an existing hedgerow should be pushed back to make sight distance acceptable is that accepted by the Planning Department.

Mr. M. McMahon said the Planner dealing with the application takes all reports on board and makes a decision on the application based on the advice received. There is an objective in the existing County Development Plan to maintain hedgerows. If the Roads Department recommend that a hedgerow be pushed back a decision must be taken as to whether that is an acceptable compromise or if the planning application should be refused due to the effect on the natural environment.

Cllr. P. McCarthy asked is it general policy that the Planning Department accept, where necessary, pushing back an existing hedgerow.

Mr. McMahon said pushing back an existing hedgerow must be controlled by the developer and there must be co-operation with the adjoining landowners.

Cllr. D. Kiely said when taking a bend off a road the Roads Authority do not replace the hedgerow. This conflicts with people seeking planning permission being requested to replace the hedgerow.

Mr. M. McMahon said in general the Council is back planting the locations referred to by Cllr. Kiely and in a few years the fencing will not be visible.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. R. Beasley, it was unanimously agreed to adopt Chapter 5 subject to amendments agreed by resolution.

## **CHAPTER 6 – TOURISM**

Mr. T. Sheehy briefed Elected Members on Chapter 6 – Tourism, with the aid of a power-point presentation. The presentation included the following:

- Kerry's tourism industry is a significant economic and social force in the county with 15% of the county's workforce employed in this sector in 2001.
- Fáilte Ireland South West – Regional Development Plan 2008 -2010 has provided the framework for the development of the land use tourism strategy, objectives and policies set out in the plan
- Fáilte Ireland in 2006 found that 80% of respondents cited Ireland's scenery as an important reason for visiting and 74% were attracted by the natural unspoilt environment.
- The county's maritime heritage and the indigenous strengths of the region's coastal environs provide the capacity to develop maritime tourism. Kerry therefore has the capacity for extensive coastal development involving marinas, new and improved sailing centres, angling and improved access to the coast.
- Rivers and lakes provide significant leisure opportunities which have not, in general, been realised including walks, angling, and eco-tourism and cycle ways.
- Fáilte Ireland – South West are seeking the development of a Flag ship attraction and indoor adventure activity centre while promoting indoor attractions in general
- There is significant potential for growth in the business tourist sector, particularly in the Tralee-Killarney corridor where the majority of the commercial enterprises are located.

Mr. T. Sheehy said the Draft County Development Plan 2009-2015 recognises the importance of tourism. In the draft County Development Plan, unlike the current plan, there is a chapter dedicated specifically to tourism.

Mayor Healy-Rae referred to Objective No. T6-13 "Protect the natural resources upon which tourism is based including landscape character, bogs; water quality and bio-diversity." He sought clarification that this objective will not be interpreted that there is a restriction on cutting of bogs. Landowners must be entitled at all times to cut bog for themselves.

Mr. T. Sheehy said there are no such implications with this objective.

Cllr. J. Brassil referred to the following:

1. As a tourism county Kerry should have a specific Tourism Officer appointed with no role other than dealing with tourism. He said he understands a Kerry County Council staff member has a specific role regarding economic development and tourism. As Shannon Development are no longer involved in tourism and Cork Kerry Tourism is no longer in place, people have no person or organisation to address a query regarding tourism. He PROPOSED that the appointment of a Tourism Officer be an objective of the County Development Plan.
2. Section 6.3.3, page 67 "In recent years coastal erosion has caused significant damage in some areas. The protection of existing infrastructure and the unspoilt beauty of the whole coastline are of major importance if its recreational and tourism potential can be realised in a sustainable manner. Given the importance of a scenic coastline the establishment of additional caravan sites needs great care to ensure that the amenity value of the coastline is not reduced."  
He PROPOSED that this paragraph be amended to read "In recent years... to ensure that the amenity value of the coastline and the dunes is not reduced."

Cllr. T. Ferris SECONDED Cllr. Brassil's proposal to include "and the dunes" at section 6.3.3.

Cllr. M. Gleeson said ready access should be available to the major tourist attractions in the county. He referred to a previous Notice of Motion he had moved regarding Carrantuohill calling for the provision of a bridge and asked if this matter has been progressed in any way. The use of barbed wire also prevents access to tourist attractions.

Cllr. Gleeson also referred to Objective T6-55 "Facilitate the development of water sports, surfing and water related events." He said he has no difficulty with this objective if it relates to the sea, however, if it refers to lakes it would be inappropriate. He said there is huge tourism potential in the development of cycling. County Kerry has failed to develop adequate cycling lanes and cycling ways for visitors. He requested that in consultation with the NRA the Local Authority ensure roads have cycle ways developed. He said he has also tabled a Notice of Motion at Killarney Town Council to call on Iarnród Éireann to provide adequate facilities for transporting bicycles.

Cllr. R. Beasley supported Cllr. J. Brassil regarding the appointment of a Tourism Officer. Kerry is associated with Cork but it is not getting equal promotion. North Kerry requires equal recognition to South Kerry. With regard to developing water resources such as sports and leisure facilities there is an onus on public representatives and the Local Authority that efforts be made to develop resources along the coastline. He said he also supported Cllr. Brassil on the protection of sand dunes. With regarding to Blue Flag Beaches, Ballybunion has had a blue flag for a long time. He said public toilets in the town of Ballybunion should be moved onto the men's beach. Access should also be provided to the beach for disabled persons. These issues may prevent the south beach from receiving the blue flag in future years.



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Cllr. M. O'Shea said the Tourism chapter is welcome. He supported Cllr. Brassil's proposal to appoint a Tourism Officer and said a comprehensive Tourism Plan for the county should be developed. Rail and airport services are not being utilised to their full potential to develop this sector. Tourism is the only way forward for this county. The IDA should be requested to assist with tourism projects that would provide job creation in the future. He asked that the County Development Board would call on the IDA regarding this matter.

Cllr. O'Shea referred to Objective T6-18 "Generally permit the use of houses in rural areas for the provision of small scale commercial visitor accommodation, where such provision does not give rise to a traffic hazard, or have an adverse impact on residential amenity or the environment." and said this objective is welcome but most applications made for B&B are refused planning permission. The Planning Department are interpreting this objective differently. New houses being built in rural areas have an embargo on the application regarding the provision of B&B.

Mr. T. Sheehy said a B&B with up to four bedrooms is exempt from planning.

Cllr. O'Shea referred to Objection T6-21, page 6-6, and said there is no potential for development of activity/wellness related tourist uses and facilities. The Kerry coastline is covered by bullet 2 of this Objective "A proposed development is in proximity to an existing tourist/recreational attraction and will not have an adverse impact on the area or detract from the existing development." He referred to Objective T6-24, page 6-7, "Prohibit development which would significantly diminish the amenity and/or economic value of lakes or beaches or any of their assets or amenities." and said he also considers this objective prohibitive.

Cllr. T. Ferris referred to coastal erosion and asked if provision can be made in Chapter 6 for a situation whereby when access to significant tourist amenities is prevented by coastal erosion of a road the Local Authority could compel the landowner to upgrade the road or allow the Council to do the upgrading works.

Mr. T. Sheehy said Objective No. T6-19 refers in the case referred to by Cllr. Ferris "Encourage use of mountains, moor, lands and forests, valleys and lakes, for activities such as hill walking and nature related activities, in co-operation with State Agencies and other interested bodies and local community groups. In this regard, the Council shall, subject to financial resources, improve access and create public rights-of-way where appropriate".

Cllr. T. Ferris said to improve access ownership is required. She asked if there is any means by which the Local Authority position can be strengthened and co-operation of the landowner obtained.

Mr. T. Sheehy referred to Objective No. T6-20 "support and promote, with the co-operation of private landowners, public access to heritage sites and features of archaeological interest, coastal areas, mountains, rivers, lakes and other natural amenities".

Cllr. T. Ferris asked is this objective can be strengthened as there have been instances where the Local Authority did not have co-operation of the landowner.

Mr. T. Sheehy said to strengthen co-operation of the landowner would require a CPO of the land. To CPO access to a heritage site would create difficulties and there would be legal implications and costs.

Mr. M. McMahon said this is a national rather than a local issue. Minister Ó Cuív has been very active in negotiations with farming organisations on this issue. Pilot projects have been undertaken on the East coast and it is hoped agreement will be reached.

Cllr. D. Healy-Rae referred to the following issues:

- Public houses where an immense tourist attraction around the county with storytellers, dancers and musicians providing entertainment. Tourists came to sample our culture. This culture has deteriorated because of drink driving legislation. He asked is there any way to address this situation as tourism is suffering immensely because of legislation.
- With regard to Cllr. Gleeson's comments on barbed wire he asked if this relates to access on public rights-of-way. He asked if it is being suggested farmers cannot use barbed wire. If there is a right-of-way access should be allowed.
- He expressed concern regarding old castles, etc., falling into disrepair and said effort should be made to address this. He asked who is responsible for checks on such sites to determine if they had been tampered with.

Cllr. M. Cahill referred to the following:

- He welcomed Objective T6-7 "Secure the establishment of a flagship visitor attraction in the County, subject to normal development management standards". As a premium tourist county such a visitor attraction should be established and a timeframe put on its development.
- He referred to paragraph 6.3.3 regarding coastal erosion and said the lack of investment in coastal erosion requires attention and investment. Coastal erosion has been raised on numerous occasions by elected members. He welcomed the Cllr. Brassil's proposal to add "sand dunes" to paragraph 6.3.3.
- He welcomed the inclusion of Objective T6-27 regarding the development of marinas and said he had recently tabled a Notice of Motion regarding the development of marinas. Kerry has a valuable coastline and development of marinas should be encouraged and invested in. The coastline is the county's greatest natural asset and should be treated accordingly.
- He said as a premium tourist county, holiday homes should be allowed in certain areas. The current policy allows holiday homes in serviced areas in towns and villages. Where there is a history of strong demand for holiday homes they should be allowed.

Cllr. M. Connor-Scarteen said Kerry County Council should do everything possible to re-instate the Cork/Swansea Car Ferry for the 2009 season. He requested that the Department of Transport be contacted regarding this matter. The absence of this service is affecting Kerry and West Cork in particular.

Cllr. D. Kiely supported Cllr. Brassil's proposal regarding the appointment of a Tourism Officer for the county. The lack of the Cork/Swansea car ferry service is reducing the number of tourists in the county. He also supported the development of water related activities. With regard to the difficulties with rights-of-ways he asked if maps are available indicating public rights-of-way.

Cllr. Kiely referred to Objective T6-25 "restrict new non-maritime development in the vicinity of shorelines. Proposals for such development will not generally be considered" and T6-26 "support and promote, with the co-operation of private landowners improved access to the coastline." He said this conflicts with Item 5.10.3.2 of Chapter 5 and asked how it will affect Tarbert.

Mr. T. Sheehy said land in Tarbert is zoned industrial and is therefore distinguished from other coastal areas.

Cllr. D. Kiely said all coastline will be restricted if it is not zoned.

Mr. T. Sheehy said this is the case as the Planning Authority do not want unnecessary development on the shoreline. There is no total prohibition and generally the Planning Authority would be favourably disposed to a good proposal for a hotel.

Cllr. S. Fitzgerald said walkways are very important but it appears that Kerry is behind in terms of walkway facilities. He referred to Objective T6-53 on Page 6-15 "Co-operate with the Irish Sports Council, Fáilte Ireland, National Way Marked Way Advisory Committee, Coillte, the Heritage Council and other relevant bodies, in order to support the development, maintenance and enhancement of walking routes throughout the county in an environmentally sustainable way." and PROPOSED the following should be added to this paragraph "through the employment of a designated Tourism Officer". It is within the remit of Area Engineers to oversee walkways, but they are not a priority. There are a lot of walkways that people do not know about. Such walkways are not marked or advertised. There is no issue with people walking on these walkways. Routes should be marked and advertised. Some walkways have been blocked by landowners because walkers did not close gates. He said the role of the Tourism Officer must be specific as there are a lot of organisations promoting tourism but they are crossing functions.

Cllr. R. Beasley **SECONDED** Cllr. S. Fitzgerald's proposal regarding the role of the Tourism Officer.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 2.45pm.

Cllr. N. Foley supported the proposal to appoint a Tourism Officer tourism is fragmented in the county. There are many good organisations working on tourism issues, but no one unit to promote the county. Kerry does not get full promotion because it is tied to Cork. A Tourism Officer would oversee and co-ordinate all aspects of tourism in the county. Kerry is weak in the provision of signage for tourism products. Kerry County Council should be more proactive in terms of signage and special consideration should be given to signage for such products. She welcomed the dedication of a chapter in the Draft County Development Plan to tourism. It shows how significant tourism is to the county. As Kerry is the premier tourism capital a special roads provision should be given to Kerry County Council for the upkeep, maintenance and improvement of the county's roads.

Mayor Healy-Rae asked for the co-operation of the members to finalise consideration of the Draft County Development Plan 2009-2015 at today's meeting and requested members to speak specifically on the plan.

Cllr. T. Fitzgerald welcomed the proposal to appoint a Tourism Officer to develop tourism activities for the county. Kerry County Council should be more involved in promoting tourism activities. Major events in the county can attract TV coverage. Kerry County Council should be supportive of organisations holding national events in the county. He supported Kerry County Council making every effort to re-instate the Cork/Swansea car ferry.

Cllr. T. Fleming said Chapter 6 gives recognition to many amenities in the county, e.g. museums, walks, etc. There is a lack of emphasis on the Sliabh Luachra area, an unspoilt area with a vast culture, particularly in music and literature. This is a serious omission from this chapter. The opportunity should be availed of to promote the Sliabh Luachra area. This area has been given recognition throughout Europe and in other continents. He requested that Sliabh Luachra be included in Chapter 6. A Tourism Plan should be put in place and Kerry County Council should provide leadership. Existing organisations in the tourism area, LEADER groups, Conradh na Gaeilge and the Arts Officer should work together to promote tourism in the county. This matter should be referred to Government and Fáilte Ireland. Co-operation is also required from the Department of Finance to give tax breaks for the provision of B&Bs and restaurants. He asked the Head of Finance to consider a rate exemption from Kerry County Council.

Cllr. J. O'Connor referred to:

- Objective T6-19 regarding co-operation of landowners. Consultation must be held with landowners and their co-operation sought. There is a scheme in place regarding developing walks with landowners. He requested that landowners be included in Objective T16-19.
- Objective T6-21 regarding activity/wellness related tourist uses and facilities. A lot of lands in Kerry are designated but there is no signage in place regarding the designations.
- Objective T6-23 regarding maritime tourism should be strengthened.

- Objective T6-28 regarding caravan and camping sites. The development of caravan/camping sites, to the proper specifications, should be allowed.
- Objective T6-31 regarding infrastructure for water based activities and said this objective must be strengthened. There should be linkage between towns to come together and develop this type of tourism.
- He highlighted the importance of Objective T16-33 regarding protecting the inherent character of towns and villages through the implementation of the design and heritage objectives in this Plan and in Local Area Plans.
- Coastal tourism – Kerry has a fabulous coastline which should be developed and sailing should be incorporated.
- Objective T6-51 regarding the development of Kerry as a destination for sports and recreation related tourism. He said Kerry is fortunate to have the “An Turas” world event taking place in the county. The county should seek to host more international/EU/national events. This area must be strengthened. Sailing could also be included in this objective.
- He said the Kerry Way and An Daingean Way were to be linked and asked if an objective to link these walk ways could be included.

Cllr. P. McCarthy referred to Objective T6-59 and PROPOSED that the following be added “Over the lifetime of the Plan that we provide local road name signs as you would see all over Northern Ireland.”.

Cllr. M. Cahill SECONDED this PROPOSAL.

Mr. T. Sheehy replied to issues raised by elected members as follows:

- With regard to the appointment of a Tourism Officer, the Draft County Development Plan is a land use plan. While there may be benefits to the appointment of a Tourism Officer this is not the appropriate plan in which to include an objective to appoint a Tourism Officer.
- Regarding Cllr. J. O'Connor's request regarding Objective T6-51, this objective will be amended to read as follows: "Support in conjunction ... the development of Kerry as a world-class destination for sports and recreation related tourism."

Cllr. J. Brassil referred to his proposal that an objective to appoint a Tourism Officer be inserted to the draft County Development Plan and said this would be a target for the executive to meet.

Mr. J. O'Connor, Deputy County Manager, said the County Development Plan is a physical plan. It would not be appropriate to dealing with the appointment of staff within this plan. At present some work is being undertaken on tourism with the Community & Enterprise Department. Management readily agrees with the elected members on the importance of tourism for the county. However, an additional staff member may not be the way to progress this matter. Consideration will be given to re-orientating or re-focusing the staff member of the Community & Enterprise Department on the objective the

members are setting out. It must also be borne in mind that Fáilte Ireland is the statutory tourism promotion agency and any role Kerry County Council would play is a supportive role in this promotion. The Director of Roads and Transportation works with the Walks Committee that is in place. The Walks Committee is working on a project which would entail securing funding for the appointment of a Walks Officer/Facilitator. By considering resources and refocusing efforts with the Community and Enterprise Department a whole-time appointment may be achieved and work could be undertaken with companies such as LEADER groups that have substantial budgets.

Cllr. M. Gleeson referred to Objective T6-53 regarding co-operating with various bodies on the development, maintenance and enhancement of walking routes throughout the County in an environmentally sustainable way and asked if the Kerry Local Sports Partnership should be included with this objective.

Cllr. J. O'Connor referred to Objective T6-19 regarding co-operation of landowners and asked if this objective is suggesting that people can walk other people's land without the landowner's agreement. This is where the difficulty has been arising. Agreement is now being reached on this issue with landowners. He said he is strong supportive of this issue and would like to see it progress positively.

Mr. C. O'Sullivan, Director of Roads and Transportation, said in including Objective T6-19, Kerry County Council is conscious that statutory bodies are working with farming bodies and landowners in promoting this matter. The Walks Committee is working with other bodies in developing a strategy to encouraging landowners co-operation. Involvement of landowners is a major factor in developing this objective.

Cllr. J. O'Connor said the main group in developing this objective are the landowners and he asked that landowners be included in Objective T6-19.

Mr. T. Sheehy said:

- Objective T6-19 will be re-worded as follows "Encourage use of mountains, moor lands and forests, valleys and lakes, for activities such as hill walking and nature related activities, in co-operation with state agencies, landowners and other interested bodies and local community groups. In this regard, the Council shall, subject to financial resources, improve access and create public rights-of-way where appropriate".
- Objective T6-59 will be amended to read as follows "Promote the improvement of roads, existing amenity and viewing areas on tourist routes and provide for car parking, public facilities and access in scenic routes and provide local road name signs."
- Mr. T. Sheehy said the Cork/Swansea Car Ferry is not an issue to be dealt with under the County Development Plan.
- Objective No. INF8-12(b) 'Providing appropriate signage' deals with signage issues.

- Cllr. S. Fitzgerald referred to an emphasis on walking routes. There is huge emphasis on this within the Tourism Chapter and the Infrastructure Chapter which adequately deals with this matter.
- Paragraph 6.8.3 will be amended to read as follows: "Kerry is well known for its traditional music, song and dance, including areas such as Sliabh Luachra and West Kerry. There are a number of centres for traditional culture and music. Siamsa Tíre, the National Folk Theatre in Tralee is a showcase for Irish art and drama while Finuge is the home for Teach Siamsa - a centre for Irish folklore and storytelling. Numerous other cultural centres are located throughout the County such as the Musical and Cultural Centre at An Daingean located in what was the Old Church of Ireland and the St. John's Theatre and Arts Centre in Listowel".
- Responsibility for the maintenance of ogham stones lies with the NPWS and the Department of the Environment.

Cllr. R. Beasley sought clarification regarding the provision of wheelchair access to public conveniences.

Mr. T. Sheehy said this matter will be dealt with later in the plan.

Cllr. M. O'Shea sought clarification on Objectives T6-18 and T6-28.

Mr. T. Sheehy said:

- Objective T6-18 refers to houses which would be in excess of exempted development standards. Under Planning and Development Regulations a house with four bedrooms, each containing up to four beds, is exempted development.
- Objective T6-28 relates to protecting the coastlines of the county. From Fáilte Ireland statistics Kerry has 2,070 camping home pitches, the highest number in Ireland. This is an effort to steer tourism in the county towards high quality tourism developments and to increase the benefit to the towns and villages of tourism coming into the county.

Cllr. M. O'Shea said Objective T6-28 places a total restriction on further campsites in the county. These businesses can be regularised in the manner which has been applied to the campsite in Castlegregory. He asked if this objective is damaging areas which may wish to develop.

Mr. T. Sheehy said Objective T6-28 would have a restrictive effect.

Cllr. M. O'Shea PROPOSED the removal of Objective T6-28 "Restrict the development of any new caravan or camping sites outside the designated settlement centres throughout the county".

Cllr. D. Healy-Rae SECONDED this PROPOSAL.

Mayor M. Healy-Rae said a vote would be taken on the removal of Objective T6-28.

Mr. G. O'Brien said a vote would now be taken on the PROPOSAL by Cllr. M. O'Shea, **SECONDED** by Cllr. D. Healy-Rae, "That we the members of Kerry County Council hereby resolve to delete Objective T6-28 from the Draft Kerry County Development Plan 2009 - 2015."

The result of the vote was as follows:

**For:** Cllrs. Brassil, Cahill, Connor-Scarteen, S. Fitzgerald, T. Fitzgerald, D. Healy-Rae, MacGearailt, McCarthy, McEllistrim, Miller, O'Brien, O'Connor, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae **(16)**

**Against:** **(0)**

**Not Voting:** N. Foley **(1)**

**Absent:** Cllrs. Beasley, Buckley, Cronin, Ferris, Fleming, Gleeson, Kiely, Leahy, O'Connell, Purtill **(10)**

Mr. G. O'Brien declared the resolution **CARRIED**.

Cllr. P. O'Donoghue sought clarification on Objective T6-17 regarding the re-development of derelict, vacant or redundant buildings.

Mr. T. Sheehy said the restoration of derelict buildings for holiday homes is permitted in the current County Development Plan. Objective T6-17 is intended for urban buildings intended for people to let rooms. Restoration of a derelict building to provide a dwelling house is permitted under Chapter 3 of the current County Development Plan.

Cllr. P. O'Donoghue asked for clarification of "in the vicinity of shorelines".

Mr. T. Sheehy said this means along the shoreline.

Cllr. P. O'Donoghue asked if the Draft County Development Plan restricts facilities required to support marine tourism such as boatyards and industrial boat storage. Applications for the development of refurbishment facilities have experienced difficulties with planning. Marine tourism facilities cannot be promoted without refurbishment facilities in place. He **PROPOSED** a positive statement be included in the draft County Development Plan regarding the provision of repair and storage facilities.

Cllr. C. Miller **SECONDED** this **PROPOSAL**.

Mr. T. Sheehy said wording to this effect could be included under Objective T6-23.

Cllr. P. O'Donoghue **PROPOSED** that "including the provision of necessary maintenance/storage facilities" be included at Objective T6-23.



## Minutes Special Planning Meeting

Mr. G. O'Brien, A/SEO informed the meeting that a vote would now be taken on the following:

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. C. Miller "That we the members of Kerry County Council hereby resolve to add the following to Objective T6-23 "including the provision of necessary maintenance/storage facilities". The vote resulted as follows:

**For:** Cllrs. Cahill, S. Fitzgerald, T. Fitzgerald, D. Healy-Rae, Kiely, MacGearailt, McCarthy, McEllistrim, Miller, O'Brien, O'Connor, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae **(15)**

**Against:** **(0)**

**Not Voting:** **(0)**

**Absent:** Cllrs. Beasley, Brassil, Buckley, Connor-Scarteen, Cronin, Ferris, Fleming, Foley, Gleeson, Leahy, O'Connell, Purtill **(12)**

Mr. G. O'Brien declared the proposal CARRIED.

Cllr. C. Miller PROPOSED that Objective T6-50 include the Maharees.

Cllr. M. O'Shea SECONDED this PROPOSAL.

It was unanimously agreed to include the Maharees at Objective T6-50.

Cllr. M. Cahill sought clarification regarding the designation of Castlemaine Harbour as an SAC.

Mr. T. Sheehy said SAC and SPA designations are determined by the Department. Kerry County Council cannot influence these designations.

Cllr. M. Cahill asked if Kerry County Council could make a special case for Castlemaine Harbour as the fishing industry in this area is under threat.

Mr. T. Sheehy said in Chapter 5 includes objectives regarding fisheries which includes Castlemaine Harbour. An objective to facilitate strategies of local communities is included.

Cllr. M. Cahill sought clarification regarding exemptions for SPAs and said there are specific exemptions which are not being applied to the harbour.

Mr. T. Sheehy said if exemptions apply under the SPA, the Department would grant these exemptions.

Cllr. P. McCarthy referred to Objective T6-59 and PROPOSED that local road name signs would also be provided.

Cllr. T. Fitzgerald SECONDED this PROPOSAL.

It was unanimously agreed to include "provide local road name signs" at Objective T6-59.

Cllr. J. O'Connor said a lot of our County is designated as an SAC and elected members are not always notified of such designations. Landowners have a right to know why their land is designated and should be notified. There was an appeal to the designation of Castlemaine Harbour. An agreement had been reached that traditional practices would be continued. The fishermen who took the appeal have not been notified of the agreement. People should know why an area is designated and the NPWS should erect signage regarding designations.

Mr. T. Sheehy said Castlemaine Harbour is a marine SAC. If lands are included, Kerry County Council is notified. A record of designated areas is maintained in the Planning Department. Kerry County Council has no role in maintenance or management of SACs or SPAs.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. T. Sheahan, it was unanimously agreed to adopt Chapter 6 subject to amendments agreed.

### **Chapter 7 - Natural Resources**

Mr. T. Sheehy briefed elected members on Chapter 7 - Natural Resources with the aid of a PowerPoint presentation. The presentation included the following:

- Develop Natural Resources while protecting the environment
- Minimise significant adverse effects
- Extractives Industry:
  - Not proposed to do aggregate mapping of county
  - Facilitate development of the extractive industry while ensuring the protection of the natural environment & adjacent residential amenities
- Forestry
  - Development & sustainable management of forestry
  - Emphasis on use of forests for recreation, tourism, energy & timber
- Renewable Energy
  - Require all new housing developments (public & private) greater than 10 houses to provide a detailed assessment of the potential for district heating using renewable energy technology
  - Facilitate (and promote) the use of micro-renewable technologies, where appropriate, through the planning application process.
  - Facilitate the utilisation of wave energy by facilitating appropriate infrastructure for the harnessing and utilisation of same.
- Wind Energy
  - Location: Within exclusion zones around urban centres, provision may be made for individual turbines servicing technical or institutional facilities where it can be demonstrated that residential amenity will not be affected.
  - Self Supply: Facilitate single or twin wind turbines in appropriate industrial/commercial locations for self supply
  - Map – 1000m exclusion distances from towns/villages

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed to adopt Chapter 7 as presented.

## **Chapter 8 - Transport and Infrastructure**

Mr. T. Sheehy briefed elected members on Chapter 8 - Transport and Infrastructure with the aid of a PowerPoint presentation. The presentation included the following:

- Introduction
  - Promote the provision of infrastructure in a sustainable manner having regard to the overall strategy and settlement strategy of this plan
- Transport
  - Maximise the beneficial return on investment in transport infrastructure by protecting the carrying capacity of all routes in the interest of value for money and public safety
- Road Network
  - Reserve lands needed for INF 8-11 and the construction of relief roads as indicated in the adopted local area plans
  - Formulating and adopting a Kerry County Council Road Safety Strategy at three-yearly intervals
  - Introduce pay parking to fund the provision of car parks as required
- Waste Management
  - Facilitate the upgrading of existing waste disposal/recovery/recycling facilities and the access to same to accommodate the increased level of usage of these facilities.
- Water Services
  - Comply with the EU Water Framework Directive, Drinking Water Regs., and EPA licencing requirements
  - Prioritise the provision of infrastructure having regard to the pollution potential, sensitivity of receiving waters and the settlement strategy of this plan
  - Critical to protect Lough Guitane water source (see obj. 11-4)
  - Protect all sources and potential sources of public water supply within the county from pollution resulting from any development (see obj 11-16)
  - Comply with Waste Water Discharge (Authorisation) Regs 2007
- Burial Grounds
  - Provide and facilitate the provision of adequate burial grounds in appropriate locations throughout the county
  - Develop a modern efficient telecommunications network serving the county

Cllr T. Fitzgerald said:

- Kerry County Council's primary objective must be the conservation of water and protection of water sources. This must take precedence over other activities.
- An alternative design for bring banks should be developed. The present design is inadequate and is an eyesore in most areas. There is also an issue regarding illegal dumping at bring banks. The Draft County Development Plan should include an objective to identify a new design for bring banks.
- With regard to burial grounds he asked if Kerry County Council has means by which people can identify the exact location of a grave so people can access burial plots of relatives.

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Cllr. P. McCarthy referred to Objective INF8-21 and requested that the N22 County Bounds to Cork be included at this objective.

Cllr. T. O'Brien referred to Clogherbrien burial ground and asked who is responsible for this burial ground.

Cllr. O'Brien also said public abuse of areas around bring banks is a problem. People leave bottles beside the bring banks when they are full. There is a shortage of bring banks in bigger towns.

Mr. T. Sheehy said bring banks are available which can be located underground, with a small element overground. This objective relates to new commercial planning grants and a requirement that such developments make provision for bring banks. The Environment Department can review the design of existing bring banks.

Ms. A. Haugh, Director of Environmental Services, there is an issue with the dispersal of bring banks and particularly that not enough bring banks are provided in urban areas. Kerry County Council is meeting overall requirements regarding targets in the Regional Waste Management Plan but not meeting targets per 1,000 population in urban areas. Difficulties experienced with illegal dumping would be alleviated if more bring banks were provided.

Cllr. T. Fitzgerald said CCTV cameras are located at bring banks and they should be emptied more often but consideration should be given to an alternative design.

Ms. A. Haugh said Cllr. T. Fitzgerald's request will be considered by the Environment Department.

Mr. T. Sheehy said Objective INF 8-47 refers to the provision of recycling/recovery facilities. Bullet point (d) at this objective could be amended.

Cllr. T. Fitzgerald requested that "an improved design for bring banks" be added to Objective INF 8-47, bullet point (d).

Cllr. T. O'Brien said people do not want bring banks located near them because of difficulties with illegal dumping.

Cllr. N. Foley said in locations where bring banks are being monitored people illegally dumping waste by the bring banks were "spoken" to by those monitoring the CCTV cameras. This spoken communication via the CCTV cameras has proven to work well.

Ms. A. Haugh said the Environment Department has investigated this system and quotations have been sought. This system has been found to be more troublesome in some areas and is not suitable in areas where there is a heavy footfall. This system may be cost prohibitive.

Cllr. D. Healy-Rae asked if foreign language signs could be erected at bring banks.

Mr. T. Sheehy said this is a matter for the Environmental Section rather than an objective to be included in the Draft County Development Plan. It has been found that a high level of foreign signage erected does not promote integration and is less of an incentive for people to learn a language.

Mr. J. O'Connor, Deputy County Manager, said this matter can be considered within social inclusion policies.

Mr. G. O'Brien said a vote would now be taken on the PROPOSAL by Cllr. T. Fitzgerald, SECONDED by Cllr. C. Miller "That we the members of Kerry County Council hereby resolve to amend Objective INF 8-47(d) to read "Facilitate the upgrading and improved design of existing and new waste recycling and recovery facilities and the access to same to accommodate the increasing level of usage of these facilities."

The result of the vote was as follows:

**For:** Cllrs. Cahill, S. Fitzgerald, T. Fitzgerald, Foley, Kiely, Leahy, McCarthy, McEllistim, Miller, O'Brien, O'Connor, M. Healy-Rae **(12)**

**Against:** **(0)**

**Not Voting:** **(0)**

**Absent:** Cllrs. Beasley, Brassil, Buckley, Connor-Scarteen, Cronin, Ferris, Fleming, Gleeson, D. Healy-Rae, MacGearailt, O'Connell, O'Donoghue, O'Shea, Purtill, Sheahan **(15)**

Mr. G. O'Brien declared the resolution CARRIED.

Mr. T. Sheehy referred to Cllr. P. McCarthy's query regarding Objective INF 8-21. The N21 Abbeyfeale to Adare Road is included in the Draft County Development Plan because a portion of that road is within County Kerry. The N22 County Bounds to Cork is not included as it is not within the county.

Cllr. J. O'Connor referred to Item 8.2.10 regarding Regional Roads and requested that the Killorglin to Cromane road be included at this item.

Cllr. M. Cahill SECONDED this PROPOSAL.

Cllr. D. Healy-Rae requested that the Gap Cross to the Gap Road would be included at this item.

Cllr. M. Healy-Rae SECONDED this PROPOSAL.

Mr. M. McMahon said Item 8.2.10 refers to large regional roads. This section does not deal with tourist routes.

Cllr. M. Cahill asked if the elected members can propose that a county road be upgraded to regional status in this plan.

Mr. C. O'Sullivan said Section 8.2.12 deals with tourist routes. Section 8.2.10 relates to Regional Roads and they are outlined in the table under this section. A number of roads have been upgraded recently. Any request to upgrade a road must be dealt with under roads legislation (Roads Act, 1993) through a statutory process and must be referred to the Minister.

Cllr. D. Healy-Rae requested that roads under Item 8.2.12 Tourist Routes be prioritised.

Mayor Healy-Rae asked if this can be allowed.

Mr. C. O'Sullivan said tourist routes can be prioritised under Item 8.2.12.

Cllr. P. McCarthy said regional roads are extremely busy roads and many are awaiting necessary surface or re-alignment works. In a number of places, there are extremely dangerous situations where daily cattle crossings are posing a danger to road users. He asked if this issue could be included at Item 8.2.10. In a small number of cases, assistance should be given to farmers to provide a cattle crossing.

Cllr. J. O'Connor SECONDED this PROPOSAL.

Mr. T. Sheehy said the Draft County Development Plan does allow farmers to upgrade cattle crossings but financial assistance cannot be included.

Cllr. M. Cahill referred to Section 8.4.20 regarding burial grounds and requested that Cromane would be included.

Cllr. J. O'Connor SECONDED this PROPOSAL.

Mr. T. Sheehy said objectives regarding burial grounds are included in the Draft County Development Plan. The Water Services Department are in the process of designing and funding burial grounds in the county. Objective INF 8-60 is provided to facilitate the construction of burial grounds. Burial grounds will not be listed within the plan.

Mr. J. O'Connor, Deputy County Manager, said the provision of a burial ground in Cromane is mentioned in the Development Programme in the Budget. It is a matter of finding land in the area.

Cllr. D. Healy-Rae said difficulties are also being experienced regarding burial grounds at Kilgarvan, Gneeveguilla and Scartaglin.

Mr. J. O'Connor, Deputy County Manager, said the Water Service Department are working on those areas.

Cllr. T. O'Brien asked if Kerry County Council are in charge of Clogherbrien Burial Ground.

Mr. J. O'Connor, Deputy County Manager, undertook to clarify the position regarding Clogherbrien burial ground and revert to Cllr. O'Brien.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. J. Sheahan, it was unanimously agreed to adopt Chapter 8 subject to amendments agreed.

### **Chapter 9 - Social, Community, Culture, Recreation, Amenity & the Gaeltacht**

Mr. T. Sheehy briefed elected members on Chapter 9 - Social, Community, Culture, Recreation, Amenity and the Gaeltacht with the aid of a PowerPoint presentation. The presentation included the following:

- Community and Social Facilities
  - Work in partnership with local and community development organisations to ensure the sustainability of such facilities.
- Childcare, Youth and Children's needs
  - Facilitate the provision of childcare facilities in proximity to:
    - Industrial Estates and Business Parks and other locations where there are significant numbers working
    - Neighbourhood and District Centres
    - Public transport corridors
  - Promote the provision of Active Recreational Facilities (eg. Drop in cafes for young people) – in locations that promote active recreation and participation
- Schools, Educational Facilities, and Libraries
  - Explore the further development of library services eg. Usage of existing facilities such as community centres
  - Make provision for the transport needs of schools
- Amenity Paths and Networks
- Sports / Recreational Facilities

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. M. Cahill, it was unanimously agreed to adopt Chapter 9 as presented.

### **CHAPTER 10 – BUILT HERITAGE**

Mr. T. Sheehy briefed elected members on Chapter 10 – Built Heritage with the aid of a PowerPoint presentation. The presentation included the following:

- Archaeological Heritage changes:
  - The Archaeological Heritage of the county is under threat during to increase in building, afforestation and changing farming methods.
  - Development which would destroy, alter or damage archaeological heritage will be deterred.
  - Seek to protect views and prospects to recorded monuments
- Architectural Heritage:
  - Avoidance of the loss of architectural heritage in urban areas through greater emphasis on maintaining original design

- Promotion of vernacular design taking cognisance of adjacent building heights, materials, styles, fenestration and design.
- Safeguarding “buildings of significant local interest” which may not be protected structures in their own right, but contribute to the overall character of an area or streetscape.
- Avoidance of development that would impact on burial grounds as they remain an important part of local heritage and can contain remnants of earlier structures, funerary monuments and intricately designed gravestones.
- Explanation of ACA’s previously not included in the plan and the promotion of management plans for ACA’s.

Cllr. T. O’Brien said listed buildings are not being refurbished by the property owner. He asked if Kerry County Council has any authority to address this matter.

Mr. T. Sheehy said the Derelict Sites Act makes provision for the Local Authority to specify works it deems should be carried out to a protected structure and compel the landowner to implement the work specified. In the absence of these works being undertaken by the landowner the Local Authority can CPO the structure and carry out the works. The legislation also provides scope for the local authority to recoup the cost.

Cllr. C. Miller asked if work is being undertaken on the list of protected structures in Killorglin at present.

Mr. T. Sheehy said during the preparation of the Killorglin Local Area Plan a list of proposed protected structures was identified. Some property owners were opposed to their building being listed. Kerry County Council is now going through the statutory process to identify names and addresses of the property owners. The process will commence from 18<sup>th</sup> June, 2008 and people can make submissions as to whether or not their property should be included on the list.

Cllr. D. Kiely asked if a grant is available for protected structures.

Mr. T. Sheehy said a grant scheme is available and everybody notified that their property is to be listed will be provided with details of the scheme.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. C. Miller, it was unanimously agreed to adopt Chapter 10 as had been presented.

## **CHAPTER 11 – NATURAL ENVIRONMENT**

Mr. T. Sheehy briefed elected members on Chapter 11 – Natural Environment with the aid of a PowerPoint presentation. He said this chapter includes protection measures for the Lough Guitane catchment water source. The presentation included the following:



- Environmental Protection
  - Ensure that policies to counter global warming and climate change are incorporated into the policies and the development management system of Kerry County Council
  - Take all necessary measures to ensure that the Natural Environment of the county is managed and protected in a sustainable way
  - Promote the interaction of the public with the environment through environmentally sustainable projects which can improve access without detriment to the environment
  - Ensure that development throughout the county is managed in an environmentally sustainable manner
- Water Quality
  - Phosphorous Regs deleted
  - Lough Currane added to lake catchments particularly vulnerable to phosphorous pollution
  - Lakes used as Drinking Water Supply Sources and/or exhibiting vulnerability to phosphorous pollution – Prohibit all new percolation areas for on-site wastewater treatment facilities within 200m of the shore of each lake (was 100m)
- Natural Heritage Areas
  - Ensure that development does not have a significant adverse impact, incapable of satisfactory mitigation, on plant, animal or bird species protected by law
  - Consult with the NPWS and take account of any licencing requirements when undertaking, approving, or authorizing development which is likely to affect plant, animal or bird species protected by law
  - Support and promote the implementation of the Great Blasket Island Management Plan
- Tree Preservation/Woodland Areas
  - Ensure that any application for development within the woodlands listed in Table 11.5 shall be accompanied by a tree survey and a report on the potential impact of the development on the woodland

Cllr. D. Kiely welcomed the provisions of Chapter 11. He said protection of ground water is important and asked what steps are being taken to ensure its protection. He said recently refused planning applications state that the proposed development would constitute excessive development by virtue of visual impact – Objective Z11-1 of the current County Development Plan refers – and he sought clarification on Objective Z11-1.

Mr. T. Sheehy said Objective Z11-1 will be dealt with in considering Chapter 12.

Cllr. M. Cahill said this particular chapter is specific in relation to SACs and SPAs and asked if Kerry County Council has any authority regarding these areas.

Mr. T. Sheehy said Kerry County Council has no authority regarding the designation of SACs/SPAs.

Cllr. M. Cahill said in view of the negative impact the SPA designation is having on Castlemaine Harbour and because jobs in that area are at risk the

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Department of the Environment should be requested to remove this designation. 80 jobs in the mussel industry and 20 others in the salmon industry are at risk.

Mayor Healy-Rae SECONDED this proposal.

Cllr. D. Healy-Rae sought an explanation of the proposal to prohibit any form of development within the catchment area of Lough Guitane.

Mr. T. Sheehy referred to Objective No. EN11-7:

- “(A) Prohibit any form of development within the catchment area of Lough Guitane (including Lough Guitane itself), as shown on map 11.4, that will have a potentially detrimental effect on water quality.
- (B) Have regard to the Lough Guitane Source Protection Plan.”

Mr. Sheehy said the importance of Lough Guitane as a water source for the county cannot be overstated. Lough Guitane supplies most of the water to Killarney and Tralee. The Planning Authority will make a very strict assessment of any planning application in this area. There is not a total prohibition on development in the area.

Cllr. D. Healy-Rae sought clarification regarding the designation of a buffer zone around the lake.

Mr. T. Sheehy said the buffer zone applies within 200 meters of the lake shore. The buffer zone is shown on map 11.4.

Cllr. D. Healy-Rae asked if the buffer zone applies to the road side of the lake.

Mr. T. Sheehy said the buffer zone applies around the whole shore of the lake.

Cllr. D. Healy-Rae asked if a person with land at the 200 meter buffer zone will be compensated.

Mr. T. Sheehy said no compensation will be payable.

Cllr. D. Kiely said the onus should be on management of Kerry County Council to determine a waste water system which is acceptable for people to install with their development.

Mr. T. Sheehy said the issue of waste water treatment and percolation is a complicated field of study. The EPA has developed standards with which Kerry County Council must comply.

Cllr. D. Kiely said ground water will be present on a site with or without a house being developed.

Mr. T. Sheehy said the principle to be applied is that there should be between a metre to 1.2 metres of unsaturated soil to remove effluent and bacteria and BOD content. All Planners have undertaken training courses to implement this principle.

Cllr. T. Fitzgerald referred to Lough Guitane and said elected members have made it quite clear that Lough Guitane must be protected as the main water source for the county.

Cllr. T. Fleming said effort should be made to accommodate people seeking planning permission within a reasonable distance of Lough Guitane. He asked for an update regarding the upgrading of the Water Treatment Plant in Lough Guitane.

Mr. J. O'Connor, Deputy County Manager, said a temporary treatment facility is being installed. The design and planning of the major works is being advanced as quickly as possible. The upgrading of the Water Treatment Plant at Lough Guitane is a priority for Kerry County Council.

Cllr. D. Healy-Rae said he was told by Water Services that once the temporary treatment plant was put in place planning permission would be considered for family members. The 200 metre buffer zone around the lake shore would preclude such family members. This is another blockage to family member applications for planning permission.

Mr. T. Sheehy said the designation of the buffer zone is a precautionary approach to protect water of the county. If a person is applying for planning permission within the 200 metre buffer zone they will be refused on public health and safety grounds. For that reason no compensation is available. Protection of this water source and prevention of pollutants getting into the lake is the primary objective of the County Development Plan.

Cllr. D. Healy-Rae asked if adopting the 200 metre buffer zone will rule out planning cases he refers to.

Mr. T. Sheehy said if the 200 metre buffer zone is adopted and planning applications are within this area they will not get permission.

Cllr. M. Cahill referred to Objective EN 11-54 "Prohibit any development that would damage or lead to the erosion of the dunes in areas where sand dunes have a high amenity value and provide coastal protection". He requested that the following would be included "It is an objective of the Council to protect the sand dunes of the county and prohibit any development that would damage or lead to the erosion of the dunes in areas where sand dunes have a high amenity value and provide coastal protection."

Mr. T. Sheehy said this amendment can be included in the wording of Objective EN 11-54.

Cllr. P. McCarthy referred to waste water treatment and asked if the water remaining after waste water has gone through a metre to 1.2 metres of unsaturated soil to remove effluent and bacteria and BOD content can be discharged to a stream.

Mr. T. Sheehy said this water, after going through 1.5 meters of ground, would require a discharge licence. Theoretically, after water has gone through soil with appropriate make-up it should be clean enough to be discharged.

Cllr. P. McCarthy said the EPA manual states this water can be discharged. He asked if it is dependent on the county and is it implemented in some counties and not in others.

Mr. T. Sheehy said the size of the stream being discharged to and assimilative capacity of the stream must be considered. A stream can take in only so much treated effluent before it reaches capacity.

Cllr. D. Healy-Rae sought clarification on the area of the previous buffer zone applied at Lough Guitane.

Mr. T. Sheehy said the area of the previous buffer zone applied to Lough Guitane was 100 metres.

Cllr. D. Healy-Rae said the development proposed by the family in question was acceptable, but because the buffer zone is being increased to 200 metres they cannot get planning. He said he could not support the proposal for a 200 metre buffer zone without agreeing compensation for this family.

Mr. T. Sheehy said the Water Services Department have assessed Lough Guitane and it is their recommendation that a buffer zone of 200 metres be applied around the lake shore to protect the water source.

Cllr. D. Healy-Rae PROPOSED that the buffer zone around Lough Guitane remain at 100 metres.

Cllr. T. Fleming said following consultation with the Environment and Planning Department of Kerry County Council and with all mechanisms put in place regarding treatment for that particular dwelling and subject to the installation of a treatment plant by Kerry County Council for the lake compromise should be achievable to provide planning permission for a single dwelling for a family member.

Cllr. M. Connor-Scarteen asked if the 200 metre buffer zone applies only to Lough Guitane or does it apply to all lakes mentioned.

Mr. T. Sheehy said the 200 metre buffer zone definitely applies to Lough Guitane. A buffer zone applies to all lakes. In assessing a planning application it does not matter if the application is from a family member or non-family member if pollution is caused.

Cllr. T. Fitzgerald said the County Development Plan should heed the advice of the Water Services Department to protect the Lough Guitane water source.

Cllr. T. Fleming said the draft County Development Plan should make provision for strict control to protect the Lough Guitane water source.

Cllr. D. Healy-Rae PROPOSED that in expanding the buffer zone to 200 metres Kerry County Council would compensate the landowners around Lough Guitane.

Mr. J. O'Connor, Deputy County Manager, said the protection of water resources and, in particular, the protection of Lough Guitane is the biggest issue facing this Council. If there were any pollution of this lake it would be catastrophic for County Kerry. Lough Guitane supplies water to Tralee, Killarney, all areas in between and areas north of Tralee also. Kerry County Council cannot be prejudice to facilitating an individual planning application above the objective to protect the water source. The law of the land deals with compensation. Kerry County Council is pressurising the advancement of the Department of the Environment national investment plan. Best professional advice must be adhered to on this matter.

Cllr. D. Healy-Rae asked if there was legal agreement and understanding with the landowners around the lake when water was first taken from the lake. He said he was not agreeable to polluting any water source, but it is unfair to increase the buffer zone without at least having consultation with the landowners involved. It is their land and they will be affected.

Mayor Healy-Rae said the Draft County Development Plan will be going on public display so the public will have the opportunity to make submissions. A vote will not be taken today.

Cllr. J. O'Connor agreed with the Deputy County Manager's comments. He said a management plan will have to be prepared for the landowners and there is a cost for that management plan. A person has a right to live off the land but there is due recognition for a change to the status of the land and loss of income.

Cllr. J. Sheahan said while the water supply must be protected consideration should be given to compensating people in this area in some way.

Cllr. M. Cahill said he supported the Deputy County Manager on this issue. Water sources and lakes must be protected. He asked what lakes are affected.

Mr. T. Sheehy said table 11.1 and table 11.2 in the Draft County Development Plan list the lakes used as drinking water supply sources and/or exhibiting vulnerability to phosphorus pollution.

Mr. G. O'Brien said a vote would now be taken on the PROPOSAL by Cllr. T. Fitzgerald, SECONDED by Cllr. S. Fitzgerald, "That we the members of Kerry County Council hereby resolve to agree the Manager's Report on Chapter 11 – Natural Environment as presented".

The result of the vote was as follows:

**For:** Councillors Cahill, S. Fitzgerald, T. Fitzgerald, Fleming, Foley, Kiely, Leahy, MacGearailt, McCarthy, McEllistram, Miller, O'Connor, O'Shea, Sheahan **(14)**

**Against:** **(0)**

**Not Voting:** Councillors D. Healy-Rae, M. Healy-Rae **(2)**

**Absent:** Councillors Beasley, Brassil, Buckley, Connor-Scarteen, Cronin, Ferris, Gleeson, O'Brien, O'Connell, O'Donoghue, Purtill **(11)**

Mr. G. O'Brien declared the resolution CARRIED.

## **CHAPTER 12 – ZONING AND LANDSCAPE**

Mr. T. Sheehy briefed elected members on Chapter 12 – Zoning and Landscape with the aid of a PowerPoint presentation. The presentation included the following:

- Review/Update of existing chapter.
- Urban: Within development boundaries of district centres, towns, villages, small villages/development nodes
- Tralee – Killarney Environs Plans

Cllr. D. Kiely referred to Objective ZL 12-1 "Protect the landscape of the county as a major economic asset as well as for its invaluable amenity value and beauty." He said this is the same wording as is in the existing County Development Plan. This objective refers to scenery, 95% of which is in South Kerry. In rural areas this objective is prohibiting people getting planning permission. There is an onus on the Council to determine a system to be used for percolation systems, like the system used by the Water Services Department for the Rossbeigh Sewerage Scheme.

Cllr. D. Kiely referred to Item 12.2.9 – Rural General and Objective ZL 12-4 "Regulate residential development in Rural Areas in accordance with the zoned designation of that area and the policies outlined in Section 3.6 to 3.10 which relate to each zoning designation." He asked if this objective relates to maps which had been included in the Draft County Development Plan 2009-2015 at the start of the review.

Mr. T. Sheehy said Sections 3.6 – Rural Development Policy and 3.10 – Holiday Homes/Second Homes relate to rural areas and related maps reverted to those which had been included in the 2003 plan.

Cllr. D. Kiely sought clarification on Item 12.2.9.

Mr. T. Sheehy said Item 12.2.9 relates to Rural General Zonings. PSA, SSA and Rural General landscapes are the designations.

Cllr. D. Kiely said there is a difficulty with 'rural general'. Visual impact and density in a rural area are now obstacles to planning permission being granted. Kerry County Council should be facilitating applications for planning

permission and removing obstacles. Sons and daughters of family farm owners are being refused in North Kerry. Visual impact in a rural area is one of the main obstacles. Genuine applicants must be accommodated. He PROPOSED that Item 12.2.9 be removed from Chapter 12.

Cllr. D. Healy-Rae SECONDED this proposal.

Mr. T. Sheehy said this issue has already been debated and a vote was taken. He referred to Objective OS 4-11 in Chapter 2 of the Plan "Protect the landscape of the county as an economic asset in addition to its intrinsic beauty and amenity value". Kerry County Council has an obligation to the people of the county to protect the landscape. It is not acceptable to remove this objective. The landscape of the county is our greatest economic asset. 80% of visitors come to Kerry to see the landscape. He urged the members not to remove Item 12.2.9.

Cllr. P. Leahy asked for a definition of "density".

Cllr. D. Healy-Rae referred to land in Gneeveguilla/Rathmore which was classified as being under strong urban pressure but it was reduced to strong pressure.

Mr. T. Sheehy said this is incorrect. The Gneeveguilla/Rathmore area is designated as under strong urban pressure.

Cllr. S. Fitzgerald referred to zoning for light industry and asked how a garage owner show proceed if he wants to expand his business.

Mr. T. Sheehy said members of the public can make submissions on the Draft County Development Plan 2009-2015 when it goes on display after 18<sup>th</sup> June for 10 weeks.

Cllr. D. Kiely said he is referring to difficulties being experienced in the rural part of North Kerry where planning applications are being refused.

Cllr. T. Fleming referred to the entitlement of family members to build on their family land.

Mr. T. Sheehy said the plan includes an objective to facilitate family members on their own land. He said compromise should be available for cases outlined by Cllr. Kiely.

Mayor Healy-Rae said a proposal has been tabled by Cllr. Kiely which has been seconded by Cllr. D. Healy-Rae and asked if a vote will now be taken on this proposal.

Mr. M. McMahon said the pre-planning service was introduced to address the issues raised by members. Kerry is the only county providing a pre-planning service. Pre-planning is available in areas where the site proposed is not acceptable. When an application is being decided on there is a hierarchy of staff through which they are considered. He said that there was broad

agreement at the first meeting to review the Draft County Development Plan that there has been an improvement in the planning service. Planning permission for 9,000 one-off houses was granted in the last six years. In 2007 planning permission was granted for over 1,000 one-off houses.

Cllr. D. Healy-Rae asked if Kerry County Council could devise a colour scheme to help integrate the dwelling where a development is deemed to be “visually obtrusive”.

Mr. T. Sheehy said the Sustainable Rural Housing Guidelines will be available later this year. Emphasis will be on integration of dwellings into the areas.

Cllr. T. Fitzgerald said while he can understand the problem he cannot support the removal of Objective ZL 12-1.

Cllr. P. McCarthy asked if Cllr. Kiely would accept that the Draft County Development Plan is going out for public consultation and there will be adequate time to discuss this matter in detail.

Cllr. D. Kiely PROPOSED “that family members and locals would be excluded” be added to the end of Objective ZL 12-1.

Mr. T. Sheehy said Objective SS 33 “Facilitate where possible, in accordance with proper planning and sustainable development, family members on their own land.” from the current plan can be inserted after Objective ZL 12-1.

Cllr. D. Kiely proposed that “and local needs” be added on to the insertion Mr. Sheehy has proposed.

Mr. T. Sheehy said for rural general the proposed development shall be used as a permanent residence. A policy had been proposed for areas under pressure, weak rural areas and strong rural areas. That policy tried to identify areas where policies for different categories of people could be implemented. This policy was reverted to PSA and SSA. Section 3.7.11 refers. “Subject to the provisions of Sections 3.9 and 3.10, all residential development in rural areas will be for the use as a primary permanent place of residence. In addition, it shall be subject to the inclusion of an occupancy clause for a period of 7 years.” Recent policy to facilitate family members has been successful. He said that he is not aware of the applications and sites referred to by Cllr. Kiely.

Mr. G. O’Brien clarified insertion proposed by Mr. Sheehy as follows: “Facilitate where possible, in accordance with proper planning and sustainable development, family members on their own land.”

Cllr. D. Kiely requested that “and local needs” be added to this proposal.

Mr. T. Sheehy said Objective OS-14 and ZL-12 will contradict the insertion of “and local needs”. A discrepancy would be voted into the plan. The overall objective is to facilitate family members. It has been included, by resolution, that family members will be facilitated where possible.



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Cllr. D. Kiely said if a person can prove a local need they will prove it.

Mr. T. Sheehy said he understood the cases referred to by Cllr. Kiely were family members cases. The plan cannot provide priority for everybody.

Cllr. P. Leahy asked if the local is catered for in rural general.

Mr. T. Sheehy confirmed that this is the case.

Mr. J. O'Connor, Deputy County Manager, said Cllr. Kiely is giving the impression very few planning permissions are being granted in the circumstances he outlined. The County Manager and Director of Planning have outlined the statistics very clearly. Substantial numbers of planning applications have been granted. The County Manager also spoke about the question of family members and local need. The County Development Plan either does or does not give priority to family members. This Council has made efforts to facilitate family members. The County Manager has said he will independently assess cases if necessary and if they are meritorious.

Cllr. D. Kiely asked for clarification on who is a 'family member' and who is a 'landowner' and asked if the owner of 2 acres of land is a 'landowner'.

Mayor Healy-Rae said a proposal he had at the Special Planning Meeting held on 26<sup>th</sup> May was defeated on this issue.

Mr. T. Sheehy said focus has been removed from the objective of Chapter 12. Protection of the landscape was dealt with under Chapter 3. Chapter 12 deals with zoning. He requested that focus return to chapter 12 and that the members decide on the proposal to remove Objective ZL 12-1.

Cllr. D. Kiely said landscape is not an issue in the areas of cases he has referred to.

Mr. T. Sheehy asked if the landscape of North Kerry must also be protected. These issues were discussed at the first meeting to review the draft County Development Plan and Chapter 3 has been finalised. It was agreed by resolution that when finished with a chapter it is not open for further discussion.

Cllr. D. Kiely said the resolution being proposed by Mr. Sheehy should include local needs.

Mr. T. Sheehy said family members cannot be penalised on their own land.

Mr. G. O'Brien said a vote would now be taken on the PROPOSAL by Cllr. D. Kiely, SECONDED by Cllr. D. Healy-Rea "That we the Members of Kerry County Council hereby resolve to insert new Objective ZL 12-2 "It is an objective of the Council to facilitate where possible, in accordance with proper planning and sustainable development, family members on their own land."

The result of the vote was as follows:

**For:** Councillors Cahill, Connor-Scarteen, Fleming, Foley, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistrim, O'Connor, O'Shea, Sheahan, M. Healy-Rae **(13)**

**Against:** **(0)**

**Not Voting:** Councillors S. Fitzgerald, T. Fitzgerald, MacGearailt **(3)**

**Absent:** Councillors Beasley, Brassil, Buckley, Cronin, Ferris, Gleeson, Miller, O'Brien, O'Connell, O'Donoghue, Purtill **(11)**

Mr. G. O'Brien declared the resolution CARRIED.

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. M. Cahill, it was unanimously agreed to adopt Chapter 12 subject to amendments agreed by resolution.

### **CHAPTER 13 – URBAN DESIGN AND DEVELOPMENT MANAGEMENT**

Mr. T. Sheehy briefed elected members on Chapter 13 – Urban Design and Development Management with the aid of a PowerPoint presentation. He said the 1 Km regarding telecommunications masts has been removed. The presentation included the following:

- Urban Design
- Open Space
- Landscaping
- Parking Standards
- Caravan Parks

Mayor Healy-Rae referred to page 13-27, Item 13.15.1, bullet point number 6 "type and size of development – caravans for all year round occupation will not be permitted." and requested that this sentence be removed from Chapter 13.

Cllr. M. Connor-Scarteen SECONDED this proposal.

Mr. G. O'Brien said a vote would now be taken on the PROPOSAL by Mayor M. Healy-Rae, SECONDED by Cllr. M. Connor-Scarteen, "That we the members of Kerry County Council, hereby resolve to remove from page 13-27, paragraph 13.15.1, bullet 6 "type and size of development – caravans for all year round occupation will not be permitted."

The result of the vote was as follows:

**For:** Councillors Cahill, Connor-Scarteen, S. Fitzgerald, T. Fitzgerald, Fleming, Foley, D. Healy-Rae, MacGearailt, McEllistrim, O'Connor, O'Shea, Sheahan, M. Healy-Rae **(13)**

**Against:** **(0)**

**Not Voting:** **(0)**

**Absent:** Councillors Beasley, Brassil, Buckley, Cronin, Ferris, Gleeson, Kiely, Leahy, McCarthy, Miller, O'Brien, O'Connell, O'Donoghue, Purtill **(14)**

Mr. G. O'Brien declared the resolution CARRIED.

Cllr. M. Cahill sought clarification on the removal of the 1 Km rule from the Draft County Development Plan.

Mr. M. McMahon, Director of Planning, said since the County Development Plan was adopted in December 2003 43 applications have been received for masts. 30 were refused because of the 1 km rule. Practically all applications that have been appealed to An Bord Pleanála have been overturned by the Board. A discussion was held this morning regarding providing broadband around the county and the 1 km rule would be at variance with this. Last month the revised Development Contribution Scheme was adopted imposing a development levies on masts. To include the 1 Km rule would prohibit the grant of planning permission for masts. The 1 km rule was considered by the Planning SPC over the last 12 months. Presentations were received from a number of agencies including the Independent Regulator. The recommendation is that the 1 km rule be removed. The Department published a document on health issues and the conclusion of the study was there is no proven effect from masts and current policy only provides for Kerry County Council refusals being overturned by An Bord Pleanála. Every application will be dealt with on its merits. Applications for masts have been refused on visual grounds. These refusals have been supported by An Bord Pleanála. Masts are not permitted in urban areas.

Cllr. M. Cahill said while he understood what has been happening over the years regarding masts surely the problem with masts especially those close to schools should be highlighted. He PROPOSED that the 1 Km rule be retained in the County Development Plan.

Mayor Healy-Rae SECONDED this proposal.

Cllr. D. Healy-Rae asked if masts can be differentiated. Telephone masts are a bigger problem. Radio masts should be excluded. He supported the proposal regarding the 1 Km rule for telephone masts.

Cllr. J. O'Connor said when an application is appealed to An Bord Pleanála it is stated that it is contrary to the County Development Plan regarding the 1 Km rule. He asked if more detailed proposals could be prepared for submission to An Bord Pleanála regarding the Planning Authority's decision to refuse planning permission.

Mr. T. Sheehy said An Bord Pleanála would give more consideration to a refusal if more detail could be provided.

Mr. M. McMahon said the point made by the Regulator was it prevents developers from developing the most optimum solution in terms of masts. There are less masts but the signal is much stronger to make it up. He said if an application is received inside the 1 Km at the moment it is refused automatically.

Cllr. B. MacGearailt said according to studies there is no evidence that masts create problems.

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Cllr. T. Fitzgerald said the 1 Km rule was applied to prevent health problems and it should continue to apply around schools.

Cllr. J. O'Connor said the proposal to include the 1 km could be amended so that it applies in the vicinity of schools.

Mr. T. Sheehy said the rule can apply close to schools as a precautionary effect regarding children's growth.

Cllr. T. Fitzgerald PROPOSED that the 1 Km be inserted in the Draft County Development Plan 2009-2015 as it is in the current County Development Plan.

Cllr. J. O'Connor said this proposal retains a policy that has not worked. He PROPOSED that the following be inserted "Refuse planning permission when a mast is in proximity of schools only".

Cllr. J. Sheahan SECONDED this proposal.

### **SUSPENSION OF STANDING ORDERS**

The Mayor informed the meeting that it was 5.00 p.m. and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. T. Fitzgerald, it was unanimously agreed, to suspend Standing Orders to finalise consideration of the Draft Kerry County Development Plan 2009-2015.

Mr. G. O'Brien said a vote would now be taken on the PROPOSAL by Cllr. J. O'Connor, SECONDED by Cllr. J. Sheahan "That we the Members of Kerry County Council, hereby resolve to have the 1 Km rule reinstated in proximity to schools only."

The result of the vote was as follows:

**For:** Cllrs. Connor-Scarteen, S. Fitzgerald, MacGearailt, McCarthy, O'Connor, Sheahan **(6)**

**Against:** Cllrs. Cahill, T. Fitzgerald, Fleming, Foley, Leahy, McEllistrim, O'Shea, M. Healy-Rae **(8)**

**Not Voting: (0)**

**Absent:** Cllrs. Beasley, Brassil, Buckley, Cronin, Ferris, Gleeson, D. Healy-Rae, Kiely, Miller, O'Brien, O'Connell, O'Donoghue, Purtill **(13)**

Mr. G. O'Brien declared the resolution DEFEATED.

Mr. G. O'Brien said a vote would now be taken on the PROPOSAL of Cllr. M. Cahill, SECONDED by Mayor M. Healy-Rae "That we the Members of Kerry County Council, hereby resolve to retain the 1 Km rule as per the current County Development Plan (in respect of provision of telecommunications masts)."

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The result of the vote was as follows:

**For:** Councillors Cahill, T. Fitzgerald, Fleming, Foley, Leahy, McCarthy, McEllistram, O'Shea, Sheahan, M. Healy-Rae **(10)**

**Against:** Councillors Connor-Scarteen, S. Fitzgerald, MacGearailt **(3)**

**Not Voting:** Councillor O'Connor **(1)**

**Absent:** Councillors Beasley, Brassil, Buckley, Cronin, Ferris, Gleeson, D. Healy-Rae, Kiely, Miller, O'Brien, O'Connell, O'Donoghue, Purtill **(13)**

Mr. G. O'Brien declared the resolution CARRIED.

Cllr. M. Cahill referred to wind farms and questioned the ban on development of wind farms in over 90% of Kerry wind. Wind energy and clean energy should be promoted. He requested that the development of wind farms in South Kerry be open to consideration.

Mr. T. Sheehy said there was agreement on the ban on the development of wind farms as tourism will generate more income than wind farms. The County Development Plan is not the limiting factor on this issue. South Kerry is the most scenic area in the county and should be preserved.

Cllr. M. Cahill asked that the blanket ban on development of wind farms in South Kerry be removed.

Mr. T. Sheehy said maps indicating areas to be included would have to be supplied. The Planning Authority do not support the provision of wind farms in South Kerry due to the landscape. The greatest impact of wind farms is visual impact. South Kerry is one of the most beautiful areas in the country. Income generated from tourism is taken locally. There is the risk of ruining the asset of the county and livelihoods in the county.

Cllr. M. Cahill PROPOSED that consideration be given to wind farms in areas that do not have a visual impact in South Kerry.

Cllr. J. O'Connor SECONDED this proposal.

Cllr. T. Fleming asked if a policy for hydro-energy is included in the Draft County Development Plan. Kerry has great potential for hydro-energy.

Cllr. M. O'Shea asked if a development was submitted for off-shore wind energy how that would be dealt with.

Mr. T. Sheehy said such an application would not be considered. A grid connection from such a development would be considered.

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Cllr. J. O'Connor said he disagreed with the perception that wind turbines are not visually acceptable. There are areas in the county that can accommodate them.

Mr. T. Sheehy said people are seeking unspoilt areas. There is no difficulty developing wind farms in North Kerry, but they would detract from the unspoilt beauty of South Kerry.

Cllr. J. O'Connor said in South Kerry small farmers are told they cannot build a house but it is a great place for tourism. The small farmer is making a viable income from tourism.

Mr. T. Sheehy said while the needs of the landowner must be considered the development of wind farms in the most beautiful part of the county is not acceptable. The visual impact of these developments is enormous and it would be detrimental for that area of the county. Debate had taken place on promotion of tourism in the county. Half of the 300 MW planning permission granted have not been built. Grid connections are not available. ESB will not fund power lines into South Kerry for wind energy and the Power Regulator would not sanction a price increase for ESB to provide those lines.

Cllr. B. MacGearailt said there is an energy crisis in this country which must be addressed. Prices of oil and gas are still increasing. Alternative energy sources must be considered.

Cllr. T. Fleming said a provision should be made in the Draft County Development Plan that consideration will be given to the potential of harnessing wave energy off the county's coasts. He requested that the development of wind farms would be open for consideration.

Cllr. M. Cahill said there are locations in South Kerry where wind farms could be accommodated without any visual impact.

Mr. T. Sheehy said under Wind Farm Guidelines a map is required indicating areas to be developed. He suggested that Cllr. Cahill make a submission including a map.

Cllr. M. O'Shea referred to Item 13.4.3 regarding density. 6 to 8 houses per acre should be satisfactory rather than the 12 to 14 houses per acre. This density has destroyed small villages. The plan must provide for areas for play areas for the children. He expressed concern that this is not specified in the plan.

Mr. T. Sheehy said while density could be specified, by including such a specification, this specification would apply even where a density of only 4-5 houses per acre should apply. Developers should be required to justify why they are putting in a certain density.

Mayor Healy-Rae asked if wording as follows could be included "a maximum of 6-8 houses per acre".

Cllr. T. Fleming said this is included in the Local Area Plans.

Mr. T. Sheehy said this is included in the new Local Area Plans but not in the three year old plans. Three year old Local Area Plans will lapse in the life of this Development Plan.

Cllr. B. MacGearailt **SECONDED** the proposal by Cllr. M. O'Shea regarding specifying density.

Mr. T. Sheehy said there is a requirement under guidelines for 15% open spaces in developments. In smaller towns and villages density shall be related to the pattern and scale of the existing centre.

Cllr. M. O'Shea referred to Item 13.20.5. and asked if un-tarred, un-surfaced roads for development in areas will be allowed. Clusters were included in the County Development Plan in the past but in the last few years they have been removed. He asked if clusters will be allowed in the new Draft County Development Plan. He said in his experience boreens are roads that are not surfaced cow/cattle tracks and development so far has been prohibited on these roads due to their nature. He asked if the Draft County Development Plan 2009-2015 will consider such developments favourably.

Mr. T. Sheehy said Item 13.20.5 is an extract from the existing County Development Plan.

Cllr. M. O'Shea said Item 13.20.5 has not worked well under the current County Development Plan. He asked if cluster developments will be allowed. He said his query does not relate to an application to develop a cluster of houses, rather that new houses should be built beside existing houses to create a cluster. He referred to page 13-40, No. 5, avoid exposed locations. This item will cause difficulties for families in the An Daingean Electoral Area.

Mr. T. Sheehy said this refers to the Sustainable Rural Housing Guidelines which will be published with the Plan. The Sustainable Rural Housing Guidelines will replace this chapter of the plan.

Cllr. M. O'Shea referred to page 13-41, Item 5, avoid large areas of lawn and asked is this a decision of Kerry County Council or the Department.

Mr. M. McMahon said the provision regarding half an acre is to ensure sufficient area is provided within the site for recreation.

Cllr. P. McCarthy asked if a hip roof will be acceptable on a house.

Mr. M. McMahon said generally the Planning Authority is not in favour of a hip roof. The Sustainable Rural Housing Guidelines will replace this chapter of the plan.

On the PROPOSAL of Cllr. B. MacGearailt, **SECONDED** by Cllr. J. Sheahan, it was unanimously agreed to adopt Chapter 13, subject to amendments agreed by resolution.

**Approval for Conference**

On the PROPOSAL of Mayor Healy-Rae, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Cllr. M. Cahill at the Seminar on the Local Government Housing Service to be held in Castlebellingham, Co. Louth from 6<sup>th</sup> – 8<sup>th</sup> June, 2008.

Mayor Healy-Rae thanked the elected members and management for continuing the meeting to finalise consideration of the Draft County Development Plan 2009-2015.

Mr. J. O'Connor, Deputy County Manager, also thanked the Mayor and elected members for their co-operation at the special planning meetings to review the Draft County Development Plan 2009-2015. He also thanked Mr. T. Sheehy and the staff of the Planning Department led by Mr. M. McMahon, Director of Planning.

The meeting concluded at 6.20 p.m.

***Gerard O'Brien***  
***A/SEO Corporate Affairs***

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***Mayor of Kerry***