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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 12TH JANUARY 2009.**

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

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

**R. Beasley
M Cahill
T. Fleming
D. Healy-Rae
P. Leahy
A. McEllistrim
B. O'Connell
M. O'Shea**

**J. Brassil
B. Cronin
N. Foley
M. Healy-Rae
B. MacGearailt
C. Miller
J. O'Connor
L. Purtill**

**T. Buckley
T. Fitzgerald
M. Gleeson
D. Kiely
P. McCarthy
T. O'Brien
P. O'Donoghue**

ABSENT

Councillor/Comhairleoir

T. Ferris

S. Fitzgerald

J. Sheahan

IN ATTENDANCE/I LÁTHAIR

**Mr. T. Curran, Co. Manager
Mr. M. McMahon, Dir of Planning
Ms. A. Haugh, Dir. Of Environment
Mr. O. Ring, Director of Water Serv.
Mr. P. Stack, SE Planning
Mr. D. Murphy, SEE Planning
Mr. A. Kennelly, Exec. Eng. Planning
Mr. E. Kelleher, Asst. Planner
Ms. A. Moriarty, Tech. Planning
Ms. B. Reidy, S.S.O. Corp. Affairs**

**Mr. J.D. Flynn, Dir of Corp. Services
Mr. J. Breen, Dir. Of Housing
Mr. C. O'Sullivan, Dir. Of Roads
Mr. T. Sheehy, SE, Planning
Mr. G. O'Brien, A/SEO Corp. Affairs
Mr. D. O'Malley, Sen. Exec. Planner
Ms. A. Mooney, Exec. Planner
Ms. A. M. Costelloe, Asst. Planner
Mr. P. Corkery, Press & Comm. Officer
Ms. O. O'Shea, Corporate Affairs**

The meeting commenced at 10.50 a.m.

The Mayor Cllr. T. Fleming took the Chair.

Vote of Sympathy

Cllr. T. Fitzgerald extended at vote of sympathy to Mayor T. Fleming on the sudden death of his brother Pattie.

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

09.01.12.01 Disposal of Property

(a) Ar mholadh an Chomhairleora M. Gleeson, le cuidiú an Chomhairleora B. Cronin, beartaíodh tigh uimhir 54 Cois Cnoic, An Daingean, a dhíol le (Ainm agus seoladh coimeádta siar ar chúinsí Cosanta Sonraí) de réir téarmaí an fhógra eisithe ar an 19 Nollaig, 2008 agus de réir roinnt 183 d'Acht Rialtais Áitiúil, 2001, roinnt 211 d'Acht um Pleanáil agus Forbairt, 2000, agus alt 206 de na rialacháin um Pleanáil agus Forbairt, 2001.

(b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. B. Cronin, it was unanimously agreed to approve the disposal of Affordable House No. 2 Cois Uisce, Caherciveen to (Name and address withheld for Data Protection purposes) in accordance with the terms of notice issued on 19th December, 2008 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning & Development Act 2000 and Article 206 of the Planning & Development Regulations 2001.

09.01.12.02 Manager's Report on submissions/observations received on the Draft County Development Plan 2009-2015.

At the outset Mayor T. Fleming welcomed members of the public present in the public gallery and he advised Councillors that there could be no interaction with members of the public in the Chambers while the meeting was in progress. He then read the following into the record of the meeting advising Members of their duty under Ethics Legislation.

I wish 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 requirements of the Act and the Code of Conduct lies with each individual Councillor. He reminded Councillor's that under the beneficial interest provision and should that provision apply, a Councillor must

- (1) Disclose the nature of his/her interest or the fact of a connected person's interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

The Mayor then called on Mr. M. McMahon, Director of Planning to address the meeting.

Mr. McMahon informed the meeting that they would resume the debate on the Manager's Report on submissions received on the Draft County Development Plan. At the last Special Planning Meeting held on 19th December, 2008, Members dealt with Protected Structures and submissions where Members were in agreement with the recommendations in the Manager's report. Members would now debate the submissions where they were not in agreement with the recommendations in the Manager's Report. A list of the submissions yet to be dealt with was circulated to all Members earlier that morning and this list is in accordance with the Manager's Report. He advised Members that the submissions would be dealt with in numerical sequence. He then called on Mr. T. Sheehy to address the meeting.

Submission No. 1 Department of the Environment, Heritage and Local Government

Mr. T. Sheehy, S.E., Planning, referred Members to Submission No. 1 from the Department of the Environment, Heritage and Local Government. While he accepted that this submission was not agreed he said a number of recommendations in the Manager's Report could be agreed with Members. He added that he would list these and get a proposer and a seconder for them and then revert to the ones that are not agreed. He referred Members to Page 11 of the Manager's Report which sets out the recommendations on the submission and he read the following into the record of the meeting.

No. 2 It is recommended that the following text shall be inserted at the end of paragraph 3.8.6: *It is the policy of the Council to accommodate local people wishing to erect a dwelling house in these areas.*

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. A. McEllistrim, it was unanimously agreed that this recommendation would be adopted.

Mr. T. Sheehy informed the meeting that the next recommendation that could be agreed reads as follows:

It is recommended that the following text should be included as a bullet point at the end of section 2.9:

- *The reduction of greenhouse gas emissions will be an integral part of development management and policy formulation.*
- *The biodiversity of the natural environment will be protected and promoted.*

Minutes Special Planning Meeting

Cllr. T. Fitzgerald asked what were the implications of this recommendation for the Council.

Mr. T. Sheehy said that it relates mainly to the operation of industrial plant and it is a policy on large scale housing development, where it should be a policy to reduce green house gas emissions. It also applies to the Wind Farm Policy.

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. M. Gleeson, it was unanimously agreed that this recommendation would be adopted.

Mr. T. Sheehy informed the meeting that it is recommended that the following objective shall be included as OS 2-13:

OS 2-13	<i>To ensure that the reduction of greenhouse gas emissions will be incorporated into development management and policy formulation in the county.</i>
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On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. A. McEllistrim, it was unanimously agreed that this recommendation would be adopted.

Mr. T. Sheehy informed Members that it is recommended that the following objective shall be included as OS 2-14:

OS 2-14	<i>To protect and promote the natural biodiversity of the County through development management and as a core principle of policy formulation.</i>
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On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin, it was unanimously agreed to adopt this recommendation.

Mr. T. Sheehy informed the meeting that it is recommended that Section 13.3.3 should be amended by the deletion of the following sentence: ~~13.3.3 Urban Design Statements should address the following issues~~ and the inclusion of the following text:

13.3.3. *In the preparation of Urban Design Statements in accordance with objectives DM 13-2 to DM 13-4 applicants shall incorporate the advice of the "Sustainable Residential Development in Urban Area Guidelines 2008" and the associated "Design Manual: Best Practice Guide".*

Cllr. M. Healy-Rae requested clarification on this recommendation and asked what it would mean to an applicant.

Minutes Special Planning Meeting

Mr. T. Sheehy said that in the Local Area Plans there is a chapter on urban design which relates to larger scale developments and how they integrate into the area. These Guidelines were published in 2008 and they are similar to the chapter on urban design in the Local Area Plans.

Cllr. M. Healy-Rae asked if there was anything new in these Guidelines.

In response Mr. T. Sheehy said that there was nothing new in the Guidelines but instead of our policy in the Local Area Plans reference is being made to them in the County Development Plan.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. B. Cronin, it was unanimously agreed that this recommendation would be adopted.

Mr. T. Sheehy said that arising from the agreement with the previous recommendation it is recommended that objective DM 13-2 is amended as follows:

DM 13-2	Ensure that a high quality urban environment is provided in each Settlement <i>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.</i>
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Cllr. M. O'Shea asked in relation to density if this is at the discretion of the planning authority or is there a reference to it in the Guidelines.

Mr. T. Sheehy said that density is not referred to in the Guidelines and it is at the discretion of the planning authority. He added that the planning authority will apply these Guidelines.

Cllr. B. Cronin asked if these guidelines could provide for the provision of playgrounds and open spaces in the future growth and development of our towns and villages.

In response Mr. T. Sheehy said that this matter is addressed in that objective and also in the Local Area Plans.

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

Cllr. B. Cronin said that he felt it was necessary to include the provision for playgrounds and open spaces in the County Development Plan as a safeguard.

Minutes Special Planning Meeting

Mr. T. Sheehy said that this was already incorporated in the Local Area Plans and he was not sure how it could be incorporated in the Draft County Development Plan.

Cllr. B. Cronin said that the following wording could be included: It is an objective to ensure that playgrounds and community facilities are provided for in the preparation of these design statements.

Mr. T. Sheehy pointed out that that would be an additional recommendation or objective and would require a vote and could be dealt with later in the meeting. He referred Members to Page 12 of the Manager's Report and the second paragraph which reads: It is recommended that paragraph 10.2.11 be replaced by the following:

10.2.11 Section 51(1) of the Planning and Development Act 2000 states: "for the purpose of protecting structures, or part of structures, which form part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, every development plan shall include a record of protected structures, and shall include in that record every structure which is, in the opinion of the Planning Authority, of such interest within its functional area."

Mr. T. Sheehy said that the Department are anxious to include a direct abstract from the Planning and Development Act rather than the wording that was used previously.

On the PROPOSAL of Mr. Gleeson, SECONDED by Cllr. B. Cronin, it was unanimously agreed that this recommendation would be adopted.

Cllr. N. Foley asked if this would remove the right of an individual to object to a planning application.

In response Mr. T. Sheehy said that it would not remove that right.

Mr. T. Sheehy informed Members that it is recommended that the first line of paragraph 10.2.12 should be deleted: ~~A structure that has at least one of the characteristics of special interest is eligible for inclusion in the Record of Protected Structures.~~

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley it was unanimously agreed that this line would be deleted from paragraph 10.2.12.

Mr. T. Sheehy informed the meeting that it is recommended that the first line of paragraph 10.2.13 should be amended as follows: *A place, an area or a group of structures or streetscape that has at least one of the characteristics of special interest is eligible for designation as an Architectural Conservation Area (ACA).*

Minutes Special Planning Meeting

He added that this wording was included in the draft plan and the Department do not agree and they want it removed.

Cllr. M. Healy-Rae said that he did not want to see a situation similar to Kenmare where almost 50 properties were included in the Record of Protected Structures and were subsequently removed from the list. This caused a lot of upset to the property owners and he did not want this to happen again.

Cllr. R. Beasley requested clarification on the term 'streetscape'. There was a situation in Ballybunion where property owners sought planning permission for a veranda at the front of their houses but they were refused permission. He asked if this provision would make it easier or more difficult for them to get planning permission for a veranda to the front of their houses.

In response Mr. T. Sheehy accepted the views expressed by Cllr. M. Healy-Rae in relation to Kenmare and said that this is a set of Guidelines on how a street should be treated. It could include design or replacement of windows and the prohibition of verandas. This legislation is already in place. However, the area referred to by Cllr. Beasley is not designated for architectural conservation and this is in fact a development control issue.

Cllr. R. Beasley asked if he could include a stipulation that verandas would be permitted in the situation to which he was referring.

Mr. T. Sheehy replied that this would not be possible.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED Cllr. J. Brassil, it was unanimously agreed that this recommendation would be adopted.

Cllr. J. Brassil requested clarification on the term 'vernacular'.

Mr. Sheehy added that the vernacular architecture is the normal architecture for the area. The Department's view of the interpretation of 'special' is what is being questioned. The Department's view is that these must be of special interest and what is at issue is the interpretation of the word 'special'.

Mr. T. Sheehy informed the meeting that it is recommended that the fifth paragraph of section 10.2.10 be deleted: ~~*The Planning Authority will not encourage the demolition of vernacular architecture which is considered to be of historical, aesthetic, social or cultural merit, which contributes to the character and appearance of an area.*~~

and the following words inserted:

The Planning Authority will encourage the retention of vernacular architecture.

Cllr. J. Brassil said that the term 'architecture' is often used in an effort to retain a structure which is not enhancing a streetscape and its retention is not desirable.

Structures should only be retained where they enhance the streetscape and he suggested that the following should be added to this paragraph: *where the vernacular architecture is beneficial to and enhances the streetscape or the property*. He believed it was preferable to have a policy which would leave it open to the Planner to decide and some existing buildings are not very attractive and should not be retained.

Mr. T. Sheehy said that vernacular architecture is described in the County Development Plan as follows: "Vernacular architecture includes buildings of significant local interest within a settlement that may not be recorded on the list of protected structures. Nevertheless, these buildings of significant local interest contribute to the overall architectural heritage of the area and contribute to the streetscape and local identity of the area". In that context it would mean the retention of buildings of significant local interest as provided for in the Draft Plan as follows: "The Planning Authority will seek to preserve these buildings and investigate their inclusion on the Record of Protected Structures. The Planning Authority will not encourage the demolition of vernacular architecture which is considered to be of historical, aesthetic, social or cultural merit, which contributes to the character and appearance of an area"

Cllr. J. Brassil said that in order to avoid confusion and Planners stating that they must follow what is already in the County Development Plan he wanted to add "where vernacular architecture is beneficial and enhances the streetscape or the property."

Mr. T. Sheehy said that this is already contained in the County Development Plan.

Cllr. J. Brassil PROPOSED that "*where the architecture is deemed to be beneficial to the area*" should be included in paragraph 5 of the section 10.2.10.

Mr. T. Sheehy said that to include "*where the architecture is deemed to enhance the area*" will not make much difference but if Councillors wish it can be included.

Cllr. R. Beasley SECONDED Cllr. Brassil's proposal and it was unanimously agreed.

Mr. T. Sheehy then referred Members to the third paragraph on Page 11 of the Manager's Report which reads: It is recommended that section 3.8.8 of the plan should be deleted.

~~3.8.8 Nothing in the Kerry County Development Plan 2009–2015 will prohibit an applicant in an urban area from applying for planning permission to relocate to a rural area.~~

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. B. Cronin, it was unanimously agreed that Section 3.8.8 of the plan would be deleted.

Mr. T. Sheehy then advised Members that it is recommended that maps 1(a) to 1(u) attached to the Manager's Report, which identify the different types of rural areas should be included in the development plan. It is proposed that the maps originally included in the Draft Plan would be re-inserted and these are included at the back of the Manager's Report.

Cllr. A. McEllistrim requested that Mr. Sheehy would go through what each of the areas meant before a vote is taken.

Mr. T. Sheehy referred to Page 219 of the Manager's Report and said that the maps to which he was referring were after that page. He added that rural areas under strong urban influence "are those areas generally adjacent to larger towns where there is or has been ongoing pressure for residential development from the population of the adjoining urban centres. These areas typically display significant or rapid population increases and a high density of rural housing and have or are approaching their capacity in terms of absorbing further development. This type of development can have adverse impacts on the orderly development of the adjacent towns, create future demands for expensive, inefficient services, compromise infrastructural development such as roads in the vicinity of the towns and lead to inefficient public transportation patterns, thereby, undermining viability."

Cllr. A. McEllistrim asked if people who already live in an area and work in an area, would be provided for under this heading.

Mr. T. Sheehy confirmed that they would.

Cllr. T. Fitzgerald asked if people from an urban area who wish to move to a rural area would be facilitated.

In response Mr. T. Sheehy said if they were from the town of Tralee and wanted to move to an area under strong urban influence they would not be facilitated.

Cllr. M. Healy-Rae said that members raised this matter in the context of the Killorglin environs. There is an unofficial policy being implemented by the Planning Department, whereby, a landowner living within a 5 or 6 mile radius of the town, who owns 5-10 acres is being told that this landholding is not a viable farm or a stand alone piece of ground. All planning applications on these landholdings are being refused and the applicants are being advised to move into Killorglin Town. He was concerned that if this recommendation is adopted members would regret it in the future.

Cllr. D. Healy-Rae expressed concern at the proposed recommendation as people from Killarney and other towns are precluded from getting planning permission in the environs of Killarney and that stance is undemocratic. In the

past young people wanted to live in the country to rear their families and when they get older they move into town. It is virtually impossible to get planning permission in Tiernaboul, Kilcummin or the Clydagh Valley at present. The free flow of people should be permitted between rural and urban areas and each planning applicant should be dealt with on its merits. There should not be a blanket ban on people moving from urban areas to rural areas.

Cllr. M. Gleeson stated that for many years he had voiced his views on arbitrary decisions. He met many past pupils who said that they cannot afford to build or buy a house in the Killarney Town Council area. The roar of the celtic tiger was very selective. It is an aspiration of many young people to own a house and this is reasonable and fair. They want to buy a house in the environs of Killarney but under existing rules they are not permitted to do so because the area is under intense urban pressure. He added that he appreciated the need to protect the lakes but said it is also reasonable to protect these people.

Cllr. B. Cronin expressed concern with the phrase 'under strong urban pressure' as he was concerned that sons and daughters in rented accommodation will not be able to purchase a site or a house in Killarney. He added that he recognised that there are areas which have huge percolation issues and members must ensure that their decision does not have a detrimental effect on waterways. However, he has seen this used as a reason for refusal of permission, where the proposed development is a long way from urban areas. He would not support this recommendation and it would be very wrong of members to support any clause that would prevent young people from setting up a home. He added, however, that some areas are in serious danger because of percolation from septic tanks and he would support any reasonable proposal that would try to facilitate genuine cases.

Cllr. J. Brassil said that the areas indicated in red on the map are not under development pressure and provided that there is no percolation or traffic issues a planning applicant could be facilitated. In his area, the entire Kerry Head area is included as being under population decline. There is also a large area in Causeway and Asdee. In the past, planners refused permission because the applicant was not from the area, however, the designation of these areas could help to address population decline. He added that if the areas indicated on the map in green could be kept very tight and defined then it would stop planners from refusing permission outside these areas and this would be helpful to members and applicants. On balance he said that the inclusion of zoned maps would be of benefit to members especially for the areas indicated in red which are experiencing population decline.

Cllr. T. Fitzgerald said that the country is in a disastrous financial situation at present and many banks are in a serious financial position. He asked if it was constitutional to prevent people from building houses in an area of their choice. Every effort must be made to facilitate people who want to build their own homes.

He would be very reluctant to corral people into certain areas and people should be permitted to build houses where they can afford to do so.

Cllr. J. O'Connor concurred with the sentiments expressed by Cllr. T. Fitzgerald and Cllr. M. Healy-Rae. He added that some people want to move out of town and to build a house in a rural area while other people living in a rural area want to move into town. If people are forced to move into towns, developers will dictate house prices and this is mitigating against young people. He added that he would not support the zoning proposed.

Cllr. M. O'Shea concurred with the sentiments expressed by Cllr. T. Fitzgerald and said that in tough economic times it is important to facilitate development. He added that the areas indicated in green on the map in Milltown and Castlemaine are too broad. He then referred to Killorglin and said that the areas under strong urban pressure are stretching out as far as Listry and Milltown and beyond the town boundary. This is penalising the ordinary person and it is important that members are clear on what they are voting for. He requested that this matter would be referred to Area Meetings where a large map would be presented to members indicating the boundaries of the various proposed zonings. The map in the Manager's Report is too small and he believed the proposal would penalise many people who want to sell a site as they are under financial pressure. He PROPOSED that this matter would be referred to Area Meetings for further discussion.

Cllr. J. Brassil SECONDED this proposal.

Cllr. N. Foley said that many councillors object to the areas designated 'areas under strong urban pressure' but they want to support the weak rural areas experiencing population decline. She asked if members could choose to go with one zoning and not the other. There is a large rural area near Tralee included in the green area which is a rural area under strong urban influence and she asked if these green areas could be excluded. She added that she had reservations about restricting freedom of movement and dictating to people where they should live. It is already very difficult to secure planning permission in some areas and she believed the zoning proposals were a step too far.

Cllr. P. Leahy expressed concern at the proposal to restrict where people can live. He was aware of a number of planning applicants who were refused planning permission because of where they live. They are living in Listowel and they want to move to a rural area. He added that he could not support this recommendation.

Cllr. R. Beasley referred to Ballyeigh, Ballybunion, where there are 20 houses built to the North and 20 to the East of a particular planning applicant. When this person applied for planning permission for two houses for family members they were refused on the grounds of the scenic nature of the area. Developers got

Minutes Special Planning Meeting

planning permission in this area but local people are having great difficulty in securing permission.

Cllr. D. Kiely said that the County Development Plan should be pro-development and developer. The proposed zonings are too restrictive especially on people who own land. He added that he was involved in a number of planning applications that were refused permission in the past few months in weak rural areas. He requested clarification on the term 'local' and said that he had moved from Tarbert to Ballybunion and he asked was he not a local. In many instance an applicant gets land and wants to move out into the country. A local authority tenant can get a site and want to move their family into a rural area but they are not permitted to do so as these areas are deemed to be under strong urban influence. He agreed with the proposal by Cllr. O'Shea that this recommendation should be referred to Area Meetings for further discussion before a vote is taken on it. In conclusion Cllr. Kiely said there should be some relaxation on the granting of permission in rural areas.

Cllr. A. McEllistrim said that the area 'under strong urban influence' around Tralee is almost 7 miles in radius. As a result of this, if a planning applicant is from The Kerries and cannot afford to live in Tralee they will not be permitted to build a house in Ballymacelligott. She could not agree with this recommendation.

Cllr. J. Brassil said that when members adopted the Tralee and Killarney Environs Local Area Plans they adopted this restriction for the sons and daughters of landowners. It is very difficult to see from the maps presented what is being proposed as the maps are too small. He believed that it would be beneficial to discuss this recommendation at Area Meetings where larger maps would be provided for the benefit of members.

Cllr. B. Cronin referred to Map 1(g) which refers to the Castleisland area and said that the green area 'under strong urban influence' covers a 5 mile radius. This is a very large area and stretches out towards Brosna which is a mainly forested area. Map 1(j) refers to Killorglin Town and the area 'under intense urban pressure' stretches out to Listry and Tomies. Map 1(k) refers to Killarney Town and no green areas are indicated on this map while all Gneeveguilla and Rathmore are described as 'areas under strong urban pressure'. He agreed with Cllr. Brassil that a vote should not be taken on this recommendation without further discussion.

Mayor T. Fleming agreed with the proposal by Cllr. O'Shea that this recommendation would be referred to Area Meetings for further discussions and he asked if Guidelines on this matter had issued from the Department.

Mr. T. Sheehy confirmed that Guidelines were issued by the Department and the Planning Department are giving effect to them in the maps contained in the Manager's Report.

Cllr. J. O'Connor said that the Department created Dublin which is growing at an alarming rate. He did not see any merit in referring this recommendation to Area Meetings as he did not believe it was what members were in favour of.

Mr. T. Sheehy referred to Map 1(k) which shows Killarney Town and said that much of this area is under strong urban influence and a revised map must be prepared to indicate these areas. He referred to the query raised by Cllr. N. Foley asking if it would be possible to include the red areas only and he confirmed that it would be possible to do this. However, the red areas are defined by looking at the population decline over the past 2 census. The members from the An Daingean Electoral Area did not want the area west of Dingle designated as weak rural areas as they want to protect the Irish language. He added that members could agree the areas to be designated as weak rural areas and they could revert to the areas to be designated 'under strong urban pressure' at a later date. The issue of facilitating family members has been debated at length and the solution agreed was that an undertaking would be given that at all costs family members would be facilitated where possible. This is being done but it is not possible to have a situation where family members and everyone else is being facilitated. When the Killarney Local Area Plan was being prepared huge tracks of land were zoned in Kilcummin and Barraduff and subsequently huge sums of money were spent on sewerage schemes in these areas with a view to facilitating development. Evidence has shown that many areas in the county are not suitable for development from a percolation point of view. He acknowledged that the county is in recession but said it would not be possible to facilitate everyone. However, this is not a relevant consideration in planning discussions.

Cllr. T. Fitzgerald said that the seriousness of the current economic climate demands that members take this into consideration. It is important to change our way of thinking and members do not want to put more obstacles in place for planning applicants. The County Development Plan should be more open-minded in the current economic climate.

Cllr. D. Kiely requested clarification on the term 'family member'.

In response Mr. M. McMahon said that this refers to the sons and daughters and a favoured niece or nephew of landowners.

Cllr. D. Kiely suggested that this should be extended to include niece/nephew and would not include the term 'favoured'.

Cllr. M. Cahill said that the zoning maps were discussed at area meetings and members objected to proposed zonings in the Killorglin Area which includes almost all of mid Kerry as an 'area under strong urban influence'. He concurred with the sentiments expressed by Cllr. Fitzgerald and said that we are now in a

very difficult economic climate. In order to help the county it is important to encourage development. The number of planning applications has reduced dramatically and while he was not advocating a free for all it is important that the council would encourage development. The council needs the income from planning applications. He added that the vast majority of one off planning applications are genuine and where the planning authority can assist to generate a bit of work by granting planning permission we should do so. He added that emigration is rampant at present.

Cllr. D. Healy-Rae rejected the proposed recommendation and said that he would not vote to disallow development in another part of the county. There are many sites in the areas under strong urban influence and these can help a local person to provide a home. Members must look after the interests of people they represent and those who elected them. He suggested that it would be better to deal with each planning application on its merits and said that members did not want to preclude any lands from getting planning permission.

Mayor T. Fleming PROPOSED that this recommendation would be referred to Area Meetings for further discussions.

Cllr. M. O'Shea SECONDED this proposal.

Mr. T. Sheehy said that he was unsure from the debate if this recommendation was referred to Area Meetings that members would vote in favour of the zoning of any areas. He added that areas defined as 'weak rural areas' are identified in the Draft Plan. Notwithstanding this, and the fact that the areas indicated in green at present may not be identified on the map it does not mean that these areas under strong urban pressure do not exist. He added that the capacity of these areas should be protected for local people and even if the areas under intense urban pressure are not identified on the map this will still apply. He accepted, however, that members may prefer to take a vote on the inclusion of the weak rural areas which are indicated in red.

Cllr. B. O'Connell asked if Members were obliged to include the green areas in the Draft Plan.

In response Mr. T. Sheehy said that Government Guidelines indicate that they must be included. They are already included in the Local Area Plans and weak rural areas should be included in the County Development Plan.

Cllr. M. O'Shea referred to the Dingle Electoral Area and asked if members wished to include the weak rural areas indicated in red on the map would this be acceptable. He added that the maps are too small and it was difficult to identify what areas are included. He suggested that a special meeting should be held to discuss these maps or that they would be referred to a round of Area Meetings.

Minutes Special Planning Meeting

Mr. T. Sheehy said that the red areas indicated on the map are those areas which have shown persistent population decline.

Cllr. D. Healy-Rae asked if Members vote in favour of the weak rural areas were they accepting that all other areas are under strong urban influence.

In response Mr. T. Sheehy said this is not the case.

Cllr. B. Cronin said that the areas indicated in red on the map have shown population decline while planning permission will not be granted in the areas outlined in green which are under strong urban influence. These areas are being protected for the sons and daughters of landowners and local need. This is a bone of contention for people who want to move out from town. He asked if there was any way forward from this impasse.

Cllr. J. O'Connor said that Killorglin is a growing town and applicants are being encouraged to move to mid Kerry but this will result in greater traffic congestion on roads.

Mr. M. McMahon, Director of Planning, asked members what was the major debate about zoning of land in Killorglin when the Local Area Plan was being discussed.

Cllr. J. O'Connor said that some people want to move out of town and live in rural areas. Out of every five houses built, Kerry County Council gets one house and this is of benefit to the Council.

Cllr. P. McCarthy said that in the areas under strong urban influence planning permission will only be granted to family members or a person with local need and he requested clarification on this.

Cllr. D. Kiely said that in the areas under strong urban influence family members will be facilitated but they will not be permitted to sell a site and this is too restricting.

Cllr. R. Beasley said that planning permission should also be granted in these green areas to non-family members who want to move out of town.

Cllr. J. Brassil said that it would be worth while to consider this matter in greater detail at Area Meetings. Outside the major urban centres if the zoning is applied the existing policy still applies. He would prefer to support family members. He suggested that this matter should be referred to Area Meetings where large scale maps would be provided to facilitate members.

Mr. T. Sheehy said that there was no point in going back to Area Meetings to discuss this matter further. Members would then come back on the 26th to find

that they were not in agreement yet again. It is not possible to have a free for all and areas under pressure will remain under pressure. If members were not satisfied to identify the areas under pressure then they should identify the weak areas.

Cllr. B. Cronin said that he did not see any benefit in discussing this matter further at another Killarney Electoral Area Meeting, as the areas identified as weak rural areas in red on the map are defined by two census. He asked would members not accept these areas as indicated on the map. He PROPOSED that the weak rural areas as indicated on the map be adopted.

Cllr. T. Fleming SECONDED this proposal.

Cllr. T. Fitzgerald said that if Planners take weak areas into consideration and all other areas could be deemed to be under pressure, why was it necessary to zone any of the land?

In response Mr. T. Sheehy said that it was important to identify the zonings of the various areas in order to facilitate the general public.

The Mayor called for a vote to be taken on the proposal made by Cllr. B. Cronin.

Mr. J. D. Flynn, Director of Corporate Services, advised members that if they reject the weak rural areas as indicated red on the map then there would be no zonings lines at all in the County Development Plan.

Mr. T. Sheehy said that the Guidelines received from the Department require a designation of areas. The Local Area Plans consider areas under pressure but it is important to ensure there is clarity on this issue. If members at least identify weak areas it will satisfy the Guidelines and it will identify areas in need of inward migration. He urged Members to agree the weak rural areas.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T. Fleming, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015, hereby resolves to identify the weaker rural areas as identified by the red lines on maps 1(a) to 1(u) with the exception of the weaker rural areas to the west of Dingle.

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

For: Cllrs. Beasley, Brassil, Buckley, Cronin, Gleeson, Kiely, Leahy, MacGearailt, McCarthy, Miller, O'Brien, O'Connell, Fleming **(13)**

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

Not Voting: None **(0)**

Absent: Cllrs. Ferris, S. Fitzgerald, O'Donoghue, Purtill, Sheahan **(5)**

The Mayor declared the resolution carried.

Mr. T. Sheehy informed the meeting that a vote would then be taken on Cllr. Cronin's proposal that the following wording would be added to objective DM13: *in addition it is an objective to ensure that playground and community facilities are provided for in the preparation of these design statements.*

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015, hereby resolves that the following wording is added to objective DM13-2: in addition it is an objective to ensure that playground and community facilities are provided for in the preparation of these design statements.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Foley, Gleeson, M. Healy-Rae, Kiely, Leahy, McEllistrim, Miller, O'Brien, O'Connell, O'Shea, Fleming **(17)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Ferris, S. Fitzgerald, D. Healy-Rae, MacGearailt, McCarthy, O'Connor, O'Donoghue, Purtill, Sheahan **(9)**

The Mayor declared the resolution carried.

Submission No. 3 Paudie O'Mahony on behalf of Fixset (Ireland) Ltd.
Submission No. 126 Paudie O'Mahony & Associates on behalf of Fix Set (Irl.) Ltd.

Mr. T. Sheehy informed members that Submission Nos. 3 and 126 would be taken together as they refer to the same issue. These submissions propose that an area of land to the west of Killorglin would be zoned 'light industrial' to allow for the creation of a contractor's yard and other light industrial activity. This site is adjacent to the Prodent factory and he understood that the developer wants to use this as a depot for his construction business. This site is located on a national secondary road and he was opposed to the proposed zoning. He added that to proceed with this zoning would mislead the person who made the submission as a planning application on this site would still be refused. The

Roads Department will not sign off on a report to indicate that any development at this location would not be a traffic hazard. There is a lot of land zoned for industrial development in Killorglin and across the road there is a planning application on land which is zoned light industrial. Land was also zoned light industrial on the Tralee road so there are alternatives for this developer. He recommended that members would accept the recommendation in the Manager's Report.

Cllr. M. Cahill said that this submission was discussed at the Killorglin Electoral Area Meeting. This company employ upwards of 50 people and their yard is located in a residential area which is unsuitable. They have endeavoured to acquire other zoned lands but this has proved to be impossible. These lands are ideal for this purpose and there are two industrial developments nearby. The lands can be accessed by a county road on the old Glenbeigh to Killorglin road. The developer only intends to provide a storage yard on this land. It would make sense to zone this land for light industrial/commercial for the following reasons:

- There are two existing light industrial units adjoining this site.
- All of the lands on the North side of the Ring of Kerry road are zoned. Light industrial/commercial zoning of these lands would bring balance to the area.
- These lands can be accessed from the existing county road adjoining the site and not the N70.
- The existing zoned lands on the North side of the N70 are per variation to the Kerry County Development Plan 2003-2009 are poorly laid out and a current scar on the landscape on the side of the Ring of Kerry road. This is now an opportune time for the Planning Department in Kerry to tidy up this area by setting a standard for the area where both sides of the road will be light industrial/commercially zoned with clauses for comprehensive and architecturally pleasing landscape layouts. Then the Forward Planning Department can be assured that tourists will see a properly structured light industrial area as they head out on their scenic tour of the Ring of Kerry.

Cllr. Cahill said that Fix Set is a good employer in the Killorglin area and the Council should make every effort to assist them. These lands are suitable and are located adjacent to existing light industrial sites. In conclusion, he PROPOSED that this submission be agreed and the lands be zoned light industrial.

Cllr. M. Healy-Rae SECONDED this proposal and said that there is a precedent at this location and in recent years land nearby was zoned light industrial. This is a suitable location for this type of activity and would not be controversial. Access is via a county road and the site could be screened from the public road. All these details can be dealt with at the planning stage. If the land is not zoned and the landowner subsequently applies for planning permission he will be refused as

the land is not zoned. It is a matter for the members to decide on this issue and he believed that it was appropriate to zone this land and he hoped that all members would support this proposal.

Cllr. J. O'Connor supported this proposal and said that these are two local lads who are good employers. At present their yard is based in Sunhill which is a residential area and it is proving to be difficult. They purchased this land and there should be no difficulty in the zoning of this land for light industrial purposes.

Mr. T. Sheehy informed members that the granting of permission on this site would not involve a material contravention of the County Development Plan. There is a lot of land zoned across the road for light industrial purposes and members need to be careful not to send out the wrong message. He believed that planning permission would not be granted on this site.

Cllr. B. Cronin said that he recognised the employment this developer is providing. Mr. Sheehy mentioned that the Roads Department were concerned on the grounds of traffic safety if this site is developed and they would not sign off on it. He asked the members who were supporting this proposal how would the issue of road safety be addressed.

Cllr. M. Cahill said that access would be onto a county road. Quirk's lorries are already using this road and what is proposed is only a storage yard. There would be minimal traffic to and from it.

Cllr. J. O'Connor said that this county road is not used as frequently as other county roads. The owners will do everything they can to ensure the safety of all road users.

Cllr. M. Healy-Rae said that if this land is zoned there will be a better chance of planning permission being granted.

Mr. T. Sheehy informed members that the Roads Department have indicated that the county road is just as dangerous as the National Secondary Road. This proposal is for the zoning of 7.082 hectares or 17½ acres for a builder's yard. This is far in excess of what is required and he was opposed to. If councillors know that permission will not be forthcoming they are being disingenuous in making this proposal.

Cllr. P. McCarthy asked if there was anything that could be done to make the road safer.

In response, Mr. T. Sheehy said that it would require extensive work to the N70 and the land required is not in this landowner's possession.

Minutes Special Planning Meeting

Cllr. D. Healy-Rae said that this is an ideal location for this type of business and the land across the road is also zoned. The land is located away from residential property.

Mr. T. Sheehy said that he could not see the need to zone additional light industrial land as adequate land was already zoned for this purpose.

Mr. C. O'Sullivan, Director of Roads, said that the Roads Department has serious concerns regarding the zoning of this land as it contravenes national policy. The National Roads Authority has major concerns regarding this proposal also. The zoning of this land is misleading the owner and he did not believe that the roads issues could be overcome.

Cllr. M. Cahill said that the access is onto a county road which can access the N70 at two points and a roundabout is to be provided at Boyle's yard.

Mr. C. O'Sullivan pointed out that Boyles yard is within the 50 Km per hour zone.

Cllr. M. Cahill said that the county road can access the N70 at that point.

Cllr. J. O'Connor pointed out that Quirke's Quarry is operating from this county road at present.

Cllr. M. Healy-Rae said that a truck or a van would access this site at most once a day. He added that this zoning was proposed and seconded and he called for a vote to be taken on it.

Mr. T. Sheehy said that this land is 19.9 hectares which is 50 acres.

Cllr. B. Cronin said that 50 acres is a free for all and this should be reduced to 5 acres.

Cllr. M. Cahill said that he had no problem with halving the area to be zoned and he added that there is not 50 acres in this site.

Cllr. M. Gleeson asked why there was a traffic hazard from this site and not the land zoned across the road.

Cllr. M. Cahill pointed out that there is a car sales business located beside this site.

In response Mr. T. Sheehy said that the land zoned across the road is a few hundred yards down the road and is not on a bend. He advised members that he had made a mistake on the area to be zoned and the area is approximately 7 or 8 acres. If there is a traffic hazard he could not see permission being granted in this case.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Healy-Rae, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015, hereby resolves to zone the lands the subject of Submissions 3 and 126 'light industrial'.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, T. Fitzgerald, Foley, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McEllistrim, Miller, O'Connell, O'Connor, O'Shea, Purtill, Fleming **(18)**

Against: None **(0)**

Not Voting: Cllrs. Cronin, Gleeson, O'Brien **(3)**

Absent: Cllrs. Ferris, S. Fitzgerald, McCarthy, O'Donoghue, Sheahan **(5)**

The Mayor declared the resolution carried.

Submission No. 4 Moriarty & Bambury Ltd. on behalf of Vincent Heneghan & Sons Ltd.

Mr. T. Sheehy informed the meeting that this submission relates to the mart site in Dingle. The submission proposes that lands on the map submitted which are currently zoned Rural General should be zoned for commercial development in the new County Development Plan given that there are a number of industrial/commercial developments on the adjoining lands. This submission was discussed at the Dingle Electoral Area Meeting and it was agreed that two additional portions totalling 0.537 hectares would be zoned light industrial. Therefore, members can accept the Manager's Recommendation in relation to Submission No. 4 and in addition they would agree to zone 0.537 hectares of land as indicated on the map agreed at the Dingle Area Meeting 'light industrial'.

Cllr. M. O'Shea PROPOSED that the recommendations in the Manager's Report in relation to Submission No. 4 be adopted and in addition that 0.537 hectares of land as indicated on the map agreed would be zoned 'light industrial'.

Cllr. B. MacGearailt SECONDED this proposed.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. B. MacGearailt, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015, hereby resolves to accept the Manager's Report in relation to Submission No. 4 and in addition to zone 0.537 hectares of additional land as indicated on the map shown to members 'light industrial' (map attached).

Minutes Special Planning Meeting

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O'Connell, O'Connor, O'Shea, Purtill, Fleming
(21)

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Ferris, S. Fitzgerald, O'Brien, O'Donoghue, Sheahan **(5)**

The Mayor declared the resolution carried.

Mr. T. Sheehy then informed the meeting that Submission Nos. 6, 7, 15, 20, 22, 26, 27, 28, 40, 64 & 110 would be taken together. However, Cllr. J. Sheahan was delayed on a personal matter that morning and he asked that consideration of these submissions would be deferred until the afternoon.

Cllr. D. Keily PROPOSED that these submissions would be dealt with in the afternoon.

This was unanimously agreed.

Submission No. 8 James Lyne, (Address withheld for data protection purposes).

Mr. T. Sheehy informed the meeting that this submission was withdrawn.

Submission No. 10 – D.J. & Marie Mulvihill, (Address withheld for data protection purposes).

Mr. T. Sheehy said that this submission proposes that the Mulvihill's lands at Dromin Upper on the Tarbert Road would be zoned residential in the County Development Plan. He added that this land is not on the public sewer and the access is inadequate. If an application for one house was submitted on these lands it would be refused. He then indicated the lands the subject of this submission on the map for the meeting and said that there is a large portion of land between this land and the town boundary. This land is removed from the town. An extensive area of land is zoned in Listowel and has not yet been developed. No additional development will be permitted to connect to the town sewer as it is already overloaded. Mr. Ring, Director of Water Services, made this very clear on a number of occasions. He added that he was strongly opposed to this zoning.

Cllr. J. Brassil said that when the Environs Plan for Tralee was being considered 200 submissions were received with a similar number in Killarney. No Environs Plan was prepared for Listowel and this is the only opportunity to deal with proposals for these lands. The number of submissions received was minimal at 7. This portion of land has been the subject of two planning applications. In the first application the sewer was an issue and the application was subsequently withdrawn and re-submitted. On that occasion the applicant indicated that he would provide his own sewerage system. He added that there is an alternative 30 metre access on the other side of the property. At that time the applicant was told that it was premature pending the making of the Listowel Town Plan. The County Development Plan is the only place where this submission can be dealt with. The applicant would be happy to accept a cluster of houses with its own treatment system and a new access. There is no reason why this zoning should not be recommended. He acknowledged that a substantial amount of land has been zoned over the past 10 years but said that this has not been developed because the owners are not prepared to develop it. There is no reason why the 16 acres the subject of this submission should not be developed. He PROPOSED that Submission No. 10 be adopted and that the lands be zoned for residential development.

Cllr. R. Beasley SECONDED this proposal and said that the landowner has spent a lot of money in drawing up plans over the past 10 years. A cluster development with its own treatment plant would be more suitable for this location. He added that he had walked the land and that the access is not the one indicated by Mr. Sheehy but will be from a point north of his own access. This is the only opportunity this landowner will have to develop his lands.

Cllr. D. Kiely said that he supported this proposal and the landowner would provide his own treatment plant and a new access for this development.

Cllr. L. Purtill said he supported this proposal and the 30 metre access would be ideal for development.

Cllr. P. Leahy supported this proposal and said that a new entrance is proposed.

Cllr. T. Buckley supported the sentiments expressed by other councillors and said that an Environs Plan was not prepared for Listowel. He supported this proposal.

Mr. T. Sheehy said that this submission indicated an access point which he indicated on the map yet councillors have now said that a new access will be provided. The submission stated that the lands are next to the town boundary, the main sewerage system and a built up housing development.

Minutes Special Planning Meeting

Cllr. J. Brassil said that Mr. O. Ring, Director of Water Services, has indicated that access to the public sewer will not be permitted for any new developments but the owner will provide his own sewerage treatment plant.

Mr. T. Sheehy pointed out that members are proposing to zone land and if permission is subsequently refused the issue of compensation could arise.

Cllr. J. Brassil said that when this planning application was refused the applicant should not have been told that it was premature.

Mr. T. Sheehy said that this was incorrect as the Planning Department had taken the entire area into consideration when assessing the application. Notwithstanding the issue of adequate access and sewer the zoning at this location is inappropriate and unsuitable.

Cllr. J. Brassil said that there are 100 houses located 50 yards down the road.

Mr. T. Sheehy said that the land is at the top of the hill with a fall to the river and it is a half a mile to the next housing estate.

Mr. T. Curran, County Manager, said that he did not think that this site was suitable and he was not convinced that a sewerage treatment plant would be the appropriate solution at this location. The zoning of this land could expose the Council to a compensation claim. He strongly cautioned members against zoning this land.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. R. Beasley, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015, hereby resolves to zone the lands the subject of Submission No. 10 residential.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, T. Fitzgerald, Foley, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McEllistrim, Miller, O'Connell, O'Connor, O'Shea, Purtill, Fleming **(18)**

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

Not Voting: None **(0)**

Absent: Cllrs. Ferris, S. Fitzgerald, Gleeson, McCarthy, O'Brien, O'Donoghue, Sheahan **(7)**

The Mayor declared the resolution carried.

Minutes Special Planning Meeting

The Mayor informed the meeting that it was almost 1.30 p.m. and the meeting would adjourn for lunch until 2.00 p.m.

The meeting resumed at 2.20 p.m.

Submission No. 14 Noel Kissane, (Address withheld for data protection purposes)

Mr. T. Sheehy informed the meeting that this submission proposes that the site of Moll's Gap Quarry which is currently zoned Secondary Special Amenity should be changed to Rural General to allow for a tourist related development when quarrying ceases. The submission also proposes the removal of the 1 Km rule applied to the siting of Telecommunication masts. The submission also states that no further development should be allowed in any town or village unless there is a proper sewerage, water and roads infrastructure in place.

The Manager's response is as follows: "The current designation of secondary special amenity does not prohibit development. This designation is an indication of the sensitivity of the landscape in the area and is the correct designation for these lands. It is not appropriate to alter this designation.

It is agreed that the 1 Km rule in relation to siting of telecommunication masts should be removed from the draft plan.

It is a provision of the adopted local area plans that development of zoned lands is contingent on the provision of adequate infrastructure in the settlements".

Mr. Sheehy added that the Manager's recommendation is as follows: "It is recommended that paragraph 13.18.11 of the Draft Plan is amended by removing the following sentence: ~~'It is the policy of the Planning Authority that telecommunications masts shall not be located within 1 kilometre of residential properties, schools, hospitals or any structures where there is human occupancy for residential or daily work purposes.'~~

Cllr. M. Healy-Rae said that he could understand why Mr. Sheehy and management are making this recommendation because permissions refused by Kerry County Council are appealed to An Bord Pleanala and they are granted by them. However, he was still committed to the 1 Km rule and he did not think it was correct to remove it. Members need to play their part in protecting peoples' homes, schools, places of work, etc. There is plenty of land on the side of hills removed from residences that would be more suitable for masts. He added that he would not like to have a telecommunications mast located near his home and he would not like to impose it on anyone. He advocated that the current policy of the 1 Km rule should be retained and strengthened in an effort to get An Bord Pleanala to respect it.

Cllr. M. Gleeson said that there are arguments for and against the 1 Km rule. From studies of telecommunications masts he believed that there is health risks

associated with them especially for the young and it is incumbent on members to observe the precautionary principle. He added that he would not support the removal of the 1 Km rule.

Cllr. B. Cronin said that in the past he supported the 1 Km rule. During his term as Chair of the Planning S.P.C., the SPC received detailed presentations from ComReg and local activists on this issue. Some reports guaranteed there are no health risks associated with telecommunications masts. However, some facts do give cause for concern. He PROPOSED that the 1 Km rule be retained and if An Bord Pleanala over-rule it so be it. In conclusion he added that his concerns are totally health related.

Cllr. J. Brassil said that he had the same objective as the three previous councillors and he wanted to protect the health of the citizens of Kerry. However, his argument was in favour of having the 1 Km rule removed. By having the 1 Km rule in place members are guaranteeing that every application for permission for a telecommunication mast would be granted by An Bord Pleanala as they see our 1 Km rule as nonsensical. 18 planning applications for telecommunication masts have been granted by the Council since this policy was implemented and every one of these were overturned by An Bord Pleanala. He believed that the proper way forward would be to remove this policy and let planners deal with each application on its merits and then if an application referred to a mast which would be located near a school, councillors could object to it. When these applications are appealed to An Bord Pleanala they would get a fair hearing as they would see that the planning authority had properly assessed each issue before refusing permission. He believed that a better policy would be in place by removing the 1 Km rule to protect the people of the county.

Cllr. M. Cahill said that he was in favour of retaining the 1 Km rule. If this rule is retained the Council could write to An Bord Pleanala, the Minister for the Environment, Heritage and Local Government, and the Minister for Communications and ask them to have regard to our County Development Plan. The siting of telecommunication masts is causing great distress in many communities and there was one recently in his parish. He added that there are plenty suitable locations for masts which would not interfere with local residents. Telecommunication companies should be forced to locate masts where they will not interfere with local residents.

Cllr. N. Foley said that she supported the retention of the 1 Km rule and said that it is important that Kerry County Council is steadfast and clear on this. She supported the suggestion by Cllr. Cahill that this issue should be taken up with An Bord Pleanala and that they would be advised that we expect them to uphold the 1 Km rule contained in our County Development Plan.

Cllr. T. Fitzgerald said that he would like to see the 1 Km rule retained as he would like to ensure that the people of the county are protected. He believed that

there were plenty suitable areas where telecommunication masts could be located. Members have a duty to protect the health of the people they represent.

Cllr. P. O'Donoghue said that he was in favour of the retention of the 1 Km rule as he was concerned that the case was not proven one way or another on the health risks arising from masts and for this reason it is important to err on the side of caution. It is perverse that An Bord Pleanala continues to ignore the Kerry County Development Plan. He believed that the members of Kerry County Council are duty bound to include this provision in the County Development Plan. It must be brought to the attention of An Bord Pleanala that they should have regard to our Plan. Companies site masts for economic reasons and they ignore health issues but members are duty bound to protect the health of the citizens of Kerry.

Cllr. D. Healy-Rae said that he was in favour of retaining the 1 Km rule. He has been complaining about the telecommunication mast located near Kilgarvan School for a long time as he was concerned for the health of the children. The people he represents want the 1km rule retained.

Cllr. B. MacGearailt said that there is no scientific evidence that there is damage caused by telecommunication masts. He asked why various service providers could not share masts and he called on central government to ensure that this policy is enforced. He added that telecommunications masts are necessary but common sense should prevail and masts should be shared between service providers.

Cllr. J. O'Connor said that Members want to incorporate the 1 Km rule in the County Development Plan but he agreed with the sentiments expressed by Cllr. Brassil. Members are allowing An Bord Pleanala to make the decision on these applications. He recently attended a meeting in Glenbeigh where people believe that the 1 Km rule is achieving nothing. He agreed with Cllr. MacGearailt that masts should be shared by service providers.

Cllr. D. Healy-Rae said that the pylon in itself is not harmful but it is the antennae that are a cause for concern as they can cause radiation. The safest approach would be to keep masts at least 1 Km away from any public buildings or residences.

Cllr. T. Fleming said that he supported the 1 Km rule. He asked was it legal for An Bord Pleanala to overturn Kerry County Council's decisions to refuse permission for telecommunication masts.

Mr. M. McMahon said that this issue was debated on a number of occasions by the Planning S.P.C. Members had presentations on all sides of the argument and the decision was that a recommendation would be made for the removal for the 1 Km rule. However, the Council decided to defer this decision until the new

County Development Plan was being made. 33 decisions to refuse permission for telecommunication masts issued by Kerry County Council were subsequently overturned by An Bord Pleanála. An Bord Pleanála is faced with a dilemma in wanting to have regard to our County Development Plan while at the same time having regard to national policy to have a modern telecommunications infrastructure. The evidence by the Department indicates that the output from these masts is higher because there are insufficient numbers of masts and our current policy is contributing to the health risk. It is not correct to say that there are other locations suitable for telecommunication masts as there is virtually no where in the county where a mast can be sited that will not be within a 1 Km radius of a residence. At present planners hands are tied in relation to the vast majority of planning applications for masts. Some planning applications are refused on visual grounds while with others the sole reason for refusal is the 1 Km rule which is contrary to national policy. It is incorrect to say that An Bord Pleanála does not have regard to our County Development Plan as they must also have regard to national policy.

Mr. T. Sheehy said that the Council is not legally in a position to force companies to share masts however it is part of our policy that they should adopt this approach.

Cllr. B. MacGearailt said that this decision should be made at a national level.

Cllr. T. Fitzgerald asked the officials of the Planning Department if they were satisfied that there are no health hazards from telecommunication masts.

Mr. T. Sheehy said that the Government's position is that there is not a health risk from masts and he did not have the scientific knowledge necessary to make this evaluation. By virtue of the fact that there are fewer masts in Kerry than many other counties stronger signals are needed to provide the service.

Mr. T. Curran, County Manager, said that one of the impediments to the development of the county is the lack of broadband and telecommunications infrastructure. There is no clear definition as to whether there is a health hazard from telecommunication masts or not. He added that there is more radiation from mobile phones than from telecommunication masts. We must accept national policy if we want to be proactive in the provision of broadband and this would result in the abolition of the 1 Km rule.

Cllr. D. Healy-Rae said that he did not accept that there are not plenty isolated places where masts could be located that would not be within 1 Km of a house. Developers want to locate these masts close to roads to reduce the costs involved. He added that he did not want to inhibit development.

Cllr. J. O'Connor said that Kerry County Council made 33 recommendations on planning applications for masts and all these were overturned on appeal by An

Minutes Special Planning Meeting

Bord Pleanála. He asked Management if they could see broadband being rolled out to rural areas with the limited number of telecommunication masts in the county.

In response Mr. T. Curran said that this would be done only with great difficulty, however, he was not saying it could not be done.

Cllr. J. Brassil said that he wanted to reinforce the point that it was the objective of all members to protect the health and safety of the people they represent. He asked if the 1 Km rule was actually achieving this as it appeared to him that it was not. He believed that the county would be better served if the 1 Km rule was removed and each planning application was assessed on its merits.

Cllr. M. O'Shea said that he was in favour of retaining the 1 Km rule. At present an appeal is being considered by An Bord Plenala for a mast in Annascaul and the local community are opposed to it. He asked if members should consider identifying areas in the county where telecommunication masts would be permitted and if this would be the most appropriate way forward.

In response Mr. T. Sheehy said that in order to do this it would be extremely expensive as it would be necessary to employ consultants. This would require a huge amount of technical backup and even if locations are identified it would involve negotiations with landowners which could again prove to be very expensive.

Cllr. M. O'Shea said that this suggestion should be considered as the provision of sporadic masts around the county should not be permitted.

Cllr. B. Cronin PROPOSED the retention of the 1 Km rule.

Cllr. M. Healy-Rae SECONDED this proposal.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Healy-Rae this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015, hereby resolves that in respect of Submission No. 14, Paragraph 13.18.11 remains as in the Draft Plan as follows: 'It is the policy of the Planning Authority that telecommunication masts shall not be located within 1kilometre of residential properties, schools, hospitals or any structures where there is human occupancy for residential or daily work purposes.'

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

For: Cllrs. Beasley, Buckley, Cahill, Cronin, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, McEllistrim, Miller, O'Brien, O'Donoghue, O'Shea, Purtill, Fleming **(18)**

Against: Cllrs. Brassil, MacGearailt, O'Connor (3)

Not Voting: Cllr. O'Connell (1)

Absent: Cllrs. Ferris, S. Fitzgerald, McCarthy, Sheahan (4)

The Mayor declared the resolution carried.

Submission No. 16 Sean O'Sullivan, (Address withheld for data protection purposes)

Cllr. M. Cahill referred to Submission No. 16 and said that he wanted to have it recorded in the minutes that two family members would be facilitated on these lands.

All members supported this position and it was agreed that it would be recorded in the record of the meeting.

In response Mr. T. Sheehy said that Michael Lynch had identified two sites on this land holding which would be suitable to accommodate family members.

Submission No. 23 Brendan Nolan on behalf of John Groarke

This submission proposes the rezoning of lands at Garryantanavalla for industrial/commercial development. The land comprises 4.4 hectares and refers to a line at the back of the Mart land. The proposed compromise is that ten acres would be zoned for light industrial use subject to access from the Mart.

Cllr. P. Leahy said that he understood at the Listowel Area Meeting it was agreed that this land would be zoned. Access is not from the Mart and would exit between the junction and the Mart site.

Mr. T. Sheehy said that he could not agree to an access at that point as it would be a traffic hazard.

Cllr. D. Kiely pointed out that the Council is trying to buy land from this landowner to improve the road and it is unfair not to zone this land.

Mr. T. Sheehy said if the access is not from the Mart he could not recommend it.

Cllr. T. Buckley said that members considered two submissions at the Listowel Area Meeting, one from Sean McCarthy which was withdrawn on the understanding that this submission would proceed but that position has now changed and access may be an issue.

Minutes Special Planning Meeting

Cllr. L. Purtill said that he understood that this submission was agreed.

Cllr. R. Beasley also said that he understood that this submission was agreed.

In response Mr. T. Sheehy said that when this submission was discussed, he presumed that the backline of the Mart was the line which he indicated on the map. The landowner is seeking to have 7.3 hectares zoned, while he would be agreeable to the zoning of 4.4 hectares.

Cllr. J. Brassil said that this submission was agreed at the Area Meeting and the only issue was access through the Mart. This can be sorted out at the planning stage, at which time if the Planning Department feel it would be a hazard, the landowner would have no option but to access through the mart site. He believed that it would be more appropriate to allow this issue to be resolved as part of the planning application.

Mr. T. Sheehy said that without specifying his view, the landowner would have an expectation. He asked members if they would agree to the zoning of 10 acres or were they also seeking to zone the portion of land at the back which he then indicated on the map.

Cllr. D. Kiely PROPOSED that all of the land would be zoned 'industrial/commercial'.

Cllr. B. Cronin said he would have no objection to the zoning of this land subject to the entrance being agreed with the Planning Department.

Cllr. B. O'Connell said that any applicant must go through that process.

Mr. T. Sheehy said that the zoning of 10 acres would be more than adequate.

Cllr. D. Kiely said that this was not an issue.

Cllr. T. Buckley PROPOSED that the entire field be zoned light industrial.

Cllr. D. Kiely SECONDED this proposal.

On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. D. Kiely this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009 – 2015 hereby resolves that the lands the subject of Submission No. 23 be zoned for light industrial use subject to a suitable access being available.

Minutes Special Planning Meeting

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Purtill, Fleming, **(23)**

Against: None **(0)**

Not voting: None **(0)**

Absent: Cllrs. Ferris, S.Fitzgerald, Sheahan **(3)**

The Mayor declared the resolution carried.

Submission No. 25 TMA Consulting Engineers Ltd on behalf of the landowner.

Mr. T. Sheehy said that this submission refers to the zoning of 2 acres of land at Gortaumullen, Kenmare for industrial use and subject to a vote it was agreed that the land would be zoned.

Cllr. M. Healy-Rae said that this is a modest proposal for the zoning of two acres adjoining the existing zoned land and it would not be visible from the public road. He PROPOSED that the lands the subject of Submission No. 25 be zoned for industrial use.

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 County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015 hereby resolves that the lands the subject of Submission No. 25 be zoned for industrial use.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Purtill, Fleming. **(23)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Ferris, S.Fitzgerald, Sheahan (3)

The Mayor declared the resolution carried.

Submission No. 6 Michael O'Callaghan, Killarney
Submission No. 7 Daniel & Sheila Philpott, Killarney
Submission No. 15 Daniel & Eileen Hughes, Killarney
Submission No. 20 Patrick & Margaret Murphy, Killarney
Submission No. 22 Pat & Eileen Doyle, Killarney
Submission No. 26 Ina & Niall O'Connell, Killarney
Submission No. 27 Michael & Mary O'Sullivan, Killarney
Submission No. 28 Kathleen & Tim Corcoran, Killarney
Submission No. 40 Tina O'Callaghan & Sheila Philpott, Killarney
Submission No. 64 D.J. & Mairead Cahill, Killarney
Submission No. 110 Michael Cronin, Killarney

Mr. T. Sheehy informed Members that Submission Nos 6, 7, 15, 20, 22, 26, 27, 28, 40, 64, and 110 would be taken together as they all relate to the zoning of a portion of land for industrial development at Coolcaslagh, Killarney. In the last County Development Plan some land was zoned in this area on the understanding that the new Bypass Road would be developed and that access would be onto the new Bypass Road. A lot of development has taken place in this area, but the Bypass Road has yet to be provided. It is felt that any further zoning in the absence of the Bypass Road would lead to further congestion in this area.

Cllr. M. Gleeson PROPOSED that members accept the recommendations in the Manager's Report. Nine local submissions were made with regard to the proposed zoning of this land. On his own behalf and on behalf of the local people he wanted to state that he had no antipathy towards the individual involved. The central focus of many discussions in the planning debates centre on local communities. This area in question was a dynamic community and in this part of Coolcaslagh, the narrowest part of the road is little more than 3 metres wide. He accepted that a relief road was promised but this promise was reneged upon by the NRA. This road was to be completed in 2009. The infrastructure in this area is inadequate and he acknowledged the argument that there is a need for additional development but the wellbeing of the community must be member's priority. He PROPOSED that the Manager's Recommendation on this submission be accepted.

Cllr. T. Fleming said that he was approached by Mr. Cronin regarding his submission and he visited his development. Mr. Cronin is like a one man IDA, he is the one bright light that came up in the county over the past few years. Everything he did was done impeccably and his employees are very happy. He referred to Submission No. 110 from Mr. Cronin and said that he examined the

infrastructure in this area and one of the conditions of planning for another development in the area is that the roadway would be improved. This would improve the carrying capacity of the road and the access to the national primary road at a cost of € ¾m. This work is to be carried out in the near future. Taking all these factors into account, he would find it difficult to put impediments in the way of a great acquisition for the county. Further road widening could be conditioned into the planning permission. The Senior Planning Officer was always advocating that a suitable place should be provided for industry and this has been done by Mr. Cronin in Coolcaslagh. He acknowledged what Mr. Cronin had achieved and said that his submission was a very positive proposal. He PROPOSED that Submission No. 110 be agreed and that the lands at Upper Lissivigeen/Coolcaslagh would be zoned industrial.

Cllr. Danny Healy-Rae SECONDED this proposal and said it is a very worthwhile one. This is an ideal location to help to create new business and members should support this submission as it is an ideal location. Jobs are very necessary and must be maintained and increased.

Cllr. M. Healy-Rae said that purely on planning grounds, he wished to reaffirm the Mayor's proposal. The road access issues can be addressed through the use of development levies and if further development is proposed, additional funding can be provided for a proper access. Other services are also available in this area including 3 phase electricity, proper water and drainage.

Cllr. B. Cronin, SECONDED Cllr. Gleeson proposal and said it is important to consider the right of a community and the right of an individual to make a proposal. It is also important to note other submissions made by local people including all those listed by Mr. Sheehy. The views put forward in these submissions are the exact same as put forward at a public meeting in Darby O'Gills recently. They referred to the volume of traffic to and from the existing business when the road is only 3 metres wide in places. For two modern heavy goods vehicles to pass the road should be 6.5 to 7 metres in width. Land was zoned in this area in the last County Development Plan for 35 or 37 industrial units none of which are occupied at present. The volume of traffic on this road will intensify two or threefold when these units are occupied. He asked were members going to impose additional traffic on the local community by the zoning of this land. The Transfer Station together with an oil depot are also located in this area. At the recent public meeting residents pointed out that when two trucks meet on this road there is no place for pedestrians or cyclists. It is premature to zone additional land until the relief road is provided. He said that he was begging councillors to respect and recognise the concerns expressed to members by the local community and to recognise their worries on safety issues and to reject this submission out of respect for the common good.

Cllr. M. Gleeson said that he respects the views of all members but the welfare of the local community is at stake. When an adequate Bypass is provided it will be

an ideal location to build a factory or industrial units but until such time as the Bypass Road is provided the road infrastructure is inadequate. Members must be fair to a community that is very upset and fearful for their safety. He said that he sincerely hoped that nobody would be injured on this road. The Manager's response to this submission is as follows: "Further industrial zoning at this location is inappropriate in the absence of improved infrastructure". He urged all members to take this matter very seriously.

Cllr. D. Healy-Rae pointed out that the developer has spent a lot of money on this road and there has been a wonderful transformation in the parts of the road that have been improved. A water main is to be laid on this road and this zoning would also help other businesses. Improvements to this road will be of the upmost benefit to the local community and developments. The only way this road will be improved is if further development takes place. Kerry County Council uses this road to the Transfer Station and the road will have to be improved if there is further development on it.

Cllr. B. Cronin pointed out that any improvements to this road are a condition of planning to cater for the units which have not yet been occupied. This road is excessively narrow to cater for existing development and it is important to consider the safety of the local people who are taking children to Lissivigeen National School. The improvement of this road is not a reason to zone further land.

Mr. T. Sheehy said that this submission relates to the zoning of 16.21 acres for two portions of land which are adjacent to existing zoned land. We have yet to see the benefit or impact of existing units which are not yet occupied and any further zoning is premature. He said he was strongly opposed to the zoning of this land at the present time.

Mr. G. O'Brien informed the meeting that a vote would then be taken on the proposal made by Cllr. M. Gleeson.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015 hereby resolves to accept the recommendations in the Manager's Report in respect of Submissions 6, 7, 15, 20, 22, 26, 27, 28, 40, 64, 110.

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

For: Cllrs. Beasley, Cronin, Gleeson, Miller **(4)**

Against: Cllrs. Buckley, Cahill, T. Fitzgerald, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, McEllistrim, O'Connell, O'Connor, O'Donoghue, O'Shea, Fleming. **(15)**

Not Voting: Cllr. Foley (1)

Absent: Cllrs. Brassil, Ferris, S. Fitzgerald, O'Brien, Purtill, Sheahan (6)

The Mayor declared the proposal defeated.

Mr. G. O'Brien, A/SEO, informed the meeting that a vote would then be taken on the proposal by Mayor T. Fleming as follows:-

On the PROPOSAL of Cllr. T. Fleming, SECONDED by Cllr. D. Healy-Rae, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015 hereby resolves that the land the subject of Submission 110 be zoned industrial.

The vote resulted as follows:

For: Cllrs. Buckley, Cahill, T. Fitzgerald, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McEllistrim, O'Connell, O'Connor, O'Donoghue, O'Shea, Purtill, Fleming (15)

Against: Cllrs. Cronin, Gleeson, Miller (3)

Not Voting: Cllrs. Beasley, Foley (2)

Absent: Cllrs. Brassil, Ferris S. Fitzgerald, McCarthy, O'Brien, Sheahan (6)

The Mayor declared the resolution carried.

Oral Hearing for C.P.O. for the Tralee Bypass

Mr. C. O'Sullivan, Director of Roads and Transportation, informed the meeting that the Oral Hearing for the Tralee Bypass would commence the following day in the Brandon Hotel at 11 a.m.

Votes of Sympathy

Mr. G. O'Brien, A/SEO said the following votes of sympathy were proposed by members.

- (a) Cllr. M. Healy-Rae proposed a vote of sympathy to (Name and address withheld for Data Protection purposes) on the death of her husband Mr. Denis McSweeney
- (b) Cllr. M. Healy-Rae proposed a vote of sympathy to (Name and address withheld for Data Protection purposes) on the death of his mother Mrs. Sheila O'Sullivan.

(c) Cllr. D. Kiely PROPOSED a vote of sympathy to the family of the late Tony Gregory T.D.

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

Submission No. 30 Cllr. J. Brassil on behalf of the Fianna Fáil Council Group

Mr. T. Sheehy said that point no. 1 in this submission is as follows: “a planning refusal on traffic grounds should be accompanied by a report from the Roads Department. Favourable consideration should be given to an applicant who proposes to utilise the existing exit serving the family holding thus avoiding an additional exit onto the public road.” Mr. Sheehy informed the meeting that the following is the Manager’s Response: “Item No. 1 of this submission relates to development management issues which can be addressed through procedures in the planning section and do not require amendments to the Draft County Development Plan. Applications for development using existing exits onto non national roads will be dealt with on their merits.”

Cllr. J. Brassil said that the reason that the Fianna Fáil group put forward this suggestion is that if a planner decides there is a traffic issue in relation to a planning application it should not just be his/her view as there does not seem to be an engineering basis to the report. He was not advocating that every planning application should have an engineering report but only those being refused on traffic grounds. This would be to the benefit of the Planning Department and the applicant.

Mr. T. Sheehy said this is a management issue and where a planning application is being refused on traffic grounds, an engineering report can be attached.

Cllr. P. O’Donoghue asked that favourable consideration would be given to a planning applicant using an existing exit. One applicant was refused even though she was living with her father and was already using the access. She wanted to build a house but was refused on road safety grounds.

In response Mr. T. Sheehy said that notwithstanding the fact that there is an existing access point it can be dangerous. In some instances the access is through a farmyard which is not practical. Where the access is not forming an internal part of the half acre site it may not be practical. However if access is through a farm and it is reasonable then that would be acceptable. He was opposed to new access points onto National Primary and National Secondary Roads, but National Primary Roads were his main concern.

Cllr. P. O’Donoghue said he was mainly speaking of National Secondary and County Roads.

In response Mr. T. Sheehy said that this issue was raised by the NRA, in relation to access onto National Secondary Roads. Mr. Sheehy said that the following is Point No. 2 in this submission: Section 3.8.8 should read “nothing in the Kerry County Development Plan 2009-2015 will prohibit an applicant in an urban area from applying and receiving planning permission to relocate in a rural area.” He added that members had voted on this and it had been taken out. No. 3 on this submission reads as follows: “The plan should contain a paragraph stating that the policy of refusing planning permission applications on the grounds of backland development is not a policy of Kerry County Council.”

Cllr. J. Brassil said that this is causing particularly difficulties in rural areas and the Councils policy needs to be implemented.

Mr. T. Sheehy said the granting of planning permission for backland development can cause a residential amenity issue. The Manager’s response to this issue is as follows: “it is the intention of Kerry County Council to shortly publish a Design Manual for Rural Housing. It is not intended however to incorporate this document into the County Development Plan as to do so would lead to more rigid interpretations than what is desirable in a flexible design process. Reference to back land development can be addressed in this booklet as a more appropriate document for rural housing design and location standards.

Cllr. J. Brassil said that he was glad that the Planning Department is not opposed to back land development and this should be clearly stated in the County Development Plan.

Mr. T. Sheehy said that point No. 4 in the submission states “A Paragraph to be included that Kerry County Council develops a booklet clearly outlining the design guidelines that are acceptable in the county, and this booklet should be adopted as part of the County Development Plan following agreement with the members.” Mr. Sheehy stated that the Design Guidelines are on the point of going to print but he would advise against adopting it into the County Development Plan. It is intended that the Guidelines would be a guidance document and if it was adopted into the County Development Plan it would be too prescriptive and rigid.

Cllr. J. Brassil said that the purpose of this point in the submission was that Design Guidelines have been promised for the past five years but have not yet been published. He accepted that the Design Guidelines should be a separate document.

Mr. T. Sheehy said that the Design Guidelines would be published in the next four to six weeks.

Minutes Special Planning Meeting

Cllr. D. Kiely asked if members would be given the opportunity to see the Guidelines before they are put into practice.

In response Mr. T. Sheehy said the Guidelines will be considered by the Planning SPC and then brought before the full Council. Mr. Sheehy said that point No. 5 in this submission states that a paragraph should be inserted in the County Development Plan stating that “planning applications in areas experiencing population decline as per the 2006 Census should be given favourable consideration in accordance with the national policy guidelines”. Mr. Sheehy informed members that they had already voted on this matter earlier in the meeting.

Point No. 6 states “When an application for a family member is being considered and difficulties arise, the applicant should be given an opportunity to address any difficulties with the current application rather than being refused and requiring the applicant to re-apply.”

Cllr. J. Brassil said that from a practical point of view if it is the intention of a planner to grant planning permission but issues have arisen, they should be dealt with through Further Information requests rather than refusing the application and forcing the applicant to re-apply.

Mr. T. Sheehy stated that this is current practice and added that some applicants get very annoyed if Further Information is requested and the application is subsequently refused as the issues can not be addressed.

Cllr. M. O’Shea said if the on-site pre-planning meetings were working efficiently they should be no need for further information before an application is refused. Structures should be in place to help people get planning permission.

In response Mr. T. Sheehy said he agreed with Cllr. O’Shea in that on-site pre-planning meetings are the way forward. However when these meetings take place there are no house plans and percolations tests have not been carried out. He added that every effort is made to facilitate planning applicants. Mr. Sheehy informed the meeting that point No. 7 in this submission states “that policy 3.10.5 be implemented as read to-date. Kerry County Council planners are not implementing this policy.”

Cllr. J. Brassil said that the council has a policy for people who are from an area but working in Cork and come home every weekend and for summer holidays. If they apply on the family land holding they should be getting favourable consideration, however to-date they are refused. This is a very serious issue. He wanted a clear policy outlined in the County Development Plan to ensure that such cases are not categorised as holiday homes.

Mr. T. Sheehy said that the wording in the Draft County Development Plan reads as follows: "There is a long established tradition of people who have family ties to rural areas in the county and who return on a frequent basis for weekends, holidays or longer periods. In many cases, these people ultimately retire permanently in the area. Taking this into account and considering the contribution to the local economy it is considered that these people have established a need for a dwelling in the area. Consequently, objectives SS38 and SS39 of the holiday home policy will not apply to:-

- (a) A person who is either a son/daughter, of a person permanently resident in the area for more than 10 years. Such developments shall be subject to the inclusion of an occupancy clause for a period of at least 7 years.
- (b) Additionally, in the context of objective ECO 5-31 and the promotion of agri-tourism, consideration will be given to units of holiday accommodation on agriculture holdings which will remain an integral part of the land holding. These units shall be sited within or adjacent to the existing farm complex. Any permission granted in such cases will be subject to a condition requiring the applicant to retain the property as an integral unit in the one ownership."

Mr. Sheehy added that if the son or daughter of a landowner who has been permanently resident in the area for more than ten years applies for permission, the holiday home policy does not apply.

Cllr. J. Brassil said that this policy is not being implemented and he called on the Planning Department to ensure that it is implemented.

In response Mr. T. Sheehy asked members to bring any such cases to his attention. Mr. Sheehy said that point No. 8 in this submission reads as follows: "That the policy regarding deferral of decisions be clearly outlined and clarified in this plan". The Manager's response to this is "this is a procedural matter for the development management section".

Mr. Sheehy informed the meeting that point No. 9 in this submission reads as follows: "Following the establishment of the specialist environmental unit and the list of approved assessors to deal with the effluent treatment aspects of planning permission -the planners should accept the outcome of their decision". Mr. Sheehy again said this is a procedural matter for the development management section.

Cllr. J. Brassil said that he accepted that the unit to assess percolation tests is newly set up but he wanted to ensure that this policy is clearly set out in the County Development Plan.

Mr. T. Sheehy then referred to point No. 10 in this submission which states "That the policy as adopted regarding cluster development be implemented under the new plan, this has not been the case up to now."

Minutes Special Planning Meeting

Cllr. J. Brassil said that while a policy on cluster development is contained in the County Development Plan permission is granted for very few cluster developments.

In response Mr. T. Sheehy said that the policy does not guarantee that permission will be granted. Permission will be granted only if the proposed development is in the appropriate location and it can be adequately screened.

Cllr. J. Brassil said he wanted to ensure that cluster development is permitted in the new County Development Plan.

Cllr. D. Healy-Rae said he was aware of 7 applications for cluster developments that were refused.

Mr. T. Sheehy said that some applications for cluster developments have been granted. He added that point No. 11 in this submission states "That each applicant be given the opportunity of nominating one councillor only to represent them should any issues arise with their planning application".

Cllr. J. Brassil said there is enough work to be done in the planning control section in dealing with the councillors and it would be more efficient if a planning applicant wanted to be represented that they would nominate one councillor to represent them. That councillor would then be kept up to-date on that planning application and this system applies in some counties.

Cllr. D. Kiely said it is confusing for planning applicants when they receive six letters from different councillors regarding their planning application.

Cllr. P. O'Donoghue said that members were only trying to facilitate planners.

Mr. T. Sheehy said this is a matter for members and it is very complex. If an applicant goes to two councillors it would be very difficult to implement it. The executive appreciate that it would save on representations but it may be more appropriate if the Planning SPC consider this matter further.

Cllr. B. O'Connell said that in the Killarney Electoral Area members are putting their names down as making representations on files even though they were not requested to do so.

Cllr. B. Cronin said he studied Cllr. Brassil's proposal and he supported it. However, some councillors write to planning applicants using Oireachtas envelopes advising them that they made representations on their behalf.

Minutes Special Planning Meeting

Cllr. P. McCarthy said that many planning applicants genuinely want councillors to represent them and applicants could nominate one councillor to make representations on their behalf.

Cllr. T. O'Brien said that if the planning applicant was not satisfied with that Councillor, they would be stuck with them.

Cllr. N. Foley said she believed that this matter could not be dealt with as part of the County Development Plan.

Mr. M. McMahon advised Members that it would be more appropriate to refer this matter to the Planning SPC for further discussion. A question could be added to the planning application form, where the applicant would indicate if they wanted to be represented by a councillor and if so they could specify what councillor they want to be represented by.

Submission No. 32 Paul O'Dowd, Listowel

Mr. T. Sheehy advised members that this submission was a bit complex. It proposes that sites within the town boundaries, but on the periphery of seaside resorts should be exempt from Rural Planning Guidelines. These sites should not be conditioned for use as either a holiday home or a full time residence. It submits that applying Rural Planning Guidelines within the urban areas of seaside resorts is not appropriate. He added that the Manager's response is as follows: "Planning within the urban boundaries of towns and villages is assessed in accordance with the provisions of the relevant Local Area Plan."

Cllr. J. Brassil said he could not accept the Manager's Report as there are instances in seaside villages when an applicant applies for planning permission on an infill site, but they are informed that the site is retained for the son or daughter of a landowner. This should not be the case.

Mr. M. McMahon said that there are instances where the occupancy clause does not apply inside the boundary of a Local Area Plan.

Cllr. B. Cronin said that he was aware of a holiday home that was purchased as a permanent residence but the purchaser had to apply for permission for change of use.

Cllr. B. O'Connell PROPOSED that the recommendation in the Manager's Report in relation to Submission No. 32 be adopted.

Cllr. T. Fitzgerald SECONDED this proposal and it was agreed.

Submission No. 33 John Doyle & others, Kilgarvan

Minutes Special Planning Meeting

Cllr. M. Healy-Rae declared that this submission was made by 14 landowners in Kilgarvan and he was one of them. In accordance with Section 177 of the Local Government Act 2001 he would withdraw from the meeting while this submission was being discussed.

Cllr. D. Healy-Rae declared that his son owns one of the portions of land referred to in this submission and in accordance with Section 177 of the Local Government Act 2001, he would withdraw from the meeting while this submission was being considered.

Cllr. M. O'Shea declared that a business associate was involved in this submission and in accordance with the Section 177 of the Local Government Act 2001 he would leave the meeting while this submission was being considered.

Cllrs. M. Healy-Rae, D. Healy-Rae, and M. O'Shea then left the meeting.

Mr. T. Sheehy said that this submission was received from John Doyle & Others, John F. O'Sullivan, Michael Harrington, Fionan O'Sullivan, Danny Healy-Rae, John A. O'Donoghue, Philip Healy, Johnny Healy-Rae, Michael Dan Lynch, Paddy Kelleher, Michael Healy-Rae, Timothy O'Donoghue, John F. Godfrey, & Julie Harrington. The submission proposes an area for inclusion as a preferred area for wind farm development in the Kilgarvan area. He indicated the land the subject of this submission on the map and said they were the areas indicated in purple on the map.

Cllr. B. Cronin asked what acreage was involved.

In response Mr. T. Sheehy said that the acreage was not given with the submission but he believed there was in excess of 100 acres involved. He then read the Manager's response to this submission into the record of the meeting as follows: "This land is subject to protection by views and prospects, as designated in the Draft Plan. This designation gives an indication of the scenic quality of the lands and their sensitivity to development. There is a significant area of land in this area designated "open to consideration" for wind farm development. In addition to the wind farms already constructed, permission has also been granted for a number of other wind farms. It is the opinion of the Planning Authority that sufficient land is zoned in the area for wind farm development. In addition the Planning Authority is concerned that, given the sensitive nature of this landscape, that the cumulative effect of development in the area has not yet been realised. It is considered premature therefore to zone additional lands until all developments permitted have been completed"

Mr. Sheehy added that this is a very scenic area and the planning authority has already granted permission for 106 turbines, but just a few have been built. When all the turbines, which have been granted permission, have been built it may have a significant impact on the landscape or at that time it may be possible

to grant permission for further wind turbines. At present the Planning Department is uncertain of the impact of all the wind farms that have been granted to date will have on the landscape. On a precautionary note he urged members to wait before zoning any further land for wind farm developments in the area.

Cllr. J. Brassil said that he felt that the proposal to zone this land 'open to consideration' would be reasonable. He asked what was the status of the land shaded purple on the map around this land.

In response Mr. T. Sheehy said that this land is zoned Secondary Special Amenity and this submission is seeking to have it zoned 'preferred area for wind farm development'. At present this land is not zoned for wind farm development.

Cllr. J. Brassil said that he understood that if the zoning was 'open to consideration' it would be acceptable but 'preferred area' was not.

Mr. T. Sheehy again said that this land is subject to protection by views and prospects as designated in the Draft Plan.

Cllr. J. Brassil said he would support a proposal to zone this land open to consideration.

Cllr. M. Cahill said he understood that part of this land was already zoned and he requested clarification on this matter.

In response Mr. T. Sheehy said that the land indicated white on the map displayed is zoned 'open to consideration' but the land zoned for wind farm development is removed from this land.

Cllr. M. Cahill asked if the land the subject of Submission No. 33 is adjacent to any zoned land.

In response Mr. T. Sheehy said that it was not and that this was an isolated piece of land. If this land is zoned 'preferred' it would restrict the Planning Department. If an application is submitted they will have two options:

1. To refuse permission on the grounds that it is premature and the lands are elevated
2. To advise that the application proceed and when an EIS is prepared, at a cost of approximately €100,000, refuse permission but that would be unfair on the applicants.

Cllr. J. Brassil said that if this land is zoned 'open to consideration' permission could be granted. If a series of wind farms are being developed in the area it would be fair to allow the promoters to proceed. He added that this submission should be dealt with in conjunction with Submission No. 83 from Teahans.

Minutes Special Planning Meeting

Mr. T. Sheehy said that Kerry County Council was the first local authority in the country to have a Wind Farm Policy in place. He added that he felt this was a no go area and there is an obligation on the Planning Department to take the cumulative effect of permissions granted in the past into account.

Cllr. J. Brassil asked where the land the subject of Submission No. 83 was located.

Mr. T. Sheehy indicated these lands on the map and said that a similar issue arises on both cases and if a vote was been taken it should be taken on both.

Mr. G. O'Brien, A/SEO pointed out that a number of members had left the meeting and they were not aware that a vote would be taken on Submission No. 83.

Cllr. J. Brassil said it would be a fair compromise to zone these lands 'open to consideration' and he PROPOSED that.

Cllr. C. Miller SECONDED this proposal.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. C. Miller, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft County Development Plan 2009-2015 hereby resolves that the lands the subject of Submission No. 33 be zoned 'open for consideration' for windfarm development.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Foley, Gleeson, Kiely, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Donoghue, Purtill, Fleming **(19)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Ferris, S. Fitzgerald, D. Healy-Rae, M. Healy-Rae, O'Connor, O'Shea, Sheahan **(7)**

The Mayor declared the resolution carried.

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

Cllr. M. Healy-Rae asked that the submissions of interest to those in the public gallery be dealt with at that time.

Submission No. 34 Crohane Residents Association

Mr. T. Sheehy informed members that this submission proposes to zone 44.6 hectares of land Secondary Special Amenity. This land is zoned Rural General at present. He had viewed this land and he did not consider that it warranted the zoning of Secondary Special Amenity.

Cllr. D. Healy-Rae PROPOSED that this land be zoned Rural General.

Cllr. M. Gleeson asked what about the concerns of the Crohane Residents.

Mr. T. Sheehy said that this is a different issue.

Cllr. B. Cronin asked did it relate to unauthorised development.

Mr. T. Sheehy said that he was unaware of unauthorised development in this area but there was a history of refusals of planning permission in the area.

Cllr. M. Gleeson said there was also a history of unauthorised development and no action being taken by the Planning Department.

Cllr. C. Miller said that Mr. Sheehy has indicated that Rural General is an acceptable zoning in this area.

Mr. T. Sheehy again said that he could see no reason to change the zoning of this land.

Cllr. P. O'Donoghue SECONDED Cllr. D. Healy-Rae's proposal that this land be zoned Rural General and that members would agree the recommendations in the Manager's Report.

This was unanimously agreed.

Submission No. 69 Timmy Harrington, (Address withheld for data protection purposes)

Mr. T. Sheehy informed the meeting that this submission requests that an area of land at Cloonee Lakes currently zoned Prime Special Amenity be rezoned industrial to reflect its current use containing 3 no. glass holding bays. Zoning this land industrial is necessary to obtain planning permission for these bays. The Manager's response to this submission is as follows: "planning permission for retention of this facility has been refused on a number of occasions on traffic and safety grounds. It is considered that these reasons for refusal cannot be addressed, notwithstanding any change in zoning". Mr. Sheehy added that he visited this land and while the owner was away he met a member of his family

and he had indicated to them that the exit is treacherous. He added that he did not recommend that this land would be zoned as requested in the submission. He did not believe that it was possible to address the roads issue in this case.

Cllr. M. Healy-Rae said that Mr. Harrington's lorry leaves his home early in the morning and comes back late in the evening. It is only one man and one lorry and the reason it is proposed is on sound planning grounds. This is an off farm income and this will not blight the landscape. It is inoffensive and in order for this activity to be permitted and to continue the land must be zoned. In order to make the road safe it will only require the removal of a soft ditch which is a bank of earth and this will result in the road being widened. He said that he felt on sound planning grounds this submission should be supported as he believed that Mr. Sheehy's concerns could be addressed as the landowner owns the land required to remove the ditch.

Cllr. D. Healy-Rae said that this was a very fair submission and this is a one man operation. Even if the land is not zoned he can still park the lorry. As part of the planning application Kerry County Council can request that he widen the road. He could not see that the zoning of this land would result in the creation of any additional traffic problems on this road. The landowner would be bringing the lorry up anyway even if the land is not zoned.

Cllr. J. O'Connor said that Mr. Harrington's initiative has come up for discussion at the County Development Board. People are being encouraged to start small businesses on their own land. It should be possible to condition in road realignment works as part of the planning permission.

Cllr. R. Beasley said that this was a very simple case and the road widening works can be conditioned into the planning permission to ensure that a traffic hazard will not be created.

Cllr. T. Fitzgerald said that he supported this submission.

Mr. T. Sheehy said that in an effort to reach a compromise he would recommend that the land would be rezoned from Prime Special Amenity to Secondary Special Amenity and that the roads issue could then be addressed at a later date.

Cllr. J. O'Connor asked if this would guarantee that planning permission would be granted.

Cllr. M. Healy-Rae said that this land must be zoned as it contains three glass bays and he would rather that the land would be zoned industrial as a roads issue can be resolved as the landowner owns the ditch.

Minutes Special Planning Meeting

In response Mr. T. Sheehy said that the taking away of this ditch will create an embankment and if it was that simple to resolve the roads issue, why was this not addressed when the second planning application was submitted.

Cllr. M. Healy-Rae said that all that was involved was one man and one lorry using this road once a day.

Cllr. T. Fitzgerald asked Mr. Sheehy if members want to facilitate this development what they should do.

Cllr. B. Cronin said it should be acceptable to zone this land subject to a satisfactory entrance being agreed with the Roads Department.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. D. Healy-Rae, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft County Development Plan 2009-2015 hereby resolves that the land the subject of Submission No. 69 be zoned industrial.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Foley, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, McEllistrim, Miler, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Purtill, Fleming **(22)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Ferris, S. Fitzgerald, Gleeson, Sheahan **(4)**

The Mayor declared the resolution carried.

Submission No. 82 Sean & Mary Sweeney Beaufort

Mr. T. Sheehy said that this submission relates to land in Ballinlough on which planning permission was granted for four houses to accommodate family members. The Planning Authority's decision to grant permission was over turned on appeal to An Bórd Pleanála. It is requested that this land, which is designated Secondary Special Amenity is re-designated Rural General. In addition it is proposed that the provisions of the Draft Plan are amended to facilitate rural housing. The Manager's response is as follows: "This land has been changed from Prime Special Amenity to Secondary Special Amenity in the 2003 Plan. It is considered that this designation should not be amended".

Minutes Special Planning Meeting

Cllr. D. Healy-Rae PROPOSED that this land be zoned Rural General as requested in the submission in order to help Sean and Mary Sweeney in their fight with An Bórd Pleanála to be granted planning permission.

Cllr. J. O'Connor SECONDED this proposal.

Mr. T. Sheehy said that there is no justification for this proposal. Kerry County Council fully supports the Sweeneys and the zoning of this land will make no difference to their planning applications. He said he would not recommend the zoning of this land to Rural General.

Mayor T. Fleming said the applicants had exhausted all other avenues.

Cllr. B. Cronin said that Kerry County Council and the elected members fully support the Sweeney's but when Kerry County Council granted planning permission in the past this decision was appealed to An Bórd Pleanála and they were subsequently refused.

Cllr. M. Healy-Rae said that this submission deserves the support of all the members and he called for a vote to be taken on it.

Cllr. P. O'Donoghue said the zoning of this land to Rural General could make a difference to these planning applications.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J. O'Connor, this Council having considered the County Manager's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2009-2015 hereby resolves that the lands the subject of Submission No. 82 be designated 'Rural General'.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Cronin, T. Fitzgerald, Foley, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Purtill, Fleming **(22)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Ferris, S. Fitzgerald, Gleeson, Sheahan **(4)**

The Mayor declared the resolution carried.

Submission No. 84 John Brosnan, Currow

Minutes Special Planning Meeting

Mayor T. Fleming said that he was well aware of the submission by Mr. Brosnan. This is very suitable ground for residential development as it is in the vicinity of Currow Village. There is a great need for housing there. Permission was granted on these lands for commercial development but there is a need for residential development near shops and schools. He PROPOSED this submission as a valid proposition. The entire infrastructure is available and there is good visibility from the site.

Cllr. P. O'Donoghue SECONDED this proposal.

Mr. T. Sheehy said that members had agreed not to reopen the Local Area Plans. This submission was considered when the Currow Local Area Plan was being made. This land is well removed from the Currow Village boundary and no intervening land has been zoned. He asked why were members proposing that this land would be zoned and not the intervening land. He added that the proposed zoning of this land would set a very dangerous precedent.

Cllr. T. Fleming said that when the Local Area Plan for Currow was being considered, members were given firm assurances that consideration would be given to this submission but that has not happened. This is a very suitable site for residential development. He had proposed that this submission be dealt with at that time.

Mr. T. Sheehy said that he was not sure that members could in fact consider that submission.

Cllr. T. Fleming said that Mr. Sheehy mentioned that this land is 500m outside the Local Area Plan boundary. When the Currow Local Area Plan was being considered, members were advised that it was not suitable for inclusion in the Local Area Plan and that it would be more appropriate to the County Development Plan.

Mr. M. McMahon, Director of Planning, said that members had dealt with the issue of zoning for residential development in the Local Area Plan and had not considered any other proposals for residential zoning outside these areas so far. A vote was taken when members agreed that issues dealt with in the Local Area Plans and agreed would not be re-opened in this debate. Members are proposing to zone lands 1/3 of a mile from the boundary of Currow Village.

Cllr. T. Fleming said a cluster type development would be acceptable at this location.

Cllr. B. Cronin said he understood fully the predicament of the landowner making this submission but it is putting members in a difficult position. Members had agreed that they would not re-open the village plans and a vote was taken on it. A number of submissions considered at the Electoral Area Meetings fell into that

category but members held the line and did not deal with them. Members could not renege on this decision at that point and for that reason he could not support this submission.

Cllr. T. Fleming said that when the Local Area Plan was being considered it was said that this submission was outside the village boundary and could not be considered. It should, therefore, be suitable for consideration in the County Development Plan.

Mr. T. Sheehy said that adequate land was zoned in Currow when the Local Area Plan was being made. At that time it was clearly stated that this land was not suitable for residential development as it was too far removed from the boundary. He urged members not to zone this land and said it is clearly stated that the policy of the Council is that the zoning of residential land should be within the Local Area Plans. Members are now trying to include a zoning in the County Development Plan maps. He met this landowner in the past but he was not aware of the subsequent planning applications or the outcome of same. However, he was willing to meet with him again and if there were issues which he could not solve it was unlikely that he would be granted planning permission.

Cllr. M. Healy-Rae said that Mr. Sheehy had indicated that he would do his best for this landowner, however this is a different situation and he fully supported the Mayor in his proposals that his submission be agreed.

Cllr. D. Healy-Rae said that this is a small piece of land close to Currow Village. Land zoned in the Currow Local Area Plan is of no use as the landowners will not sell it and there is a problem with the flight path to the airport with other land. This land is very central and close to Castleisland town.

Cllr. M. Healy-Rae said that it was the Mayor's prerogative to call for a vote on this proposal.

Cllr. J. Brassil said that members had agreed not to revisit the Local Area Plans and there was a clear understanding that when this submission was dealt with in the context of the Currow Local Area Plan that favourable consideration would be given to any planning application on these lands. However he understood that the applicant was recently refused permission. He requested that Mr. Sheehy and Mr. McMahon would visit these lands and meet with the landowner prior to the next planning meeting with a view to giving favourable consideration to the granting of planning permission for a cluster of houses.

Cllr. D. Kiely agreed with this suggestion.

Cllr. T. Fleming asked if this submission could again be discussed at the next planning meeting.

Minutes Special Planning Meeting

Cllr. P. O'Donoghue said planning permission was granted on these lands in the past. He agreed that further consideration of this submission should be deferred until the next meeting.

Cllr. M. Healy-Rae called on the Mayor to make a judgement call on this submission and said that he also wished to deal with Submission No. 90 as the person who made the submission was present.

Mr. T. Sheehy pointed out that all the submissions are important and he did not want to rush through them. He urged members to await the next meeting before considering any further submissions.

Mr. G. O'Brien informed members that the next Planning Meeting to continue consideration of the remaining submissions would be held on Monday, 26th January 2009 at 10:30 a.m.

The meeting concluded at 5:25 p.m.

Gerard O'Brien
A/SEO Corporate Affairs

Mayor of Kerry