

**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE,
ÁRAS AN CHONTAE, TRÁ LÍ, AR AN AOINE , 14 MÁRTA 2011**

**MINUTES OF SPECIAL MEETING OF KERRY COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, COUNTY BUILDINGS TRALEE ON MONDAY
14th MARCH 2011**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

J. Brassil	T. Buckley	B. Cronin
P.J. Donovan	T. Ferris	J. Finucane
N Foley	D. Healy-Rae	P. Leahy
P. McCarthy	M Moloney	T. O'Brien
P. O'Donoghue	M. O'Shea	J. Sheahan

IN ATTENDANCE/I LÁTHAIR

Mr. J. O'Connor, Head of Finance	Mr. J.D. Flynn, Dir. of Corp. Servs.
Mr Michael McMahon Deputy Co. Mgr	Mr. G. O'Brien, Meetings Admin.
Mr. P. Corkery, Press & Comm.	Mr. Paul Stack SE Planning
Mr. Declan O'Malley SEP	Mr. Ms. Marguerite Enright SP
Mr. Liam Brosnan AO Planning	Mr. Charlie O'Sullivan Dir R & T
Mr. John Breen Dir Housing & C & E	Mr. Brian Looney Head of IT
Mr. Matt Corridan SE NRDO	Mr. Ger MacNamara SE R & T
Ms. Kay Doody ASO R & T	Ms. Gill Collins ASO R & T
Ms. Karen Condon CO R&T	Ms. Maria West AO R&T
Mr. Padraic Teahan A/SEE R&T	Ms. S Broderick SO Corp. Affairs
Ms. Angela McAllen F/M Accountant	

The meeting commenced at 10.30 am.

The Mayor Cllr. P. Leahy took the Chair.

Approval for opening of Tender.

On the PROPOSAL of Cllr. Jim Finucane SECONDED by Cllr. Danny Healy Rae
It was agreed to approve the opening of tenders for the Analysis of Drinking Waters.
Closing date 8th March at 3.00 pm.

Fear of Job Losses in Castleisland

Cllr. Danny Healy Rae referred to the announcement that the American health insurance provider Aetna is reviewing its operation in Castleisland with the potential loss of over one hundred jobs in Kerry. He said that this was of grave concern to the

local community as the company has been based in Castleisland for approximately fifteen years and had been a good source of employment for the Castleisland and surrounding areas. Cllr. Healy Rae appealed for the support of the other members of Kerry County Council and said that the Oireachtas members from Kerry would be meeting with representatives of the company and the workforce to discuss the matter. The Mayor, Cllr. Pat Leahy, SECONDED Cllr. Healy regarding this matter.

Congratulations

The Mayor, Cllr. Pat Leahy congratulated the members of Kerry County Council who were elected to Dail Eireann following the recent General Election and commiserated with the members who had not been successful.

To agree the appointment of a Chairperson for the Council meeting to be held on Monday 21st March 2011, in the absence of the Mayor and Deputy Mayor.

Cllr. Jim Finucane was PROPOSED by Cllr. PJ Donovan

On the PROPOSAL of Cllr. Marie Moloney SECONDED by Cllr. Pat Leahy it was agreed that Cllr. Terry O'Brien would be appointed as Chairperson for the Council meeting to be held on Monday 21st March 2011. This was unanimously agreed.

Housing Update 2011. A report was circulated with the agenda for the meeting.

2011 Capital Allocations for Disabled Persons/Essential Repairs Grant Schemes/Housing Adaptation Grant Schemes for Older People and People with a Disability

Mr. John Breen Director of Housing & Community & Enterprise said that the Council had recently been advised of an allocation for the current year of €3,459,023 for this programme for 2011. This is a substantial allocation, particularly given the present situation pertaining to the public finances. €691,805 of this figure must be provided from Kerry County Council's own resources, which has been provided for in the budget agreed in January.

The level of grant applications being received continues on a steady basis and similar to last year. There will be a lot of work involved in the processing of grant applications within the limited timescales involved.

The prioritisation of applications must necessarily continue given the numbers of applications being received and the constraints on available funding, however the Housing Directorate will process claims in the context of the available information and must make choices in accordance with the priority criteria agreed with the Council.

Mr. Breen said that the Housing Department had encountered difficulties previously in getting grant claims in when work had been completed and in order to comply with work and reporting schedules, it would be necessary to be stricter on time scales in dealing with this years allocations in the interest of efficiency and financial effectiveness.

New Tenant Purchase Scheme

Mr. Breen said that a new Tenant Purchase Scheme with a maximum discount of 3% per annum for up to 15 years had been announced by the government. This would require a Tenant Purchase Scheme to be adopted by the members and a scheme would be put before the members for consideration at the meeting of the full Council on 21st March 2011.

Cllr. Marie Moloney welcomed the allocation in respect of Disabled Persons/Essential Repairs Grant Schemes/Housing Adaptation Grant Schemes for Older People and People with a Disability. She asked for an update with regard to the proposed Long Term Leasing Scheme.

Cllr. Danny Healy Rae also welcomed the allocation for the Grant Schemes and thanked management and staff of the Housing Department for their work in the processing of the Housing Grant Schemes in 2010.

Cllr. Jim Finucane welcomed Mr. Breen's report and said that he would urge management of the Housing Department to discuss the availability of funding with Credit Unions with a view to putting a scheme in place to help tenants to access finance to allow them to purchase their homes.

Cllr. Pat McCarthy raised the issue of the valuation of houses where tenants were interested in availing of the Tenant Purchase Scheme .

Cllr. John Sheahan welcomed the allocation for the Housing Grant Schemes in 2011 and said that he hoped that work would proceed as speedily as possible.

Cllr. Liam Purtill welcomed the Housing Grant Allocation for 2011 and asked if applicants who qualified for grant aid last year could apply for funding in 2011.

The Mayor, Cllr. Pat Leahy welcomed the allocation for Housing Grant Aid and commended management and staff of the Housing Department for their excellent work in processing grant applications last year.

Mr. John Breen thanked the members for their complimentary remarks to management and staff of the Housing Department.

In reply to Cllr. Healy Rae's query, he said that there were no new requirements for tenants who wished to purchase their houses under the Tenant Purchase Scheme.

Applicants who qualified for the scheme last year would receive the grant on receipt of claims by the Housing Department provided that no work had been carried out prior to the issue of a letter of approval from the Housing Department.

He clarified that applicants who had carried out works prior to the receipt of a letter of approval had exempted themselves from the scheme.

2. Briefing on Development of Core Strategy (Section 7 of the Planning & Development (Amendment) Act 2010)

Mr. Michael McMahon Deputy County Manager/Director of Planning & Sustainable Development addressed the meeting.

He said that the Planning & Development (Amendment) Act 2010 which was enacted in July 2010 was being introduced on a phased basis. Under Section 7 of the Act, Core Strategy Guidelines issued on 25th November 2010. An evidence based Core Strategy must be incorporated into County Development Plans which would demonstrate that the objectives in the County Development Plan are consistent with national and regional guidelines. The proposed target date for adoption of a Core Strategy as a variation of the County Development Plan for Kerry County Council is July 2011.

Mr. Paul Stack SE Planning circulated copies of his presentation entitled *Core Strategy Overview The 5th variation to the Kerry County Development Plan 2009-2015*.

He said that in Kerry in the 6 year period between 2002 and 2007 approximately 17,600 houses were built with 7,600 of these being one-off houses in the countryside. This would facilitate a population increase of around 46,000 people yet the increase was around 6,000 in that 6 year period.

Mr. Stack said that the planning system must work for the common good and produce only sustainable development. Supply and demand must be harmonised by developing evidence based plans and strategies which will support & underpin the decisions of both the elected members and the officials in the future. He added that history would not be kind to the planning process during the Celtic Tiger years therefore we must learn from the experience.

Mr. Stack explained that a Core Strategy was an evidence based plan for the spatial development of the county during the lifetime of the County Development Plan and Local Area Plans, in compliance with Section 7 of the Planning & Development (Amendment) Act 2010.

It uses population growth targets to determine the quantity of lands to be zoned for residential purposes in the County to cater for the projected housing need within the County.

It identifies criteria to be used in identifying the optimum locations for residential development within the county taking into account the National Spatial Strategy, Regional Planning Guidelines, infrastructural availability, sequential approach etc.

One of the main issues outlined in Mr. Stack's presentation was that all Local Area Plans must be reviewed within one year of the adoption of the variation in order to ensure compliance with the Core Strategy.

Cllr. John Brassil said that he accepted that lessons must be learned from the errors of the Celtic Tiger years but he felt that the information given regarding the number of houses built and the increase in population was unbalanced as when family members

move out of home they need accommodation but this does not increase the population.

He said that Kerry County Council did not have the resources to revisit all Local Area Plans and make amendments within one year. He also expressed concern that the owners of lands which were rezoned would have the expectation that the zoning would not be changed for the period of the Local Area Plan and if the lands are de-zoned mid way through the plan Kerry County Council could be leaving itself open to claims by landowners for the devaluation of their properties. He said that personally, he would not be supporting the proposal as it was fraught with danger to change zoning of land in Local Area Plans outside of their natural cycle. He proposed that Kerry County Council would write to the Department to advise of same.

Cllr. Michael Cahill supported the views expressed by Cllr. Brassil and said that he would be totally opposed to a review of all Local Area Plans being carried out within one year.

Cllr. Cahill referred to an application for planning permission at Dooks Glenbeigh which was granted by An Bord Pleanála following an appeal by the applicant of the decision to refuse the application by Kerry County Council. Condition No. 1 of that permission states that "Development shall not commence until the public road to the south of the site has been realigned to the satisfaction of the planning authority". He said that this has created a very difficult situation for the applicant and he felt that Kerry County Council should immediately realign the road as per condition of planning permission as a road development levy had already been paid by the applicant to Kerry County Council

Cllr. Danny Healy Rae also supported Cllr. Brassil and said that he too would be opposed to reviewing local area plans within one year.

He said that he was concerned about the impact of the current Rural Settlement policy on local people and referred to the County Development **Plan "Settlement Strategies and Rural Development Policies" 3.7.12.** *"In the implementation of rural development policies the term "immediate locality" shall be interpreted as at a minimum, people from adjoining townlands.* He said that this should be reviewed.

Cllr. Marie Moloney said that she considered the review of all the Local Area Plans to be a waste of resources. She agreed with Cllr. Healy Rae regarding the interpretation of the term "immediate locality" and said that it was a ridiculous rule which forced people to live in urban areas. She referred to the proposed location of the Global Pharmaceutical Centre of Excellence (GPCE) in Tralee and said that if the project proceeded as planned and created approximately 4,000 jobs, additional accommodation would be needed in Kerry.

Cllr. Pat McCarthy agreed with the previous speakers and said that he was amused by the quotation (page 5 of presentation) the Planning & Development (Amendment) Bill 2009 in October 2009. *"The planning system has acted as a critical enabler for property speculation whereby the value of land was inflated beyond all reason by little more than a colour on the map"* He said that during the Celtic Tiger period there had been no rules, only rough guidelines had been in place with regard to planning, and

long term sustainable development was ignored. He said that there was a need for proper planning but pointed out that the majority of one off houses were built for family members and very few were vacant.

Cllr. Anne McEllistrim said that at the adjourned budget meeting on 17/01/2011 she had raised concerns about the huge cost of the preparation of Local Area Plans in the current economic downturn. She said that she would prefer to see the money spent elsewhere and asked if all Local Authorities would be reviewing Local Area Plans within one year.

Cllr. Michael O'Shea said that at a recent meeting of the South West Regional Authority, members were advised that the SWRA did not have the funding to implement the requirements under the Regional Planning Guidelines 2010-2022 for the South West Region.

He also expressed concern about the rural settlement policy in connection with "immediate locality" and said that this matter should be reviewed.

Cllr. O'Shea referred to two unfinished housing estates in Castlemaine and asked if any plans were in place to address this issue.

Cllr. Jim Finucane said that he felt that an evidence based plan for the County was needed and that the guidelines as outlined were quite reasonable and the core strategy was an opportunity to look at what went wrong.

Cllr. Robert Beasley said that he agreed with Cllr. Brassil and Cllr. Healy Rae. He said that very little land had been zoned for housing in the north of north Kerry.

Cllr. Norma Foley said that it was important that the members dissatisfaction was brought to the attention of the Minister for the Environment. She said that the timescale for the review of Local Area Plans was unworkable and Kerry County Council did not have the resources required for the work to be carried out. Cllr. Foley also said that "immediate locality" rule should be reviewed as more flexibility was needed with regard to the rural settlement policy.

Cllr. Toireasa Ferris said that she too, supported the views expressed by Cllr. Brassil

Cllr. Paul O'Donoghue said that huge resources had been expended on the preparation of the County Development Plan and the Local Area Plans and furthermore the incoming government may introduce new planning legislation.

Mr. Michael McMahon Director of Planning & Sustainable Development said that all decisions in relation to planning must be based on evidence as the Planning System must work for the common good and produce only sustainable development. Supply and demand must be harmonised by developing evidence based plans and strategies which will support and underpin the decisions of both the elected members and the officials in the future. He said that all the members and planning officials were present in the Council Chamber when the re-zoning of lands was proposed and adopted. He said that he could recall Mr. Tom Sheehy then Senior Engineer

Forward Planning having asked in one case if there was any evidence as to why land was zoned two miles outside a village. As planning permission was subsequently refused on this land it is possible that legal proceedings may be initiated against Kerry County Council by the developer.

With regard to the review of Local Area Plans, Mr. McMahon said that this is being done by Kerry County Council in accordance with the timeframe for the process. He stated that in adopting the County Development Plan in 2009 it was agreed that the Local Area Plans would be adopted on the basis of Functional Areas based on a specific town of influence. Mr. McMahon said that it was intended to continue on this basis and furthermore the Planning Authority did not have the resources to review all Local Area Plans within one year of the adoption of the 5th variation. He said that it was not his intention to revisit the Local Area Plans for the Functional Areas of Castleisland, Kenmare and Killorglin in the short term. Priority for now would be An Daingean Functional Area/Local Area Plan, Caherciveen and the Tralee/Killarney Hub Settlements Local Area Plan and the Killarney Environs Plan.

Cllr. John Brassil referred to page 20 of the presentation which was circulated and pointed out that it was stated in Item 6 that all Local Area Plans must be reviewed within 1 year of the adoption of the variation.

Mr. McMahon replied that the Department of the Environment Heritage & Local Government may have accepted that it may be practically impossible.

Mr. McMahon said that it was his intention to present the Draft Core Strategy to the members at the April meeting of the Full Council.

Cllr. Toireasa Ferris referred to page 20 of the presentation where it is stated that all Local Area Plans must be reviewed within 1 year of the adoption of the variation and said that Mr. McMahon Director of Planning & Sustainable Development was now saying that it would not be done. She asked if all legislation has to be complied with, i.e. *"when the gun is put to our heads in the Chamber, do we have to comply with legislation?"*

With regard to unfinished estates, Mr. McMahon said that €5 million had been set aside for public safety aspects in estates. To avail of this funding, it would be necessary to prove that the estate had been abandoned.

In the past, he said that it was the policy of Kerry County Council not to take roads in estates in charge. In the future however, there are obligations on Local Authorities to take estates in charge if they are requested to do so by either the developer or the residents of the estate

Any Other Business.

Cllr. Michael Cahill read a letter which he had received from the driver of the Kerry to Cork Health Link bus which transports patients suffering from cancer, from all over Kerry to Cork University Hospital for treatment. The bus was purchased by Kerry Cancer Support Group and the driver who is not paid has full responsibility for the bus

and patients can call him on his own phone 24/7. The Kerry to Cork Health Link has transported 982 patients since August 2010. The service is provided free of charge to patients from all over the county and relies totally on fundraising. Cllr. Cahill said that they would appreciate some Government funding in order to continue to provide this invaluable service to the people of Kerry.

Cllr. Maria Moloney said that she was a member of the HSE Forum and had raised this matter at a recent meeting, as a result of which a letter had been written to the Minister for Health requesting that funding would be made available to allow this service to continue.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry