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**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN 28 IÚIL 2014.**

**MINUTES OF THE SPECIAL PLANNING MEETING OF KERRY COUNTY
COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE,
TRALEE ON FRIDAY 28 JULY, 2014.**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	M. Cahill
P. Connor-Scarteen	B. Cronin	J.J. Culloty
P. Daly	T. Ferris	J. Finucane
S. Fitzgerald	J. F. Flynn	N. Foley
M. Gleeson	D. Grady	D. Healy-Rae
J. Healy-Rae	N. Kelleher	S. Locke
D. McCarthy	T. McEllistrim	J. Moloney
N. Moriarty	D. Nolan	T. O'Brien
B. O'Connell	M. O'Shea	L. Purtill
J. Sheahan	G. Spring	A. Thornton

IN ATTENDANCE/I LÁTHAIR

Mr. M. McMahon, Temp. Chief Exec.	Mr. P. Stack A/Dir. Job C./Sust. Ec. Dev.
Mr. J.D. Flynn, Dir. Corp. Services	Mr. C. O'Sullivan, Dir. Op., H&S
Mr. J. Breen, Dir. S.Comm./Q.of Life	Mr. D. O'Malley, Sen. Exec. Planner
Mr. D. Burke, Assistant Planner	Mr. E. Kelleher, Assistant Planner
Mr. B. Looney, Head of IT	Ms. J. McCarthy, SEO Tourism Unit
Mr. P. Corkery, Press & Comm. Off.	Ms. B. Reidy, SSO Corporate Affairs
Ms. N. O'Connor, A.S.O. Planning	Ms. O. O'Shea, C.O. Corp. Affairs
Ms. J. O'Sullivan, CO Corp. Affairs	

The meeting commenced at 10.35 am.

The Cathaoirleach, Cllr. J. Brassil took the Chair.

Emergency Motion

Cllr. P. Daly PROPOSED the following emergency motion:

"That this Council distance itself from the decision of Ireland at the UN to abstain in the Motion to hold an enquiry into the attacks on Gaza."

Staff at the Department of Foreign Affairs lobbied long and hard to get on the Human Rights Committee. What's the point in being on the Committee if we can't call something wrong. These attacks were not in self defence just like the pre-emptive strikes in the Iraq War were not in self defence."

Cllr. Daly said for the past 2 years Department officials lobbied to get representation on this Committee but there is no point in being on it if they do not stand up for what is right. 20 years ago the value of an Irish passport was strong and this was evident in the Brian Keenan case but now it is being diminished. The Department should have supported the call for an enquiry in this instance.

Cllr. T. Ferris **SECONDED** the motion and said you could not but be disgusted at the deaths in Gaza and she called on all members to support the motion.

The motion was unanimously agreed.

Change to Motor Tax

Mr. J. Breen informed members that the Housing Department was in the process of moving to the Motor Tax building. However the Rents, Grants and Allocations Offices are still in County Buildings. All other offices have moved to the offices upstairs in the Motor Tax building. Mr. Breen said all phone numbers and email addresses remain the same.

Cllr. Ferris asked how much is the movement of offices costing. Management are moving Motor Tax from a purpose built building for which they got a grant when it was built while Princes Quay is the obvious place to have the Housing Offices.

The Cathaoirleach said this was debated at the last meeting and members would be provided with the costs at the next meeting.

Members Duties under Ethics Legislation

The Cathaoirleach 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 councillors. 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 Cathaoirleach informed members that there could be no interaction with members of the public during the meeting.

14.07.28.01 Consideration of the Chief Executive's Report on submissions received on the Draft Kerry County Development Plan 2015 – 2021

Mr. M. McMahon informed members that his report on submissions received issued to members. The review of the Kerry County Development Plan (2009 – 2015) commenced on the 27th March, 2013 with an initial phase of public consultation based on an Issues Document. The County Manager's Report, on pre-Draft submissions received, was presented to the Elected Members of the Council on the 15th July, 2013 while the Draft Plan was presented to the Members on the 22nd November, 2013.

Following consideration of the Draft Plan by the Elected Members at meetings held on the 2nd and 9th December, 2013 & the 6th and 13th January 2014, the Draft Plan (as amended by the Members) went on public display for a period of 10 no. weeks from Friday 24th January, 2014 to Monday 7th April, 2014. 7 no. Open Days were also held to facilitate members of the public in Killorglin, Cahersiveen, Kenmare (Templenoe), Dingle, Tralee, Listowel and Killarney which were attended by Staff of the Planning Policy Unit. In addition, a series of Workshops with Local Community Groups were held subsequent to each Open Day between the hours of 7pm and 9.30pm. An extra Workshop meeting was held in Castleisland on 12th March, 2014. More than 138 Community and Voluntary groups attended the 9 no. Workshops held throughout the County. A list of the Open days and Community Workshops is included in Appendix 1.

In all, 327 no. submissions were received during the consultation period, 120 relate to the Retail Strategy and 67 relate to Public Rights of Way. Mr. McMahon added that 9% of submissions were submitted by voluntary / community / environmental groups. However this is not an accurate reflection of the voluntary and community participation in the public consultation process. More than 138 community and voluntary groups attended the 9 workshops held throughout the County. A list of Statutory/Non-statutory Bodies/Interest Groups/Members of the Public, who made a submission, is included in Appendix 2.

Each submission has been read, categorised and summarised in the Report circulated together with the Chief Executive's Response and Recommendation(s). Mr. McMahon referred members to Table 1 where the County Development Plan Review Process and Indicative Timescale is set out and said the present stage is highlighted in green. The legislation requires that each submission is listed in the report. Following conclusion of the Chief Executive's Report the amendments will be put out for public consultation and it is anticipated the Plan will be adopted by February 2015.

Mr. McMahon advised members they are required to have regard to proper planning, Government Policy and any Guidelines issued by the Minister for Environment under Section 28 of the Planning and Development Act 2000 - 2012. Minister Jan O'Sullivan issued a letter highlighting the need to have regard to Government Guidelines and she pointed out that she had to intervene on three separate occasions with other local authorities. When the Draft Plan is being prepared it is obligatory to include a statement of all Government Guidelines and how they have been complied with. The only case where the Draft Plan does not comply with Government Guidelines is in relation to (1) Telecommunications as members directed the executive not to comply in relation to the 1km rule and (2) Access to National Secondary Roads. This relates to the N69, N86, N72 and portion of the N70 where we are not in a position to comply and the report indicates the reason for this. He drew members attention to Section 12(5) of the Planning and Development Act 2000 as amended which states "*Following consideration of the draft plan and the report of the manager under paragraph (a) where a planning authority, after considering a submission of, or observation or recommendation from the Minister made to the authority under this section or from a regional authority made to the authority under section 27B, decides not to comply with any recommendation made in the draft plan and report, it shall so inform the Minister or regional authority, as the case may be, as soon as practicable by notice in writing which notice shall contain reasons for the decision.*" Mr. McMahon then called on Mr. P. Stack to brief members on the Chief Executive's Report.

Mr. Stack informed the meeting that the 327 submissions are listed in Part 3 of the Chief Executive's Report and each submission was read and carefully considered. 15 submissions were from Statutory Bodies and they must be considered first. The 312 remaining submissions are allocated to the Chapter to which they refer in the Draft Plan. He would summarise the issues raised and the Chief Executive's Response and Recommendations. Mr. Stack said he would commence with the submission from the Department of Environment, Community and Local Government and he would then seek member's comments. If members agree with the Chief Executive's recommendations they must be proposed and seconded. If they do not agree they must make a proposal which must be seconded and there would be a vote on it. When consideration of the Chief Executive's Report is concluded the amendments will be put on public display and any submission/comments will be confined to those amendments.

Submission No. 1:

**Department of Environment
Community & Local Government**

Mr. Stack then briefed members on Submission No. 1 as follows:
The Department notes that this is a well-produced and legible Draft Development Plan. While there are some areas where greater clarity would be beneficial, particularly for third parties in using and understanding the Plan, there are two significant areas of serious concern, relating to the proposed

Telecommunications Policy (Section 7.5.2) and the proposed National Roads Policy (section 7.2.1).

Telecommunications Policy

The Draft Development Plan recognises the need for good telecommunications throughout the county and includes a number of objectives to this effect, however, this is completely undermined by the insertion of an Objective that Telecommunications Masts shall not be located within 1 kilometer of residential properties, schools, hospitals or any structures where there is human occupancy for residential or daily work purposes. This is at total variance with Circular Letter PL 07/12 issued by the Minister under section 28 of the Planning and Development Acts 2000-2012 to update certain sections of the Telecommunications Antennae and Support Structures Guidelines (1996).

The submission states that “this objective relating to a 1 km distance from development should be deleted, as there is sufficient protection in the other policies under section 7.5.2”.

Roads - National Primary and Secondary Routes

The Draft Development Plan indicates that it is not possible to implement the policies and objectives, regarding access onto national roads, as outlined in the Spatial Planning and National Roads Guidelines January 2012. The Draft Plan indicates routes or parts of routes (N70 and N71) where ‘exceptional circumstances’ (as allowed by the Guidelines) have been agreed by the NRA and other routes or parts of routes (N69, N70, N72, N86) where agreement has not been possible.

The Department states that this is a matter which needs to be resolved and Kerry County Council needs to have further discussions with the NRA to determine where a solution is possible. The Council and the NRA will need to come to a mutually acceptable and practical solution which complies with the Guidelines.

The submission states that:

“The foregoing matters are of a serious nature and the Planning Authority will need to engage fully with the NRA in relation to the National Roads issue and delete the 1km distance requirement from the telecommunications policy. If the Planning Authority does not comply with this request, the Minister would have no choice but to consider, in due course, the use of the powers of Ministerial direction under the Planning and Development Acts”.

Natura Impact Report

Kerry County Council would need to satisfy itself that it has followed correct procedures in carrying out the Natura Impact Report.

Alignment with South West Regional Planning Guidelines (SWRPG)

The Department notes that there is a discrepancy between the population targets proposed under the SWRPG and the Draft Plan.

Planning for the Municipal Districts

It would be helpful if a section was included in the Plan to set out how it is proposed to do this. It would also be beneficial if population figures were given for the two Hub towns and then for the rural area of the Hub towns, so that monitoring and comparisons of populations can occur over time.

Density

The Draft Plan outlines two scenarios where 21 units per hectare and 12 units per hectare are stated. In addition, there should also be an objective included which indicates that higher densities than 21 units per hectare will be required where the context allows, for the larger urban settlements of Tralee and Killarney in the interest of compact urban development.

Economic Development

- It is noted that the Draft Plan understands the role played by the Tralee Killarney Hub as the areas for focusing economic development. However, it could benefit from more precise wording or an additional objective that indicates that major employment and economic development is to be focused into Tralee/Killarney as the hub settlements and that in the other settlements, employment development should be appropriate to the level of the settlement in the hierarchy. This also applies to retail development and the Draft Plan would benefit from an objective which indicated that retail development in towns and villages should be appropriate to the level that they are in the settlement hierarchy.
- In the rural areas (Obj. ES-25) the Plan is favourably disposed to major industrial development in the countryside subject to objectives 'ES 26.' While there are a number of 'conditions' contained in ES26, it is felt that this policy should be written in a way that supports the focus on the Tralee-Killarney Hub being the premier focus for economic development while in very particular circumstances and subject to the conditions in ES-25 and ES-26 that permission may be considered for major development in the rural area, rather than a presumption in favour of major development in the general rural area.
- Any general industry should be focused into Tralee or Killarney as the main areas for growth and development. In addition, an additional objective should be attached to the Plan that alerts third parties to the need for a Stage 3 site specific Flood Risk Assessment. In this regard the Planning authority should liaise with the OPW.

Mapping

Kerry County Council should consider adding other scales of the Maps in Volume 3.

Section 28 Guidelines

The Draft Plan's listing of S28 Guidelines on Pages 5 - 8, should also include:-

- Wording that can or will account for any updates on the Wind Energy Guidelines (WEG) 2006
- LAP Guidelines (June 2013) (and accompanying manual)
- Environmental Impact Assessment Guidelines (March 2013)
- Quarry Guidelines (January 2012) and supplementary Guidelines (July 2012).

The Draft Plan's Section 13.2 Development Standards/General should also include the guidance document on Unfinished Housing Estates Guidance.

Climate Change

Clarity is requested on the Climate Change Adaptation Plan and related issues.

The Kerry Housing Strategy

The opening executive summary provides wording in relation to social and affordable housing that does not align with the wording of Part V of the Planning & Development Act.

Chief Executives Response

Telecommunications Policy

The Draft Development Plan recognises the need for good telecommunications throughout the county. It is considered that the 1km separation distance would have a major impact on the roll out of a viable and effective telecommunications network. It is therefore recommended the 1 km separation distance requirements as set out in Section 7.5.2 of the Draft Plan be removed in order to reflect the provisions of the Telecommunications Antennae and Support Structures Guidelines (1996), the requirements of Circular Letter: PL07/12 and the policies of the Regional Planning Guidelines.

Mr. Stack also referred members to Submission No. 2 from the South West Regional Authority, Submission No. 3 from the Department of Communications, Energy and Natural Resources and Submission No. 13 from the ESB which also refer to the Telecommunications Policy.

National Primary and Secondary Routes

Section 7.2.1 relates to Access onto the N69, N70 (Tralee/Killorglin), N72 and N86. It is considered necessary to remove this section in order to comply with the Spatial Planning and National Roads Guidelines (2012).

Mr. Stack also referred members to Submission No. 8 from the NRA which strongly supports the removal of this section.

Natura Impact Report (NIR)

The NIR followed the methodology of other previous Plans prepared by the Planning Policy Unit of Kerry County Council like the recently adopted Tralee-Killarney Hub Plan, where policies were dealt with on a broad basis (given the overlap between policies and objectives) as detailed in the Draft Plan, Vol. 4 (NIR) pages 219-223 of report.

Alignment with South West Regional Planning Guidelines (SWRPGs)

Using the growth rate of 0.88% p/a as per the DoECLG and in accordance with the South West RPGs, the projected 2021 figures have been extrapolated. The population of the County is projected to increase by 8,108 during the life of the Plan. While the population targets may differ than those contained in the RPGs the growth rate is similar. Kerry County Council considers the use of the 2011 Census as a baseline gives an accurate *estimation* of the population.

It is considered appropriate to amend Table 2.1 (Pg18) of the Draft Kerry County Development Plan to include the RPG figures as a reference as detailed in the Chief Executives Recommendation – pg. 9.

Planning for the Municipal Districts

The Electoral Area Boundary Committee Report 2013 has reconfigured the County into four Municipal Districts for electoral and local government purposes. The four new areas are:- (1) Tralee (2) Killarney (3) Listowel and (4) South and West Kerry - See Map 2.2. With the abolition of the Town Councils in Tralee, Killarney and Listowel, the responsibility for landuse planning in the towns has transferred to Kerry County Council. It is the intention of the Council to prepare Local Area Plans for each of the Municipal areas during the lifetime of the Plan.

Density

In relation to housing density, the Draft Plan outlines two scenarios where 21 units per hectare and 12 units per hectare are used. In the hub towns of Tralee and Killarney the higher density is used to reflect a more compact urban form. The Council operates a flexible approach to density on infill and brownfield sites where the accompanying design brief is satisfactory.

Economic Development

Objective ES-6 states that, 'it is an objective of the Council to facilitate the sustainable development of the critical mass in population, skills and linkages necessary to create an economic centre in the Tralee / Killarney linked hub capable of driving economic growth in the County in a sustainable manner'. It is, however, considered, that greater clarity would be achieved by removing the first paragraph in Section 4.1.5 and replacing it with the following text:-

To achieve growth in these emerging sectors requires a spatial land use strategy capable of delivering the conditions for growth. The National Spatial Strategy sets out a framework to create critical mass in key economic drivers at particular

regional locations, known as Gateways and Hubs, that have the potential to drive national and regional economic growth. The NSS is based on the concept of Functional Areas i.e. areas that are defined in terms of the social, economic and spatial relationships between places, rather than their administrative boundaries. Cork city is the designated Gateway and the key economic driver for the South West Region. The Tralee / Killarney development corridor has been designated as a linked hub to drive growth in Kerry. It is an objective of this Plan to focus development in the Linked Hub.

ES-25 states clearly that major industrial development in the countryside will only be considered where it is demonstrated that the proposal, due to its site specific requirements, requires a countryside location. Such developments will in almost all cases be dependent on a resource available in the area of the proposed development. It is considered therefore that this policy will not undermine the objectives of the Plan to develop the Tralee-Killarney Hub as the premier focus for economic development in the County. This approach to indigenous industry has facilitated the creation of indigenous enterprises which are now major national and international businesses.

Section 6.3 states that the Retail Hierarchy and the level of development which is appropriate to settlements has been prepared with regard to Settlement Hierarchy of the Plan. The retail function of settlements is set out in section 6.4 - 6.7 and is fully aligned with the National Retail Guidelines and the Settlement Hierarchy. Notwithstanding this, it is considered that greater clarity would be achieved by inserting the following objective into the Plan as objective RS-2 and that the retail objectives be renumbered to facilitate this:-

RS- 2 It is an objective of the Council to support sustainable retail development, in appropriate locations, where the scale of the development is compatible with the role and function of settlements as set out in the Core Strategy and in line with the Retail Hierarchy (Table 6.2).

The Tarbert/Ballylongford Land Bank is of strategic importance to the economic development of the South West Region, the County as a whole and to the people of North Kerry. It is the view of the Planning Authority that the characteristics of this site, its potential as an energy hub and its role in the development of the Shannon Estuary (as recognised in the Strategic Integrated Framework Plan) that the zoning on this site should remain as set out in Draft Plan. Furthermore, it is considered that the development of this land for industrial uses complimentary to and compatible with marine related industry, will not undermine the role of the Linked Hub. Approx 95% of the landbank is located outside of known Flood Risk Areas and regardless, some development applications by their nature are likely to have little or no flood risk implications (signage, hours of operation etc). In addition, given the landbank's coastal location, risks of impacting on land uses downstream are reduced. Therefore it might be excessive to require a Stage 3 Flood Risk Assessment with every application.

The Strategic Flood Risk Assessment carried out on the Draft Development Plan deemed that the zoning of the Tarbert/Ballylongford site for industrial uses was acceptable in principle. This was noted by the OPW in its submission (No 12). It is agreed, however, that it would be advisable to insert the following objective into the Plan as ES-23 and the objectives in the economic chapter renumbered to facilitate this:-

ES-23 Ensure that proposals for development within the Tarbert/ Ballylongford landbank will be required to submit a detailed, site specific, Flood Risk Assessment with any Planning application, demonstrating compliance with the Flood Risk Management land zoning provisions of the Plan for the Landbank.

Section 28 Guidelines

In the preparation of the Draft Plan, Kerry County Council had regard to S28 guidelines. It is considered appropriate to also include the following 3 sets of Guidelines, additional to the list referenced in the Draft Plan:-

- LAP Guidelines (June 2013) (and accompanying manual)
- Environmental Impact Assessment Guidelines (March 2013) and
- Quarry Guidelines (January 2012) and supplementary Guidelines (July 2012).

It is agreed that the S28 listing of Guidelines in relation to Wind (Pg 8) should be revised to include a reference to the impending revision of the National Wind Energy Guidelines.

Climate Change

With regard to Climate Change the Draft Plan encourages the increased use of alternative fuels and technologies and improving fuel efficiency. The Council is also aware of the Climate Change Adaptation Strategy legislation recently published and going through the Oireachtas. The County Development Plan will be further assessed in accordance with this Strategy when adopted.

It is prudent to expand the Core Strategic Objectives in Section 2.2 on Pg 14 regarding Climate Change Adaptation to further promote sustainable settlement and transportation strategies in urban and rural areas.

The County Council will promote sustainable settlement and transportation strategies in urban and rural areas, including the promotion of measures to:-

- a) Reduce energy demand in response to the likelihood of increases in energy and other costs due to long term decline in non-renewable resources
- b) Reduce anthropogenic greenhouse gas emissions, and
- c) Address the necessity for adaptation to climate change, in particular, having regard to location, layout and design of new development.

Mapping

The Landscaping and Zoning maps (12a-u) in Volume 3 are at a scale of approx. 1:62,500. There are currently 21 maps showing the landscape designation, any decrease in scale would dramatically increase the number of maps contained in Volume 3. All zoning maps are accessible on the Council website or via the GIS system in any Municipal District office.

The Plan contains 3 Visual Amenity zonings, namely, Rural Prime Special Amenity, Rural Secondary Special Amenity and Rural General. These designations reflect the quality and capacity of landscapes to accommodate development. These designations are defined in Section 13.3.1. Prime and Secondary Amenity Areas are mapped in Volume 3 - maps 12.1a - 12.1u. In terms of landscape designations only land which is of Prime or Secondary importance is marked on the map as a multiplicity of zonings can make maps difficult to read. The map is intended to show areas which differ from the base designation – Rural General.

It is general practice to use Ordnance Survey Maps in the preparation of development Plans. Such maps contain minor changes, in colour, to reflect the topography of the terrain.

Chief Executives Recommendations

It is recommended that the paragraph on Access onto the N69, N70 (Tralee/Killorglin), N72 and N86 in Section 7.2.1 on Pg 98/99 is removed.

It is recommended that the following sentence in Section 1.8 on Pg 8 is removed. Telecommunications Antennae & Support Structures (1996) & Circular letter PL 07/12; Chapter 7 - Infrastructure had regard to the Guidelines and to Circular Letter 07/12 ~~except as outlined in Section 7.5.2 of this Plan.~~

It is recommended to amend Table 2.1 (Pg 18) to include the RPG figures as follows:-

Draft CDP RPG		
2011 Population	145,502 (census)	152,350 (estimate)
2015 Estimate	150,214	162,866
2021 Target	158,322	172,893
Total growth	8,108	8,908

Table 2.1 Population Growth 2015-2021

It is recommended to include the following text at the end of Section 2.2 on pg 14:-

The County Council will promote sustainable settlement and transportation strategies in urban and rural areas, including the promotion of measures to:-

- a) Reduce energy demand in response to the likelihood of increases in energy and other costs due to long term decline in non-renewable resources,*
- b) Reduce anthropogenic greenhouse gas emissions, and*
- c) Address the necessity for adaptation to climate change, in particular, having regard to location, layout and design of new development*

It is recommended that the following text be inserted into Section 4.7 of the Plan

For the most part the Tarbert / Ballylongford landbank is located outside of known flood risk areas. Notwithstanding this, development proposals will be required to be supported with detailed site level flood risk assessments, as appropriate in order to ensure that the overall landbank resource is protected and developed in a sustainable manner.

It is recommended that the following objective is inserted into section 4.7:-

Shannon Integrated Framework Plan	
It is an objective of the Council to:-	
	<i>Ensure that proposals for development within the Tarbert/ Ballylongford landbank will be required to submit a detailed site specific Flood Risk Assessment with any Planning Application, demonstrating compliance with the Flood Risk Management land zoning provisions of the Plan for the Landbank.</i>
	<i>In addition, only water compatible industrial type land uses, including flood control infrastructure and compatible industrial activities requiring a waterside location will be permitted on lands which have an annual exceedance probability of coastal flooding of 0.1% AEP (Extreme Flood Extent).</i>

Cllr. J. Finucane said there should be a stronger statement in the Plan to support the Tarbert/Ballylongford landbank. There are two major power stations on either side of the Shannon and there is no reference to this and the critical role it plays. He asked that adequate recognition would also be given in the Plan to the capacity of the Shannon Estuary to take shipping.

Cllr. J.J. Culloty PROPOSED that the statement in relation to national primary and secondary routes would not be removed from the Plan. As it stands it is very restrictive and members want to address this in the Plan. Access to these roads is already in place but many houses are not lived in full time and it is unfair to penalise others for this.

Cllr. D. Healy-Rae SECONDED Cllr. Culloty's proposal and said this issue has been discussed at length by Council. It is difficult enough to get planning without ruling out the Rathmore/Killarney road, the Killorglin/Glenbeigh road and the Ring of Kerry. This proposal is unacceptable to members. He hoped young families would continue to keep rural areas alive and houses could be accommodated on these roads. If this impediment is included in the Plan many families will have to emigrate. Cllr. Healy-Rae PROPOSED that the 1km rule would be retained in the Plan. He was aware of the pain caused by cancer and he believed there is evidence that some equipment on masts causes cancer. The 1km rule must be retained to ensure the well being of the people of the county. He accepted that it costs more to provide masts in more remote areas but said the telecommunication companies are making enough profits to allow them to meet this cost. There is no excuse for not having an adequate broadband and phone service. Cllr. Healy-Rae said unfortunately there is now less quarries in Kerry as a result of recent legislation. If road works are required in South Kerry they must draw limestone from Castleisland or Ardfert and that will be very costly.

Cllr. P. Connor-Scarteen referred to Page 8 of the Chief Executive's Report in relation to entrances on national secondary roads and said Kerry has the largest amount of national secondary roads in the country. What was in the Draft Plan was reasonable and the N70 and N71 should also be included. Over the past few years landowner's children have found it very difficult to get planning and it caused havoc. He thanked the Council for getting agreement from the NRA for the inclusion of some national secondary roads.

Mr. McMahon said it is important to note that exceptional circumstances have been agreed with the NRA in relation to the N70 from Killorglin south and on the N71 and they confirmed in their submission that this is acceptable to them.

Cllr. Connor-Scarteen requested clarification on exceptional circumstances.

Mr. Stack said the planning authority is required to discuss the national road network with the NRA and to agree exceptional circumstances in relation to certain roads where the AADT is less than 3,000. The NRA agreed that exceptional circumstances would apply to the Ring of Kerry road and also the road from Killarney to Kenmare. Conditions in relation to these are included in

Chapter 7 ie the development cannot cause a traffic hazard, no alternative access from a non national road is available and the development complies in all other ways with the County Development Plan. Mr. Stack pointed out that the Lauragh road is a regional road.

Cllr. D. Healy-Rae asked if the Kenmare to Bonane road was agreed with the NRA.

Mr. Stack confirmed it was.

Cllr. D. Healy-Rae asked if the Rathmore to Killarney road is agreed also.

Mr. Stack said there is a difficulty with the N69 Tarbert/Tralee road, the N86 Tralee/Dingle road and the N72 Killorglin/Killarney/Rathmore road and they could not agree exceptional circumstances with the NRA on these. This issue was discussed by Council in January when it was agreed to insert the wording in the Draft Plan but the Minister has objected and management propose to uphold the Minister's position and to remove them from the Draft Plan.

Cllr. B. Cronin asked what would they be replaced with?

Mr. Stack said it is proposed to remove it to comply with the Ministerial Guidelines.

Cllr. Cronin said members held firm against the NRA and they agreed exceptional circumstances. He pointed out that the NRA ignored the members in the Killarney Municipal District when they sought the provision of roundabouts for safety reasons. What the members identified as being required was accurate.

Cllr. Cronin said in relation to telecommunications he is fully aware of the seriousness of the lack of broadband in some areas or where an adequate service is not available. He then referred to the 1km rule and said this is a health and safety issue. He chaired the Planning SPC and they were directed to bring in experts in relation to the impact of masts. They invited in experts and the more they investigated it the more concerns he had. Last February he asked that broadband providers would be invited to a Council meeting and it is now proposed to have IBEC's Telecommunications Industry Federation to the September Council Meeting. There are 16 or 17 broadband providers in the county. If the 1km rule is removed will there be masts in every valley in the county to facilitate all service providers. Cllr. Cronin expressed concern that the removal of the 1km rule could result in a free for all. However he was open to debate and he suggested it maybe possible to agree a compromise. He has concerns on medical grounds and unless a middle ground can be agreed he would not support a free for all.

Cllr. M. O'Shea expressed concern in relation to the 1km rule and said if the Minister overrules members their discussions are meaningless. The lack of broadband is a huge issue especially for those who want to work from home. He referred to Page 2 and the paragraph on Density which refers to 21 units per hectare and expressed concern that there would be serious social issues if there

was such condensed development. He asked that this density would not be considered as it could result in serious social issues. Cllr. O'Shea said all future larger housing developments should be required to provide a playground. In relation to economic development he noted the statement on Page 2 in relation to the Tralee Killarney Hub which states '*it could benefit from more precise wording*'. He asked if Cahersiveen and Killorglin will be excluded and if all major development will be concentrated in the Tralee Killarney Hub. Provision should be included in the Plan to support opportunities for development in Killorglin, Listowel, Dingle, Caherciveen etc. Cllr. O'Shea referred to Objective ES-25 in relation to major industrial development in the countryside and asked that it would be expanded to provide for businesses like garages and welding works that want to expand. He emphasised the importance of facilitating the growth of these businesses.

Cllr. Cahill said he made a submission in relation to the granting of permission on roads adjacent to the Ring of Kerry road. Mr. Stack mentioned exceptional circumstances that would apply to the Ring of Kerry road and he asked if a lady in Glenbeigh who travels the same road every day will now be accommodated under this provision. If not there must be further discussions with the NRA.

Cllr. D. Grady concurred with the views expressed by previous speakers. He is in favour of the retention of the 1km rule and he pointed out that the NRA do not listen to the members of Kerry County Council.

Cllr. T. Ferris said there is a huge flaw in this process as the Chief Executive's Report was not available to the public prior to the meeting. This is particularly relevant when after this stage submissions can only be made on the amendments that go on public display. Cllr. Ferris said it would be easier for members if the page numbers were included on the list of submissions in the Appendix. She said it was no surprise to her that the Department tried to get members to minimise the potential of the Tarbert Ballylongford landbank and she supported the views expressed by Cllr. Finucane on this. Cllr. Ferris PROPOSED that the 1km rule would remain and let the Minister change the County Development Plan if he sees fit. She referred to Page 9 of the Chief Executive's Report and said it is recommended that a list of Guidelines would be included but she would be cautious about including them as they are only guidelines. Cllr. Ferris referred to the recommendation at the end of Page 9 that reference should be made to the National Wind Energy Guidelines which are to be revised and she PROPOSED that this would be omitted until later. The agreement with the NRA on the N70 and N71 will benefit the people in these areas but there should be some provision for the N69 and N86 and the word 'exclusively' should be omitted. Cllr. Ferris accepted that the Council had an obligation in relation to road safety but said some provision should be made for the people living on these roads provided it does not impact on road safety.

Cllr. M. Gleeson said he believed members made a reasonable decision in relation to the N72 last January and this should remain in the Draft Plan. Cancer is a rampant reality and to what extent masts impact on this is not known but he

is more convinced by those who want to retain the 1km rule. This is despite the fact that there is poor broadband in his area. Cllr. Gleeson said he worked in intensely developed housing conurbations a number of years ago and it is a human right of families to recreate in their own back gardens. Failure to allow them to do so will have repercussions. In relation to wind energy Cllr. Gleeson asked what percentage of energy in the national grid is from wind energy. The Draft Plan states that Cork City is designated a 'Gateway' but Kerry is cut off because of an inadequate road infrastructure. Commuters from Kerry are forced to travel through Rathmore to Mitchelstown which is one of the worst roads in the country. There is an inequity of treatment of Kerry because of these two realities.

Cllr. N. Foley acknowledged the work that went into compiling the Chief Executive's Report. If the exceptional circumstances do not apply to some routes it is unfair and it will result in an inequity. She said this provision should be left in the Draft Plan. There are still considerable health concerns in relation to masts and no agency will state there are no safety risks from masts. For that reason it would be best to be cautious. Given the huge technological advances it should be possible to ensure there are no health risks from masts. It is members duty to do what is best for the county and the people and the Minister can do what he must do. Cllr. Foley said she supported the retention of the 1km rule.

Cllr. S. Fitzgerald said there are serious concerns on the N86 in relation to planning even where the entrance is shared and the NRA should at least consider shared entrances. He took exception to the exclusion of the N86 by the NRA. In conclusion Cllr. Fitzgerald asked if this restriction relates to proposed agricultural buildings.

Cllr. A. Thornton asked if the Guidelines on national primary and national secondary routes over rule the County Development Plan. She referred to the Tralee Killarney Hub and asked if there is a plan for North Kerry.

Cllr. D. Nolan PROPOSED that the provision for the intensification of accesses to national secondary roads would not be removed from the Draft Plan. She said the text is very prescriptive in relation to where development will be permitted. If this is removed it will be anti-family. Cllr. Nolan asked if the 1km rule applies to the upgrading of existing masts. There is plenty scope to improve broadband through the use of existing masts. If the proposed wording on the Tralee Killarney Hub is included Cllr. Nolan said it will be to the detriment of other regional towns and there is no mention of industrial estates in regional towns. In order to get a balance provision should be made in the Plan for development in regional towns. Cllr. Nolan said she would not support any proposal to restrict the use of the Tarbert Ballylongford landbank.

Cllr. P. Daly referred to the N86 and in particular to the straight section from Blennerville to Camp and said road safety must be the priority. He said there is no specific reference in the Draft Plan to road safety. Cllr. Daly congratulated the Council on their victory in the High Court in relation to the proposed improvements to the N86 and said it is vital that this cycleway is provided as it

will enhance road safety. In relation to telecommunication masts and wind turbines Cllr. Daly said he is in favour of the 1km rule. These companies make vast profits with derisory amounts going back into the community.

Cllr. N. Kelleher said while members must err on the side of caution in relation to the 1km rule we do not have a satisfactory broadband service in the county and there must be some relaxation of this rule.

Cllr. J. Moloney highlighted the importance of the proposed Shannon LNG project for North Kerry. He referred to the Tralee Killarney Hub and said he did not want to put further restrictions on development in North Kerry. In relation to the 1km rule he would prefer to leave it as it is and await the views of Government.

Cllr. G. Spring requested clarification on the process i.e. ADDT determination.

Cllr. J. Brassil supported the views expressed by previous speakers in relation to national secondary roads. Unfortunately the Department maintain this is an issue for the NRA to resolve while the NRA says it is a matter for the Department. By having the 1km rule in place Cllr. Brassil said he believes it automatically ensures every application is refused and not given due consideration. Each application is refused automatically and it is then appealed to An Bord Pleanála and most are subsequently granted. He said members are doing a disservice to the people as there is a broadband deficiency in the county. 3 were given the opportunity to provide broadband in rural areas and they came to Kerry and checked with officials. They were informed that the 1km rule meant most applications are refused and they said that would hold up their process by 18 months.

Cllr. J. Finucane PROPOSED the following amendment in relation to the 1km rule "that the Planning Authority would show due deference to individual residents, communities, institutions and the amenities in dealing with telecommunication mast applications and would not impose a 1km blanket ban".

Cllr. J. Brassil SECONDED this proposal.

Mr. Stack then displayed a map showing the areas in the county that are not within 1km of a residence and said the black dots on the map indicate where masts are located. It is hard to find an area that complies with the 1km rule and most of them are on top of mountains which are unsuitable locations for masts.

Cllr. Ferris asked why service providers do not use existing masts.

Cllr. Gleeson asked what the range of a mast is.

Mr. McMahon said when the Planning SPC researched this issue they were informed where there are fewer masts the power outage is higher while it would be less if there were more masts.

Mr. Stack said some additions to antennae are exempt from planning.

Cllr. Ferris said the map does not indicate masts where planning is not required for additional antennae nor does it show where broadband is available.

Cllr. N. Kelleher said if a map of the county showing where broadband is available was displayed it would be easy to see the gaps. If the current restrictions remain it will result in an inadequate broadband service.

Mr. Stack said he understood members are concerned if they remove the 1km rule it will open the flood gates but that is not the case. If the 1km rule is not in the County Development Plan it will allow planners to examine each application extensively.

Cllr. Ferris asked why this is not done anyway as many refusals are appealed to An Bord Pleanála.

Mr. McMahon said if the planning authority seeks further information it will result in a substantial cost for the applicant and that would be unfair when the application would be refused anyway. He advised members that in accordance with the Local Government (Reform) Act 2014 it is no longer permissible for members to move a Section 140 motion on any planning issue.

Cllr. Finucane said the 1km rule is only achieving a delay in the process. The Minister recently announced a national strategy on the provision of broadband in all parts of the country and it is pointless to delay these applications. If the 1km rule is removed the Council will be in a stronger position to refuse applications.

The Cathaoirleach said there are two issues to be decided (a) access to national secondary roads and (b) whether the 1km rule would not be deleted from the County Development Plan.

Mr. Stack said he presumed when members refer to access to a road they mean onto a national route. Any restrictions imposed by the NRA are on health and safety grounds and where there are inadequate sight lines it will not make any difference what is in the Plan as the application will be refused.

Mr. McMahon said the provision for 'exceptional circumstances' does not take road safety out of the equation. The planning authority will not grant permission where a traffic hazard would be created.

Cllr. Foley asked if the Minister overturns one aspect of the Plan does that impact on the entire Plan.

In response Mr. McMahon said since the start of the process they tried to ensure the County Development Plan complied with national guidelines. If it does not comply it is inviting the Minister to intervene. It is preferable that the Council would deal with these issues themselves. The Minister has clearly indicated that he will intervene if necessary and we must inform the Minister if the Plan does not comply with national guidelines. Any intervention by the Minister would be in relation to the aspect of the Plan that does not comply with national guidelines.

Mr. J.D. Flynn said a vote would then be taken on the proposal by Cllr. J.J. Culloty which was seconded by Cllr. D. Healy-Rae as follows:

“That this Council having considered the Chief Executive’s Report and Recommendations on submissions to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves to retain S7.2.1 (Access to National Secondary roads) in its entirety as set out in the Draft Plan.”

Mr. McMahon asked if there are any other reasons why this section is being retained in the County Development Plan.

Cllr. Ferris asked if members should make a slight amendment to it so that they can amend the wording in the next phase if necessary.

Cllr. A. Thornton asked if members vote to retain this Section in the Draft Plan could an application be refused on the grounds of the national guidelines.

Mr. McMahon said when a planning application is being considered planners have regard (1) to the proper planning and development of the area and (2) the County Development Plan. If a decision is appealed to An Bord Pleanála they are not obliged to adhere to our County Development Plan.

A vote was then taken on Cllr. Culloty’s proposal which resulted as follows:

For: Cllrs. Beasley, Cahill, Cronin, Culloty, Ferris, Finucane, Fitzgerald, Flynn, Foley, Gleeson, Grady, D. Healy-Rae, Kelleher, Locke, D. McCarthy, McEllistrim, Moloney, Moriarty, Nolan, O’Shea, Purtill, Sheahan, Spring, Thornton, Brassil **(25)**

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

Not Voting: None **(0)**

Absent: Cllrs. Connor-Scarteen, J. Healy-Rae, Kennelly, P. McCarthy, O’Brien, O’Connell, Quigg **(7)**

The Cathaoirleach declared the proposal CARRIED.

The Cathaoirleach then informed members that Cllr. J. Finucane proposed that the 1km rule would be removed from the Plan and that the Plan would be amended as follows: *that the Planning Authority would show due deference to individual residents, communities, institutions and the amenities in dealing with telecommunication mast applications and would not impose a 1km blanket ban.* He added that Cllr. D. Healy-Rae proposed that the 1km rule would be retained.

Mr. J.D. Flynn said a vote would then be taken on Cllr. Finucane’s proposal which was seconded by Cllr. Brassil as follows: “That this Council having considered the Chief Executive’s Report and Recommendations on submissions to the Draft Kerry County Development Plan 2015 -2021 hereby resolves in relation to the 1km rule that the Planning Authority would show due deference to

individual residents, communities, institutions and the amenities in dealing with telecommunication mast applications and would not impose a 1km blanket ban.”

Cllr. Locke asked if this amendment would safeguard towns, villages, schools etc.

The Cathaoirleach said in his opinion it would.

The vote resulted as follows:

For: Cllrs. Culloty, Daly, Finucane, Fitzgerald, Kelleher, Locke, Moloney, Moriarty, O'Shea, Purtill, Sheahan, Spring, Thornton, Brassil **(14)**

Against: Cllrs. Beasley, Cahill, Cronin, Ferris, Flynn, Foley, Gleeson, Grady, D. Healy-Rae, D. McCarthy, McEllistrim, Nolan **(12)**

Not Voting: None **(0)**

Absent: Cllrs. Connor-Scarteen, J. Healy-Rae, Kennelly, P. McCarthy, O'Brien, O'Connell, Quigg **(7)**

The Cathaoirleach declared the proposal CARRIED.

The Cathaoirleach stated if a vote was taken on the Tarbert Ballylongford Landbank he would leave the meeting as he is Chair of Shannon Development.

Mr. Stack displayed a map showing the Tralee Killarney Hub and also the four Municipal Districts. The Hub stems from the National Spatial Strategy and the Regional Planning Guidelines require us to identify a Hub area, its importance to the county and the two central towns of Tralee and Killarney. While the Draft Plan identifies those two towns as economic drivers the Plan also supports regional towns. There would be no problem with granting permission for developments in the main towns outside the Hub area.

Cllr. M. O'Shea PROPOSED that text would be included in the Draft Plan to support development in regional towns.

Cllr. S. Fitzgerald SECONDED this proposal.

Cllr. Finucane said this is aspirational and the Hub has achieved nothing and on the ground the Hub means nothing.

Cllr. D. Healy-Rae said he wanted to ensure that provision is included in the Plan to allow planners the discretion to grant permission outside of the Hub area e.g. Liebherr was set up in 1959 in Fossa outside Killarney and that would not be given permission today yet it enhanced the area. He asked that planners would be allowed to consider granting permission to a development in any area even outside a town or village and that each case would be dealt with on its merits.

Mr. McMahon said such a development would have a better chance of being granted permission now as the public sewer is in place. He referred members to Page 6 of the Chief Executive's Report and said there is an inconsistency in the response and recommendation and it is proposed to delete the last line in Paragraph 1 on Page 6. He then referred members to Page 10 and said the last line is not included and that was their intention. The text in blue is correct.

Cllr. J. Finucane PROPOSED that the blue text as set out in paragraph 3 on Page 10 be adopted.

Cllr. M. Gleeson SECONDED this proposal.

Cllr. M. O'Shea asked if businesses in rural areas will be granted permission to expand their business.

Mr. McMahon said Objective ES-25 clearly provides for local industry in rural areas. It is not intended that an industry like Dairymaster in Causeway would not be permitted.

The Cathaoirleach said there was nothing in the last Plan to positively support industry in rural areas and that is now provided for in the new Plan. Regional and national policy obliges us to include the Tralee Killarney Hub in the Plan and he supports this.

Cllr. J. Finucane PROPOSED that the amended text in relation to the Tralee Killarney Hub on Page 10 be adopted.

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

Cllr. O'Shea referred to the last line on Page 2 of the Chief Executive's Report in relation to retail development in towns and asked if this would be more appropriate to the Settlement Strategy.

Mr. McMahon said regard must be had to the size of the settlement and the impact of a proposed development on businesses in the town.

Cllr. O'Shea asked if a business wants to set up in a regional town would it be facilitated.

The Cathaoirleach said retail and industry must be separated. He then referred members to Page 9 of the Chief Executive's Report and the proposed amendment to population figures and he asked members if they were agreed.

On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. J. Finucane it was agreed to adopt the amended population figures as set out on Page 9 of the Chief Executive's Report.

Mr. McMahon referred members to Page 9 of the report and said in accordance with the Planning and Development Act 2010 a planning authority must demonstrate how the Plan complies with Guidelines. From pages 5 – 8 the

relevant Ministerial Guidelines are included and it has been indicated how the Plan complies with them.

Cllr. Ferris said members were not furnished with the Guidelines and perhaps elements of them are not suitable.

Mr. McMahon asked Cllr. Ferris if she was suggesting that members would be circulated with a copy of all Guidelines received and he pointed out that one of the Guidelines was received since this process commenced.

Cllr. Ferris said as she had not read the Guidelines she was not satisfied to include them.

The Cathaoirleach asked members if they wanted to include the 3 sets of Section 28 Guidelines listed on Page 9 of the Chief Executive's Report in the Plan.

Cllr. M. O'Shea PROPOSED that the following Guidelines would be included in the Plan:

- ❖ LAP Guidelines (June 2013) (and accompanying manual)
- ❖ Environmental Impact Assessment Guidelines (March 2013) and
- ❖ Quarry Guidelines (January 2012) and supplementary Guidelines (July 2012).

Cllr. N. Kelleher SECONDED this proposal.

Cllr. J. Healy-Rae asked what this would mean.

The Cathaoirleach said these Guidelines were not previously included in the Plan and it is now proposed to include them.

Mr. McMahon informed members that in accordance with Section 28 of the Planning and Development Act the Minister can issue Guidelines and there is a specific requirement that planning authorities would have regard to them and to demonstrate how they did this. Earlier in the meeting there was a discussion on Guidelines on Telecommunication Masts and Access to National Secondary Roads. There is a series of Guidelines that they must have regard to and the Minister brought it to their attention that these three sets of Guidelines are not included in the Plan.

Cllr. D. Healy-Rae said quarry owners are waiting for this Minister to pass legislation to allow quarries to remain open. At present they are not permitted to blast rock and they are in limbo until this legislation is passed.

The Cathaoirleach said whether members agree or not they must be included in the Plan.

Cllr. J. Healy-Rae called for a vote to be taken on the inclusion of these Guidelines in the Plan. He said all developers are paying enough for stone and he called on members to vote against the inclusion of these Guidelines in the Plan.

Mr. J.D. Flynn said a vote would then be taken on the following proposal made by Cllr. M. O'Shea which was seconded by Cllr. N. Kelleher: *"That this Council having considered the Chief Executive's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that the 3 sets of Guidelines (1) LAP Guidelines (June 2013) (and accompanying manual) (2) Environmental Impact Assessment Guidelines (March 2013) and (3) Quarry Guidelines (January 2012) and supplementary Guidelines (July 2012) be included in the Section 28 Guidelines in addition to the list referenced in the Draft Plan."*

The vote resulted as follows:

For: Cllrs. Daly, Finucane, Fitzgerald, Gleeson, Kelleher, McEllistram, Moloney, Nolan, O'Shea, Purtill, Sheahan, Spring, Brassil **(13)**

Against: Cllrs. Cronin, Culloty, Ferris, Flynn, Foley, Grady, D. Healy-Rae, J. Healy-Rae, Locke, D. McCarthy, Moriarty, Thornton **(12)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Cahill, Connor-Scarteen, Kennelly, P. McCarthy, O'Brien, O'Connell, Quigg **(8)**

The Cathaoirleach declared the proposal CARRIED.

The Cathaoirleach then referred to Wind Energy and advised Cllr. Ferris that proposals in relation to Wind Energy would be taken later with other submissions.

This was agreed.

The Cathaoirleach referred members to the additional text to be added to Section 2.2 on page 14 of the Plan which was set out at the top of Page 10 of the Chief Executive's Report.

Cllr. J. Brassil PROPOSED that this additional text would be inserted in Section 2.2 of the Plan be adopted.

Cllr. M. O'Shea SECONDED this proposal and it was agreed.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to include the objective on Retail set out on Page 10 of the Chief Executive's Report in Section 6.3 of the Plan.

The Cathaoirleach informed the meeting that the Tarbert Ballylongford Landbank would then be dealt with and he would leave the meeting while this was being considered.

Cllr. Brassil then left the meeting.

The Leas Cathaoirleach, Cllr. T. McEllistrim took the Chair.

Cllr. McEllistrim said it is recommended that the following text be inserted into Section 4.7 of the Plan:

“For the most part the Tarbert/Ballylongford landbank is located outside of known flood risk areas. Notwithstanding this, development proposals will be required to be supported with detailed site level flood risk assessments, as appropriate in order to ensure that the overall landbank resource is protected and developed in a sustainable manner.”

Cllr. Ferris asked if there is a statement to strengthen the landbank or must members include it at that time.

Mr. Stack referred members to Page 53 of the Draft Plan and said there is a section there which supports the development of the landbank. Kerry County Council fully supports the development of the landbank but the Minister raised concerns in relation to flood risk. He had no issue with this as 95% of the landbank is not subject to flooding.

Cllr. J. Finucane PROPOSED that the following text would be included on Page 53 of the Plan at the end of Section 4.6: “That this Council recognises the Shannon Estuary as a major shipping artery and further recognises the on-going potential of the Tarbert /Ballylongford landbank for industrial development.” He said the statement in the Plan in support of the landbank should be stronger.

Cllr. J. Moloney SECONDED this proposal.

Mr. Stack referred members to Objective ES-21 which reads *“Support the implementation of the Shannon Integrated Framework Plan (SIFP) to facilitate the sustainable economic development of the Shannon Estuary.* Mr. Stack also referred members to Objective ES-22 which reads *“Promote and facilitate the sustainable development of these lands for marine related industry, utilising the presence of deep water, existing infrastructure, natural resources, and waterside location to harness the potential of this strategic location. Alternative proposals for general industrial development, compatible or complimentary with marine related industry and / or those creating a synergism with existing or permitted and / or those contributing to the sustainable development of a strategic energy hub at this location will also be encouraged. Development will be subject to compliance with the objectives of this Plan, particularly as they relate to the protection of the environment and will also be subject to compliance with the Environmental Reports prepared in support of the SIFP, where appropriate.”* In conclusion Mr. Stack said these are strong statements of support for the landbank.

Mr. J.D. Flynn said a vote would be taken on Cllr. Finucane's proposal as follows which was seconded by Cllr. Moloney:

"That this Council having considered the Chief Executive's Report and Recommendations on submissions to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves to include the following on Page 53 of the Draft Plan at the end of Section 4.6 "that this Council recognises the Shannon Estuary as a major shipping artery and further recognises the on-going potential of the Tarbert /Ballylongford landbank for industrial development."

The vote resulted as follows:

For: Cllrs. Cronin, Culloty, Daly, Ferris, Finucane, Fitzgerald, Flynn, Foley, Gleeson, Grady, D. Healy-Rae, J. Healy-Rae, Kelleher, Locke, D. McCarthy, McEllistrim, Moloney, Moriarty, Nolan, O'Shea, Purtill, Sheahan, Spring, Thornton **(24)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, Kennelly, P. McCarthy, O'Brien, O'Connell, Quigg **(9)**

The Leas Cathaoirleach declared the proposal CARRIED.

The Leas Cathaoirleach referred members to the Objective on the Shannon Integrated Framework Plan set out on Page 11 of the Chief Executive's Report and said it is proposed to insert it into section 4.7.

On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. B. Cronin it was agreed to insert this objective in section 4.7.

Cllr. Brassil then returned to the meeting and took the Chair.

The Cathaoirleach said as he was advised that the next Section would take approx. 1 hour and he adjourned the meeting for lunch.

The meeting adjourned for lunch at 1.20pm.

The meeting resumed at 2pm.

Submission No. 2:

South West Regional Authority

Mr. Stack referred members to Page 12 and Submission No. 2 from the South West Regional Authority. He briefed them on this submission and the Chief Executive's response and recommendations as follows:

The South West Regional Authority confirms that the Draft Kerry County Development Plan is, as far as is practicable, consistent with the South West Regional Planning Guidelines. The Regional Authority considers that the Draft

Plan settlement strategy is adequately framed by the availability and capacity of water and wastewater services and it is considered that the availability of such services are aligned with the Draft Development Plan Core Strategy.

Core Strategy, Settlement, Population & Housing Land Requirement

The submission contains 2 recommendations:-

1. Considering the establishment of the four new Municipal Districts as detailed under Section 2.3.1 of the Draft Plan, it is recommended that clarification should be provided on how it is envisaged to deliver a coordinated Planning framework for the Tralee/Killarney Linked Hub during the lifetime of the new County Development Plan.

2. It is recommended that the population figures for the Tralee/Killarney Hub should be provided in the Draft Plan. This should include the population for the towns of Tralee and Killarney and the rural area within the Hub. It would be beneficial to include population figures in Tables 3.2 - 3.5 for the “remainder of the area” in order to monitor population change over the Plan period.

Employment

- The economic strategy should place greater emphases on the wider regional context.
- A choice of sustainable employment locations sufficient to cater for the envisaged population and employment growth in the region are required. This requirement must be focused primarily on the Hub Towns to ensure that the population lives in proximity to employment locations and reduces unsustainable commuting.
- Local Authorities will need to ensure that sufficient land exists for the various types of employment envisaged in the region. Specifically, strategic land reserves need to be provided for both existing and new large scale stand alone industries as well as land reserves for the growing international traded services sector (office based industry).

Transportation and Infrastructure

- It is recommended that the Draft Plan includes an objective that reflects the targets cited under objective RTS 01 of the RPGs. It is considered that it would be beneficial to present the existing non-car work related modal share within the Tralee/Killarney Hub, other main towns and rural areas if possible.
- It is recommended that the policies and objectives regarding other forms of sustainable transportation such as carpooling/car-sharing could be considered by the Local Authority.
- It is considered that 1 km separation distance requirement stipulated under Section 7.5.2 of the Draft Plan contravenes Circular Letter: PL 07/12.

Natural Environment and Flood Risk Management

The development of CFRAMs is very much relevant to land use Planning and the outputs from this process will provide mapping of the main areas of flood risk within and adjoining County Kerry.

Kerry County Council should also investigate the potential for cross-boundary consultation in order to assess any cumulative impacts and to ensure compliance with the SEA Directive.

Social infrastructure and Community Development

The submission contains 1 no. recommendation:-

1. It is recommended that the Draft Plan should identify or should provide a context for the Local Area Plans to identify, where appropriate, those urban and rural areas where social deprivation occurs and where there are community infrastructural deficits and develop an appropriate policy framework to deal with the issues arising.

The submission suggests a minor amendment to Pg 22 – The Settlement Hierarchy for County Kerry is outlined in Table 3.1 below. *As per the South West RPGs, Tralee and Killarney are the highest within this hierarchy.* Table 3.1 provides a brief summary of the role of the towns in each level of the hierarchy.

In conclusion the Regional Authority confirms that the Draft Plan, as far as is practicable, is consistent with the South West Regional Planning Guidelines.

Chief Executives Response

Core Strategy, Settlement, Population & Housing Land Requirement

It is considered appropriate to include population figures (Census 2011) for the areas as shown in Table 2.2 and in Tables 3.2 - 3.5.

Tralee/Killarney Linked Hub

A coordinated Planning framework for the Tralee/Killarney Linked Hub is provided within the Tralee Killarney Hub Functional Area LAP 2013-2019. It is also an objective of the Plan to prepare a Strategic Economic and Social Development Plan for the linked Hub area.

Economy and Employment

- ❖ The Economic Strategy set out in the Draft Plan is, on the one hand, intended to facilitate the development of the Hub Towns and the Wider Linked Hub as an economic driver for the county and the south west region capable of leveraging inward investment and on the other, to grow local indigenous industries to create future employment. This two-pronged approach is considered to be the best *fit* for a county which has experienced difficulty in attracting sufficient inward investment.

- ❖ As population growth generally follows economic growth, significant areas of land have been zoned in the hub towns (as contained in the Plans adopted by the Town Councils) and the wider hub area of lands for employment uses. It is considered, therefore, that this Plan is fully aligned with National and Regional spatial policy. See also the response to Submission 1.
- ❖ The principles of sustainable travel are applied to the planning of settlements in LAPs. Measures include zoning residential and employment land in close proximity and “designing in” sustainable means of travel in the planning of settlements such as walking and cycling. At strategic level the concentration of population into urban centres will increase the economic viability of public transport in what is at present a largely rural county.
- ❖ Significant strategic reserves of land have been identified and zoned for employment uses in the Tralee and Killarney Town Development Plans and in the Hub Functional Area Local Area Plans (FALAP). Objective ES-8 protects lands zoned for employment uses in both this Plan and all local area Plans from inappropriate development that would prejudice the long-term development of lands designated for employment uses.
- ❖ A total of 152.38 hectares of land has been zoned for employment uses in the Hub Towns and the Wider Hub Area. These zonings include substantial strategic reserves of land for industry, office, business, mixed use and the extension of the Kerry Technology Park (29 hectares). These lands by their nature and location are suitable for large scale stand alone sites for industry and office based enterprises in close proximity to transport corridors. An additional 28.42 hectares of land, largely mixed use zonings, has been zoned in the settlements within the Wider Hub Area. In addition significant amounts of land have been zoned for tourism development/uses.
- ❖ Strategic Land Reserves are zoned in proximity to Kerry Airport which has been identified as a sustainable location for logistics and distribution. Land is also zoned for airport related uses, industry, light industry, warehouse/distribution and a commercial business park. Land has also been zoned in Fenit for the development of harbour uses.
- ❖ In addition 89 hectares of land has been zoned in the County's Regional Towns to provide sustainable employment in these urban centres and the rural areas within their catchment. These lands are located in close proximity to transport corridors and provide optimum locations for a range of enterprises.
- ❖ It is considered that the practice of identifying and zoning strategic land reserves in Functional Area Local Area Plans should, in the interests of clarity, be included as an objective of the Plan. It is recommended therefore that the following objective should be included as Objective ES-8 and that the

objectives of the Employment Chapter should be renumbered to facilitate this:-

It is an objective of the Council, through Municipal District Plans, to zone strategic land reserves within the Hub Towns and the Wider Linked Hub to provide for large scale stand alone industries, the growing international traded services sector (office based industry) including the range of knowledge based industries, green enterprise and the creative industry. The principles of sustainable transport will be applied in identifying sites and such sites shall be located in close proximity to public transport corridors and where suitable, on brownfield sites.

Transportation and Infrastructure

The strategic aims of the Core Strategy seek to achieve and support the aims of national policy as contained in 'Smarter Travel' and 'Spatial Planning & National Roads – Guidelines for Planning Authorities' DoECLG 2012.

It is considered appropriate to include additional objectives in the Plan:-

1. *Encourage an increase of non-car based transport within the County*
2. *Promote the sustainable development of walking, cycling, public transport and other sustainable forms of transport such as car-sharing and car pooling, as an alternative to the private car, by facilitating and promoting the development of necessary infrastructure and by promoting initiatives contained within "Smarter Travel, A Sustainable Transport Future 2009-2020".*
3. *Identify car parks and other suitable locations for the provision of appropriate battery charging infrastructure for electrically powered cars / vehicles as a means by which the Council can assist in achieving a reduction in carbon emissions within the county.*

Natural Environment and Flood Risk Management

- The CFRAMs process takes into consideration cross-boundary cumulative impacts, consultation and cross catchment management. This is considered satisfactory.

Social Infrastructure and Community Development

- It is considered appropriate to include an additional objective which seeks *"to identify areas where social deprivation occurs, both urban and rural areas and identify sustainable strategies for the regeneration of such areas within the Local Area Plans"*.
- A minor amendment (in italics) to Pg 22 is considered appropriate and shall read as follows:- *The Settlement Hierarchy for County Kerry is outlined in Table 3.1 below. This hierarchy is consistent with that set out in the south west RPGs. As per the South West RPGs, Tralee and Killarney are the highest*

ranking within this hierarchy. Table 3.1 provides a brief summary of the role of the towns in each level of the hierarchy.

Chief Executives Recommendations

It is recommended to include the following objectives in section 7.2:-

Sustainable Transport	
It is an objective of the Council to:-	
	Encourage an increase of non-car based transport within the County

It is recommended to include the following objective in section 9.2:-

Social Inclusion	
It is an objective of the Council to:-	
	Identify areas where social deprivation occurs, both urban and rural areas and identify strategies for the sustainable regeneration of such areas within the Municipal District Plans.

It is recommended to amend the first paragraph Pg 22 and it shall read as follows:

The Settlement Hierarchy for County Kerry is outlined in Table3.1 below. ~~This hierarchy is consistent with that set out in the south west RPGs~~ *As per the South West RPGs, Tralee and Killarney are the highest ranking within this hierarchy.* Table 3.1 provides a brief summary of the role of the towns in each level of the hierarchy.”

Cllr. M. O’Shea asked if the South West Regional Authority is entitled to make a submission when they will be abolished shortly.

Mr. McMahon said they are not yet abolished and they are a relevant statutory body and are entitled to comment on the Plan.

Cllr. T. Ferris said she had difficulty giving preference to the development of social and community infrastructure in certain areas as she had no doubt some people living in other areas would take exception to that. She suggested that a list of priority areas should be named in brackets.

Cllr. D. Nolan referred to the identification of car parks where battery charging is available and asked that these maps would be available on line.

Cllr. M. Gleeson referred to the end of Page 16 and said there should be a reference to the provision of a cycle lane on the N22. Each day during the summer months no less than 200 people cycle that road. There is a deficit of cycle lanes in the county and this must be addressed. The hard shoulder does not strictly qualify as a cycle lane. People who cycle the Ring of Kerry or Corca Dhuibhne do so at their peril. There is also a need for properly developed walkways and car parks at the walkways.

Cllr. J. Finucane referred to the reference to the Tralee Killarney Hub in the Plan and said it is aspirational. Kerry is linked with Cork yet Cork gets greater subsidies for new industries and this should not be the case. The country is too small for different rates of grants and it must be addressed. There should be a single state approach outside of Dublin. Cllr. Finucane said another great potential for the county is if the ITT gets Technological University status and that should be recognised in the Plan.

Cllr. D. Healy-Rae said it is not satisfactory that the CFRAMs takes into consideration cross-boundary cumulative impacts, consultation and cross catchment management. It is not acceptable to be linked with Cork as Kerry will loose out as a result. He expressed concern that much of the funding to address flooding would go to towns like Clonakilty while areas in Kerry i.e. Foiladown, Clonkeen will loose out. The people from this area have had to endure flooding on an ongoing basis and there must be recognition of this problem in the Plan.

Cllr. D. Grady expressed his dissatisfaction with the IDA and their lack of efforts to bring foreign direct investment to Kerry. He asked what is being done to provide jobs in Kerry and stated from 2017 the ban on growing beet will be lifted. Plans should be put in place to support beet growing in the county from 2017.

Mr. Stack referred to Cllr. Ferris's suggestion that a list of priority towns would be included and said this can be included in the Municipal District Plans next year. It maybe possible to include a list of car parks where battery charging is available in the Plan. A number of issues raised by members would be addressed in later Chapters including cycle lanes, Japanese Knotweed, Technological University Status for the IT and hedge cutting.

Cllr. B. Cronin PROPOSED that Tables 2.2, 3.2, 3.3, 3.4, and 3.5 on Pages 18 to 20 be adopted.

Cllr. J.J. Culloty SECONDED this proposal and it was agreed.

Cllr. B. Cronin PROPOSED that the objective on the Overall Strategy at the top of Page 21 be adopted.

Cllr. N. Kelleher SECONDED this proposal and it was agreed.

Cllr. J.J. Culloty PROPOSED that the objective on Sustainable Transport at the end of Page 21 and on Page 22 be adopted.

Cllr. J. Moloney SECONDED this proposal and it was agreed.

Cllr. S. Locke PROPOSED that the objective on Social Inclusion at the end of Page 22 be adopted.

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

Cllr. J.J. Culloty PROPOSED that the proposed amendment to the first paragraph on Page 22 of the Plan as set out at the top of Page 23 of the Chief Executive's Report be adopted.

Cllr. S. Locke SECONDED this proposal and it was agreed.

The Cathaoirleach informed members that Submission Nos. 3, 4, 5, 6, and 7 would be taken together.

**Written Submission No 3: Department of Communications,
Energy & Natural Resources**

Mr. Stack briefed members on these submissions as follows:

The Department notes the proposed retention of the proposal to exclude the deployment of telecommunications masts where it is stated that such masts *"shall not be located within 1 km of residential properties, schools etc"*.

The Department considers that the approach in the Draft County Development Plan will adversely impact on the deployment of quality telecommunications in Kerry and that a more flexible approach needs to be taken which addresses community concerns while allowing the deployment of telecommunications infrastructure. The Department is also concerned that the proposed Draft policy is at variance with the principles set out in the Government's National Broadband Plan (August 2012) which identified the removal of planning barriers to broadband rollout as a priority.

Chief Executives Response & Recommendations

See Chief Executives Response and Recommendations to Submission No.1.

Submission No 4: Department of Agriculture, Food and the Marine

The Forestry Service requests that the following amendments be made to the Draft Plan:-

Objective NR-9 is amended to read: Encourage and promote sustainable forestry development in the County, while ensuring environmental protection through the implementation of the Plan and the relevant regulations, guidelines and standards relating to forestry development operated by other relevant statutory bodies.

That an additional objective be inserted into the Plan as NR-16 *Ensure afforestation is not located in a manner that will have a deleterious impact on environmental, landscape or public amenity values, in keeping with relevant forestry regulations, standards and guidelines.*

Chief Executives Response

It is considered that the amendments proposed by the Department are appropriate.

Submission No. 5: Department of Education & Skills

The submission states that based on the population projections the Department would expect that the existing schools in County Kerry should be capable of catering for the increase in pupil numbers. The matter will be kept under review.

The Department wishes to state that lands adjacent to existing schools should be where possible protected for possible future educational use to allow for expansion of these schools, if required, subject to site suitability and agreement of the various stakeholders.

Chief Executives Response

It is the policy of the Council to designate lands for educational and institutional use within the local area municipal district Plans.

Chief Executives Recommendation

No amendment to the Draft Plan.

Submission No 6: Environmental Protection Agency (EPA)

- Section 7.3 and 7.6 of Chapter 7 should reflect the requirements of the Water Framework Directive and the need to ensure the protection of surface, ground and coastal waters while supporting renewable energy development. In this context, the Water Management Unit Action Plans associated with the Shannon and South West River Basin Management Plans should be taken into account.
- The 'focus of population growth within the County will be on settlements where appropriate treatment of waste water is feasible' is noted.

- Source Protection Areas identified by the EPA and located to the north west of Tralee should, also, be afforded protection in the Plan.
- Consideration should be given to the preparation of a MasterPlan, where relevant and appropriate, for the development of Tarbert/Ballylongford which should be subject to SEA and AA.
- Consideration should be given to including a commitment in the Plan to update the County Heritage and Biodiversity Plan within the lifetime of the Plan.
- The intention to develop a County Transport Strategy in conjunction with other transport providers is noted. In addition, the intention to prepare an Integrated Management Plan for the Macgillycuddy's Reeks during the lifetime of the Plan is noted.
- Objectives NE-7 (regarding the Flood Risk Management Guidelines) and NE-8 (regarding the South West CFRAMS) should be amended to replace '*have regard to*' with '*take fully into account*'.

Chief Executives Response

- ❖ It is an objective of the Plan (NE-2) to ensure that the requirements of relevant national and EU legislation, including the Habitats Directive, the EU (Birds) Directive, the Environmental Impact Assessment Directive the Water Framework Directive and the Flood Directive, are met by the Council in undertaking its functions. Within this context, the Water Management Unit Action Plans associated with the Shannon and South West River Basin Management Plans are taken into account while assessing any proposals.
- ❖ The capacity and performance of waste water treatment plants and availability of adequate and appropriate drinking water infrastructure was considered in the creation of the settlement hierarchy. The Settlement Hierarchy takes into account those settlements that have available capacity in the wastewater treatment units, or, are on a priority list for wastewater treatment units and other environmental considerations.
- ❖ It is not the intention of the Council to prepare a MasterPlan for the Tarbert/Ballylongford land bank as the Shannon Integrated Framework Plan (SIFP) has been recently published. This Plan delivers a co-operative and integrated approach between the statutory authorities and agencies involved in the area, and provides a sustainable, integrated and proactive vision for the future of the Shannon Estuary and its environs.
- ❖ Consideration shall be given to the preparation of a County Heritage / Biodiversity Plan and Green Infrastructure Strategy as resources permit.

- ❖ It is the policy of the Plan to ensure that planning applications are assessed with regard to the Groundwater Protection Scheme and Zones of Contribution and the likely impacts the development may have on groundwater quality. Any development that would have an unacceptable and significant impact on the water resource of the area will not be permitted.
- ❖ The Source Protection Area is the only example in County Kerry. It is considered appropriate to amend objective NE-18 to refer to the Source Protection Areas.
- ❖ The issues relating to the dredging are not within the remit of the Draft Plan. The Plan has had regard to the Strategic Integrated Framework Plan for the development of the Shannon Estuary and to the Integrated Coastal zone Management guidelines. Objective NE-47 of the Plan states the council will assist relevant agencies and bodies in the development of a Sustainable Integrated Coastal Zone Management Strategy for the County.
- ❖ The preparation of a County Transport Strategy and Integrated Management Plan for the Macgillycuddy's Reeks will take into account all relevant guidelines and reference documents.

Chief Executives Recommendations

It is recommended that the following amendment is made to Par. 4 Section 10.1 of the Plan:-

Consideration shall be given to the preparation of a County Heritage/Biodiversity Plan and Green Infrastructure Strategy as resources permit.

It is recommended to amend objective NE-18 to read as follows:-

Water Quality	
It is an objective of the Council to:-	
NE-18	Assess all planning applications within Source Protection Areas and the Zones of Contribution (as identified by or on behalf of Kerry County Council) or potential Zones of Contribution (as set out in the document "Groundwater Protection Schemes" (GSI/EPA/DoECLG, 1991) of any public or group scheme groundwater source in terms of their potential impact on the water quality of that source.

Chief Executives Response

Points raised by the EPA as outlined above are noted and the recommended changes will be made to the Environmental Report (ER). These will be detailed in the SEA Addendum Report.

Chief Executives Recommendation

No amendment to the Draft Plan.

Submission No 7:

Inland Fisheries Ireland

Settlement Strategy and Policy

A settlement strategy must take cognisance of the infrastructural services available and those required to cater for future demand.

Wastewater Treatment

The policy of granting planning permissions for developments with associated increased loading on inadequate or already overloaded municipal sewage treatment plants is clearly not a sustainable practice.

The IFI considers that in areas where treatment facilities necessary for development do not exist, planning permissions should either be refused on the grounds that such development is premature or the developer should be constrained by an appropriate condition requiring that connections to sewer will not be permitted until sewage works upgrading is completed and operational.

Water and Wastewater Infrastructure

The Development Plan should also address the need to ensure surface waters are not contaminated through incorrect grey water and domestic effluent connections. Public awareness of this issue should be introduced.

The Development Plan must implement planning decisions which support these issues.

Water Conservation

Significant increases in water conservation and water use efficiency will be required to ensure reliable water supplies in the future.

Water Supply

The availability of good quality fresh water is diminishing throughout the country and as demand rises, volumes available for abstraction from existing surface and ground waters are becoming less reliable and in some cases unsustainable resulting in over-abstraction from rivers and lakes.

Consideration should be given to the sustainable use of the water supply source for a large sector of the county served by the Central Regional Water Supply with Lough Guitane and the Owgarra Rivers as its source.

Sustainable Urban Drainage Systems (SUDS)

The Development Plan should require all new development proposals to provide a comprehensive SUDS design when applying for planning with integration of the full suite of SUDS, these to be included in conditions of Planning. This measure should be included as an Objective of the Development Plan.

Aquatic Riparian Habitat Protection

There should be greater focus on the requirement to introduce and maintain aquatic riparian zones along watercourses.

The IFI recommends that the text of Objective Ne-29 be amended to include reference to watercourses.

Chief Executives Response

- ❖ The Core and Settlement Strategy takes cognisance of the infrastructural services available and those required to cater for future demand. The Core Strategy has allocated population growth only to those towns that have adequate waste water treatment facilities and water supply.
- ❖ It is essential that ground water resources and abstraction points are recognised and such sources and their zones of contribution are protected and safeguarded in the interest of the common good and public health. In this regard, developments shall be strictly controlled where such development would compromise ground water supplies pending the adoption of the Ground Water Protection Scheme for County Kerry.
- ❖ It is the policy of the Council to assess all planning applications within the Zones of Contribution or potential Zones of Contribution (as set out in the document “Groundwater Protection Schemes” (GSI/EPA/DoECLG, 1991) of any public or group scheme groundwater source in terms of their potential impact on the water quality of that source.
- ❖ It is considered that the issue of requiring green field/water features in site development is already covered in Section 10.7 Ecological Corridors under objectives NE-29 and NE-32. However, it is recommended that this issue be emphasised in additional text in Chapter 13 – Development Management – Standards and Guidelines.
- ❖ The Draft Plan has made reference to SUDs in the Development Management Standards and Guidelines (Chapter 13). It requires that SUDs is required for all new developments. Objective NE-66 also ensures that SUDS based drainage Plans are prepared in conjunction with Town / Local Area Plans to optimise flood / runoff management potential of the areas.

- ❖ It is considered appropriate to require new development proposals to provide a comprehensive SUDS design with the application were appropriate.

Chief Executives Recommendations

It is recommended that additional text as below be included under Section 10.7 Ecological Corridors (new sub-section 10.7.1 – Riparian Buffer Zones).

• 10.7.1 – Riparian Buffer Zones

A riparian/buffer zone is a vegetated area near a stream, which helps shade and partially protect a stream from the impact of adjacent land uses. It is a discrete ecological and geographical entity.

It is recommended that additional objectives be included under this new section:-

Riparian Buffer Zones	
It is an objective of the Council to:-	
	<p>Require, where necessary, that proposals comply with the relevant provisions of the Shannon Regional Fisheries Board document <i>“Planning for watercourses in the urban environment”</i>.</p> <p>Maintain and improve aquatic riparian zones along watercourses, free from inappropriate development. Proposals which may have a significant impact on the riparian zone / habitat will only be considered favourably if they can be justified on wider sustainability grounds and where no viable alternative exists.</p>

It is recommended that the wording of Objective NE-29 be amended:-

Ecological Corridors	
It is an objective of the Council to:-	
NE-29	Encourage and facilitate the retention and creation of features of local biodiversity value, ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks, watercourses and wetlands.

It is recommended that additional text be included in Section 13.2:-

Topic	Standards/Guidelines
Biodiversity	All development proposals shall seek to integrate, protect and enhance biodiversity features on site, and in the vicinity of the site where relevant. Biodiversity features include trees, hedgerows, earth banks, riparian zones etc. Advice in this regard is contained in Chapter 10 of this Plan.

It is recommended to include an additional objective in Section 10.19

Flood Risk Management and Sustainable Planning	
It is an objective of the Council to:-	
	Ensure that new development proposals provide a comprehensive SUDS design with the planning application where appropriate.

(B) SEA

- Invasive Species - IFI note a number of concerns around invasive species and the potential for contamination of Lough Leane. It is noted that the SEA should address issues of prevention, control and management of these species in association with other organizations by approved bio-security measures. IFI include proposed indicator for same.
- Salmonid Waters - IFI request that the policies of the KCDP address all watercourses and associated riparian habitats as if they were Protected Areas to insure protection of all aquatic species.
- IFI notes the opportunities to undertake river restoration works which will enhance biodiversity of waterways. Recommend including an objective to undertake a study to identify such opportunities and to support initiatives with a community involvement.
- Waste Water Treatment • - IFI note a number of issues in relation to Waste Water Treatment. They note that over the lifetime of the Plan, discharges to the water should not cause a deterioration in receiving waters. Waters of moderate or poor status should also improve over the lifetime of the Plan.
- Water Supply - In relation to the water supply from Lough Guitane, IFI note that the abstraction of water is not sustainable. It is noted that abstraction is a key issue for the Finow and Owgariff in relation to the WFD.

Chief Executives Response

- ❖ Invasive Species - Objective No. NR-22 addresses invasive species and notes the Council will work with other agencies, where appropriate, to prevent the spread of invasive species. Objective No. NE-41 specifically relates to the cleaning of boats etc. that enter sensitive waters. The SEA also addresses issues around invasive species and there is an existing Environmental Protection Order and corresponding targets, indicators and monitoring for same.
- ❖ The IFI comments in relation to Protected Areas are noted. The Draft Plan has a number of policies and objectives that support the protection of all watercourses, water dependent habitats and species.
- ❖ In relation to surveys of river course, it is not within the remit of Kerry County Council to undertake such a survey however the Council would support any such survey by IFI and/or other statutory bodies or community group.
- ❖ There are several objectives in both the Draft Plan and Environmental Report that relate to water quality with reference to the WFD including NE-15, WS-2, WS-3, WS-4, WS-6, WS-7, WS-8 and WS-9. These objectives aim to either

protect existing water sources, prevent deterioration of receiving waters and/or protect water abstractions.

- ❖ In relation to Lough Guitane and water abstraction, this project has been granted Planning permission via the Part 8 Planning process which included a determination by ABP that an EIA was not required.
- Objective NE17 also prohibits any development that will have a potential detrimental effect on water quality in Lough Guitane.

Chief Executives Recommendation

It is recommended to include a new objective in section10.3:-

Water Quality	
It is an objective of the Council to:-	
	Support any initiative by IFI or other relevant bodies, including community groups, to undertake river restoration works that would enhance the biodiversity of waterways.

It is recommended to amend objective NE-22 to read as follows as follows:-

Water Quality	
It is an objective of the Council to:-	
NE-22	Protect rivers, streams and other watercourses, including those outside Protected Areas and maintain them where possible in an open state capable of providing suitable habitat for fauna and flora and to work with other agencies, as appropriate, to prevent the spread of invasive species in or along the county's aquatic habitats by implementing biosecurity measures, where appropriate.

Cllr. M. Gleeson said he was reared beside the River Flesk and he remembers it as pristine waters. He also remembers its degeneration when it became a total mass of white flowers. He walked the river bank the previous day and it is heart warming to see it is returning to a reasonable state. He stressed the importance of ensuring that as a result of forestry there is no acidification of rivers and streams as this has a harmful effect on aquatic life. He complimented farmers on their efforts in this regard. He has spoken on a number of occasions of the threat from the zebra mussel when he asked that clearly legible signage would be provided adjacent to waters. The zebra mussel has taken over in many areas in the country and Cllr. Gleeson emphasised the importance of ensuring it is kept out of the county. For the past three years he has spoken on Japanese Knotweed and it is now slowly dawning on people how much of a problem it is. Unless this problem is dealt with nationally and locally it will take over. It is important to secure funding to deal with it now as it will cost even more in years to come if it is not addressed now. If efforts are not made to eradicate Japanese Knotweed from the county it will colonise our rivers and streams and drift out to the islands and it will also colonise them. Every time this weed is cut it puts down roots and if it carried on the wheels of trucks it is spread to other areas. He asked that all staff would be taken to see this weed to ensure they recognise it. Cllr. Gleeson said he believed within 5 years insurance companies will refuse insurance in areas where this weed is prevalent.

Cllr. M. O'Shea referred to Page 31 and the section on Water Supplies which also refers to the abstraction of water and he asked if it is intended to bring in a Directive to regulate private wells.

Mr. Stack said wells are exempted development therefore there is no restriction on them.

Cllr. D. Grady expressed concern that there could be a threat to receiving waters from Council treatment plants.

Cllr. R. Beasley concurred with the views expressed by Cllr. Gleeson in relation to Japanese Knotweed and said it must be controlled immediately.

Mr. Stack said the local authority monitors seepage to rivers and streams as there is 38,000 septic tanks in Kerry. It is important to ensure there is no pollution of ground or surface waters. There is a plan to address Japanese Knotweed in the county and he hoped the public would also become more aware of it. Many of the rivers in Kerry are now cleaner through awareness by farmers.

Cllr. M. Gleeson said prior to the abolition of Killarney Town Council they eliminated Japanese Knotweed from public areas in Killarney by injection.

Cllr. B. Cronin said the Council is monitoring septic tanks but is there any threat from their treatment plants.

Mr. Stack said all treatment plants are licensed by the EPA and they are monitored regularly and where there is a need to upgrade them the Council applies for funding.

Cllr. J. Sheahan highlighted the need to monitor the River Folly in Killarney.

Mr. J. Breen said that issue was addressed at a meeting of the Killarney Municipal District the previous week.

The Cathaoirleach informed members there were 2 recommendations on Page 24 of the Chief Executive's Report that must be adopted.

Cllr. J. Finucane PROPOSED that the two objectives set out on Page 24 in relation to forestry be adopted.

Cllr. M. Gleeson SECONDED this proposal and it was agreed.

Cllr. D. Healy-Rae said in relation to forestry there is a requirement that 80% of the landowners holding must be green before the remaining 20% of marginal ground can be planted. That is not practical in South Kerry as much of the land is rough and he called on the Government to reverse this requirement.

The Cathaoirleach advised Cllr. Healy-Rae to submit a Notice of Motion on this for the next meeting.

The Cathaoirleach advised the meeting that it would be necessary to adopt Objective NE-18 on Page 28.

Cllr. J. Moloney PROPOSED that Objective NE-18 in relation to Water Quality set out on Page 28 be adopted.

Cllr. S. Locke SECONDED this proposal and it was agreed.

The Cathaoirleach then referred members to Submission No. 7 from Inland Fisheries Ireland and said it would be necessary to adopt the recommendation in the Chief Executive's Report to include the additional text set out at the end of Page 33 and on Page 34 in Section 10.7 of the Draft Plan.

Cllr. M. Gleeson PROPOSED that this additional text be included in the Draft Plan.

Cllr. J. Finucane SECONDED this proposal and it was agreed.

Cllr. D. Healy-Rae asked if this is along rivers.

Mr. McMahon said it is proposed to have 5m, 10m and 15m buffer zones to ensure there will be no development on river banks.

The Cathaoirleach referred members to the proposed new objective at the end of Page 34 and Page 35 on Riparian Buffer Zones, Objective NE-29 on Page 35, the proposed additional text on Biodiversity at the end of Page 35 and the proposed additional objective to be included in Section 10.19 at the top of Page 36 on Flood Risk Management and Sustainable Planning and said all these would have to be adopted.

Cllr. J. Finucane PROPOSED that the objectives and additional text as outlined by the Cathaoirleach be adopted.

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

The Cathaoirleach said it would also be necessary to adopt the new objective to be inserted in Section 10.3 on Water Quality as set out at the end of Page 38 and amended Objective NE-22.

Cllr. N. Kelleher PROPOSED that the new Objective and amended Objective NE-22 be adopted.

Cllr. M. Gleeson SECONDED this proposal and it was agreed.

The Cathaoirleach informed members that Submission Nos. 8, 9, 10, 11, 12, 13, 14 and 15 would be taken together.

Mr. Stack then briefed members on these submissions as follows:

Submission No. 8:

National Roads Authority

The Authority acknowledges the significant undertaking for the Council in Drafting a Development Plan and the requirement to consider and address a multiplicity of factors in developing a sustainable spatial Planning framework, not just issues relating to national roads.

Therefore, as outlined at the outset, the Authority does not support the inclusion in the Draft Plan of proposed 'exceptional circumstances' concerning access to the N69, N70 (Tralee to Killorglin), N72 and N86, national roads, detailed in Section 7.2.1 of the Draft Plan.

However, the Authority confirms that the evidence base provided in support of the proposed 'exceptional circumstances' for access to the N70 (Killorglin – Cahersiveen - Kenmare) and the N71 (Killarney - Kenmare - Tunnels) is considered to conform to the requirements of the DoECLG Spatial Planning and National Roads Guidelines (2012).

The Authority has no objection in principle to access to the national roads concerned, in 'exceptional circumstances', being included in the Development Plan subject to the criteria in the Draft Plan.

The NRA reiterates that the policy position outlined in the DoECLG Spatial Planning and National Roads Guidelines (2012) indicates that the policy, other than in 'exceptional circumstances', is that no new accesses, or the intensification of existing access, to national roads at locations outside the 50 - 60kph urban speed limit will be permitted.

The NRA requests altering the text under Section 13.6.2 of the Draft Plan and including it in Section 13.6.1 Signage in General:-

Applications for advertisement structures *road side signage* along national routes and along approach roads to towns and villages will generally not be permitted, *in accordance with the provisions of Section 3.8 of the DoECLG Spatial Planning and National Roads Guidelines (2012).*

The NRA requests that the Council consider referencing the NRA Traffic & Transport Assessment Guidelines (2007) for development with implications for the national road network.

The NRA requests a forward Planning approach to the provision of road side service facilities on national roads and their junctions.

The NRA requests consultation on the relevant Plans when prepared and suggests that development proposals for significant development are subject to Traffic and Transport Assessments in accordance with Section 13.2 of the Draft Plan.

In conclusion, while the NRA generally commends the Council on the Draft Plan, it has a serious concern that provisions of the proposed Draft Plan, in terms of access to the N69, N70 (Tralee to Killorglin), N72 and N86, national secondary road network, clearly conflict with the provisions of official policy. The NRA strongly recommends that this element of the Draft Plan is amended accordingly to ensure compliance with the provisions of the Section 28 Guidance issued by the DoECLG under the Spatial Planning and National Roads Guidelines (2012).

Chief Executives Response

- ❖ The Council considers it appropriate to refer to the NRA Traffic & Transport Assessment Guidelines (2007) for development with implications for the national road network in objective RD-13.
- ❖ As the NRA is a statutory body the Planning Authority consults with them on all relevant Plans and significant developments and applications. The provision of road side service facilities on national roads and their junctions will be subject to all development management standards and appraised on their merits.

- ❖ It is considered acceptable to amend Section 13.6.2 to read as follows:-
Applications for advertisement structures *road side signage* along national routes and along approach roads to towns and villages will generally not be permitted, *in accordance with the provisions of Section 3.8 of the DoECLG Spatial Planning and National Roads Guidelines (2012)*.
- ❖ In relation to access onto the National Secondary road network see Response & Recommendation in relation to Submission No.1.

Chief Executives Recommendation

It is recommended to amend Objective RD-13 to read as follows:-

National Roads	
It is an objective of the Council to:-	
RD-13	Protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County and ensure compliance with the Spatial Planning and National Roads Planning Guidelines (January 2012) <i>and the NRA Traffic & Transport Assessment Guidelines (2007)</i> .

Mr. Stack said objective RD-13 will apply to all national roads with the exception of the N69, N86, N72 and N70 Tralee to Killorglin roads.

It is recommended to amend Section 13.6.2 to read as follows:-
Applications for advertisement structures *road side signage* along national routes and along approach roads to towns and villages will generally not be permitted, *in accordance with the provisions of Section 3.8 of the DoECLG Spatial Planning and National Roads Guidelines (2012)*.

Amendments relating to access onto the National Secondary network are dealt with in the response and recommendation to Submission No.1.

Submission No. 9

Irish Water

- IW understands that new Regional Planning Guidelines for all regions are due to be published in 2016.

- IW suggests that the Planning Authority should consider the environmental and monetary constraints of providing water services when developing settlement strategies.
- With respect to proposed objective WS-1, it considers a reference to IW's Proposed Capital Investment Plan 2014-2016 would be more appropriate.
- IW acknowledges and welcomes the Council's objectives regarding the protection of public water abstractions and water conservation. It welcomes the Council's aspirations re SUDs particularly with regard to prohibiting additional surface water from entering foul and combined sewer networks, and it notes that no specific objective with regards to SUDS is included in the development Plan and suggest that such an objective should be included.

Chief Executives Response

- ❖ With regard to objective WS-1, it is considered acceptable to refer to IW's Proposed Capital Investment Plan 2014-2016 as it would be more appropriate.
- ❖ The Draft Plan has made reference to SUDs in the Development Management standards and Guidelines (Chapter 13). Sustainable Urban Design Systems (SUDs) are required for all new developments. Objective NE-66 also ensures that SUDS based drainage Plans are prepared in conjunction with Town / Local Area Plans to optimise flood/runoff management potential of the areas.
- ❖ The Planning Authority considers the environmental constraints of providing water services when developing settlement strategies. The settlement strategy only includes towns with adequate existing or planned infrastructure.

Chief Executives Recommendation

It is recommended to amend objective WS-1 to read as follows:-

Water Services	
It is an objective of the Council to:-	
WS-1	Support the sustainable provision of an adequate level of water services infrastructure throughout the County to meet domestic, commercial, industrial and other needs, having regard to the Core Strategy and Settlement Strategy of this Plan, <i>Irish Water's Proposed Capital Investment Plan 2014-2016 and Table 7.2 in Section 7.1.</i>

Submission No. 10:

Failte Ireland

Each chapter is appraised and includes recommendations as to the content of that chapter from a tourism perspective.

Chapter 2: Core Strategy

- The Core Strategy chapter is well drafted. Section 2.2.1 outlines the strategic aims of the core strategy and these include reference to maximising the potential of the county within the south-west region and to protecting and conserving the cultural natural and built heritage of the county. One of the aims specifically refers to tourism stating:-

Support sustainable tourism and tourism related development in Kerry and strengthen the contribution that tourism and related sectors make to the economy. It is suggested that this be re-Drafted as:

Support responsible tourism development in Kerry and strengthen the contribution that tourism makes to the local communities, culture and economy of the county.

- The Core Strategy identifies a number of supporting elements which will help achieve the identified vision for the county, one of which is heritage (2.2.5). This is a welcome addition to the Plan and clearly articulates the importance of protecting, conserving & enhancing the built, natural and cultural heritage of the county.

Chapter 3: Settlements Strategy and Rural Development Policies

- It is recommended the new Development Plan contain design guidelines for rural housing.
- It is stated that the objective enabling frequent holiday-makers with family ties to build holiday homes in rural areas (page 39) is considered to be at variance with holiday home objectives in other counties and, given the potential of holiday homes to generate negative visual impacts and long term unsustainable development, it is recommend that this is omitted from the Plan and that the policies be deleted.
- The reference to the importance of Tidy Towns is welcomed.

Chapter 4: Economic Development and Employment

Agriculture

The text of the 'Agriculture' section in 4.8.1 contains no reference to agri-tourism'. The Plan could be strengthened by the inclusion of an additional objective.

Chapter 5: Tourism & Recreation

Given the importance of tourism to the economy and local communities of County Kerry, the fact that tourism has been covered so comprehensively and within its own chapter is welcomed. One of the most comprehensive tourism chapters of any County Development Plan in Ireland and covers a wide range of topics.

5.1 Introduction

Could be argued that outdoor activity tourism such as walking and cycling should not be described as 'niche tourism'. There could be increased emphasis on the need for more 'responsible tourism' as opposed to 'sustainable tourism' The associated objectives on Page 63 are excellent. These could and will be used as best practice for other counties.

5.4 Amenity Paths and Networks

A similar objective specifying these agencies could be included in Section 5.4 with reference to the National Trails Office Management Standards.

5.5 Cycling

This section is excellent and reference to the Eurovelo network is good to see. Objective T-23 could say 'National Trails Office' rather than 'Irish Sports Council' for increased clarity. This objective could also say 'cycle trail development' rather than 'trail development'.

5.6 Wild Atlantic Way

An objective could be included in Chapter 5 stating:-

T-28; Facilitate the provision of required infrastructure such as viewing areas, picnic areas, parking/laybys and public toilets in conjunction with the phased development and promotion of the Wild Atlantic Way'.

5.7 Arts, Craft and Food Tourism

This section is excellent and the reference to food choice being a deciding factor in destination choice for visitors and the value of this sector in terms of visitor spend is important.

An objective could be included to support the integration of locally produced food products into local hotel and restaurant menu such as the Place on a Plate initiative.

5.8 Business Tourism

The section on business tourism is well drafted.

This section could also refer to the Fáilte Ireland publication 'A Guide to Running Green Meetings and Events'; recommending that large hotels and conference centres follow these best-practice guidelines.

5.9 Coastal Tourism

It is suggested that the protection of the coastline is imperative in ensuring long term benefits from tourism based on this asset and objectives are required to ensure development does not damage or diminish the value of the coastal landscape. This section is comprehensive, well-Drafted and can be used as best practice policy for other coastal counties in Ireland.

There is no objective regarding the maintenance, enhancement and promotion of Blue Flag beaches in the county. Given the many such Blue Flag beaches in the county and the marketing value of these it is recommend that an objective be included here regarding Blue Flag beaches.

5.13 Major Attractions

This section highlights the fact that County Kerry perhaps surprisingly does not have significant fee-paying attractions. The emphasis in this section on locating tourism related developments within existing settlements is welcomed.

Chapter 6: Retail Strategy

In addition it is recommended an additional policy be included stating:-

RS-7: Consider tourism related retail developments in towns and villages or at existing established tourist attractions where the retail facility is appropriately designed, sited and of a scale that does not detract from the tourism feature and comply with the objectives and development standards of this Plan.

Chief Executives Response

- ❖ This submission provides a comprehensive analysis of the issues raised and the policies proposed in the Draft Plan as they relate to tourism. The submission examines each chapter of the Plan and comments on the tourism related content of each chapter. As expected the main emphasis is on Chapter 5: Tourism and Recreation.
- ❖ It is considered appropriate to amend the wording in section 2.2.1 (pg 11) to read as follows: Support sustainable tourism development in Kerry and strengthen the contribution that tourism makes to *the local communities, culture and* economy of the county.
- ❖ The Draft Plan recognises that the tourism sector is one of the major growth areas of the national and local economy. The Plan promotes the development of tourism across the wider county not just within the Hub towns while still recognising the tourism potential of Tralee and Killarney.

- ❖ The Draft Plan contains design guidelines for rural housing and refers to the 'Building a house in Rural Kerry-Design Guidelines' KCC 2009. It is the policy of the Council not to permit holiday homes in rural areas except in limited circumstances where people have family ties, this policy is considered appropriate.
- ❖ Regarding the Wild Atlantic Way, it is an objective (RD-20) to sustainably upgrade and improve the major tourist routes within the County and T-26 seeks to sustainably promote the 'Wild Atlantic Way' tourism initiative. These objectives are considered sufficient.
- ❖ The agriculture section in Chapter 4 should include an objective, as suggested, with regard to agri-tourism.
- ❖ In relation to Chapter 5:-

5.1: Accept that cycling and walking holidays are no longer a niche activity and will remove the reference.

5.3: Accept the need for improved access to rivers lakes and sea. Agree to the insertion of an objective supporting the provision of downhill mountain bike facilities.

5.4.1: Propose to amend Objective T-19 by making reference to co-operating with the National Trails Office in addition to the other bodies already listed in the objective in relation to Adventure Tourism.

5.5: Agree to alter Objective T-23 by making reference to co-operating with the National Trails Office in addition to the other bodies already listed in the objective in relation to Cycleways.

5.6: Agree to include additional objective regarding additional facilities along the Wild Atlantic Way.

5.7: Objective T-41 seeks to promote the sustainable development of new festivals.

5.8: Include a reference to the Failte Ireland publication '*A Guide to Running Green Meetings and Events*' in the text.

5.9: Agree to include an objective relating to the maintenance, enhancement and promotion of Blue Flag beaches.

5.10: Agree to make reference to the Failte Ireland publication '*How to make your event a green one- Advice on environmental good practice for Festivals and Events*'.

5.12: Agree to include the proposed objective regarding the protection of Kerry's heritage assets.

5.13: Agree to mention innovative projects such as the Dark Skies project in the text.

5.15: Agree to include objective regarding the Tidy Towns Committees.

- ❖ Chapter 6 (Retail Strategy) Agree to inclusion of objective relating to tourism related retail development.
- ❖ Chapter 8 (Natural Resources) Agree to include an objective regarding the reduction of deleterious run-off from forestry. Agree to include an objective supporting the sustainable development of marine aquaculture and fishing industries.
- ❖ Chapter 10 (Natural Environment and Flood Risk Management) Agree to the inclusion of an additional objective relating to the quality of our inland waterways.
- ❖ Chapter 13 Development Management – Standards & Guidelines.
The Development Management Standards and Guidelines refer to public realm. All new developments in towns shall demonstrate how it is proposed to contribute to public realm with the submission of an Urban Design Statement.
The limitation of light pollution is important in the interests of nature conservation, residential amenity, dark skies initiative and energy efficiency. External illumination shall be minimized as detailed in chapter 13 development management standards.

Chief Executives Recommendation

It is recommended to amend the wording in Section 2.2.1 (pg 11) to read as follows:-

Support sustainable tourism and tourism related development in Kerry and strengthen the contribution that tourism and related sectors make to the economy.

Support sustainable tourism development in Kerry and strengthen the contribution that tourism makes to the local communities, culture and economy of the county.

It is recommended to amend Objective T-19 to read:-

Adventure Tourism	
It is an objective of the Council to:-	
T-19	<p>Co-operate with representative bodies in order to support the sustainable development, maintenance and enhancement of walking routes at appropriate locations throughout the County.</p> <p>Co-operate with <i>National Trails Office (Management Standards)</i>, Failte Ireland, National Way Marked Way Advisory Committee, Coillte, the Heritage Council and other relevant bodies, in order to support the sustainable development, maintenance and enhancement of walking routes at appropriate locations throughout the County subject to compliance with the policies and objectives of this Plan particularly as they relate to the protection of the natural environment.</p>

It is recommended to amend Objective T-23 to read:-

Cycleways	
It is an objective of the Council to:-	
T-23	<p>Co-operate with the <i>National Trails Office</i>, Failte Ireland, National Way Marked Advisory Committee, Coillte, the Heritage Council and other relevant bodies, in order to support the sustainable development, maintenance and enhancement of cycle trail development, throughout the County in an environmentally sustainable way.</p>

It is recommended to include an additional objective in section 5.6:-

Wild Atlantic Way	
It is an objective of the Council to:-	
	<i>Facilitate the sustainable provision of required infrastructure such as viewing areas, picnic areas, parking/laybys and public toilets in conjunction with the phased development and promotion of the Wild Atlantic Way subject to compliance with the policies and objectives of this Plan particularly as they relate to the protection of the natural environment.</i>

It is recommended to include an additional objective in section 5.9:-

Coastal Tourism	
It is an objective of the Council to:-	
	<i>Support and facilitate the maintenance, enhancement and promotion of Blue Flag beaches, and seek to identify any additional locations which may satisfy the criteria for Blue Flag status'.</i>

In Section 5.10, include additional text before last sentence in paragraph:-

'Organisers of festivals and events are advised to consult the Failte Ireland publication 'How to make your event a green one- Advice on environmental good practice for Festivals and Events'.

It is recommended to include an additional objective in section 5.12 :-

Heritage and Cultural Tourism	
It is an objective of the Council to:-	
	<i>Ensure heritage related development does not result in negative impacts on the fabric or setting of Kerry's heritage assets.</i>

In Section 5.13, include additional text at end of first paragraph:-

'It is anticipated that projects such as the Ring of Kerry Greenway, the Dark Skies project in South Kerry and the Downhill Mountain Bike Trail in Killarney will, when complete, prove to be very popular tourist attractions'.

It is recommended to include an additional objective in section 5.15:-

Urban Tourism	
It is an objective of the Council to:-	
	Support and facilitate the work of the Tidy Towns Committees in maximising the tourism potential of our towns and villages.

It is recommended to include an additional objective in section 6.5:-

Retail	
It is an objective of the Council to:-	
	Consider tourism related retail developments in towns and villages or at existing established tourist attractions where the retail facility is appropriately designed, sited and of a scale that does not detract from the tourism feature and comply with the objectives and development standards as outlined in Chapter 13 of this Plan.

It is recommended to include an additional objective in section 8.3:-

Forestry	
It is an objective of the Council to:-	
	Ensure, in cooperation with Coillte and other relevant bodies, that run-off from forestry activity does not have a negative impact on the quality of recreational angling, which is an important element of the county's tourism product.

It is recommended to include an additional objective in section 8.4:-

Natural Resources Fisheries	
It is an objective of the Council to:-	
	Support the sustainable development of marine aquaculture and fishing industries and its diversification at appropriate locations having regard to the requirements of the EU Water Framework Directive, the relevant River Basin Management Plans, the Habitats Directive, the integrity of the Natura 2000 network and visual amenity.

It is recommended to include an additional objective in section 10.3.2:-

Water Quality	
It is an objective of the Council to:-	
	Promote in collaboration with Coillte, Inland Fisheries Ireland and Failte Ireland, an improvement in the quality of our inland waterways in order to encourage greater recreational use particularly among anglers.

Submission No. 11:

An Taisce

The Draft Kerry County Development Plan 2015 - 2021 is an excellent document which gives very detailed information on a large number of issues. An Taisce is in agreement with most of what is contained in the Draft Plan.

Chapter 3, Settlement Strategy.

- ❖ The submission states that much rural housing is unsustainable and uneconomical in terms of infrastructure provision and quality of life.
- ❖ The policy of favouring farm families has applied for nearly 10 years and An Taisce is aware of cases where the house was sold to an outsider, despite having an occupancy clause for a particular person. Planning permissions have been obtained by giving false information and planning conditions, such as permanent occupancy, are ignored.
- ❖ The submission notes that the vacancy rate in Kerry is 26.4% and there is a tendency to assume that this high value is due to 'ghost estates' in the towns and villages. Many of the rural houses, old and new, are vacant or being used as holiday homes. Lack of housing is not the reason why rural Kerry is losing population.

An Taisce recommends the following:-

- The concentration of new residential development in designated settlements instead of a continuation of a general dispersal of growth.
- Improve the conditions for the operation of public transport throughout the county.

Chapter 5, Tourism and Recreation

- Landscape must be protected because of the importance of tourism.
- There is a need for legislation on public rights of way and the following objective should be inserted into the Draft Plan:-

Investigate the present legal position regarding off-road rights of way, particularly old roads and 'freedom to roam' in the uplands. Public access needs to be improved to the standard enjoyed in other EU countries.

Chapter 7, Transport and Infrastructure

- The submission queries whether Objective RD-35 which refers to restricting development that may effect operations of the Airport, will include restrictions on development of wind farms in the Stacks Mountains?

Chapter 8, Natural Resources

- The submission identifies that there is no mention of Kerry International Dark Skies Reserve in the Iveragh Peninsula, it is a natural resource. There should be no increase in light pollution in the area.

Chapter 10, Natural Environment and Flood Risk Management

- This submission supports Objective NE-24, the section on Woodlands and Trees, and the section on Invasive species including its objectives. There should be an objective for the NPWS and KCC to co-operate to devise a programme of eradication measures for invasive species which can be used by community groups and others.

Chapter 11, Built and Cultural Heritage

- This submission agrees with the recommendations of this section and it is glad a survey of the rural vernacular buildings in North and East Kerry has been carried out. Objective H-46 to do a similar survey of the south and west of the county is very important.

Chapter 13, Development Management - Standards and Guidelines

- Include astronomy as an important reason to reduce light pollution.
- The Planning Authority will have to do spot checks regarding compliance with certificate of compliance for Planning conditions for landscaping. Such a certificate should also be required for rural areas as landscaping of such sites is more important than urban areas.

Volume 3 – Maps

This submission points out that changes are needed in many areas as the amenity zonings are almost the same as the current Plan. General points to be considered include:-

1. Inconsistencies in the amenity zonings of mountain areas with a recommendation that all uplands over 350m should be zoned PSAA.
2. In coastal areas the landward side of the road also needs protection in some areas.
3. Multiplicity of entrances on tourist routes increases the risk of traffic accidents, with some stretches of tourist routes, Sleah Head Drive and Ring of Kerry, having no amenity zonings or have it on one side only.

Chief Executives Response

- ❖ It is a strategic aim of the Settlement Strategy to ensure the sustainable development of the Linked Hub towns and Regional/District Towns so they can act as adequate service and employment centres while ensuring the viability of rural communities. It is the policy to concentrate new residential development into designated settlements where there is adequate infrastructure while supporting the sustainable development of the countryside and rural villages in the County.
- ❖ The inclusion of Public Rights of Way in the Draft County Development Plan 2015-2021 is set out in the Planning & Development Acts 2000-2013. A number of the Public Rights of Way included in Volume 2 are to mountain areas. As additional Public Rights of Way are identified they will be added to future Development Plans in accordance with legislation. This will also apply to any Public Rights of Way identified that give access to piers around the County.
- ❖ With regard to Objective RD-35, any development of wind farms in the Stacks Mountains will be assessed having regard to any effect on the operations of the Airport.
- ❖ Recognition of the Dark Skies concept is important and it is one that Kerry County Council supports, particularly as recognition has been given to the Iveragh Peninsula with the Kerry International Dark-Sky Reserve.
- ❖ Existing policies on invasive species will allow for co-operation.
- ❖ The Vernacular Building survey of North and East Kerry will be published once funding becomes available.
- ❖ Astronomy is an additional reason to limit light pollution and reference to same should be included in the section on Light Pollution in Chapter 13.
- ❖ Landscaping of rural sites is important. It is essential to ensure that landscaping plans, submitted with planning applications, are carried out.
- ❖ It is considered that the Amenity designations contained in the Draft Plan along with the normal planning criteria associated with the assessment of a planning application, are together, sufficient to protect the elevated landscapes in the County.
- ❖ The Sleah Head Drive and the Ring of Kerry have received extra protection in the Draft Plan following a review of the Views & Prospects along the Wild Atlantic Way which incorporates both Sleah Head and the Ring of Kerry. The length of Views & Prospects has increased in areas where

views were found and in some cases this designation was removed where views had been compromised by development.

Chief Executives Recommendation

It is recommended to insert a new section in Chapter 10, Natural Resources:-

Section 10.20 Kerry International Dark-Sky Reserve

International Dark Sky Reserves (www.darksky.org) are areas recognised as possessing an exceptional or distinguished quality of starry nights and nocturnal environment specifically protected for scientific, natural, educational, cultural, heritage or public enjoyment. The accreditation also means that a brand new branch has opened in the Irish Tourism Industry called Astro-tourism.

The Kerry International Dark-Sky Reserve (as the area will be known) measures approximately 700 km² and includes Kells/Folimore, Cahersiveen, Portmagee, Valentia Island, Dromid, The Glen, Ballinskelligs, Waterville and Derrynane/Caherdaniel.

Kerry County Council supports this project and where resources allow intends to replace the public lighting system throughout Kerry with a more energy efficient, money saving, dark-sky compliant lighting system.

It is recommended to insert an additional objective :-

Dark-Sky Reserve	
It is an objective of the Council to:-	
	<i>Encourage measures to support the Kerry International Dark-Sky Reserve throughout the lifetime of the Plan.</i>

Insert additional text into the section on Light Pollution on Page 193

The limitation of light pollution is important in the interests of nature conservation, *astronomy*, residential amenity and energy efficiency. External illumination shall be minimised taking into account the minimum required for security and health and safety; therefore all external lighting:-

- shall be properly cowled and directed away from the public roadway and shall also not be visible from any point more than 200 metres away from the light,
- shall not point upwards,
- shall be sensor controlled,
- shall be energy efficient,
- shall be sensitive to protected species, where applicable,
- *shall take account of the 'Campaign for Dark Skies' issues where appropriate.*

Submission No. 12:

Office of Public Works

General OPW Comments:

- The OPW welcomes reference to the Planning System and Flood Risk Management Guidelines for Planning Authorities, to Flood Risk Management in relation to Climate Changes, Role of Settlements, Storm Water Management and the use of SUDS.

OPW Specific Comments:

SFRA

- It is suggested flood risk in settlements may still exist while possibly not identified at the County Development Plan FRA stage.
- It is recommended that the flood maps illustrated in Appendix 2 are built upon incorporating e.g. the ICPSS coastal flood risk maps and are validated through a site visit of the area. In particular, attention to flood mapping surrounding structures should be validated. This will allow for more confidence in the flood maps.
- The OPW would welcome if the land type zone for Tarbert / Ballylongford landbank was clarified i.e. is it industrial or water compatible 'industrial'. Then apply the Justification Test for such an area that interacts with the Guidelines Planning Principles, in particular Section 3.7, 3.8 and Box 4.1. This will allow the area to transparently pass or otherwise the Justification Test.

SEA

- The OPW welcomes reference to "Submissions received on the scoping report by non statutory consultees". The OPW suggests that "the flood risk identification maps are upsized to allow for the ease of interpreting flood risk sources" is included in the Draft Plan.

OPW Comment:

- It would be welcomed if a complete Stage 1 FRS was carried out for the 2015 – 2021 Kerry Development Plan (i.e. it includes all sources of available flood risk information). Also, for Tarbert/Ballylongford, a complete Stage 2 FRA is carried out and where applicable, implement the Planning Principles as set out in the Flood Risk Assessment Guidelines with respect to the outputs from its FRA's.

Chief Executives Response

- ❖ Kerry County Council is satisfied that the Stage 1 FRS carried out for the 2015 – 2021 Kerry County Development Plan (i.e. it includes all sources of available flood risk information) and Stage 2 FRA for the Tarbert/Ballylongford landbank was carried out in accordance with regulations. A Justification Test was carried out for the zoning of the landbank. Tarbert / Ballylongford landbank is designated for water

compatible 'industrial' use in the Strategic Integrated Framework Plan(SIFP).

- ❖ It is considered appropriate to state in Section 6.2 of the SFRA that flood risk in settlements may still exist while possibly not identified.
- ❖ It is considered appropriate that the SFRA be amended so as to incorporate the recently prepared Irish Coastal Protection Strategy Study (ICPSS) coastal flood and erosion maps for the area.

Chief Executives Recommendation

It is recommended that the following sentence be included at the end of Section 6.2 of the SFRA:-

It should be noted that flood risk in the county and in some settlements may still exist but not identified at this County Development Plan SFRA Stage.

It is recommended that SFRA be amended so as to incorporate the recently prepared Irish Coastal Protection Strategy Study (ICPSS) coastal flood and erosion maps for the area. The text relating to the Tarbert/Ballylongford Landbank should be amended as follows-

Industrial Tarbert/Ballylongford Landbank

Land known as the Tarbert Ballylongford Landbank comprises 390 acres of land and is zoned for the development of industrial uses. ~~These uses include large scale marine related industry and enterprises which require deep water access as set out in S4.7 of this Plan.~~

Submission No. 13 :

Electricity Supply Board (ESB)

- The Draft Plan should maintain the planning policies as set out in Chapter 7 which protects the County's future capacity for the development of energy generating, processing and transmission infrastructure whilst encouraging the sustainable development of the County's renewable energy resources.
- With specific reference to EP-8, careful consideration should be given to the inclusion of over prescriptive wording that may not allow all projected specific considerations to be appropriately considered. In general, the decision in relation to technology choices must always be made on a case by case basis in order to achieve a balance between environmental impact, technical appropriateness and cost and in accordance with a clean and transparent process for consideration of alternatives.
- The ESB generally supports the Objectives set out in Section 7.5 which can facilitate an improvement in telecommunications infrastructure and help position the County to attract intellectual and physical capital. However, it respectfully

submits that the 1km separation distance, as set out under section 7.5.2 in the Draft Plan is contrary to the objectives of the Minister set out in Circular Letter PL 07/12 and should be removed from the Plan.

- The Draft Plan aims to facilitate the sustainable provision of charging infrastructure for electric vehicles and the ESB welcomes the inclusion of this objective. However, it suggests that specific statements in relation to the provision of EV charge points at commercial and 'on-street' locations should be included to ensure the proposed levels of parking provision for EV's are achieved.

Chief Executives Response

- ❖ In relation to the 1km separation distance set out under section 7.5.2, see Response & Recommendation to Submission No. 1.
- ❖ In relation to the provision of EV charge points at commercial and 'on-street' locations, objective EP-5 (pg 115) aims to facilitate the sustainable provision of charging infrastructure for electric vehicles. In addition to this it is considered appropriate to include additional objectives as per submission no.2 and the revised Objective RD-15.

Chief Executives Recommendation

No additional amendment to the Draft Plan other than as already outlined in responses to other submissions.

Submission No. 14:

Eirgrid

- EirGrid welcomes and endorses the aims, objectives and policies in Section 7.6 of the Draft Plan. It suggests a minor change to EP-8 to read as follows:-
EP-8 - Ensure that the siting of electricity power lines is managed in terms of the physical and visual impact of these lines on both the natural and built environment, the conservation value of Natura 2000 sites and especially in sensitive landscape areas. When considering the siting of powerlines... all technological options shall be considered and it will be a priority to seek to avoid significant adverse effects on the environment including sensitive landscape areas, and the ecological integrity of Natura 2000 sites.
- Eirgrid suggests that a minor addition be made to Section 13.3.1 - Rural Prime Special Amenity (Pg 181) such that the policy includes reference to exempted development in accordance with Section 4 of the Planning and Development Act 2000.

Chief Executives Response

It is considered acceptable to include reference to Section 4 , Planning and Development Act, 2000 (as amended) in section 13.3.1(pg 181), Rural Prime Special Amenity.

It is considered acceptable to amend objective EP-8 to include reference to all technological options as well as undergrounding.

Chief Executives Recommendation

It is recommended to amend S12.3.1 (Pg 181) to read as follows;
(a) Rural Prime Special Amenity

12.3.1 Rural Prime Special Amenity Areas are those landscapes which are very sensitive and have little or no capacity to accommodate development. In these areas all development will be prohibited, other than normally exempted development in accordance with [Section 4 , Planning and Development Act 2000-13](#), Schedule 2 of the Planning & Development Regulations 2001-2013 and paragraph 12.3.5 above, which will be open to consideration, subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development in the area.

It is recommended to amend objective EP-8 to read as follows:-

Energy & Power	
It is an objective of the Council to:-	
EP-8	<p>Ensure that the siting of electricity power lines is managed in terms of the physical and visual impact of these lines on both the natural and built environment, the conservation value of Natura 2000 sites and especially in sensitive landscape areas. When considering the siting of powerlines priority will be given to imdergrounding or the selection of alternative routes, where it can be demonstrated that the development will not have all technological options including undergrounding shall be considered and it will be a priority to seek to avoid significant adverse effects on the environment including sensitive landscape areas and the ecological integrity of Natura 2000 sites.</p>

Submission No. 15:

Dublin Airport Authority

The Dublin Airport Authority has no comment to make on the Draft Plan at this time.

Cllr. J. Finucane PROPOSED that the Manager's recommendations as outlined by Mr. Stack be adopted.

Cllr. S. Fitzgerald SECONDED this proposal.

Cllr. J. Moloney said in relation to cycleways there is no reference to the Great Southern Way in the Draft Plan. 40km has already been developed in Limerick and it should be an objective to continue this in Kerry with a view to making it the largest greenway in the country when it is completed. He PROPOSED that it would be included in the Draft Plan.

Cllr. S. Locke said he requested an update on this at the previous meeting and he SECONDED Cllr. Moloney's proposal.

Cllr. M. O'Shea referred to Page 40 and the issues raised by the NRA in relation to road side signage. He asked that this would be amended to allow road signage at one principle location at a village boundary.

Cllr. D. Healy-Rae said he always maintained signs to advertise businesses should be permitted where employment is created. He supported the call for a reasonable amount of signage to be permitted. Some proposed developments are held up because the appropriate water or wastewater facilities are not available. Kerry County Council is no longer in charge of the provision of this infrastructure and it is unfair that worthwhile projects are delayed in this way. He asked if anything could be included in the Plan to compel Irish Water to provide an expansion to existing services to facilitate industry or business. Cllr. Healy-Rae said festivals allow a community to retain its identity and they generate business for their area and they must be supported. An Taisce proposed that anyone would not be permitted to build a house 350m above sea level and he said this is completely unacceptable and it would adversely affect people living in Glencar. If a person needs a house on a family farm they should be accommodated.

Cllr. J. Healy-Rae asked if signage was being dealt with at that time.

The Cathaoirleach said signage will be dealt with in Chapter 13 and no decision would be taken on it at this meeting.

Cllr. J. Healy-Rae said the NRA will not allow a sign to be erected for Bonane. The reason the sign is required is to promote a geopark business in the area. The sign for Tuosist is in the wrong place and he asked that it would be rectified. An Taisce claim applicants do not tell the truth on their application for permission but from his experience the cases he has encountered are all genuine. If anyone sold a house on a family farm it was because they had to do so because of pressure from the Bank.

Cllr. J. Sheahan referred to Submission No. 8 from the NRA and the reference on Page 40 to noise which states "*it is noted that the costs of implementing mitigation measures shall be borne by the developer, as the NRA are not responsible for the provision of additional noise mitigation*". He asked if it will be a requirement of planning in future that a survey of traffic noise in the area will have to be carried out.

Mr. Stack said it depends on each application.

Cllr. Sheahan said he would like if it was compulsory that an applicant would have to carry out a survey in order to establish if noise mitigation measures are required. At present the development is completed and it is some time later before the residents realise there is a problem with noise.

Mr. McMahon said the NRA has a concern where a development is constructed near a national road and the developer should be responsible for the cost of noise mitigation measures.

Cllr. J. Sheahan called on the Council to ensure surveys are carried out in advance of a planning application being submitted in future.

The Cathaoirleach PROPOSED that in light of members concerns the wording on Page 42 in relation to national road signage would not be agreed. He PROPOSED the following amendment 'applications for signage on national routes will be assessed on their merits'. He then said Cllr. Finucane already proposed that the additional text and objectives outlined on Pages 44, 53, 54, 55, 56, 57, 58, 59, 60, 64, 65, 66, 67 and 69 be adopted.

Cllr. M. O'Shea SECONDED this proposal.

Cllr. D. Nolan referred to Objective EP-8 on Page 70 and said the proposed amendment takes from the original purpose of this objective. She PROPOSED that the original wording would be retained and that the word '*priority*' would be changed to '*preference*'.

Mr. McMahon said he had concerns in relation to the wording in the Draft Plan from an environmental perspective. If a power line is over an SAC it maybe more acceptable to have poles rather than digging up the area to underground the cables. He agreed with the Chief Executive's recommendation and the ESB and the ESB suggested that the following additional text be included '*all technological options including undergrounding shall be considered and it will be a priority to seek to avoid*'.

The Cathaoirleach suggested that the text 'priority will be given to undergrounding where appropriate' would be included in this Objective and he SECONDED Cllr. Nolan's proposal. He then called for a vote to be taken on Cllr. J. Moloney's proposal.

Mr. J.D. Flynn said a vote would be taken on the following proposal made by Cllr. J. Moloney which was seconded by Cllr. S. Locke “that this Council having considered the Chief Executive’s Report and Recommendations on submissions to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves to include at the end of 5.5 in the Draft Development Plan the following *‘that Kerry County Council would seek to further develop the existing Greenway from Rathkeale to the Kerry/Limerick border onto Listowel to make it the longest Greenway in the Country.’*”

The vote resulted as follows:

For: Cllrs. Connor-Scarteen, Culloty, Daly, Fitzgerald, D. Healy-Rae, Kelleher, Locke, Moloney, Moriarty, Nolan, O’Shea, Sheahan, Spring, Thornton, Brassil **(15)**

Against: None **(0)**

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

Absent: Cllrs. Beasley, Cahill, Cronin, Ferris, Finucane, Flynn, Foley, Gleeson, Grady, J. Healy-Rae, Kennelly, D. McCarthy, P. McCarthy, O’Brien, O’Connell, Purtill, Quigg **(17)**

The Cathaoirleach declared the proposal CARRIED.

Mr. J.D. Flynn said a vote would then be taken on Cllr. D. Nolan’s proposal which was seconded by Cllr. J. Brassil “that this Council having considered the Chief Executive’s Report and Recommendations on submissions to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that the wording in Objective EP-8 be amended as follows: ‘priority will be given to undergrounding where appropriate or the selection of alternate routes where it can be demonstrated that the development will not have significant adverse effects on the environment including sensitive landscape areas and the ecological integrity of Natura 2000 sites.’”

The vote resulted as follows:

For: Cllrs. Connor-Scarteen, Culloty, Daly, Fitzgerald, Kelleher, Locke, McEllistrim, Moloney, Moriarty, Nolan, O’Shea, Sheahan, Spring, Thornton, Brassil **(15)**

Against: None **(0)**

Not Voting: Cllr. D. Healy-Rae **(1)**

Absent: Cllrs. Beasley, Cahill, Cronin, Ferris, Finucane, Flynn, Foley, Gleeson, Grady, J. Healy-Rae, Kennelly, D. McCarthy, P. McCarthy, O’Brien, O’Connell, Purtill, Quigg **(17)**

The Cathaoirleach declared the proposal CARRIED.

The Cathaoirleach informed members they would then move on the Part 2(B) Non-Statutory / General Submissions. He said they would deal with Chapter 1 Introduction and Chapter 2 Core Strategy that evening and they would commence with the Settlement Strategy at the September meeting.

Mr. Stack referred members to Page 71 for the Introduction and he briefed them on this Chapter as follows:

Chapter 1 Introduction

A number of submissions (29, 38,121, 146, 157, 304,311, 324, 325 and 326) relate to the introduction and to the legal context of the Plan and to the public consultation carried out.

The issues may be summarised, as follows:-

- The Council should encourage more joined up thinking methods in terms of maximising its/community resources.
- Establish an ongoing consultation process with local groups.....not simply one exchange every 6 years with the community (geographic and interest based groups) who have expertise, experience and local knowledge.
- The flexibility of the plan is questioned and why it is not for a longer period.
- It is suggested that the plan should be “climate change proofed” in every aspect of socio /economic/transport issues etc.
- The use of “sustainable” throughout the plan is welcomed. It is suggested that specific definitions are added for key sections of the plan which clarify the meaning of the word sustainable for these contexts.
- The plans could be longer term with formal review periods in- built.
- The Plan should have reference to all Acts, Strategies, guidelines and adjoining counties plans.
- The following additional text should be included in the plan: “*Strive to secure the financial resources to implement the policy and objectives*”.
- It is suggested that the Section140 procedure is abolished and not used by the Council in the interest of proper planning and development.
- Engage with and involve local communities in an ongoing consultation process including the ongoing review and delivery of this Plan.

Chief Executives Response

- ❖ Kerry County Council as the Planning Authority has a duty to make a Development Plan for its functional area and to review it every six years. The legal basis for Development Plans is contained in the Planning and Development Acts 2000-2013.
- ❖ Section 15(2) of the Planning and Development Act 2000 (as amended) requires the Chief Executive to report to the Council on the progress achieved in securing the objectives of the Development Plan, within two years of the adoption of the Plan.
- ❖ The Draft Plan complies with all relevant legislation and Section 28 Ministerial Guidelines other than as outlined in Section 1.8 of the Draft Plan.
- ❖ An Environmental Assessment of the Draft Plan has been carried out. This assessment consists of three documents: (1) Strategic Environmental Assessment (SEA), (2) Natura Impact Report (NIR) and (3) Strategic Flood Risk Assessment (SFRA).
- ❖ The Plan sets out six main goals for the future development of the county and the policies and objectives that will assist in achieving them. It is considered appropriate to include reference to the securing of financial resources in order to implement the policy and objectives.
- ❖ The Draft Plan 2015-2021 is a strategic plan that deals with broad land-use issues. Further details and specific local issues will be contained within the Municipal District Plans. It is proposed to prepare Municipal Districts Plans for the four Municipal Districts during the life of the Plan.
- ❖ There has been extensive public participation and consultation with an initial phase of public consultation based on an Issues Document. Directions from the Elected Members regarding the policies and objectives were included in the Draft Plan.
- ❖ The Local Government Reform Act 2014 gives legislative effect to the commitments in “Putting People First”, including the establishment of Local Community Development Committee (LCDC) which will be responsible for developing a Community Plan for the County.
- ❖ Kerry County Council is required to establish a Public Participation Network (PPN) throughout the county and this will provide for formal public engagement on a number of issues.

- ❖ It is the policy of the Council to engage with and involve local communities in an ongoing consultation process including the ongoing review and delivery of the Plan. The Council will actively undertake a leadership role to progress and secure the Development Plan policies and objectives to achieve the sustainable development of communities, the economic repositioning of the County and the promotion of the County's unique cultural and natural heritage.
- ❖ In providing this leadership role, the Council will foster a collaborative approach with citizens, stakeholders, sectoral interests and adjoining authorities to achieve collective support and successful implementation of the Plan.
- ❖ Under Section 140 of the Local Government Act 2001, Members are empowered to direct Management in the performance of certain Executive functions. This power has been removed by the Local Government Reform Act 2014 in relation to the planning functions.
- ❖ The general definition of sustainable provided by the Plan – *“that which meets the needs of the present without compromising the ability of future generations to meet their own need”* is considered to be sufficient rather than a specific definition for each issue.

Chief Executives Recommendation

It is recommended that the following additional text should be included in section 1.3 of the Plan: *“Actively strive to secure the financial resources to achieve policies and objectives contained in the County Development Plan”*.

Cllr. M. O'Shea PROPOSED that the Chief Executive's recommendation on this Chapter be adopted.

Cllr. J. Moloney SECONDED this proposal and it was agreed.

Chapter 2 Core Strategy

Mr. Stack briefed members on this Chapter as follows:

A number of submissions (21, 24, 29, 38, 61, 78, 87 108, 113, 118,121, 146,148, 151,157, 302, 304, 320 and 326) address the **Core Strategy** as follows:-

- Planning and development should be founded on the principles of sustainability, vision and the common good. Much development has been individualistic, resulting in pressure on public expenditure. Health, Housing, Transport and Education cannot be left only to the private sector, the Council should actively provide these services.

- A fundamental tenet of the County Development Plan is that Kerry County Council should have a policy of favourable discrimination in favour of geographically marginalised rural areas as the peninsulas are geographically isolated from the central hubs of the county and consequently from the essential social and infrastructural services provided by the Hub towns.
- In sparsely populated rural areas with a declining population, many of the existing services are being withdrawn. The requirement is that Kerry County Council should discriminate positively to allow the provision of facilities and services for people with different needs.
- It is submitted that the current availability of housing stock should be adequate for the anticipated growth in population and utilising this stock first would be a more principled sustainable approach.
- Ensure that the Settlement Strategy is sufficiently flexible to support the maintenance or potential increase in rural populations.
- Tralee should be developed as a town with a much larger critical mass of people. This would benefit the whole community both economically and socially.
- It is noted that “Growth in the Hub towns of Tralee and Killarney must be prioritised”. The submission states that whilst the growth of hub towns is required there should also be promotion of regional towns at a proportional level e.g. Listowel’s electoral area contains approximately $\frac{3}{4}$ the population of Killarney. It is stated that the Plan is based on the National Spatial Strategy which has not worked as planned and is currently under review.
- The true potential of the “Peninsula lands” in Kenmare will not be realised based on the current objectives for Kenmare as outlined in the draft CDP, particularly in relation to the very limited population and housing projections for the town which run entirely contrary to the National Spatial Strategy and Regional Planning Guidelines and do not reflect Kenmare’s status as a “Regional Town” in the settlement hierarchy in the draft CDP.
- Encourage development on serviced lands in towns rather than allowing a disproportionate amount of development in un-serviced rural areas.
- Support and facilitate the development of strong and resilient local economies who act as key providers and stewards of the county’s most vital resources.
- A major threat to sustainable development of agriculture and other key sectors, such as fisheries, marine tourism and other forms of eco-tourism is posed by climate change.

- In the context of agriculture, it is critical that diversification of agricultural activity, growth in the sector and on-farm enterprise should be recognised in the Core Strategy.
- Greater emphasis on climate change mitigation and carbon reduction and management must be introduced while ensuring new houses are not dependant on fossil fuels and are finished to high energy standards.
- It is suggested that in 2.2.1, the point on climate change is reworded to: *Integrate measures to adapt to and mitigate against climate change in all policies, objectives and actions of Kerry County Council and its key stakeholders.*
- It is suggested that Goal 1 (Section 1.3) should be amended to read as follows; *To attract inward investment and people and stemming outward migration.*
- There is uncertainty regarding the impact of the new Municipal Areas on communities as there has been a long tradition of collaborative working and inter agency work within the Town Councils.

Chief Executives Response

- ❖ The aim of the Core Strategy which is in accordance with the RPG guidelines is to ensure the sustainable development of the Linked Hub and Key Towns in the County while managing development outside these towns in a way that ensures the viability of rural communities.
- ❖ A significant proportion of 'geographically marginalised' rural areas are designated 'weak rural areas' and the controls on development in these areas are less restrictive than other areas in the County. The only requirement in these areas relating to need is that the dwellings be occupied as a permanent place of residence.
- ❖ Section 3.3.1.1 identifies three different Rural Area Types in accordance with the Sustainable Rural Housing Guidelines (2005), one of which is Structurally Weaker Areas. These areas generally exhibit characteristics such as persistent and significant population decline over an average of two census periods (2002-2006; 2006-2011). In these areas, the challenge is to stop sustained population and economic decline with a focus on both key villages and rural areas. Within these areas Objective RS-12 applies which accommodates demand for permanent residential development as it arises.

- ❖ It is the policy of the Kerry County Council to ensure that future housing in rural areas complies with the *Sustainable Rural Housing Guidelines for Planning Authorities, 2005* (DoEHLG) and this will be achieved through greater emphasis on the establishment of a genuine housing need for permanent occupation. This will facilitate the development of strong and resilient local communities and economies.
- ❖ The Plan supports the sustainable development of the Hub towns of both Tralee and Killarney in order to meet the population targets by 2021, as determined by the Regional Planning Guidelines (RPGs) and in accordance with the National Spatial Strategy (NSS), while ensuring that the sustainable development of the Regional / District Towns e.g. Listowel, are supported so that they can act as adequate service and employment centres for the surrounding hinterland.
- ❖ Kenmare is situated within the South and West Municipal District. It is one of four regional towns in the Municipal area. The population growth is allocated to each settlement based on the percentage population that each settlement has relative to the overall population of that area. The Plan has allocated 49% of the Municipal District total anticipated growth in population to those regional towns. The Council is satisfied that there has been a sufficient allocation of population growth to all the regional towns, including Kenmare.
- ❖ The plan has allocated 40% of the anticipated growth in population of each Municipal District to the “remainder of the area”. This includes villages, nodes and all remaining rural areas. (11% is also allocated to the District Towns in the area). It is considered that this is not a disproportionate amount as it is recognised that rural areas play an essential role in the settlement structure/hierarchy by developing sustainable development nodes within rural communities.
- ❖ The key element of the Core Strategy and Settlement Strategy is to continue to focus growth into the Hub and Regional/district towns and to relate growth to the availability of infrastructure such as water and waste water.
- ❖ In relation to the housing stock, the Draft Plan has allocated population growth to each town as per Tables 3.2 - 3.5 (Chapter 3). The Core strategy Table 3.6 shows the housing land requirement for each of those settlements. It is intended to prepare new Municipal District Plans for the County which will take into consideration existing housing stock within the settlements when designating lands for residential use.

- ❖ There are approx. 72,000 houses in County Kerry, of which approx. 38,000 are “one offs” in the rural countryside and the 2011 Census indicated a vacancy rate of 27% or approx. 19,900 homes in the whole county. Excluding Holiday Homes, it is estimated that there are approx. 11,700 housing units available for occupation in Kerry and it is desirable that as many as possible of these units are occupied prior to the construction of new housing units, except where need requirements suggest otherwise. There is adequate and flexible provision for this “need” in the Draft Plan.
- ❖ It is the policy of the Plan to protect and support rural areas through careful management of physical and environmental resources and the facilitation of appropriate sustainable development. The Plan seeks to improve any deficiency of infrastructure in rural areas in order to facilitate the development of sustainable and socially inclusive communities.
- ❖ With regard to climate change, while the Plan encourages the increased use of alternatives fuels and technologies and improving the fuel efficiency, it is proposed (see Submission No.1) to expand the Core Strategic Objectives on Pg 14 regarding Climate Change Adaptation, to further promote sustainable settlement and transportation strategies in urban and rural areas.
- ❖ All the strategic aims of the Core Strategy are underpinned by elements of sustainable development. The Core Strategy supports the *National Climate Change Strategy* and the *National Climate Change Adaptation Framework, Building Resilience to Climate Change* on an ongoing basis through implementation of supporting objectives in this Plan, particularly those supporting use of alternative and renewable energy sources, sustainable transport, air quality, flood risk management etc. The Council will endeavour to work with all parties, interest groups and communities to achieve these aims. It is considered appropriate to amend section 2.2.1 as follows:-
Integrate measures to adapt to and mitigate against climate change in all policies, objectives and actions of Kerry County Council and its key stakeholders.
- ❖ It is the policy of the Council to comply with the provisions of the “Planning System and Flood Risk Management” Guidelines by ensuring that, where relevant, flood risk is a key consideration in preparing development and local area plans and in the assessment of planning applications.
- ❖ The Plan supports the sustainable provision and distribution of a range of social infrastructure facilities and multi-purpose community buildings. It supports the provision of energy-efficient measures for such buildings.

- ❖ The Plan supports and facilitates the sustainable delivery of ICT infrastructure, broadband networks and digital broadcasting throughout the County.
- ❖ The Electoral Area Boundary Committee Report 2013 has reconfigured the County into four municipal districts, for electoral and local government purposes. The four new areas are:- **(A)** Tralee **(B)** Killarney **(C)** Listowel and **(D)** South and West Kerry - as set out in Map 2.2. With the proposed abolition of the Town Councils in Tralee, Killarney and Listowel, the responsibility for land use planning and many other functions in the towns will transfer directly to Kerry County Council. It is envisaged that the impact of new municipal districts on local communities will be minimal. It is the intention of the Council to prepare Local Area Plans for each of the Municipal areas during the lifetime of the Plan.

Chief Executives Recommendation

It is recommended that Goal 1 (Section 1.3) should be amended as follows:-
To attract inward investment and people into the County **and stem outward migration from the County.**

It is recommended that in 2.2.1, the text on climate change is reworded to:
~~Integrate climate change considerations into the policies and objectives of Kerry County Council and its key stakeholders~~

Integrate measures to adapt to and mitigate against climate change in all policies, objectives and actions of Kerry County Council and its key stakeholders.

Cllr. D. Healy-Rae said they made a submission regarding areas that have become seriously depopulated such as the Clydagh Valley and Shandrum Valley in Kilgarvan. The reply does not address this especially from Loo Bridge to Morley's Bridge where at one time there were 16 families. If anyone applies for permission in this area their application will not be considered as all the families have left the area. He was informed there was a restriction in the last County Development Plan that prohibited them from getting permission. An area cannot be populated if these restrictions are not removed.

The Cathaoirleach said Cllrs. Danny and Johnny Healy-Rae's submission no. is 302 and it is included in the Report.

Cllr. D. Healy-Rae said he could not see a recommendation in the Report to ensure these areas can be populated as there was a restriction in the last Plan.

Mr. Stack said this issue is more relevant to the Settlement Strategy which is Chapter 3. He indicated the weak rural areas on a map which are in decline over the past two consecutive Census. In order to get permission in these areas the

house must be a permanent place of residence, must pass the percolation test, must not cause a traffic hazard but there is no “need” requirement.

Cllr. D. Healy-Rae asked what the brown areas on the map represented.

Mr. Stack said they are stronger rural areas where development is limited to people with links or ties to the area.

Cllr. D. Healy-Rae said people cannot understand why it is so hard to get permission. So many people have left rural areas and people with no ties would like to live there. Many of these areas are devoid of a population.

The Cathaoirleach said this issue is more appropriate to the Settlement Strategy.

Cllr. D. Healy-Rae referred to climate change and said there was climate change in the 12th and 13th century when there was no combustible engine. The people of Kerry have to pay a carbon tax and he asked what this money is used for.

Cllr. J.J. Culloty said he could relate to the problem outlined by Cllr. Healy-Rae. The fact that there are 11,700 vacant houses in the county seems to be the problem and planning applicants are being told to use these houses. However a big percentage of these houses are not habitable and unfortunately this is being used to restrict development. He asked for a breakdown of the 11,700 vacant houses.

Cllr. P. Connor-Scarteen said Kerry County Council’s favourable discrimination of rural areas is welcome. He referred to the second last paragraph on Page 75 which refers to ‘Peninsula lands’ in Kenmare and requested clarification on it. Cllr. Connor-Scarteen expressed disappointment that there is no specific mention in the Draft Plan of the provision of rural broadband.

Mr. Stack said broadband is dealt with in Chapter 7. He referred to Cllr. Culloty’s comments that houses are not permitted because of the number of vacant houses in the county and he said that is not the case. Mr. Stack said they believe the number of vacant houses is in fact greater than 11,700. He has driven the county over a number of years and the number of vacant houses is unbelievable and many of these are suitable for re-occupation.

The Cathaoirleach said a lot of these concerns will be dealt with in the Settlement Strategy. There are two recommendations on Page 79 that must be adopted.

Cllr. N. Kelleher PROPOSED that the Chief Executive's recommendations on Page 79 be adopted.

Cllr. J. Moloney SECONDED this proposal and it was agreed.

The meeting concluded at 4.45pm.

Gerard O'Brien

A/SEO Corporate Affairs

Cathaoirleach of Kerry County Council