

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

**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE COMHAIRLE  
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN  
CHONTAE, TRÁ LÍ, AR AN LUAN 24 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 24<sup>TH</sup> MAY 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	M. Healy-Rae
P. Leahy	P. McCarthy	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***

D. Healy-Rae

**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. J. Breen, Dir. Of Hsg.,Comm&Ent.	Mr. B. Looney, Head of IT
Mr. P. Stack, SE Planning	Mr. G. O'Brien, Mtgs. Administrator
Mr. D. O'Malley, Sen. Exec. Planner	Ms. J. McCarthy, SEO Planning
Ms. A. McAllen, Fin. Mgmt. Account.	Ms. A. Moriarty, Tech. Planning
Mr. E. Kelleher, Asst. Planner	Mr. D. Ginty, Exec. Planner
Ms. A.M. Costelloe, Asst. Planner	Mr. L. Brosnan, AO Planning
Mr. P. Corkery, Press & Comm. Off.	Ms. B. Reidy, S.S.O. Corp. Affairs
Ms. O. O'Shea, C.O. Corp. Affairs	

The meeting commenced at 2:40pm.

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

### **Vote of Sympathy**

The Mayor extended a vote of sympathy to the Spring family on the death of former Councillor Maeve Spring. Maeve was a superb contributor when she was a member to Kerry County Council and she will be a great loss not only to the people of Tralee but North Kerry also. He stated that members would be given the opportunity to pay tribute to former Councillor Spring at the June Council 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.

### **Civic Reception**

Mr. G. O'Brien, Meetings Administrator informed the meeting that at the April Council Meeting approval was given to host a Civic Reception to honour the achievements of the owners and trainer of "Lisloose Accord" on winning the Irish Coursing Oaks and Coursing Bitch of the Year Award for 2009/2010. At this event it is also intended to honour the achievements of the owners and trainer of "College Causeway", winner of the 2009 Irish Derby, the Ladbroke 600 and Track Greyhound of the Year Award 2009. This Reception will take place on Friday, 11<sup>th</sup> June at 7pm at the Kingdom Greyhound Stadium.

It was unanimously agreed that this Civic Reception would be held.

**10.05.18.01 Manager's Report on Submissions or Observations received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016**

Mr. M. McMahon, Director of Planning informed the meeting that the County Manager's Report and Recommendations on submissions received on the Killorglin Functional Area Draft Local Area Plan was circulated. This report was discussed at an initial meeting 2 weeks ago and a decision was taken that the overall quantum of zoned land for Killorglin would be maintained as agreed by Council previously. At the meeting held on 10<sup>th</sup> May it was agreed that further discussions would take place between the elected members for the Killorglin and Dingle Electoral Areas and the staff of the Planning Department in relation to the issues not yet agreed. A list of all submissions received was circulated to members together with the Planning Departments understanding of what is agreed with members. He proposed to deal with the General submissions first.

**General**

Mr. McMahon informed the meeting that 5 General submissions were received and he understood that members were in agreement with the recommendations in the Manager's Report in relation to them. These submissions are G1, G2, G3, G4, and G5.

On the PROPOSAL of Cllr. M. Healy-Rae, seconded by Cllr. M. Cahill it was unanimously agreed to accept the recommendations in the Managers Report in relation to Submissions G1, 2, 3, 4 and 5.

**Killorglin**

Cllr. M. Gleeson asked what is the total acreage to be zoned residential in the Killorglin Functional Area Local Area Plan.

Mr. McMahon referred councillors to Page 22 of the Draft Plan where the acreage to be zoned is set out i.e. Killorglin 52 acres, Glenbeigh 11, Cromane 3, making a total of 66 acres. He informed the meeting that in relation to Killorglin town he understood the following submissions were agreed – KLG 1, 2, 3, 4, 5, 8, 9, 13, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 32, 33 and 34.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Cahill it was unanimously agreed to accept the recommendations in the Managers Report in relation to these submissions.

Mr. McMahon informed the meeting that he would then deal with individual submissions not yet agreed. Following discussions with members at the Killorglin Electoral Area Meeting 5 proposals have been identified regarding lands already zoned residential. They total 8.37 hectares and it is intended that these would be either de-zoned or the zoning changed to allow for the zoning of other land. To advance the process further he requested Mr. P. Stack to outline the various parcels of land involved in this initial process. As

this is not in accordance with the Manager's Report it will be necessary to take a vote on each proposal.

Mr. P. Stack said that he understood that 8.37 hectares of land in the Draft Plan could be removed from 'Residential Proposed' to facilitate members in dealing in other submissions. He said that he would indicate where the 8.37 hectares are located as follows. He referred members to Map H which was then circulated and which was also displayed on screen. He indicated the brown area on the map which was proposed to be zoned 'Residential Proposed'. The portion of land marked A on the map will be amended from 'Residential Proposed' to 'Rural General' and this area would be located outside the Local Area Plan boundary and the zoning of the portion of land marked B on Map H would be amended from Residential Proposed' to 'Residential Existing'. This would free up 2.19 hectares and would result in 2 hectares remaining zoned 'Residential Proposed'. This land is located on the road to Sunhill on the right hand side over the bridge.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. AJ Spring this Council having considered the County Manager's Report and Recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 -2016, resolves to amend the Local Area Plan for Killorglin as follows: (a) that the zoning of the portion of land marked 'A' on the Map H circulated (attached) be amended from 'Residential Proposed' to 'Rural General' and that this area be located outside the LAP boundary (b) that the zoning of the portion of land marked 'B' on Map H (attached) be amended from 'Residential Proposed' to 'Residential Existing'.

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, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Brien, O'Donoghue, O'Shea, Purtill, Sheahan, Spring, O'Connell **(26)**

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

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

**Absent:** Cllr. D. Healy-Rae **(1)**

The Mayor declared the resolution CARRIED.

Mr. Stack then referred members to Map I which was circulated to all members and he indicated a parcel of land measuring just over 6 hectares close to the football pitch which was to be zoned 'Residential Proposed'. It is now proposed to remove 3.01 hectares, which he indicated on the map and to zone it 'Rural General'.

On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. R. Beasley this Council having considered the County Manager's Report and Recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010-2016 resolves to amend the Local Area Plan for Killorglin as follows – that the zoning of the portion of land indicated on Map I circulated (attached) be amended from 'Residential Proposed' to 'Rural General' and that this area be located outside the LAP boundary.

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, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Brien, O'Donoghue, O'Shea, Purtill, Spring, O'Connell **(25)**

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

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

**Absent:** Cllrs. D. Healy-Rae, Sheahan **(2)**

Mr. P. Stack then referred to Map J which was circulated to all members. He indicated a portion of land on the map displayed and said it was accessed through Iveragh Park. It is close to the soccer pitches and is on the right hand side of the road. It is now proposed to remove 1.22 hectares from 'Residential Proposed' and zone it 'Rural General' and this would leave ¾ hectare zoned 'Residential Proposed.'

On the PROPOSAL Cllr. B. Griffin, SECONDED by Cllr. J. Finucane this Council having considered the County Managers Report and Recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010-2016 resolves to amend the Local Area Plan for Killorglin as follows: that the zoning of the portion of land indicated on Map J circulated (attached) be amended from 'Residential Proposed' to 'Rural General' and that this area be located outside the LAP boundary.

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, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Brien, O'Donoghue, O'Shea, Purtill, Sheahan, Spring, O'Connell **(26)**

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

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

**Absent:** Cllr. D. Healy-Rae (1)

The Mayor declared the resolution CARRIED.

Mr. P. Stack then referred members to Map K which was circulated and said that this proposal relates to 0.64 hectares of land located in Langford Street and it is proposed to zone it 'Residential Existing'. This will free up 0.64 hectares and he indicated the area in question on the map displayed.

Cllr. M. Healy-Rae asked how much land was involved.

Mr. P. Stack said it was 0.64 hectares.

Cllr. A.J. Spring asked if this proposal related to a submission received.

In response Mr. P. Stack said that it did not relate to any submission.

Cllr. M. Cahill PROPOSED that the remainder of this land measuring 4.69 acres would also be dezoned as the family requested it.

Mr. P. Stack said that the balance of the land is 1.9 hectares or 4.69 acres.

Cllr. M. Healy-Rae SECONDED Cllr. Cahill's proposal.

Mr. M. McMahon urged members to be careful and said there was an extensive debate on this land at the previous meeting but no agreement was reached. It would be acceptable to zone this land 'Passive Open Space' because of its proximity to the town centre but it would not be appropriate to zone it 'Rural General'. If members insist on changing it then the Planning Department would reluctantly agree provided it was zoned 'Passive Open Space'.

Cllr. B. Cronin asked where the land is located.

Mr. P. Stack said it was on the right hand side up Langford Street.

Cllr. AJ Spring asked if any submissions were received in relation to this land.

Mr. P. Stack confirmed that no submission was received on this proposal.

Cllr. AJ Spring asked for assurances that if these lands are dezoned the amount of zoned land would be kept for the good of Killorglin.

Mr. M. McMahon said that before a decision is taken on the dezoning of this land, members must decide if it is dezoned where the zoning will be used. The quantum of zoned land for Killorglin must remain.

Cllr. J. Finucane asked if this was the same portion of land proposed by councillors and then rejected at the previous meeting.

Mr. M. McMahon said that there was a long discussion on it and it is fair to say the previous meeting was adjourned because this portion of land was brought into the equation. The meeting broke up after two hours and there was no agreement. He stressed that ownership of land is not an issue in this process.

Cllr. P. Connor-Scarteen said if the land owner agrees that the land would be zoned 'Passive Amenity' it should be acceptable.

Cllr. AJ Spring asked if the 4.69 acres referred to in this portion of land would be re-distributed in Killorglin.

Cllr. M. Healy-Rae said it would be used in the Killorglin Functional Area.

Mr. P. Stack said there were two issues to be decided (1) one portion of land measuring 0.64 hectares is being proposed to be zoned 'Residential Existing' and (2) 1.9 hectares proposed to be zoned 'Passive Amenity'.

Mr. M. McMahon informed members that having regard to the location of this land it was zoned 'Residential Proposed' in the Draft Plan. There was a lot of discussion on whether these lands should be zoned or not. It is the view of the Planning Authority that these lands should not be zoned 'Rural General' and located outside the Local Area Plan boundary.

Cllr. M. Gleeson asked if this land is dezoned would the 4.69 acres be re-distributed within the immediate Killorglin area or within the Killorglin Functional Area.

Cllr. AJ. Spring PROPOSED that it would remain within Killorglin town.

Mr. M. McMahon said that issue must be decided between members and planning officials. The overall requirement is that the quantum of land to be zoned in the Killorglin Functional Area Local Area Plan must be in accordance with the population. It is the view of the Planning Department that if this land is dezoned it should be re-distributed within Killorglin based on population.

Cllr. J. Brassil said he could not understand the point of this proposal. There was still not agreement as to where the land would be re-distributed but there is agreement that the land should be zoned 'Passive Amenity'. This proposal could have been made at the previous meeting.

Mr. P. Stack indicated the area of land to be zoned 'Passive Amenity'. He also indicated its location in Langford Street and also the portion of land to be zoned 'Residential Existing'.

Mr. G. O'Brien advised members that it would be necessary to take two separate votes.

On the PROPOSAL of Cllr. B. Griffin, SECONDED by Cllr. P. Connor-Scarteen this Council having considered the County Manager's Report and Recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows: that the zoning of the portion of land marked A indicated on Map K circulated (attached) be amended from 'Residential Proposed' to 'Residential Existing'.

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, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Brien, O'Donoghue, O'Shea, Purtill, Sheahan, Spring, O'Connell **(26)**

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

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

**Absent:** Cllr. D. Healy-Rae **(1)**

The Mayor declared the resolution CARRIED.

Mr. G. O'Brien then informed members that a second vote would be taken on the zoning of the portion of land for 'Passive Amenity'.

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 received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows: that the zoning of the portion of land marked B on Map K circulated (attached) be amended from 'Residential Proposed' to 'Passive Amenity'.

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

**For:** Cllrs. Buckley, Cahill, Connor-Scarteen, Donovan, Finucane, Fitzgerald, Fleming, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Donoghue, Purtill, Sheahan, Spring, O'Connell, **(19)**

**Against:** Cllrs. Beasley, Brassil, Cronin, Ferris, O'Brien, O'Shea **(6)**

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

**Absent:** Cllr. D. Healy-Rae **(1)**

The Mayor declared the resolution CARRIED.



Mr. P. Stack referred members to Map L which was then circulated and indicated the portion of land on the map on display. This land is located on the Ranguie Road and there are a number of housing developments on the right. This area was proposed to be zoned 'Residential Proposed' in the Draft Plan but it is now proposed to take out 1.31 hectares and to zone it 'Tourism/Leisure'. This would then leave 1.1 hectares zoned 'Residential Proposed'.

Cllr. M. Cahill stated that the 2.1 acres of land are the subject of a Part V agreement with the Council.

Cllr. T. Ferris requested clarification on this.

Mr. P. Stack said that it is proposed that this land would be zoned 'Tourism/Leisure'. He indicated the land the subject of a Part V agreement and said that it was not anticipated that social housing would be provided on this land in the life time of the Plan.

Cllr. T. Ferris pointed out that there are consequences of this proposal. She asked why it was being proposed that this land would be dezoned and not used for social housing and why were the Killorglin councillors proposing to dezone this land.

Cllr. M. Cahill said that this proposal came from the Forward Planning Unit and not the Killorglin members.

Cllr. M. Healy-Rae pointed out that members were informed by Management at the Electoral Area Meeting that this land would not be developed over the next 5 or 6 years.

Cllr. T. Ferris said she wanted clarification on why these lands, which are zoned for social housing, are now proposed to be dezoned.

Mr. M. McMahon said this land is deemed to be inappropriate for development.

Cllr. T. Ferris asked why the Council agreed to accept the land under a Part V agreement in the first place.

Cllr. P. McCarthy said the last meeting was adjourned to allow a discussion between the Killorglin and Dingle councillors and planning officials. This is part of what was agreed at that Electoral Area Meeting.

Cllr. T. Ferris asked if this land was deemed to be inappropriate for development why was it accepted under Part V.

Mr. M. McMahon said that this land was zoned 'Residential Proposed' in the Draft Plan. A submission was received which was opposed to this dezoning on the basis that a Part V agreement was in place. The Housing Department has confirmed that the agreement is in place. Government policy has

changed substantially since this land was acquired and it is very unlikely that these lands will be developed in the life time of this Plan. The land is unsuitable for housing development as the sewage would have to be pumped up to the public sewer.

Cllr. T. Ferris said that she still did not get a satisfactory reply to her question. Legislation is in place that a local authority gets 20% of land from a developer for social and affordable housing. She asked why the Housing Department agreed to accept this land in the first instance but is now agreeing to dezone it.

Cllr. M. Moloney said that when the Draft Plan went on public display it was not indicated that this land, the subject of a Part V agreement, would be dezoned. She asked what had changed in the meantime.

Mr. M. McMahon said that the Planning Department must take account of submissions received. The Draft Plan proposed that this land would be zoned 'Residential Proposed'. However, during discussions issues were raised in relation to a Part V agreement and clarification was sought from the Housing Department. The Planning Department were not aware of the Part V agreement until recently.

Cllr. M. Gleeson asked was it fair to say that under the Part V agreement Kerry County Council got a bad deal.

Cllr. M. Healy-Rae said that this is insinuating that the person entering into the Part V agreement got hoodwinked. There is an accusation that the developer gave a bad deal to Kerry County Council and this is nonsense. If Kerry County Council wants to change their minds on the development of this land it is a matter for them to decide.

Cllr. S. Fitzgerald said that the Director of Planning indicated that permission was granted for this development in 2004 and he asked if this permission has now expired.

Mr. M. McMahon confirmed that that permission had expired. He pointed out that when lands are zoned 'Residential' under the Planning and Development Act the developer must make 20% available for social housing to the local authority. However, in 2002 this legislation was amended and the local authority could consider any one of the following options:

- (a) Accept a number of built units
- (b) Accept serviced sites
- (c) Accept payment in lieu of land
- (d) Accept land in another area

The Planning Department imposed the relevant condition on the permission and in 2006 the Housing Department entered into a Part V agreement to accept this land. He confirmed that this Part V agreement is still in place. Cllr. S. Fitzgerald asked what happens the 20% if the permission expires.

Mr. McMahon confirmed that the Part V Agreement still applies.

Cllr. M. Gleeson asked if this land was inappropriate for a Part V agreement.

Cllr. T. Ferris requested that the lands that were developed which were the subject of this Part V would be indicated to members. She also asked how many people are on the social housing list in Killorglin. She requested clarification on why the Council accepted land under a Part V agreement that is deemed to be inappropriate for housing.

Cllr. T. O'Brien said that Kerry County Council is facilitating the dezoning of their land to facilitate other zoning.

Mr. McMahon referred members to the Draft Plan and the map attached to it and he indicated the land in question on the map for members.

Mr. P. Stack indicated the development which took place which was the subject of this Part V.

Cllr. T. Ferris said that the land has been developed and the Council are now proposing to dezone the land they acquired under the Part V agreement.

Cllr. J. Brassil said that Cllr. Ferris was raising a genuine concern. Perhaps the development took place in the boom and Kerry County Council felt they needed to acquire land. He requested a response from the County Manager on this issue. He asked if Kerry County Council officials are satisfied that it is the correct thing to do to dezone this land having acquired it under Part V.

Cllr. M. Cahill said that he asked these questions at the recent Area Meeting when it was proposed to dezone this land and Mr. J. Breen, Director of Housing also attended that meeting to discuss this issue.

Cllr. M. Healy-Rae said that all members asked these questions at the Area Meeting. However, he said that if members saw the land in question they would understand why it is being dezoned. The land is in a hollow and it would be necessary to pump the sewage to the height of the public sewer.

Cllr. AJ Spring said that this issue was discussed at a Housing SPC meeting at which time the members of the SPC were made aware that there were no plans to develop social housing at this location. There can be only two reasons for this decision: (a) it was negligence on behalf of Kerry County Council as the lands were not suitable or (b) to cosy up to zone land for other people.

Cllr. P. Connor-Scarteen requested clarification from the Housing Department on whether there is any land suitable for social housing in Killorglin.

Mr. T. Curran, County Manager said that he was not involved in the negotiation for this Part V agreement and he would not second guess what

was agreed. The Planning Department are trying to assist the Council in reaching agreement.

Cllr. P. McCarthy asked if this land is in a hollow and the sewage would have to be pumped what the position is relating to storm water.

In response Mr. T. Curran, Co. Manager said that this land is lower than the outfall of the sewer.

Cllr. T. Ferris said that leaving the planning argument aside this local authority acquired land for social housing. She wanted to know why the Housing Department agreed to take this land and not housing units and why Management are now proposing to dezone the land. She again asked how many people are on the housing waiting list in the Killorglin area and how many houses could be developed on this site.

Cllr. M. Gleeson asked what else was done in lieu of this land for the Part V agreement.

Mr. M. McMahon said that the owner agreed to transfer the land to Kerry County Council but it is now felt that the land is inappropriate for development.

Cllr. M. Healy-Rae said that he understood that Management are saying that this property is of no use for the next 5 or 6 years.

Mr. T. Curran, County Manager said that it is government policy that there will be very little social housing constructed in the next 5 or 6 years.

Cllr. M. Healy-Rae said that this land could be dezoned and revisited in the next Killorglin Functional Area Local Area Plan. The arguments now being put forward by members are the same arguments put forward at the Area Meeting but members agreed it was a fair proposal from Management.

Cllr. T. Ferris said that members stated if land is dezoned, it will devalue property but the Council is now devaluing its own land.

Mr. M. McMahon said that the Manager's Report was circulated and that is Management's proposal. Management are making every effort to reach a compromise in an effort to reach agreement with members. The Draft Plan put on public display was the Manager's proposal. When submissions were received, the Planning Department endeavoured to reach agreement with members and they are now trying to deal with the remaining submissions that have not yet been agreed.

Cllr. M. Healy-Rae said that if this land will not be used for social housing over the next 5 or 6 years, it could be used for other purposes.

Mr. M. McMahon said that it is proposed to zone this land "Tourism/Leisure" and a hotel is to be constructed on the adjoining land.

Cllr. T. Ferris said that the land is being dezoned to facilitate the hotel development but it is reducing the amount of social housing available in Killorglin.

Cllr. J. Brassil said that it may be appropriate for the local authority to sell this land and to purchase land elsewhere. He PROPOSED that members would move on and that it is not the desire of Councillors that this land would be de-zoned from "Residential Proposed".

Cllr. S. Fitzgerald SECONDED this proposal.

Cllr. J. Finucane asked how would this proposal impact on the Plan acreage and the land already de-zoned in the middle of town.

Cllr. M. Healy-Rae said that by adopting this proposal, members are agreeing to allow this land to remain zoned "Residential Proposed" even though Kerry County Council does not intend to use it for the next 5 or 6 years.

Cllr. M. Cahill said this proposal has implications for what was already agreed.

Cllr. M. Healy-Rae said that members were trying to come to agreement but councillors from outside the electoral area are now opposed to this agreement.

Mr. M. McMahon said that up to this, members agreed to re-zone five parcels of land totalling 8.96 hectares.

Cllr. M. Healy-Rae asked how much land was in the Council's plot of land. There is 1.1 acres in private ownership and this was proposed to be de-zoned.

Cllr. J. Brassil said that he made a proposal and it was seconded and he asked if there were any counter-proposals.

Cllr. M. Healy-Rae said that if members thought this land would be used for social housing, they would not consider de-zoning it. They did not want to take land from Killorglin but if the Director of Housing says the land will not be developed, it would not make sense to zone it.

Cllr. J. Finucane pointed out that if the adjacent land is zoned "Tourism/Leisure", the Council can deal with the owners of this land even if the Council's land is zoned "Residential Proposed".

Mr. M. McMahon, Director of Planning said that he was not aware of any negotiations in relation to the sale of this land by the Council.

Cllr. A.J. Spring asked how it is proposed to house the 100 people on the housing waiting list in the Killorglin area.

Mr. J. Breen, Director of Housing said that whether there is a Part V agreement in place, irrespective of planning, ownership has no bearing on the zoning of the land. The Housing Department has the following options open to them when reaching agreement with the developer under Part V. They can either acquire housing units, lands or finance. A Part V Agreement is in place in respect of these lands. However, Government policy is now focusing on leasing housing. That particular Part V Agreement was negotiated in 2006 and the Council has an agreement for 1.1 hectares. Who owns the land is irrelevant and he pointed out that the land has not yet been transferred to the Council.

Cllr. M. Healy-Rae asked if Kerry County Council will develop this land for social housing in the next 5 or 6 years.

In response, Mr. J. Breen said that the Council gets an annual allocation for social housing. Government policy may change but as of now, the focus is on leasing properties. He was not prepared to say that the land would not be developed in the next 5 or 6 years but he again pointed out that ownership of the land is of no consequence in dealing with planning issues.

Cllr. T. Ferris said that members must adopt Local Area Plans having regard to the proper planning and development of the area and it is also the responsibility of the local authority to provide social housing. That is proper and sustainable development. Members previously agreed to de-zone land in the town centre and they can't have it every way.

Cllr. M. Healy-Rae said that members were clearly informed at their Electoral Area Meeting that this land would not be developed and that was why it was being proposed to de-zone this land. He was under the impression that this land would not be used by the Council for housing during the lifetime of the Plan. Even if the land is de-zoned and the Council decided to develop social housing on it, the Material Contravention procedure could be used.

Cllr. N. Foley said that the word "inappropriate" is being used in relation to these lands. She asked if this land was inappropriate for housing in 2006, why was it accepted as part of a Part V Agreement by the Housing Department. She accepted that Government policy has changed and she presumes that it is for that reason that it is not suitable. She asked if that was the reason why the word "inappropriate" was being used.

Mr. J. Breen, Director of Housing said that in 2006, a Part V Agreement was entered into by the Housing Department in relation to these lands. The agreement was for 1.1 hectares but the transfer has not yet been completed to Kerry County Council. The intention at that time was to acquire the land for future housing, however, Government policy has since changed. As Government policy stands at present, that land will not be developed in the foreseeable future. A lot of land has been acquired around the county that will not be developed, however, that position may change.

Cllr. M. Healy-Rae said that the Plan is suggesting that this land should be de-zoned but the Housing Department are saying something different.

Mr. J. Breen, Director of Housing said that he was simply stating that at this point in time he could not see that land being developed.

Cllr. M. Healy-Rae asked Mr. Breen if this land should be de-zoned.

Mr. J. Breen said that this is a matter for Council to decide.

Cllr. J. Brassil said that the Manager's Report circulated to members clearly indicated that this land should remain zoned. This is the third meeting to discuss the Killorglin Plan and agreement has not yet been reached on this land. He PROPOSED that the land would remain zoned "Residential Proposed".

Cllr. M. Moloney said that the term "inappropriate" is being bandied about in relation to this land and she asked if the land was suitable for housing.

In response, Mr. T. Curran, County Manager said that the land is suitable for housing but the sewage will have to be pumped. He added that there are a lot of insinuations being made by councillors and he was reaching the stage where he would put a Plan in front of members and let them decide on it. In the interest of fairness to his staff, it is an insult to say that they are trying to facilitate developers. Planning Officials are simply trying to facilitate members.

Cllr. M. Cahill PROPOSED that the land in question would be de-zoned and zoned "Tourism/Leisure".

Cllr. M. Healy-Rae SECONDED this proposal.

Cllr. T. Ferris asked how many people are on the social housing waiting list in Killorglin.

Mr. J. Breen said that these figures will be made available to Cllr. Ferris.

Mr. G. O'Brien informed the meeting that a vote would then be taken on the proposal by Cllr. M. Cahill which was seconded by Cllr. M. Healy-Rae.

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 received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows:- To re-zone the lands indicated on Map L (attached) for Tourism/Leisure.

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

**For:** Cllrs. Cahill, Donovan, Fleming, M. Healy-Rae, McCarthy, O'Donoghue, O'Shea, Purtill, Sheahan, O'Connell **(10)**

**Against:** Cllrs. Beasley, Brassil, Buckley, Connor-Scarteen, Cronin, Ferris, Finucane, Fitzgerald, Foley, Gleeson, Leahy, McEllistram, Moloney, O'Brien, Spring **(15)**

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

**Absent:** Cllr. D. Healy-Rae **(1)**

The Mayor declared the Proposal DEFEATED.

Mr. M. McMahon said that he wished to clarify the effect of the previous resolutions which meant that 8.96 hectares of land is now available to be zoned "Residential Proposed". Members must now decide if this land is to remain in Killorglin Town or will it be divided between all the settlements before they could proceed further.

Cllr. M. Healy-Rae suggested that they would continue through the submissions not yet been agreed as this is the correct way to proceed. He understood that the 8.96 hectares would be distributed within Killorglin Town.

Cllr. A.J. Spring PROPOSED that the 8.96 hectares would remain within Killorglin Town.

Cllr. P. Leahy SECONDED this Proposal.

Cllr. B. Griffin asked what the acreage of the land last discussed was.

In response, Mr. M. McMahon said it was 1.31 hectares.

Cllr. B. Cronin said that in the document circulated, it said that 52 acres would be zoned in Killorglin Town etc and why was the Planning Department now referring to the land in hectares. He asked how many acres would now be dealt with.

In response, Mr. P. Stack said that there is now 22.13 acres available for residential zoning within Killorglin.

Cllr. M. Healy-Rae asked that the 8.96 hectares would remain in the environs of Killorglin Town and that they would then proceed to deal with the submissions that have not yet been agreed.

Mr. G. O'Brien informed the meeting that Cllr. Spring made a proposal that the 22.13 acres would be kept within Killorglin Town and this proposal was seconded by Cllr. P. Leahy.

Mr. M. McMahon said that he was aware of certain proposals that members for the Killorglin Electoral Area are familiar with including the distribution of



8.37 hectares of land. A total of 8.96 hectares are now available and this is a net gain of 0.59 hectares over and above what was already agreed.

Cllr. A.J. Spring requested clarification on this matter.

Mr. M. McMahon said that the Killorglin members had agreed proposals on various submissions to distribute this 8.37 hectares.

Cllr. P.J. Donovan PROPOSED that members would proceed with the agreement reached at the Killorglin Electoral Area Meeting.

**Submission No. KLG6 - Mott MacDonnell on behalf of Peter Keane**

Cllr. P. O'Donoghue declared that in accordance with Section 177 of the Local Government Act, 2001, he would absent himself while this submission was being considered for business reasons.

Cllr. O'Donoghue then left the meeting.

Cllr. P.J. Donovan said that this submission was discussed at length at the Killorglin Area Meeting and he PROPOSED that this land would be zoned for "Mixed Use".

Cllr M. Healy-Rae SECONDED this proposal.

On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. M. Healy-Rae, this Council having considered the County Manager's Report and recommendations on submissions received, in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows: having regard to Submission No. KLG6, that the portion of land indicated on Map A circulated (attached) be included within the LAP boundary and be zoned 'Mixed Use'.

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, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistram, Moloney, O'Brien, O'Shea, Purtill, Sheahan, Spring, O'Connell **(24)**

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

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

**Absent:** Cllrs. Buckley, D. Healy-Rae, O'Donoghue **(3)**

The Mayor declared the resolution CARRIED.

**Submission No. KLG7 – Construction Industry Federation**

Mr. P. Stack said that there is no agreement on this submission and it relates to the methodology used in the zoning of land. He understood this was not an issue for members at that time.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. Connor-Scarteen, it was unanimously agreed to accept the recommendation in the Manager's Report in relation to this submission.

### **Submission No. KLG10 - Boyle Bros. Construction**

Mr. P. Stack stated that this submission relates to land at Laharn, Killorglin. It is requested that the site be included within the town boundary and zoned for "Retail Warehousing/Commercial". The site is adjacent to the existing hardware business. The expansion of the existing business would add great potential value to the commercial life of the town and would help job creation. It is recommended that the zoning map be amended and the site be located inside the LAP boundary; be zoned "Retail, Warehousing/Commercial" and the indicative relief road moved. It is recommended that a new Objective TM15 is included into Section 3.5 (P45) and shall read as follows:- "The development of these lands is contingent on the provision of the relief road and roundabout".

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Healy-Rae, this Council having considered the County Manager's Report and recommendation on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 - 2016 resolves to amend the Local Area Plan for Killorglin as follows: having regard to Submission No. KLG10, that a new Objective TM15 is included into Section 3.5 (P45) and shall read as follows: The development of these lands will have to make provision for a portion of the relief road and the roundabout.

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, Gleeson, Griffin, M. Healy-Rae, Leahy, McEllistrim, Moloney, O'Brien, O'Shea, Purtill, Sheahan, Spring, O'Connell **(23)**

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

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

**Absent:** Cllrs. Buckley, D. Healy-Rae, McCarthy, O'Donoghue **(4)**

The Mayor declared the resolution carried.

### **Submission KLG11 - Frank Curran on behalf of Tom Keane**

Mr. P. Stack referred members to Map B which was then circulated. He indicated the lands, the subject of this submission on the map and said that the land is located on Sunhill Road. He indicated the housing estate and said it is Knocklyon Estate. He indicated the remainder of the lands and said that there is a "Y" junction at that location.

Cllr. M. Healy-Rae said that members were in agreement on the distribution of the available land and he PROPOSED that 3.3 hectares of this land would be zoned "Residential Proposed".

Mr. P. Stack said that at the previous meeting he understood that 2.08 hectares or 5.14 acres would be zoned at that location.

Cllr. P.J. Donovan PROPOSED that 6 acres would be zoned "Residential Proposed".

Cllr. M. Healy-Rae said that there are 22 acres available for zoning and he was suggesting that 2.8 hectares or 5.14 acres would be zoned at this location.

Cllr. P.J. Donovan said that 5.5 acres should be zoned at this location.

Mr. P. Stack said that during the course of discussions at the Electoral Area Meeting, he understood 2.08 hectares or 5.14 acres would be zoned "Residential Proposed" at this location. He acknowledged that additional land is now available but pointed out there are other submissions that have yet to be agreed.

Cllr. P.J. Donovan PROPOSED that 6 acres would be zoned "Residential Proposed" at this location on the basis that additional land has become available.

Cllr. M. Healy-Rae SECONDED this proposal.

On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. M. Healy-Rae, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows:- Having regard to Submission No. KLG11 (a) that the portion of land marked "A" on Map B circulated (attached) be increased by 0.86 acres and be zoned "Residential Proposed" and that this area be included within the LAP boundary and (b) that the portion of land marked "B" on Map B circulated be zoned "Residential Existing" and that this area be included within the LAP boundary.

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, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Brien, O'Shea, Sheahan, Spring, O'Connell **(23)**

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

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

**Absent:** Cllrs. Buckley, D. Healy-Rae, O'Donoghue, Purtill **(4)**

The Mayor declared the resolution CARRIED.

**Submission KLG12 - Frank Curran on behalf of Tom Keane**

Mr. P. Stack said that he understood that members were in agreement with the recommendation in the Manager's Report in relation to this submission.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed to accept the recommendation in the Manager's Report in relation to this submission.

**Submission KLG 14 - Michael Hoad on behalf of landowners at Annadale Road, Killorglin**

Mr. P. Stack referred members to Map C which was then circulated and said that this submission relates to lands measuring 2.3 acres at Annadale Road, Killorglin. The owner requests that the site be zoned "Tourism and Leisure" rather than "Passive Amenity" as indicated in the Plan. The site is adjacent to the Town Centre, has great potential value to the commercial life of the town, would help job creation, would create riverside access and frontage and would be environmentally sustainable. The Manager's response is that the lands in question are partly located within/adjoin a Natura 2000 site. The lands in question are also partly located on Alluvial Soils, which are indicative of past flooding events associated with the Floodplain of the River Laune. In order to ensure that the Plan would not facilitate proposals which may have significant effects on the Natura 2000 site and having regard to the need to provide for sustainable flood risk management in the Plan and to the policy as set out in S3.9.3 of the Draft Plan document, which seeks to facilitate the provision of a Town Park, as a series of joined up green areas along the western bank of the River Laune, it is recommended that these lands be zoned for "Passive Amenity" purposes as is indicated in the Draft Plan. He understood the members were proposing to zone a portion of the land 'Town Centre' and that the balance would remain as it is.

Cllr. P. Connor-Scarteen PROPOSED that the zoning of the portion of land indicated on Map C circulated be amended from "Passive Amenity" to 'Town Centre'.

Cllr. P. McCarthy SECONDED this Proposal.

Cllr. M. Healy-Rae then gave a further map to Mr. Stack and asked for his views on the map.

Mr. P. Stack said that this map shows a slight extension on the map already circulated. When the Planning Department developed the town centre boundary at this location, they were conscious of the fact that an SAC was located nearby and it was important to provide a buffer zone. He felt that it would not be possible to extend the boundary at this location. There is also a woodland at this location which must be preserved.

Cllr. M. Cahill asked if it is 50% of the 2.3 acres that is proposed to be zoned "Town Centre".

Mr. P. Stack said that it would be very close to 50% and it would be ideal if the balance of the land was developed as a Town Park.

Cllr. M. Healy-Rae asked if there was any merit in his proposal.

Mr. P. Stack said that the buffer must be outside the zoning boundary and members were already advised that no further land could be zoned at this location.

Mr. G. O'Brien informed members that a vote would then be taken on the PROPOSAL made by Cllr. P. Connor-Scarteen and SECONDED by Cllr. P. McCarthy.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. P. McCarthy, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows:- Having regard to Submission No. KLG14 that the zoning of the portion of land indicated on Map C circulated (attached) be amended from "Passive Amenity" to "Town Centre".

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, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Brien, O'Shea, Purtill, Sheahan, Spring, O'Connell **(24)**

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

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

**Absent:** Cllrs. Buckley, D. Healy-Rae, O'Donoghue **(3)**

The Mayor declared the resolution CARRIED.

**Submission No. KLG15 - Frank Coffey on behalf of Garrett Sheehan**

Mr. P. Stack informed members that this submission was already agreed.

On the PROPOSAL of Cllr. B. Griffin, SECONDED by Cllr. M. Healy-Rae, it was unanimously agreed to accept the recommendation in the Manager's Report in relation to this submission.

**Submission No. KLG17 - Frank Coffey on behalf of Garrett Sheehan**

Cllr. M. Cahill PROPOSED that 0.64 hectares of the land, the subject of this submission, be zoned "Residential Proposed".

Cllr. M. Healy-Rae SECONDED this proposal.

Mr. P. Stack referred members to Map D which was then circulated. He said he had no objection to Cllr. Cahill's proposal as this land is serviceable.

Cllr. P. O'Donoghue then returned to the meeting.

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 received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows: Having regard to Submission No. KLG17 (a) that the portion of land marked "A" on Map D circulated (attached) be zoned "Residential Proposed" and that this area be included within the LAP boundary and (b) that the portion of land marked "B" on Map D circulated be zoned "Residential Existing" and that this area be included within the LAP boundary.

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, Gleeson, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistram, Moloney, O'Brien, O'Donoghue, O'Shea, Purtill, Sheahan, Spring, O'Connell **(25)**

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

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

**Absent:** Cllrs. Buckley, D. Healy-Rae **(2)**

The Mayor declared the resolution CARRIED.

**Submission No. KLG22 - John Joe Sheehy on behalf of Michael Sheehy**

Cllr. A.J. Spring declared that in accordance with Section 177 of the Local Government Act, 2001, he was Mr. Sheehy's cousin and for this reason he would leave the meeting while the submission was being considered.

Cllr. J. Finucane declared that in accordance with Section 177 of the Local Government Act, 2001, Mr. Sheehy was his brother-in-law and he would leave the meeting while the submission was being considered.

Cllrs. Spring and Finucane then left the meeting.

Mr. P. Stack informed members that this submission relates to lands at Banshagh, Killorglin. This site is just off the main Tralee Road and is adjacent to the Killorglin Industrial Estate. The site is zoned "Industrial" in the Killorglin town Local Area Plan 2004. It relates to an industrial extension and the land is on the way into Killorglin from Milltown. There is a laneway by the side of the first factory and Laune Rangers have temporary pitches there. It is proposed to zone this land "Industrial". This land is located close to an SAC and is prone to flooding. Mr. Stack indicated a portion of the land on the map and said that the portion which he indicated could be zoned "Industrial Extension" and two fields which he then indicated on the map, presently shown in the Plan as "Rural General", could be zoned "Industrial Extension".

On the PROPOSAL of Cllr. M. O'Shea SECONDED by Cllr. J. Brassil, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows: Having regard to Submission No. KLG22 that the zoning of the portion of land indicated on Map E circulated (attached) be amended from "Rural General" to "Industrial Extension" and that this area be included within the LAP boundary.

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

**For:** Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Fitzgerald, Fleming, Foley, Griffin, M. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Shea, Purtill, Sheahan, O'Connell **(20)**

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

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

**Absent:** Cllrs. Buckley, Finucane, Gleeson, D. Healy-Rae, O'Donoghue, Spring **(6)**

The Mayor declared the resolution CARRIED.

Cllrs. Finucane and Spring then returned to the meeting.

**Submission No. KLG 29 - Diarmuid Mangan on behalf of John J. O'Connor**

Mr. P. Stack said that this submission relates to land which is zoned "Rural General" in the Draft Plan. He indicated the land in question on the map and said that it is on the Ranguie Road. The proposal relates to the zoning of 4 hectares for 'Residential Proposed'. During the course of discussions, it was agreed that 2 hectares would be zoned "Residential Proposed".

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. J. Finucane, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows: Having regard to Submission No. KLG29 that the zoning of the portion of land indicated on Map F circulated (attached) be amended from "Rural General" to "Residential Proposed" and that this area be included within the LAP boundary.

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, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Brien, O'Shea, Purtill, Sheahan, Spring, O'Connell **(23)**

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

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

**Absent:** Cllrs. Buckley, Gleeson, D. Healy-Rae, O'Donoghue **(4)**

The Mayor declared the resolution CARRIED.

Cllr. P. McCarthy said that it is important to point out for those not familiar with 2004 zoning, that a lot of this land was zoned in the 2004 Plan and then de-zoned to "Rural General" in the Draft Plan. A much larger area was zoned "Residential" in the 2004 Plan.

**Submission No. KLG30 - CPM Property Developments Ltd.**

Map G was then circulated to all members.

Cllr. M. Healy-Rae PROPOSED that the remainder of the available land would be allocated to this submission and zoned "Residential Proposed" as this land is serviced.

Cllr. B. Griffin SECONDED this proposal.



Mr. P. Stack informed the meeting that it was intended to allocate 3.47 hectares to this submission and this is now being increased by 0.24 hectares which is 0.6 of an acre. He asked Cllr. Healy-Rae if he was proposing that this 0.6 acres would be allocated to this submission.

Cllr. Healy-Rae confirmed that he was.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. B. Griffin, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows: Having regard to Submission No. KLG30 that the zoning of the portion of land indicated on Map G circulated (attached) be amended from "Rural General" to "Residential Proposed" and that this area be increased by 0.24 hectares to 3.71 hectares in total and be included within the LAP boundary.

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, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Brien, O'Donoghue, O'Shea, Purtill, Spring, O'Connell **(23)**

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

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

**Absent:** Cllrs. Buckley, Gleeson, D. Healy-Rae **(3)**

The Mayor declared the resolution CARRIED.

**Submission No. KLG 31 - Rory McGillicuddy on behalf of S & T O'Shea**

Mr. P. Stack informed the meeting that this submission relates to an area of land close to the Banshagh Housing Estate in Killorglin. It is proposed to zone 0.18 hectares "Residential Proposed" and the balance of the land including Banshagh Housing Estate to be zoned "Residential Existing". He informed members that the area marked "B" on Map G circulated would be amended from "Rural General" to "Residential Proposed" and that the remainder of 0.1 acres would be zoned "Residential Existing".

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. M. Moloney, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows: Having regard to Submission No. KLG31 (a) that the zoning of the portion of land marked "A" on Map G1 circulated (attached) be amended from "Rural General" to "Residential Existing", (b) that the zoning of the portion of land marked "B" on Map G1 circulated be amended from "Rural General" to "Residential Proposed" and that these areas be included within the LAP boundary.

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

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

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

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

**Absent:** Cllrs. Buckley, Foley, Gleeson, D. Healy-Rae **(4)**

The Mayor declared the resolution CARRIED.

Cllr. M. Cahill PROPOSED that all Council estates would be shown on maps as "Residential Existing" in all future Local Area Plans.

In response, Mr. M. McMahon said that these lands were initially outside the LAP boundary but additional lands have been zoned in the interim.

Cllr. M. O'Shea referred to land that was zoned "Residential" in the 2004 Plan but no submission was received on it. The residents of Dunmaniheen want the land, which he indicated on the map, zoned "Recreational Amenity". Cllr. O'Shea then handed the map to Mr. Stack and indicated the portion of land in question to him.

Mr. Stack said this land is located 1 mile outside the town and is outside the town and the LAP boundary. The zoning of this land would constitute bad planning and he believed there were other ways that this could be facilitated.

Cllr. M. O'Shea said that this land is adjacent to a caravan park.

Mr. P. Stack said the land is across a busy National Secondary Road and it would not make any sense to zone it.

Cllr. M. O'Shea PROPOSED that these lands be zoned "Recreational Amenity".

Cllr. P. O'Donoghue **SECONDED** this proposal.

Mr. M. McMahon said that this proposal did not make any sense. This land was zoned in the last Plan against the advice of Management. The land is 1 mile outside of the town and there is no planning justification for the zoning of this land. He then displayed the zoning map for the 2004 Killorglin Local Area Plan and pointed out that this land was zoned for residential purposes and is located at the edge of the map. He again stated that this proposal did not make any sense.

Cllr. M. O'Shea **PROPOSED** that these lands which were previously zoned for residential purposes in the 2004 Plan be zoned "Amenity".

Mr. P. Stack said that the zoning of this land "Recreational Amenity" cannot facilitate the caravan park across the road on health and safety grounds.

Cllr. J. Brassil said that he remembered when this land was zoned in 2004 despite strong opposition from Management. The local residents said that this was once a piggery and they wanted it zoned "Residential" to ensure that a piggery would not be re-established there. He suggested that the zoning should remain "Rural General" and he believed if councillors got assurances that the previous use would not be permitted, they would be satisfied to have this land zoned "Rural General".

Cllr. T. Ferris suggested that an Objective could be included in the Draft Plan that this land would not be suitable for a piggery.

Mr. M. McMahon pointed out that planning legislation sets out the objectives that can be included in Local Area Plans and there is no means of including this objective. It is appropriate to zone this land "Rural General".

On the **PROPOSAL** of Cllr. M. O'Shea, **SECONDED** by Cllr. P. O'Donoghue, this Council having considered the County Manager's Report and recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Killorglin as follows: To zone the portion of land indicated on map submitted (attached) "Recreational Amenity".

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

**For:** Cllrs. Cahill, Ferris, Fleming, Foley, M. Healy-Rae, McEllistrim, O'Donoghue, O'Shea, **(8)**

**Against:** Cllrs. Beasley, Brassil, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Leahy, McCarthy, Moloney, O'Brien, Purtill, Spring, O'Connell **(14)**

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

**Absent:** Cllrs. Buckley, Griffin, D. Healy-Rae, Sheahan **(4)**

The Mayor declared the resolution DEFEATED.

### **Glenbeigh**

Mr. P. Stack informed the meeting that eight submissions were received on Glenbeigh and he understood that members were in agreement with the recommendations in the Manager's Report in relation to Submission Nos. GB1, 2, 3 and 8.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. J. Fincuane, it was unanimously agreed to accept the recommendations in the Manager's Report in relation to these submissions.

### **Submission No. GB4 - Frank Curran on behalf of Mary Clifford**

Mr. P. Stack said that this submission relates to lands on the Kilnabrack Road out of Glenbeigh. It is proposed to zone these lands "Residential Proposed". The Manager's Report is opposed to this proposal. Mr. Stack then displayed a map and indicated the area marked blue which is the catchment area for the proposed sewer. He pointed out that any area within the blue area can be connected to the proposed sewer. The lands, the subject of Submissions GB4, 5 and 6 are all outside the catchment area and are in fact a long way from the village and unsuitable for development as they cannot be connected to the sewer.

Cllr. M. Healy-Rae said that this is the first time he saw a catchment map for a proposed sewerage scheme displayed during the course of discussions on Local Area Plans. He said it was ironic that this map was produced for Glenbeigh.

Cllr. P. O'Donoghue declared that in accordance with Section 177 of the Local Government Act, 2001 he had business interests in relation to Submissions GB5 and GB7, and he would leave the meeting while these submissions were being discussed.

Cllr. J. Sheahan declared that in accordance with Section 177 of the Local Government Act, 2001, Pat Sheahan who made Submission GB7 is his brother and he would leave the meeting while the submission was being considered.

Cllrs. O'Donoghue and Sheahan then left the meeting.

Cllr. M. Cahill expressed his disappointment that a map was not displayed indicating the land previously zoned in Glenbeigh and the land now proposed to be zoned. Instead, the sewer catchment map is displayed for the first time in the preparation of any local area plan. The proposal for Glenbeigh will ensure that there will be no development there over the next 5 years. The 11 acres zoned in the Draft Plan will not be developed by the owner and the

sewer is at capacity. He asked that phased zoning would be considered for Glenbeigh but he was informed that this was not possible. There is plenty holiday home development at the centre of the village but there is strong demand for permanent residential development on the outskirts of the village. He PROPOSED that the 11 acres in Glenbeigh be phased and that 2 acres would be zoned for each of the four submissions received. There is a similar situation in Cromane and any development could be serviced through individual treatment plants.

Cllr. M. Healy-Rae SECONDED this proposal and said if it not carried, there will be no developable land in Glenbeigh for the next 5 years. The land zoned in the Draft Plan will not be developed. Cllr. Cahill's proposal will allow for orderly growth in Glenbeigh.

Mr. P. Stack said that if a planning application was submitted in relation to the lands the subject of Submission Nos. 4, 5 or 6 or possibly 7, even if the land was zoned residential, it would be refused as the land cannot be connected to the sewer. If members insist on zoning these three sites, it would be misleading.

Cllr. M. Healy-Rae said that the Planning Department is stating that in Cromane, developments can be serviced by individual septic tanks. He suggested that the same should apply in Glenbeigh.

Mr. P. Stack pointed out that there is no sewerage scheme in Cromane but they are trying to encourage development near the Church. The only way to do this is to facilitate individual septic tanks. However, Glenbeigh has a sewerage scheme and it is in a totally different position. Any development from those proposed lands would result in the sewer having to be pumped, even if capacity was available in the present scheme. He pointed out that there are lands available for development in Glenbeigh.

Cllr. B. Cronin requested clarification on the proposal that 2 acres would be made available for each submission.

Mr. P. Stack said that Cllr. Cahill was referring to phasing which is a totally different issue. Head room of 2.5 times has already been permitted in the Draft Plan and if phasing is introduced the head room would have to be reduced to 0.5. If Glenbeigh is to stay within the quantum of land to be zoned he could not see where additional land could be dezoned to facilitate these submissions.

Cllr. A. McEllistrim asked if phasing was introduced in Manor when the Tralee Environs Plan was being made.

Mr. M. McMahon confirmed at the request of members phasing was introduced in the Tralee Environs Plan but everyone was aware that there was no hope those lands would be developed in the life time of the Plan.

Cllr. J. Finucane said that Mr. Stack has indicated that phasing the development of these lands would undermine all that was done previously in the meeting. Members knew what land was available for zoning in the Killorglin area and he believed this proposal could not be considered.

Mr. M. McMahon pointed out that there is 11 acres of land zoned for residential development in Glenbeigh.

Cllr. B. Cronin asked if this proposal referred to additional land.

Mr. M. McMahon said that if this land is to be zoned, other land must be dezoned.

Cllr. M. Cahill pointed out that Glenbeigh is being left at a stand still.

Cllr. J. Finucane said that 11 acres is zoned in Glenbeigh and members had agreed to this. It is disingenuous to say that Glenbeigh is being ignored. It was agreed that the additional land would be allocated within Killorglin town.

Cllr. M. Gleeson asked if 8 acres is zoned where would it be got.

Cllr. J. Finucane suggested that the member making the proposal should suggest where the 8 acres would come from.

The Mayor indicated to Cllr. Cahill that if he wanted an additional 8 acres zoned he would have to state what land would be dezoned.

Mr. T. Curran, County Manager, said that there is no phasing in any of the local area plans as of yet.

Cllr. M. Cahill said that this is a very unfair plan for the people of Glenbeigh.

Cllr. B. Cronin PROPOSED that members accept the recommendations in the Managers Report in relation to these submissions.

Cllr. J. Finucane SECONDED this proposal.

Cllr. M. Cahill PROPOSED that 2 acres would be zoned for each of the four submissions and that the Plan would then be sent to Minister Gormley.

The Mayor called for a vote to be taken on Cllr. Cronin's proposal.

Cllr. T. Ferris pointed out that members agreed that the land made available in Killorglin would stay within the town and could not be used in Glenbeigh.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Finucane this Council having considered the County Managers Report and Recommendations on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016, resolves to amend the Local Area Plan for Glenbeigh as follow: To adopt the Manager's Report in relation to Glenbeigh.

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

**For:** Cllrs. Beasley, Cronin, Ferris, Finucane, Fitzgerald, Gleeson, Griffin, Leahy, Moloney, Purtill, Spring, O'Connell **(12)**

**Against:** Cllrs. Cahill, Connor-Scarteen, Donovan, Fleming, Foley, M. Healy-Rae, O'Shea **(7)**

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

**Absent:** Cllrs. Brassil, Buckley, D. Healy-Rae, McCarthy, O'Brien, O'Donoghue, Sheahan **(7)**

The Mayor declared the resolution CARRIED.

Cllr. T. Ferris pointed out that 22.13 acres were dezoned in Killorglin and none of this zoning was to be used in Glenbeigh. Members should not state that this is as a result of the decision not to dezone land for social housing in Killorglin.

### **Cromane**

Mr. P. Stack informed the meeting that 2 submissions were received on Cromane and he understood that members were in agreement with the recommendations in the Managers Report on these submissions.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Healy-Rae it was unanimously agreed to accept the recommendations in the Managers Report in relation to Submissions CR1 and 2.

### **Glencar**

Mr. Stack informed members that one submission was received on Glencar and he understood that members were in agreement with the recommendation in the Managers Report on this submission.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to accept the recommendation in the Manager's Report in relation to Submission No. GR 1.

### **Kilgobnet**

Mr. P. Stack informed members that one submission was received on Kilgobnet and he understood that members were in agreement with the recommendation in the Manager's Report on this submission.

On the PROPOSAL of Cllr. P. Connor-Scarteen, **SECONDED** by Cllr. J. Finucane it was unanimously agreed to accept the recommendation in the Managers Report in relation to Submission KB 1.

### **Rossbeigh**

Mr. P. Stack informed members that 2 submissions were received on Rossbeigh and he understood that members were in agreement with the recommendations in the Manger's Report on these two submissions.

On the PROPOSAL of Cllr. B. Griffin, **SECONDED** by Cllr. J. Finucane, it was unanimously agreed to accept the recommendations in the Managers Report in relation to Submissions RB1 and 2.

### **Rural**

Mr. P. Stack informed the meeting that 4 submissions were received and he understood that members were in agreement with the recommendations in the Managers Report in relation to these submissions.

On the PROPOSAL of Cllr. R. Beasley, **SECONDED** by Cllr. J. Finucane it was unanimously agreed to accept the recommendations in the Managers Report in relation to Submission Nos. RU 1, 2, 3 and 4.

The meeting concluded at 5:30pm.

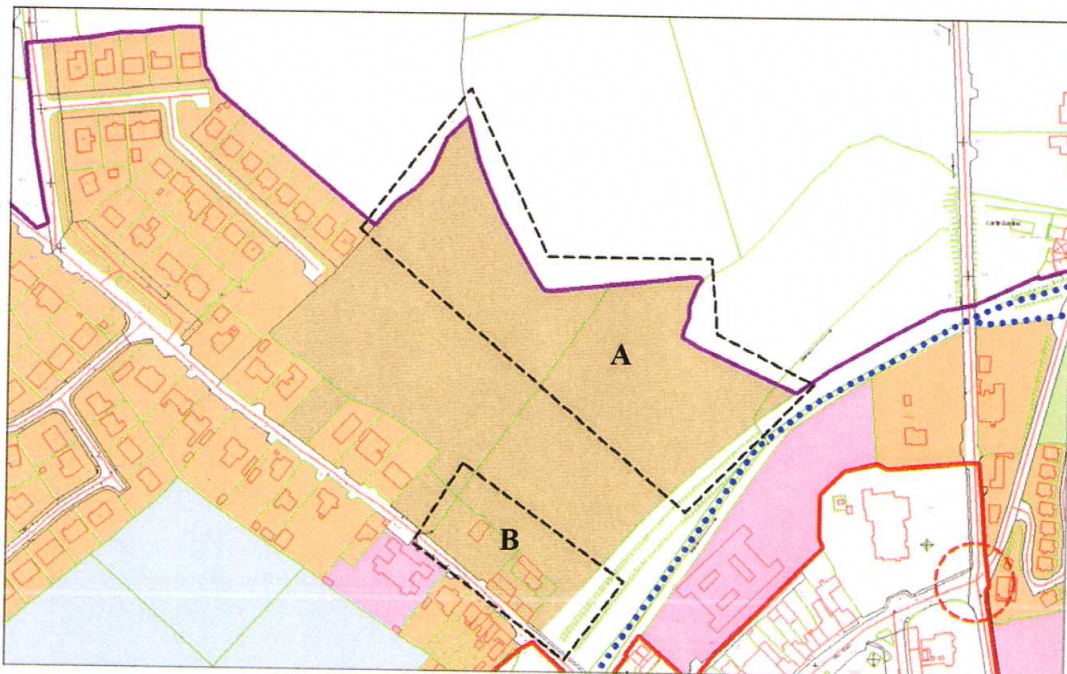
**Gerard O'Brien**  
Meetings Administrator

\_\_\_\_\_  
**Mayor of Kerry**

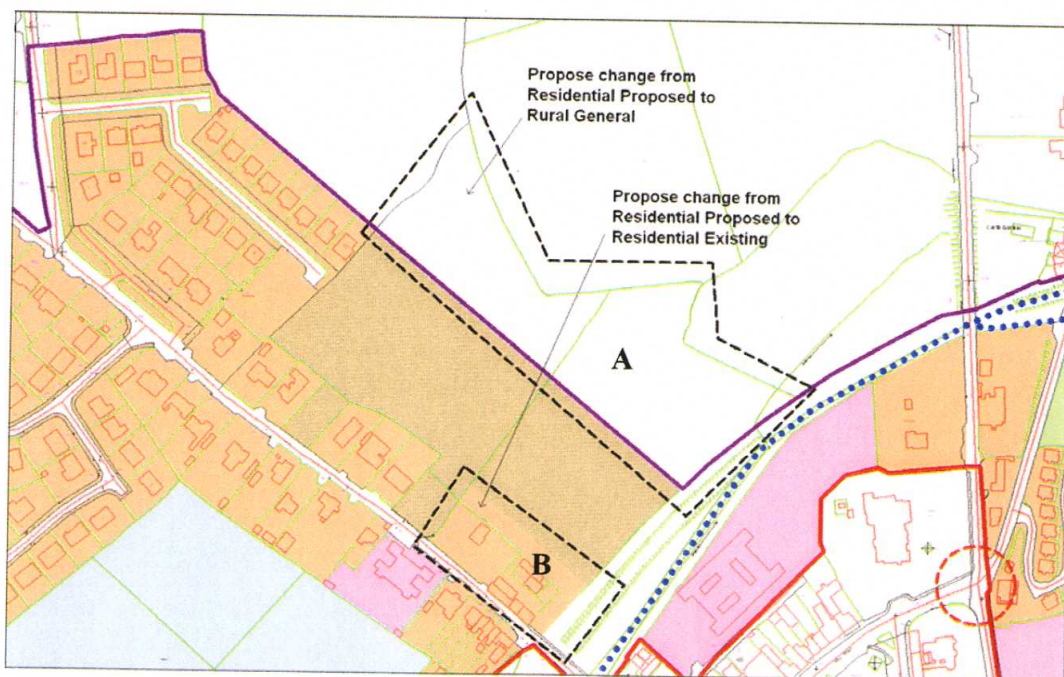


## Proposed Map H

### Draft that went on Display

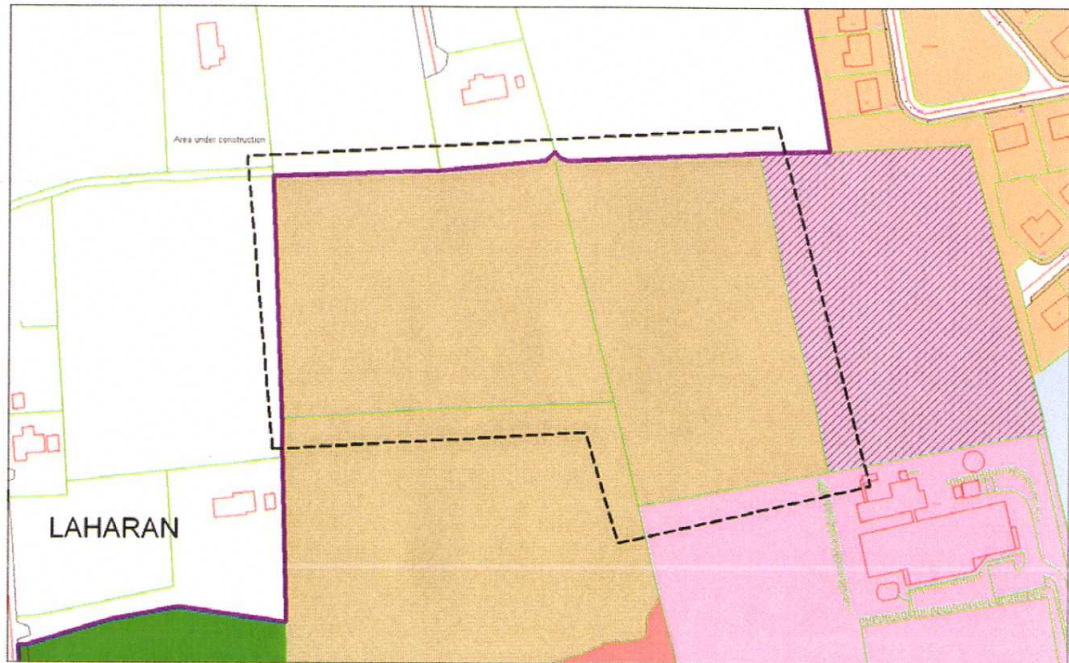


### Amendment to Draft

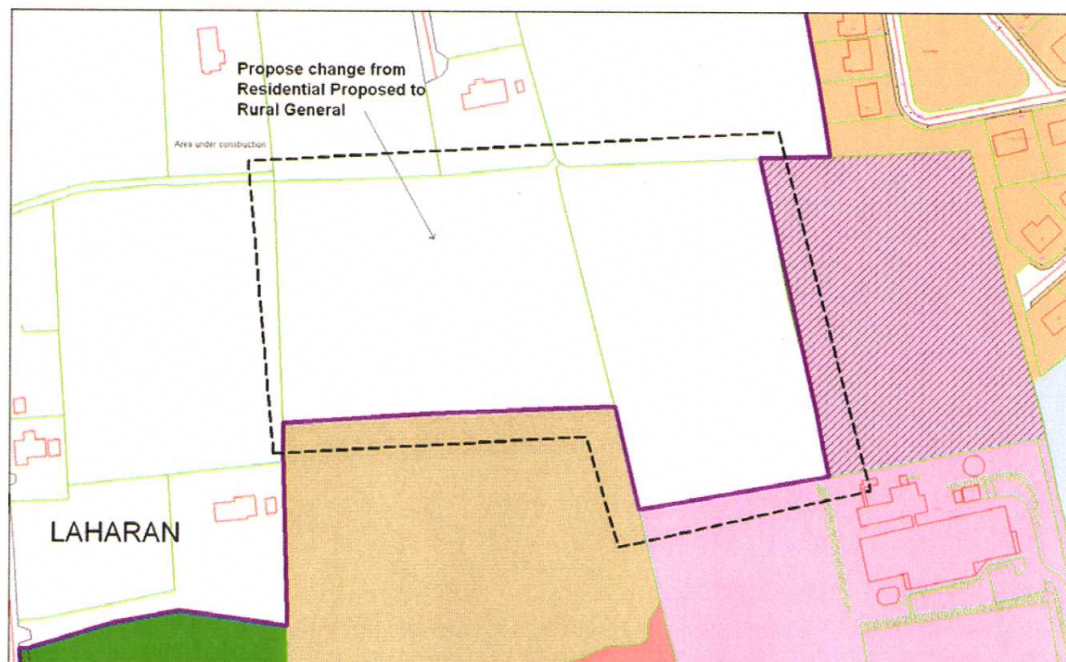


## Proposed Map I

### Draft that went on Display



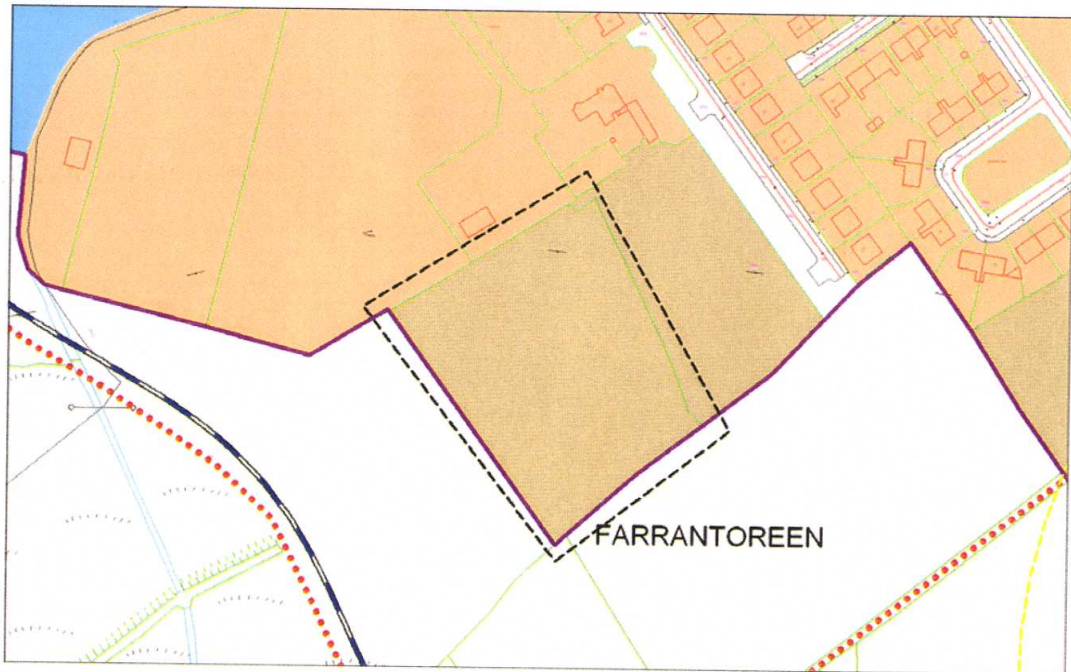
### Amendment to Draft



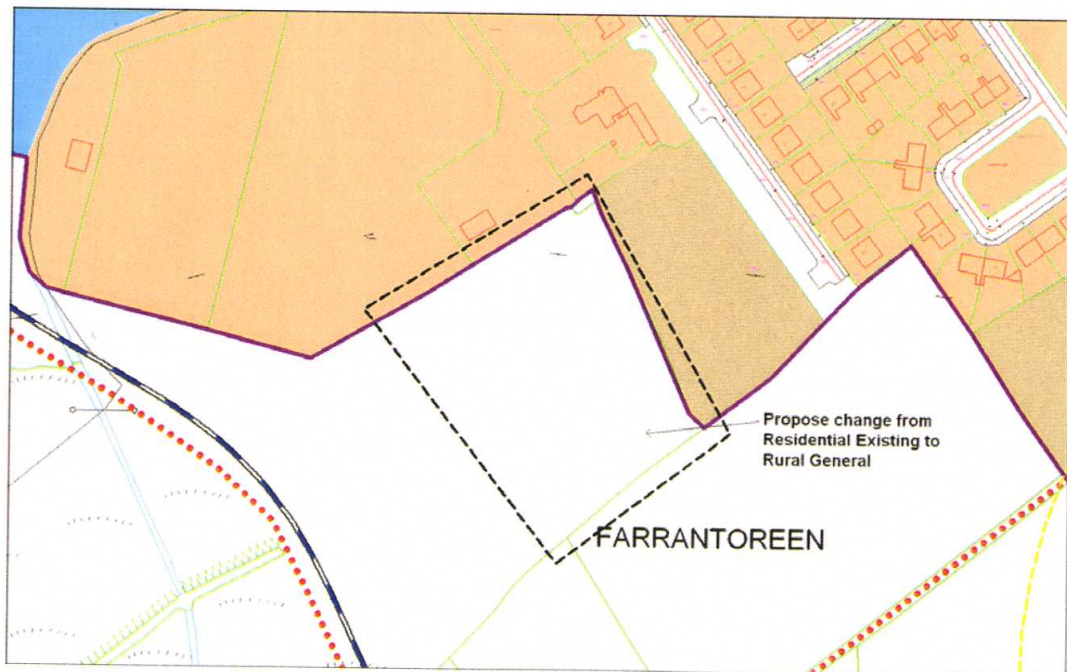


## Proposed Map J

### Draft that went on Display

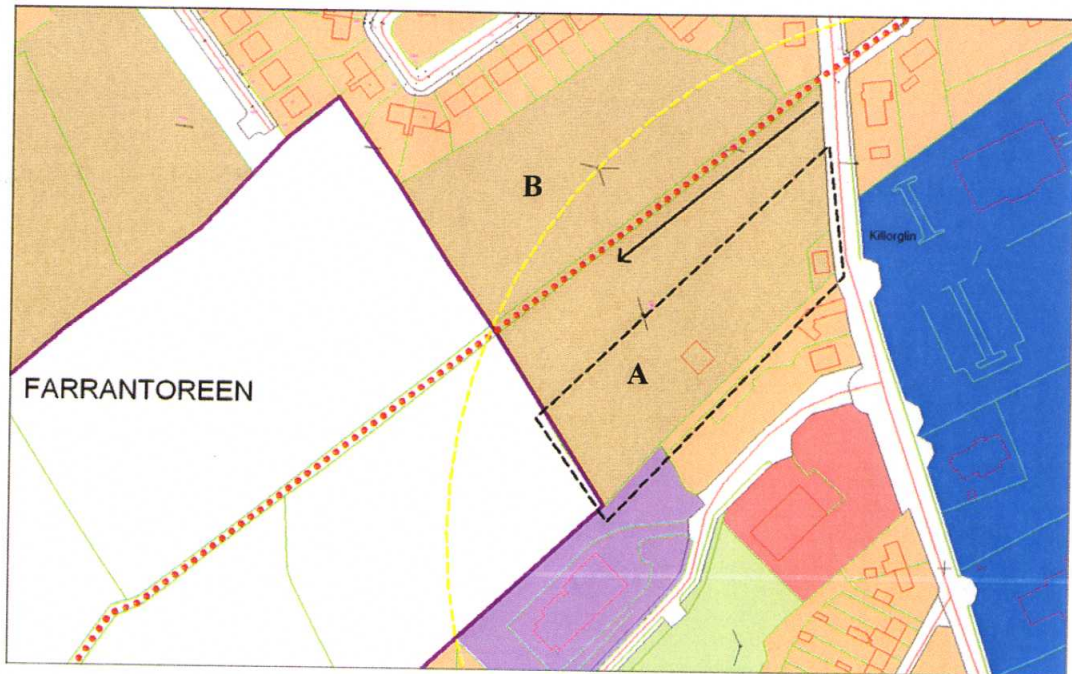


### Amendment to Draft

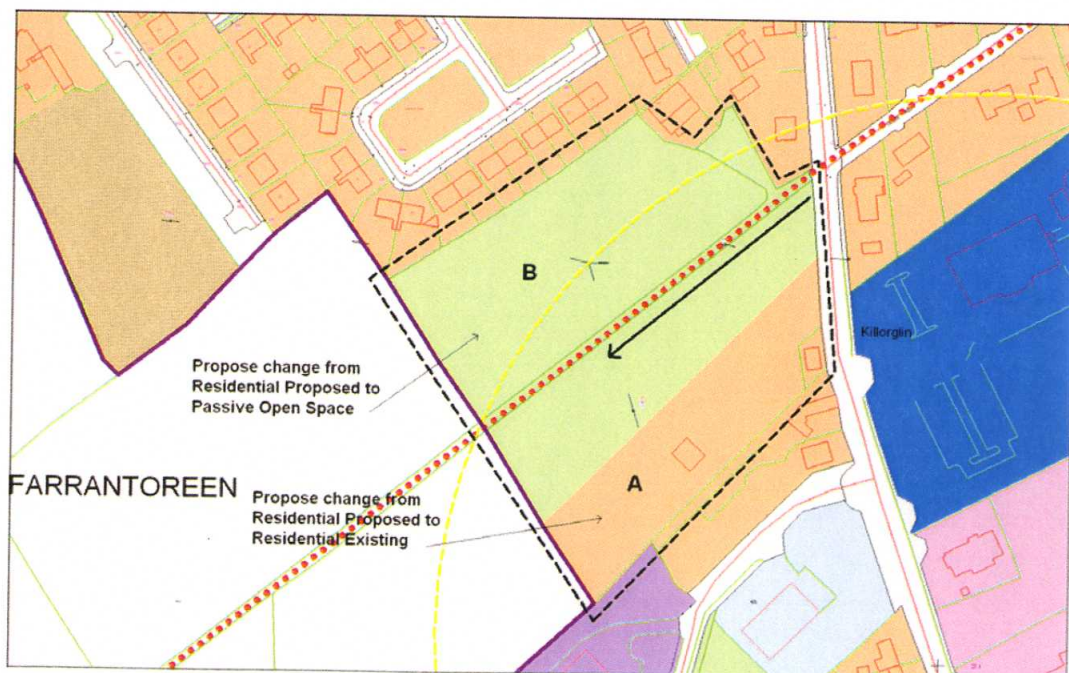


## Proposed Map K

### Draft that went on Display



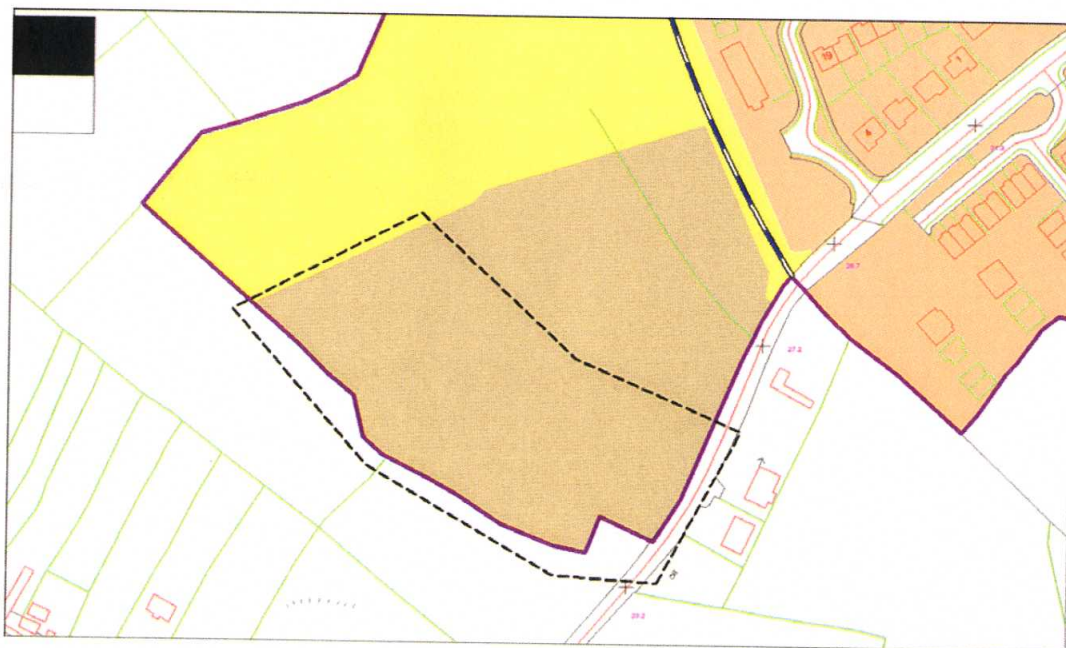
### Amendment to Draft



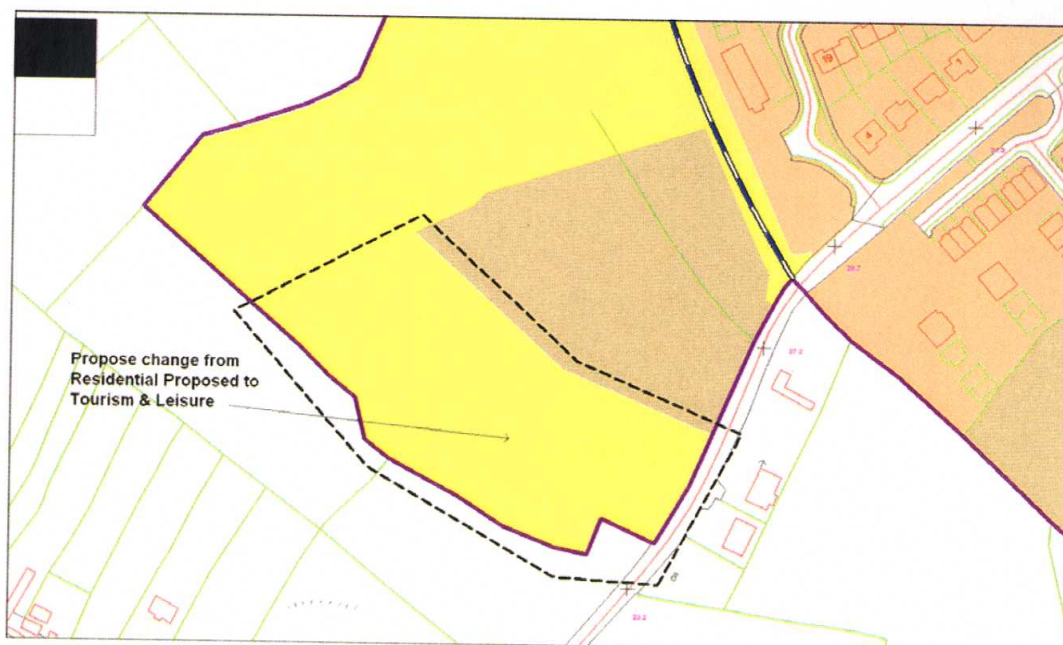


## Proposed Map L

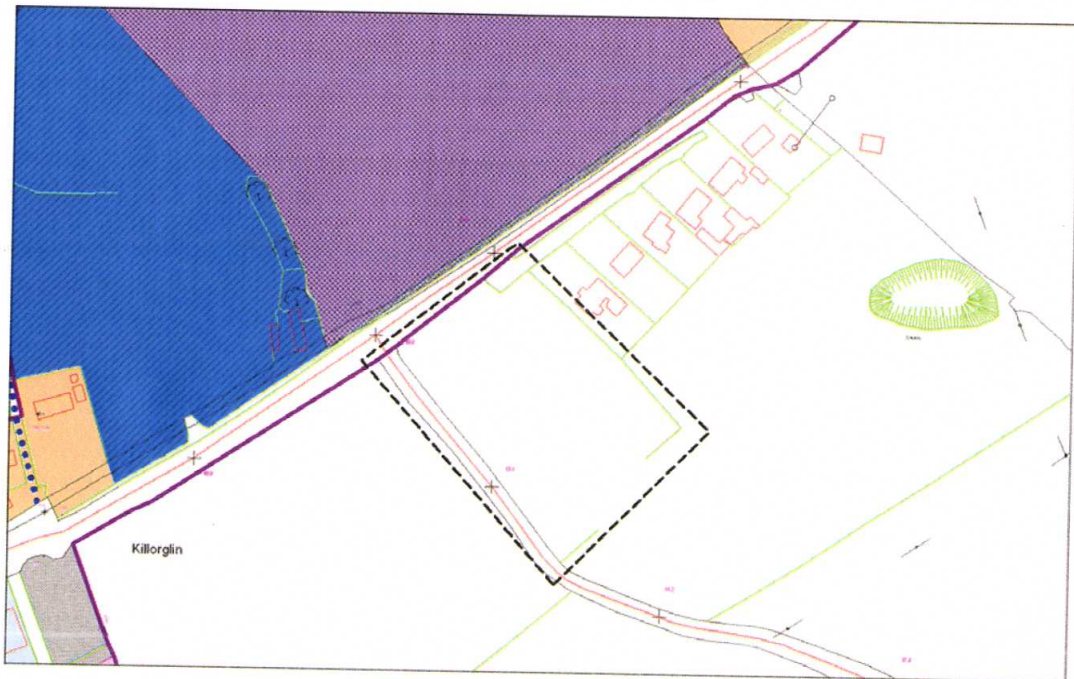
### Draft that went on Display



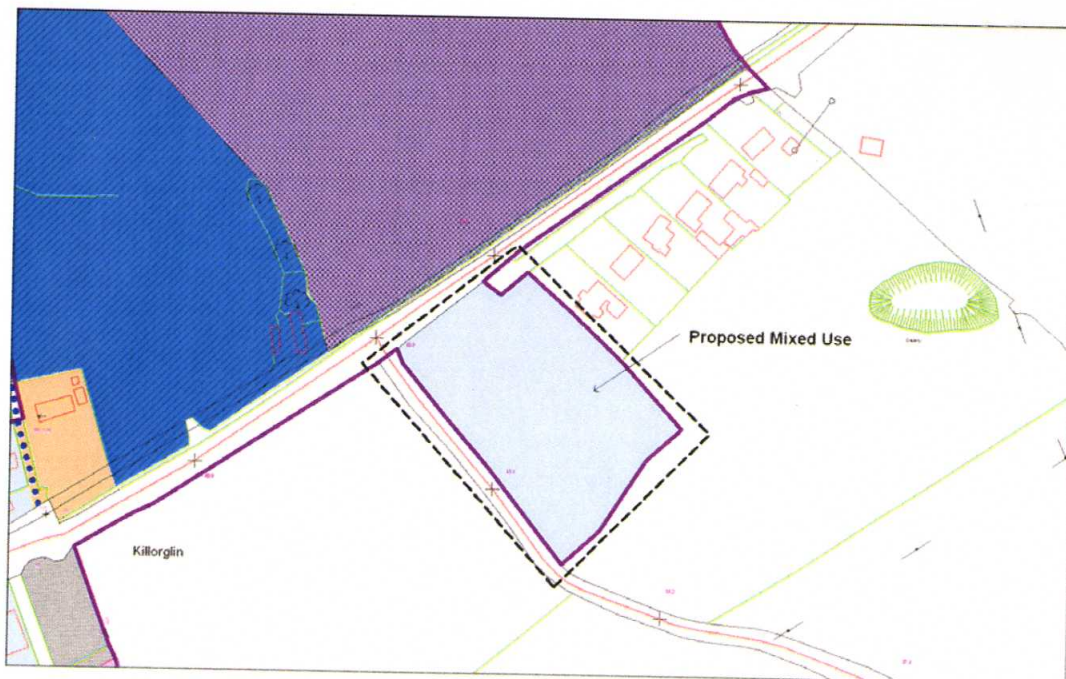
### Amendment to Draft



**Draft that went on Display**

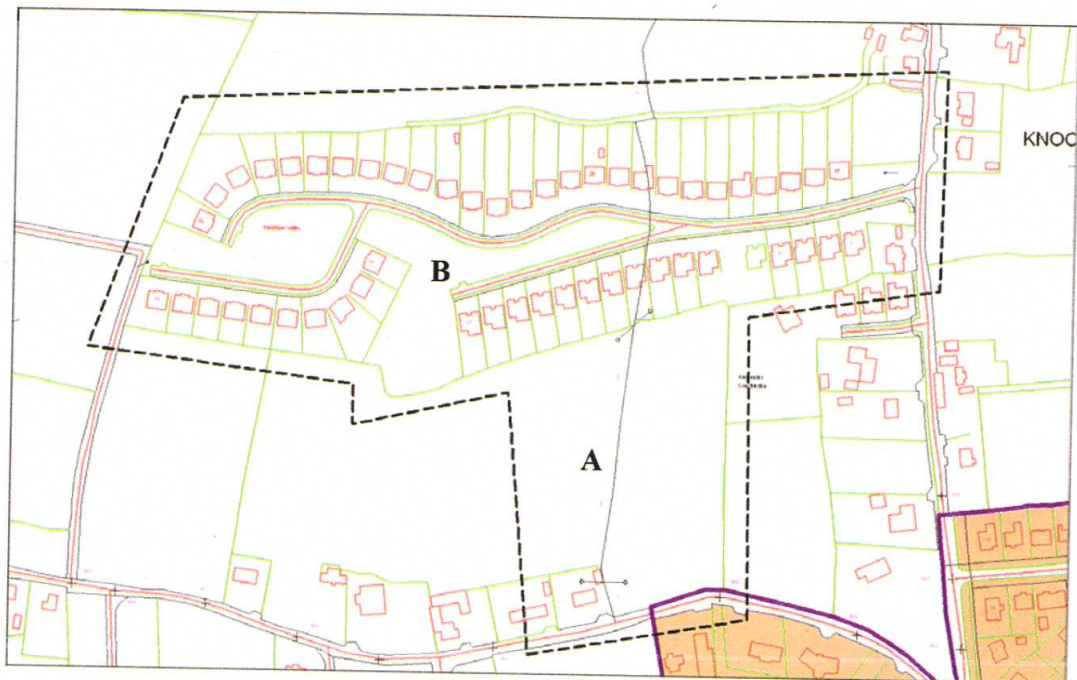


**Amendment to Draft**

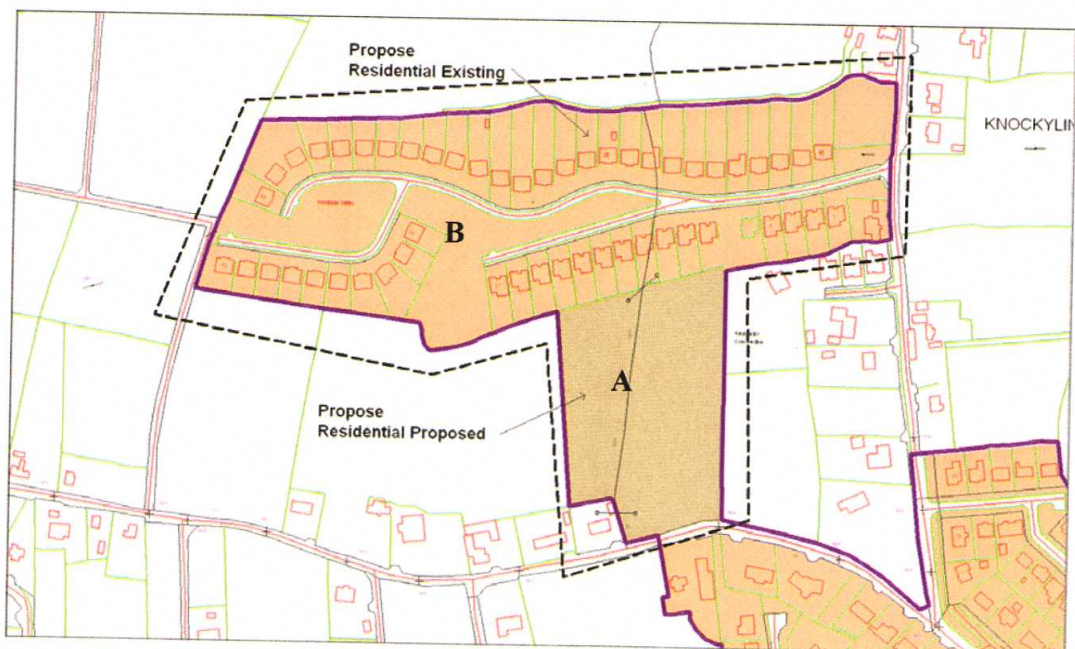




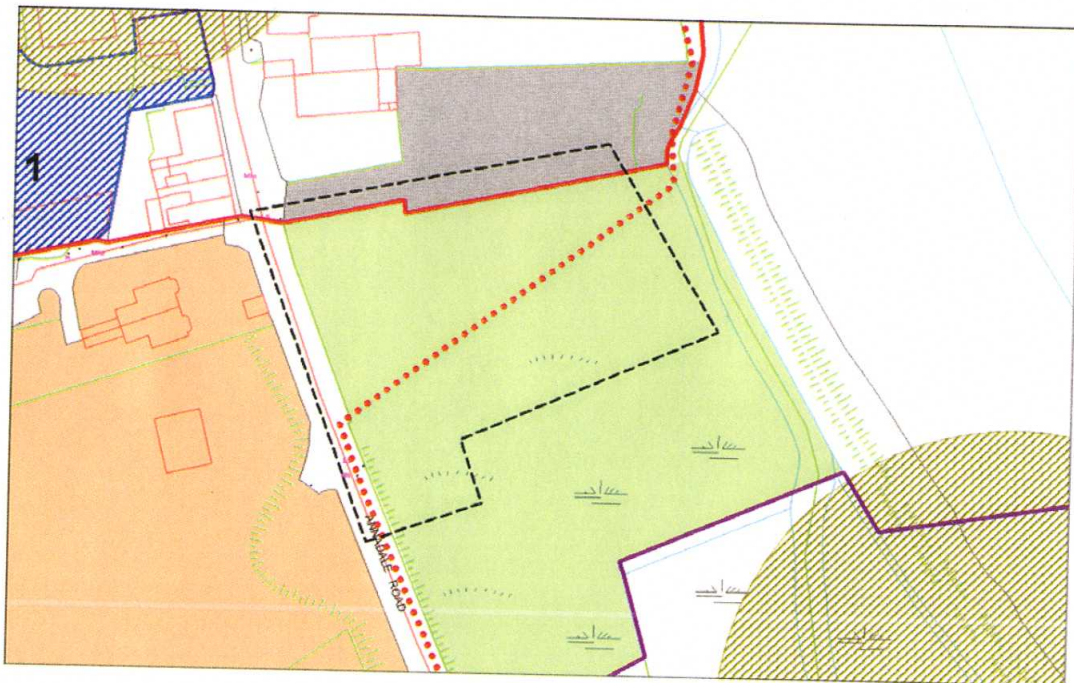
Draft that went on Display



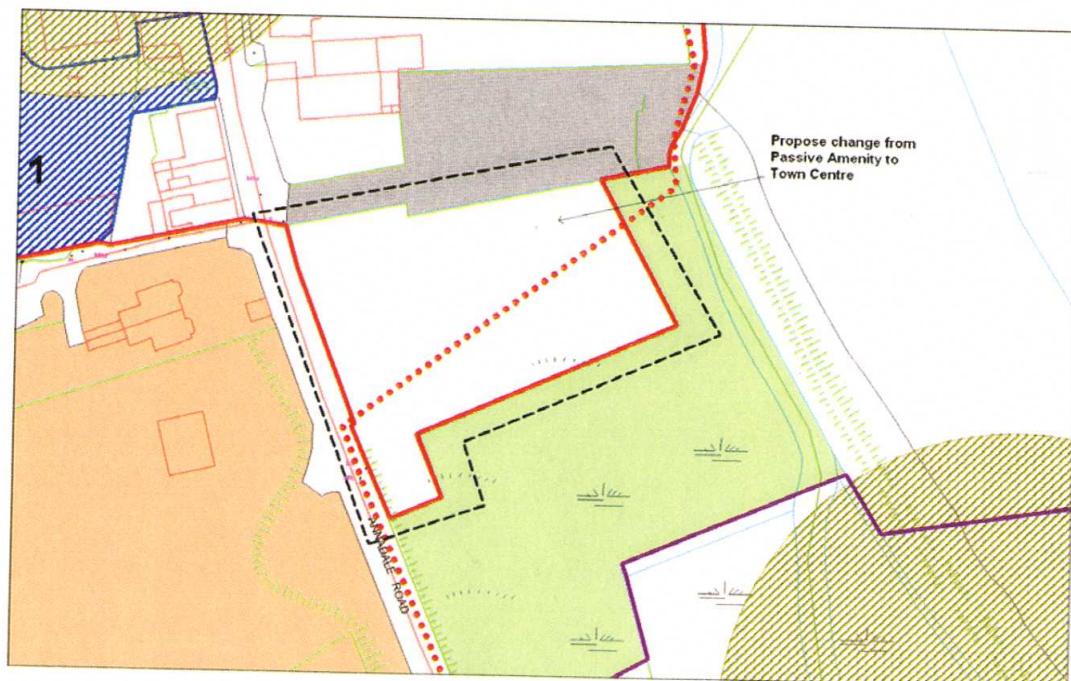
Amendment to Draft



**Draft that went on Display**

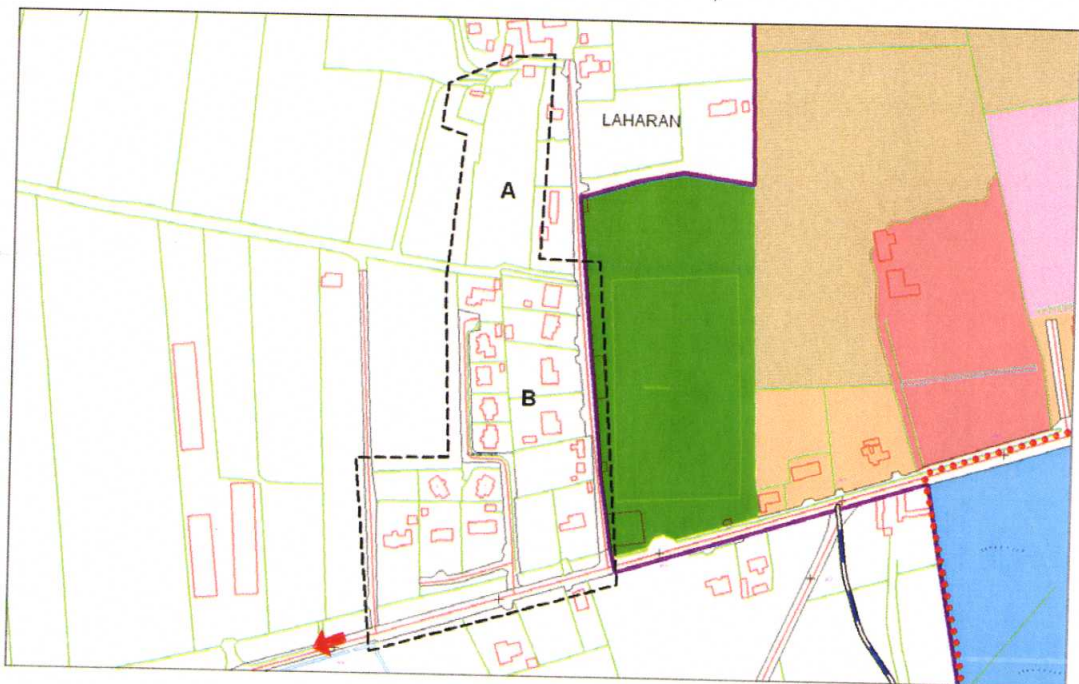


**Amendment to Draft**

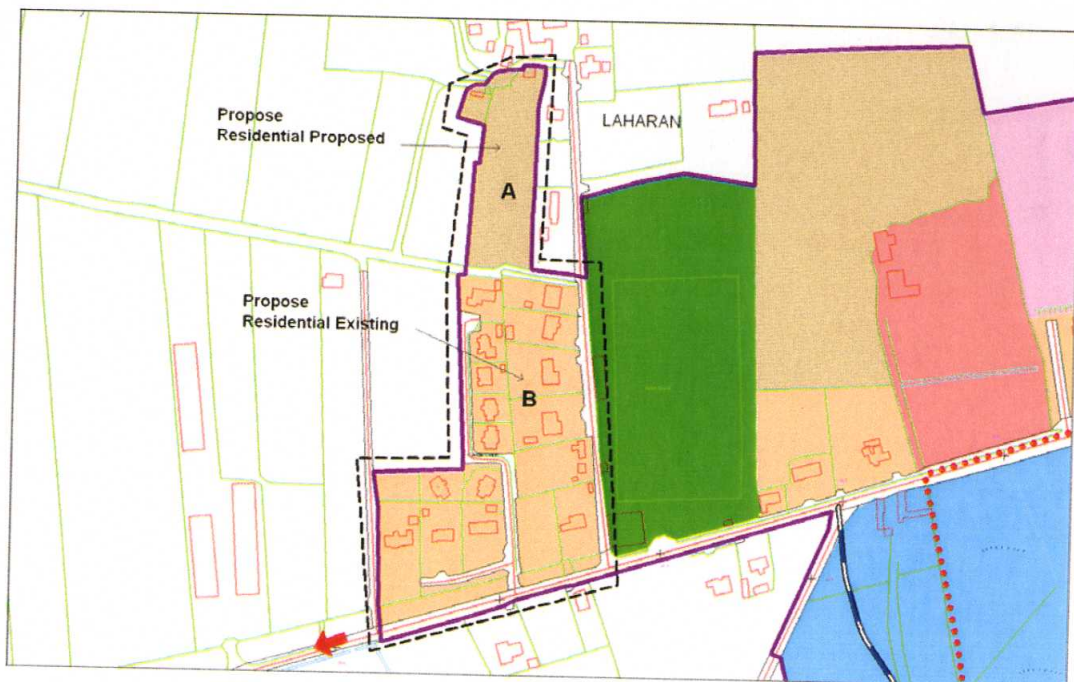




Draft that went on Display



Amendment to Draft



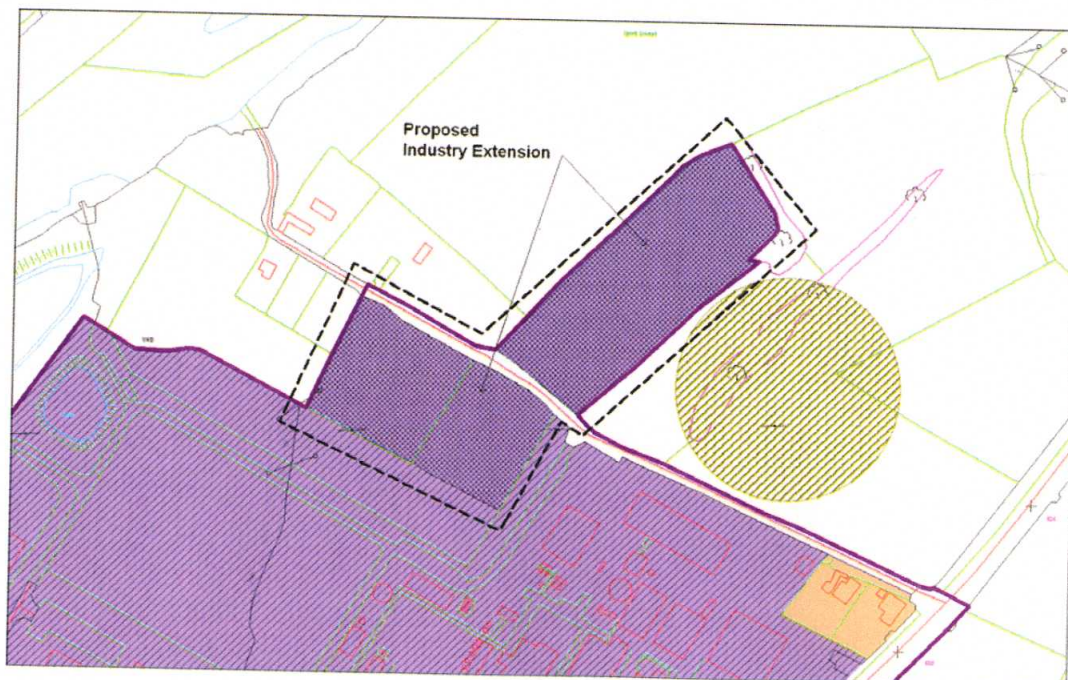
Proposed Map E

Sub mission KLG 22

Draft that went on Display



Amendment to Draft

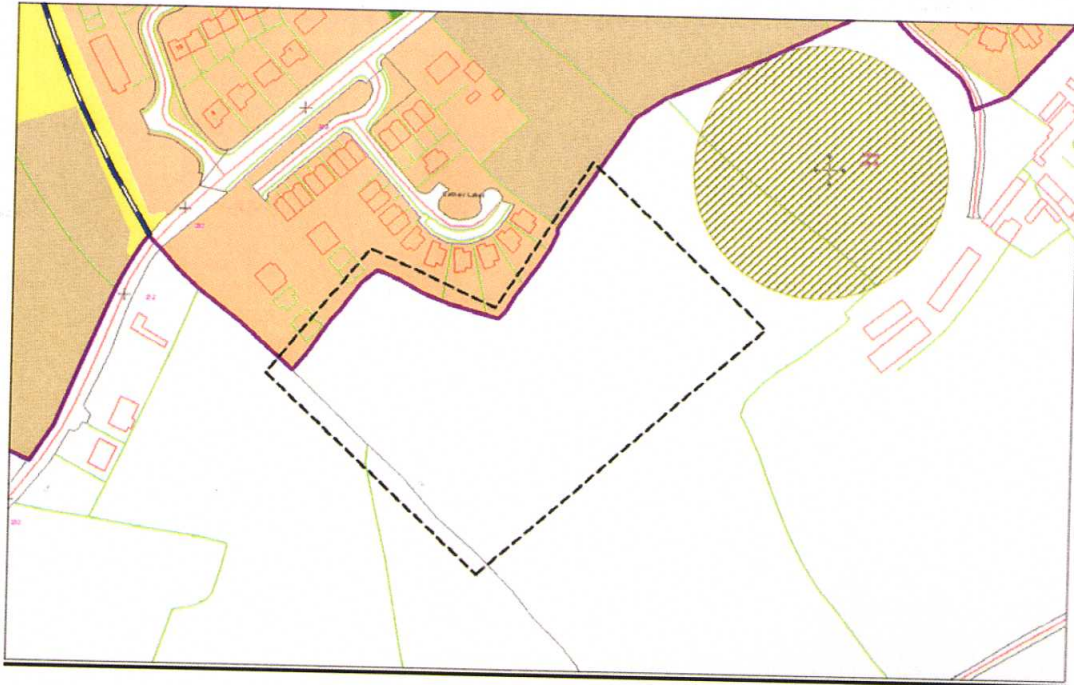




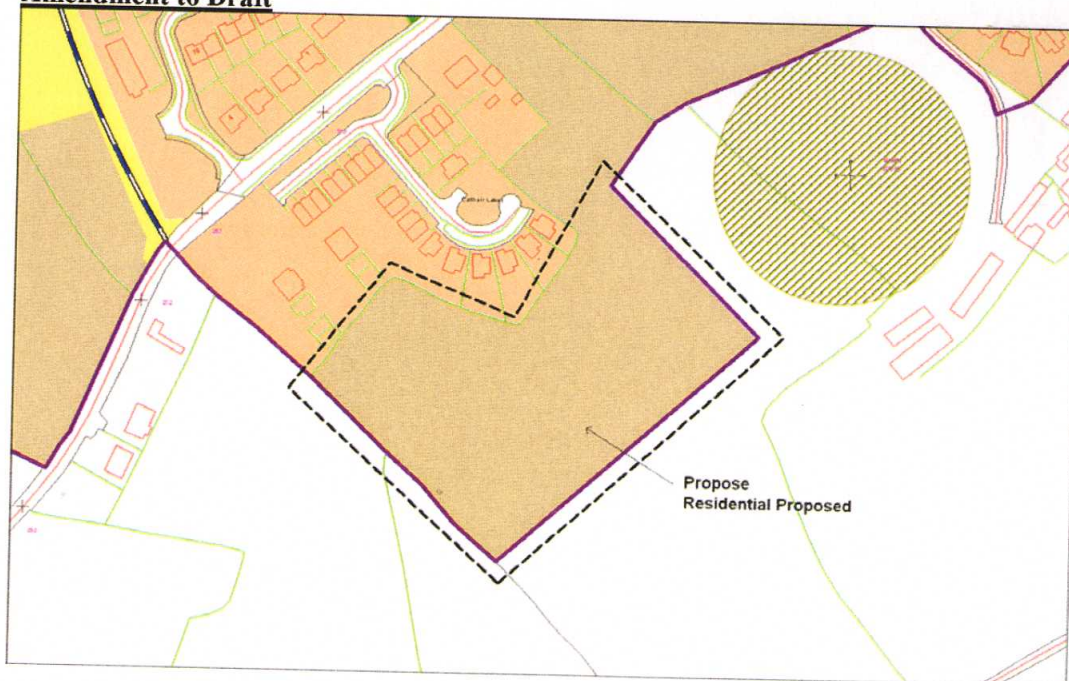
Proposed Map F

Submission KLG 29

**Draft that went on Display**



**Amendment to Draft**



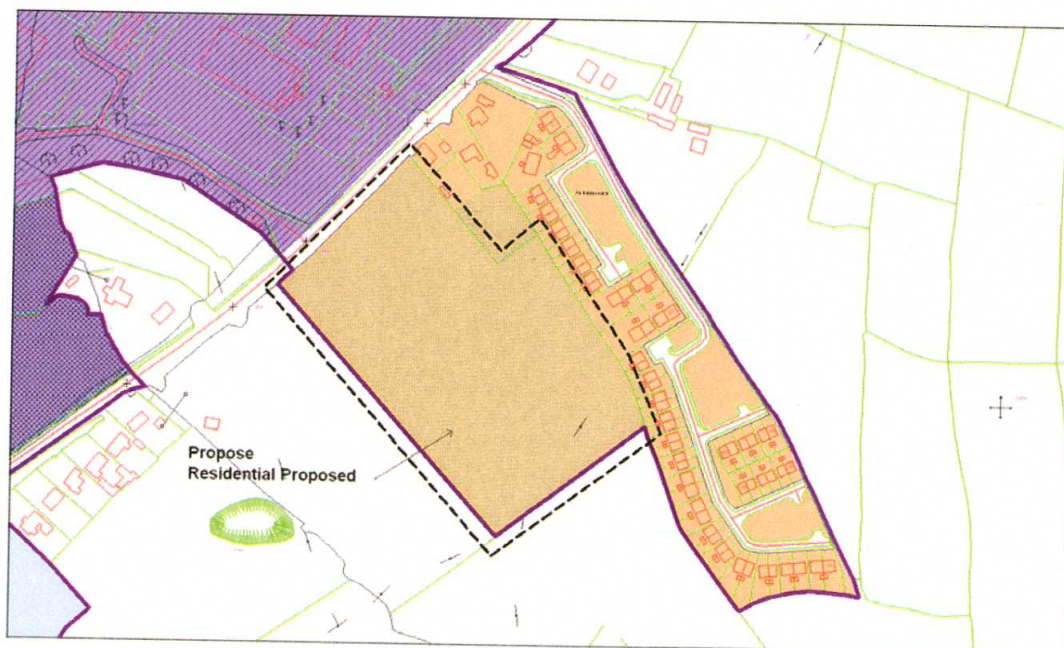
**Proposed Map G**

**Submission KLG 30**

**Draft that went on Display**

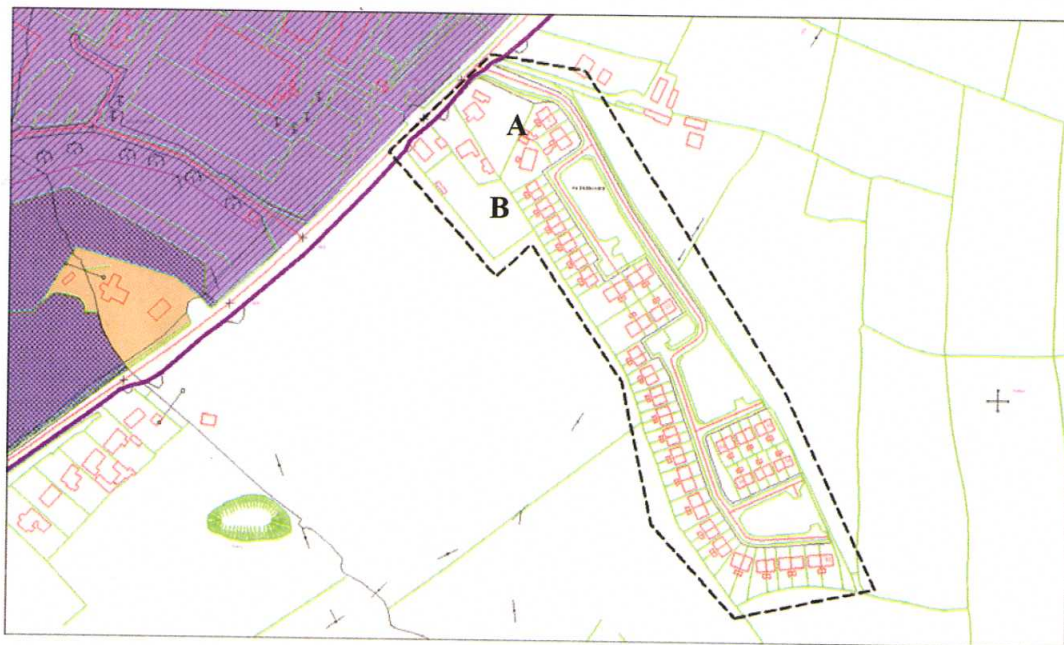


**Amendment to Draft**

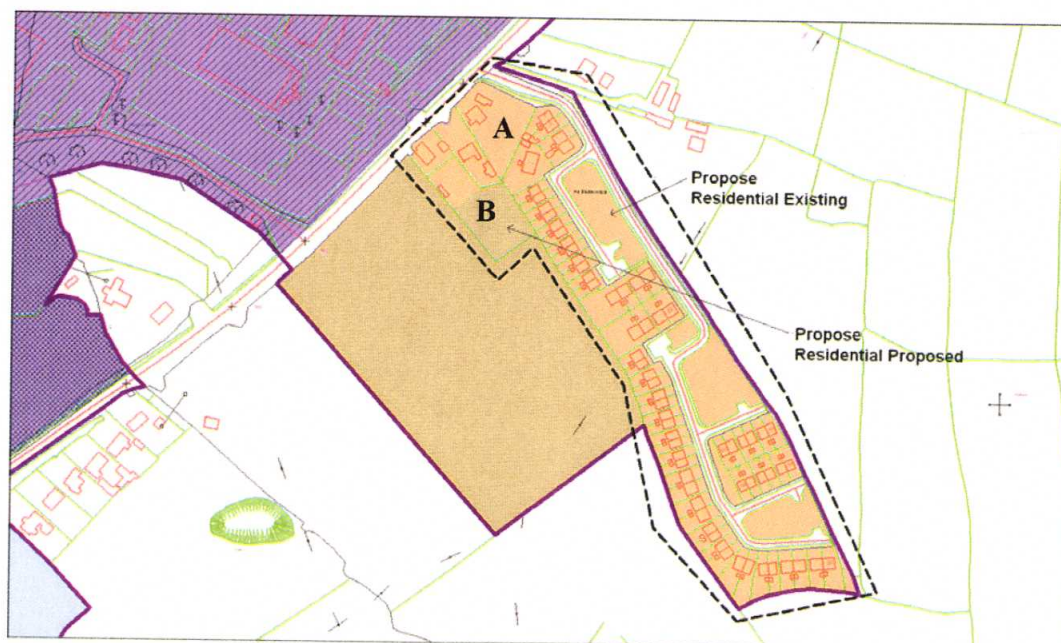




**Draft that went on Display**

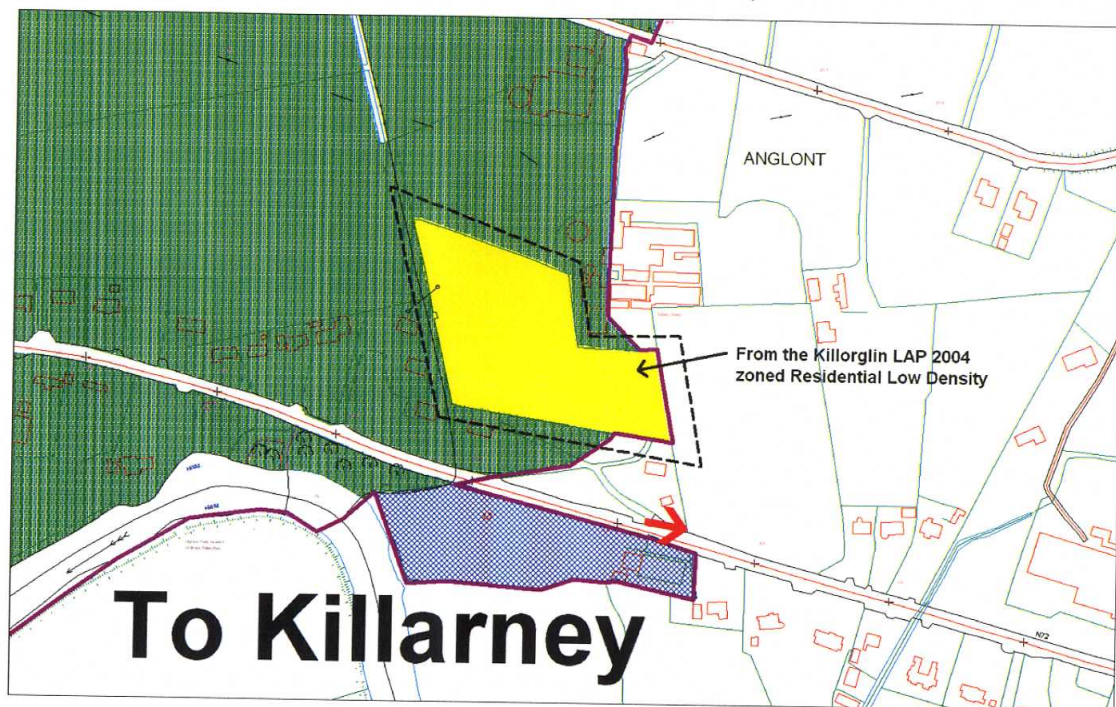


**Amendment to Draft**



## Proposed Map

### 2004 Killorglin Local Area Plan



### Killorglin Functional Area Local Area Plan

