

MINUTES OF THE SPECIAL PLANNING MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY 23rd JUNE, 2008.

MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 23 MEITHEAMH 2008.

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, Co. Manager	Mr. M. McMahon, Director of Planning
Mr. J.D. Flynn, Dir. of Corp. Services	Mr. J. O'Connor, Head of Finance
Mr. C. O'Sullivan, Dir. Of Roads	Mr. T. Sheehy, S.E., Planning.
Mr. G. O'Brien, A/SEO Corp. Affairs	Ms. B. Reidy, S.S.O. Corp. Affairs

The meeting commenced at 12.35 p.m.

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

The Mayor, Cllr. M. Healy-Rae commenced the meeting with a prayer.

DINGLE COMMUNITY HOSPITAL

The Mayor, Cllr. M. Healy-Rae, welcomed the sod turning for the new Community Hospital in Dingle that day and said that it was in July 1998 that Deputy Jackie Healy-Rae proposed, at a meeting of the Southern Health Board, that this hospital would be constructed. This proposal was seconded by Consultant George Mullins.

Cllr. B. MacGearailt said that he always acknowledged the contribution of Deputy Jackie Healy-Rae and Cllr. T. Fleming in getting this project underway.

Cllr. M. O'Shea said that he was very pleased that construction of the Dingle Community Hospital had begun and he thanked all Oireachtas Members including the Ceann Comhairle for their assistance with this project.

MEMBERS DUTY UNDER ETHICS LEGISLATION

The Mayor reminded members of their requirements under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirements 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 a connected person's interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter

and shall refrain from voting in relation to it. .

08.06.23.01 DISPOSAL OF PROPERTY

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Cahill, it was agreed to approve the disposal of House No. 12 together with its plot of land at Gortamullen/Ardmullen, Kenmare, to Beta Borowy and Lukasz Rudzinski, 25 Lodgewood, Kenmare, Co. Kerry, in accordance with the terms of notice issued the 11th June, 2008, pursuant to Section 183 of the Local Government Act 2001, Section 11 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

08.06.23.02(i) MANAGER'S REPORT ON SUBMISSIONS OR OBSERVATIONS RECEIVED ON THE PROPOSED AMENDMENTS TO THE NORTH IVERAGH SETTLEMENTS LOCAL AREA PLAN

Mr. M. McMahon, Director of Planning, said that this is the final stage of the North Iveragh Settlements Local Area Plan and the East Dingle Peninsula Settlements Local Area Plan. When these are completed there will be an entire suite of Local Area Plans for the county. He referred Members to his report on this item which was circulated and said that the process for the preparation of a Local Area Plan is outlined in Table 1 of the report. The Draft North Iveragh Settlements Local Area Plan was approved by the Council in January 2008. The draft plan in conjunction with the publication of notice inviting submissions from the public was placed on public display from the 23rd January 2008 to 6th March, 2008. An open day for members of the public was also held in Glenbeigh on 20th February, 2008. In all, 49 submissions were received during the consultation

period. The County Manager's Report and recommendations on submissions was presented at the Kerry County Council meeting held on 30th April, 2008. The Elected Members adopted a total of 24 proposed amendments at that meeting. An advertisement appeared in the Kerryman Newspaper on 30th April, 2008, advising that these proposed amendments were on public display from 30th April to 29th May, 2008, and that observations and submissions on the proposed amendments were to be received by 29th May, 2008. In total 6 written submissions on the proposed amendments were received during the consultation period and each submission is summarised in the report circulated, together with the responses and recommendations where considered appropriate. He then called on Mr. T. Sheehy, S.E., Forward Planning, to address the meeting.

GLENCAR, ROSSBEIGH & KILGOBNET

Mr. T. Sheehy, S.E., Forward Planning, informed the meeting that no submissions were received in relation to the Draft Local Area Plans for Glencar, Rossbeigh and Kilgobnet.

CROMANE

Mr. T. Sheehy informed the meeting that 3 submissions were received in relation to Cromane and the Manager's Report proposes that Amendment Numbers 2 and 3 should not proceed. He indicated the lands the subject of these amendments on the map for the meeting. He added that this land is on the brow of a hill and where the road meets the main road the junction is inadequate. If this land remains Rural General, planning applicants can apply for permission for family members on their own land. For this reason there is no justification for zoning this land. His major objection to this zoning is because of the inadequacy of the junction.

Cllr. J. O'Connor said that the road and junction would be adequate if an engineering solution was found as there is sufficient demand for houses in this area. He added that he had viewed this land and he PROPOSED that it be zoned in accordance with the Amendment that went on public display.

Cllr. M. Cahill SECONDED this proposal.

Cllr. M. Healy-Rae supported the proposal.

Cllr. M. Connor-Scarteen also supported the proposal.

Mr. T. Sheehy said that he disagreed and added that the junction is completely inadequate with regard to sight distance. It may not be possible to resolve the sight distance issue as the land required to do so may not be in the ownership of that particular landowner.

Cllr. J. O'Connor said that negotiations can take place with the other landowner in an effort to resolve this problem. Low density development should be

permitted in the area. He added that if the sight distance issue cannot be resolved then planning permission will not be granted for houses in the area but he believed that it could be resolved.

Mr. T. Sheehy asked Members why would they propose to zone this land when the part of the road which he indicated on the map was only wide enough for one car and he added that there was more than sufficient lands zoned in the plan to cater for all development requirements and it did not make any sense to leapfrog land to zone this land.

Cllr. J. O'Connor said that he did not see a problem with the zoning of this land and said that there was a similar situation elsewhere where the road was not adequate.

Mr. T. Sheehy said that he did not believe that the inadequacy of this road could be resolved.

Cllr. J. O'Connor said that this rezoning is to facilitate family members and he had proposed it.

In response Mr. T. Sheehy said that 1 or 2 houses for family members would not require this zoning but if the land is zoned 6 or 7 houses could be constructed on these lands.

Cllr. B. Cronin expressed concern that the advice of the Senior Planner was being ignored and he asked Mr. Sheehy to indicate the lands in question on the map.

Mr. T. Sheehy indicated the lands the subject of Amendment Number 2 on the map for the meeting.

Cllr. B. Cronin asked in the Village Plan does this land have direct access onto the road leading to the village.

In response Mr. T. Sheehy said that this land only has access to a side road.

Cllr. B. Cronin stated that Mr. Sheehy was advising Members not to proceed with this Amendment and he asked if two cars could pass on this road.

Mr. T. Sheehy said that on parts of the road it would not be possible but where houses have been constructed two cars could pass.

Cllr. B. Cronin asked Mr. Sheehy if he was stating that if an application for planning permission was made for a family member on these lands that Kerry County Council would look favourably on such an application subject to a junction improvement.

Mr. T. Sheehy referred to the field on the crest of the hill and said that it would be difficult enough to accommodate a family member but said that on the land closer to the town it may be possible to accommodate a family member at a stretch.

Cllr. B. Cronin asked what area of land was involved.

In response Mr. T. Sheehy said it was approximately 2½ acres.

Cllr. J. O'Connor indicated a square of land which he said was an integral part of the land in question and said that he was amazed it was not included.

The Mayor then called for a vote to be taken on the proposal made by Cllr. J. O'Connor.

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Cahill, this Council having considered the County Manager's Report on submissions received in relation to the Draft North Iveragh Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft North Iveragh Settlements Local Area Plan resolves that Amendment Number 2 in respect of Cromane that went on public display be adopted.

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

For: Councillors Buckley, Cahill, Connor-Scarteen, Leahy, MacGearailt, McCarthy, O'Connor, O'Shea, Purtill, Sheahan, M. Healy-Rae **(11)**

Against: Councillors Beasley, Cronin, T. Fitzgerald **(3)**

Not Voting: Councillors Foley, Kiely, McEllistrim, Miller, O'Connell **(5)**

Absent: Councillors Brassil, Ferris, S. Fitzgerald, Fleming, Gleeson, D. Healy-Rae, O'Brien, O'Donoghue **(8)**

The Mayor declared the resolution carried.

The Mayor apologised for the absence of Cllr. D. Healy-Rae who had another appointment and was unable to attend the meeting.

Mr. T. Sheehy then referred to Amendment Number 3 which went on public display. He indicated the land on the map and said that it is approximately 13½ acres and it is proposed to zone this land for residential development. This land is in excess of all other land zoned in Cromane. Cromane is a small crossroads and the zoning of this land is contrary to the proper planning and development of the area. It would result in an extension of ribbon development out the Dooks

direction and there is no necessity for it. This development is out of proportion and is the wrong location for it. It is premature until the land further in is developed.

Cllr. M. Cahill said that this land is suitable for development as it is close to the Church and Cromane Community Centre and it is beside the G.A.A. pitch. It will provide for a pre-school which is currently in rented accommodation and also a minimum of 40 additional car parking spaces for the G.A.A. and it is giving access to additional land for a G.A.A. pitch. The road will need to be upgraded and there is a great need for high quality housing in Cromane. The site will be served by the new sewerage scheme. There is a beach in Cromane and it is close to Dooks Golf Links. Most of the land already zoned will not be developed and he PROPOSED that the lands the subject of Amendment Number 3 be zoned for residential development.

Cllr. J. O'Connor SECONDED this proposal.

Cllr. M. Healy-Rae also supported the proposal and said that it is not just about the development of houses but there will be a number of other benefits to Cromane if this land is developed. If this development does not proceed it is not fair to the people of Cromane to rob them of other benefits which would accrue to them.

Cllr. J. O'Connor said that it would also provide for additional car parking spaces for the G.A.A. which are not available at present.

In response Mr. T. Sheehy said that he was totally opposed to this zoning and said that a minimum of 20% open spaces would be required to be built into a master plan. The zoning of this land would have the potential to destroy Cromane. If it is to be zoned it should be for permanent residential needs as Cromane needs this. While he was opposed to the proposal proceeding, if Members insist on it they should also include the area of land which he indicated on the map.

Cllr. M. Cahill said that O'Sullivan Campbell had said that there is adequate green area already provided for and it was previously agreed that any development would be 60/40 for permanent residences.

Mr. T. Sheehy confirmed that that is the case but said that did not include this land.

Cllr. M. Cahill said that a 60/40 divide is fair as there is huge demand for permanent and holiday homes in Cromane.

Cllr. T. Fitzgerald asked how realistic is the proposed development and he said that the Council must be pro-development.

Cllr. M. Cahill said that if this land is zoned the development will proceed.

Cllr. J. O'Connor said that Dooks Golf Course is nearby and the proposed development would compliment it. He added that he hoped that Cromane Pier would progress as soon as possible and this development would enhance the development of sports tourism in the area. In conclusion he said there is a need for additional houses in Cromane.

Cllr. B. Cronin asked could the sewer cater for the development of these 14 acres and how many houses was it proposed to be constructed on this land. He referred to the development of Firies Village and said that he was aware of the consequences of over development without adequate sewage facilities and the subsequent difficulties that can arise. He asked if a certain amount of development could be facilitated on these lands. He also asked for Mr. Sheehy's view on the 60/40 ratio between permanent and holiday homes and could agreement be reached on this issue. He asked how much land was already zoned in Cromane.

In response Mr. T. Sheehy said that in the remaining part of the village 10 acres have been zoned for residential development.

Cllr. B. Cronin pointed out that the plot of land in question is 14 acres and this would more than double the land already zoned.

Mr. T. Sheehy said that there is no sewerage scheme in Cromane capable of facilitating this development. A variation of density of development is desirable and he could not see high density development being permitted in this area. The maximum number of houses permissible would be approximately 4 houses to the acre.

Cllr. T. Fitzgerald asked how many houses the Council would acquire through Part V if this land was developed.

In response, Mr. T. Sheehy said that 20% of the land zoned would be for social and affordable housing under Part V and this would depend on the design and treatment capacity of the area but it would be a maximum of 3 acres.

Cllr. M. Cahill said that there is plenty green area in Cromane and a development of 32 houses would be good for Cromane.

Mr. T. Sheehy said that even if the land is zoned Councillors cannot say that 32 houses would be permitted. The applicant could sell the land and he suggested a middle ground of 4 houses to the acre. He added that he could not see the four landowners working together on this development.

Cllr. M. Healy-Rae said that all these matters will be dealt with in due course by the landowners. This development would be good for Cromane and the proposal has been seconded. The Planning Department are not doing the people of Cromane any justice by opposing this zoning.

Cllr. M. Gleeson asked if Members could specify the density of development in deciding on this proposal.

Mr. T. Sheehy confirmed that Members could specify the density of development to be permitted.

Cllr. M. Gleeson asked if Cromane is 1 of the 28 villages where it is proposed to provide a sewerage scheme.

Mr. T. Sheehy confirmed that it was but said that Cromane is way down the list.

Cllr. M. Cahill said that he would have no difficulty in specifying a maximum of 4 houses to the acre and he would be prepared to agree 3 houses to the acre.

Mr. T. Sheehy said there should be a requirement of 20% of the land for open space.

Cllr. B. Cronin asked when it was anticipated that the sewerage scheme would be provided and he asked if Members would be willing to accept Mr. Sheehy's suggestion with regard to open space. He asked if there was any proposal for a playground in Cromane.

In response, Mr. T. Sheehy said that he was not aware of any proposal to provide a playground in Cromane.

Cllr. M. Cahill said that there would not be a problem in the provision of a site for a playground in Cromane.

Mr. T. Sheehy said that Members should specify that 20% of the land would be for open spaces including a playground.

Cllr. R. Beasley PROPOSED that this land be zoned subject to a density not exceeding 3 dwellings per acre and 20% for open space and the provision of a public playground.

Cllr. B. Cronin SECONDED this proposal.

Cllr. R. Beasley asked who was responsible for the provision of the public playground.

In response Mr. T. Sheehy said that it was the developer's responsibility.

Cllr. M. Cahill said that the developer would provide the site.

Cllr. M. Gleeson asked if the site for the playground forms part of the 20% for open space.

Mr. T. Sheehy said that the playground could be accommodated. The site in itself would not be of any benefit unless it is developed as a playground.

Cllr. R. Beasley PROPOSED that the developer would provide a public playground.

Cllr. B. Cronin SECONDED this proposal.

Cllr. M. Cahill PROPOSED that the developer would provide a site for the playground.

Cllr. B. Cronin referred to the development of Firies and said that the only hope for the provision of a playground there is if the developer provides it. The site is not worth anything unless it is developed as a playground. Members of Kerry County Council owe it to the children to ensure that a developer provides a playground.

Cllr. M. Cahill pointed out that the site represents half the cost and this development is providing a site for a pre-school together with additional car parking spaces and access to the proposed training pitch for the G.A.A. He believed that Cromane is entitled to a state of the art playground.

Cllr. B. Cronin expressed concern that members were proposing this zoning. These Members have been talking about how the zoning of this land would benefit Cromane while he and other councillors were suggesting that the developer would also provide a playground. He said that he would be opposed to the proposed zoning if the developer does not provide the playground.

As Chair of the Community, Culture and Tourism SPC Cllr. R. Beasley said that it was reasonable to ask the developer to provide the playground as 14 acres will be zoned for residential development.

In response Mr. M. McMahon, Director of Planning, said that there should be provision for playgrounds in public areas rather than in private estates as this would be more appropriate to meet the community needs.

Cllr. M. O'Shea asked if the Planning Department is entitled by law to state that the developer must furnish and equip a public playground.

In response Mr. M. McMahon said that in zoning land it can be stipulated that a particular strip of land would be used for a public playground and it is legal to do this.

Cllr. N. Foley asked who is responsible for insurance for public playgrounds.

Mr. M. McMahon said that this is the responsibility of Kerry County Council.

Mr. G. O'Brien, A/SEO, informed the meeting that a vote would then be taken on the amendment proposed by Cllr. Beasley.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. B. Cronin, this Council having considered the County Manager's Report on the submissions received in relation to the Draft North Iveragh Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft North Iveragh Settlements Local Area Plan resolves that Amendment Number 3 regarding Cromane that went on public display be adopted subject to a density not exceeding 3 dwellings per acre and 20% for open space and the provision of a public playground.

This vote resulted as follows:

For: Councillors Beasley, Brassil, Buckley, Connor-Scarteen, Cronin, T. Fitzgerald, Foley, Gleeson, Kiely, Leahy, McCarthy, McEllistrim, Miller, O'Connor, O'Shea, Purtill, Sheahan **(17)**

Against: Councillors Cahill, M. Healy-Rae **(2)**

Not Voting: Councillor MacGearailt **(1)**

Absent: Councillors Ferris, S. Fitzgerald, Fleming, D. Healy-Rae, O'Brien, O'Connell, O'Donoghue **(7)**

The Mayor declared the resolution carried.

Mr. T. Sheehy informed the meeting that that dealt with the 2 amendments in dispute in Cromane.

GLENBEIGH

Cllr. J. Sheahan declared that in accordance with Section 177 of the Local Government Act, 2001, his brother was one of the landowners affected by the submissions made on the Draft Glenbeigh Local Area Plan and for this reason he would leave the meeting while the submissions on Glenbeigh were being dealt with.

Cllr. J. Sheahan then left the meeting.

Mr. T. Sheehy informed the meeting that 3 submissions were received on the amendments for Glenbeigh that went on public display. Submission GB 1 was from the NRA while GB3 was from the Department of the Environment and he understood there was agreement on these submissions. However, there was no agreement on Submission GB 2 from Catherine McMullen of An Taisce.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was unanimously agreed that the recommendations in the Manager's Report in relation to Submissions GB 1 and GB 3 be adopted.

Mr. T. Sheehy then referred to Amendment Number 5 where it is proposed to zone land next to the tower for residential development. The Manager's Report recommends that this would revert to its original zoning as it would impact adversely on Wynn's Castle. The development of this land and the ridge line would detract from the Castle.

Cllr. M. Cahill PROPOSED that this amendment would proceed as there are houses already behind it and he believed that any development at this location would not detract from the Castle.

Cllr. J. O'Connor SECONDED this proposal.

Cllr. M. Healy-Rae also supported the proposal.

Cllr. M. Connor-Scarteen supported the proposal and said that the landowner is giving land for amenity purposes.

Mr. T. Sheehy said that the zoning of this land could result in an application being appealed to An Bord Pleanála which is likely to be refused. By not developing this area the view will be maintained and the development of elevated lands will detract from the castle.

Cllr. M. Connor-Scarteen said that this amendment was agreed by the Members at the last meeting.

Mr. T. Sheehy informed Members that he had advised them against zoning this land at the last meeting and said that it is best that some areas would remain undeveloped.

Cllr. J. Brassil asked Mr. Sheehy to indicate on the map what was agreed at the last meeting.

Mr. T. Sheehy indicated the area on the map that Members agreed would be zoned for residential development at the previous meeting. He then indicated the ridge line and said that the Manager's Report recommends that there would be no development along the ridge line, however Members do not agree with this.

He believed that any application for planning permission in this area would be appealed to An Bord Pleanála and would be refused on the basis of the impact of the development.

SUSPENSION OF STANDING ORDERS

The Mayor informed the meeting that it was 1.30 p.m. and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. M. Healy-Rae, **SECONDED** by Cllr. J. O'Connor, it was agreed to suspend Standing Orders to allow the meeting to continue.

GLENBEIGH (CONTINUED)

Cllr. R. Beasley asked what density of development was proposed for this area.

In response Mr. T. Sheehy said that it would be 4 houses to the acre. There are 1½ acres involved but the development would detract from the protected structure. He again indicated the ridge line on the map.

Cllr. J. Brassil asked Mr. Sheehy if he was stating that if planning permission was granted and the decision appealed to An Bord Pleanála it was his opinion that the permission would be refused regardless of the zoning of the land.

Mr. T. Sheehy confirmed that this was his view. The recommendation in the Manager's Report is based on a plan to protect this structure. If this area is zoned he believed that An Bord Pleanála would state that no regard was taken of the protected structure.

On the PROPOSAL of Cllr. M. Cahill, **SECONDED** Cllr. J. O'Connor, this Council having considered the County Manager's Report on submissions received in relation to the Draft North Iveragh Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft North Iveragh Settlements Local Area Plan resolves that Amendment Number 5 for Glenbeigh that went on public display be adopted.

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

For: Councillors Beasley, Buckley, Cahill, Connor-Scarteen, Foley, Kiely, MacGearailt, McCarthy, McEllistrim, Miller, O'Connor, O'Shea, Purtill, M. Healy-Rae **(14)**

Against: Councillors Brassil, Cronin, T. Fitzgerald, Gleeson **(4)**

Not Voting: None **(0)**

Absent: Councillors Ferris, S. Fitzgerald, Fleming, D. Healy-Rae, Leahy, O'Brien, O'Connell, O'Donoghue, Sheahan **(9)**

The Mayor declared the resolution carried.

**08.06.23.02(II) MAKING OF THE NORTH IVERAGH SETTLEMENTS
LOCAL AREA PLAN**

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Connor-Scarteen, this Council having considered the County Manager's Report on submissions received in relation to the Draft North Iveragh Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft North Iveragh Settlements Local Area Plan resolves to make the North Iveragh Settlements Local Area Plan subject to the amendments previously agreed.

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

For: Councillors Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, T. Fitzgerald, Foley, MacGearailt, McCarthy, McEllistrim, Miller, O'Connor, O'Shea, Purtill, M. Healy-Rae **(16)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Councillors Ferris, S. Fitzgerald, Fleming, Gleeson, D. Healy-Rae, Kiely, Leahy, O'Brien, O'Connell, O'Donoghue, Sheahan **(11)**

The Mayor declared the resolution carried.

**08.06.23.03(I) Manager's Report on Submissions or Observations
Received on the Proposed Variation to the Kerry County
Development Plan 2003-2009 to incorporate the North
Iveragh Settlements Local Area Plan into the Kerry
County Development Plan 2003-2009.**

Mr. T. Sheehy referred Members to the County Manager's Report on the proposed Variation Number 18 to the Kerry County Development Plan 2003-2009 regarding the North Iveragh Settlements Local Area Plan which was circulated and he briefed them on the report.

It was unanimously agreed to note the report.

**08.06.23.03(II) MAKING OF VARIATION NUMBER 18 TO THE KERRY
COUNTY DEVELOPMENT PLAN 2003-2009**

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. B. Cronin, this Council having considered the County Manager's Report on submissions received in relation to the Draft North Iveragh Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display resolves to incorporate the provisions of the North Iveragh Settlements Local Area Plan and to zone land at and adjacent to Glenbeigh and Cromane to reflect the provisions of the North Iveragh Settlements Local Area Plan as adopted into the Kerry County Development Plan 2003-2009.

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

For: Councillors Beasley, Buckley, Connor-Scarteen, Cronin, T. Fitzgerald, Foley, MacGearailt, McCarthy, McEllistrim, Miller, O'Shea, Purtill, M. Healy-Rae **(13)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Councillors Brassil, Cahill, Ferris, S. Fitzgerald, Fleming, Gleeson, D. Healy-Rae, Kiely, Leahy, O'Brien, O'Connell, O'Connor, O'Donoghue, Sheahan **(14)**

The Mayor declared the resolution carried.

Cllr. J. Sheahan then returned to the meeting.

The Mayor informed Members that it was 1.40 p.m. and the meeting would be adjourned for lunch until 2.00 p.m.

The meeting resumed at 2.15 p.m.

APPROVAL FOR ATTENDANCE AT CONFERENCES

On the PROPOSAL OF Cllr. N. Foley, SECONDED BY Cllr. C. Miller, it was agreed to authorise the attendance of Cllr. P. McCarthy at the Alternative Enterprises Conference to be held in Clifton, Co. Galway, from the 9th to 12th July, 2008.

08.06.23.04(I) Tuairisc an Bhainisteora a mheas ar thairiscintí nó sonraí faighte ar na leasaithe atá molta do Dréachtphlean Ceantair Áitiúil Lonnaíochta d'Oirthear Dhuibhneach.

Mr. T. Sheehy referred Members to the County Manager's Report on submissions received in relation to the proposed amendments to the East Dingle Peninsula Settlements Local Area Plan which was circulated and he advised Members that he would commence with Lispole.

LISPOLE

Mr. Sheehy informed the meeting that 10 submissions were received and he understood there was agreement on Submissions LL1, 2, 3, 4, 6, 8, 9 & 10.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T. Fitzgerald, it was unanimously agreed to adopt the recommendations in the Manager's Report in relation to these submissions.

Mr. T. Sheehy then informed the meeting that there was no agreement on Submissions LL5 & LL7 and these relate to the proposed roadway T11. He had discussed these submissions with Members and they agreed that the objective for the road would be excluded and the following Objective T12 would be included - It is an objective of the Council that development of lands exiting onto the high road is contingent on adequate vehicular access being provided as far as the N86. Mr. Sheehy clarified for Members that the new Objective T12 would replace Objective T11.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea this Council having considered the County Manager's Report on submissions received in relation to the Draft East Dingle Peninsula Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display resolves in respect of Lispole having regard to Submissions LL5 and LL7 to remove the objective for the road subject to the following objective T12 replacing T11. "It is an objective of the Council that development of lands exiting onto the high road is contingent on adequate vehicular access being provided as far as the N86".

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

For: Councillors Beasley, Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Foley, MacGearailt, McEllistrim, Miller, O'Brien, O'Connor, O'Shea, M. Healy-Rae **(14)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Councillors Connor-Scarteen, Ferris, S. Fitzgerald, Fleming, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, O'Connell, O'Donoghue, Purtill, Sheahan **(13)**

The Mayor declared the resolution carried.

STRADBALLY

Mr. T. Sheehy informed the meeting that no submissions were received on the amendments that went on public display for Stradbally and he recommended that the amendments that went on public display be adopted.

On the PROPOSAL of Cllr. R. Beasley, **SECONDED** by Cllr. B. MacGearailt, it was unanimously agreed that the amendments that went on public display for Stradbally be adopted.

FAHAMORE

Mr. T. Sheehy informed the meeting that no land was zoned in Fahamore. There was a proposal to zone land between Fahamore and Kilshannig for a caravan park but this is an isolated and exposed portion of land and the Planning Department is opposed to a caravan park at this location. The proposed caravan park is not in accordance with the proper planning and development of the area.

Cllr. M. O'Shea said that he supported the zoning of this land for a caravan park. There was a caravan park in this area in the 1960s and the landowner wants to reinstate it. This is not an isolated portion of land as the Green Room Bar is 30 yards over the road. It is important to expand on tourism in Fahamore for the benefit of the local economy. The provision of a caravan park would create sustainable employment and he **PROPOSED** that this land be zoned for a caravan park.

Cllr. C. Miller **SECONDED** this proposal.

Cllr. B. MacGearailt also supported the proposal.

Cllr. M. Healy-Rae supported the proposal as he said the arguments put forward in favour of it are fair and sound.

Mr. T. Sheehy said that the zoning of this land is an effort to get around the planning process. If a planning applicant can demonstrate that adequate screening will be provided to camouflage the caravan park he should apply for planning permission. The zoning of this land undermines the planning process.

Cllr. J. Brassil said that the new County Development Plan has a clear policy on caravan parks and their development. However, planning for the development of a caravan park outside a zoned region could pose a difficulty. He felt that in the

absence of land being zoned the application had little or no chance of being granted.

Cllr. B. Cronin said that he was concerned about the close proximity of this land to the waterfront and the impact of the effluent from the caravan site. It should be stipulated that the developer would meet the highest standards possible in the treatment of the effluent.

Cllr. R. Beasley asked how many caravans would be catered for in this caravan park and said that he supported this zoning on condition that adequate screening was provided.

In response Mr. T. Sheehy said that the caravan park could cater for 25 caravans and that the ground conditions at this location are very sandy.

Cllr. T. Fitzgerald pointed out that even if this land is zoned for a caravan park an application for planning permission must still be submitted and considered.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. B. MacGearailt, this Council having considered the County Manager's Report on submissions received in relation to the Draft East Dingle Peninsula Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft East Dingle Peninsula Settlements Local Area Plan, resolves that Amendment Number 2 in respect of Fahamore, that went on public display be adopted.

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

For: Councillors Beasley, Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Fleming, Foley, MacGearailt, McEllistrim, Miller, O'Brien, O'Connor, O'Shea, M. Healy-Rae **(15)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Councillors Connor-Scarteen, Ferris, S. Fitzgerald, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, O'Connell, O'Donoghue, Purtill, Sheahan **(12)**

The Mayor declared the resolution carried.

CÉ BHRÉANAINN

Mr. T. Sheehy informed the meeting that 3 submissions were received on Cé Bhréanainn and he understood there was agreement with the recommendation in the Manager's Report in relation to Submission CN1.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. B. Cronin, it was unanimously agreed to adopt the recommendation in the Manager's Report in relation to Submission CN1.

Mr. T. Sheehy referred to Submission CN2 and said that it relates to an extension of the boundary for the portion of land which he indicated on the map. The Manager's Report recommends that Amendment Number 7 should not proceed. He had made it clear to Members that any application for family members would be given favourable consideration and he hoped members would agree with the recommendations in the Manager's Report on this submission.

Cllr. B. MacGearailt PROPOSED that the recommendation in the Manager's Report in relation to Amendment No. 7 be adopted.

Cllr. M. O'Shea SECONDED this proposal and it was unanimously agreed.

Mr. T. Sheehy again referred to Submission CN2 and Amendment No. 8 which related to the portion of land which he then indicated on the map for Members.

Cllr. R. Beasley asked where this portion of land is located.

In response Mr. T. Sheehy said that this land is located on the drive in to Cé Bhréanainn. He assured Members that family members could be accommodated on this land.

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

In response Mr. T. Sheehy said that the portion of land in question was 5 acres.

Cllr. B. MacGearailt said that there are two fields involved one is already developed and 5 or 6 houses have been constructed there.

Mr. T. Sheehy indicated the two fields on the map and said that the proposal relates to the zoning of both fields.

Cllr. B. MacGearailt said that an argument was put forward at the previous meeting that this land is outside the boundary but he pointed out that the intervening land has been developed.

Mr. T. Sheehy again indicated the lands the subject of this amendment on the map and said that no houses have been built to the front of it. There are five houses closer to the village but this is an isolated piece of land.

Cllr. B. MacGearailt PROPOSED that this land be zoned and added that small portions of land have already been zoned.

Mr. T. Sheehy said that this is a large portion of land.

Cllr. B. MacGearailt said that no one would build large numbers of houses on this land.

Mr. T. Sheehy advised Members that any application for planning permission on these lands would best be dealt with under the Rural Settlement Policy.

Cllr. B. MacGearailt said that very little has been done for Brandon and the population has declined by approximately 10% and continues to decline. This landowner would provide land for amenity and he had agreed not to pursue another zoning. If this land is not zoned he will get nothing. He PROPOSED that this land be zoned for residential development.

Cllr. S. Fitzgerald SECONED this proposal.

Mr. T. Sheehy again informed Members that this is an isolated pocket of land. Cé Bhréanainn is a small village and he was strongly opposed to this zoning.

Cllr. R. Beasley asked does density come into this proposal.

Cllr. B. MacGearailt said that this was agreed at the last meeting.

Mr. T. Sheehy pointed out that he was opposed to this zoning at the last meeting.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, this Council having considered the County Manager's Report on submissions received in relation to the Draft East Dingle Peninsula Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft East Dingle Peninsula Settlements Local Area Plan resolves that Amendment Number 8 in respect Cé Bhréanainn that went on public display be adopted.

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

For: Councillors Buckley, S. Fitzgerald, Fleming, MacGearailt, McEllistrim, Miller, O'Connor, O'Shea, M. Healy-Rae **(9)**

Against: Councillors Beasley, Brassil, O'Brien **(3)**

Not Voting: None **(0)**

Absent: Councillors Cahill, Connor-Scarteen, Cronin, Ferris, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, O'Connell, O'Donoghue, Purtill, Sheahan **(15)**

The Mayor declared the resolution carried.

AN CLOCHÁN

Mr. T. Sheehy informed the meeting that 1 submission was received on An Clochán and he understood that Members were in agreement with the recommendations in the Manager's Report on this submission.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea, it was unanimously agreed to adopt the recommendation in the Manager's Report in relation to Submission CN1.

CAMP

Mr. T. Sheehy informed the meeting that 3 submissions were received in relation to Camp. These relate to Amendment Numbers 3, 4, and 5. The Manager's Report recommends that these amendments would not proceed.

Cllr. B. MacGearailt PROPOSED that Amendment Number 3 be adopted.

Cllr. S. Fitzgerald SECONDED this proposal.

Cllr. B. Cronin requested Mr. Sheehy to indicate the lands the subject of Amendment Numbers 3, 4 and 5 on the map.

Mr. T. Sheehy then indicated the lands the subject of Amendment Numbers 3, 4, and 5 on the map and said that the land is located following a bad bend on the lower road. The Manager's Report recommends that these amendments would not proceed as it would result in an extension of the village to the lower road which is inappropriate and not in accordance with proper planning and development.

Cllr. B. MacGearailt said that until recently there were more houses on the lower road than in the village itself. The Post Office was located there and the area is also known as Camp. He could not see the rationale for not zoning this land and he said that the upper part of Camp is elevated while the land the subject of these amendments is low lying.

Mr. T. Sheehy said that these lands have no relationship to Upper Camp where the Church, pub and shop are located. He acknowledged that there were petrol pumps and a post office there but these have been removed and he added that the creamery was further back the road.

Cllr. B. MacGearailt said that the supermarket was only recently developed in Upper Camp and also many of the houses.

Cllr. B. Cronin requested clarification on the distance between the lands on the Northern side in relation to the lands the subject of these amendments.

In response Mr. T. Sheehy said there is approximately half a mile between these lands.

Cllr. B. Cronin asked the Members proposing these amendments why the unzoned land in between was not being proposed to be zoned as it is closer to the centre and more logical.

Cllr. B. MacGearailt said that this land, if developed, would flow with the road and the land leads down to the sea.

Cllr. R. Beasley asked what the zoning of this land would do to enhance the village. He added that he could not see the logic of this proposal.

Cllr. B. MacGearailt said that this land is only 300 yards away from the centre of the village and it is important to provide for people who want to live and holiday in the area.

Cllr. R. Beasley asked what services were in this area and are footpaths provided.

Cllr. B. MacGearailt said that the infrastructure is not yet in place until this development takes place.

Cllr. J. Brassil said that looking at the logic of this proposal there appears to be quite a distance between the core of the village and what is being proposed. In fact it is 600 metres minimum. When land is being zoned Members should be guided by what makes good planning sense. If this land is zoned it will result in the need to provide footpaths, sewage, public lighting, etc., and there would be more support for the zoning of land in the core of the village.

Cllr. M. O'Shea supported the proposal made by Cllr. B. MacGearailt and said that at the last meeting the zoning of 40 acres in Lower Camp was being considered. Members also supported the zoning of land in Upper Camp. The Community Centre is located in Lower Camp and there is a proposal for a Crèche and an all-weather pitch there. He felt that Members had sacrificed Lower Camp for Upper Camp in the past.

Mr. T. Sheehy stated that over 400 acres near O'Neill's Pub was proposed to be zoned and that was completely wrong. He added that it is not about sacrificing Lower Camp. These three amendments are wrong and it a strategic issue.

Cllr. B. MacGearailt pointed out that there are houses on both sides of the road connecting Lower Camp with Upper Camp.

Mr. T. Sheehy again pointed out Camp Village in relation to Lower Camp on the map for the meeting.

Cllr. B. MacGearailt said that it all constitutes Camp.

Mr. T. Sheehy pointed out that there are Government Guidelines on the leap frogging of lands and it is contrary to the proper planning and development of an area. This would result in the creation of ribbon development and makes no sense.

Cllr. B. Cronin PROPOSED that the advice given by the Senior Planner would be adopted.

Cllr. R. Beasley SECONDED this proposal.

Mr. J. D. Flynn, Director of Corporate Services, advised Members that the amendment is a direct negative of the original proposal and if the vote on the original proposal falls then the recommendations in the Manager's Report will be accepted.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, this Council having considered the County Manager's Report on submissions received in relation to the Draft East Dingle Peninsula Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft East Dingle Peninsula Settlements Local Area Plan resolves that Amendment Numbers 3, 4, and 5 in respect of Camp that went on public display be adopted.

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

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

Against: Councillors Beasley, Brassil, Cronin, Ferris, O'Brien **(5)**

Not Voting: None **(0)**

Absent: Councillors Buckley, Cahill, Connor-Scarteen, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, O'Connell, O'Connor, O'Donoghue, Purtill, Sheahan **(15)**

The Mayor declared the resolution carried.

Cllr. S. Fitzgerald said that Council Officials are being devious and while this land looks undeveloped that is not the case. The Community Hall is in Lower Camp and also the graveyard.

Cllr. R. Beasley rejected this decision.

INCH

Mr. T. Sheehy informed the meeting that 2 submissions were received on Inch IH1 from An Taisce which is not agreed and IH2 from Mahmood Hussain. He understood that Members were in agreement with the recommendations in the Manager's Report on Submission IH2.

On the PROPOSAL of Cllr. R. Beasley, **SECONDED** by Cllr. T. O'Brien it was unanimously agreed to adopt the recommendations in the Manager's Report in relation to Submission IH2.

Mr. Sheehy then referred Members to Submission IH1 from Catherine McMullen, An Taisce and said that the Manager's Report recommends that the portion of land which he then indicated on the map would not be zoned and that this amendment would not proceed. This land is elevated and would, if developed, detract from the visual amenity of the area.

Cllr. M. O'Shea said that it was a scandal that Members would be prevented from zoning this land as they fought long and hard to ensure the development of Inch for tourism purposes. Members are only looking for the development of a few shops to create a tourism atmosphere in Inch. He rejected any efforts to prevent this zoning and said that zoning of these lands is important for the development of Inch.

Cllr. J. Brassil requested Mr. Sheehy to again indicate the lands the subject of this submission on the map.

Mr. T. Sheehy indicated the land on the map and said that the area indicated in blue on the map would be zoned commercial.

Cllr. B. MacGearailt supported the zoning of this land and said that there is no development there are present. The development of this land could have a very positive impact on the area.

Mr. T. Sheehy said that he was not stating that a hotel could not be built in Inch provided it was in the correct location. The plan encourages development taking all the local issues into account. He was not arguing the potential of Inch but said that this land is the wrong location for this development.

Cllr. M. O'Shea said that there is a footpath, public light and a road which has been widened in this area but there is no development there.

Cllr. T. Ferris asked why Members were proposing that this particular portion of land would be zoned for development.

In response Cllr. M. O'Shea said that when you go beyond the hotel the land is too high. The land across the road from the blue area is protected and this is the only portion of land suitable for development.

Cllr. T. Ferris asked where Planners would recommend that this development would be more suited to.

In response Mr. T. Sheehy indicated the land that he felt was more suitable for this type of development.

Cllr. M. O'Shea stated that he wanted to cater for the development of a few small shops to the front with a few apartments/holiday homes to the rear. The area involved is only 1½ acres. He said that Inch has been neglected for years and from December to March it is busy on a Saturday. This plan affords an opportunity to create a tourism entity where it might survive.

Mr. T. Sheehy said that he was not saying that the development could not take place but simply that it needs to be in the correct location.

Cllr. M. O'Shea said that if the current policy was in place a number of years ago Banna or Ballyheigue would not have been allowed to develop.

Cllr. J. Brassil said that he lives in a seaside resort all year round and that there are 2 premises at the top of the village where businesses have failed. Businesses in these locations are not sustainable 12 months of the year. The reality is unless there is a central core and an adequate population mass these businesses will not survive.

Cllr. R. Beasley supported the sentiments expressed by Cllr. Brassil and said there are 3 Kiosks in Ballybunion and they are paying a rent of €10 per week. He has been informed that these are not viable.

Cllr. T. O'Brien said that he appreciated what Cllr. O'Shea was trying to achieve but asked where the Planning Department would recommend that the development should take place.

In response Mr. T. Sheehy said that Mr. Hussain has a shop and a restaurant at this location. He was not willing to specify a suitable location but said that any application received would be considered on its merits.

Cllr. T. Ferris said that she was fearful that if this zoning was passed it could have an adverse impact on existing businesses in the area. She added that she had lost all confidence in her fellow Councillors to decide on what's best for these communities. Members are speaking passionately about what is very obviously wrong and for this reason she was in agreement with the recommendations in the Manager's Report on this submission.

Cllr. B. MacGearailt said that in West Kerry tourism is thriving and Members did not want to harm this as many people are making a living out of it. Members are simply trying to build on existing tourism and to make it more accessible.

Cllr. J. Brassil said that given the nature of how Cllr. O'Shea spoke on this proposal he was will willing to give him the benefit of the doubt and he hoped that if zonings were proposed in future they would be backed up with solid planning arguments.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. B. MacGearailt, this Council having considered the County Manager's Report on submissions received in relation to the Draft East Dingle Peninsula Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft East Dingle Peninsula Settlements Local Area Plan resolved that Amendment Number 2 in respect of Inch that went on public display be adopted.

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

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

Against: Councillors Beasley, Cronin, Ferris, O'Brien **(4)**

Not Voting: None **(0)**

Absent: Councillors Buckley, Cahill, Connor-Scarteen, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae. Kiely, Leahy, McCarthy, McEllistrim, O'Connell, O'Donoghue, Purtill, Sheahan **(15)**

The Mayor declared the resolution carried.

BOOLTEENS/KEEL

Mr. T. Sheehy said that 3 submissions were received on the amendments that went on public display in relation to Boolteens/Keel and he understood that Members were in agreement with the recommendations in the Manager's Report on these 3 submissions.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea, it was unanimously agreed to adopt the recommendations in the Manager's Report in relation to Submissions BK1, BK2 and BK3 in relation to Boolteen/Keel.

AUGHACASHLA

Mr. T. Sheehy informed the meeting that no submissions were received on the amendments that went on public display for Aughacashla and it is recommended that the amendment that went on public display be adopted.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea, it was unanimously agreed to adopt the amendment that went on public display in relation to Aughacashla.

AN FHEOTHANACH

Mr. T. Sheehy informed the meeting that no amendments went on public display for An Fheothanach.

ANNASCAUL

Mr. T. Sheehy informed Members that 4 submissions were received on the amendments that went on public display in relation to Annascaul. He understood that Members were in agreement with the recommendations in the Manager's Report in relation to Submission AL1 only.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. O'Shea it was unanimously agreed to adopt the recommendations in the Manager's Report in relation to Submission AL1.

Mr. T. Sheehy informed the meeting that Submission AL2 was received from the N.R.A., Submission AL3 from An Taisce while Submission AL4 was received from the Department of the Environment. These relate to 3 Amendment Numbers 17, 18, and 22, which are not agreed. He suggested that it would be appropriate to deal with Submission AL2 from the N.R.A. relating to Amendment Number 17 first. He added that he had spoken with Declan O'Malley, Senior Executive Planner, and his view was that it would be possible that 3 family members could be accommodated on these lands.

Cllr. B. MacGearailt pointed out that there are 4 family members that need to be accommodated.

Cllr. J. Brassil PROPOSED that the recommendation in the Manager's Report in relation to this submission be adopted.

Cllr. B. Cronin SECONDED this proposal.

Cllr. S. Fitzgerald asked that consideration be given to facilitating 4 family members on this land.

Cllr. M. Healy-Rae said that Members should accept what is offered by Mr. Sheehy.

Cllr. B. MacGearailt said that permission is being granted for 3 family members.

Mr. T. Sheehy said that he was not granting planning permission but that he was giving an undertaking that favourable consideration would be given to planning applications by 3 family members with a possibility of a 4th.

Cllr. J. Brassil PROPOSED that the recommendations in the Manager's Recommendation in relation to Submission AL2 be adopted.

Cllr. R. Beasley SECONDED this proposal and it was agreed.

Mr. T. Sheehy then referred Members to Amendment Number 18 and indicated the lands the subject of this amendment on the map.

Cllr. B. MacGearailt PROPOSED that Amendment Number 18 be adopted. This land owner was granted planning permission for 10 houses and this permission will expire shortly.

Cllr. S. Fitzgerald SECONDED this proposal.

Mr. T. Sheehy said that the zoning of this land would result in the leap frogging of other lands. There are no footpaths at this location and there would be difficulty in connecting any development at this location to the sewer.

Cllr. T. O'Brien requested Mr. Sheehy to indicate the lands the subject of this amendment on the map.

Mr. T. Sheehy then indicated the lands on the map for the meeting.

Cllr. S. Fitzgerald said that the permission granted on these lands will expire shortly and the Planning Department have indicated that planning permission may not be granted on these lands again. He was simply trying to accommodate the landowner in securing planning permission on these lands.

In response Mr. T. Sheehy said that this is what happens when there are no Local Area Plans in place and planning was taking place in a vacuum. This landowner was granted planning permission but for 5 years he did nothing in the boom time when there was demand for housing.

Cllr. S. Fitzgerald stated that Mr. Sheehy granted permission for the development of 10 houses on these lands 4 years ago.

Mr. T. Sheehy said that all planning permissions granted during his term in Planning did not mean that he wrote up each decision. He stated that this zoning is not appropriate but even if the land is not zoned the developer could apply for permission anyway.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald this Council having considered the County Manager's Report on submissions received in relation to the Draft East Dingle Peninsula Settlements Local Area Plan and the County Managers Report on the proposed amendments that went on public display for the Draft East Dingle Peninsula Settlements Local Area Plan resolves that Amendment Number 18 in respect of Annascaul that went on public display be adopted.

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

For: Councillors Connor-Scarteen, S. Fitzgerald, MacGearailt, O'Shea, M. Healy-Rae **(5)**

Against: Councillors Beasley, Brassil, Cronin, Ferris, O'Brien **(5)**

Not Voting: Councillor Miller **(1)**

Absent: Councillors Buckley, Cahill, T. Fitzgerald, Fleming, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistrim, O'Connell, O'Connor, O'Donoghue, Purtill, Sheahan **(16)**

As the vote resulted in a tie it was decided on the casting vote of the Mayor who voted in favour of the proposal.

The Mayor declared the resolution carried.

Mr. T. Sheehy referred Members to Amendment Number 22 and indicated the land the subject of this amendment on the map. The development of these lands on the approach road to Annascaul for commercial zoning is totally inappropriate and will detract significantly from Annascaul as an attractive village. He pointed out, however, that the portion of the land which he indicated on the map to be developed as a neighbourhood centre/shop would be acceptable.

Cllr. M. O'Shea PROPOSED that the land indicated on Map AL19 submitted be zoned for small scale retail/neighbourhood centre.

Cllr. S. Fitzgerald SECONDED this proposal.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald, this Council having considered the County Manager's Report on submissions received in relation to the Draft East Dingle Peninsula Settlements Local Area

Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft East Dingle Peninsula Settlements Local Area Plan resolves to amend the Draft East Dingle Peninsula Settlements Local Area Plan as follows: that a portion of land as indicated on Map AL19 submitted be zoned for small scale retail/neighbourhood centre.

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

For: Councillors Beasley, Brassil, Connor-Scarteen, Cronin, S. Fitzgerald, MacGearailt, Miller, O'Brien, O'Shea, M. Healy-Rae **(10)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Councillors Buckley, Cahill, Ferris, T. Fitzgerald, Fleming, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistrim, O'Connell, O'Connor, O'Donoghue, Purtill, Sheahan **(17)**

The Mayor declared the resolution carried.

Cllr. S. Fitzgerald referred to Amendment Number 20 and said that he thought that a mistake was made on the map that went on public display as he understood additional land further down was also zoned.

Cllr. M. Healy-Rae requested clarification from Mr. Sheehy on whether that map could be changed.

Mr. M. McMahon said that Mr. Sheehy has indicated that he is clear on what was agreed and that is what went on public display.

Cllr. S. Fitzgerald PROPOSED that this land be zoned as Members proposed it at the last meeting.

The Mayor stated that he had to leave the meeting and he nominated Cllr. J. Brassil to take the Chair.

Cllr. J. Brassil then took the Chair.

Mr. T. Sheehy then advised Members that on the basis that Amendment Number 22 was agreed Submissions AL2 and AL3 were agreed.

CASTLEGREGORY

Mr. T. Sheehy said that two submissions were received on Castlegregory one from An Taisce and the second from the Department of the Environment, Heritage and Local Government and none of these were agreed. The Manager's

Report recommends that proposed Amendment Numbers 17 and 19 should not proceed.

Cllr. B. Cronin PROPOSED that the recommendation in the Manager's Report be adopted.

Cllr. T. O'Brien SECONDED this proposal.

Cllr. M. O'Shea that he understood there was agreement at the last meeting that one of these amendments would be agreed while the other would not proceed. He had indicated his agreement with this.

Mr. T. Sheehy said that it was agreed that Amendment Number 17 would not proceed and there was no agreement on Amendment Number 19. Mr. Sheehy added that It was not possible to trade one for one when they are both wrong.

Cllr. M. O'Shea said that there are similarities right through the Manager's Report in relation to the Council's observations and those of An Taisce.

Mr. McMahon said that the Planning Department was opposed to these amendments and never supported them and they have been consistent in their views.

Cllr. J. Brassil called for a vote to be taken on the proposal by Cllr. B. Cronin.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T. O'Brien, this Council having considered the County Manager's Report on submissions received in relation the Draft East Dingle Peninsula Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft East Dingle Peninsula Settlements Local Area Plan resolves to adopt the recommendations in the Manager's Report in relation to Amendment Numbers 17 and 19 in respect of Castlegregory.

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

For: Councillors Beasley, Brassil, Cronin, Ferris, O'Brien **(5)**

Against: Councillors S. Fitzgerald, MacGearailt, Miller, O'Shea **(4)**

Not Voting: None **(0)**

Absent: Councillors Buckley, Cahill, Connor-Scarteen, T. Fitzgerald, Fleming, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistrim, O'Connell, O'Connor, O'Donoghue, Purtill, Sheahan, M. Healy-Rae **(18)**

The Deputy Mayor declared the resolution carried.

GENERAL SUBMISSIONS

Mr. T. Sheehy stated that 2 General Submissions were received and he understood there was agreement on these.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. R. Beasley, it was unanimously agreed to accept the recommendations in the Manager's Report in relation to General Submissions G1 and G2.

08.06.23.04(ii) Déanamh Dhréachtphlean Ceantair Áitiúil Lonnaíochta d'Oirthear Dhuibhneach

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. R. Beasley this Council having considered the County Manager's Report on submissions received in relation to the Draft East Dingle Peninsula Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Draft East Dingle Peninsula Settlements Local Area Plan resolves to make the East Dingle Peninsula Settlements Local Area Plan subject to the amendments previously agreed.

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

For: Councillors Beasley, Brassil, Cronin, S. Fitzgerald, Miller, O'Brien, O'Shea, **(7)**

Against: None **(0)**

Not Voting: Councillor Ferris **(1)**

Absent: Councillors Buckley, Cahill, Connor-Scarteen, T. Fitzgerald, Fleming, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, McEllistram, O'Connell, O'Connor, O'Donoghue, Purtill, Sheahan, M. Healy-Rae **(19)**

The Deputy Mayor declared the resolution carried.

08.06.23.05(i) Tuairisc an Bhainisteora ar aighneachtaí nó tuairimí a mheas maidir le Plean Forbartha an Chontae 2003-2009 a athrú chun Plean Ceantair Áitiúil Lonnaíochta d'Oirthear Dhuibhneach a chur san áireamh ann.

Mr. T. Sheehy referred Members to the County Manager's Report on the proposed Variation Number 17 to the Kerry County Development Plan 2003-2009 regarding the East Dingle Peninsula Settlements Local Area Plan and he briefed them on the report.

It was unanimously agreed to note the report.

08.06.23.05(ii) Athrú uimhir 17 ar Phlean Forbartha an Chontae 2003-2009

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. O'Brien, this Council having considered the County Manager's Report on submissions received in relation the Draft East Dingle Peninsula Settlements Local Area Plan and the County Manager's Report on the proposed amendments that went on public display resolves to incorporate the provisions of the East Dingle Peninsula Settlements Local Area Plan and to zone land at and adjacent to Castlegregroy, Annascaul, Boolteens/Keel, Inch, Camp, An Clochán, Cé Bhréanainn and Lispole to reflect the provisions of the East Dingle Peninsula Settlements Local Area Plan as adopted into the Kerry County Development Plan 2003-2009.

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

For: Councillors Beasley, Brassil, Cronin, S. Fitzgerald, Miller, O'Brien, O'Shea **(7)**

Against: None **(0)**

Not Voting: Councillor Ferris **(1)**

Absent: Councillors Buckley, Cahill, Connor-Scarteen, T. Fitzgerald, Fleming, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, McEllistrim, O'Connell, O'Connor, O'Donoghue, Purtill, Sheahan, M. Healy-Rae **(19)**

The Deputy Mayor declared the resolution carried.

The meeting concluded at 4.05 p.m.

G. O'Brien

A/S.E.O Corporate Affairs

Mayor of Kerry