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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 17 BEALTAINÉ 2010 A CUIREADH AR
ATHLÓ.**

**MINUTES OF THE ADJOURNED SPECIAL PLANNING MEETING OF
KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS
AN CHONTAE, TRALEE ON MONDAY 17TH MAY 2010.**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

ABSENT

Councillors/Comhairleoirí

T. Buckley	S. Fitzgerald	D. Healy-Rae
A. McEllistrim		

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, Co. Manager	Mr. M. McMahon, Dir of Planning
Mr. J.D. Flynn, Dir. Of Corp. Services	Ms. A. McAllen, A/Head of Finance
Mr. C. O'Sullivan, Dir. Of Roads	Mr. J. Breen, Dir. Of Hsg.,Comm.&Ent.
Mr. P. Stack, SE Planning	Mr. G. O'Brien, Mtgs. Administrator
Mr. D. O'Malley, Sen. Exec. Planner	Ms. J. McCarthy, SEO Planning
Ms. M. Enright, Sen. Exec. Planner	Mr. E. Fleming, Executive Planner
Ms. A. Moriarty, Tech. Planning	Mr. E. Kelleher, Asst. Planner
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 2.40pm.

The Mayor B. O'Connell took the Chair.

Mr. G. O'Brien reminded members to sign in for the meeting as it was a separate meeting to the May Ordinary Meeting.

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.”

In conclusion the Mayor informed members that there could be no interaction with members of the public during the meeting.

10.05.17.01 Manager's Report on Submissions/Observations received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016.

Mr. M. McMahon, Director of Planning informed members that at a previous meeting they agreed that the overall complement of zoned lands to be dealt with in Killorglin is in accordance with the Settlement Strategy in the County Development Plan. The previous Monday afternoon, officials from the Planning Department met with the Killorglin Area councillors for 3 hours. Following this meeting he understood there was broad agreement on how the County Manager's Report would be dealt with. He proposed that they would outline to members where there is broad agreement with the Manager's Report and individual submissions that were not agreed would then be dealt with based on the agreement that the overall amount of land zoned for residential development would be in accordance with previous agreements. He then called on Mr. P. Stack to brief members on the submissions that were agreed.

Mr. P. Stack said that he would first indicate the submissions that were agreed.

Cllr. P.J. Donovan stated that at the Killorglin Area Meeting progress was made, however, there was no agreement in relation to Glenbeigh and he understood that planning officials undertook to review the map and to revert to members prior to that meeting. He understood that there is land in Killorglin that can be de-zoned and he believed that progress could be made. He PROPOSED that this matter would be referred back to the Killorglin Area councillors for further discussion.

P. Connor-Scarteen SECONDED this proposal.

Cllr. M. Cahill said he was very uneasy in relation to the rezoning of land. He received a solicitor's letter from one such land owner whose land is proposed to be rezoned and there is mention of High Court action and a Judicial Review. The Killorglin Functional Area Draft Local Area Plan provides for the zoning of 52 acres for residential purposes in Killorglin with 11 acres in Glenbeigh and just 3 acres in Cromane. Cllr. Cahill stated that in Kenmare over 600 acres were zoned residential. Killorglin is a much bigger town than Kenmare with more factories, jobs etc. He asked how the acreage was decided upon for each local area plan and said there must be fairness in this process. Much of the land zoned will not be developed. He again stated that he was very uneasy about this whole process and while he acknowledged financial circumstances must not be considered he would not ruin any family.

Cllr. J. Finucane said that members agreed on the amount of land to be zoned for residential purposes in each of the settlements and he took exception to members pointing the finger at Kenmare. It is the Council's function to zone land. There are a number of people in difficulty because of the actions of the Banks but the amount of money being paid by the tax payers of this country to bail out the Banks leaves the amount of stamp duty paid by those who purchased this land in the shade. Members took a decision to adopt this process and Cllr. O'Donovan made a proposal that this Plan should be referred back to a meeting of the Killorglin members in an effort to find a solution.

The Mayor asked if there was room for improvement if this Plan is referred back to the Killorglin Area councillors for further discussion.

In response Mr. McMahon said that they spent 6 hours discussing the Manager's Report on submissions on the Killorglin Functional Area Local Area Plan at the last meeting. He left after 2 ½ hours and he understood there was broad agreement amongst the members.

Cllr. B. Griffin said that local information relating to lands that have been zoned that will not be developed has come to light and he understood that as a result of this there could be a way forward which would be acceptable to most people.

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Cllr. M. Moloney said that when this Plan was put on public display one builder checked the map to ensure his land were zoned and it was. It is now proposed to dezone this land but he has an agreement with Kerry County Council in relation to a Part V.

Cllr. J. Sheahan asked how many acres of the (Name withheld for Data Protection purposes) holding have been zoned residential in the Plan.

Mr. M. McMahon said that in preparing a local area plan the Planning Department is not concerned with individual landowners but with the proper and sustainable development of the area.

Cllr. M. Healy-Rae said that while progress was made in some of the settlements in this Plan there was no progress in relation to Glenbeigh. He understood the Planning Department would bring a proposal to members in relation to Glenbeigh prior to today's meeting. The current Plan is unbalanced. If it requires another meeting of the Killorglin Electoral Area and further changes then so be it. All members are in receipt of correspondence indicating that a landowner has an agreement with Kerry County Council under Part V yet members were advised that this was not the case.

Mayor B. O'Connell suggested that the members for the Killorglin Electoral Area should again meet with Management in an effort to resolve this issue.

Cllr. J. Brassil said that the meeting could be adjourned if it would make a difference but the bottom line is difficult decisions must be made by members and this would mean adhering to the agreement already made.

Cllr. P. O'Donoghue said that people were informed that their lands were zoned and it is now being proposed that this land should be dezone with no notice to the land owner. He offered a solution at last weeks meeting that the Killorglin Functional Area Local Area Plan would remain as it was adopted in 2004.

Cllr. T. Ferris said that when the Plan is being adopted individual land owners are putting pressure on councillors. She agreed that hard decisions must now be made. If the Plan is not made and it expires all existing zoned land will cease to be zoned. It is time that members did what they were elected to do.

Cllr. J. Finucane said Cllr. Donovan had proposed that another effort would be made to bring about a resolution through a meeting of the members from the Killorglin Electoral Area and this seemed reasonable.

Mr. McMahon said that in relation to Glenbeigh, 11 acres have already been zoned residential and this included headroom of 2 ½. This allows for the provision of 55 houses during the lifetime of the Plan. However submissions were received and these are proposing to zone a further 22 acres, so it is very difficult to see any progress being made. For this reason he could not see what a further meeting would achieve. The Planning Department feels that adequate land is already zoned in Glenbeigh. He added that whatever

material amendments are made the Draft Plan will be subject to further public consultation. The Managers Report on submissions/observations received on the proposed amendments will then be brought back for consideration by the members in July. This public consultation phase will allow the opportunity for people to make submissions on the proposed amendments.

Cllr. P.J. Donovan agreed with Mr. McMahon's comments in relation to Glenbeigh. However, at the last Killorglin Electoral Area meeting following Mr. McMahon's departure from the meeting the Planning officials undertook to review the map and to come back to members prior to today's meeting, but this did not happen.

Cllr. M. Cahill said that the 22 acres referred to by Mr. McMahon were already zoned in the 2004 Plan and two of these zonings were proposed by the Forward Planning Unit.

Cllr. B. Griffin said that he felt that with further discussions a good plan for Killorglin could be agreed. New information had come to hand over the past few days and he felt it would be necessary to have further discussions at area level.

Cllr. T. O'Brien said that he could not see these issues being resolved in one hour.

Cllr. P. O'Donoghue asked what is the additional information that came to hand in the last few days.

Cllr. B. Griffin said that he could not discuss individual cases.

Cllr. J. Brassil pointed out that individual submissions are considered when local area plans are being made.

The Mayor informed the meeting that he would then take a vote on the proposed adjournment of the meeting.

Cllr. T. Ferris urged members to be cautious and said that they could not take personal circumstances into consideration and any decision must be based on proper planning and development.

Mr. G. O'Brien, Meetings Administrator stated that there was a proposal to adjourn the meeting.

Cllr. M. Gleeson asked if members agreed to this when would the adjourned meeting be held – would it be in two or three week's time.

Cllr. P. O'Donoghue said that if members were being asked to vote in favour of adjourning the meeting based on new information they were entitled to know what the information is.

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Cllr. J. Finucane said that the proposal is to adjourn the meeting to allow the Killorglin members to discuss the Managers Report further.

Mr. M. McMahon said that in his view if the meeting is adjourned it could not resume later that day. An amount of work went into preparing maps etc. in advance of today's meeting and the soonest the meeting could resume would be in a week.

Mr. J. D. Flynn advised members that if they were adjourning the meeting they needed to fix a date and time for the next meeting.

Mr. G. O'Brien suggested that the meeting could be adjourned until Monday, 24th May 2010 at 10am.

A number of members requested that the meeting would be held in the afternoon.

Mr. M. McMahon informed the meeting that members had 6 weeks to deal with the Managers Report. If it is not dealt with in that time the Managers Report will then be adopted.

On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. P. Connor-Scarteen, this Council resolves to hold the Adjourned Special Planning Meeting in relation to the Killorglin Functional Area Draft Local Area Plan on Monday, 24th May 2010 at 2:30pm.

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

For: Cllrs. Cahill, Connor-Scarteen, Donovan, Finucane, Fleming, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, Moloney, Purtill, Sheahan, Spring, O'Connell **(15)**

Against: Cllrs. Beasley, Brassil, Cronin, Ferris, Foley, O'Brien, O'Donoghue, O'Shea **(8)**

Not Voting: None **(0)**

Absent: Cllrs. Buckley, Fitzgerald, D. Healy-Rae, McEllistrim **(4)**

The Mayor declared the resolution CARRIED.

Mr. G. O'Brien asked members when it was proposed to reconvene the Killorglin Area meeting to further consider the County Manager's Report.

Members stated that the meeting would commence immediately.

Cllr. T. Ferris pointed out that if the Killorglin Functional Area Draft Local Area Plan is not adopted after 6 weeks the Manager has responsibility for making the plan and then the local area councillors will not have to make the hard decisions.

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The Meeting concluded at 3:10pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry