

**These Minutes have been edited for Data Protection purposes.
A paper copy of the unedited Minutes is available on request.**

**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN 12 DEIREADH FÓMHAIR 2009.**

**MINUTES OF THE SPECIAL PLANNING MEETING OF KERRY COUNTY
COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE,
TRALEE ON MONDAY 12th OCTOBER 2009.**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley
M Cahill
P.J. Donovan
T. Fleming
B. Griffin
P. Leahy
M. Moloney
M. O'Shea
A.J. Spring

J. Brassil
P. Connor-Scarteen
J. Finucane
N. Foley
D. Healy-Rae
P. McCarthy
B. O'Connell
L. Purtill

T. Buckley
B. Cronin
S. Fitzgerald
M. Gleeson
M. Healy-Rae
A. McEllistrim
P. O'Donoghue
J. Sheahan

ABSENT

Councillor/Comhairleoir

T. Ferris
T. O'Brien

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, Co. Manager	Mr. M. McMahon, Dir of Planning
Mr. J.D. Flynn, Dir. Of Corp. Services	Mr. J. Breen, Dir. Of Housing
Mr. C. O'Sullivan, Dir. Of Roads	Mr. O. Ring, Dir. Of Water Services
Mr. T. Sheehy, SE, Planning	Ms. J. McCarthy, SEO Planning
Mr. G. O'Brien, Mtgs. Administrator	Ms. A. Moriarty, Tech. Planning
Mr. P. Corkery, Press & Comm. Off.	Ms. B. Reidy, S.S.O. Corp. Affairs
Ms. O. O'Shea, C.O. Corporate Affairs	

The meeting commenced at 10.30am.

The Mayor, Cllr. B. O'Connell took the Chair.

Sneem Fire Brigade

Cllr. M. Healy-Rae thanked Sneem Fire Brigade which was the first responders to a recent tragic fatal road traffic accident. The Brigade was at the scene in minutes and it demonstrates the importance of the Fire Service.

Members' Duties under Ethics Legislation

Mayor B. O'Connell informed members that he wished to remind them of their duties under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. He then read the following statement into the record of the meeting.

"Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. 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 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."

09.10.12.01 Manager's Report on submissions or observations received in relation to the Castleisland Functional Area Local Area Plan 2009 – 2015

Mr. T. Sheehy informed members that over the past few year local area plans were prepared for the county and following this the County Development Plan was reviewed. The Castleisland Functional Area Local Area Plan is now up for review and must be adopted before the end of the year. It is an objective of Kerry County Council, as a planning authority, to prepare local area plans for the settlements in the county which are grouped into functional areas in the Kerry County Development Plan 2009 – 2015. Castleisland is the first local area plan to be reviewed under this new structure. He outlined the functional areas as set out in the County Development Plan. The Castleisland Functional Area Draft Local Area Plan was placed on public display from 22nd July 2009 to 3rd September 2009. An open day for members of the public was also held in Castleisland on the 5th August 2009. In all forty submissions were received during the consultation period of the Plan. Included in this Plan are the following settlements:-

- Castleisland
- Brosna
- Currow
- Knocknagoshel
- Scartaglin
- Cordal
- Currans
- Rural Area

Mr. Sheehy informed the meeting that Section 6 of the Planning and Development Regulations 2009 reads as follows:-

“In accordance with the provisions of 23(2)(j) of the Act, the National and Regional Population Targets prepared by the Department of the Environment, Heritage and Local Government, from time to time, are hereby prescribed for the purposes of establishing projected population trends to inform settlement and housing strategies in addressing the proper planning and sustainable development of the region to which the guidelines relate.”

He added that County Kerry is in the South West Region which has a total population of 667,500 and it is projected that this will increase to 737,100 by 2016. County Kerry has a population of 149,847 and it is projected that this will increase to 165,471 by 2016. The Tralee/Killarney Hub is the only other area in the county specified and the population of the wider Hub area is 80,332 and it is projected this will increase to 89,032 by 2016. The population of Castleisland is 10,173 and this is projected to increase to 11,340 by 2015. Putting these figures in context there has been a 5.5% increase in population from 2002 to 2006. The Department project that populations will increase by 10.4% over the next 6 years. On top of this an additional 2½ times headroom was allowed to cater for inertia in the market. The County Development Plan is consistent with the Regional Targets from the Department and the local area plans will be consistent with the provisions of the County Development Plan. In total 121.41 acres can be zoned in this plan area and this will allow for the provision of 508 houses. This area of zoned land cannot be exceeded. The breakdown of this figure between the settlements is as follows:-

Settlement	Area of Land Zoned (acres)	Projected Housing Provision (No.)
Casteisland	82.52	412.5
Brosna	5.28	13
Cordal	5.37	13
Curran	8.02	20
Currow	8.81	22
Knocknagoshel	6.01	15
Scartaglin	5.40	13
TOTAL	121.41	508

Mr. Sheehy then briefed members on the zoning criteria for the Castleisland Local Area Plan as follows:

- **1.6.4 Zoning Criteria**
- It is important that zoning within the settlements is carried out in a logical and informed manner which will provide for the long-term sustainable development of the settlements. The following criteria are used in deciding the extent and location of proposed residential zoning;
- Zoning within settlements shall not exceed the **calculated requirements of the plan.**
- The provisions of Section 11.4 of the County Development Plan 2009 – 2015 shall apply in relation to flood risk management and zoning of land.
- **All zoned land shall be contiguous to the existing settlements boundary.**
- Zoning of land is dependent on adequate wastewater infrastructure provision.
- **Preference shall be given to the development of the town centre and infill developments prior to the zoning additional lands on the outskirts of the settlement.**
- **All proposed zoning provisions shall be in accordance with the overall objectives of this plan.**

- Section 20 of the Planning and Development Act 2000 (as amended)
- Under Section 20 of the Act the manager is required to take into 'account of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government'.

- Duties of Members
- When performing their functions under this subsection, the members of the authority shall be restricted to considering the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

Mr. Sheehy advised members that the County Manager's report on submissions received was circulated to all members. He met with the members of the Killarney Electoral Area on Thursday last. A meeting was not held with the members for the Tralee Electoral Area as the only settlements in their area in the Plan are Knocknagoshel and Brosna and he felt it was not necessary. On the basis of the meeting with the members for the Killarney Electoral Area members agreed that the number of acres to be zoned as outlined would be complied with.

Members then agreed that the overall area of land zoned in the Castleisland Functional Area Local Area Plan would not exceed 121.41 acres.

Cllr. A. McEllistrim said that the members from the Tralee Electoral Area did not have adequate time to consider the report. She was unaware that land was being dezoned and only found this out by accident. She also referred to the Minister's Guidelines and the forthcoming Planning and Development Bill.

Mr. Sheehy said that members were not dealing with the Planning and Development Bill at that time. He confirmed, however, that if this Bill is enacted there would be further restrictions on the zoning of land.

Cllr. A. McEllistrim said that there was no public consultation in Knocknagoshel and people did not realise that their land would be dezoned. This is not fair to them and as their land was zoned in April 2007 it did not afford them adequate time to pursue the development of their land. She said there should have been proper consultation with people whose land was being dezoned as they did not realise this was happening and did not make a submission.

Mr. T. Sheehy informed members that the public consultation on this Draft Plan was advertised in the local media and notices were read out at masses in each of the settlements. A number of people from Knocknagoshel attended the public meeting in Castleisland and they were aware that land would be dezoned. He was satisfied that the level of public consultation was the same as that for other local area plans.

Cllr. T. Fleming agreed with the concerns expressed by Cllr. McEllistrim and said that Currow is ideal for development. When the Currow Local Area Plan was being made two 5 acre blocks of land were zoned for residential development. It is now proposed to dezone these lands in a very harsh manner and he wondered about the legality of this process. The landowners were notified that the zoning was for a period of 5 years. In the meantime they incurred costs in having plans drawn up. He believed the Planning Department was acting unfairly. Planning legislation is currently going through Dáil Éireann and he felt the dezoning of land was premature until the new planning legislation is in place.

Cllr. D. Healy-Rae also expressed concern regarding proposals to dezone land and said that it was very unfair on land owners whose land was only recently zoned.

Cllr. P. McCarthy said in the County Development Plan some areas are designated 'Weak Rural Areas' and this encourages the development of these areas.

Cllr. M. Healy-Rae supported the sentiments expressed by previous speakers and asked Mr. Sheehy if it was not true to say that members hands are tied because they are bound by the Guidelines issued by the Department of Environment, Heritage and Local Government.

Minutes Special Planning Meeting

Mr. T. Sheehy confirmed that members are obliged to have regard to the Guidelines but that is not to say that member's hands are tied. Members cannot zone land outside settlements but can zone land within settlements. However, if land is proposed to be zoned it will be necessary to dezone other lands. The Council can no longer zone unlimited land.

Cllr. M. Healy-Rae said that it can no longer be presumed that because land is zoned it will continue to be zoned because of the dezoning requirement when additional land is zoned.

Mr. T. Sheehy said that it cannot be presumed that land zoned will continue to be zoned in future plans.

Cllr. M. Healy-Rae asked if land is dezoned would there be a question of compensation.

Mr. T. Sheehy confirmed that there would not be a question of compensation.

Cllr. M. Gleeson asked how rigidly members were tied to the restriction on the amount of land zoned and how would this would impact on rural housing?

Cllr. J. Finucane said that if land is zoned it is an asset but if it is then dezoned it is not worth much. The Council is asking landowners to take an economic hit when their land is dezoned and he was concerned about this as they may have taken out loans on the strength of the zoned land.

Mr. T. Sheehy informed members that no land with current planning permission will be dezoned. Castleisland Local Area Plan was made six years ago at a time of economic boom. If land was zoned for the past six years and planning permission has not been granted it would not be correct to say that the owner intended to develop it. In this instance no one can claim that they have been treated unfairly.

Cllr. N. Foley stated that landowners whose land was zoned two years ago understood that their land was zoned for a period of five years.

In response Mr. T. Sheehy said that it is up to members to decide on this issue. There was extensive public consultation and notices read at all local masses. An open day was held in Castleisland and a large number of people attended.

Cllr. N. Foley pointed out those landowners whose land was zoned two years ago felt they would not be impacted so soon.

Minutes Special Planning Meeting

Mr. T. Sheehy said that the allocation of zoned land has been based on the figures presented and the Council must comply with the county figures. If additional land is zoned in Castleisland this will reduce the amount of zoned land somewhere else in the county. If this continued to happen with other local area plans there would be very little land to be zoned in the final local area plan to be prepared. He added that this will have no impact on one off housing.

Cllr. M. Cahill pointed out that landowners have taken out loans on the strength of zoned land.

Cllr. J. Brassil said that while discussing the zoning of land in Castleisland one must also consider the zoning of land in Knocknagoshel, Currow etc. and these settlements do not have modern treatment facilities. All treatment plants must be licensed and it is likely that substantial monies will have to be expended to upgrade existing treatment facilities arising from the licences issued by the EPA. He asked if an important and relevant factor in this discussion is the inability of present infrastructure to cater for future development. It is unlikely that new treatment plants will be provided in many of these villages in the near future so the zoning of the land is irrelevant. He asked Mr. Sheehy for his views on these issues.

Mr. T. Sheehy said there are difficulties in relation to effluent treatment throughout the county. It was always necessary to comply with guidelines on effluent treatment but under the Water Framework Directive a planning authority is also asked to take account of the impact of the overall development on the water body. This is termed a combined approach and using these criteria many of our existing treatment plants will not be adequate. He confirmed that funding is not available to provide the infrastructure in many of the smaller settlements. However, developers could provide the treatment facilities but he acknowledged that this is unlikely to happen. In preparing local area plans the planning authority must provide zoned land and outline settlement strategies. They form and underpin any submission to the Department for funding for sewerage schemes. If land is not zoned no case can be made for funding. Local area plans specify that development cannot take place if the necessary infrastructure is not in place.

Cllr. B. Cronin asked if the 121.41 acres had accommodated most of the submission received.

In response Mr. T. Sheehy said that when the Draft Plan was being prepared they were working on the February 2009 target figures. These were revised upwards in August 2009. In Castleisland almost all submissions were facilitated.

Cllr. J. Finucane asked if a landowner was in the process of drawing up plans and intended applying for planning permission can they appeal the dezoning of their land.

Minutes Special Planning Meeting

In response Mr. T. Sheehy said this was not possible.

Mr. M. McMahon pointed out that if land is zoned it does not automatically mean planning permission will be granted.

Mr. T. Sheehy said that General Submission Nos. 1, 2, 3, 4 and 5 were agreed.

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 General Submission Nos. G1, 2, 3, 4 and 5 be adopted.

Castleisland Draft Local Area Plan

Submission No. CD1 (Name & Address withheld for data protection purposes).

Mr. T. Sheehy informed members that this submission requests that two separate pieces of land at Tullig be zoned for residential use. He then indicated the two portions of land on the map together with existing housing development in the area. The Manager's Report had proposed the zoning of a portion of land which he indicated on the map but said that he now agreed that instead a portion of land measuring 5.69 acres and an additional portion of land which he indicated below the road of 2.25 acres would be zoned instead. This is not in agreement with the recommendation in the Manager's Report.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Castleisland Functional Area Draft Local Area Plan 2009 – 2015, resolves to amend the Local Area Plan for Castleisland as follows: Having regard to Submission No. CD1 to zone 5.69 acres of land for residential development to the North of the Brosna Road as indicated on the attached map and to zone 2.258 acres of land to the South of the Brosna road for residential development as indicated on the attached map CDA.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Cronin, Donovan, Finucane, Fitzgerald, Fleming, Foley, Gleeson, Griffin, D. Healy-Rae, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Shea, Purtill, Sheahan, Spring, O'Connell **(23)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. P. Connor-Scarteen, Ferris, O'Brien, O'Donoghue **(4)**

The Mayor declared the resolution carried.

Mr. T. Sheehy stated that following the meeting with the members for the Killarney Electoral Area there was agreement on the following submissions: CD2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 16, 18, 19, 20 and 21.

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

**CD4 Planning and Engineering Services, Castleisland on behalf of
(Name & Address withheld for data protection purposes)**

CD11 Tara Buckley, RGDATA, Blackrock, Co. Dublin

CD14 (Name & Address withheld for data protection purposes)

CD22 The Elected Members, Kerry County Council

Mr. T. Sheehy informed the meeting that Submissions CD4, 11, 14 and 22 would be taken together. The submission on behalf of Tony Walsh requests that a 1.3Ha site at Moanmore, on the Tralee road, which is currently zoned for industrial use in the draft plan be zoned for retail use. Members passed a resolution supporting this request at a recent Council meeting. His Department felt that other sites closer to the town would be more appropriate and he felt that this submission is in conflict with existing guidelines. Mr. Sheehy then read the Manager's response to this submission into the record of the meeting.

Response:

"Considering the predominant land use adjacent to the site, the sites distance from the town centre and the alternative provision in the plan for retail development, it is considered that the proposed retail zoning of this land is not in accordance with the proper planning and sustainable development of the town.

Recommendation:

No amendment to the draft plan is recommended."

Cllr. B. Cronin said that at the July Council meeting members passed a resolution in support of this proposal on proper planning grounds as a substantial block of land around this site is already zoned. Therefore there is precedent. Kerry Co-Op have a retail outlet across the road, Ahern's Garage and McElligotts retail store are located across the road. He believed the land is inside the speed limit and there is adequate public lighting and footpaths. The road is very straight at this location and the land is located in the triangle for the Tralee/Killarney road. This site will be accessible, without going through the town centre, once the new By-Pass is completed. It is important to promote competition and to boost badly needed employment in the area. The zoning of this land would provide an opportunity to create additional employment for Castleisland town. There is also a substantial plot of land zoned light industrial in the plan. This could be a flag ship development to attract people to the town for shopping. He PROPOSED that the zoning of this land would be changed from industrial to retail in accordance with the map submitted.

Cllr. J. Finucane SECONDED this proposal and said in these difficult economic times it is important to encourage business and industry. If we are to encourage economic recovery we must promote indigenous business.

Cllr. T. Fleming also supported the proposal and said this type of development is urgently needed in Castleisland. He believed that such a development would impact positively on other businesses in the town and the lands are strategically located.

Cllr. B. O'Connell supported the proposal and said that it is imperative for the proper and sustainable development of the area. He added that the Tralee road can take the volumes of traffic that would be generated by the development of this site.

Cllr. D. Healy-Rae also supported the proposal and said that there is adequate room for development on this site and it is strategically located. For good planning reasons he fully supported this proposal.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Finucane this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Castleisland Functional Area Draft Local Area Plan 2009 – 2015, resolves to amend the Local Area Plan for Castleisland as follows: having regard to Submission Nos. CD4, 11, 14 and 22 to zone the lands the subject of these submission for retail use.

Minutes Special Planning Meeting

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

For: Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Fleming, Foley, Gleeson, Griffin, D. Healy-Rae, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Shea, Purtill, Sheahan, Spring, O'Connell **(23)**

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

Not Voting: None **(0)**

Absent: Cllrs. Ferris, O'Brien, O'Donoghue **(3)**

The Mayor declared the resolution carried.

Submission No. CD6 (Name & Address withheld for data protection purposes) on behalf of (Name & Address withheld for data protection purposes)

Mr. Sheehy indicated the lands the subject of this submission on the map and said the submission relates to a portion of land on the Scartaglin Road which he indicated on the map. It is proposed to zone 3.714 acres for residential development. The submission also proposes an amendment to the line of the Relief Road to come down outside these lands.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Castleisland Functional Area Draft Local Area Plan 2009 – 2015, resolves to amend the Local Area Plan for Castleisland as follows: having regard to Submission No. CD6 to zone 3.714 acres of lands as indicated on the attached map CDB for residential zoning and to amend the line of the proposed continuation of the Inner Relief Road.

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

For: Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Fleming, Foley, Gleeson, Griffin, D. Healy-Rae, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Shea, Purtill, Sheahan, Spring, O'Connell **(23)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Ferris, O'Brien, O'Donoghue **(4)**

The Mayor declared the resolution carried.

Submission No. CD15 Malone, O'Regan, McGillicuddy Engineers, Tralee on behalf of (Name withheld for data protection purposes)

Mr. Sheehy informed members that (Name withheld for data protection purposes) owns lands at Killegane, Castleisland. The land consists of one field with an existing dwelling house at the south eastern corner. The front half of the field is zoned for low density residential development in the current plan for Castleisland town. It is requested that the existing residential zoning be retained and extended to include the whole field.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Moloney this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Castleisland Functional Area Draft Local Area Plan 2009 – 2015, resolves to amend the Local Area Plan for Castleisland as follows: Having regard to Submission No. CD15 to zone 0.763 acres of land as indicated on the attached map CDC for residential development.

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

For: Cllrs. Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Fleming, Foley, Gleeson, Griffin, D. Healy-Rae, Leahy, McCarthy, McEllistram, Moloney, O'Shea, Purtill, Sheahan, Spring, O'Connell **(21)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Brassil, Ferris, M. Healy-Rae, O'Brien, O'Donoghue **(6)**

The Mayor declared the resolution carried.

Submission No. CD17 O'Sullivan Campbell Architects, Tralee on behalf of (Name withheld for data protection purposes)

Cllr. A. McEllistram declared that in accordance with Section 177 of the Local Government Act 2001 she was related to (Name withheld for data protection purposes) as he was married to her late Aunt and for this reason she would leave the meeting while the submission was being discussed.

Cllr. McEllistram then left the meeting.

Mr. T. Sheehy said that in order to stay within the proposed figure for zoned land, land was zoned for mixed use in the plan. (Name withheld for data protection purposes) owns land at Tonbwee which was zoned for residential use in the draft plan. It is requested that these lands be zoned for mixed use rather than

Minutes Special Planning Meeting

residential. This would result in 5.3 acres being changed from residential zoning to mixed use zoning.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Castleisland Functional Area Draft Local Area Plan 2009 – 2015, resolves to amend the Local Area Plan for Castleisland as follows: having regard to Submission No. CD17 to extend the proposed mixed use zoning as indicated in the Manager's Report on submissions and remove 5.303 acres of the residential zoning to the East of the mixed use zoning as indicated on the attached map CDD.

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

For: Cllrs. Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Fleming, Foley, Gleeson, Griffin, D. Healy-Rae, M. Healy-Rae, Leahy, McCarthy, Moloney, O'Shea, Purtill, Sheahan, Spring, O'Connell **(21)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Brassil, Ferris, McEllistrim, O'Brien, O'Donoghue **(6)**

The Mayor declared the resolution carried.

Cllr. A. McEllistrim then returned to the meeting.

Cllr. N. Foley asked if an education centre could be located in an urban area.

In response Mr. T. Sheehy confirmed that it could.

Brosna Draft Local Area Plan

Mr. T. Sheehy informed members that one submission was received in relation to the Brosna Local Area Plan and this related to the farmers market and members are in agreement with the recommendation in the Manager's Report on this submission.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane it was unanimously agreed to adopt the recommendation in the Manager's Report in relation to Submission No. BA1.

Currow Draft Local Area Plan

Mr. T. Sheehy informed members that six submissions were received in relation to the Currow Draft Local Area Plan and members were in agreement with the recommendations in the Manager's Report in relation to Submission Nos. CW1, 2 and 6.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. B. O'Connell it was unanimously agreed that the recommendations in the Manager's Report in relation to these submissions be adopted.

Submission No. CW3 (Name & Address withheld for data protection purposes)

Mr. T. Sheehy indicated on a map the proposed boundary of the Currow Local Area Plan. He then indicated the lands the subject of the three submissions not agreed.

Cllr. T. Fleming referred to Submission Nos. CW3 and CW4 and said that many members present voted in favour of these when the land was first zoned. It was very disappointing for members to have to consider the zoning of these lands after just 2 years. These two portions of land were zoned on good planning grounds and were subsequently signed off on by the County Manager and incorporated in the County Development Plan. This area is in the Hub and Currow is stagnant. The Council needs to be more positive in its approach. In conclusion he PROPOSED that Submission CW3 be adopted.

Cllr. D. Healy-Rae SECONDED this proposal and said that he was supporting it on good planning grounds. This land is close to the village and on the right side of the village for the Church and shop. There was a proposal that when the lands the subject of Submissions CW4 and 5 are developed there would be an extension of the footpath into the village. There was no development in Currow for a long time and it is important to continue with this proposal for residential development.

Mr. T. Sheehy said that when these lands were zoned they were the subject of a substantial debate and opposition from Management. Members must comply with proper planning and development. He then read the Manager's response to this submission into the record of the meeting.

"Response:

This land is located a distance from the village in a rural area with no contiguous development. In view of the requirements to limit the quantity of zoned land in the plan to reflect the projected population growth, the objective to create a compact settlement and economical provision of public services, the lack of wastewater infrastructure in the village, the existing provision for residential zoning within the village and the provisions of Section 1.6.4 (Zoning Criteria) of

the plan, it is considered that this land should not be zoned for residential development.

Recommendation:

No amendment to the draft plan is recommended.”

Mr. Sheehy stated that in considering this submission members are constrained to consider the proper planning and development of the area. If members want to make this proposal they must state why they are proposing that this land would be zoned rather than other agreed lands. If members cannot demonstrate why this land should be zoned, rather than lands contiguous to the settlement, they should not be making the proposal. The following is an objective of the plan: “Retain a compact and sustainable village structure. New development shall contribute towards a compact settlement structure through making effective use of back land and infill sites and zoned lands contiguous with existing development”.

Mr. Sheehy advised members that the Manager is obliged to comply with Guidelines issued by the Minister and it is an objective that all zoned lands shall be contiguous to zoned land. In conclusion he said if members want to pursue this proposal they must specify why other land is not suitable.

Cllr. D. Healy-Rae asked where the flight zone for the airport is.

Mr. T. Sheehy then indicated the flight zone on the map for the meeting.

Cllr. D. Healy-Rae said that members would be proposing the zoning of land closer to the village but this is not possible because of the flight zone.

Mr. T. Sheehy again stated that members must state why this land should be zoned rather than more suitable land closer to the village. On many occasions housing estates are built on the outskirts of villages and have destroyed the character of a village. None of the land being proposed is contiguous to zoned land. The zoning of this land would result in disjointed development and would not contribute to the proper and sustainable development of the area. On that basis he could not see how members were making this proposal.

Cllr. B. Cronin said that he had serious concerns regarding this proposal and there did not appear to be proper planning and development grounds for the proposal. This submission was discussed at the recent Killarney Area Meeting. He asked if this proposal is accepted what land would then be de-zoned. Members had been seeking to have a sewerage treatment plant provided for Currow for the past 10 years but it still has not been provided. He referred to the area marked blue on the map indicated by Mr. Sheehy and asked if a planning application was submitted for these lands.

Minutes Special Planning Meeting

Mr. T. Sheehy confirmed that no planning application was received for these lands.

Cllr. T. Fleming said this land is within the speed limit and the Council located speed limits to protect people. The site is purchased for the sewerage scheme for Currow and in the Tidy Towns competition Currow got an endeavour award. The junction has been improved by the Tidy Towns committee. On the south side part of Currow has been omitted from the map and this area has not been recognised. He said that we are causing erosion in our communities by omitting these areas. There is a wildlife lake in this area which has also been omitted. He PROPOSED that the meeting be adjourned for half an hour in an effort to come to some kind of a compromise on this submission.

Cllr. D. Healy-Rae said that this land is contiguous if one discounts the flight zone.

Cllr. J. Brassil said that it was widely accepted that the occurrence of estates outside villages takes from a village. Ballyheigue lost marks in the Tidy Town Competition because of unfinished estates. Members are under a lot of pressure to zone land with a reasonable prospect of development. The review of Local Area Plans presents an opportunity to members to rectify mistakes of the past. People are seeking to have lands zoned without putting forward proper planning and development grounds for it. Members should remember that the council will have to take over housing estates and incur costs going forward. In conclusion Cllr. Brassil said that the development of housing estates outside the village centres is not the way forward.

Mr. T. Sheehy said that the fact that this land is located inside the speed limit is irrelevant and does not relate to the proper planning and development of the area. The existence of the flight path does not justify the zoning of land further out from the village centre. He asked the proposers why they were proposing that this land would be zoned in preference to other land. He again pointed out that this land is not contiguous to other zoned land. The Planning Department would have a preference for the development of the town centre. He said that members must clearly outline why this land is being proposed.

Cllr. D. Healy-Rae said that this is a reasonably wide road with 2 or 3 roads around it.

Mr. T. Sheehy said that this could apply to any land.

Cllr. T. Fleming said that this would be a catalyst for a much needed footpath into the village. The Council is not in the position to provide it.

Mr. Sheehy said it is not appropriate to zone land and to create a need for a footpath.

Minutes Special Planning Meeting

Cllr. P. Leahy asked the proposer if this land is zoned what land would be de-zoned.

Cllr. M. Moloney asked if this land is zoned must members indicate what 6 acres will be de-zoned.

Mr. T. Sheehy said the zoning of this land does not comply with proper planning and development.

Cllr. B. Cronin asked where this proposal leaves members.

In response, Mr. T. Sheehy said that in proposing the zoning of land members must have regard to the limit of 121 acres for the entire plan. The Manager must then consider the arguments made by members to decide if the proposed zoning will be implemented.

Mr. T. Curran, County Manager said that Members were putting him and themselves in a very difficult position with this proposal. Members agreed the amount of land to be zoned and if this proposal is passed, he would then have to decide if he would reduce the amount of zoned land permitted in the other four Electoral Areas. This is not fair on the members from those electoral areas and he had not heard proper planning and development grounds backing up these proposals. He pointed out that there is other land closer to the village and the only reason this proposal is being made is because the landowner wants it. It is not being put forward on proper planning and development grounds.

On the PROPOSAL of Cllr. T. Fleming, SECONDED by Cllr. D. Healy-Rae, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Castleisland Functional Area Draft Local Area Plan 2009 - 2015, resolves to amend the Local Area Plan for Currow as follows: having regard to Submission CW3 to zone the lands, the subject of this submission for residential development.

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

For: Cllrs. Cahill, Fleming, Foley, D. Healy-Rae, M. Healy-Rae, McEllistrim, Moloney, O'Shea, Purtill, Sheahan **(10)**

Against: Cllrs. Brassil, P. Connor-Scarteen, Cronin, Donovan, Finucane, Gleeson, Griffin, Leahy, Spring **(9)**

Not Voting: Cllrs. McCarthy & O'Connell **(2)**

Absent: Cllrs. Beasley, Buckley, Ferris, Fitzgerald, O'Brien & O'Donoghue **(6)**

The Mayor declared the resolution carried.

Cllr. P. Leahy said that this could not be permitted to impact on the amount of land to be zoned in other electoral areas.

Cllr. B. Cronin asked the members who voted for this proposal what lands would be de-zoned to facilitate this zoning.

Cllr. M. Gleeson said that he asked if members were rigidly tied to the 121.4 acres in this catchment area. Members are now contradicting what they earlier accepted and it is a form of hypocrisy.

Cllr. A. Spring said that if this land is zoned, further land will have to be de-zoned.

Cllr. B. Griffin said that no lessons have been learnt from the mistakes of the past, 10 - 15 years. Mistakes were made because of pressure from landowners. It is wrong of Members to bend to pressure from individuals and it is not the way forward.

Cllr. A. McEllistrim said that no councillor is trying dezone other people's lands. This proposal is being put forward because these lands were zoned two years ago in good faith and the landowner understood that they had 5 years to put in a planning application.

Cllr. J. Finucane said that Members must formally propose that the 121.4 acres limit of zoned land for the Castleisland Functional Area Draft Local Area Plan be accepted. Members accepted this in principle at the start of the meeting but it is not being adhered to.

Cllr. A. McEllistrim PROPOSED that these Guidelines be sent back to the Minister. Members do not believe in de-zoning land in less than 5 or 6 years. She suggested that Members should postpone the making of this Plan to allow individuals to put in their planning applications.

Mr. M. McMahon said this land was not zoned for proper planning and development reasons.

Submission No. CW4 - (Name withheld for data protection purposes)

Mr. T. Sheehy advised Members that this submission requests that lands zoned in the previous plan for residential development (H1) on the Eastern side of the public road to the North of the Village be zoned for low-density residential development in the Draft Plan for the Village.

Minutes Special Planning Meeting

Cllr. B. Cronin asked Mr. Sheehy to indicate where these lands were located and if they are zoned, what land would be de-zoned.

Cllr. M. Healy-Rae asked Mr. Sheehy to clarify if members accept this proposal and a further 5 acres are zoned, what the consequences would be. This is a very important issue that needs clarification as Members are now operating under new guidelines.

Mr. Sheehy said that it is the duty of the Members “to consider the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government”. Members are restricted to considering the proper planning and development of an area. No Councillor put forward any argument for the proposed zoning of this land on proper planning and development grounds. Such a proposal puts pressure on the County Manager and is unfair.

Cllr. M. Moloney said that at the Killarney Area Meeting, it was agreed that much of the land already zoned residential will not be sold. She asked where people could then build their homes. She referred to the points made by Cllr. Griffin and said that Members are effectively dezoning other land.

Cllr. A. McEllistrim asked if it would be possible to adjourn the meeting and in the meantime, the Planning Department could ask the landowners whose land has been zoned, would they develop their land.

Mr. T. Sheehy asked if additional land was required, why did members not propose other land.

Cllr. B. Cronin said that Members have listened to the arguments put forward by Mr. Sheehy. He also outlined concerns when the land was zoned in the first instance. A similar situation arose in Aghadoe and Beaufort when a video was shown of how dangerous the road was leading to land which was being proposed to be zoned for residential development. However, there is now a restriction of 121 acres for this Local Area Plan. The fact that it is a good road is not an acceptable reason to propose the zoning on planning and development grounds.

Cllr. M. Healy-Rae asked if it was true if a proposal is made by a member, it should be accompanied by a detailed report with the population statistics etc included.

Mr. T. Sheehy said that there is no statutory requirement to present a written report but there is an obligation to justify the reasons for the proposed zoning on proper planning and sustainable development grounds.

Cllr. A. Spring said that the North Kerry Local Area Plan will be the last Local Area Plan to be reviewed and this will include Moyvane etc. If Members continue to propose the zoning of land, there will be no land available for zoning for that Local Area Plan. All Members may not be aware of this fact.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. T. Fleming, this Council, having considered the County Managers' Report and recommendation on submissions received in relation to the Castleisland Functional Area Draft Local Area Plan 2009 - 2015, resolves to amend the Draft Local Area Plan for Currow as follows: having regard to Submission CW4 to zone the lands residential.

Mr. T. Curran, County Manager said that he required the planning reasons why this proposal was being put forward.

In response, Cllr. D. Healy-Rae said that the land is located very near the village and close to the shop, school and Church. It is on a good road which leads to Castleisland and is close to the airport. There are no junctions or bad bridges near this land. It is central and in the village. It is not possible for it to be contiguous because of the flight path for the airport.

Mr. T. Sheehy asked Cllr. D. Healy-Rae if he thought that Currow Village needs more zoned land.

Cllr. D. Healy-Rae said that he did think that additional zoned land was required for Currow.

Mr. T. Sheehy asked why Cllr. D. Healy-Rae was proposing that this land would be zoned in preference to other land.

In response, Cllr. D. Healy-Rae said he was proposing it because of the proper access and its central location.

Cllr. P. McCarthy asked if the proposer does not come up with reasonable reasons for his proposal, does the County Manager not have to comply with the resolution.

In response, Mr. T. Sheehy said that that is a matter for the County Manager. Any planning application on these lands would have difficulty in securing planning permission and Members must consider if compensation is likely to arise, who would be liable. He urged Members to bear in mind what they were exposing themselves and the Council to in making such a proposal.

Cllr. J. Brassil asked if this proposal is passed, would it be put out for public consultation and would Members have another opportunity to reject this bad

Minutes Special Planning Meeting

decision. He asked when Management makes a decision on a resolution of Council.

In response, Mr. M. McMahon said that if the resolution is passed, the proposal must then be put on public display and Members will then have to decide on it when the Plan is finally made.

Cllr. D. Healy-Rae asked why planning would be refused.

Mr. T. Sheehy said it would possibly be refused because of its location and lack of infrastructure and it is in conflict with the objectives of the County Development Plan. Anyone considering the proper planning and development of the area would not agree to grant planning permission on these lands.

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

For: Cllrs. Cahill, Fleming, Foley, D. Healy-Rae, M. Healy-Rae, McEllistrim, Moloney, O'Donoghue, O'Shea, O'Connell **(10)**

Against: Cllrs. Beasley, Brassil, Buckley, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Gleeson, Griffin, Leahy, Purtill, Sheahan, Spring **(14)**

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

Absent: Cllrs. Ferris & O'Brien **(2)**

The Mayor declared the resolution defeated.

Submission No. CW5 (Name & Address withheld for data protection purposes)

Mr. T. Sheehy said that this submission requests that this land be considered as a proposed amendment to the Draft Plan for Currow. The submission is not in agreement with the Manager's Report but at the Area Meeting, it was agreed that 2.7 acres at the centre of the town be removed and be zoned in the periphery which is contiguous to the Plan area.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Castleisland Functional Area Draft Local Area Plan 2009 - 2015 resolves to amend the Local Area Plan for Currow as follows:

Having regard to Submission No. CW5 to remove 2.7 acres of residential zoning from the Draft Plan as indicated and to zone 2.7 acres of land for residential use

Minutes Special Planning Meeting

as indicated on the attached map, CWA and also to reflect the existing residential development to the front.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, P. Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Fleming, Foley, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Donoghue, O'Shea, Purtill, Sheahan, Spring, O'Connell **(24)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Ferris, D. Healy-Rae & O'Brien **(3)**

The Mayor declared the resolution carried.

Cllr. B. Griffin said that members are voting for proposals because they are coming under pressure in their own area. Members should deal with each individual case on its merits. Unless members consider each case on proper planning grounds, they will make a mess of the county.

Knocknagoshel Draft Local Area Plan

Mr. T. Sheehy informed the meeting that six submissions were received on Knocknagoshel. The following submissions were agreed at the recent Killarney Electoral Area Meeting - KL1, 2, 3, 5 & 6.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. P. McCarthy, it was unanimously agreed that the recommendations in the Manager's Report in relation to these submissions be adopted.

Submission No. KL4 (Name & Address withheld for data protection purposes)

Mr. Sheehy informed the meeting that (Name withheld for data protection purposes) owns the building in Knocknagoshel West in the area of the triangle opposite the Church and School which is in the ACA. She requests that her building be removed from the ACA as it has no architectural value and she does not want to hinder the future development potential of the property. Following the recent Killarney Electoral Area Meeting, it was agreed that he would speak with the Architectural Conservation Officer to discuss this designation further. However, the Architectural Conservation Officer feels that it is important that this area is designated as indicated in the Manager's Report.

Cllr. B. O'Connell asked what the implications of this designation were.

In response, Mr. T. Sheehy said that the building will not be protected but it will impact on the outside of the building.

Cllr. J. Sheahan PROPOSED that the recommendation in the Manager's Report in relation to Submission KL4 be adopted.

Cllr. B. Cronin SECONDED this proposal and it was unanimously agreed.

Additional zoning proposals for Knocknagoshel

Cllr. A. McEllistrim PROPOSED that 6 acres of land zoned in the previous Plan would be zoned for residential development. This land is located near the School and is in the centre of the village. She then read the Council's objectives for Knocknagoshel into the record of the meeting.

"The village's hilltop position, the disposition of the church, school and triangular building block at the centre of the village, gives Knocknagoshel a unique character and charm. Minor variations to the building line and the positioning of corner buildings throughout the village contribute to its distinctive form. The combination of circular routes including the Well Road and the Cummer Road provide additional interest.

It goes on to state that "the design concept of new development will be required to give expression to the multiplicity of factors that contribute to the village's character."

Reference is made to "significant levels of development to the South of the village, which have detracted from the compact nature of the village and weakened the urban structure."

Reference is also made to the fact that "existing car parking facilities are not sufficiently close to the school or church and a more central park in the vicinity of these facilities is required."

Future village growth is also mentioned. "Knocknagoshel has the capacity to attract and absorb future demand for detached houses on large sites. This will contribute to a reduction in unsustainable ribbon development while ensuring the demand for large sites is catered for in a sustainable pattern and in close proximity to schools and other services".

Cllr. McEllistrim said that the site which she was proposing is without question the most important plot of ground within the village of Knocknagoshel when considering the future sustainable expansion of the village. It is imperative that the residential and retail zoning of this site is maintained in order to facilitate the

appropriate phased future expansion of the village from the centre outwards. It is an objective of the Plan to “retain a compact and sustainable village structure by ensuring that new development is contiguous with existing development and makes effective use of back land and infill sites, preventing unnecessary ribbon development”. The location of the meadow site is central to the village. It occupies an area of about 6 acres with the entrance to the farmyard and meadow located within 30 metres of both the local church and school. Village expansion in this area will help reinforce the core of the village providing additional retail space and public parking spaces. The village currently has a lack of parking facilities in the church and school areas. This is leading to congestion of the existing streets which makes through travel almost impossible.

Objective 2 in the Knocknagoshel Local Area Plan reads as follows:

“Consider low density development to cater for detached housing. Such proposals will be required to demonstrate how the development contributes to the creation of an attractive urban structure while integrating with the existing village structure”. The proposed new site layout design complements the existing urban structure and opens up a new streetscape to the North of the main street. The density of the development is similar in nature to the existing village, based on the need for large serviced sites (approx. 0.1 ha) required by local hopeful home builders. Should the site behind Walsh's be developed, then the density of that site might be increased to match the tighter urban character of the Cummer Road. The Master Plan shows how this site could be linked seamlessly into the Meadow Site development.

Objective 3 reads as follows: “Require the provision of social and retail facilities necessary to support a growing population and create a viable community which shall keep pace with the development of housing.” A new retail area with car parking is to be located adjacent to Hickey's Pub, with a connecting road continuing in a North Eastern direction past a new public open green space, surrounded by detached houses and further on to a large amenity area to the East of the site, again overlooked by additional detached houses. Incorporated into this design is a proposal for the Social and Affordable aspect of the development. Units 2, 3 or 4 would form a terrace, complimenting the staggered footprint of the existing main street. These houses would form the Western boundary of the new Village Green. This approach is based on an inclusive approach to social and affordable housing. If the 6 acre site is developed, it will make a lateral development which is nearest to the core of the village. The trees on the site can be retained and do not have to be removed to facilitate the development. Parking is proving difficult in Knocknagoshel and if this area is opened up, it can be used for parking. This land was only zoned in 2007 and the man that owned the land died that year. When he died the Council also agreed to sell a portion of land to access the site which she indicated on the map. Knocknagoshel has two local authority housing estates which have brought

vibrancy to the village. If there is somebody willing to develop this site, it should be zoned.

Cllr. P. McCarthy supported this proposal and said that the proposal fulfils, as well as possible, the criteria laid down in the Plan. New houses would blend in with existing developments. This is a very acceptable proposal for a number of reasons:

1. The reasons outlined by Cllr. McEllistrim
2. Knocknagoshel is zoned a Weak Rural Area and the Council should be supporting this development.

A proposed layout design for this site showing 15 houses was then presented to the meeting.

Mr. T. Sheehy said that members must now take a decision on this proposal but they must also consider the broader picture. A lot of land has already been zoned and he asked how many houses were built in Knocknagoshel in the past 6 years. He informed members that just two houses were built in Knocknagoshel during that period.

Cllr. P. McCarthy said that this particular landowner went into the planning process and discussed his plans with the Housing Department.

Mr. T. Sheehy pointed out that the site layout presented was drawn up last Saturday. He said that there is no demand for housing in Knocknagoshel and land to cater for 15 houses is already zoned with lower density than normal. He asked if members proceed with this proposal, would they then proceed to remove 6 acres of zoned land from Castleisland. This is a strategic decision that members must make and if they want to do this, they must also state where they will de-zone land in Castleisland.

Cllr. A. McEllistrim said that she did not believe that members should de-zone the land if there is a chance that it will be developed. If members decide to zone additional land in excess of the 121 acres, they should state the reasons for this to the Minister.

Mr. T. Sheehy said that it is not a matter for the Minister.

Cllr. P. McCarthy asked what the intention of zoning land in weak rural areas was.

Mr. T. Sheehy said that there will be no occupancy condition attached to planning permission granted in these areas. If land is located in an area under urban pressure, a strict occupancy clause will be applied but in the land identified by

Minutes Special Planning Meeting

members in Knocknagoshel, there would be no occupancy condition as it is a 'Weak Rural Area'.

Cllr. B. Cronin asked how much land was already zoned in Knocknagoshel.

In response, Mr. T. Sheehy said 6 acres have already been zoned.

Cllr. A. McEllistrim asked if members could exceed the amount of land that can be zoned.

Cllr. R. Beasley said that if members zone this 6 acres, it is 1/20th of the entire allocation for the functional area and it is an unrealistic proposal.

Mr. T. Curran, County Manager said that the population projections in the Manager's Report are more than generous. They are showing an 11% increase and the Planning Department has allowed 2½ times the land that will be required during the lifetime of the Plan. If this proposal is adopted, it will undermine the credibility of the Council. This is the first of the Local Area Plans to be reviewed and if this trend continues, there will be three or four times more land zoned than intended.

Cllr. N. Foley said that there is potential for development at this location but how do members achieve a balance, especially where there is a genuine intention to develop the land while other landowners, whose land was zoned, do not intend to develop their land.

In response, Mr. T. Sheehy said that members can de-zone land already zoned.

Cllr. N. Foley said that other landowners had 3 or 4 years more to draw up plans to develop their land.

Mr. Sheehy informed members that part of this development takes in a local authority house and it states that the Council will have to demolish the house.

Mr. J. Breen, Director of Housing said that the proposed road goes through a Council house and there were no approaches to his Department and no agreements reached in relation to the demolition of this house.

Cllr. A. McEllistrim said that the pre-planning can address these issues and a derelict site can be acquired.

Mr. T. Sheehy asked if members were proposing that further lands would be de-zoned. He suggested de-zoning two areas which he indicated on the map and said otherwise it would make nonsense of the process.

Cllr. PJ Donovan said that it is up to Management to decide.

Minutes Special Planning Meeting

Mr. T. Sheehy said that Management cannot decide – it is a decision to be made by members.

Cllr. P. McCarthy referred to the area previously indicated by Mr. Sheehy and asked was there a request submitted by the landowner to have this land zoned.

In response, Mr. T. Sheehy said that one request was received not to zone the land.

Mr. T. Curran asked members, before a vote was taken on the proposal, if there were any other proposals.

Cllr. P. McCarthy referred to a strip of land of 1.1 acres which was zoned in the last Local Area Plan. He indicated the land in question on the map and said that during the public consultation, this landowner was not living in the country and was not aware of it. He did have plans to develop the site.

Mr. G. O'Brien advised members that a vote would first be taken on Cllr. A. McEllistim's proposal.

On the PROPOSAL of Cllr. A. McEllistim, SECONDED by Cllr. P. McCarthy, this Council, having considered the County Manager's Report and recommendations on submissions received in relation to the Castleisland Functional Area Draft Local Area Plan 2009 - 2015, resolves to amend the Local Area Plan for Knocknagoshel as follows: to zone the proposed 6 acres of land marked 'A' on the attached map.

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

For: Cllrs. Buckley, Fleming, Foley, D. Healy-Rae, McCarthy, McEllistim, O'Connell **(7)**

Against: Cllrs. Beasley, Brassil, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Gleeson, Griffin, Leahy, O'Donoghue, Purtill, Sheahan, Spring **(14)**

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

Absent: Cllrs. Cahill, Ferris, M. Healy-Rae, O'Brien, O'Shea **(5)**

The Mayor declared the resolution defeated.

Cllr. P. McCarthy referred to his proposal to zone 1.1 acres.

Minutes Special Planning Meeting

Mr. T. Sheehy then indicated these lands on the map. He added that this land was zoned and there have been a number of refusals of planning permission on it for percolation reasons. He said whether this land is zoned or not will not affect a decision to grant or refuse planning permission. In conclusion, he said there is no logic in seeking to have these lands zoned.

Cllr. P. McCarthy said the landowner was not aware of the public consultation process and as a result, did not make a submission. He did go through the planning process in the past. This land is 1.15 acres and the Planning Department have no difficulty with two houses on the land. However, if the land is zoned, he could connect two more houses to the sewerage scheme. The Water Services Department would not be in favour of connecting a cluster type development to the public sewer but they would have no difficulty connecting two houses to it.

Mr. J.D. Flynn, Director of Corporate Services advised Cllr. McCarthy to use the words "land in question" not "he" or "she".

Cllr. P. McCarthy said that the landowner had been in contact with the Planning Department. They have indicated that there would be no problem with two houses on this site subject to proper treatment and it would be possible to connect two houses to the public sewer.

Cllr. J. Finucane asked Mr. Sheehy if he was stating that if the land was not zoned, it would not be refused as it is not a technical requirement.

Mr. T. Sheehy said that if the landowner can resolve the percolation issues, planning permission may be granted there.

Cllr. A. McEllistrim SECONDED Cllr. P. McCarthy's proposal.

Cllr. P. McCarthy asked does the Planning Department think because of its location at the entrance to the village that planning permission may be granted there.

The Mayor called for a vote to be taken on this proposal.

Mr. J.D. Flynn advised members that this proposal was not supported on proper planning grounds.

The proposal was not pursued.

Scartaglin Draft Local Area Plan

Mr. T. Sheehy informed members that one submission was received on the Scartaglin Draft Local Area Plan and members were in agreement with the recommendation in the Manager's Report in relation to the submission.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. B. O'Connell, it was unanimously agreed that the recommendation in the Manager's Report in relation to the submission be adopted.

Cordal Draft Local Area Plan

Mr. T. Sheehy informed the meeting that two submissions were received on the Draft Cordal Local Area Plan and these were agreed by members.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin, it was unanimously agreed that the recommendations in the Manager's Report in relation to these submissions be adopted.

Cllr. J. Finucane said that it was agreed that 121.4 acres would be zoned in the Castleisland Functional Area Draft Local Area Plan. He PROPOSED that this Plan would not be concluded until Members reach an acceptable amount of zoned land. Each area should resolve its own amount of land to be zoned. He PROPOSED that each area would take responsibility for the land zoned and that it would be in accordance with the guidelines and the population statistics presented.

Cllr. P. Leahy SECONDED this proposal and it was unanimously agreed.

Currans Draft Local Area Plan

Mr. T. Sheehy informed members that two submissions were received on the Draft Currans Local Area Plan and at the recent Killarney Area Meeting members were in agreement with the recommendations in the Manager's Report on these submissions.

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 these submissions be adopted.

Draft Rural Area Local Area Plan

Mr. T. Sheehy advised the meeting that three submissions were received in relation to this area and members were in agreement with the recommendations in the Manager's Report.

Minutes Special Planning Meeting

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

The meeting concluded at 1.20pm.

Gerard O'Brien

Meetings Administrator

Mayor of Kerry