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**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN 8 FEABHRA 2010.**

**MINUTES OF THE SPECIAL PLANNING MEETING OF KERRY COUNTY
COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE,
TRALEE ON MONDAY 8TH FEBRUARY 2010.**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M Cahill	P. Connor-Scarteen	B. Cronin
P.J. Donovan	T. Ferris	J. Finucane
S. Fitzgerald	T. Fleming	N. Foley
M. Gleeson	B. Griffin	D. Healy-Rae
M. Healy-Rae	P. Leahy	A. McEllistrim
M. Moloney	T. O'Brien	B. O'Connell
P. O'Donoghue	M. O'Shea	L. Purtill
J. Sheahan	A.J. Spring	

ABSENT

Councillor/Comhairleoir

P. McCarthy

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, Co. Manager	Mr. M. McMahon, Dir of Planning
Mr. J.D. Flynn, Dir. Of Corp. Services	Mr. J. O'Connor, Head of Finance
Mr. C. O'Sullivan, Dir. Of Roads	Mr. O. Ring, Dir. Of Water Services
Mr. T. Sheehy, SE, Planning	Mr. P. Stack, SE Planning
Mr. G. O'Brien, Mtgs. Administrator	Mr. D. O'Malley, Sen. Exec. Planner
Ms. M. Enright, Sen. Exec. Planner	Ms. A. Moriarty, Tech. Planning
Mr. P. Teahan, SEE Roads	Ms. A.M. Costelloe, Asst. Planner
Mr. P. Corkery, Press & Comm. Off.	Ms. B. Reidy, S.S.O. Corp. Affairs
Ms. O. O'Shea, C.O. Corporate Affairs	

The meeting commenced at 10.40am.

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

Members' Duties under Ethics Legislation

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

"Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must

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

10.02.08.01 Killorglin Functional Area Draft Local Area Plan 2010-2016

Mr. M. McMahon, Director of Planning said that this is the start of the process for the review of the Killorglin Functional Area Local Area Plan. The Plan includes the town of Killorglin and the settlements of Glenbeigh, Cromane, Glencar, Kilgobnet and Rossbeigh. An advertisement will appear in the Kingdom and Kerryman newspapers on the 10th February indicating that the plan is on public display. The closing date for receipt of submissions is the 25th March and the County Manager's Report will be circulated to members on the 4th May. It is intended to hold Electoral Area Meetings on the 6th of May to discuss the Manager's Report and a Special Planning Meeting will be held on the 10th May. It is also intended to hold an Open Day in Killorglin. The amendments will then be published on the 26th May and these will be on public display until the 24th June. The County Manager's Report on submissions received on the amendments will be circulated to members on 13th July and these will be considered at the July Ordinary Meeting which will be held on the 19th July at which time the Plan will be made. In conclusion he said that these are indicative dates at this point in time.

Cllr. M. Healy-Rae requested that a statement of clarification would be made in relation to lands that are being de-zoned. He had a copy of a solicitor's letter in his possession which was sent to the County Manager that morning in relation to the de-zoning of land in Kenmare. He asked for a clear statement that there is no issue of compensation in these cases.

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In response Mr. M. McMahon said that the Planning Legislation is very clear. There is no guarantee that when land is zoned in a current plan that it will be zoned in any future plan provided the Plan has been reviewed. There is a process to be followed in reviewing plans and if that is followed he believed there would be no question of compensation.

Cllr. M. Healy-Rae said that when it comes to the Kilgarvan Local Area Plan he wished to declare that the piece of land which he owned that was zoned in the last plan is no longer zoned but he was not concerned about it.

Cllr. A. McEllistrim said that if a plan was in place for 5 years she would not have a difficulty with de-zoning land. However, in some cases, such as Knocknagoshel, the land was zoned for just two years and she felt that this was unfair.

Cllr. B. Cronin asked what the implications for members were if they vote to dezone land and the land owner subsequently sues the Council, could the members be held liable.

Cllr. D. Healy-Rae said he wished to clarify that his land in Kilgarvan was zoned residential by management without any input from members 2 years ago and this is now de-zoned by management and he was not concerned about that. However, he was very concerned with the dictatorial instructions set out by Minister John Gormley and his Department which sets out that this local authority must dezone much of the land that was zoned residential in our County of Kerry. He could not see what good purpose it would serve rather he felt the opposite as those who would be lucky enough to have their land remained zoned or those who have vacant houses will have a monopoly and it could mean that the young couples or purchasers will have to pay much more to purchase a home. Competition is always a good thing for the customer. He added that he was concerned with an article that appeared in last weeks Kerryman newspaper where there was amazement that Kerry County Council was still granting planning permission close to a housing development. He asked management to disregard this view as it could mean that some family member on family owned lands or someone who had access to a reasonably priced site would not get planning permission and would have to purchase a house from a developer or from someone who had a much more expensive house to sell. He asked if the new stricter Site Assessment Regulations for one off houses are resulting in an unfortunate delay or in many cases an outright refusal of planning permission.

Cllr. D. Healy-Rae said that the de-zoning of land is a concerted effort by Minister Gormley and his Department to direct people wishing to purchase a home to where he wants them to be. He asked what the hurry with the new Site Assessment Regulations was when everyone is aware that the public waste water treatment plants run by the Council are in a desperate state with raw sewerage flowing into our rivers. He added that what is going on now is somewhat like what pertained behind the Iron Curtain up until a few years ago and he was very concerned for the

health of people who bought zoned lands with the understanding that it was zoned but now find that it is being de zoned by Kerry County Council.

Mr. M. McMahon assured members that in his view there would be no exposure whatsoever for them in relation to any claim for compensation in respect of the dezoning of land. In his view there is no case for compensation as a result of the dezoning of land. If a claim is taken against the Council it will be against the corporate body. In zoning land regard must be had to population and the land zoned in draft plans is very generous with 2 ½ times headroom being allowed. There is more than adequate land zoned for residential purposes in the local area plans.

Cllr. M. Cahill said that in the Draft Killorglin Plan some lands that were zoned in the past are now dezoned while other land is zoned for the first time. People bought land which was zoned and they will experience severe financial hardship if this land is dezoned. He asked what input do members have in the local area plans. Members are presented with a draft plan and he felt their powers are diluted. In conclusion he said that he was very concerned that people who bought zoned land will be destroyed if the land is dezoned.

Cllr. J. Finucane said that zoned land was used for collateral with the banks. The banks have been subsidised by the State and the legislation for NAMA should protect the people who bought zoned land. It is up to the State to take their welfare into account. He called on the State to give the same consideration to private citizens as to banks.

Mr. M. McMahon said that his Department are going through the process of un-zoning huge tracts of land previously zoned. In the past there were battles with members on the zoning of land. Much land is zoned but not required and this must be put right.

Cllr. M. Healy-Rae said that when the life time of a plan was cut short it is unfair on those whose land was zoned in some cases less than 2 years ago. He asked if land could be legally dezoned in less than 5 years.

In response Mr. T. Sheehy said that the planning legislation states that the lifetime of a local area plan should not exceed 5 years and it is open to the Planning Department to review local area plans. The majority of land being dezoned was zoned 6 years ago in the economic boom. We are now in a very changed economic climate and it is hard to say that this land should not be dezoned. If the land was used for collateral for the banks the land owner was relying on the appreciating value of the land. If people make their repayments the bank will not call in the loan.

Cllr. M. Healy-Rae said banks were highly irresponsible in accepting zoned land for collateral as they should have been aware that the land could be dezoned.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. Connor-Scarteen it was agreed to note the Killorglin Functional Area Draft Local Area Plan 2010-2016 and to proceed with the public consultation phase.

10.02.08.02 Manager's Report and Recommendations on submissions or observations received on the Kenmare Functional Area Draft Local Area Plan 2010-2016

Mr. T. Sheehy informed members that a meeting was held with the members for the Killorglin and Killarney Electoral Areas on Thursday last to discuss the Managers Report. He understood there was agreement on the following submissions: G1, 2, 3, 4, 6, 7, KEN 1, 2, 4, 5, 6, 8, 10, 11, 14, 16, 17, 20, 22, 25, 26, 28, 29, 30, 32, 33, 37, 40, 42, 44, 46, 47, 48, 53, 54, 59, 64, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94, 95, 96, 97, KG 2, 4, 6, BN 1, 2, TU 1, 2, TE 1, 2, KR 1, 2.

Cllr. M. Healy-Rae referred to a Submission KEN 6 and said that while members agreed with the Managers Report at the meeting on Thursday last they said that this property is on serviced land and two family members may need housing in the future. If so they will not require a half acre as the land is serviced by the sewer. He wanted this noted in the minutes.

Cllr. P. Connor-Scarteen supported the sentiments expressed by Cllr. Healy-Rae.

Mr. T. Sheehy said that in accordance with current practice, family members will be facilitated wherever possible.

Cllr. P. Connor-Scarteen said that he has a business interest in Rock Street and he asked if he should leave the meeting while these submissions were being agreed.

In response Mr. J. D. Flynn said that was not necessary as no discussion would take place on these submissions.

Cllr. P. Connor-Scarteen referred to Submission KEN 20 and said that the proposed walk way through the Golf Course should go through as a pedestrian walkway on the town side of the main entrance and not through the main gate.

Cllr. M. Healy-Rae referred to Submission KEN 26 and said that the County Managers office received a solicitor's letter in relation to compensation as a result of the dezoning of these lands earlier that morning and he wished to record this in the record of the meeting.

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Cllr. P. Connor-Scarteen referred to Submission KEN 47 and said there is just over an acre of land involved in this submission and the land is serviced by water and sewer. The land owner wants to secure planning permission for 2 houses for family members.

Cllr. M. Healy-Rae supported this submission.

Cllr. P. Connor-Scarteen referred to his Submission KEN 54 and said that at the meeting last Thursday he had asked Mr. Sheehy to change the summary of his submission in the Managers Report.

Mr. T. Sheehy referred members to Page 55 of the Managers Report where details of this submission are set out. He referred them in particular to the second paragraph which sets out the details of the submission and reads as follows – “The lack of sufficient lands zoned for light industrial use is a concern. Additionally, the lands zoned for light industrial (delineated in purple) on the Sneem road is not considered suitable for this use.” Mr. Sheehy accepted that this was a misinterpretation of Cllr. Connor-Scarteen’s submission.

Cllr. P. Connor-Scarteen said he wanted this sentence removed and his submission reads as follows: “The Draft map 2a has only two areas proposed for light industrial delineated in purple both these areas are on the Sneem road. I have concern that this may not be enough or that the proposed sites may not be suitable for a particular Light Industry.”

Cllr. P. Connor-Scarteen then referred to Submission KEN 66 and asked Mr. Sheehy if he had an opportunity to consider the road access at this location.

Cllr. M. Healy-Rae said that this land is surrounded by zoned land and is suitable for stand alone sites or for housing for family members.

Mr. Sheehy said that he will review access to these lands and any planning application will be considered in the context of the Rural Settlement Policy.

Cllr. P. Connor-Scarteen referred to Submission KEN 80 and said there is supposed to be a protected monument underground on this land yet there is no evidence of it over ground. The land owner wants it removed from the Record of Protected Structures.

Mr. T. Sheehy informed Cllr. Connor-Scarteen that the submission he was referring to was in fact Submission KEN 24. There is no agreement on that submission and it would be dealt with later in the meeting.

Cllr. P. Connor-Scarteen referred to Submission KG 6 and asked that family members would be accommodated as this land is serviced.

Mr. T. Sheehy said that it is the policy of the Planning Department to accommodate family members on their own land wherever possible.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed to adopt the Managers Recommendation on the following submissions which were agreed – G 1, 2, 3, 4, 6, 7, KEN 1, 2, 4, 5, 6, 8, 10, 11, 14, 16, 17, 20, 22, 25, 26, 28, 29, 30, 32, 33, 37, 40, 42, 44, 46, 47, 48, 53, 54, 59, 64, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94, 95, 96, 97, KG 2, 4, 6, BN 1, 2, TU 1, 2, TE 1, 2, KR 1, 2.

Mr. Sheehy informed members that he would then deal with the submissions that were not agreed.

Submission No. G5 EPA

Cllr. M. Healy-Rae said that at the meeting the previous Thursday, he made a proposal in relation to this submission. He proposed that the relief road from the N70 to the N71 would be removed and he was holding firm on this proposal. He welcomed the proposed Eastern Relief Road which is badly needed for Kenmare. However, the Western Relief Road is not a necessity or a requirement. It will impact adversely on land owners who are very upset at this proposal which will see the road go through their land. The Council should be concentrating their efforts on utilising existing funding to progress the Eastern Relief Road from SUPERVALU on to the Kilgarvan road. The impression given over the weekend is that a map was drawn up as a result of members meeting on Thursday last and that land at Turbid is being sterilized. He requested clarification that the map was not prepared as a result of last Thursdays meeting and that the map being presented to people in this area was drawn up a number of years ago. He also requested confirmation that land in Turbid is not being sterilized. There was consternation in this area over this issue over the past few days. Members did not agree to this at the meeting on Thursday last. He PROPOSED that the indicative route for the Western By-Pass would be removed from the map and that the Council would concentrate all efforts on the provision of the Eastern Relief Road as that is the priority for members.

Cllr. P. Connor-Scarteen referred to Page 18 of the Manager's Report and Objective T-6, which reads: "Objective T-6 in Section 2 (Kenmare Transport and Movement) of the Draft Plan to be amended so as to read as follows: Facilitate the construction of a western By-Pass and an eastern inner relief road as indicated on the zoning map to relieve traffic congestion in the town centre and to open up lands for development". He asked that the reference to the Western By-Pass would be removed from this Objective. He added that the Eastern Relief Road was to be completed in 2008 but it hasn't even commenced. The construction of the Eastern By-Pass would be very welcome as it would relieve traffic congestion for tourists and locals in the town. The provision of the Eastern By-Pass would also relieve car parking and he hoped that the Eastern By-Pass would be implemented as soon as possible. The town of Kenmare would suffer greatly if the Western Relief Road

was constructed as people would simply bypass the town and go on to the Ring of Kerry road. Local business people want to ensure that tourists come into the town. If the Western Relief Road progresses lands in that area would be dissected and the proposed line of the road goes through one person's house. If this road proceeds Kenmare will be a ghost town. He expressed his disappointment that the €300,000 allocated by the NRA is not for the Eastern Relief Road and he PROPOSED that this funding would be used to progress this road. He urged all members to ensure that the text and any reference to the Western Relief Road is removed from the Draft Plan.

Cllr. M. Cahill supported the sentiments expressed by previous speakers and said that the Western By-Pass should be removed from the Draft Plan.

Mr. T. Sheehy said that he appreciated that the Chamber of Commerce is concerned regarding tourism for the town of Kenmare. It cannot be denied that there is traffic congestion in the summer time in Kenmare and the Eastern Relief Road will not resolve this problem. The Council is in favour of the Western Relief Road and the County Development Plan contains an objective to construct the Western Relief Road. The County Development Plan was considered and adopted by members in 2009 and it contains an objective to provide the Western Relief Road. He said that he would call on the Director of Roads to clarify the issue in relation to the funding recently announced by the NRA. He then referred to the query by Cllr. M. Healy-Rae in relation to the map indicating the line of the proposed Western By-Pass and said that when the original Kenmare Local Area Plan was adopted it contained an objective to carry out a design brief and design for the opportunity site. However, this was not done. An application for planning permission was subsequently submitted and was refused by Bord Pleanála because of the absence of a Design Statement. The Council then decided to prepare a Design Statement as it is important to identify the proposed line of the road. Work subsequently commenced on the design of this road and he directed that any planning application in this area would be referred to the Road Design Office in Castleisland for their comments. There is no absolute line of this road at this point in time and it did not mean that land was sterilised. This map was drawn up in the context of the existing Kenmare Local Area Plan. He acknowledged that the map exists but said that land was not sterilised.

Cllr. M. Healy-Rae asked if the map was drawn up in response to the meeting held with members on Thursday last.

Mr. T. Sheehy confirmed that the map was prepared a number of years ago.

Cllr. M. Healy-Rae said he did not like it when the impression was given that the map was drawn up last Friday as a result of members meeting the day before. He thanked Mr. Sheehy for clarifying this issue but said that he was concerned that members were not consulted about the preparation of this map. He was also

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concerned that planning applicants will be refused permission as a result of the proposed line of the road.

Mr. T. Sheehy said that the preparation of this map is a normal operational procedure and it would also be normal practice to refer planning applications in this area to the NRA offices in Castleisland for comment. He did not want a situation to arise where the route option would be published and it then transpired that permission was already granted on the route. A similar situation also arose in the Farranfore/Killarney area when the Bypass road was being designed.

Cllr. M. Healy-Rae said that he wanted his proposal to be considered and he wanted the indicative line of the road removed from the map.

Mr. T. Sheehy pointed out the objective to construct this road is contained in the County Development Plan.

Cllr. P. Connor-Scarteen stated that he proposed that this objective would be removed. He asked when exactly was the map drawn up and did anyone in that area who was applying for permission have to contact the NRA Office in Castleisland.

In response Mr. T. Sheehy said that the applicant would not contact the NRA Office in Castleisland but any applications in this area would be referred to them for their comments.

Cllr. P. Connor-Scarteen **PROPOSED** that the indicative line of the Western By-Pass would be removed from the map.

Cllr. J. Sheahan **SECONDED** this proposal.

Cllr. M. Healy-Rae pointed out that he had made this proposal at last Thursdays meeting.

Cllr. B. Cronin said that he lives very close to the proposed line of the Farranfore Lissavigeen By-Pass and he understood the concern of members. Their concern is that tourists will not come into the town of Kenmare and land owners are also concerned that their plans will be delayed. Planning applicants in his area were delayed for a considerable time while the route options were being considered. On the other hand members are formulating a plan for the next 5 years and he asked if members would be submitting notices of motions in relation to traffic congestion in Kenmare during that time. He asked if members would be foolish to omit the indicative line of the road from the Draft Plan and he urged members to be cautious.

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Cllr. R. Beasley said that members were being asked to vote on this proposal. If members reject it the Chamber of Commerce may have a different view in time to come. In Ballybunion there was difficulty in relation to the introduction of the one way system but it has proved to be successful. He said that in the long term it may be the wrong decision to remove the indicative line of the Western By-Pass for Kenmare.

Cllr. J. Brassil said that he didn't know what to do in relation to Kenmare. Over the past 12 months a supplementary water supply was required for Kenmare but members from that area do not want the proposed abstraction from the River Sheen. Funding was provided for the new sewerage scheme for Kenmare and members wanted to delay the work until September. Members submitted notices of motion in relation to traffic congestion in Kenmare yet they do not want to accept the proposal for the Western By-Pass. Members from that area are demanding something at one meeting and rejecting the proposal at the next meeting.

Cllr. J. Finucane said that in affect removing the indicative line of the road is not of any consequence because an objective for the road is contained in the County Development Plan.

In response Mr. T. Sheehy said that if the Western By-Pass is rejected by members it would be necessary to vary the County Development Plan to remove the objective for this road. If the Council is to proceed in accordance with the County Development Plan it would contravene the wishes of the members.

Cllr. J. Finucane said it appeared to him that the Eastern By-Pass should first be progressed. However; it is unlikely that the funding provided recently by the NRA for the Western By-Pass will be transferred to the Eastern By-Pass. If a reference to the Western By-Pass is removed from the Draft Kenmare Local Area Plan the objective for this road should not be removed from the County Development Plan.

Mr. T. Sheehy said that if the Western By-Pass is not progressed it will not be necessary to refer planning applications in this area to the NRDO in Castleisland for comment. However, if this road is not progressed the options for Kenmare are reduced. There should be no difficulty in carrying out the study and agreeing a route for the proposed Western By-Pass.

Cllr. J. Finucane asked if the study proceeds and the route is identified would it mean that the road would have to be constructed.

Mr. T. Sheehy called on Mr. C. O'Sullivan, Director of Roads and Transportation to clarify the issue of funding.

Mr. C. O'Sullivan said that there are traffic problems in Kenmare. In 2005 a limited study was carried out at the request of the members. It identified that there is very little room to carry out junction improvements. From the road to the Beara Peninsula to the Ring of Kerry road the option of getting around the town is very limited. A By-Pass road cannot go to the east and the only option is to the west. In order to advance this project further funding of €300,000 has been received for relief roads in Kenmare and this funding is for a Feasibility Study and Design Scheme. It would be a poor decision by the Council to remove the indicative line of the Western By-Pass from the Kenmare Plan. The Eastern By-Pass is being progressed and once the line of the Western By-Pass is determined it will be easier to determine planning applications.

Cllr. P. O'Donoghue pointed out that there is an objective in the County Development Plan to provide a Western By-Pass for Kenmare. When the County Development Plan was being considered in 2009 there were no objections to this objective. If this is removed from the Kenmare Local Area Plan we will be a laughing stock. The common good must prevail. It is long established that where bypass roads are provided businesses improve and prosper. It is proposed to carry out a Feasibility Study at this time and the Council does not intend to take land immediately. It would be absolutely ridiculous to return the €300,000 when funding is so scarce. He remembered in the past Cllr. Pat Finnegan objected to the one way system being introduced in Kenmare. When it was implemented traffic moved more freely. He urged members to avail of the funding to carry out a Feasibility Study for this route.

Cllr. N. Foley said that it would appear to be more logical to complete the Eastern By-Pass first and then to consider the Western By-Pass. She asked if the €300,000 allocated by the NRA can be used for the Eastern By-Pass. When the Eastern By-Pass is complete an assessment could then be carried out on its impact and a decision could be taken on the Western By-Pass at that time. She was concerned that if a study was undertaken it would be deemed to be a commitment given to progress with the Western By-Pass.

Cllr. M. Healy-Rae said that the €300,000 allocated was clearly intended for the Eastern Relief Road. If the funding was allocated by the NRA rather than the Department of Transport that is a matter to be resolved between them. There is an agreement that private developers will co-fund the Eastern link road from the Supervalu Store to the Killowen road. He referred to the comments by Cllr. Brassil and said that it was reasonable that business people did not want the Main Street dug up in the month of August at the height of the tourism season and he made no apology to anyone for this. In relation to the Water Abstraction Order he said that the people of Kenmare have come up with an alternative to the River Sheen. The focus for members at the present time is to progress the Eastern By-Pass as it will relieve traffic congestion in the town. The people of Kenmare do not want the Western By-Pass to go ahead.

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Cllr. P. Connor-Scarteen said the €300,000 allocated by the NRA should be used for the Eastern By-Pass. A study on the Western By-Pass is not needed as the Eastern By-Pass would solve traffic problems.

Cllr. P. O'Donoghue asked if the Western By-Pass is rejected will the funding of €300,000 be lost.

Cllr. M. Cahill said that in August 2005 Kerry County Council commissioned a report on traffic in Kenmare which was published by Malachy Walsh & Partners in February 2006. The report made a number of key recommendations as follows: "an indicative Eastern relief road has been included in Kerry County Council Kenmare Local Area Plan which will join the N71 Killarney Road to the R569 Kilgarvan Road. The implementation of the Eastern relief road would provide Kerry County Council with the opportunity to re-evaluate the introduction of long term traffic management." Given this analysis and the fact that the Eastern relief road is not yet complete it would be premature to seek to put in a Western link road. Cllr. Cahill said that at no stage in the 2006 report was there a suggestion of a need for a Western Relief road.

Mr. T. Curran, Co. Manager expressed his disappointment with the debate and the attempt to delete the reference to the Western Relief Road from the Plan. Where the allocation of €300,000 is spent in Kenmare should not matter to the vision for the county. If the Western Relief Road is deleted from the Plan there is no guarantee that this funding will be permitted to be used for the Eastern Relief Road. The Eastern Relief Road is a priority but it will be purely a relief road and will not solve the current traffic problems in Kenmare. Traffic from the Beara road to the Ring of Kerry road can be delayed for a considerable length of time in the town and this must be addressed. Last April the members of Kerry County Council adopted the County Development Plan and it included an aspiration that a Western Relief Road will be provided for Kenmare. He asked what changed councillors minds in the meantime. He took great umbrage from the fact that members are now trying to remove this road from the Plan. Much time and effort has gone into designing roads that are considered to be necessary for the future and that is proper planning and sustainable development. Members are saying that if the Western Relief Road is provided traffic will be taken out of Kenmare and people will not stop there. He pointed out that people who would use the relief road would not stop in Kenmare anyway. If it is the long term plan to provide the Western ring road it is proper planning and development. Mr. Curran said it was his belief that if the Council does not continue with the design of the Western Relief Road it is likely that the allocation of €300,000 will be lost to the county. There were no discussions with the Council on this allocation other than it appeared in our allocation. This allocation is intended for the relief road and he would be concerned that it would be lost but he could not confirm that. However, the funding was intended for National Secondary Roads and this would be appropriate for a road linking the N71 with the N72 which are National Secondary Roads. The Eastern Relief Road is not a National Secondary Road. This

funding was allocated through the NRA. It would be very wrong of the Council and poor in terms of vision to remove the aspiration to develop a relief road in order to suit certain people. It is proper planning and sustainable development to have plans prepared and to be ready to proceed when funding becomes available. The Council have been very progressive so far but to remove the objective for the Western By-Pass in Kenmare would not be a good decision.

Cllr. M. Healy-Rae said that he was standing by his original proposal. This allocation of €300,000 was intended to progress the Eastern Relief Road and he wanted to remove the indicative line of the Western By-Pass as a compromise.

Mr. T. Curran pointed out that this was not a compromise.

Cllr. M. Healy-Rae PROPOSED that the indicative line of the road would be removed but that the objective would remain in the Plan.

Mr. T. Curran said that this would be acceptable.

Cllr. J. Brassil SECONDED this proposal.

Cllr. P. Connor-Scarteen said that he had proposed that the text should also be removed from the Plan and that this was seconded by Cllr. J. Sheehan.

Cllr. P. Connor-Scarteen then withdrew his proposal.

Cllr. Brassil said that he would permit Cllr. Connor-Scarteen to second Cllr. Healy-Rae's proposal.

Cllr. P. Connor-Scarteen then SECONDED Cllr. Healy-Rae's proposal.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen, this Council having considered the County Managers Report and recommendations on submission received in relation to the Kenmare Functional Area Draft Local Area Plan 2010-2016 resolves to amend the Local Area Plan for Kenmare as follows – Having regard to General submission No. G 5 and KEN 15, 18 and 27 resolves to remove the indicative road line for the Western Relief Road from Map 2A in the Draft Plan.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fleming, Foley, D. Healy-Rae, M. Healy-Rae, Leahy, McEllistrim, O'Brien, O'Donoghue, O'Shea, Purtill, Sheahan, O'Connell **(21)**

Against: None **(0)**

Not Voting: None (0)

Absent: Cllrs. Fitzgerald, Gleeson, Griffin, McCarthy, Moloney, Spring (6)

The Mayor declared the resolution CARRIED.

Cllr. B. Cronin said that he understood from the vote just taken that the indicative line of the Western By-Pass would be removed from the Plan but that the objective would remain.

Cllr. M. Healy-Rae said that he wanted it noted that the €300,000 recently allocated was for the Eastern Relief Road.

Submission No. KEN 3	Denis Foley, Main Street, Kenmare
Submission No. KEN 7	Mary O'Sullivan, Kenmare Old, Kenmare
Submission No. KEN 9	Trevor Langley, Rock Street, Kenmare
Submission No. KEN 12	Mary O'Brien, Hawthorn House, Shelbourne Street, Kenmare
Submission No. KEN 13	Brigid Fortscher, 4 Rock Street, Kenmare
Submission No. KEN 19	Dan Joe Sweeney, 6 Downings Row, Kenmare
Submission No. KEN 35	Sean and Kathleen O'Shea, Melrose, Gortamullen, Kenmare
Submission No. KEN 36	Mr. Francis Brennan, Park Hotel, Kenmare
Submission No. KEN 38	Niall O'Shea, Melrose, Gortamullen, Kenmare
Submission No. KEN 49	C Wharton, Wharton's Restaurant, Main Street, Kenmare
Submission No. KEN 50	Padraig Randles, Main Street, Kenmare
Submission No. KEN 52	Dan O'Sullivan, 5 Downey Row, Kenmare
Submission No. KEN 55	Mary and J Tuohy, 31A Main Street, Kenmare
Submission No. KEN 56	Barry Halpenny, 45 Néidin View, Kenmare
Submission No. KEN 57	Mr. Jerry O'Sullivan, Discount Store, Main Street, Kenmare
Submission No. KEN 58	Michael and John Daly, 4 Main Street, Kenmare
Submission No. KEN 60	Rosemary Purcell, 28 Main Street, Kenmare
Submission No. KEN 61	Mr. James McGrath, 29 Main Street, Kenmare
Submission No. KEN 62	Michael and Eleanor Connor-Scarteen, 5 Main Street, Kenmare
Submission No. KEN 67	Dermot Brennan, Leath Phingin Éile, 35 Main Street, Kenmare
Submission No. KEN 68	Richard and Meave Flynn, No. 15 Cill Mhúire, Kenmare

Mr. T. Sheehy informed the meeting that the following submissions would then be taken together KEN 3, 7, 9, 12, 13, 19, 35, 36, 38, 49, 50, 52, 55, 56, 57, 58, 60, 61, 62, 67 & 68 as they all relate to the same issue. While this submission is not agreed he understood an acceptable wording was agreed. It was agreed that the

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additional wording 'and the vehicular access is maintained' will be inserted in the Draft Plan.

Cllr. P. Connor-Scarteen declared in accordance with Section 177 of the Local Government Act 2001 he had a proprietary business interest in this matter and for this matter he would leave the meeting while these submissions were discussed.

Cllr. P. Connor-Scarteen then left the meeting.

Cllr. M. Healy-Rae said that he understood that it was never the intention of management to pedestrianise Rock Street. He welcomed the fact that it was being made clear that the vehicular access would be maintained to ensure that local people who live and work there will have a right to take their vehicles up that street. He PROPOSED that the following wording would be inserted in the Draft Plan "a more pedestrian accessed street and vehicular access is maintained."

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 received in relation to the Kenmare Functional Area Draft Local Area Plan 2010-2016 resolves to amend the Local Area Plan for Kenmare as follows – having regard to Submission Nos.KEN 3, 7, 9, 12, 13, 19, 35, 36, 38, 49, 50, 52, 55, 56, 57, 58, 60, 61, 62, 67 & 68 it is agreed that the additional wording "and vehicular access is maintained" is inserted in the last sentence in Paragraph 3.9.4 of the Draft Plan.

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

For: Cllr. Brassil, Buckley, Cahill, Cronin, Donovan, Ferris, Finucane, Fleming, D. Healy-Rae, M. Healy-Rae, Leahy, McEllistrim, O'Brien, O'Shea, Purtill, O'Connell **(16)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Connor-Scarteen, Fitzgerald, Foley, Gleeson, Griffin, McCarthy, Moloney, O'Donoghue, Sheahan, Spring **(11)**

The Mayor declared the resolution CARRIED.

Submission No. KEN 21 Martin Hallissey, 29 Henry Street, Kenmare

Cllr. M. Healy-Rae said there was a slight error on the map in relation to lands zoned permanent residential. There are houses already on these lands and they should be zoned existing residential. Therefore an additional 2.4 acres of proposed residential zoning should be changed to existing residential. This proposed residential zoning should then be transferred to the lands the subject of KEN 21. He PROPOSED that the 2.4 acres of land the subject of Submission KEN 21 would be zoned permanent residential.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. P. Connor-Scarteen then returned to the meeting.

Mr. T. Sheehy stated that the 2.4 acres of land adjoining the golf course could be zoned permanent residential as another portion of land which is existing residential was zoned permanent residential.

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 received in relation to the Kenmare Functional Area Draft Local Area Plan 2010-2016 resolves to amend the Local Area Plan for Kenmare as follows – having regard to Submission KEN 21 to zone the lands as indicated on Map A permanent residential.

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

For: Cllrs. Brassil, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fleming, Foley, D. Healy-Rae, M. Healy-Rae, Leahy, McEllistrim, O'Brien, O'Shea, Purtill, Sheahan, O'Connell **(18)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllr. Beasley, Buckley, Fitzgerald, Gleeson, Griffin, McCarthy, Moloney, O'Donoghue, Spring **(9)**

The Mayor declared the resolution CARRIED.

Submission No. KEN 23 Kathlyn O'Brien, Killmurry, Kenmare

Mr. T. Sheehy informed the meeting that this is a proposed Protected Structure. This house was built in 1847 as an isolation ward for Kenmare work house, which was demolished in the 1930's. The following is the Managers response – "This structure is a well composed two storey stone building with a uniform façade and

retaining a number of its original features. Its historical significance lies in its association with the Kenmare work house which is now demolished. This building is significant from both a historical/social and architectural viewpoint and its intrinsic architectural value has not been diminished despite some alterations over the years. Kenmare has a Heritage Town designation and this designation is very important from a tourism viewpoint, it is vital in order to maintain and enhance this status that buildings which possess heritage value are protected. It is proposed to develop an architectural heritage trail as part of a tourism initiative.” Mr. Sheehy said the Manager recommends no amendment and that this building should be included in the Record of Protected Structures.

Cllr. M. Healy-Rae PROPOSED that members would accept the protection of the envelope of the building but that the owners would be permitted to alter the interior. He asked that they would be allowed the flexibility to carry out changes to the interior of the building.

Cllr. D. Healy-Rae SECONDED this proposal.

Mr. T. Sheehy said that certain procedures must be followed in relation to Protected Structures. The works that can be carried out are the subject of a Section 57 Declaration and he was not in a position to be specific as to what works would be permitted in the Section 57 Declaration. Mr. E. Fleming of the Planning Department feels that there would be wide latitude in altering the interior of this building.

Cllr. M. Healy-Rae asked Mr. Sheehy if the envelop of the building only could be protected.

Mr. Sheehy confirmed that this is not possible under existing legislation.

Cllr. J. Finucane said he dealt with a similar case recently and the officials were very sympathetic. He PROPOSED that members would accept the principal of protecting the building and allow the officials to decide what works could be carried out at a later date.

Cllr. N. Foley said that she understood that the exterior of the building only could be protected.

Cllr. B. O’Connell asked if members do not protect the building could it be demolished.

Mr. T. Sheehy said that it could.

Cllr. M. Healy-Rae PROPOSED that the Section 57 Declaration would give latitude to the owners of the property to carry out alterations to the interior of the building as he did not wish to see this house demolished.

Mr. T. Sheehy said that members can only decide to either protect the building or not. Mr. E. Fleming has indicated that latitude would be given to the owners on the works to be carried out to the interior of the building.

Cllr. J. Finucane PROPOSED that the recommendation in the Managers Report be adopted in relation to Submission No. KEN 23.

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

Submission No. KEN 24 Arthur and Margaret O'Sullivan, Gortamullen Lodge, Kenmare

Cllr. P. Connor-Scarteen said that there is a reference to a monument on this land which is underground but the owners do not know where it is located.

Mr. T. Sheehy referred members to the Managers response to this submission which reads as follows – “There is a Recorded Monument KE 093-079 (Iron working) on the lands as shown. There maybe no over ground evidence of this monument which explains why the land owner may not be aware of its existence.” Mr. Sheehy said it is not in the power of Kerry County Council to exclude this property from the Record of Protected Structures.

Cllr. P. Connor-Scarteen asked in terms of planning, would planning permission be granted on this land.

Mr. T. Sheehy said that any planning application would have to be referred to the County Archaeologist for his views before a decision could be made.

Cllr. P. Connor-Scarteen asked if there was anything that could be done with regards to this Protected Structure.

Cllr. M. Healy-Rae said that it is unfair on this land owner that his land must be protected while the monument cannot be seen. He asked who decided that a monument was underground at this location.

In response Mr. T. Sheehy said that many of the maps recording monuments go back to 1890 and this is a Recorded Monument.

Cllr. B. Cronin PROPOSED that the recommendation in the Mangers Report in relation to this submission be adopted.

Cllr. P.J. O'Donovan SECONDED this proposal and it was unanimously agreed.

Submission No. KEN 31 O'Mahoney Consulting Engineers, Kenmare, on behalf of Donal McCarthy, Gortamullen, Kenmare

Cllr. P. Connor-Scarteen PROPOSED that the lands the subject of Submission No. KEN 31 would be zoned residential.

Cllr. M. Healy-Rae SECONDED this proposal.

Mr. T. Sheehy indicated the lands the subject of this submission on the map and referred to the portion of land zoned for tourism/leisure and said that this portion of land is actually part of Mr. McCarthy's back garden and it should be zoned existing residential.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. M. Healy-Rae this Council having considered the Co. Manager's Report and Recommendations on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010-2016 resolves to amend the Local Area Plan for Kenmare as follows – having regard to Submission No.KEN 31 to zone the land indicated on Map B existing residential.

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

For: Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Fleming, Foley, D Healy-Rae, M Healy-Rae, McEllistrim, O'Brien, O'Donoghue, O'Shea, Purtill, Sheahan, O'Connell
(20)

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Gleeson, Griffin, Leahy, McCarthy, Moloney and Spring **(7)**

The Mayor declared the resolution CARRIED.

Submission No. KEN 34 McCutcheon, Mulcahy Planning Consultants, Cork on behalf of Irden Partnership, Kenmare

Cllr. M. Healy-Rae referred to Paragraph C on Page 43 of the Manager's Report on this submission. He PROPOSED that the following lines would be added to this paragraph "within the town boundary and the surrounding hinter lands including improved signage" and that the words "at Sheen Falls Estate" would be eliminated.

Mr. T. Sheehy asked if this is in addition to the Manager's recommendation.

Cllr. M. Healy-Rae confirmed that it was.

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Cllr. P. Connor-Scarteen **SECONDED** this proposal.

Mr. McMahon pointed out that it is the Managers recommendation that the text in Section 3.2.1 Paragraph 2 would be amended.

On the PROPOSAL of Cllr. M. Healy-Rae, **SECONDED** by Cllr. P. Connor-Scarteen, this Council having considered the Manager's Report and Recommendations on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010-2016 resolves to amend the Local Area Plan for Kenmare as follows – having regard to Submission KEN 34 resolves to add the following text to Objective T4 'within the town boundary and the surrounding hinterland including improved signage' and eliminating "and at Sheen Falls Estate" and to agree Section 3.2.1 of the Managers Report.

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

For: Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Fleming, Foley, D. Healy-Rae, M. Healy-Rae, McEllistrim, O'Brien, O'Donoghue, O'Shea, Purtill, Sheahan, O'Connell **(20)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Gleeson, Griffin, Leahy, McCarthy, Moloney, Spring **(7)**

The Mayor declared the resolution **CARRIED**.

Submission No. KEN 39

Connan Stratton Reynolds on behalf of Mr. Patrick and Martin Arthur, Kenmare town.

Cllr. P. Connor-Scarteen declared that in accordance with Section 177 of the Local Government Act 2001, he had a business interest in this submission and he would leave the meeting while it was being discussed.

Cllr. P. Connor-Scarteen then left the meeting.

Cllr. M. Healy-Rae said that all members received a leaflet containing facts relating to this piece of ground. Cllr. Healy-Rae then produced a large photograph and identified the land in the photo. Members must decide whether or not to zone this land for mixed use. There isn't much land zoned for mixed use in Kenmare. He then identified some of the areas zoned for mixed use as follows. The first one is at the service station and Shelbourne House and that land is unlikely to be available for development. The area in front of the Park Hotel is also zoned for mixed use and this will not become available either. Land is also zoned around the Kenmare Bay Hotel but this is the curtilage of the hotel and will not become available for development. The circus uses this site once a year and there is

adequate access to these lands from Market Street. People travelling to the circus had no difficulty accessing that site and an engineers report states that the access is adequate. An EIS prepared by Kerry County Council states that the access is adequate so he could not understand why management were opposed to this proposed zoning. This was the biggest employer in Kenmare for years as the quarry was nearby. Following that the Arthur Saw Mills used that yard for storage of timber and drying shed were located further down the road. All that business was carried on at this location. He could not understand why members could not zone this land for mixed use. Even if the land is zoned it would still require planning permission before it can be developed.

Cllr. Healy-Rae then circulated the photograph to all members. He again stated that there is adequate access to these lands and he called on all members to support it. In conclusion he PROPOSED that the lands the subject of Submission KEN 39 be zoned 'mixed use'.

Cllr. D. Healy-Rae SECONDED this proposal.

Mr. T. Sheehy said that the EIS referred to by Cllr. Healy-Rae was prepared for the construction of the sewerage treatment plant. The only traffic in and out there is the caretaker who goes in and out daily and maybe takes a trailer once or twice a week up and down this route. Much of the land zoned mixed use is reflecting existing use and two portions of land approximately 8 or 9 acres each have been zoned mixed use. This is a total of approximately 16 acres which is more than adequate to meet the needs of Kenmare. A lot of money has been spent on infrastructure at various locations in Kenmare. He said that the access to this land is totally inadequate. If the Western Relief Road proceeded access would be improved. He then displayed a number of photographs showing the access to this land. He said that members were proposing to zone land which was already congested and the access is very narrow. Further up the laneway, the situation is the same in that it is very narrow. There are no footpaths in parts of this laneway and he believed it was totally inadequate to service these lands. He believed that the zoning of the land would give false hope to the owner as he believed planning permission would be refused on the grounds of access. It was obvious that all three points stated by Cllr. M. Healy-Rae were spurious.

Cllr. P.J. Donovan asked what the length of this laneway was.

In response, Mr. T. Sheehy said that it was a couple of hundred metres in length. He added that circus come in the middle of the night and the fact that the circus uses this land is irrelevant.

Cllr. D. Healy-Rae said that he has been up and down this laneway with a lorry and he never encountered a problem.

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Cllr. M. Healy-Rae said that Mr. Sheehy indicated that planning permission would be refused at this location yet Kerry County Council granted planning permission for a number of houses in this area in the past. The Highway Engineer's Report says that the access is adequate.

Cllr. B. Cronin said that the EIS had indicated that there is good access to this site.

Mr. T. Sheehy said that that report was prepared in the context of the caretaker of the Sewerage Treatment Plant. He again pointed out that the mixed use zoning of these lands is inappropriate. He said, however, that in time, it may be possible to provide a car park there but not at this time.

Cllr. M. Healy-Rae said that the people of Kenmare are glad to have this facility available.

Cllr. T. Ferris asked what the consequence would be if this land is zoned.

Mr. T. Sheehy said that there are no implications as it is not proposed to zone the land residential.

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 received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Kenmare as follows, having regard to Submission Ken 39 to zone the lands for mixed use.

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

For: Cllrs. Cahill, Donovan, Fleming, D. Healy-Rae, M. Healy-Rae, Sheahan **(6)**

Against: Cllrs. Brassil, Buckley, Cronin, Ferris, Fitzgerald, O'Brien, O'Donoghue, O'Shea, Purtill, O'Connell **(10)**

Not Voting: Cllrs. Finucane, Foley **(2)**

Absent: Cllrs. Beasley, Connor-Scarteen, Gleeson, Griffin, Leahy, McCarthy, McEllistram, Moloney, Spring **(9)**

The Mayor declared the resolution DEFEATED.

Cllr. P. Connor-Scarteen then returned to the meeting.

**Submission No. Ken 41 McCutcheon Mulcahy Planning Consultants,
Ballincollig, Co. Cork on behalf of the Sisters of
St. Clare**

Cllr. P. Connor-Scarteen pointed out that a portion of this land is included in the Draft Plan as amenity but it is in fact the Nun's Garden and they want it zoned "Institutional/Educational". He thanked Mr. Sheehy for agreeing to relocate the designated walkway to the opposite side of the river.

Mr. T. Sheehy advised the meeting that this portion of land, which is currently zoned "Amenity" in the Draft Plan should be zoned "Public / Community / Institutional / Educational" as indicated on Map C.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. M. Healy-Rae, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Kenmare as follows, having regard to Submission No. Ken 41 to zone a portion of land currently zoned "amenity" in the Draft Plan as "Public / Community / Institutional / Educational" as indicated on Map C.

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

For: Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Finucane, Fleming, Foley, Griffin, D. Healy-Rae, M. Healy-Rae, Moloney, O'Brien, O'Donoghue, O'Shea, Purtill, Sheahan, O'Connell **(19)**

Against: None **(0)**

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

Absent: Cllrs. Beasley, Fitzgerald, Gleeson, Leahy, McCarthy, McEllistrim, Spring **(7)**

The Mayor declared the resolution CARRIED.

Submission No. Ken 43 Michael Hoad, Peninsula Action Group

Mr. T. Sheehy informed the meeting that there was no agreement with the recommendation in the Manager's Report on this submission. It is recommended that the amenity area would be extended as he indicated on the map. Members are not in agreement with this and they wanted the portion, which he then indicated on the map, to the Point to be included in the amenity area.

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Cllr. P. Connor-Scarteen said that this is a spectacular area and should be protected. He PROPOSED that the amenity area be extended as indicated on the map by Mr. Sheehy.

Cllr. M. Healy-Rae said that if the proposal was to retain the amenity area in accordance with the Kenmare Local Area Plan of 2004 which he proposed, then he was satisfied and would second this proposal.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. M. Healy-Rae, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Kenmare as follows. having regard to Submission No. Ken 43 it is agreed to extend the 'passive amenity' area along the waterfront as indicated on the attached Map D.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Fleming, Foley, Griffin, D. Healy-Rae, M. Healy-Rae, Moloney, O'Donoghue, O'Shea, Purtill, O'Connell **(20)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Gleeson, Leahy, McCarthy, McEllistrim, O'Brien, Sheahan, Spring **(7)**

The Mayor declared the resolution CARRIED.

Submission No. Ken 45
Submission No. Ken 51

Timothy O'Neill, Raycoslough, Blackwater
Margaret Chrishan, No. 5 Finnihy Banks,
Killarney Road, Kenmare.

Cllr. M. Healy-Rae suggested that Submission No's KEN 45 and 51 should be taken together as they both relate to a map showing Finnihy Heights as prone to flooding. He pointed out that these houses were never flooded and it is unfair to include them in the map.

Mr. T. Sheehy agreed to deal with both these submissions together. He added that he requested the Roads Overseer to investigate this matter and he acknowledged that while the roads in the estate at Finnihy Banks had flooded, the houses did not flood. However, he wanted to bring it to the attention of

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anyone reading the Plan that there was flooding in the Estate but the houses were not flooded.

Cllr. M. Healy-Rae said that he felt this was unfair if a house was never flooded yet the Plan states that the estate flooded.

Mr. T. Sheehy said that no-one is questioning the line in the map which shows the extent of the flooding. It is an awkward situation as he did not want to move the line of the flooding and yet he did not want to give the impression that these houses were flooded.

Cllr. P. Connor-Scarteen said that a small section of the lower section of this estate only had flooded.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Kenmare as follows. Having regard to Submission Nos. Ken 45 and 51 the following text to be inserted into the Draft Plan. "In relation to Finnihy Banks estate, the map indicates the extent of water flooding but not that the dwellings within the estate were flooded".

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Fleming, Foley, Griffin, D. Healy-Rae, M. Healy-Rae, McEllistrim, Moloney, O'Donoghue, O'Shea, Purtill, Sheahan, O'Connell **(22)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Gleeson, Leahy, McCarthy, O'Brien, Spring **(5)**

The Mayor declared the resolution CARRIED.

Submission No. Ken 63 Edward C. Egan, Bell Height, Kenmare

Cllr. M. Healy-Rae PROPOSED that members would not accept the recommendation in the Manager's Report and that this property would be deleted from the Record of Protected Structures.

Cllr. D. Healy-Rae SECONDED this proposal.

Mr. T. Sheehy said that following discussions with the owner, Management were in agreement not to proceed with the inclusion of this property in the Record of Protected Structures.

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 received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Kenmare as follows. Having regard to Submission No. Ken 63 that this structure would not be included in the Record of Protected Structures.

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

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

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Gleeson, Leahy, McCarthy, O'Brien **(4)**

The Mayor declared the resolution CARRIED.

**Submission No. Ken 91 EML Architects, 20 Cruise's Street, Limerick
on behalf of Coakley Moriarty Solicitors**

Cllr. M. Healy-Rae thanked Mr. Sheehy for viewing this building. He said he intended to propose that the front wall and two gables only would be protected and that provision would be made for an extension to the back of this building. This building is in a poor condition and will be sold. However, it is of no use to anyone unless it can be developed inside and an extension constructed to the rear. He appreciated the fact that this is a very old house but he said the owner must be allowed to sell it. He PROPOSED that the inside of the building would not be protected and that provision would be made to allow an extension to the rear of the building in time.

Mr. T. Sheehy said that he inspected this building and it would require a Section 57 Declaration to state what works would be permitted. It is not intended to protect the inside of the building and any proposed extension to the rear would be considered in the light of its impact on the integrity of the existing building. It is important that this building would be protected.

Cllr. M. Healy-Rae said that the vast majority of houses in Kenmare Town had extensions put onto the back and that is how these businesses were facilitated. An extension to the rear of this building must be allowed and the interior must be renovated.

Cllr. J. Finucane PROPOSED that the building would be protected and that the Section 57 Declaration would allow for renovations to the interior of the building.

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

Mr. Sheehy informed members that as they were in agreement with the Manager's Report, there was no need to take a vote on this proposal.

Designation at Lansdowne Arms Hotel

Cllr. M. Healy-Rae referred to the designation of a portion of land for a car park at the Lansdowne Arms Hotel and PROPOSED that this be removed and that the land would be zoned "Town Centre". It is very unfair to zone this land for a car park when the land was purchased for development.

Cllr. P. Connor-Scarteen SECONDED this proposal.

Mr. T. Sheehy said that he had considered this proposal and he was in agreement with it.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Kenmare as follows. That the lands designated P3 on Map 2B would be zoned for "Town Centre" designation.

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

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

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Gleeson, Leahy, McCarthy, O'Brien **(4)**

The Mayor declared the resolution CARRIED.

Cllr. M. Healy-Rae declared that in the last Kilgarvan Local Area Plan, he had a field that was zoned for residential development and this has now been de-zoned and he is satisfied with this.

Cllr. D. Healy-Rae also declared that he owned a plot of land in Kilgarvan which was zoned in the last Kilgarvan Local Area Plan but has now been de-zoned and he is also satisfied with that.

Suspension of Standing Orders

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

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. D. Healy-Rae, it was agreed to suspend Standing Orders to allow the meeting to continue.

Submission No. KG1 (A) and (B) **John Malone, Candroma,
Kilnamartyra, Macroom**

Cllr. B. Cronin indicated the lands, the subject of this submission on the map and said that the school is located to the North of it. The land consists of 1.1 acres approximately and the submission proposes that the land would be zoned for mixed use streetscape. Mr. Sheehy has rejected this proposal. In the previous Kilgarvan Plan, there were much larger portions of land included for residential development and 7 acres of land to the back of this land has been de-zoned. This 1.1 acres is owned by Mr. Malone. To the East of this land is residential development and the School is to the North. It is close to the town centre and it is hoped that a Montessori school, childcare facility and offices could be developed and the area is small. In an attempt to reach a compromise, he PROPOSED that 843 sq. metres would be retained for a park in an effort to facilitate the Council in developing a play area. This playground size is based on the playgrounds in Sneem and Castlecove. This is a very fair proposal and would enhance the village. He then circulated a map to all members and asked for their support for his proposal and he indicated that the area marked blue on the map would be zoned for mixed use streetscape and the remainder would be zoned for a playground.

Mr. T. Sheehy indicated houses on the map in this area and said that many of them are vacant. There are approximately 20 vacant houses in this area and there is an over supply in Kilgarvan as it is. Land is already zoned "Mixed Use Streetscape" and he indicated the land already zoned for this purpose on the map. He did not see the need for a mixed use streetscape at this location as there is sufficient land zoned for this purpose in the Plan.

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Cllr. B. Cronin said that every parent in Kilgarvan will pass this location for 9 months of the year on their way to the school. It is not fair to use the argument of the vacant estate across the road to prevent this development. This development is intended to facilitate a Montessori school, childcare facility etc and it is only 35 or 40 metres from the school so it is an ideal location. This zoning will also facilitate the development of a playground. This landowner is only seeking to have 1.1 acres zoned and it is a very fair proposal.

Cllr. J. Sheahan said that this is a very fair proposal and the location near the school is excellent. He believed that there is room for a business to start up at this location.

Cllr. D. Healy-Rae asked if the proposed development would include a residential element to it.

In response, Mr. T. Sheehy said that it would over the shops.

Cllr. D. Healy-Rae asked if planning permission was granted for residential development near the Community Centre.

Mr. T. Sheehy said that Kilgarvan is disjointed but in drawing up the Plan, they were restricted because permission was granted for 40 houses and 24 houses are empty. There is no way this zoning can be justified. He indicated the land zoned mixed use in Kilgarvan and said there was no requirement for additional mixed use zoning.

Cllr. B. Cronin asked if there was a substantial block of land de-zoned in the Plan which was previously zoned residential.

Mr. T. Sheehy said that approximately 50 acres was de-zoned in the current Plan.

Cllr. D. Healy-Rae pointed out that there were five shops up the Railway Road which is the road that leads to the school and all these are now closed.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Sheahan, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Kilgarvan as follows. Having regard to Submission No. KG 1 (A) and (B) to zone the lands indicated on Map E for mixed use streetscape.

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

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

Against: None **(0)**

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

Absent: Cllrs. Gleeson, McCarthy, O'Brien **(3)**

The Mayor declared the resolution CARRIED.

Submission No. KG 3 Cllr. Michael Healy-Rae on behalf of F. Hickey

Cllr. M. Healy-Rae PROPOSED that Submission KG 3 be adopted and said that at the Area Meeting last Thursday, it was agreed that as the road was to be removed from the Plan with the objective retained, it would be acceptable.

Cllr. P. Connor-Scarteen SECONDED this proposal.

Mr. T. Sheehy said that provided the text is retained in the Draft Plan, he would have no difficulty with this.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Kilgarvan as follows. Having regard to Submission No. KG 3, it is agreed to extend the "mixed use" zone at the eastern boundary of the village as indicated on Map F and to remove the indicative line of the road from the map.

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

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

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Buckley, Gleeson, McCarthy, O'Brien **(4)**

The Mayor declared the resolution CARRIED.

**Submission No. KG 5 Billy Moyles, Planning & Engineering Consultants
on behalf of Roughty Valley Co-op**

Mr. T. Sheehy informed the meeting that this Submission seeks to have lands at Meelick, Kilgarvan zoned for commercial/industrial development. There is a previous refusal of permission on this site, however, he was satisfied that the roads issue could be addressed through the provision of lay-bys but he did not want to zone the land because he was not satisfied that the landowner could ensure the provision of these lay-bys.

Cllr. P. Connor-Scarteen PROPOSED that this land be zoned for light industrial use. In relation to the problem with the road, he believed all members could help with the provision of lay-bys. This Co-op was established in 1972 and it is important that the land is zoned. He called on all councillors to support this Submission.

Cllr. J. Finucane asked if the concerns regarding the road could be formalised as the Co-op wants certainty.

Mr. T. Sheehy pointed out that this road is bad and for this reason it would not be good practice to zone the land. Permission can be granted for light industry in rural areas and each case is considered on its merits. In that case there would be no need for a material contravention of the County Development Plan. Regardless of whether the land is zoned or not, the issue of the road will have to be addressed. On that basis, he would see no point in zoning this land. He recommended that members would accept the Manager's recommendation and the Planning Department could facilitate the development if the roads issue is resolved.

Cllr. J. Finucane asked if the land could be zoned on the proviso that a Roads Plan would be submitted.

Cllr. M. Healy-Rae said that there are 6,000 pigs being reared at this location and there are lorries travelling there every day with feedstuff for them. The road is suitable for these vehicles and he felt it was not reasonable to say the road was unsuitable. The Co-op is giving sustainable employment. The Co-op is seeking to have approximately 5 acres zoned in Kilgarvan where there is a desperate need for development. It would be possible to facilitate a development at this location which may not be suitable for other more developed areas, for example, a woodchip business.

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Mr. T. Sheehy said that if clarification is required in relation to the road, it would be possible to include an objective in the rural section of the Plan which would be Objective RU 24 which would state "it is an objective of the Council that the development of these lands is contingent on roads upgrading and improvement to the satisfaction of Kerry County Council".

Cllr. M. Healy-Rae PROPOSED the compromise outlined by Mr. Sheehy.

Cllr. P. Connor-Scarteen SECONDED this proposal.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Kilgarvan as follows. That the lands, the subject of Submission No. KG 5 be zoned for industrial development and labelled RU 24 and by the insertion of Objective RU 24. It is an objective of the Council that the development of these lands is contingent on road upgrading and improvements to the satisfaction of Kerry County Council.

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

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

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cronin, Gleeson, McCarthy **(3)**

The Mayor declared the resolution CARRIED.

Votes of Sympathy

The following Votes of Sympathy were noted from the Vote of Sympathy book:

- (a) Cllrs. D. Healy-Rae and T. Fleming extended a vote of sympathy to the family of the late Eleanor Moynihan.
- (b) Cllrs. D. Healy-Rae and T. Fleming extended a vote of sympathy to the family of the late Jack Houlihan.
- (c) Cllr. J. Sheahan extended a vote of sympathy to the family of the late Tom Doona.

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- (d) Cllr. M. Moloney extended a vote of sympathy to the family of the late Greg Moynihan.
- (e) Cllr. R. Beasley extended a vote of sympathy to the family of the late Maurice Delaney.
- (f) Cllr. R. Beasley extended a vote of sympathy to the family of the late Caroline Kennedy.

Cllr. M. Healy-Rae said that this was the last occasion on which Mr. T. Sheehy would deal with Local Area Plans. He wanted to acknowledge his great work and assistance over the last number of years. His help is greatly appreciated and he is a highly experienced man.

The meeting concluded at 2.00pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry