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**MINUTES OF THE SPECIAL PLANNING MEETING OF KERRY COUNTY  
COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE,  
TRALEE ON MONDAY 6<sup>th</sup> APRIL 2009.**

**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE  
COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA  
COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN 6 AIBREAN 2009**

**PRESENT/I LÁTHAIR**

***Councillors/Comhairleoirí***

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

**ABSENT**

***Councillor/Comhairleoir***

**A. McEllistrim**

**IN ATTENDANCE/I LÁTHAIR**

Mr. T. Curran, Co. Manager	Mr. M. McMahon, Dir of Planning
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
Mr. P. Stack, SE Planning	Mr. G. O'Brien, A/SEO Corp. Affairs
Ms. A. Moriarty, Tech. Planning	Mr. P. Teahan, SEE Roads
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 10.40am.

The Mayor, Cllr. T. Fleming took the Chair.

At the outset, the Mayor welcomed members of the general public present in the public gallery and reminded councillors that there could be no interaction between members of the public and Councillors during the meeting in the Chambers.

### **Supplementary Budget**

Cllr. R. Beasley stated that the Government would present the Supplementary Budget the following day and he called on them to form a National Government to steer the country out of the current economic crisis.

Cllr. T. Ferris supported the sentiments expressed by Cllr. Beasley.

### **Retirement**

Cllr. M. Healy-Rae extended his best wishes to the Killorglin Area Roads steward who retired at the weekend. He has given excellent service and he wished him, and his family, good health and best wishes for the future.

Cllr. J. O'Connor concurred with the sentiments expressed by Cllr. Healy-Rae.

### **Members' Duties under Ethics Legislation**

Mayor T. Fleming stated that he wished to remind members of their requirements under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors.

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

### **Code of Conduct**

Cllr. B. Cronin referred to the Council's Code of Conduct for Councillors and in particular, to Sections 3(3) and Section 4(1) and said it is clear that Councillors are required to clarify their position. At the January 12<sup>th</sup> Special Planning meeting members discussed Submission No. 110 from Michael Cronin, (Address withheld for data protection purposes) regarding the zoning of 16.21 acres of land for industrial use. This proposal was seconded by Cllr. D. Healy-Rae and the minutes will also show that Cllr. M. Healy-Rae enthusiastically supported the zoning proposal in spite of the recommendation of Tom Sheehy, Forward Planning, the County Manager and local residents.

The two Healy-Rae councillors did not disclose to the meeting that Michael Cronin, (Address withheld for data protection purposes) gave a €2,000 donation to the Healy-Rae Family Election Campaign in 2007, as published in the Irish Times on 23<sup>rd</sup> April, 2008. As this serious Amendment is on the Agenda for discussion again in the interest of ensuring public confidence in this Council, respect for the Code of Conduct and respect for the Residents of Coolcashlagh he called on Cllrs. Michael and Danny Healy-Rae to declare this donation of €2,000 from Michael Cronin, (Address withheld for data protection purposes) and to excuse themselves from any part of this debate or vote on Michael Cronin's zoning proposal. He PROPOSED that this course of action would be taken. He added that there are concerns regarding this issue amongst members of the public and he wanted to record his views on it in the minutes of the meeting.

Cllr. M. Healy-Rae said that it was an outrage for Cllr. Cronin to suggest such a thing. Neither he nor Cllr. Danny Healy-Rae is connected with Mr. Cronin and they have no beneficial interest in this land. Asking them to remove themselves from the Chamber was a cheap publicity stunt. If, however, he was directed by management that he may have a conflict of interest, then he would consider it. However, he believed that there was no conflict of interest. He added that he deals with the finances for the elections and that will have no impact on issues being considered at that meeting. He added that both he and Cllr. Danny Healy-Rae stand over everything they do.

Cllr. B. Cronin said he was not satisfied with this response and added that it is what the public perceive is what matters. He added that Cllrs. M. and D. Healy-Rae are connected to a beneficiary of €2,000 from Mr. Cronin.

#### **09.04.06.01 - Opening of Tenders**

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the opening of tenders for a Single Rural Cottage at Ballyvirrane, Milltown.

#### **09.04.06.02 - Consideration of amendments and the Manager's Report on Submissions and Observations received to the Draft Kerry County Development Plan 2009 - 2015**

Mr. M. McMahon said that this is the final stage of the review of the County Development Plan. Page 6 of the Manager's Report sets out the process undertaken in the course of the review. The amendments were put on public display on 11<sup>th</sup> February and members of the public were invited to make their submissions. 87 submissions were received. The Manager's Report lists all submissions received, the issues raised in them and the response and the recommendation from Management. It is now a matter for members to consider the amendments and the Manager's Report and to adopt or modify the County Development Plan. He added that he hoped at that meeting there would be a formal resolution by members to adopt the County Development Plan. All members received a spreadsheet outlining the submission numbers, the names

of those who made the submissions and linking these to the related amendment numbers. Many submissions refer to the same amendment and he then called on Mr. Sheehy to address the meeting.

**Submission No. 1 - Knocknagoshel Windfarm Ltd**

**Submission No. 4 - Peter Lefroy**

**Submission No. 21 - Eirgrid**

**Submission No. 48 - ESB Networks**

**Submission No. 50 - Irish Wind Energy Association**

Mr. T. Sheehy informed members that these submissions relate to Amendment Numbers 100, 101, 103 and 105 and the issues raised are sensitive landscapes and connection to the National Grid. They requested, in certain circumstances, that cables should not be laid underground as the land underneath the power lines could be designated SACs, Prime Special Amenity or Secondary Special Amenity. If an appeal is made to An Bord Pleanála, they could consider that this is a very sensitive landscape. The following is the Manager's recommendation: 'It is proposed that proposed Amendment No. 100, 101, 103 and 105 are modified so that the words **"as considered appropriate by the Planning Authority"** are inserted in Objective Nos. NR7-27, NR7-28, NR7-34 and NR7-37 after the words "laid underground" as it occurs in each objective.'

Cllr. M. Gleeson said that he was very concerned regarding power lines being imposed on the landscape. He suggested that it might be more appropriate to include the following wording - "general preference for undergrounding".

Mr. Sheehy said that it is not intended to substantially change this objective which ensures that sensitive landscapes are protected. Each application would be considered on its merits and a decision taken on whether there would be a requirement to underground cables.

Cllr. J. Brassil supported the position outlined by Mr. Sheehy and said that each windfarm development will have its own unique location. It is not desirable to do anything that would constrain the planning process. Each application should be considered on its merits and the objective outlined by Mr. Sheehy provides for this. He PROPOSED that the Manager's recommendation be accepted.

Cllr. M. Healy-Rae said that if the County Development Plan states that all cables must be laid underground, it would put an unfair financial burden on any proposed windfarm development and it would no longer be financially viable. He agreed that the Planning Department should be given the discretion to consider each application on its merits.

Cllr. T. Fitzgerald said that this was a sensible approach and he SECONDED the proposal that the Manager's recommendation would be adopted.

Cllr. B. O'Connell said that this windfarm development is very important for Knocknagoshel. Much of the land in this area is not good agricultural land and the Council should not inhibit this development. He accepted that all members wanted to protect the landscape but added that it is Government policy to promote wind energy.

Mr. T. Sheehy pointed out that this objective relates to all windfarms and the wording is as follows: "It is proposed that proposed amendment no. 100, 101, 103 and 105 are modified so that the words ***"as considered appropriate by the Planning Authority"*** are inserted in Objective Nos. NR 7-27, NR 7-28, NR 7-34 and NR 7-37 after the words 'laid underground' as it occurs in each objective."

Mr. G. O'Brien, A/SEO informed the meeting that the recommendation in the Manger's Report as PROPOSED by Cllr. J. Brassil and SECONDED by Cllr. T. Fitzgerald does not require a vote.

<b>Submission No. 2</b>	<b>Eileen Hughes</b>
<b>Submission No. 5</b>	<b>Paul O'Donoghue</b>
<b>Submission No. 7</b>	<b>Michael O'Callaghan and Others</b>
<b>Submission No. 8</b>	<b>Sheila and Daniel Philpott</b>
<b>Submission No. 12</b>	<b>Cllr. Brendan Cronin</b>
<b>Submission No. 24</b>	<b>Donal Dowd</b>
<b>Submission No. 27</b>	<b>DJ and Mairéad Cahill</b>
<b>Submission No. 28</b>	<b>Mary Casey</b>
<b>Submission No. 33</b>	<b>Pat &amp; Eileen Doyle</b>
<b>Submission No. 34</b>	<b>Mary &amp; Darby Mangan</b>
<b>Submission No. 35</b>	<b>Margaret &amp; Patrick Kelliher</b>
<b>Submission No. 36</b>	<b>Ray O'Sullivan</b>
<b>Submission No. 37</b>	<b>Anna Keogh</b>
<b>Submission No. 38</b>	<b>John &amp; Hannah Coakley</b>
<b>Submission No. 39</b>	<b>Bridie Doherty</b>
<b>Submission No. 40</b>	<b>Eddie Keogh</b>
<b>Submission No. 41</b>	<b>Geraldine Flynn</b>
<b>Submission No. 42</b>	<b>Gregg Lowe</b>
<b>Submission No. 43</b>	<b>Michael &amp; Angela Doherty</b>
<b>Submission No. 44</b>	<b>Michael McCarthy</b>
<b>Submission No. 45</b>	<b>Ann M. O'Leary</b>
<b>Submission No. 55</b>	<b>Tim O'Donoghue</b>
<b>Submission No. 61</b>	<b>Mary, Treacy and Tom Cullin</b>
<b>Submission No. 62</b>	<b>Eileen Hughes</b>
<b>Submission No. 64</b>	<b>Patrick Kavanagh</b>
<b>Submission No. 65</b>	<b>Environment Department, Kerry County Council</b>
<b>Submission No. 66</b>	<b>Robert Stack</b>
<b>Submission No. 67</b>	<b>Francis &amp; Shirly Murphy</b>
<b>Submission No. 68</b>	<b>Michael Stack</b>
<b>Submission No. 70</b>	<b>John Shanahan</b>
<b>Submission No. 73</b>	<b>Tadgh Ryan</b>

<b>Submission No. 74</b>	<b>Bridie Murphy</b>
<b>Submission No. 75</b>	<b>Michael Murphy</b>
<b>Submission No. 76</b>	<b>Pat &amp; Patricia Lehane</b>
<b>Submission No. 79</b>	<b>Anne Fleming</b>
<b>Submission No. 81</b>	<b>Michael Cronin</b>

Mr. T. Sheehy informed the meeting that Submission No. 2 refers to Amendment No. 182 and the following submissions will be taken with this as they also relate to the same issue: No.'s 5, 7, 8, 12, 24, 27, 28, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 55, 61, 62, 64, 65, 66, 67, 68, 70, 73, 74, 75, 76, 79, 81.

In total, there were 36 submissions relating to this amendment and 35 of these are strongly opposed to the re-zoning of lands at Coolcashlagh. The following is the Manager's response to the submission. "During the preparation of the Kerry County Development Plan 2003 - 2009, land was zoned in Coolcashlagh for industrial use. This zoning was on the assumption of the Killarney By-Pass being constructed in the near future as the width, alignment and carrying capacity of the existing road network is insufficient to deal with expansion of industrial uses. In addition, the increased traffic movement generated at the junction of this existing road with the N22 national primary road would increase the traffic hazard and adversely affect the carrying capacity of the National Primary Road network. Notwithstanding the existing uses, it is considered therefore that any additional industrial zoning in this area would be inappropriate and not in accordance with the proper planning and sustainable development of the area.

**Recommendation**

It is recommended that Proposed Amendment No. 182 should not proceed."

Mr. Sheehy stated that when members agreed this amendment, they accepted that a By-Pass was needed. The NRA will not grant a roundabout at the junction of the Coolcashlagh Road with the main Killarney/Cork Road.

Cllr. M. Gleeson welcomed the residents of Upper Lissivigeen/ Coolcashlagh to the meeting. Their presence is a very clear indication of how seriously they view the proposed rezoning or more correctly the consequences for them and their areas if the rezoning is passed. It is also very important to state that these residents have no animosity towards Mr. Cronin and wish him well with the work already approved. Cllr. Gleeson also welcomed Mr. Cronin to the meeting. The level of submissions received on this proposed amendment must give some idea of the seriousness of this issue. He thanked members for reading the letter which he placed on their desks and he further thanked them for taking the large number of phone calls which they received from these deeply concerned people. He was particularly pleased to be informed by at least one Councillor that those calls were courteous and non-confrontational. Members are all very familiar with rural Ireland and the infrastructure that services it. The infrastructure of which he spoke is principally that of narrow county roads. Those roads began as Bóthars or cow walks and evolved to being surface dressed arteries capable of facilitating horses and carts. In truth, despite the massive increase in traffic levels in the

motorised age, these roadways have not been substantially widened. The road along which these people live and travel daily is such a road. Its surface is quite good but it is narrow – no more than 4 meters in places. It has some very bad bends and car drivers dread meeting some of the maximum sized trucks which are a constant feature. He has witnessed one truck having to reverse when it met another – that is hardly a desirable manoeuvre particularly for following traffic. The exit from this road onto the N22 is a horrendous challenge to eyesight, dexterity and reflexes. He has been striving to convince the relevant authorities of the urgent need for a Roundabout. Now that the Shinnagh Roundabout has been shelved the NRA might turn their august gaze towards this junction. As you approach the worst bends on this road, there is a turn-off to Ryan's Nursery and as local residents manoeuvre these bends, they are taking their lives in their hands. When the road is adequately widened, the bad bends are eliminated and when the junction with the N22 is made reasonably safe then and not till then should further rezoning be considered. He was aware that Mr. Cronin is willing to play his part and all welcome that but the Council has to become pro-active and come forward with an overall plan and a time frame for its implementation.

Cllr. Gleeson stated that the local community will not be found wanting when proper plans are put forward for road widening and upgrading. They will prove that they are not opposed to development when the conditions are right. For the present, however, they are doing what every civilised people do, they are seeking to safeguard human life and preserve the essential fabric of their community. Neither of those are crimes; in fact they are the most basic and fundamental rights of citizens of a country and of residents of a given area. As a neighbour, friend and councillor he applauded their stand and he unreservedly supported them. The rezoning at this time would be wrong, unfair and unjust. If appropriate progress is made a Material Contravention can be moved to allow for acceptable development.

Cllr. Gleeson said that he had addressed the rezoning request in the context of the Manager's response; that there should not be any further development until adequate infrastructure is developed. It is in that context and in that context only, that the matter should be discussed. In conclusion Cllr. Gleeson begged all contributors to address the matter in that context. The argument is NOT ECONOMIC and it would be wrong to make it so irrespective of the sad state of the national finances. He PROPOSED that this amendment would not proceed.

Cllr. B. Cronin **SECONDED** this proposal and said that he made Submission No. 12 on behalf of the local residents. He believed that this proposal and vote will be the most serious that members would ever take in the lifetime of the Council. If members ignore the best planning advice and the recommendations in the Manager's Report, it could have serious implications as the infrastructure in this area is inadequate. The local residents commissioned an engineering report which was sent to all Councillors and this again highlights that the road is

inadequate and is, in fact dangerous. If members ignore all the evidence placed before them and the advice given by the Senior Planner, they will do irreversible damage to this area. This road cannot cope with over 16 acres of industrial zoning on top of the 33 units which were previously granted planning permission. The local community have been tremendously accommodating and the 33 units are almost constructed. The local community have yet to see the further consequences and traffic from these units as they are not yet occupied. Any road should be 6.55 metres in width to accommodate two heavy goods vehicles but the engineering report has pointed out that in parts, this road is only 3.9 metres and 4.0 - 4.5 metres wide in places. This is a very unsatisfactory situation for children who are cycling or walking. Families in the area do not permit their children to walk or cycle on this road because of the danger from traffic. It is imperative that members recognise and accept all expert planning and engineering advice together with the expert advice from the people who live there. He pointed out in his submission that if members act irresponsibly and vote in favour of this Amendment, those who vote in favour of it should be held directly and financially liable for any consequences. He asked what price could be put on the quality of life of this community. All traffic is concentrated in the one direction and he urged Councillors to heed the Manager's recommendation, Mr. Sheehy's recommendation and the Engineers' report. Members must realise that the zoning of this land could cause irreversible damage to the community. He urged members to reject this Amendment until the necessary infrastructure is in place.

Cllr. T. Fleming PROPOSED that Amendment No. 182 would be adopted. In the present economic climate, any positive proposal that would contribute to the county should be welcomed. There is a huge emphasis, at present, on the stimulation of the economy and anyone who is proposing to do this should be given any assistance possible.

Cllr. D. Healy-Rae SECONDED this proposal. He welcomed the residents from Coolcashlagh to the meeting together with Mr. Cronin and his workers. This is a very important issue and the only way this road can be improved is through development levies. Mr. Cronin had assured him that if the land is zoned and he is granted permission by Kerry County Council, he would not carry out any development until the road is improved. The junction is to be improved but Mr. Cronin is waiting for Kerry County Council to prepare the design for a roundabout at this location. €190,000 has yet to be expended on the road but the delay is not of Mr. Cronin's making. He acknowledged that the Area Engineer is in negotiation with a landowner with a view to removing a ditch further up the road and he was satisfied that this land would be acquired. This would also benefit the people using the Ryan's Nursery road. There is a lot of other industrial development on this road including the Kerry County Council Transfer Station and an oil depot. Since Mr. Cronin was granted planning permission, Kerry County Council has been very slow in advising Mr. Cronin what works they want carried out and also in acquiring land. He added that there is a lot of confusion



concerning the zoning of land. If members agree to zone this land and Mr. Cronin is granted permission, and that could prove to be difficult, he will not carry out any development until he improves the road to the standard required by Kerry County Council. He believed there was no other means of funding the improvements needed for this road. It is also in his interest to ensure that the road is improved. The proposal to zone this land also involves the creation and maintenance of existing jobs. Mr. Cronin gives good employment in the Killarney area and is seeking to increase his workforce. He has a proposal to construct a factory which would generate more jobs. In conclusion, Cllr. D. Healy-Rae said that he did not wish to harm the local people but the only way this road can be improved is if this land is zoned.

Cllr. M. Gleeson pointed out that members should be discussing what was stated by Mr. Sheehy and Mr. Curran in their report and that is that the road infrastructure is completely inadequate and the economic climate is not relevant.

Cllr. R. Beasley expressed his disappointment that the Mayor was proposing this Amendment.

Cllr. T. Fleming said that improvement works will be carried out to this road as a condition of a previous planning permission and further work has yet to be carried out. The developer has complied with all conditions of his planning. In the present economic climate, development levies are the only means of funding improvements to this road. Members are simply approving the rezoning but the landowner must then go through the planning process. Conditions can be attached to a planning permission, in particular, in relation to the infrastructure. He was trying to achieve a balance and the Council has a remit for the economic development of the county. He was supporting the Amendment from that point in view.

Cllr. J. Brassil said that he visited this site and viewed the road. His main conclusion was that it is a very narrow road that needs improvement works and both the local community and Mr. Cronin accept this fact. The site itself is most suitable for industrial development as there are a number of other industrial developments on the road including the Kerry County Council recycling facility. The members of Kerry County Council agreed to the Part 8 for this recycling facility and have contributed to the volumes of traffic on the road. There is also an oil depot and Kerry Group has premises on the road. Cllr. Cronin's view is that members should listen to the advice of Mr. Sheehy and Mr. McMahon yet one month ago he called for an ethical investigation into these people. Cllr. Brassil said he would be prepared to accept the zoning if the Mayor and Cllr. D. Healy-Rae made legitimate arguments in favour of the zoning. If members agreed to zone land, any subsequent planning application will be subject to the rigours of the planning process. He fully accepted that the road, in its present state, is not suitable for the type of activity already in place there. He wished Mr. Cronin well but said that on the issue of the inadequacy of the road alone, he

could not support the proposed zoning as there is further potential danger by doing so. It would be more appropriate that the road would be improved and then the zoning could proceed or a material contravention procedure could be initiated to facilitate Mr. Cronin's development, if appropriate. With all the existing activities on this road, plans should be put in place to improve the road to resolve an already dangerous situation.

Cllr. L. Purtill said that Mr. Cronin is an excellent employer and sponsored a stake at the Greyhound Track recently. However, the views of the residents must be taken into consideration. There is no footpath on this very narrow road and he understood the views expressed by the residents.

Cllr. R. Beasley welcomed the residents from Coolcashlagh and Mr. Cronin to the meeting. He said that he had no doubt that Mr. Cronin was a good employer, however, the health and safety of the local community is of paramount importance. If this road was up to an acceptable standard, he would have no difficulty in supporting a material contravention to facilitate Mr. Cronin's business.

Cllr. J. O'Connor said that this is a very difficult decision. There is an individual who wants to develop industrial units and he commended him for this and said that he would like to see this vision materialise. He asked how members could ensure that the road is improved adequately and while allowing this development to proceed. He had sympathy for both the developer and the local community and would be concerned for their safety. The Manager's response has indicated that this road needs to be improved and he knew that Mr. Cronin would do everything possible to upgrade the road.

Cllr. P. O'Donoghue said that all members had agonised over this decision and they received calls from a number of residents which were courteous and expressed genuine concern. He visited this location and he found that the Transfer Station was particularly busy and he wondered how Kerry County Council had one of its own facilities adjacent to a very inadequate road. Planning permission was granted for 33 industrial units and as a result of the permission, a sum of €850,000 was to be spent improving this road. Not a lot of this has already been spent and the developer has indicated that he is waiting on the Design Team in Kerry County Council to come back to him in relation to the junction. The residents of this area have been very reasonable and if the road is improved, their concerns will be addressed to a certain degree. If further permission is granted, additional levies will become available for further improvement works. Upwards of €1.5m will be spent on this road. Members must also be mindful of the employment it creates. This is the most economic location for this type of development. However, if the road is allowed to remain in its present condition, under no circumstances should the development be permitted. However, it should be possible to permit the development if planning permission is granted and the road is improved prior to the development taking place.

Cllr. T. O'Brien welcomed the residents from Coolcashlagh together with Mr. Cronin and his staff to the meeting. He was contacted by a member of Mr. Cronin's staff in advance of the meeting. He would be in favour of a material contravention to facilitate Mr. Cronin's development once the road has been improved. In conclusion, he said that the residents were concerned for their safety and that of their children.

Cllr. J. Sheahan welcomed Mr. Cronin and the residents of Coolcashlagh to the meeting. Many workers are losing their jobs every day and this is a very difficult decision for members. He visited the area and met with local residents. Almost everyone he met was very concerned regarding the health and safety issue involved. This road is totally inadequate for the volumes of traffic using it. He called on Kerry County Council to improve the road and said that he could not ignore what the locals were saying to him. For this reason, he could not vote in favour of the Amendment.

Cllr. T. Fitzgerald welcomed the residents of Coolcashlagh and Mr. Cronin to the meeting. There are two issues involved in this amendment - (1) the safety of the local community and (2) the creation of jobs. At present, this road is totally inadequate but he had no doubt, in the future, it would be improved. He asked the Council what plans they had for this road and would the road be adequate in 5 years time. He received phone calls from a number of local people who pointed out the health and safety issue involved and this is very important. Members must support the residents as he was not satisfied that the road would be improved in the near future. The zoning and subsequent development of this site presented an opportunity for the county but unfortunately, the road infrastructure to support this type of development is not in place. In conclusion, he said he would be supporting the recommendation in the Manager's Report.

Cllr. P. Connor-Scarteen welcomed the residents of Coolcashlagh to the meeting and said that he had concerns regarding their health and safety. All members are anxious to see jobs created but he would be supporting the residents.

Cllr. P. Leahy welcomed Mr. Cronin and the residents of Coolcashlagh to the meeting. This is a very difficult decision for members and the main issue relates to the condition of the road. Development levies have been paid for improvements to this road and he asked why the Council had not improved the road before now. Members must balance the need for jobs with the health and safety of the local community. While he would welcome jobs, he must give priority to the health and safety of the local community.

Cllr. M. Healy-Rae said that this is an extremely important issue. Even if Mr. Cronin was not proposing further development, the road would still need to be upgraded. Improvements need to be carried out by way of agreement and the road can be improved by allowing this development to proceed. Mr. Cronin is a

local person and he thanked the residents and the Cronin Group for the way in which they deal with one another. The best way forward would be to approve the zoning of the land and he was satisfied that Mr. Cronin would not be found wanting in making a financial contribution as he did in the past. Mr. Cronin has a proven track record year on year increasing his workforce. The biggest issue in the county at the present time is the need to create employment. Anyone who wants to create employment does not wish to hurt anyone. He felt that Mr. Cronin's development could be facilitated and the concerns of the local community could also be addressed. He would not vote for this amendment unless he believed that this was true. Mr. Cronin is an honourable individual and he wanted to see the residents accommodated.

Cllr. B. MacGearailt said that he visited this location in the past week. With the volume of traffic going to the Transfer Station, he could not understand how the road had not been improved. It is very narrow and is a traffic hazard. He also spoke to the local residents who say the road should be improved anyway. Mr. Cronin is a sound businessman and the way forward is to widen the road and this should not be too expensive. A material contravention procedure could then be initiated to facilitate the development. There are two very legitimate arguments put forward by both sides. This developer has a good track record and it would be irresponsible of members to reject it and to say that the road was not satisfactory. Funding should be provided to improve the road and members would then be in a position to support the proposed zoning. In the meantime, it would be unfair and unreasonable to approve the zoning and Mr. Cronin realises this. If Kerry County Council can ensure that the infrastructure in the area is brought to a satisfactory standard, both sides would be satisfied.

Cllr. M. O'Shea welcomed the residents from Coolcashlagh and Mr. Cronin to the meeting. He visited this roadway and said there is a very poor exit from it. If members agree to zone the land, this will not guarantee Mr. Cronin planning permission. Everyone agrees that the road must be improved. If the land is zoned, the Council can impose conditions on the planning permission to ensure that the road is brought to an acceptable standard. He listened to the debate so far and the middle ground would be if all would work together and the road was improved to a proper standard there would not be a problem with the zoning of this land. Zoning of the land does not guarantee planning permission. In conclusion, Cllr. O'Shea indicated that he would support this Amendment.

Mr. C. O'Sullivan, Director of Roads said that the Council recognises that this road is not suitable for existing development. On that basis, development levies were sought. €0.5m is available for further improvement works and the road design work has been completed and negotiations have been ongoing with the landowners. There will be a difficulty in relation to the provision of a roundabout at the exit onto the N22 as this requires the approval of the NRA. They are opposed to the construction of roundabouts on national routes. The Council had considerable difficulty in getting approval for a roundabout at Lissivigeen.

Cllr. T. Fitzgerald asked how much funding would be needed to bring this road up to an acceptable standard.

In response, Mr. C. O'Sullivan said that if a roundabout was provided it would cost approximately €1m.

Cllr. J. O'Connor asked if the landowners would not agree to sell the land to improve the road, would the Council pursue the CPO option.

In response, Mr. C. O'Sullivan said that this is a long drawn out procedure and the Council must justify the need to acquire the land. This is usually on the grounds that the road would need to be widened to provide public facilities while the issue here is to improve access to a private development. Kerry County Council Transfer Station is in place for a long time and there was a landfill at this location pre-planning. The Transfer Station was subsequently provided and this did not result in additional traffic. In actual fact, it reduced the number of heavy goods vehicles. The use of the CPO process to acquire land for the provision of a facility for a private developer is more difficult.

Cllr. D. Healy-Rae said that a CPO would be premature. Kerry County Council did not make realistic approaches to local landowners until recently and it is unfair to mention a CPO at this point. He understood Mr. O'Sullivan had indicated that Kerry County Council and the NRA would not agree to the provision of a roundabout. If this is the case, how would the €190,000 be expended as he believed a lot of work could be done to this junction to make it safe? Any time Mr. Cronin is asked to contribute, he agreed to do so. There is a ditch across from Ryan's Nursery which could be removed to make the road safer and he understood the landowner was willing to negotiate with the Council but no-one has yet approached him. Mr. Cronin has categorically stated that he will not proceed with further development until the road is up to an acceptable standard. Mr. Cronin has a very good reputation and is here to stay. It is up to Kerry County Council, when granting permission, to define the works that are necessary to improve the road.

Cllr. B. Cronin said that he had two queries - (1) the impression is being given that the zoning of the land is of no real relevance. He understood, however, that it is crucial as it gives the impression that the land is suitable. (2) The projected traffic movement from 33 units is approximately 400 heavy goods vehicle movements per day. Does the Director of Roads think this road is suitable for this volume of traffic together with traffic from the development of the further 16 acres?

Mr. T. Sheehy said that the Planning & Development Act contains a provision whereby the Council can zone land for a particular purpose but they must consider the proper planning and development of the area. The County

Development Plan is a contract between the Council and the public. The zoning of land gives an expectation. Any application, however, can be appealed to An Bord Pleanála. By zoning this land, the Council loses control to a certain extent of this whole issue. It is possible, subject to land being acquired, that the road could be widened. However, some landowners may not agree to sell the land and there is no guarantee that the CPO process would be successful. The CPO is a long and protracted process and in the meanwhile, the land will be zoned with no possibility of it being developed. Kerry County Council had a landfill site in this area for many, many years. However, the Waste Management Directive indicated that if this landfill was to remain open, the Council would have to apply for a licence and a decision was taken to close the landfill and to construct a Transfer Station there. The landfill site was in operation at this location long before much of the other development in the area.

Mr. C. O'Sullivan said that €190,000 is substantial but that €1m is far more substantial. Notwithstanding the cost of providing a roundabout, the approval of the NRA would be required. He accepted that the road is not suitable to carry 400 heavy goods vehicles per day and that is why the contribution was sought from the developer to improve the road.

Cllr. M. Gleeson said that the Killarney Area Meeting would be held the following day and he had submitted two Notices of Motion as follows:

"Have fruitful discussions taken place between the Council and landowners to allow for the acquisition of the land necessary for road widening on the Upper Lissivigeen road proximate to Ryan's Nursery junction?"

"Has the N.R.A. indicated its approval for the provision of a roundabout at the junction of the N.22 and the road to Upper Lissivigeen/Coolcoslough? Has it made the necessary finance available to allow the urgently needed work to commence?"

Cllr. Gleeson added that when members rezone land, the Council loses a lot of control. The safety and wellbeing of the local community must be a priority and then a material contravention procedure can be initiated to facilitate the development.

Cllr. D. Healy-Rae asked the Director of Roads what works he anticipated would be carried out for the €190,000. Kerry County Council came up with this figure for the junction. He asked when the Council will decide the works to be carried out with this money as the people of Coolcashlagh are suffering and jobs will be lost.

Cllr. P. O'Donoghue asked has the €0.5m been paid by the developer and what is the €190,000 for. In relation to the zoning he asked if a condition could be

attached to the planning that the road would be brought up to a certain standard. The residents are entitled to a good road.

Mr. T. Sheehy said that the Council can put a condition on zoning. He agreed that money was available for this road but agreement must be reached with landowners for the widening of the road. When the road has been improved adequately, the material contravention procedure can be initiated. In this instance, the zoning of the land would be putting the cart before the horse. It is a very complicated and protracted issue to acquire land and to deal with the NRA in relation to the junction. The Roads Department would pursue all issues and if a roundabout can be provided, he was satisfied it would proceed.

Cllr. B. Cronin said that the breakdown of the €850,000 is as follows:

- €500,000 for road works including works on the road near the units
- €130,000 for bringing the 6" water main to service the units
- €180,000 for the area near the junction

He sought clarification on these figures for the local residents and this is breakdown he received.

Cllr. D. Healy-Rae said that Cllr. O'Donoghue had proposed that a condition could be put on the zoning and this is a very laudable proposal and he saw a lot of merit in it. He would not agree not to proceed with the zoning with a view to pursuing the material contravention procedure at a later date to facilitate the development.

Mr. G. O'Brien said that Cllr. Gleeson had originally proposed that members would agree with the recommendations in the Manager's Report. The Mayor's proposal was a direct negative and there was also a suggestion of an amendment.

Cllr. J. Brassil called for a vote to be taken on Cllr. Gleeson's proposal.

Mr. G. O'Brien said that if Cllr. O'Donoghue proposed his amendment and it was seconded that would be taken first.

Mr. T. Sheehy said that a proposal was made that members should accept the recommendations in the Manager's Report and the subsequent proposal was a direct negative. It is appropriate to proceed with the original proposal.

Mr. M. McMahon said that Cllr. Gleeson had proposed that members would agree the recommendation in the Manager's Report. Cllr. Fleming's proposal not to accept the Manager's recommendation is a counter proposal and not an amendment.

Cllr. M. Healy-Rae said if the Mayor withdrew his proposal and Cllr. O'Donoghue formally made his proposal a vote could then be taken on Cllr. O'Donoghue's proposal first.

Mr. G. O'Brien informed members that he would take a vote on the original proposal by Cllr. Gleeson 'that Amendment No. 182 would not proceed. Members can propose an amendment if that proposal fails.

Mr. T. Curran, Co. Manager said that his recommendation is that this proposed zoning would not proceed. If members reject Cllr. Gleeson's proposal then Cllr. O'Donoghue's proposal can be considered. Members must first indicate by vote if they agree with the recommendation in the Manager's Report not to zone this land.

Cllr. M. Healy-Rae asked if the Mayor withdrew his proposal and Cllr. O'Donoghue formally proposed an amendment could a vote be taken on that?

Mr. T. Sheehy said that Cllr. O'Donoghue's proposal is a direct negative and a vote would be taken on Cllr. Gleeson's proposal.

On the PROPOSAL of Cllr. M. Gleeson SECONDED by Cllr. B. Cronin this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009-2015 hereby resolves that Amendment No. 182 should not proceed.

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

**For:** Cllrs. Beasley, Brassil, Buckley, P. Connor-Scarteen, Cronin, S. Fitzgerald, T. Fitzgerald, Foley, Gleeson, Leahy, MacGearailt, Miller, O'Brien, O'Connor, Purtill, Sheahan **(16)**

**Against:** Cllrs. Cahill, D. Healy-Rae, M. Healy-Rae, O'Connell, O'Donoghue, O'Shea, Fleming. **(7)**

**Not Voting:** Cllrs. Kiely, McCarthy **(2)**

**Absent:** Cllrs. Ferris, McEllistrim **(2)**

The Mayor declared the resolution carried.

Cllr. D. Healy requested legal advice on the way the previous vote was taken.

Mr. T. Curran, Co. Manager said that it was his view that correct procedures were followed.



Cllr. J. O'Connor pointed out that Cllr. O'Donoghue had proposed an amendment.

Cllr. J. Brassil stated that a decision had been taken by members.

**Submission No. 3 John Ryan and Others**

**Submission No. 6 Tony O'Callaghan**

**Submission No. 13 Michael O'Connor and Bernadette Kearney O'Connor**

**Submission No. 56 Catriona O'Neill**

Mr. T. Sheehy informed members that Submission Nos 3, 6, 13 and 56 would be taken together as they all refer to Amendment No. 197 and the zoning of land at Bunagarha, Listowel.

Cllr. D. Kiely PROPOSED that the recommendations in the Manger's Report in relation to these submissions be adopted.

Cllr. B. O'Connell SECONDED this proposal.

Cllr. J. Brassil also supported the proposal and said that at the last meeting members agreed to put this amendment on public display and to give the general public an opportunity to make submissions on it.

Cllr. T. Buckley supported the proposal and said that initially he was not aware of the difficulties that the zoning of this land would create for the local community.

Cllr. R. Beasley said that members initially made the wrong decision. He met with residents relating to it and he now fully supports the residents and the proposal made by Cllr. Kiely.

Cllr. P. Leahy said that at the last meeting members had agreed to allow this amendment out on public display. The residents have now spoken and he was in agreement with the recommendation in the Manger's Report.

### **Submission No. 9 An Taisce**

Mr. T. Sheehy referred members to Page 19 of the Manager's Report for the Manager's recommendation on this submission which reads as follows:

'It is recommended that the Amendments Nos. 20 and 94 be combined into one objective as follows:

**T6-49 Provide parking facilities at the Maharees for beach users and surfers, and at Lisleibane/McGuillycuddy Reeks to serve climbers and walkers in the area, and at other locations where necessary, subject to an appropriate assessment.'**

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. B. O'Connell it was unanimously agreed that this recommendation would be adopted.

Mr. Sheehy informed the meeting that the next amendment referred to in this submission is proposed Amendment No. 187 and relates to access onto national routes. The proposed wording for this objective is:

“Any family member applying for planning for an entrance onto the national network of roads who will be connecting onto an existing family entrance should be allowed to do so and not be refused on these grounds where safety permits.”

Mr. Sheehy advised members that the Manager recommends that this amendment would not proceed.

Cllr. M. Healy-Rae PROPOSED that this amendment would be adopted and said that he did not agree with the views expressed by An Taisce on this amendment.

Cllr. M. Cahill SECONDED this proposal and said that there was a recent case in Glenbeigh where the daughter of a landowner applied for permission and she sought to use an existing access onto a national secondary route. She also proposed to improve the access. There would be just 2 cars coming out onto this road and there would not be additional traffic. She was however, refused permission. Members are only advocating that in exceptional circumstances this would be allowed and they were not proposing a free for all. He believed this objective should be retained as it is in the best interest of the people that members serve.

Cllr. B. O’Connell supported this amendment and said that in Castleisland there are 3 national primary routes leading into and out of the town. All members are aware of a number of family members who are trying to get planning permission and members are conscious of the need for safety. One planning applicant, who proposed to exist onto the old Ballymacelligott road, was recently refused permission on safety grounds. He pointed out that all roads converge on to national routes eventually. Many planning applicants are willing to use existing entrances and in most cases there would not be an increase in the volume of traffic coming out onto the road. For this reason he fully supported the proposal by Cllr. M. Healy-Rae that this amendment would be adopted.

Cllr. D. Healy-Rae said that maybe there would be a bit more traffic during the construction phase of these developments but over all there would be no increase in traffic. Members only want to facilitate family members who want to use existing entrances.

Cllr. J. Brassil stated that on foot of a vote taken at the previous planning meeting it was agreed that this provision would be included in the County Development Plan provided correct safety procedures were followed. If this amendment is adopted members might be doing more harm than good to the people they represent. By incorporating this provision in the County Development Plan they

are involving the NRA. While he supported Cllr. M. Healy-Rae's theory, he wanted clarification on it prior to taking the vote.

Mr. T. Curran, Co. Manager said that that this amendment was passed by members at a Special Planning Meeting against his advice. It is a carte blanche condition which the NRA oppose and gives the planning authority very little scope to negotiate with the NRA on individual cases.

Cllr. B. O'Connell said that the planning authority does not have any discretion as all these issues are decided by the NRA. What happened on the old Ballymacelligott road was scandalous and the NRA has the final decision on all these planning applications.

On the PROPOSAL of Cllr. M. Healy-Rae SECONDED by Cllr. B. O'Connell this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 -2015 hereby resolves that Amendment No. 187 proceed.

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

**For:** Cllr. Buckley, Cahill, Cronin, S. Fitzgerald, Foley, D Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, Miller, O'Brien, O'Connell, O'Connor, O'Shea, Sheahan, Fleming. **(18)**

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

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

**Absent:** Cllrs. Beasley, P. Connor-Scarteen, Ferris, T. Fitzgerald, Gleeson, McEllistrim, O'Donoghue, Purtill. **(8)**

The Mayor declared the resolution carried.

Mr. T. Sheehy then referred to Amendment No. 183 where it is proposed that the lands as shown on Map No. 21 at Derrincullig, Curraglass South, Cappanlivane, Redtrench North, Coologues and Cregeen, Kilgarvan are designated 'Open to consideration' for wind farm development. It is recommended that this amendment would not proceed.

Cllr. M. Healy-Rae declared that in accordance with Section 177 of the Local Government Act 2001 his land is included in this amendment and for this reason he would leave the meeting while it was being considered.

Cllr. D. Healy-Rae declared that in accordance with Section 177 of the Local Government Act 2001 he was a connected person and would also leave the meeting.

Cllrs. M. Healy-Rae and D. Healy-Rae then left the Meeting.

Mr. T. Sheehy said that this amendment proposes that lands which he has already listed would be designated 'Open to consideration' for wind farm development. This was discussed at length at a previous meeting and members were advised not to proceed as a number of areas were already zoned for wind farm development. Until all the development has been carried out the planning authority would not be in a position to see the cumulative effect of them. He advised members to take the precautionary principle and not to proceed with this amendment.

Cllr. B. MacGearailt said that he could not agree with the Manager's Report. Kerry has a deficit of areas designated for wind farm development. There is a greater emphasis all over the world on wind and wave energy and the County Development Plan should be supporting this. Wind and wave energy have been developed to a far greater extent in other countries and many of these countries are self sufficient. Ireland is at the bottom of the league table in this area. Every effort should be made to support people who are interested in developing wind farms and there was no reason why the planning authority should be opposed to it. 94% of the population of Ireland have indicated that they are in favour of wind farms in their own area. He PROPOSED that Amendment No. 183 be adopted.

Cllr. M. Cahill SECONDED this proposal and said the county needs more wind farms. The places named by Mr. Sheehy are suitable for this type of development and the planning authority should be more open-minded. These areas present an opportunity to create employment and reduce energy costs. He accepted that some areas were designated for this type of development in the past but Kilgarvan is the only area designated in South Kerry. Wind farm development would be appropriate on some low lands in certain parts of the county.

Cllr. J. O'Connor supported the proposal and said that Ireland imports 90% of our energy and with technology we could become net exporters of electricity.

On the PROPOSAL of Cllr. B. MacGearailt SECONDED by Cllr. M. Cahill this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015 hereby resolves that Amendment No. 183 would proceed.

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

**For:** Cllrs. Brassil, Cahill, Foley, Kiely, MacGearailt, McCarthy, Miller, O'Connor, O'Donoghue, Sheahan and Fleming **(11)**

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

**Not Voting:** Cllrs. Leahy, O'Brien, O'Connell **(3)**

**Absent:** Cllrs. Beasley, Buckley, P. Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Gleeson, D. Healy-Rae, M. Healy-Rae, McEllistrim, O'Shea, Purtill **(13)**

The Mayor declared the resolution carried.

Cllrs. M. Healy-Rae and D. Healy-Rae then returned to the meeting.

Mr. T. Sheehy then referred to Amendment No. 204 which relates to the zoning of lands as shown on Map No. 32 at Gullaba, Kilgarvan as 'Open to consideration' for wind farm development. He said that the development of a wind farm at this location would be visibly obtrusive. Kerry County Council granted permission for more wind farms than most other counties in the country. Members must be mindful of the need to preserve the scenery especially in the Ring of Kerry and the peninsulas. Members must not under estimate the value of tourism to the county. Many tourists come for the scenery and our greatest employment is from tourism while there is very little employment from wind farms.

Cllr. B. MacGearailt said that tourism is very transient, while agriculture and local communities will always be there. He asked if there was a reduction in the number of people visiting Spain as a result of wind farms developed there. Ireland needs a mixed economy and we must be more responsible in trying to achieve this.

Cllr. M. Healy-Rae said that at a previous meeting he proposed that these lands would be zoned 'Open to consideration' as he wanted to promote renewable energy. It is ironic that An Taisce is objecting to this when they are in favour of alternative energy. In conclusion he PROPOSED that this amendment would be adopted.

Cllr. D. Healy-Rae SECONDED this proposal.

On the PROPOSAL of Cllr. M. Healy-Rae SECONDED by Cllr. D. Healy-Rae this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009- 2015 hereby resolves that Amendment No. 204 proceed.

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

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

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

**Not Voting:** Cllrs. Leahy, O'Brien **(2)**

**Absent:** Cllrs. Beasley, Buckley, Cronin, Ferris, T. Fitzgerald, Gleeson, McEllistrim, O'Connell, Purtill **(9)**

The Mayor declared the resolution carried.

Mr. T. Sheehy referred members to Amendment No. 177 which relates to the zoning of land at Tulligmore, Killorglin for light industrial use.

Cllr. M. Cahill said that there was a long discussion on this amendment at the last meeting. On that occasion he proposed that this land would be zoned for light industrial use as the landowners have exhausted all options to acquire land for this purpose in Killorglin. He said it was unfair to use a traffic hazard as the reason why the land should not be zoned as the Ring of Kerry road can be accessed from 2 points from this land. The landowner will only be using it as a storage yard and the land will be accessed twice or three times a week. The land across the road is zoned industrial. There are a car sales premises and the Prodent factory beside it. He PROPOSED that Amendment No. 177 would be adopted.

Cllr. P. O'Donoghue SECONDED this proposal.

Cllr. M. Healy-Rae also supported the proposal and said that this land should be zoned because the surrounding land was also zoned industrial in the past on good planning grounds. He believes this land should be zoned industrial.

Cllr. J. O'Connor supported this proposal.

Mr. T. Sheehy pointed out that the planning authority would find it very difficult to grant planning permission at this location.

Cllr. M. Cahill again stated that traffic from this land can access the Ring of Kerry road at 2 points.

On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. P. O'Donoghue this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 -2015 hereby resolves that Amendment No. 177 proceed.

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

**For:** Cllrs. Brassil, Buckley, Cahill, P. Connor-Scarteen, S. Fitzgerald, Foley, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, Miller, O'Connor, O'Donoghue, O'Shea, Sheahan, Fleming **(18)**

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

**Not Voting:** Cllrs. Beasley, O'Brien **(2)**

**Absent:** Cllrs. Cronin, Ferris, T. Fitzgerald, Gleeson, McEllistram, O'Connell, Purtill **(7)**

The Mayor declared the resolution carried.

Mr. T. Sheehy referred to Amendment No. 180 which relates to the zoning of lands at Garryantanavalla, Listowel as 'light industrial' subject to suitable access being available.

Mr. M. McMahon pointed out that An Taisce made no reference to Amendment No. 180 but they did refer to Coolcashlagh.

Mr. Sheehy referred to Amendment No. 184 which relates to the proposal to zone lands at Clonee, Tousist for industrial use. The Manager's recommendation is that this amendment should not proceed as it constitutes a traffic hazard.

Cllr. M. Healy-Rae PROPOSED that this Amendment would proceed. This is a small operator who has a glass recycling facility. This development is not offensive and he is a small farmer. On planning grounds this is a very small one man operation involving one truck. If he stayed at home and drove his tractor in and out there would be a greater traffic hazard. He PROPOSED that this amendment would proceed to allow this young person carry on his business.

Cllr. P. Connor-Scarteen SECONDED this proposal and said that he supported this land owner and his wife who have 4 young children. He viewed this land and said that this person leaves home early in the morning and comes home late at night and his business would not constitute a traffic hazard. He hoped that all councillors would support this amendment to allow this small business to continue.

Mr. T. Sheehy said that the same issues that rose in Coolcashlagh are also relevant to this amendment.

Cllr. J. O'Connor said that South Kerry Development Partnership ran an initiative in South Kerry encouraging new business and he said we must be innovative.

Cllr. J. Brassil said he understood that when this amendment was originally agreed that it was subject to the satisfaction of the Area Engineer.

Mr. M. McMahon said that he had already ruled on this and the zoning of this land would constitute a serious traffic hazard.

Cllr. M. Healy-Rae said that the existing exit and entrance are already being used and the land at the entrance is in his ownership so he can improve the access. It is ridiculous to talk about a traffic hazard when his lorry goes out early in the morning and comes back in the evening.

Cllr. J. Sheahan said that this is bureaucracy gone mad.

Mr. T. Sheehy said it is all very well until someone is killed on this road and Cllr. Sheahan's comment was unfair and is misrepresenting the situation.

Cllr. D. Healy-Rae said that members made a case for this amendment at the last planning meeting and regardless of the zoning of the land the landowner will be entering and exiting his property. When he applies for planning permission the Council can impose a condition on his planning that he would remove the ditch and improve the access.

Cllr. J. Brassil PROPOSED that the amendment would be adopted with the proviso that traffic safety works would be carried out to the satisfaction of the Area Engineer.

Cllr. J. O'Connor SECONDED this proposal.

### **Suspension of Standing Orders**

The Mayor informed the meeting that it was 1:30pm and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. P. O'Donoghue SECONDED by Cllr. N. Foley it was agreed to suspend Standing Orders to allow the meeting to continue.

Mr. M. McMahon said that there are two proposals before the meeting in relation to this Amendment and if the original proposal stands a vote will be taken on that first.

Cllr. M. Healy-Rae said that any planning application would require the approval of the Area Engineer.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received



in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015 hereby resolves that Amendment No. 184 should proceed.

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

**For:** Cllrs. Beasley, Buckley, Cahill, P. Connor-Scarteen, S. Fitzgerald, Foley, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, O'Connor, O'Donoghue, O'Shea, Sheahan, Fleming **(17)**

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

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

**Absent:** Cllrs. Cronin, Ferris, T. Fitzgerald, Gleeson, McEllistrim, Miller, O'Connell, Purtill **(8)**

The Mayor declared the resolution carried.

Mr. Sheehy then referred members to Amendment No. 185 which relates to lands as shown on Map No. 23 regarding the zoning of lands at Ballinlough, Beaufort as 'Rural General' and the Manager's recommendation is that this amendment should not proceed.

Cllr. D. Healy-Rae PROPOSED that this amendment be adopted.

Cllr. M. Cahill SECONDED this proposal.

On the PROPOSAL of Cllr. D. Healy-Rae SECONDED by Cllr. M. Cahill this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015 hereby resolves that Amendment No. 185 proceed.

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

**For:** Cllrs. Beasley, Buckley, Cahill, P. Connor-Scarteen, S. Fitzgerald, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, O'Connor, O'Donoghue, O'Shea, Sheahan, Fleming **(15)**

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

**Not Voting:** Cllrs. Foley, O'Brien **(2)**

**Absent:** Cllrs. Cronin, Ferris, T. Fitzgerald, Gleeson, McCarthy, McEllistrim, Miller, O'Connell, Purtill **(9)**

The Mayor declared the resolution carried.

Mr. T. Sheehy referred to Amendment No. 197 and said that this has already been dealt with Submission No. 3.

Mr. Sheehy then referred to Amendment No. 198 which relates to the zoning of lands at Fionn Tra and Imleach Slat as 'Residential/Opportunity site'. The Manager's recommendation is that this amendment should not proceed.

Cllr. B. MacGearailt declared that in accordance with Section 177 of the Local Government Act 2001 he was related to the owner of these lands and for this reason he would leave the meeting while this amendment was being considered.

Cllr. B. MacGearailt then left the meeting.

Cllr. M. O'Shea PROPOSED that Amendment No. 198 be adopted.

Cllr. P. O'Donoghue SECONDED this proposal.

Mr. T. Sheehy said that he would be willing to accommodate the Museum but he would not agree to the residential zoning. Submissions were received on the Ventry Local Area Plan from 6 landowners who wished to have their land zoned and their land was not zoned. It would be unfair on these land owners to zone this land in isolation. When the Local Area Plans were being considered, members agreed not to zone lands in Ard a Bhothair.

Cllr. T. Fitzgerald asked if there is a Shop, Church and Bar at this location.

Cllr. M. O'Shea said that when the Local Area Plan was being considered members agreed not to deal with the submissions at that time but to deal with them in the context of the County Development Plan.

Mr. T. Sheehy said that Cllr. O'Shea was being disingenuous in saying that.

Cllr. P. O'Donoghue said that there is a Shop, a Pub and a Bed and Breakfast at this location. The proposed development will promote this area and help to stimulate the local economy. It will be very beneficial for West Kerry and is a very good proposal.

Mr. T. Sheehy said that again he had no difficulty with the zoning of the land for the Museum but he had difficulty with zoning for residential development. Members are proposing it on the basis that the residential development is needed to ensure the viability of the Museum. Decisions taken on this must be consistent with the way other land owners were treated. He again stated that the Museum could be facilitated but he was opposed to the residential zoning. This would be the only place in the county where residential zoning would be

permitted outside the boundary of Local Area Plans. Members are simply picking out one field to facilitate a land owner.

Cllr. P. O'Donoghue said that this was discussed at length at a previous planning meeting and it is not viable to have the Museum without residential development.

Cllr. M. O'Shea said this is just one and half acres.

Mr. T. Sheehy said that Submission Nos. 29, 32, and 83 are all opposed to this zoning.

Cllr. M. Healy-Rae said that he honestly felt that it is the right thing to do to adopt this amendment and zone the land. The submissions referred to by Mr. Sheehy are not relevant as those people did not make a submission on the County Development Plan.

Cllr. N. Foley said that this is not a stand alone project and the residential zoning is required. She was satisfied that this zoning should proceed.

Cllr. T. Fitzgerald said that this development will enhance the area.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015 hereby resolves that Amendment No. 198 should proceed.

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

**For:** Cllrs. Beasley, Brassil, Buckley, Cahill, P. Connor-Scarteen, T. Fitzgerald, Foley, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, O'Connor, O'Donoghue, O'Shea, Fleming **(15)**

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

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

**Absent:** Cllrs. Cronin, Ferris, S. Fitzgerald, Gleeson, MacGearailt, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, Purtill, Sheahan **(12)**

The Mayor declared the resolution carried.

The Mayor informed the meeting that it was 1:55pm and the meeting would adjourn for lunch and would resume at 2:30pm.

The meeting resumed at 2:55pm.

Mr. T. Sheehy referred to Amendment No. 199 which relates to the zoning of lands as indicated on Map No. 28 at Killaha East and Killaha West, Kenmare as 'Secondary Special Amenity'. Mr. Sheehy indicated the lands the subject of this Amendment on the map for the meeting and said that all the land between the road and the sea is designated as 'Prime Special Amenity'. If the land owner complies with the criteria in the County Development Plan it would be possible to initiate the material contravention procedure to facilitate him if appropriate. He was opposed to the zoning of this land.

Cllr. J. Brassil PROPOSED that the recommendation in the Manager's Report in relation to Amendment No. 199 be adopted.

Cllr. D. Kiely SECONDED this proposal.

Cllr. M. Healy-Rae PROPOSED that this land would be zoned Secondary Special Amenity as agreed at a previous meeting.

Mr. T. Sheehy said that if a land owner complies with the policies in the County Development Plan and has no alternative lands available it would be possible to initiate the material contravention procedure for bona fides applicants.

Cllr. M. Healy-Rae pointed out that even if the zoning is changed to Secondary Special Amenity the land owner must still apply for planning permission so he could not understand why Mr. Sheehy was opposed to it.

Mr. Sheehy stated that he was aware that some of the land owners own land and property elsewhere.

Cllr. M. Healy-Rae PROPOSED that Amendment No. 199 be adopted.

Cllr. D. Healy-Rae SECONDED this proposal and said that he could not see a whole lot wrong with it If planning permission is granted for a couple of houses to facilitate local need.

Cllr. M. Healy-Rae said he knows the land but does not know if the land owners own other land.

Cllr. P. Connor-Scarteen said that there are a number of landowners involved and he would not like to see large scale development at this location. However, the occasional one off house should be acceptable and he agreed that the zoning should be changed to Secondary Special Amenity.

Cllr. J. Brassil said there is a long belt of land zoned as Prime and Secondary Special amenity across the road and it does not make any sense to pick out one piece of land and to zone it. Mr. Sheehy had clearly stated that if a planning

applicant is genuine and satisfies the criteria in the County Development Plan they will be facilitated if possible. It is not logical therefore to zone this land as Secondary Special Amenity.

Cllr. B. Cronin agreed with the sentiments expressed by Cllr. Brassil and said that Mr. Sheehy had clarified that a bona fide family member can be facilitated.

Mr. T. Sheehy said that he was not stating that a family member would be guaranteed planning permission but they would be given due consideration subject to percolation and road safety issues not being a problem.

Cllr. B. Cronin asked what legacy members would leave after them. Just because a landowner asks members to zone their land members should not do it. This is a plot of land in a scenic area and the neighbouring land owner could be seriously hurt if members zone this land. It is setting a bad precedent and the rezoning should not proceed.

Cllr. M. Healy-Rae pointed out that there is not one land owner involved but a group of land owners.

Cllr. J. O'Connor said that the Senior Planner had said that family members could be facilitated provided the percolation tests are satisfactory and there is not a road safety issue. He supported this position.

Cllr. M. Cahill said that he would be satisfied to accept Mr. Sheehy's recommendation provided local genuine cases would be accommodated.

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

In response Mr. T. Sheehy said there is 10.6 acres in the proposed amendment.

Cllr. R. Beasley stated that once family members would be accommodated that was fair.

On the PROPOSAL of Cllr. J. Brassil SECONDED by Cllr. D. Kiely this Council having considered the amendments and the Co. Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015 hereby resolves that the recommendation in the Manager's Report in relation to Amendment No. 199 be adopted.

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

**For:** Cllrs. Beasley, Brassil, Buckley, Cahill, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Kiely, Leahy, MacGearailt, O'Connor, Sheahan **(13)**

**Against:** Cllrs. P. Connor-Scarteen, D. Healy-Rae, M. Healy-Rae, O'Donoghue, Fleming **(5)**

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

**Absent:** Cllrs. Foley, Gleeson, McCarthy, McEllistram, Miller, O'Brien, O'Connell, O'Shea, Purtill **(9)**

The Mayor declared the resolution carried.

Mr. T. Sheehy then referred members to Amendment No. 205 which proposes to zone lands as shown on Map No. 33 at Dromultan, Scartaglin as 'Rural General'. This land have been the subject of a few planning applications which have been refused. The land is elevated and he indicated the lands on the map for members. This land is zoned Secondary Special Amenity and the zoning of the land as Rural General would not make any difference to a planning application.

Cllr. T. Fleming PROPOSED that Amendment No. 205 be adopted and said that this land is removed from the valley. The landowner was refused permission in the past and he feels that if the land was zoned it would be very helpful to him in securing planning permission. To zone this land as 'Rural General is not a huge change and would be more favourable towards the applicant.

Cllr. D. Healy-Rae SECONDED this proposal.

Mr. T. Sheehy said that members were only trying to facilitate the applicant.

On the PROPOSAL of Cllr. T. Fleming SECONDED by Cllr. D. Healy-Rae this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 -2015 hereby resolves that Amendment No. 205 proceed.

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

**For:** Cllrs. Cahill, D. Healy-Rae, MacGearailt, O'Donoghue, Fleming **(5)**

**Against:** Cllrs. Beasley, Brassil, Buckley, P. Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Leahy, Sheahan **(10)**

**Not Voting:** Cllrs. Kiely, O'Connor **(2)**

**Absent:** Cllrs. Foley, Gleeson, M. Healy-Rae, McCarthy, McEllistram, Miller, O'Brien, O'Connell, O'Shea, Purtill **(10)**

The Mayor declared the resolution defeated.

Mr. Sheehy referred members to Amendment No. 207 which proposes that lands as shown in Map No. 36 at Quaybaun, Glenbeigh be zoned Rural General. Mr. Sheehy indicated the lands the subject of this amendment on the map and said that this is a triangle of land. The topography of this land forms the top of the hill and the Manager's recommendation is that this amendment should not proceed.

Cllr. J. O'Connor said that in accordance with Section 177 of the Local Government Act 2001 he was related to the land owner and he would leave the meeting while this amendment was being considered.

Cllr. O'Connor then left the meeting.

Mr. Sheehy informed members that this land is on the crest of a hill and it should remain Secondary Special Amenity. He met with the land owner and he indicated that he is not that interested in developing the land.

Cllr. M. Cahill PROPOSED that Amendment No. 207 would be adopted. This land is below the road and there are houses underneath it. He PROPOSED that it would be zoned Rural General.

Cllr. P. Connor-Scarteen SECONDED this proposal.

Cllr. B. Cronin PROPOSED that the recommendation in the Manger's Report would be adopted. This is a scenic area and as the owner is not interested in developing it, it is appropriate that it would not be rezoned.

Cllr. T. Ferris SECONDED this proposal.

Cllr. J. Brassil said that this land appears to be zoned Rural General at the top and Secondary Special Amenity at the lower end. He asked if it is either included or excluded what difference would it make.

Mr. T. Sheehy said the view of this land from Caragh Lake is that it is on the sky line. Planning permission was granted lower down but this land is prominent and on the sky line.

Cllr. M. Cahill said that land directly behind this land is zoned Rural General and the land is rising.

Mr. T. Sheehy said that this land forms the crest of the hill.

On the PROPOSAL of M. Cahill SECONDED by Cllr. P. Connor-Scarteen this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015 hereby resolves that Amendment No. 207 would proceed.

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

**For:** Cllrs. Cahill, P. Connor-Scarteen, D. Healy-Rae, M. Healy-Rae, MacGearailt, O'Donoghue, Sheahan, Fleming **(8)**

**Against:** Cllrs. Beasley, Brassil, Buckley, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Leahy **(8)**

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

**Absent:** Cllrs. Foley, Gleeson, McCarthy, McEllistram, Miller, O'Brien, O'Connell, O'Connor, O'Shea, Purtill **(10)**

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

The Mayor declared the resolution carried.

**Submission No. 10                      Tarbert Development Association**

Mr. T. Sheehy informed the meeting that this submission refers to Amendment No. 156 and proposes that this amendment be altered to read:

*'It is proposed that John F. Leslie Woodland should be included in Table 11.5 of the Draft Plan. The Manager's recommendation is that Amendment No. 156 should be modified to include John F. Leslie Woodland in Table 11.5.*

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

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

<b>Submission No. 11</b>	<b>Sean McCarthy</b>
<b>Submission No. 19</b>	<b>Gerry O'Sullivan</b>
<b>Submission No. 20</b>	<b>Gerry O'Sullivan</b>
<b>Submission No. 22</b>	<b>O'Cathain Iasc Teo</b>
<b>Submission No. 47</b>	<b>Lawrence and Mary Murphy</b>
<b>Submission No. 59</b>	<b>Coillte Teoranta</b>
<b>Submission No. 60</b>	<b>John Hartnett</b>

Mr. T. Sheehy informed the meeting that these submissions relate to an amendment that did not go on public display therefore they cannot be considered.



Cllr. J. O'Connor asked if this could be considered at a future meeting.

Cllr. Kiely stated it was too late.

Mr. T. Sheehy said that a number of submissions were made at the Draft Plan stage but there were not agreed. The following submissions also relate to this amendment nos. 19, 20, 22, 47, 59 and 60.

Cllr. M. Healy-Rae said that he wanted it noted in the minutes that the submission relating to Tousist requesting the zoning of land for a Hotel and Leisure Facilities could not be permitted at this time but there is a possibility of it being dealt with through a planning application.

Mr. T. Sheehy confirmed that this could be noted in the minutes.

Cllr. D. Kiely asked if this position also relates to Submission No. 80.

Mr. T. Sheehy said he would deal with that later.

<b>Submission No. 14</b>	<b>Michelle Buckley</b>
<b>Submission No. 15</b>	<b>Margaret Buckley</b>
<b>Submission No. 16</b>	<b>Johnny Joy and Treasa Joy</b>
<b>Submission No. 17</b>	<b>Eithne and Ger Lennon</b>
<b>Submission No. 18</b>	<b>Timmy and Betty O'Sullivan</b>
<b>Submission No. 25</b>	<b>Catherine Quinlivan</b>
<b>Submission No. 26</b>	<b>Peter Doyle</b>
<b>Submission No. 46</b>	<b>Cyril Jefferies</b>
<b>Submission No. 51</b>	<b>Edward Walsh</b>
<b>Submission No. 69</b>	<b>Fiona Stapleton</b>
<b>Submission No. 71</b>	<b>Patrick McCarthy</b>
<b>Submission No. 72</b>	<b>Paul Doyle and Noreen Doyle</b>

Mr. Sheehy informed members that these submissions relate to Amendment No. 180 which proposes to zone the lands shown on Map No. 18 at Garryantanvalla, Listowel as 'Light Industrial' subject to suitable access being available.

Cllr. T. Buckley said that since the last planning meeting members met with the applicant and he has no problem with the access through the Mart. He will not have a recycling facility as part of his development.

Mr. T. Sheehy informed members that the Manager's Report recommends that the area which he indicated on the map would be taken out and that the amendment would proceed with the access through the Mart.

Cllr. D. Kiely PROPOSED that the amendment that went on public display be adopted with access through the Mart. He added that the residents would be satisfied with this.

Cllr. T. Buckley SECONDED this proposal.

Cllr. T. Ferris asked if members were sure that the residents would be agreeable to this.

Cllrs. T. Buckley and P. Leahy confirmed that they would.

On the PROPOSAL of Cllr. D. Kiely SECONDED by Cllr. T. Buckley this Council having considered the amendment and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015 hereby resolves that Amendment No. 180 should proceed with the inclusion of Objective ZL-6A as contained in the Manager's Report as follows: It is an Objective of the Council to ensure that the development of these lands at Garryantanavalla, Listowel, are subject to access being provided through the adjacent industrial land to the West.

A vote was taken which resulted as follows:

**For:** Cllrs. Beasely, Buckley, Cahill, P. Connor-Scarteen, Ferris, S. Fitzgerald, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, O'Connor, Sheahan, Fleming **(14)**

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

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

**Absent:** Cllrs. Brassil, Cronin, T. Fitzgerald, Foley, Gleeson, McCarthy, McEllistram, Miller, O'Brien, O'Connell, O'Donoghue, O'Shea, Purtill **(13)**

The Mayor declared the resolution carried.

**Submission No. 23                      Dingle Sustainable Development Group**

Mr. Sheehy stated that the Manager's recommendation is that there would be no amendments to the Draft Plan.

Cllr. T. Fitzgerald PROPOSED that the recommendation in the Manager's Report be adopted.

Cllr. S. Fitzgerald SECONDED this proposal and it was unanimously agreed.

**Submission No. 29**      **Fis Fionn Trá**  
**Submission No. 32**      **INTIRE**  
**Submission No. 83**      **Dr. Brendan O’Ciobháin**

Mr. T. Sheehy informed the meeting that these submissions relate to Amendment No. 198 and this has already been dealt with.

**Submission No. 30**      **Ceann Sibéal Golf Club**

Mr. Sheehy informed members that this is a letter of support for amendments to the County Development Plan and members should just agree to note it.

On the PROPOSAL of Cllr. J. O’Connor SECONDED by Cllr. D. Kiely it was unanimously agreed to note Submission No. 30.

**Submission No. 31**      **Keep Ireland Open**

Mr. Sheehy referred members to Page 38 of the Manager’s Report for the recommendation on this submission.

Cllr. J. O’Connor said that there is a whole new designation proposed for the pearl mussel and the use limestone, when carrying out works in designated areas, will no longer be permitted. These new designations were only published last week and it will be necessary to examine the Draft in detail. He asked Mr. Sheehy to make provision in the Plan that these designations will not be included until the economic effects are assessed.

Mr. T. Sheehy said that this does not affect the pearl mussel issue and he was referring to wind farms.

Cllr. J. O’Connor asked that appropriate wording would be included in the County Development Plan to cover this issue as we are not yet aware of the effect of these designations.

Mr. T. Sheehy said that these designations were the responsibility of the Department of the Environment, Heritage and Local Government and Kerry County Council has no control over them. We are not the statutory body responsible for these designations, however, if members wish an objection could be submitted to the Department of Environment, Heritage and Local Government regarding the proposed designations.

Mr. T. Curran, Co. Manager advised members that this issue would be included on the agenda for the next council meeting.

Mr. T. Sheehy referred to Submission No. 31 and said that if members were satisfied with the Manager’s response and recommendations they could simply propose and second it with the exception of Amendment No. 204 which has already been dealt with.

On the PROPOSAL of Cllr. D. Kiely SECONDED by Cllr. T. Fitzgerald it was unanimously agreed to adopt the recommendation in the Manager's Report in relation to Submission No. 31.

**Submission No. 49                      Kilcolgan Residents Association**

Mr. Sheehy advised members that the Manager's recommendation is that there would be no amendment as a result of this submission.

On the PROPOSAL of Cllr. D. Kiely SECONDED by Cllr. J. Brassil it was unanimously agreed to adopt the recommendation in the Manager's Report in relation to this submission.

**Submission No. 52                      Paudie O'Mahoney and Associates**

Mr. Sheehy informed members that this submission relates to Amendment No. 188 and the following is the Manager's recommendation

'It is recommended that the wording of Section 8.2.9 be amended as follows:

8.2.9 In accordance with Objective INF ~~8-19~~ **8-20** new accesses onto National Primary ~~and National Secondary~~ roads will not be permitted except in the following:

1. Developments in areas where the ~~50kph~~ 60kph or equivalent speed limit applies.
2. *In exceptional circumstances*, large-scale industrial or commercial developments that are tied to a fixed resource and are considered to be of extreme economic necessity to the area and the county.

Two submissions relate to this Amendment, Submission No. 52 from Paudie O'Mahoney and Submission No. 78 from the NRA and they should be taken together.

Cllr. P. O'Donoghue asked what the policy in relation to National Secondary roads is.

Mr. T. Sheehy said that the Amendment does not relate to National Secondary roads. Submission No. 52 proposes that only 'in exceptional circumstances large scale industrial or commercial developments that are tied to a fixed resource and are considered to be of extreme economic necessity to the area and the county' would be included. *"Exceptional circumstances" shall be determined having regard to the NRA "Policy statement on Development Management and access to National Roads" in particular section 3.2.6. (Ref. INF 8-20).*

Cllr. J. Brassil PROPOSED that the recommendation in the Manager's Report be adopted.

Cllr. D. Kiely SECONDED this proposal and it was unanimously agreed.

**Submission No. 53                      Michael C. Daly**

**Submission No. 58                      Nell Kelliher**

Mr. Sheehy suggested that these submissions should be left to the end of the meeting when Protected Structures will be dealt with.

This was agreed.

**Submission No. 54                      McCutcheon Mulcahy**

Mr. Sheehy informed members that this submission relates to proposed Amendment Nos. 5, 6 and 15 which relate to flood risk and development. The Manager's recommendation is as follows:

'It is recommended re amendment no. 15 that the final bullet point of Objective EN-34(a) be replaced by:

***'Any proposal for land filling, diverting, culverting or realignment of river and stream corridors will only be considered where there is clear justification based on the provision of a technical feasibility study demonstrating the impact of the proposal'***

It is accepted that re amendment no. 5, that in Section 11.4.3, the wording ***'in the absence of adequate flood risk assessments and the implementation of sustainable urban drainage systems'*** should be included after the words 'major rivers can'.

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

Cllr. T. Fleming SECONDED this proposal.

Cllr. J. O'Connor asked if a river runs through a person's land and the river changes direction would they have to undertake a study in order to divert the river back to its original course.

Mr. T. Curran said that these works would be seen as minor and would not come under the scope of this amendment.

**Submission No. 57                      Glenbeigh Residents Against Health Hazards**

Mr. Sheehy informed members that this is a very long submission which dealt with a number of issues including the 1km rule and the impact of masts. The Manager's response is as follows:

'The reference to 'encourage' in the amendments is in relation to the visual impacts of the masts.

The remainder of this submission is not in relation to a proposed amendment on display and thus cannot be considered at this stage.' The Plan is not stating that masts would be proposed but rather that telecommunication companies would be encouraged to locate them where they would have the least visual impact.

Cllr. D. Healy-Rae said that members had proposed something similar in relation to the phone service for the Black Valley and he requested clarification on what Mr. Sheehy was now suggesting.

Mr. Sheehy said that he was only stating that masts should be located where they would have the least visual impact.

Cllr. P. Connor-Scarteen said there was confusion in relation to the masts issue in Glenbeigh. This group have serious concerns for their area and they had 174 signatures on their submission. He PROPOSED that the wording would be changed.

Cllr. J. Sheahan SECONDED this proposal.

Cllr. M. Healy-Rae said that members want to ensure that masts are located in a safe place. Members previously made it clear that they would encourage the location of masts away from where people live and from areas where they are not wanted by residents. He supported the Glenbeigh Residents and said that the majority of members are in favour of the 1km rule.

Mr. T. Sheehy said that this amendment relates to masts only and not the 1km rule. It is suggested that the objective should be amended to read as follows: "to ensure that in high amenity areas masts with the least visual impact are utilised."

Cllr. M. Cahill expressed his support for Submission No. 57 in its totality. He welcomed the delegation from Glenbeigh to the meeting. A few months ago the 1km rule was discussed in the context of the review of the County Development Plan. The real issue of concern is the health and safety of local communities. This Council needs guidance and profession advice in relation to this matter. It is time to call on the relevant Government Departments to get involved in clarifying the health risks associated with masts. Kerry County Council refuses all planning applications for masts within 1km of homes, schools or places of work and An Bord Pleanála overturn these decisions. There is no clear direction on whether or not there is a health hazard from masts and it is time that clear guidelines were issued.

Cllr. B. Cronin supported this submission and said this matter was debated on numerous occasions and he attended meetings in Glenbeigh on this topic. The Planning SPC received a number of groups making presentations on this issue including Clara Leahy and various telecommunications service providers. He was aware that the general public were concerned in relation to the siting of masts and he would be interested to hear the Planning Department's views on the non terminal effects of masts. The roll out of Broadband is a huge issue in Kerry and 28 masts are required if this is to happen. It is hoped to use 17 existing masts but 11 new masts will be required. Clara Leahy and the local

residents have undertaken a very detailed study of this issue and it is of huge concern to the local community. He asked what the views of the planning officials were on emissions from telecommunication masts.

Cllr. J. O'Connor said that he felt that the 1km rule is not strong enough. A Health and Safety Study is required to be carried out and submitted with each planning application for a mast. In France some masts have been removed and people are being compensated. He was satisfied that health and safety will be one of the main issues to be considered in assessing a planning application for a mast.

Cllr. J. Sheahan said that the residents of Glenbeigh feel very strongly about this. 179 people attended a public meeting on this issue recently. They are concerned that there is a health risk from masts and members must take this on board.

Mr. T. Sheehy said that the County Development Plan tries to encourage the use of masts with the least visual impact in high amenity areas and Objective INF8-65 should be amended to read as follows: 'To ensure that in high amenity areas masts with the least visual impact are utilised.'

Cllr. R. Beasley PROPOSED that Objective INF8-65 be amended as outlined by Mr. Sheehy.

Cllr. J. O'Connor SECONDED this proposal.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. O'Connor this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015 hereby resolves that Objective INF8-65 be amended to read as follows: to ensure that in high amenity areas masts with the least visual impact are utilised.

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

**For:** Cllrs. Beasley, Brassil, Cahill, P. Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, O'Brien, O'Connor, O'Donoghue, O'Shea, Sheahan and Fleming **(19)**

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

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

**Absent:** Cllrs. Buckley, Foley, Gleeson, McCarthy, McEllistrim, Miller, O'Connell and Purtill **(8)**

The Mayor declared the resolution carried.

**Submission No. 63            EPA**

Mr. T. Sheehy referred members to Submission No. 63 from the EPA and said that the Manager's recommendation is contained on Page 59 of his report and the response recommends that proposed Amendment No. 198 would not proceed.

Cllr. D. Kiely PROPOSED that the recommendation in the Manger's Report would be accepted with the exception of Amendment No. 198 which was dealt with earlier.

Cllr. J. Brassil SECONDED this proposal and it was unanimously agreed.

**Submission No. 77            Department of the Environment**

Mr. T. Sheehy informed members that the Manager's recommendations on this submission commence on Page 66 of the Manager's Report and he proposed to read through the individual recommendations and members could propose and second each one.

- (1) 'It is recommended that proposed amendment No. 169, Objective DM13-2 be modified as follows:

*'Ensure that a high quality urban environment is provided in each Settlement and that the provisions of the **Draft** "Sustainable Residential Development in Urban Areas Guidelines, 2008" and the "Design Manual: Best Practice" including final documents are incorporated into the Local Area Plans to be prepared in accordance with this plan.'*

On the PROPOSAL of Cllr. J. Brassil, SECONDED by M. Healy-Rae, it was unanimously agreed to adopt this recommendation.

- (2) It is recommended that proposed amendment No. 5, Objective EN 11-60 be modified as follows:

*'Development must so far as is reasonably practicable **and environmentally sustainable** incorporate the maximum provision to reduce the rate and quantity of runoff. E.g.:-*

- Hard surface areas (car parks, etc.) should be constructed in permeable or semi-permeable materials.*
- On-site storm water ponds to store and/or attenuate additional runoff from the development should be provided.*
- Soak-aways or French drains should be provided to increase infiltration and minimise additional runoff.*

*(Such sustainable design/construction measures are desirable in most areas and essential in floodplains, areas liable to flooding, and areas where the conveyancing capacity of watercourses is marginal.*



*In all of these cases development that reduces the rate of absorption or increases the rate of runoff increases the risk of flooding of lands and properties downstream”.)*

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley, it was unanimously agreed to adopt this recommendation.

- (3) It is recommended that proposed amendment No. 5, Objective EN 11-63 be modified as follows:

*All new development must be designed and constructed to meet the following minimum flood design standards:-*

- *For Urban areas or where developments (existing, proposed or anticipated) are involved – the 100 year flood*
- *For Rural areas or where further developments (existing, proposed or anticipated) are not involved – the 25 year flood*
- *Along the Coast and Estuaries – the 200 year tide level **taking into account predicted sea level rise***
- *Where streams, open drains or other watercourses are being culverted – the minimum permissible culvert diameter is 900mm. (Access should be provided for maintenance as appropriate.)  
(The application of higher design standards may be appropriate in certain cases where the level of risk and/or uncertainty warrant it e.g. hospitals or other emergency services, main roads, chemical plants, cultural repositories, areas of karst etc.)*

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Fitzgerald it was unanimously agreed to adopt this recommendation.

- (4) It is recommended that proposed amendment No. 14, Objective EN 11-27 be modified as follows:

*‘Ensure that development does not have a significant adverse impact, incapable of satisfactory mitigation, on plant, ~~animal or bird species~~ **animal (including bird) species** protected by law.*

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. O'Donoghue, it was unanimously agreed to adopt this recommendation.

- (5) It is recommended that proposed amendment No. 46, Objective NR 7-25A be modified as follows:

*Request a **geotechnical** stability assessment for proposed developments in upland areas.*

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Brassil, it was unanimously agreed to adopt this recommendation.

- (6) It is recommended that proposed amendment No. 63, Objective EN 11-21 be modified as follows:  
....Applicants must demonstrate that the proposed development will not have a negative impact on the fauna, flora or habitat being protected *through an Appropriate Assessment under Article 6 of the Habitats Directive which is a requirement for development proposals on European sites affecting European sites.*

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. O'Donoghue, it was unanimously agreed to adopt this recommendation.

- (7) It is recommended that proposed amendment No. 120, Objective EN 11-23 be modified as follows:  
Maintain the conservation value of *European sites as defined in the Planning & Development Act 2000 (Special Areas of Conservation, Special Areas or Lands Proposed for inclusion in such sites)* identified by The National Parks and Wildlife Service of the Department of Environment, Heritage and Local Government, *as well as any other sites that may be so designated during the lifetime of this plan.*

Cllr. M. Cahill asked if this would have any bearing on Castlemaine Harbour as he was concerned it could have huge consequences for the fishing industry there.

Mr. T. Sheehy said that this recommendation is classifying SAC's.

Cllr. M. Cahill said that he could not support it in relation to Castlemaine as the Harbour was closed for mussel fishing earlier in 2008 and he was concerned this could happen again.

Mr. T. Sheehy said that the Manager's Report is only clarifying European sites.

Cllr. M. Cahill said he would agree to accept this recommendation but requested that a letter be forwarded to the EU and the Department asking them to ensure that Castlemaine Harbour is removed from these designations.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. R. Beasley, it was agreed to adopt this recommendation.

- (8) It is recommended that proposed amendment No. 121, Objective EN 11-24 be modified as follows:  
Maintain the conservation value of *European sites as defined in the Planning & Development Act 2000 (Special Areas of Conservation, Special Protection Areas or Lands Proposed for inclusion in such sites)* identified by The National Parks and Wildlife Service of the

Department of Environment, Heritage and Local Government, *as well as any other sites that may be so designated during the lifetime of this plan.*

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. J. Brassil, it was unanimously agreed to adopt this recommendation.

Mr. Sheehy said that the remaining issues in this submission relate to zoning amendments. The first relates to zoning Amendment No. 179 in relation to Dromin Upper and Skehanerin. He indicated the lands the subject of this Amendment on the map and said that the Manager's recommendation is that this amendment should not proceed as it is beyond the boundary of the Local Area Plan.

Cllr. J. Brassil PROPOSED that this Amendment would proceed and he said there was no submission from the local residents on it.

Cllr. D. Kiely SECONDED this proposal.

Cllr. R. Beasley supported the proposal.

Cllr. P. Leahy also supported the proposal.

Mr. T. Sheehy said that this land is located  $\frac{2}{3}$  of a mile from the town boundary and there is no justification for it. The landowner may only get planning for a few houses and the access and sight distances from the lands may prove to be difficult in a planning application.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. R. Beasley this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015, hereby resolves that Amendment No. 179 should proceed.

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

**For:** Cllrs. Beasley, Brassil, Buckley, Cahill, P. Connor-Scarteen, Ferris, T. Fitzgerald, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, O'Donoghue, O'Shea, Sheahan and Fleming **(16)**

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

**Not Voting:** Cllrs. Cronin, S. Fitzgerald and O'Brien **(3)**

**Absent:** Cllrs. Foley, Gleeson, McCarthy, McEllistrim, Miller, O'Connell, O'Connor and Purtill **(8)**

The Mayor declared the resolution carried.

Mr. Sheehy then referred to Amendment No. 195 which relates to the zoning of land at Dirha East. It is proposed that these lands would be zoned for residential use. He indicated the lands the subject of this amendment on the map for members and said that it is located on the Ballybunion road. This landowner was previously granted permission for a number of houses and he felt it was inappropriate to zone this land. Sufficient land has already been zoned in Listowel.

Cllr. R. Beasley said that a number of planning permissions were granted within the speed limit and there will be a need for housing in this area. Development has taken place on either side of these lands and also across the road. He PROPOSED that this land would be zoned for low density residential development.

Cllr. D. Kiely SECONDED this proposal.

Cllr. P. Leahy supported the proposal.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. D. Kiely this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015, hereby resolves that Amendment No. 195 should proceed.

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

**For:** Cllrs. Beasley, Brassil, Buckley, Cahill, P. Connor-Scarteen, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, O'Donoghue, O'Shea, Sheahan and Fleming **(13)**

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

**Not Voting:** Cllrs. Cronin, S. Fitzgerald, T. Fitzgerald, MacGearailt **(4)**

**Absent:** Cllrs. Ferris, Foley, Gleeson, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, Purtill **(10)**

The Mayor declared the resolution carried.

#### **Submission No. 78            NRA**

Mr. T. Sheehy informed the meeting that the Manager's Response to this submission is as follows:

"It is recommended that proposed Amendment No. 187 should not proceed. In relation to Amendment No. 188, it is recommended that the proposed modification of the speed limit to 60kph should not proceed." Mr. Sheehy stated

that Amendment No. 187 had already been dealt with. For clarity he wished to confirm that Amendment No. 188 would relate to National Primary routes only.

On the PROPOSAL of Cllr. D. Keily, SECONDED by Cllr. J. Sheahan it was agreed that the recommendation in the Manager's Report in relation to Amendment No. 188.

**Submission No. 80                      Airtricity Developments Ireland Ltd.**

Mr. T. Sheehy said that this submission relates to Amendment No. 159 and the following is the Manager's Response:

"It is accepted, on foot of the submission received, that the erection of wind turbines with a hub height of 100m and a blade diameter of 50m would require a 350m coastal strip of land, and that outside this boundary that the erection of buildings would have no effect on the turbines or vice versa. It is considered, however, that the loss of 107 Ha constituting 27% of the 280Ha industrial zoning is unacceptable. This view is taken considering the future potential for industrial development in the area, the availability of alternative lands for the construction of windfarms, the committed public investment in infrastructural servicing costs, the lack of a viable alternative location in North Kerry for the location of industry needing ready access to energy, the national gas network, proximity to national routes and possible deepwater access. The buffer zones in the windfarm deployment map are not an amendment on display and cannot be considered at this stage."

The Manager's Recommendation is "It is recommended that the proposed Amendment Nos. 158 and 159 should proceed unchanged."

Cllr. D. Kiely PROPOSED that this recommendation would be adopted and said that this is the best waterway in Western Europe and it must be protected.

Cllr. T. Buckley SECONDED this proposal and said it is an unsuitable location for wind turbines.

**Submission No. 82                      Green Party**

Mr. T. Sheehy informed the meeting that this has already been dealt with.

Mr. Sheehy then referred members to Page 77 of the Manager's Report where Submissions on Existing and Proposed Protected Structures and Recommended Amendments are set out.

In relation to the Glenbeigh Residents Against Health Hazards Mr. Sheehy clarified that amendments to Paragraph 13.10.8 could not be made as they did not relate to an amendment on display.

<b>Submission No. 2</b>	<b>Michael C. Daly</b>
<b>Submission No. 9</b>	<b>An Taisce</b>
<b>Submission No. 53</b>	<b>Michael C. Daly</b>
<b>Submission No. 58</b>	<b>Nell Kelliher &amp; Others</b>

Mr. Sheehy informed the meeting that this submission relates to Amendment No. 10 and the Railway Goods shed at Brackhill, Castlemaine. Submission Nos. 9, 53 and 58 also relate to this Amendment. There was a long debate at the last meeting on this issue and he was strongly of the view that this shed should remain a Protected Structure. This is one of the last remaining links with the old railway line and it should be preserved for the heritage of the county.

Cllr. M. O'Shea said that he originally proposed Amendment No. 10 and the submissions speak for themselves. He PROPOSED that this structure would not be a Protected Structure.

Cllr. P. O'Donoghue SECONDED this proposal and said that members must have regard to the views of the local community and it appears that this structure is dangerous.

Mr. Sheehy said that the following is the Manager's Response to this submission: "The contribution of the railways to the heritage of County Kerry cannot be understated. The history, architecture and social contribution of the railways are a valuable asset to the culture of the County. The remaining structures form a strong tangible link to this time in the history and culture of our county which cannot be recreated once lost. The materials, quality of workmanship and design are unique for their time. Every effort should be made to retain and refurbish the remaining structures." Mr. Sheehy added that if this structure is not protected it will be an opportunity lost and people will regret it and the opportunity to reutilise railways will be lost also. He urged members not to lightly dispose of them.

Cllr. M. O'Shea said that this building is on private property and there is no question of a walkway being developed to it.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue this Council having considered the amendments and the County Manager's Report and Recommendations on submissions/observations received in relation to the proposed amendments to the Draft Kerry County Development Plan 2009 – 2015, hereby resolves that Amendment No. 10 should proceed.

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

**For:** Cllrs. Cahill, S. Fitzgerald, D. Healy-Rae, Kiely, O'Donoghue, O'Shea, Sheahan, Fleming **(8)**

**Against:** Cllr. Buckley, Cronin, MacGearailt **(3)**

**Not Voting:** Cllrs. Beasley, P. Connor-Scarteen, T. Fitzgerald, Leahy (4)

**Absent:** Cllrs. Brassil, Ferris, Foley, Gleeson, M. Healy-Rae, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, Purtill (12)

The Mayor declared the proposal carried.

**Submission No. 4 Department of the Environment, Heritage & Local Government**

Mr. Sheehy informed the meeting that there are four amendments recommended arising from this submission as follows:

- (1) It is recommended that the text in proposed Amendment No. 27 i.e. BH 10-9 be modified to read *"It is an objective of the planning authority to review the designation of Architectural Conservation Areas (ACA) within the county over the period of the plan with a view to identifying areas within towns and the wider countryside which should be set out as ACAs."*

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T. Buckley, it was agreed to adopt this recommendation.

- (2) It is recommended that the text in proposed Amendment No. 89 i.e. T6-17 be modified to read *"Encourage the redevelopment, and /or return to suitable use, of derelict, vacant or redundant buildings in order to provide for visitor accommodation and tourism development while having regard to ecological constraints and architectural heritage requirements."*

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. P. Leahy, it was agreed to adopt this recommendation.

- (3) It is recommended that text in proposed Amendment No. 136 i.e. BH10-11(a) be modified to read *"It is an objective of the council to promote appreciation of the landscape and historical importance of traditional and historic gardens, demesnes and parks within Kerry in general, and particularly where they constitute an important setting to a protected structure."*

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. P. Leahy, it was agreed to adopt this recommendation.

- (4) It is recommended that the text in proposed Amendment No. 136 i.e. BH10-11(c) be modified to read *"To encourage and co-operate with owners in the protection, promotion and enhancement of heritage gardens and parks in the County; to support public awareness,*

*enjoyment of and access to these sites, and to seek the co-operation and assistance of other interested parties, including DEHLG and state agencies, in achieving this objective.”*

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. P. O'Donoghue it was agreed to adopt this recommendation.

**09.04.06.02(ii) Making of the County Development Plan**

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. B. MacGearailt having considered the amendments that went on public display and the Manager's Report on the submissions/observations received this Council hereby resolves, pursuant to Section 12(10) of the Planning and Development Act 2000, to make the Kerry County Development Plan 2009 – 2015 with the amendments agreed subject to the modifications to amendments made at the meeting.

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

**For:** Cllrs. Buckley, Cahill, P. Connor-Scarteen, Cronin, S.Fitzgerald, T. Fitzgerald, D. Healy-Rae, Leahy, MacGearailt, O'Donoghue, O'Shea, Sheahan, Fleming **(13)**

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

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

**Absent:** Cllrs. Beasley, Brassil, Ferris, Foley, Gleeson, M. Healy-Rae, Kiely, McCarthy, McEllistram, Miller, O'Brien, O'Connell, O'Connor, Purtill **14)**

The Mayor declared the proposal carried.

Mr. Sheehy thanked members for their co-operation in making the new County Development Plan.

The meeting concluded at 4.45pm.

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

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**Mayor of Kerry**