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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 DEARDAOIN 11 MEAN FHÓMHAIR 2014.**

**MINUTES OF THE SPECIAL PLANNING MEETING OF KERRYCOUNTY  
COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE  
ON THURSDAY 11<sup>TH</sup> SEPTEMBER 2014.**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

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

**IN ATTENDANCE/I LÁTHAIR**

Mr. M. McMahon, Temp., Chief Exec.	Mr. J.D. Flynn, Dir. of Corp. Servs.
Mr. C. O'Sullivan, Dir. Op., Health & Safety	Mr. P. Stack, SE Planning
Mr. G. O'Brien, Meetings Administrator	Mr. D. O'Malley, Sen. Exec. Planner
Mr. E. Fleming, Executive Planner	Mr. A. Doyle, Executive Planner
Mr. D. Burke, Assistant Planner	Ms. A. Murphy, Assistant Planner
Ms. C. Fisher, Biodiversity Officer	Ms. A.M. Costelloe, Assistant Planner
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

The meeting commenced at 10.40 am.

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

**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.

#### **14.09.11.01 Consideration of the Chief Executive’s Report on submissions received on the Draft Kerry County Development Plan 2015 – 2021**

### **Chapter 8 Natural Resources**

Mr. Stack then briefed the meeting on the submissions received on this Chapter, the response to them and the Chief Executive’s recommendations as follows:

A number of submissions relate to Natural Resources. These are dealt with under the main headings of: **(8.2)** Extractives Industry **(8.3)** Forestry and **(8.4)**. Fishing /Aquaculture.

## **8.2 Extractive Industry**

Submissions no.47, 69 & 99 address the Extractive Industry:-

- The submissions acknowledge the recognition afforded to the extractives industry in Chapter 8 of the Draft Plan. In the absence of a National Aggregates Policy it is important that development plans around the Country make provision for the industry which underpins the construction sector such as NR-4 & NR-5.
- Irish Concrete Federation (ICF) has a policy proposal that would require each EuropeanMemberState to adopt the *Good Neighbour Policy* regarding development and Section 261 Quarry Registration.
- Market demand must be met from legitimate industry in a planned and controlled manner. Unfortunately a significant portion of the demand was met by unauthorised sources. A strong commitment to rigorous development control and enforcement should be included in ES-26.
- There is a need for each Council using the GSI Aggregate Potential Mapping proposal to periodically review the underlying data in these maps for accuracy. The GSI and the IFI acknowledge that mapping is not exhaustive; planners should therefore review each rural development site so to ensure that it does not sterilize substantial resources.
- In relation to environmental management of potential emissions the following documents set out the standards required:

- The Quarry and Ancillary Activity Guidelines for Planning Authorities (2004),
  - The ICF Environmental Code of October 2005,
  - The Guidelines for Environmental Management in the Extractive Sector (EPA, 2006),
  - These standards should be referenced in the Development Management Chapter or the Natural Resource chapter 8.
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- The ICF has worked closely with the NPWS and the Heritage Council on biodiversity, geology and heritage. The extractive industry has more to offer communities in the course of site rehabilitation, through the promotion of biodiversity wildlife refuge etc. It is hoped that restoration plans will be more imaginative in these areas going forward. The NPWS note Nature Biodiversity Guidance for Extractive Developments should be referred to in the draft plan
  - An BordPleanála has described as unreasonable the continued policy of KCC to seek unrealistic levels of pre-permission testing. This is not the same as pre-development testing which H-27 supports. The current practice of KCC exceeds the provisions of H-27. Future development should be judged against the plan and advice from National Monuments Services.
  - With regard to architectural heritage and the potential impact of quarries and zones of influence of a quarry, exhaustive reports are being requested. Common sense should apply in this regard.
  - The ICF and MF Quirke and Sons welcomes the commitment in section 8.2 of the draft plan to issue permission with terms commensurate with the resources available for extraction and would further welcome support for extensions to existing professionally managed quarries.
  - An appropriate contribution to road improvement and management should be calculated based on a balance of impact of all road users so as not to penalize an authorized development.
  - Higher standards for EIS reporting in general and in particular in the areas of geology and hydrogeology should be promoted in the plan. A detailed template of criteria for consideration of extractive developments could be included in the draft plan.
  - A policy should be included to prohibit 'Fracking', 'high volume horizontal hydraulic fracturing', in the County.

#### **Chief Executives Response**

- ❖ *The Quarry and Ancillary Activity Guidelines for Planning Authorities (2004)* recommends that the adoption of a formal "good neighbour" policy is the responsibility of the quarry owners and operators to win the support of the community for the continued operation or expansion of existing and future quarries.

- ❖ It is considered that a new section on restoration plans for extractive industry is appropriate and should be included in Section 13.13 in Chapter 13.
- ❖ The Planning Authority is satisfied with the level of pre-permission testing require thus ensuring all relevant information is available when making a determination on a proposed development.
- ❖ The second paragraph in Section 8.2 should be amended to include a reference to the *Quarry and Ancillary Activity Guidelines for Planning Authorities (2004)*.
- ❖ The GSI Aggregate Potential Mapping issue is noted.
- ❖ Particular care will be exercised in areas of archaeological importance, areas where views and prospects are listed, recorded monuments and other biodiversity and environmental designated areas such as Designated Tourism Areas, European Sites, Natural Heritage Areas (NHA's). Policies and objectives to secure this are included in Chapter 10 - Natural Heritage and Flood Risk Assessment and Chapter 11 - Built and Cultural Heritage.
- ❖ In relation to non compliance by an applicant/developer, Kerry County Council will have regard to Section 35 of the Planning and Development Act 2000, as amended by 24(a) of the Planning and Development Act 2010 where necessary.
- ❖ Guidance on EIA/EIS and the information to be contained in same is set out in Section 10.14 of the Draft Plan and Schedule 6 of the Planning and Development Regulations 2001-2013.
- ❖ The Planning Authority will support the extractive industry by issuing planning permissions that extend over the estimated life of the quarry. It will be necessary, however, that the applicant / developer sets out a phasing proposal for the development to assess the time-scale of the proposal.
- ❖ It is not considered appropriate to include policies in the County Development Plan which pre-determine National Policies to be developed based on research and recommendations from expert bodies in this particular area. Fracking is an emotive issue and will require careful consideration at National level before any permission is forthcoming.

### Chief Executives Recommendation

It is recommended that the text in Section 8.2 be amended as follows:-

*As part of the assessment process, due regard will be given to the DEHLG (2003) "~~Planning Controls of Quarries~~" publication "[Quarry and Ancillary Activity Guidelines](#)" (2004). In addition proposals shall be screened for Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) in accordance with current best practice and guidance documents.*

It is recommended that the following text be inserted into the third paragraph of Section 13.13 of the Development Management Standards and Guidelines as follows:-

In the assessment of any application, the recommendations of the relevant statutory body will be sought and considered by the Planning Authority. *Proposals shall comply with the provisions of the following guidelines / legislation:*

- *Section 261 and Section 261A of the Planning and Development Acts 2000 – 2013*
- *The DoEHLG Quarries and Ancillary Facilities Guidelines 2004.*
- *The EPA Guidelines for Environmental Management in the Extractive Sector 2006.*
- *DoEHLG Architectural Conservation Guidelines 2004 and the Archaeological Code of Practice 2002*
- *Geological Heritage Guidelines for the Extractive Industry 2008.*

*The visual impact of a quarry or a mine is likely to extend beyond the boundaries of the primary visual unit within which the development lies. A detailed landscape and visual assessment must be submitted with any proposal and used to determine the extent of the area of visual influence. This assessment shall be used in the assessment of any proposal.*

*A scheme of rehabilitation and after care for the site upon abandonment / exhaustion of resource shall be submitted. Details to be submitted should include a report with plans and section drawings, detailing the following:*

- *Anticipated finished landform and surface/landscape treatments, both of each phase and the whole excavation;*
- *Quality and condition of topsoil and overburden;*
- *Rehabilitation works proposed;*
- *Type and location of any vegetation proposed;*
- *Proposed method of funding and delivery of restoration/reinstatement works; etc.*

*In addition a bond will be required to ensure the adequate restoration of the site. This bond shall be index linked.*

## **8.3 Forestry**

Submissions no. 93 & 151 address forestry as follows:-

Amendments should be made to the following objectives

- Amend NR-9, which relates to the location of forestry. It is suggested that the words “*at appropriate locations*” should be deleted.
- Amend NR-10 which relates to recreational uses of forestry. It is suggested that the word “*non-noise generating*” be deleted.

- Amend NR-13 which relates to appropriate uses of forests. It is suggested that the word '*shelter*' be inserted.
- Amend NR-14 which relates to native woodlands should include provide for the expansion of woodlands.
- Amend NR-16 which relates to residential amenity. It is suggested that the text of this objective be replaced with a statement requiring compliance with national guidelines.
- Amend NR-17 by adding the publication Forestry Landscape Guidelines to the guidelines listed in this objective.
- A new objective is requested to provide for lowland development of forestry.
- Farmers in Kerry should be given the option and opportunity to afforest their lands and must not be deprived of the chance due to planning restrictions.

### Chief Executives Response

- ❖ All forestry applications submitted to KCC will be assessed on their own merits in accordance with the objectives set out in Chapter 8 including NR-9. The Planning Authority is satisfied that the wording "*at appropriate locations*" allows for all landscapes to be proposed, considered and assessed.
- ❖ It is considered appropriate to amend objectives NR- 10, NR-14 and NR-17 as set out in the recommendations below.
- ❖ It is considered that objective NR-16 as written is necessary for protection of residential amenity.
- ❖ It is considered appropriate to amend NR-13 to include the word "shelter" as detailed in the recommendations below.
- ❖ Issues in relation to the growth of energy crops and short rotation forestry are set out in the Renewable Energy Strategy 2012.

### Chief Executives Recommendation

It is recommended that objectives NR10, NR-13, NR-14 and NR-17 be amended as follows:-

<b>Forestry</b>	
<b>It is an objective of the Council to:-</b>	
<b>NR-10</b>	<i>Encourage, promote, provide and facilitate access to forestry and woodlands, in cooperation with Coillte, the Forest Service and other agencies for walking routes (including looped walks), mountain trails, nature trails, mountain bike trails, bridle paths, orienteering and other <del>non noise generating</del> recreational activities for the benefit of local people and tourists and take into account the Forest Service 2006 Publication "Forest Recreation Guide for Owners and Managers" based on National Spatial Strategy.</i>
<b>NR-13</b>	<i>Encourage the appropriate use of forests for timber, energy, biodiversity, recreation, tourism and <del>shelter</del> and the development of associated businesses and enterprise at local level. Proposals shall be in accordance with the provisions of the Renewable Energy Strategy (Kerry County Council 2012), <del>the objectives, policies and development standards of this plan as they relate to the natural environment.</del></i>
<b>NR-14</b>	<i>It is an objective of the council to ensure that the County's valuable remaining native woodlands are protected and enhanced, and where appropriate <del>sustainably expanded</del> through the use of appropriate planning and development measures.</i>

<b>Forestry Recreation</b>	
<b>It is an objective of the Council to:-</b>	
<b>NR-17</b>	<i>Encourage the sustainable development of forest parks and other tourist related amenities at appropriate locations within forested areas in accordance with the Forest Recreation in Ireland; A Guide for Forest Owners and Managers published by the Department of Agriculture and Food (2006), <del>the Forestry Landscape Guidelines and the objectives, policies and development standards of this plan as they relate to the natural and built environment.</del></i>

## 8.4 Fishing / Aquaculture

Submissions no. 93 & 325 address Fisheries / Aquaculture:-

- Harvest 2020 specifies key targets for specific sectors. The seafood sectors target is a 78% increase in aquaculture volume production by 2020. The achievement of these ambitious targets will require collaboration between all key stakeholders.
- Amend objective NR-19 to replace the word catchments with the word “catching”
- Amend NR-21 to read as follows “Support the protection of water quality, key habitat and other natural resource requirements necessary to safeguard coastal, estuarine and freshwater fisheries *and take due consideration of climate change in terms of future proofing infrastructure protecting water quality*”
- Amend NR-22 delete “inland fisheries” and replace with “*relevant statutory bodies*”
- KCC must take more of an active role in the maintenance of the River Maine and Brown Flesk. The River Flesk has fallen into neglect over the last number of years, eg. Fallen trees, bank erosion, loose debris. This river has great tourism potential. The OPW are maintaining the River Maine and the little Maine, however the same care is not been given to the Brown Flesk. A 5-10year plan for the river would ensure the implementation of a cycle path and walkway from Currow village along the river bank.

### Chief Executives Response

- ❖ In respect of Food Harvest 2020 see Response and Recommendation to 4.8.1 Agriculture.
- ❖ It is considered that the proposed amendments to Objectives NR-19 and NR-22 are appropriate and should be amended as set out in the recommendations below.
- ❖ In relation to climate change see response and recommendation to Submission No. 1.
- ❖ The OPW is responsible for the maintenance of a number of river catchment drainage schemes throughout the State including the River Maine. The OPW are in the process of developing a series of CFRAM's. As part of this process a detailed maintenance plan will be completed. However the maintenance of hedgerow or fallen trees in rivers outside the control of the OPW is the responsibility of each individual landowner.



### Chief Executives Recommendation

It is recommended that objectives NR -19 and NR 22 be amended as follows –

Natural Resources Fisheries	
It is an objective of the Council to:-	
<b>NR-19</b>	<i>Support the sustainable use of existing port facilities for the <del>catchments</del> catching and processing of fish as an economic activity that contributes to the food industry in the County.</i>
<b>NR-22</b>	<i>Have regard to the advice of <del>inland fisheries board</del> relevant statutory bodies, as appropriate and the recommendations of the Environmental Section of Kerry County Council in assessing the environmental impacts of developments.</i>

Cllr. M. Gleeson said he lives particularly close to a Quarry but it has never impacted unduly on him. However, there is a need to be careful in relation to noise and dust. He referred to an elevated quarry site where silt and water is deposited which can seep down and make its way, with the fall of ground, onto private property. This causes a difficulty for property owners. One particular case was appealed to An Bord Pleanála and a decision is awaited. Quarry owners must be careful what exits their property on the wheels of trucks. Rivers and lakes are of enormous importance and they were forgotten in the 70s and 80s and it is only now that their importance is being recognized. From a tourism and recreational point of view they are extremely important. He commended the commitment of the local people in Killarney who took measures to improve the quality of the water in the Lakes. If it was not for their commitment the lakes would not have recovered to the extent that they did.

Cllr. Gleeson expressed his total opposition to the development of fish farms in estuaries in the county as they could do great harm to the lakes. They have the potential to contaminate waters and to do huge damage to the economy of the county. He moved a notice of motion in relation to river banks and the River Flesk and a problem which arose when the eye of the bridge was blocked. At that time he was informed responsibility for this lies with the riparian owner. He pointed out however that the owners cannot do works to a river without first getting clearance from the fishery authority. The buildup of debris, including trees, silt etc impedes the free flow of water and people live in fear of being flooded as a result. It is important that those who use the riverbanks for fishing are facilitated. Trees cannot be cut but landowners must be allowed to trim them. Cllr. Gleeson then referred to fracking and said we must be very clear that our knowledge of fracking is too limited, as its potential to damage health, homes and the environment is huge. He PROPOSED that the following statement would be included in the County Development Plan "Given the lack of comprehensive safety information and the absence of National

Guidelines on the fracking industry favourable consideration will not be given to any fracking proposal in this county during the lifetime of this Plan.

Cllr. D. Healy Rae expressed concern at the lack of limestone quarries in the southern part of the county. One closed in Kilgarvan and another is about to close in Kenmare. Stone will now have to be transported from Castleisland or Ardfert and this will impact hugely on the Council's Roadworks Programme with a resulting increase in the cost of road works. An BordPleanála referred to unrealistic levels of pre-permission testing and he asked for clarification on this. He also asked if this applies to new quarries only. He pointed out that a number of quarries are in limbo at present as they are waiting for Government to pass new legislation.

Cllr. D. Healy-Rae then referred to forestry and asked if it would be the policy going forward to keep forestry back from roads. Coillte and those involved in private forestry should be asked to move trees back from the public road so they will not impede pedestrians and motorists. Cllr. Healy-Rae said he highlighted the problem with the River Flesk and the impact flooding is having on the people of Foiladown and on the national route. 30 years ago Kerry County Council did wonderful work cleaning this river and there was no flooding thereafter. Last spring residents in Foiladown were flooded six times and that is not acceptable. There are 14 families residing there and if Kerry County Council was responsible for cleaning the river 30 years ago they must also be responsible now.

Cllr. D. Nolan SECONDED Cllr. Gleeson's proposal in relation to fracking as she was concerned it would damage our tourism industry and rural areas. The County Development Plan will last for five years and we should not wait for national guidelines.

Cllr. J Finucane supported the proposal on fracking and said members are always seeking to improve water quality and it would make no sense to allow fracking. A separate policy should be included in the Plan clearly stating that fracking will not be permitted. The development of forestry in Kerry is big business and in other European countries the forestry service developed cottages along popular routes. He asked that a meeting would be arranged with the management of Coillte to discuss their plans. A meeting should also be arranged with senior officials of the OPW where they could also outline their plans.

Cllr. S. Locke agreed with the views expressed by previous speakers in relation to fracking and said water quality must be maintained. He referred to the River Maine and the River Flesk and said since the storms during the winter he reported that a number of trees had fallen into these rivers to the OPW. The OPW said works could not be carried out to remove these trees as it would have a serious impact on fish stock. However he did not agree with this. These trees should have been removed when they fell as it would not have had any impact. Cllr. Locke said works are ongoing to the River Maine and an annual works programme is required to maintain walks.

Cllr. J.J. Culloty supported the views of previous speakers in relation to fracking and said it would not be appropriate to allow it in the county. In relation to forestry he said the planting of more native trees should be encouraged as they are more suitable for the wildlife. It is important also that trees are kept back from the road. He asked if a condition can be imposed that trees being planted beside homes would have to be set back to preserve the view.

The Cathaoirleach referred to Page 132 of the Chief Executive's Report where An Bord Pleanála refer to the 'unrealistic levels of pre-permission testing' and the response is *'The Planning Authority is satisfied with the level of pre-permission testing required thus ensuring all relevant information is available when making a determination on a proposed development.'* He requested clarification on this issue. He referred to Cllr. Gleeson's proposal on fracking and said the County Development Plan should be clear in a statement that the members of this Council do not want any development involving fracking to be considered in the lifetime of this Plan. The Cathaoirleach supported the views expressed by Cllr. D. Healy-Rae in relation to the setting back of forestry from roads. Everyone saw the impact of the winter storms when trees fell onto roads and blocked them. All forestry should be planted a minimum distance from the road.

In response Mr. M. McMahon said the regulation of quarries over the last number of years has been difficult. Following the taking of a number of cases against Ireland in relation to Environmental Impact Assessments legislation, was introduced requiring all existing quarries to be registered with their local authority. In 2005 and 2006 this process was undertaken and some quarries got permission for 5 years. Some owners appealed the decisions following which a Judicial Review found that there was a flaw in the legislation in relation to the conditions attached to a Section 261 permission. Following this revised legislation was introduced to address this issue. As a result of the Derrybrien case in Galway it has been established that an application for permission to retain a development cannot be made where an EIS would have been required originally. Subsequent consent was introduced whereby a quarry owner can apply to An Bord Pleanála to regularize their situation and this requires the submission of a remediation EIS. There were 21 quarries in Kerry where substitute consent was required. Mr. McMahon agreed that the consent process is protracted and is taking approximately 18 months to complete. Most decisions had to be given by 20 August 2012 but some have not yet been finalised. He acknowledged that there is frustration among quarry owners but said we are in a process. Until a decision is given and those who applied for subsequent consent have been notified of the outcome, proceedings cannot be taken in relation to enforcement. The subsequent consent will decide the conditions to be enforced. Mr. McMahon said a further problem has been identified where there is an extension to an existing quarry, these are considered unauthorised developments and there is no facility to apply for permission for an extension where subsequent consent is being considered. Quarries are an important source of material and they are needed, but it is important to strike a balance and they must be regulated to ensure that they do not impact adversely on residents.

Mr. Stack said the Council has an archaeologist employed who has a lot of experience. Having reviewed the submission from An Bord Pleanála the planning authority is satisfied that the level of pre-planning testing required is reasonable to protect the archaeology of the county. Mr. Stack then referred to comments on the River Flesk and said much of the growth is on the riverbank and the flooding of the last two years has focused the thoughts of the OPW and the local authority. The OPW is the lead authority in the preparation of the CFRAM flood maps, and in time works will be undertaken to alleviate flooding. The draft maps will be put out for Public Consultation shortly and there will be a statutory public consultation period. Works will then be identified to alleviate the flooding. Mr. Stack agreed with the comments made in relation to the potential for forestry and said it would be a positive development for the county. He suggested that the tourism sector should contact Coillte to discuss this further as there is nothing in the County Development Plan to prevent it. Mr. Stack said all forestry development is subject to planning and a significant setback is required because of its potential impact on motorists. The EPA Public Consultation Steering Committee has been tasked with doing research on fracking and this is a very emotive issue. He had no difficulty if members want to include a statement in the County Development Plan on fracking.

Mr. G. O'Brien said a vote would then be taken on Cllr. Gleeson's proposal, as follows, in relation to fracking which was seconded by Cllr. Nolan.

*"That this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves given the lack of comprehensive safety information and the absence of national guidelines on the fracking industry favourable consideration will not be given to any fracking proposal in this County during the lifetime of this Plan."*

The vote resulted as follows:

**For:** Cllrs. Cahill, Connor-Scarteen, Culloty, Daly, Finucane, Flynn, Gleeson, D. Healy-Rae, Kennelly, Locke, McEllistrim, Moloney, Moriarty, Nolan, O'Connell, Purtill, Quigg, Sheahan, Spring, Thornton, Brassil **(21)**

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

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

**Absent:** Cllrs. Beasley, Cronin, Ferris, Fitzgerald, Foley, Grady, J. Healy-Rae, Kelleher, D. McCarthy, P. McCarthy, O'Brien, O'Shea **(12)**

The Cathaoirleach declared the proposal CARRIED and said there were no other proposed amendments in relation to this Chapter.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was unanimously agreed to adopt the recommendations in the Chief Executive's Report on this Chapter subject to the amendment previously agreed.

## Chapter 9 Social Infrastructure & Community Development

Mr. Stack briefed the meeting on submissions received on Chapter 9 Social Infrastructure & Community Development, the response to them and the Chief Executive's recommendations as follows:

A large number of submissions relate to **Social Infrastructure and Community Development**. These have been divided into the main headings of:- **(9.2)** Social Inclusion, **(9.3)** Community Facilities/Infrastructure, **(9.5)** Education, **(9.7)** Health Services, **(9.9)** Public Open Spaces, **(9.10)** Public Rights of Way and **(9.11)** Burial Grounds.

The Kerry Community & Voluntary Forum in conjunction with the Community and Enterprise Department made a very detailed and extensive submission based on the eight community based meetings.

There are many specific local issues raised that cannot be considered within the context of this Draft County Plan but can be considered in the context of the development of the Municipal Districts Local Area Plans.

### 9.2 Social Inclusion

A number of submissions but principally submission 326 relate to **Social Inclusion** issues affecting the County, as follows:

- Maintain services in rural areas e.g. closing post offices has a negative effect in rural areas; it is important to provide access from housing developments to the town through lighting and footpaths for safety and also to avoid isolation.
- Grant aid and guidance should be made available to reinstate older dwellings both in villages and in the countryside to encourage people to return to live there and avoid dereliction.
- Rural Isolation is a youth issue as well as being an older person's issue. Facilities to meet area critical. Cross community use should be a condition when planning is granted for a community facility. Youth Clubs are struggling to get community space.
- Invest in young people — Training Options need to be improved, Transport needs to be improved to enable access to IT, Work Ethic needs to be promoted.
- 11.2% of Kerry's Population is comprised of non Irish nationals; this should be acknowledged and referenced in the Kerry County Development Plan.
- In section 9.2.1 it is suggested that it is more appropriate to use "older people" instead of "elderly" and "people with disabilities" rather than "disabled". This should apply throughout the report.

- The importance of the contribution made to the local economy by voluntary workers, and those employed on the various types of community employment schemes is not sufficiently recognised, and should receive much greater support, and be more highly respected and valued. Much greater effort needs to be made to link the training that takes place to follow-on employment.
- The council should support the provision of rural public transport with the needs of the people as priority rather than focusing on the cost efficiency e.g. people in rural areas rely on transport for a range of reasons; (a) older population with less family supports as a direct result of emigration (b) less disposable income (C) lack of social connections for those living alone.
- The importance of maintaining villages to ensure viability and quality of life was emphasised. Services need to be developed parallel to housing development including a place for the community to meet, 'Mens shed' etc. Housing- The provision of services such as play areas, lighting footpaths etc should be put in place when a development is being built.
- A reference should be made to the recently published report on Citizen Engagement, the main outcome of which is the establishment of new structures called Public Participation Networks (PPNs) in every Local Authority at both the municipal district and at county/city level. The PPN will consist of what are referred to in the report as "three electoral colleges" — Social Inclusion, Environment and Community. These colleges will comprise of nominees of organisations relevant to each of the three areas and form the main community consultative and representative body in each Local Authority area.
- There should be greater emphasis on an Age Friendly towns/county.
- There are gaps in services in terms of working with rural isolation.
- The plan needs to instigate an interagency response between HSE, KCC, SKDP etc. People are "falling through the gaps"

### Chief Executives Response

- ❖ The Draft Plan contains policies and objectives relating to social inclusion, transport and settlement strategy to keep rural areas sustainable and these are considered sufficient.
- ❖ Rural isolation is a growing concern with the expectation that by 2020 over 210,000 people in Ireland over the age of 65 will live alone, with 50,000 living alone in the countryside. In Kerry alone 65% of the population, over 65 years of age, live in rural areas. This Plan contains policies to support and work with local community groups in addressing this issue.
- ❖ Non-Irish Nationals have played a very important role in Kerry in the last number of years and will continue to do so into the future. It is noted that 11.2% of Kerry's population is comprised of non Irish nationals, it is therefore

very important that non Irish Nationals are able to avail of services open to them. The above should be included in Section 9.2.

- ❖ The term 'elderly' occurs a number of times namely in Chapters 3, 5, 6 and 9. The term 'disabled' occurs a number of times namely Chapters 6, 9, and 13. The term "elderly" will be replaced with "older people" and the term "disabled", will be replaced with the term "people with disabilities" where they occur throughout the document.
- ❖ The work carried out by voluntary workers in the community needs to be more clearly stated.
- ❖ It is the policy of the Council to provide and facilitate, in conjunction with all relevant statutory agencies and social infrastructure providers, the provision of high quality sustainable social infrastructure, improve the quality of life for the citizens of the County and to reduce social exclusion, through the implementation of the Objectives SC 1 – SC 12.
- ❖ The issue of the Public Participation Networks (PPNs) has already been adequately addressed in Chapter 1 – Introduction.
- ❖ It is considered appropriate to amend the title of Section 9.2.2 from 'Age Friendly Towns to 'Age Friendly County'.
- ❖ There are numerous policies and objectives in the Draft Plan relating to all forms of social inclusion. It is the policy of the Council to recognise the needs of all people, especially people with special needs and to support the local communities, health authorities and other bodies involved in the provision of facilities for such persons.
- ❖ It is considered that the policies and objectives contained in the Draft Plan are sufficient to promote interagency co-operation. The Draft Plan contains policies relating to interagency co-operation in particular Objective SC-3.

### **Chief Executives Recommendation**

It is recommended that the following changes and objectives should be included in the Draft Plan.

A new Section 9.2.3 should be inserted as follows:-

Non-Irish Nationals have played a very important role in Kerry in the last number of years and will continue to do so into the future. It is noted that 11.2% of Kerry's Population is comprised of non Irish nationals, it is therefore very important that non Irish Nationals are able to avail of services open to them.

The term "elderly" will be replaced with "older people" and the term "disabled", will be replaced with the term "people with disabilities" where they occur throughout the document.

It is recommended that Section 9.2.2 should be re-titled *Age Friendly County*.

### 9.3 Community Facilities/Infrastructure

A number of submissions but principally submissions (121, 137, 146, 326 and 327) relate to **Community Facilities/Infrastructure issues** affecting the County, as follows:-

It was suggested that the Council should:

- Collaborate with communities and the educational systems to assess, promote and support community-wide education appropriate to a lower energy, lower carbon and resilient society.
- Work in partnership with schools, parents and communities to devise and implement a school response to adverse weather conditions and extreme weather events.
- Work in partnership with schools, parents, communities and the relevant authorities to make Kerry's schools energy efficient and free from fossil fuel dependence.
- Acknowledge the positive impact of local food production using approaches which optimise nutritional content on community health.
- Allow the use of environmentally sound burial sites, including forest burial grounds.
- Work in partnership with local fire services and communities to install water harvesting systems for Kerry's fire services, thus reducing their use of mains water and its associated treatment and energy costs.

Other submissions recommended the following:

- Second Paragraph of Section 9.1 should read 'Investment in social *and community* infrastructure'.
- Objective SC-4 to be changed to read; existing community services *and facilities*.
- Objective SC-8 to Include- community meeting space - big efforts going in to put these in place retrospectively after housing developments have been completed.
- Facilitate the sustainable provision of community based cultural multi-use facilities.



### Chief Executives Response

- ❖ 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.
- ❖ 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 second Paragraph of Section 9.1 should be amended to read; Investment in social *and community* infrastructure’.
- ❖ Objective SC-4 should be changed to read - existing community services *and facilities*.
- ❖ Objective SC-8 should be changed to read; Ensure that all large scale residential developments take account of the need to provide appropriate community facilities such as childcare facilities, schools *and community meeting spaces*. Planning applications for large scale housing developments must be accompanied by an impact assessment of such facilities and provide for the phasing of developments to match community infrastructure.
- ❖ It is considered that the policies and objectives contained in the Draft Plan are sufficient regarding multi-use facilities. The Draft plan contains policies relating to multi-use facilities in particular objective SC-15.

### Chief Executives Recommendation

It is recommended that the following changes and objectives should be included in Chapter 9.

The second Paragraph should be amended to read - Investment in social *and community* infrastructure.....

Objectives SC-4 and SC-8 should be amended to read as follows:-

Social Inclusion	
It is an objective of the Council to:-	
SC-4	Encourage the retention and improvement of existing community services <i>and facilities</i> .
SC-8	Ensure that all large scale residential developments take account of the need to provide appropriate community facilities such as childcare facilities, schools <i>and community meeting spaces</i> . Planning applications for large scale housing developments must be accompanied by an impact assessment of such facilities and provide for the phasing of developments to match community infrastructure.

## 9.5 Education

A number of submissions but principally submissions (161, 307 and 327) relate to **Education and Training** issues affecting the County, as follows:-

- It is requested that an additional objective be added as follows: *“Support the continued development and expansion of IT Tralee having regard to its importance in providing educational programmes and research capabilities. Support for the attainment of the MTU will be a priority for Kerry County Council.”*
- There is concern re the issue of training for the trades such as carpentry, plumbing, electrician, plastering etc. and that it is hard for persons to get a sponsor as it is costly to the employers.

### Chief Executives Response

- ❖ It is considered that the policies and objectives contained in the Draft Plan are sufficient regarding the above issues. The Draft Plan contains policies relating to the development of IT Tralee in particular objective ES-17 in Chapter 4 Economic Development and Employment.
- ❖ It is considered that the policies and objectives contained in the Draft Plan are sufficient regarding training. The Draft Plan contains policies relating to education and training in Chapter 9 - in particular objectives SC-28 and SC-30.

### Chief Executives Recommendation

No amendment to the Draft Plan.

## 9.7 Health Services

A number of submissions but principally submissions (137, 309) relate to **Health and welfare** issues affecting the County:-

- It is suggested that a 'St. Finians' Health Wellness and Community Care Centre be created at the former psychiatric hospital in Killarney, where various groups would work together to create a centre that would include: holistic health and natural medicine practitioners, X-ray Dept, respite day care for the elderly and physically challenged, counselling, education centre, entrepreneurs rooms, drama and art rooms, selfsustainable garden and other relevant uses.
- The provision of an adequate homeless facility in Killarney is requested as there are currently massive gaps in service provision which leads society's most marginalized and socially excluded individuals into a very damaging cycle.
- It is stated that local hospitals are very important. Mental health services are diminishing in depopulated areas and is requested that this should be addressed.

## Chief Executives Response

- ❖ It is considered that the policies and objectives contained in the Draft Plan are satisfactory regarding healthcare facilities, however, it is considered prudent to include the words 'physical and mental' health in Objective SC-38.
- ❖ The Housing Strategy acknowledges the need to meet the housing requirements of those who are marginalised and socially excluded. It is a policy of Kerry County Council to encourage and foster the creation of attractive sustainable communities which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities.

## Chief Executives Recommendation

It is recommended that the following changes to Objective SC-38 should be included in Chapter 9.

Health Services	
It is an objective of the Council to:-	
<b>SC-38</b>	Facilitate the Health Service Executive and the Department of Health in the provision of Health Centres ( <i>physical and mental health</i> ) and other health related facilities throughout the County through various initiatives including the reservation of lands for such uses at appropriate locations in the respective Local Area Plans.

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## 9.9 Public Open Space

A number of submissions but principally submission (121) relate to **Public Open space** issues affecting the County:-

- Examine existing public open spaces, which may have potential for use as public allotments and community gardens.

### Chief Executives Response

- ❖ In certain instances public open spaces may be considered for use as public allotments subject to appropriate local community consultation.

### Chief Executives Recommendation

**The following text to be included as an additional bullet point in Section 9.9:**

- In certain instances, consider public open spaces for use as public allotments subject to appropriate local community consultation.

## 9.10 Public Rights of Way

Mr. Stack informed the meeting in the context of Public Rights of Way it was a requirement that public rights of way be listed and mapped in the County Development Plan in accordance with the Planning and Development Act 2000 - 2014. In that context it was decided to prepare maps to identify Public Rights of Way. 63 proposed Public Rights of Way were identified in the Draft Plan and landowners were identified and notified. Where the owner was not identified a notice was put up on site.

Cllr. J. Healy-Rae asked Mr. Stack if it was intended to go through each Right of Way and to display a map for members.

In response Mr. Stack said where a submission was made on a Public Right of Way these would be dealt with individually and he would display maps to identify the location of the Right of Way. He then briefed members on this Section as follows:

A number of submissions (but principally submissions 38 & 163) relate in *general* to **Public Rights of Way** affecting the County.

Other submissions have been received on *specific* Public Rights of Way (PRW) that are appended to the Draft Plan in Volume 2.

Further submissions were received proposing that *new* PRWs are included in the Plan.

### General

- There is concern that any breach of the sand dunes to accommodate access to the beach will further increase the risk of flooding at Carrahan Lower, Banna. It is queried whether adequate flood defences are included as part of this proposed development to ensure that no serious flooding will be caused as a result of this re-development.
- Amend paragraph 1 Section 9.10 to include an introduction to Public Rights of Ways.
- Amend paragraph 3 Section 9.10 to include that it is the Council's intention to record additional PROW in the plan by way of variation.
- Amend paragraph 4 Section 9.10 to omit/delete the reference to identifying PRW *"in co-operation with landowners"*.
- Additional objectives relating to the following are suggested
  - Signposting and way marking.
  - Promote greenways and consider designating as public rights of way.
  - Improve the condition and appearance of public rights of ways.

### Chief Executives Response

- ❖ Section 10(2)(0) of the Planning and Development Acts 2000-2013 requires that development plans shall include, for the first time a list (and maps) identifying Public Rights of Way in the County which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility. Furthermore, such Rights of Way shall be identified both by marking them on at least one of the maps forming part of the development plan and by indicating their location on a list appended to the development plan. Public Rights of Way are listed and mapped in Volume 2 of the Plan.
- ❖ Public Rights of Way (Public Rights of Way) are access points over lands which give access to the amenities detailed above. Such PRWs are important to both quality of life of the general public and the tourism industry. Until now there has no official record of public rights of way. Such a record is necessary to facilitate the monitoring and preservation of PRWs and is important if public rights of way are to be protected and preserved for generations to come.
- ❖ It should be noted, that the planning authority is not proposing to create any new public rights of way, but to record existing PRWs in the provisions of the Development Plan.
- ❖ It is considered that the policies and objectives contained in the Draft Plan are sufficient regarding the above issues. The Draft Plan contains policies relating to protecting Rights of Way throughout the county, especially Objectives SC-50 and SC-51.
- ❖ If new PRWs are to be established in the future then Kerry County Council will require the co-operation of landowners.

- ❖ The access to the Beach at Carrahane Lower, Banna is an existing public Right of Way. Kerry County Council has no proposals to do any works or development along such rights of way.

### **Chief Executives Recommendation**

No amendment to the Draft Plan.

### **Specific Public Rights of Way (see Vol.2)**

#### **ROW- 3a & ROW-3b**

- A submission (94) addresses ROW-3a and ROW-3b.
- This submission objects to ROW-3a and ROW-3b being included in the Kerry County Development Plan 2015-2021.
- With regards to ROW-3a:
  - a) The right of way sought is unclear in that L10472 is not marked on the map and there is no clarification as to whether the right of way is on foot, for animals and/or for vehicles.
  - b) At the end of the footbridge the owner has always had a fence (at the moment an electric fence) which clearly blocks access beyond the point of the bridge.
  - c) The alleged right of way in fact has no purpose because there is no access to the beach at this particular point. Furthermore at the edge of the beach there is further fencing securing the property.
- With regards to ROW-3b:
  - a) The right of way sought is unclear in that L10472 is not marked on the map and there is no clarification as to whether the right of way is on foot, for animals and/or for vehicles.
  - b) What is marked on the map is entirely different from what is in the notice and on the legend endorsed on the map in that it refers to a passageway to the south of the river.
  - c) Without Prejudice to the above it should be clearly noted that there is a locked gate at the bridge, which is clear evidence of the lack of dedication as required in law.
- Locals who walk there with the permission of the owner have confirmed the position in writing with names listed in the submission.

### Chief Executives Response

- ❖ The use of the bridges cited in this submission allows for people to cross the River Akeragh. There is clear historic evidence of Akeragh Bridge, with it being indicated on the oldest Ordnance Survey Maps with a track heading north as far as Ballyheigue. Akeragh Bridge is included in ROW-3a. This would support the inclusion of Akeragh Bridge as a PRW. The other bridge that forms part of ROW-3b is not on the older Ordnance Survey Maps which would indicate a more recent construction.
- ❖ It is therefore proposed to reduce the length of ROW-3a and to omit ROW-3b. This is not an acknowledgement that ROW-3a and ROW-3b are not a PRW. If in the future additional information regarding these PRWs becomes available, then their inclusion on the list of PRWs will be reconsidered.

### Chief Executives Recommendation

It is recommended that an amendment be made to the plan by reducing the length of ROW-3a as per Map 1 of this report and it is recommended that ROW-3b be omitted.

Cllr. M. Gleeson asked if would not be more appropriate if a recommendation was made by the relevant Municipal District to the full Council on these Public Rights of Way.

The Cathaoirleach said Right of Way 3(b) refers to the bridge at Akeragh where Council machinery goes in and out to clean the Lough. He was concerned if this Right of Way was excluded the landowner may not allow the Council access to the Lough.

Mr. Stack said he was conscious of the requirement to ensure this area is accessible to the Council to enable works to be carried out to Akeragh Lough. However he was satisfied that what would be agreed by members would not impact on that. Over the bridge there is a narrow walkway to the beach. He added that beyond the bridge is not a concern for the work carried out by the Council. He had no difficulty acceding to the landowners request that the Right of Way 3(a) would stop after the bridge. He pointed out in relation to Right of Way 3(b) there is a gate on the bridge. In relation to 3(c) the landowner does not have any issue with it.

Cllr. D. Healy-Rae expressed concern at this proposal. He asked if the Council or the general public have claimed a Public Right of Way at this location and if so has a public Right of Way been granted in the past. If not he could not stand over this proposal. Cllr. Healy-Rae expressed his disappointment that each Public Right of Way would not be discussed individually.

Cllr. J. Healy-Rae agreed that each Public Right of Way should be discussed individually. Even though he was supplied with a CD containing a copy of the submissions the addresses were blotted out. He asked that each submission on a Public Right of Way would be considered before a vote is taken.

Cllr. S. Locke said he believed these Public Rights of Way should have been referred to the Municipal Districts for consideration prior to the full Council making a decision on them. While he was familiar with these proposed Public Rights of Way he was not familiar with the ones in the Killarney and South & West Kerry Municipal Districts. For this reason he had serious concerns about voting on them.

Cllr. D. Quigg agreed with the views expressed by Cllr. Locke and said it is unfair to expect members to vote without being familiar with each case. Members received letters and phone calls on Public Rights of Way and he felt it was wrong to expect members to make a decision on Rights of Way in Banna when the Tralee Municipal District had not considered them.

Cllr. J. Healy-Rae said if members agree to include Public Rights of Way that were not there before and it goes out for public consultation it will come back before the members again for a final decision. If some of these Public Rights of Way prove to be unsound or unconstitutional could the Council be exposed to litigation in the future?

Cllr. A. Thornton also expressed concern and asked if the Council could be open to legal challenge by including these Public Rights of Way.

Mr. M. McMahon stated that the 2010 Planning and Development Act requires that a list and maps of Public Rights of Way that give access to seashores, lakes and amenity areas would be included in the County Development Plan. They had taken a conservative view and included 63 Public Rights of Way in the Draft Plan and this is based on the knowledge of staff. The Public Rights of Way were included where there is a public car park and a track leading to the beach. Submissions were received in relation to 16 Public Rights of Way and landowners were notified where it was proposed to include a Public Right of Way over their land. Notices were also posted on the land in question. Public Rights of Way are not being created but the ones included appear to have existed for a long time. Where objections were received the Chief Executive is recommending that they be removed. The Chief Executive's Report was sent to members 5 weeks ago and members have 6 weeks to deal with the Report. The legislation says the full Council will deal with these submissions and not the Municipal Districts. Mr. McMahon again stated where objections were received the Chief Executive is recommending that the relevant Public Right of Way or section of Public Right of Way would be deleted. These will be put out for public consultation and the public can make submissions on them. Public Rights of Way have been the subject of high profile Supreme Court cases. The legislation provides that whatever decision is made by members at the meeting the outcome will be notified to anyone impacted. Anyone who is dissatisfied with the decision can appeal to the Circuit Court within 21 days but it will not delay the review of the County Development Plan.

Cllr. J. Brassil said the first right of way is in Banna and he had reservations in relation to the proposed amendments. However he suggested they should be put out for public consultation to allow the public make submissions and members can amend it later if necessary. He PROPOSED that members would accept the Chief Executive's recommendation and await the outcome of the public consultation.



Cllr. J. Moloney SECONDED this proposal.

Cllr. D. Healy-Rae said he was opposed to this.

Mr. M. McMahon said if members agree with the recommendation in the Chief Executive's report a vote will not be necessary.

Cllr. P. Connor-Scarteen asked if members propose the recommendation would the public right of way be put out for public consultation which would allow the public to make submissions. Members could consider them at a later date. He pointed out that each case is different and the Council cannot use the Lissadell House case as an excuse for not including a public right of way.

Cllr. D. Healy-Rae PROPOSED that the recommendation in the Chief Executive's report would not be accepted.

Cllr. J. Healy-Rae SECONDED this proposal.

Mr. McMahon pointed out that the Chief Executive's report on submissions received was circulated to members.

Cllr. J. Healy-Rae said members only received it a few days beforehand.

Cllr. J. Brassil said the landowner wants sections of it removed.

Cllr. B. Cronin said the law states members must make a judgement call on rights of way. These rights of way were on public display and submissions were made. Members were elected to make tough decisions. The legislation states access to beaches, amenities etc. should be protected.

Cllr. J. Healy-Rae said he was uneasy about making decisions when he did not receive copies of all the submissions until recently. Even then they were on a CD but the addresses were blacked out. He requested that members would go through each submission individually.

Mr. McMahon said there was a long discussion at a previous meeting regarding the need to circulate submissions to members. The Chief Executive's report outlines the issues raised in the submissions and that is the best that could be done in the timeframe allowed. The Council is obliged to comply with Data Protection legislation and as a result we are not in a position to make personal information available other than the name. That is the reason the addresses were redacted.

The Cathaoirleach called on Cllr. D. Healy-Rae to clarify his position.

Cllr. Healy-Rae said he was opposed to the recommendation in the Chief Executive's report on this right of way.

Mr. McMahon said he was still not clear what Cllr. D. Healy-Rae wanted in relation to this right of way, did he want it amended or deleted.

Cllr. Healy-Rae confirmed he wanted it deleted.

Cllr. J. Brassil said the general public use this right of way and it is crucial it is included. The exact layout of the right of way is what is up for discussion. He PROPOSED that members would agree the Chief Executive's recommendation and allow the public have their say.

Mr. G. O'Brien said Cllr. D. Healy-Rae proposed an amendment and it was seconded by Cllr. J. Healy-Rae. If Cllr. Healy-Rae did not withdraw his proposal he would take a vote on it.

The Cathaoirleach said as a local councillor he would advise members as best he could of the position on the ground. People used this right of way in Sandy Lane for years. The landowner is querying certain parts of it but he suggested it should be put out for public consultation to allow the public to have a say on it.

Mr. P. Stack said what is recommended is what the landowner wants.

Cllr. P. Daly said if members want to keep the right of way which is there for years would members be better off to reject the Chief Executive's recommendation.

Cllr. J. Brassil said no one contacted him as of yet objecting to the removal of this section of the right of way but the Council machinery uses this bridge.

Cllr. D. Healy-Rae said he understood from Mr. Stack that this recommendation would satisfy the landowner and in view of this he withdrew his proposal.

## **ROW- 6**

Mr. Stack briefed the meeting on Public Right of Way -6 as follows:

- A number of submissions (59, 77, 79 & 322) have been received in relation to ROW-6.
- Concerns are raised regarding the inclusion of ROW-6 in Banna, road between the L6092 and L10476. The original right of way went around a number of landowner's property with the PRW as shown going through there properties. The width of the road has also changed.
- Support is also shown for ROW-6 in that according to observations, 85% of the traffic on this road is non resident, it is used for the most part as an alternative route between Banna road and Sandy Lane.

## **Chief Executives Response**

- ❖ The PRW as shown follows the line of the vehicular track that runs north-south. On further examination of the OS maps, a track is shown further west than the vehicle track per the area highlighted in this submission. It is therefore appropriate to amend the route of ROW- 6 to reflect the Ordnance Survey Map.

### **Chief Executives Recommendation**

It is recommended that ROW-6 be amended as per Map 2 of this Report.

In conclusion Mr. Stack said it is proposed to alter the route of this Public Right of Way slightly to the west.

Cllr. J. Brassil said the road is the track originally proposed. An application was made under the LIS to have this track surfaced and it was agreed by the Council and was on the list in 2005 and 2006. However one or two people who have houses to the right of the track objected and it never went ahead. He tried to have this road surfaced but he could not get agreement on it. That track is there for years and his concern is if it is moved someone will close off that section of it. Cllr. Brassil said he had serious reservations about changing this right of way and he would not support it.

Cllr. J. Finucane asked if that track was flooded and a number of houses threatened with flooding in recent times.

Cllr. Brassil outlined for the meeting the exact location of this right of way.

Cllr. Finucane asked if there is a caravan park nearby.

Mr. McMahon said you pass the Banna Beach Hotel and turn right. There is a caravan park at this junction.

Cllr. Finucane said he was thinking of the wrong area.

Cllr. J. Brassil PROPOSED that the original route would remain. Funding was allocated to surface this road under the LIS Scheme a number of years ago and the only thing that stopped it was one landowner who had a house there.

Cllr. M. Gleeson asked why it is being proposed to alter it.

Cllr. Brassil said he presumed it was as a result of a submission. What is proposed is a sand dune where there is no track.

Cllr. G. Spring asked what the cost to excavate the sand dune would be.

Mr. Stack said this road joins two roads and it is heavily trafficked. It is desirable it would become a public road. By altering the route it may alleviate the concerns of these people and may speed up the taking in charge of the road. The reason it is suggested to move the line of the track to the west is because the route now proposed was the original track according to the old Ordinance Maps. The cost of moving the track is a separate issue for the Roads Department.

Cllr. B. Cronin referred to the map on display and asked in relation to the proposed route of the road is there a track or pathway where the public can walk or drive a car at present.

Mr. Stack said there is a slight track there. There is a raised bank along the proposed route and this is the route shown on the old Ordinance Maps. The advantage of amending the route is that it will then be put on public display and the public can comment on it.

Cllr. Brassil asked if both routes could be put out for public consultation and members could finalise the route following public consultation.

Cllr. J. Healy-Rae referred to the proposed route of the track and asked if the landowner of the proposed route expressed an opinion on it.

Mr. Stack said this is a commonage area and if it is put out for public consultation the public will have an opportunity to make a submission on it.

Cllr. Brassil said the submission suggests the track should be moved away from the houses. He PROPOSED that the existing line and the proposed line of the track would be put out for public consultation.

Cllr. J. Healy-Rae asked if residents use the existing track to access their homes.

Cllr. Brassil said this is a sand road. He suggested that members would agree his proposal and members can then consider the submissions before making a final decision.

Cllr. D. Healy-Rae asked if it becomes a public right of way can the road be improved under an LIS.

Cllr. Brassil said if one person on the road does not sign up for the Scheme it will not proceed.

Cllr. D. Healy-Rae said if members do nothing it would not improve the situation.

Mr. McMahon said this is the first time a list of public rights of way and maps are being included in the County Development Plan.

Cllr. Brassil asked if his proposal was acceptable.

Mr. Stack said just one line of the road can be included on the map that is put out for public consultation. However the text can indicate where the road is and where it is proposed to move it to.

Cllr. G. Spring asked if the proposed path is classified as a public right of way could the existing path be closed off.

Cllr. Brassil said that is his concern. His preference would be to leave the existing path in but that is not in accordance with the Chief Executive's recommendation.

Cllr. S. Locke said he was relying on the local members for advice on this public right of way. He supported Cllr. Brassil's proposal as he is from the area.

Cllr. B. Cronin said he understood a list of Public Rights of Way is being included in the Plan. He asked the Roads Department for clarification on this proposal.

Mr. McMahon said there are no Public Rights of Way in the current County Development Plan and it is proposed to include a list of rights of way and maps in the new Plan. There is a requirement to list only public rights of way in the County Development Plan that give access to seashore/amenity. This is not an exhaustive list.

Cllr. J. Finucane said he understood the proposed right of way was breached by the tide during the storms earlier in the year. He was concerned at this proposal as it would technically be interfering with the sand dunes and could have an impact in the future during storms. He was concerned that 2 or 3 houses in this area could be flooded as a result.

Cllr. J. Healy-Rae said it is proposed to list a new track and it is also proposed to delist the existing public right of way.

Mr. McMahon said it is recommended that what was proposed would be amended now.

Cllr. J. Brassil again PROPOSED that the recommendation in the Chief Executive's report would not be accepted in relation to this public right of way.

Cllr. S. Locke SECONDED this proposal.

Cllr. A. Thornton asked what would the implications of this vote be and if passed would this Public Right of Way go out for public consultation.

Mr. Stack said if the vote is passed it would not go for public consultation.

Mr. G. O'Brien said a vote would then be taken on Cllr. Brassil's proposal which is as follows:

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. S. Locke this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that the proposed amendment to ROW-6 be rejected and revert to the original map that went on public display.

The vote resulted as follows:

**For:** Cllrs. Cahill, Connor-Scarteen, Cronin, Culloty, Finucane, Flynn, Gleeson, D. Healy-Rae, J. Healy-Rae, Kelleher, Kennelly, Locke, McEllistram, Moloney, Moriarty, Nolan, O'Shea, Purtill, Sheahan, Spring, Thornton, Brassil**(22)**

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

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

**Absent:** Cllrs. Beasley, Daly, Ferris, Fitzgerald, Foley, Grady, D. McCarthy, P. McCarthy, O'Brien, O'Connell, Quigg**(11)**

The Cathaoirleach declared the proposal CARRIED.

Mr. Stack briefed the meeting on Right of Way-7 as follows:

### **ROW-7**

- A submission (36) addresses ROW-7.
- This submission relates to ROW-7 giving access to the beach car-park and grass carpark surrounding the Banna Sea Rescue building in the townland of Carrahane Lower.
- The landowner objects to the proposal to record this right of way in the development plan. Furthermore the owner is of the view that their landholding has been encroached upon by the Council and the GAA.

### **Chief Executives Response**

- ❖ This PRW is well established with sign posting of the car-park. Footpaths giving access to the beach have also been in existence for a significant period of time.
- ❖ Issues relating to landownership and overlap between folios have been raised which cannot be considered here. It is recommended that until further investigations have been carried out, this PRW is omitted from the Plan.
- ❖ This omission is not an acknowledgement that ROW-7 is not a PRW. If in the future additional information regarding this PRW becomes available, then its inclusion on the list of PRW will be reconsidered.

### **Chief Executives Recommendation**

It is recommended that ROW-7 be omitted as per Map 3.

Cllr. S. Locke asked if members agree with the Chief Executive's recommendation will it interfere with the lifeboat and Banna Sea Rescue.

Mr. Stack said it will not impact on them. It just means the public right of way will not be mapped or recorded in the Plan. There is an issue with the Folio maps overlapping and for this reason it is recommended that this public right of way would not be included in the Plan.

Cllr. S. Locke PROPOSED that the Chief Executive's recommendation would be accepted.

Mr. Stack pointed out there was a mapping error in the Chief Executive's Report and the correct map was then displayed for the meeting.

The Cathaoirleach said there is a long established use of this public right of way. He indicated the route of the right of way as displayed on the screen and said the line leads to this landowner's property and then stops. This path has always been used by the public and he would be happy to leave it as shown in the Draft Plan. He was concerned that the landowner could block off the right of way.

Mr. Stack said anyone can block off this public right of way. They were very careful where landowners objected to the inclusion of a public right of way and are recommending they would not be included. Planning authorities were asked to record the agreed public rights of way and this public right of way can be added later.

Cllr. B. Cronin asked if this right of way is removed from the County Development Plan must the sign posts be removed.

The Cathaoirleach said the signs are there and this right of way is used by the public. His concern is that the landowner may block off access through his land. In view of this he would rather accept what was in the Draft Plan.

Cllr. D. Nolan asked if the Chief Executive's recommendation is adopted will the additional information in relation to the overlap in the Folios be available when members consider this again.

Mr. Stack said if members agree the Chief Executive's recommendation and it is put out on public consultation it will be interesting to see if there will be submissions on it.

Cllr. S. Locke asked should members safeguard what is already in place if there is a concern the landowner might block off the right of way as this could impact on Banna Sea Rescue. If members agree the amendment recommended by the Chief Executive will they have the right to change it at a later date?

Mr. Stack said if a submission is received on it members can consider it again.

The Cathaoirleach said the report states the right of way is well established etc. This proposed amendment could have implications for Banna Sea Rescue and that is his priority. He PROPOSED that the original public right of way as listed in the Draft County Development Plan would remain.

Cllr. S. Locke SECONDED this proposal.

Cllr. D. Healy-Rae asked who requested that this right of way would be deleted.

The Cathaoirleach said it was Mr. O'Shea.

Cllr. G. Spring asked if members were voting on a proposal to reject the Chief Executive's recommendation.

Mr. McMahon confirmed they were.

Cllr. D. Healy-Rae said all members are aware of the importance of the Lifeguard service and for this reason he could not support the Chief Executive's recommendation. He asked if the proposal is passed and the landowner takes the Council to Court could the members be held personally liable.

Mr. McMahon said members are performing a statutory function and they are fully entitled to make a decision.

Mr. G. O'Brien said a vote would then be taken on the Cathaoirleach's proposal which was seconded by Cllr. Locke as follows:

That this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that we reject the Chief Executive's Report in respect of Public Right of Way 7 and that Right of Way 7 be included in the Plan as per the Draft Plan that went on public display.

The vote resulted as follows:

**For:** Cllrs. Cahill, Cronin, Culloty, Finucane, Gleeson, D. Healy-Rae, J. Healy-Rae, Kelleher, Kennelly, Locke, McEllistrim, Moloney, Moriarty, Nolan, O'Shea, Purtill, Quigg, Sheahan, Spring, Thornton, Brassil **(21)**

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

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

**Absent:** Cllrs. Beasley, Connor-Scarteen, Daly, Ferris, Fitzgerald, Flynn, Foley, Grady, D. McCarthy, P. McCarthy, O'Brien, O'Connell **(12)**

The Cathaoirleach declared the proposal CARRIED.

### **ROW-9**

Mr. Stack briefed the meeting on Right of Way 9 as follows:

- A number of submissions (principally submissions 163, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297 & 298) have been received that address ROW-9.
- These submissions object to the changing of Car Park 3 in Banna to a PRW as this change would go against the Wild life (Amendment) Act, 2000, other European Acts and International Laws that govern conservation issues in Ireland.

### **Chief Executives Response**

- ❖ The inclusion of ROW-9 in the Draft Kerry County Development Plan 2015-2021 will have no additional impact on the existing car-parks and paths in Banna as the Development Plan is recording the existence of a PRW over these lands rather than proposing any additional works in this sensitive area.

### **Chief Executives Recommendation**

No amendment to the Draft Plan.

The Cathaoirleach PROPOSED that the Chief Executive's recommendation would be adopted.

Cllr. G. Spring SECONDED this proposal and it was unanimously agreed.

### **ROW-16**

Mr. Stack briefed members on Right of Way-16 as follows:

- A submission (23) has been received that addresses ROW-16.



- This submission objects to ROW-16 which is located east of Aughacasla, access to beach via a track from end of L12160 as this access is currently used to extract sand for sale which the PRW would encourage. In addition there are a number of cars using the area and the rubbish is left behind. The beach can be accessed via the road to Seaside Caravan Park.

### **Chief Executives Response**

- ❖ ROW - 16 allows access to the beach. The inclusion of a PRW on this list is recording the existence of same.
- ❖ Other access points to the beach in the locality can be found approximately 1km east and west of ROW-16. The PRW is from the end of the public road to the beach which is a short distance.

### **Chief Executives Recommendation**

No amendment to the Draft Plan.

Cllr. J. Finucane PROPOSED that the Chief Executive's recommendation would be adopted.

Cllr. P. Connor-Scarteen SECONDED this proposal and it was unanimously agreed.

### **ROW-19 to ROW-21, Castlegregory**

Mr. Stack briefed members on Right of Way-19 to Right of Way-21 as follows:

- Submissions have been received in relation to the PRWs that are located north of Castlegregory, namely ROW-19 to ROW-21 (submissions 26, 96 & 155).

A number of questions have been raised with regard to the inclusion of these PRWs in the Draft Kerry County Development Plan 2015-2021, in particular those in the Maherabeg area which would be ROWs 19-21. These questions include:

- What right have Kerry County Council to form rights of way over these lands which is a commonage holding?
- Why so many rights of way are proposed and if indeed this number is necessary?
- Does Kerry County Council have some provision in place to protect the people using these rights of ways from animals which are freely grazing on the commonage?
- Is Kerry County Council going to put the necessary insurances in place should an accident occur?

- What limitations if any are attached to these rights of way?
- Are Kerry county council going to do anything about the erosion problem in the area which they propose to have rights of way to?
- Do Kerry County Council have some sort of plan in place where they will speak with the landowners and inform them of their intentions?
- Who is going to be responsible for maintaining the right of way, litter control etc.?
- Traffic concerns that would result with increased parking adjacent to ROW-21a are raised.
- There has been significant erosion of dune systems in Kilshannig West and Maharabeg West in the vicinity of access points to the beach. These accesses include ROW-21a and ROW-21b. There are mitigation measures that could be taken to slow the rate of degradation. These include the construction of elevated timber footpaths, a ban on camping or camping by permit only and the provision of car parking. Furthermore, businesses that operate at the beach should be asked to assist in the development of access points, or asked to make an annual contribution to the upkeep of timber access routes.

### **Chief Executives Response**

- ❖ Kerry County Council is simply recording that a particular track/path is an existing PRW by listing it in the development plan. Therefore no change to the status of this track/path is taking place. It is not the intention of Kerry County Council to carry out works to any PRW at this point.
- ❖ There are a number of existing accesses to the beach in this area. It is therefore being recommended that ROW-19b and ROW-20 are omitted. ROW-19a is a more defined track allowing access to the coast at this point. Adjacent to ROW-20 there is a car-park with direct beach access.
- ❖ This omission is not an acknowledgement that ROW-19b and ROW-20 are not PRWs. If in the future additional information regarding these PRWs becomes available, then their inclusion on the list of PRW will be reconsidered.
- ❖ Traffic concerns are not a consideration in recording PRWs. No ownership/legal issue has been identified.
- ❖ Degradation of dune systems has been occurring along the coast and is partly due to man made forces. There is no current programme of remedial works to protect the coastal dune system and no funding stream available to address the large scale damage to the dune systems around the coastline. If funding does become available at some point in the future for improvement works to dunes, best practice in such works will be followed by Kerry County Council as resources allow.

### **Chief Executives Recommendation**

It is recommended that ROW-19b and ROW-20 be omitted from the plan as per Maps 4 & 5 and it is recommended that no amendment to the plan be made in respect of ROW-19a, ROW- 21a and ROW-21b.

Mr. Stack said there are 5 Public Rights of Way involved and it is proposed to omit 2 and to include the remaining 3.

Cllr. M. O'Shea asked if the Right of Way on the Castlegregory side of the Grotto is 19 or 19(a).

Mr. Stack said it is probably Right of Way 21(a) and it is proposed to include it in the Plan.

Cllr. M. O'Shea said the people of Maharabeg have serious concerns about this as there was considerable erosion during the storms at this location when 20m of sand was washed away. A young girl lost her life in this area in recent years and the local community wants this Public Right of Way omitted from the Plan.

Mr. Stack said this is a very well established Public Right of Way which is well utilized. The planning authority regards it as a critical Public Right of Way. He again stated that the Public Right of Way is only being mapped and recorded in accordance with the legislation. The car park is a separate issue.

Cllr. O'Shea accepted what Mr. Stack was saying but again stated a young person lost her life in this area a few years ago.

Mr. Stack pointed out that people were excavating the dunes when this accident occurred.

Cllr. O'Shea said he visited this area recently with the residents and it is extremely dangerous. He wanted to record his objection to the inclusion of this Public Right of Way and he PROPOSED that Public Right of Way 21(a) be omitted from the Plan.

Cllr. J.F. Flynn SECONDED this proposal.

The Cathaoirleach said the Chief Executive recommends that Public Right of Way 19(b) and 20 be omitted from the Plan and that no amendment to the Plan be made in respect of Right of Way 19a, 21a and 21b. However Cllr. O'Shea has proposed that Right of Way 21(a) would also be omitted.

Cllr. B. Cronin asked would this result in the removal of a number of accesses to the beach.

The Cathaoirleach said the Chief Executive recommends that two of these public rights of ways would be removed from the Plan and Cllr. O'Shea proposed that a further two would be removed.

Cllr. B. Cronin PROPOSED that the Chief Executive's recommendation in relation to ROW 19b and 20 be adopted.

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

Mr. G. O'Brien said a vote would then be taken on Cllr. O'Shea's proposal which was seconded by Cllr. J.F. Flynn as follows:

That this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Council Development Plan 2015 – 2021 hereby resolves to omit ROW-21a from the Draft Plan.

The vote resulted as follows:

**For:** Cllrs. Connor-Scarteen, Culloty, Flynn, J. Healy-Rae, Kelleher, Kennelly, Moloney, O'Shea, Purtill, Sheahan **(10)**

**Against:** Cllrs. Cahill, Cronin, Gleeson, Locke, McEllistrim, Moriarty, Nolan, Quigg, Spring, Brassil **(10)**

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

**Absent:** Cllrs. Beasley, Daly, Ferris, Fitzgerald, Foley, Grady, D. Healy-Rae, D. McCarthy, P. McCarthy, O'Brien, O'Connell **(11)**

The vote resulted in a tie and was decided on the casting vote of the Cathaoirleach who voted against the proposal.

The Cathaoirleach declared the proposal DEFEATED.

### **Suspension of Standing Orders**

The Cathaoirleach said it was 1.30pm and it would be necessary to suspend Standing Orders to allow the meeting to continue.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to suspend Standing Orders.

### **ROW-25**

Mr. Stack briefed members on ROW-25 as follows:

- A submission (313) has been received addressing ROW-25.
- This submission is objecting to the inclusion of ROW-25 from the Cloghane side of the Brandon Mountains to the Feohanagh side south of Brandon Peak, path/track between the L12063 and L12037. The reasons for the objection is that this landowner has had issues with gates being left open and vandalism of fences, the impact that dogs will have on livestock, and that Kerry County Council will be held responsible for all damage and inconvenience caused.

### Chief Executives Response

- ❖ This track is shown on old Ordnance Survey maps as a through road. The objection to the inclusion of this PRW is based on concerns raised regarding vandalism caused by existing users of this PRW. The inclusion of a PRW on this list is recording the existence of same. Concerns regarding vandalism or issues with control of dogs cannot be considered here.

### Chief Executives Recommendation

No amendment to the Draft Plan.

Cllr. D. Quigg PROPOSED that the Chief Executive's recommendation would be adopted in respect of ROW-25.

Cllr. J. Finucane SECONDED this proposal.

Cllr. J. Healy-Rae PROPOSED that ROW-25 would be omitted from the Plan. He said he was not disputing the old Ordnance Survey maps but the landowner made a submission and asked that it would not be included. The landowner has problems with gates being left open etc. and until this is resolved he did not want it included.

Cllr. M. O'Shea SECONDED this proposal.

Mr. G. O'Brien said a vote would be taken on the proposal by Cllr. J. Healy-Rae which was seconded by Cllr. M. O'Shea as follows:

That this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves to omit ROW-25 from the Draft Plan.

The vote resulted as follows:

**For:** Cllrs. D. Healy-Rae, J. Healy-Rae, Locke, O'Shea, Thornton **(5)**

**Against:** Cllrs. Cahill, Connor-Scarteen, Cronin, Finucane, Flynn, Gleeson, Kelleher, Kennelly, McEllistrim, Moloney, Moriarty, Nolan, Purtill, Quigg, Sheahan, Spring, Brassil **(17)**

**Note Voting:** None **(0)**

**Absent:** Cllrs. Beasley, Culloty, Daly, Ferris, Fitzgerald, Foley, Grady, D. McCarthy, P. McCarthy, O'Brien, O'Connell **(11)**

The Cathaoirleach declared the proposal DEFEATED.

### ROW-28

Mr. Stack briefed members on ROW-28 as follows:

- A submission (299) has been received addressing ROW-28.
- It is pointed out that it would be helpful if Kerry County Council maintained the road surface of this PRW and that the erection of 'No Parking' signs would be helpful as this PRW is sometimes blocked by cars in the summer.

### **Chief Executives Response**

- ❖ It is not the intention of the planning authority or Kerry County Council to carry out works to any PRW at this point.

### **Chief Executives Recommendation**

No amendment to the Draft Plan.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Moloney it was unanimously agreed to adopt the Chief Executive's recommendation in respect of ROW-28.

### **ROW-29a**

Mr. Stack briefed members on ROW-29a as follows:

- Three submissions (74, 76 & 319) have been received that address ROW-29a.
- Concerns regarding ROW-29a, near Gallarus, access to the beach from the R559/L12039 junction, are outlined. This track is in use by farmers to access lands and additional traffic on this road would impede the use of the track by the farmers, both by farm vehicle and with livestock. Its inclusion as a PRW would attract cars and other vehicles to drive towards the beach with no parking facilities. The present position allows for control by the farmers and does not restrict reasonable access to the beach on foot. Increase in usage of the track would impact on farming activities.
- It is also pointed out that access to the beach is more than adequate in its current format and therefore does not need to be a PRW. There is also access to the beach from An Mhuiríoch (Murreagh) and Baile an Reannaigh.

### **Chief Executives Response**

- ❖ This track is shown on the earliest available Ordnance Survey map giving access to the beach.
- ❖ There are other access points to this beach, with two of these being on the list of PRW, ROW-29b and ROW-28.
- ❖ Given the concerns raised in this submission, its omission is recommended. This omission is not an acknowledgement that ROW-29a is not a PRW. If in

the future additional information regarding this PRW becomes available, then its inclusion on the list of PRW will be reconsidered.

### **Chief Executives Recommendation**

It is recommended that ROW-29a be omitted from the Plan as per Map 6

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. P. Connor-Scarteen it was unanimously agreed to adopt the Chief Executive's recommendation in respect of ROW-29a.

### **ROW-33a**

Mr. Stack briefed members on ROW-33a as follows:

- A submission (86) has been received addressing ROW-33a.
- This submission refers to ROW-33a access to the beach from the end of the L8042. It is outlined how Kerry County Council have no authority to enter or take over land. Concerns are also raised regarding insurance for people using the area, and that any illegal or unauthorised entry onto the property will not be the landowner's responsibility.

### **Chief Executives Response**

- ❖ This PRW has been recorded in the draft CDP. The submission does not state there is no PRW through the property, but is against anyone entering his property. Reference to Lissadell (House Owners) Vs Sligo Co. Co. is made in the submission. Kerry County Council is acknowledging that a particular track/path is an existing PRW by listing it in the development plan, therefore no change to the status of this track/path is taking place.
- ❖ It is recommended that this ROW is omitted from the Plan, as there are at least three other accesses to this beach, one of which is ROW-33b, and the other two both have Kerry County Council car-parks.
- ❖ This omission is not an acknowledgement that ROW-33a is not a PRW. If in the future additional information regarding this PRW becomes available, then its inclusion on the list of PRW will be reconsidered.

### **Chief Executives Recommendation**

It is recommended that ROW-33a be omitted from the Plan as per Map 7.

Mr. Stack said this ROW is down from O'Shea's Pub.

The Cathaoirleach asked if this ROW is when you take a right turn after Paidí Ó Shea's Pub and the road leads to the beach.

Cllr. M. O'Shea said this is a heavily trafficked route and asked if it was correct to omit it.

The Cathaoirleach said he was familiar with this ROW and he asked why it is proposed to omit it.

Mr. Stack said this ROW is well established but the landowner is adamant he does not want it included. When there is a doubt he would prefer to omit it.

Cllr. M. O'Shea PROPOSED that ROW-33a be included in the Draft Plan.

Cllr. B. Cronin SECONDED this proposal.

Mr. O'Brien said a vote would be taken on Cllr. O'Shea's proposal which was seconded by Cllr. Cronin as follows:

That this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that ROW-33a be included as per the Draft Plan.

The vote resulted as follows:

**For:** Cllrs. Cahill, Connor-Scarteen, Cronin, Flynn, Gleeson, D. Healy-Rae, J. Healy-Rae, Kelleher, Kennelly, Locke, McEllistrim, Moloney, Moriarty, Nolan, O'Shea, Purtill, Quigg, Spring, Thornton, Brassil **(20)**

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

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

**Absent:** Cllrs. Beasley, Culloty, Daly, Ferris, Finucane, Fitzgerald, Foley, Grady, D. McCarthy, P. McCarthy, O'Brien, O'Connell **(12)**

The Cathaoirleach declared the proposal CARRIED.

### **ROW-34**

Cllr. M. Gleeson declared that his sister owns a property in the townland of Tooreenasluggane and he would leave the meeting while this ROW was being considered.

Cllr. Gleeson then left the meeting.

Mr. Stack briefed members on ROW-34 as follows:

- A large number of submissions (34, 35, 37, 52, 53, 54, 55, 56, 57, 58, 63, 72, 81, 88, 90, 91, 102, 103, 105, 106, 107, 109, 110, 111, 112, 115, 116, 117, 123, 136, 138, 139, 140, 141, 142, 143, 144 & 145) have been received addressing ROW-34.



- All of the submissions are in support of this PRW. It is confirmed that the path has been in use for a long time. Some concerns regarding the condition of the path are raised.

### **Chief Executives Response**

- ❖ A small portion of ROW 34 should in fact be slightly west of the line depicting ROW 34, on the Maps which were on public display. The site notice that was erected to inform the public of this PRW was located in the proper position. A minor adjustment of ROW-34 is therefore required.

### **Chief Executives Recommendation**

It is recommended that ROW-34 be amended as per Map 8 in this report.

Cllr. N. Kelleher asked if what is proposed reflects the situation on the ground.

Mr. Stack confirmed it does.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. N. Kelleher it was unanimously agreed to adopt the Chief Executive's recommendation in respect of ROW-34.

### **ROW-43**

Mr. Stack briefed member on ROW-43 as follows:

- Two submissions (25, 39 & 45) have been received addressing ROW-43.
- The first submission supports the designation of ROW-43 as a public right of way and requests that the map be amended at the end of the road to show the right of way going left onto the beach as it is on the ground.
- The second submission objects to the designation of ROW-43. It is indicated that this road is private and is closed off to the public at least once a year with this practice starting in the last 30 years. The beach can only be accessed over this property with the car park and access road being private. The reasons for this objection also include:
  - What control would there be over the PRW if accepted.
  - Will Kerry County Council provide a foot path and insure the PRW.
  - Will Kerry County Council maintain and clean the PRW.
  - Will Kerry County Council take in charge the PRW and the street lights.
  - Will Kerry County Council provide insurance and a life guard.
  - Will Kerry County Council provide toilet facilities and dust bins.
  - The submission also states that if Kerry County Council were to provide these items then consideration would be given to the inclusion of the access road as a PRW.

### Chief Executives Response

- ❖ Historical maps do show a track accessing the beach before any buildings were shown. Concerns have been raised regarding access.
- ❖ It is recommended that until further investigations have been carried out, this PRW is omitted from the Plan. This omission is not an acknowledgement that ROW-43 is not a PRW. If additional information regarding this PRW becomes available, then its inclusion on the list of PRW will be reconsidered.

### Chief Executives Recommendation

It is recommended that ROW-43 be omitted from the Plan as per Map 9.

Cllr. N. Moriarty said further evidence and information on this ROW was sought and it is now available. This ROW featured in the Lawrence Photographic Collection in the 1800's and it was the subject of a Local Improvement Scheme application in 1986. She PROPOSED that this ROW would be included in the Plan.

Cllr. P. Connor SECONDED this proposal.

Cllr. J. Healy-Rae PROPOSED that the Chief Executive's recommendation would be adopted. He said members are trying to make a right of way just because there was an application for a LIS and that is wrong. It can be proven that part of the road as well as part of the beach is privately owned. As outlined in the submission that has implications and no one was ever stopped from using this road. It would not be wise to include this as a public right of way. People can still use the road and the Chief Executive's recommendation is that it would be omitted until further investigations have been carried out. This is a civil matter between two parties and the Council should not get involved.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. D. Quigg said coastal protection works were carried out at this location and the landowner got a letter saying funding would not be provided as this is a private road. Cllr. Quigg supported Cllr. J. Healy-Rae's proposal.

Cllr. P. Connor-Scarteen said he was opposed to the Chief Executive's recommendation. Kerry County Council carried out works to this road in the 1980's and it is used by farmers and tourists. Further photographic evidence of this right of way prior to any development on this road has come to light and he believed it should be included in the Plan to allow local people to make a submission.

The Cathaoirleach said if Cllr. Connor-Scarteen was supporting Cllr. Moriarty's proposal it would not be put out for public consultation.

Cllr. Moriarty said this is the only access route to the beach and she wanted to include it as a right of way.

Cllr. D. Healy-Rae asked if a Local Improvement Scheme related to public or private roads.

Mr. Stack said this scheme was for private roads and it did not give any rights over the road.

Cllr. B. Cronin supported Cllr. Moriarty's proposal as there is a long established access to the Caravan Park. This is not about doing improvement works but rather about recognizing the position on the ground.

Cllr. M. Gleeson then returned to the meeting.

Cllr. J. Healy-Rae asked if this is an established public right of way what width would the road be and how far would it go. The owners of the Bar and Restaurant also own the road and part of the beach. The right of way is far narrower than what is there as they widened the road to facilitate those accessing the Caravan Park. The owner could reduce the width of the road.

Cllr. G. Spring asked if a landowner can own a beach.

Mr. Stack said they can own the area above the high water mark. Mr. Stack then asked Cllr. Moriarty to clarify her proposal.

Cllr. N. Moriarty PROPOSED that this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that the Chief Executive's recommendation in respect of ROW-43 be rejected and that the ROW as proposed in the Draft Plan be amended in accordance with the Map submitted by her.

Cllr. P. Connor-Scarteen SECONDED this proposal.

Mr. Stack then displayed the map submitted by Cllr. Moriarty and said this proposal, if passed, would be put out for public consultation. The Chief Executive's report did not include this map.

A vote was taken which resulted as follows:

**For:** Cllrs. Cahill, Connor-Scarteen, Cronin, Culloty, Finucane, Flynn, Foley, Kelleher, McEllistram, Moloney, Moriarty, O'Shea, Spring, Brassil **(14)**

**Against:** Cllrs. D. Healy-Rae, J. Healy-Rae, Kennelly, Locke, Nolan, Purtill, Quigg, Sheahan, Thornton **(9)**

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

**Absent:** Cllrs. Beasley, Daly, Ferris, Fitzgerald, Grady, D. McCarthy, P. McCarthy, O'Brien, O'Connell **(9)**

The Cathaoirleach declared the proposal CARRIED.

## **ROW-50**

Mr. Stack briefed members on this right of way as follows:

- Two submissions (84 & 97) have been received addressing ROW-50.
- The landowners in both cases request that no dogs are allowed with users of this right of way.

### **Chief Executives Response**

- ❖ The inclusion of a PRW on this list is recording the existence of same. It is the responsibility of the dog owner to control their dog and not the County Council.

### **Chief Executives Recommendation**

No amendment to the Draft Plan.

On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. J. Finucane it was unanimously agreed to adopt the Chief Executive's recommendation on this right of way.

## **ROW-51**

Mr. Stack briefed members on this right of way as follows:

- Three submissions (19, 64 & 82) have been received addressing ROW-51.
- It is pointed out that this is actually a private road leading to the farm of Patrick and James Cremin. The owners of this property do not concede that there is public right of way through this property, and that the property is private property.
- The other submission is in favour of this PRW and confirms that there is PRW through Tomies Wood to Killarney National Park. Mr. Duggan and the OPW have legal title to the lands in question.

### **Chief Executives Response**

- ❖ There is a track shown on the historic OS maps heading towards Tomies.
- ❖ The NPWS has lodged a planning application to construct an alternative public access road to Tomies Wood (Planning Reg. No. 14/134). If granted, this will ensure that there is at least one access to the wood. It is recommended that until further investigations have been carried out, ROW 51 is omitted from the Plan. This omission is not an acknowledgement that ROW-51 is not a PRW. If in the future additional information regarding this PRW becomes available, then its inclusion on the list of PRW will be reconsidered.

### **Chief Executives Recommendation**

It is recommended that ROW-51 be omitted from the Plan as per Map 10.

On the PROPOSAL of Cllr. T. McEllistrim, SECONDED by Cllr. J.J. Culloty it was unanimously agreed to adopt the recommendation in the Chief Executive's Report on this right of way.

### **New proposed Public Rights of Way**

#### **The Kerry Way**

Mr. Stack briefed members on this new proposed right of way as follows:

- Two submissions (75 & 316) were received with regards to including parts of The Kerry Way as PRW.
- Five sections of the Kerry Way that should included as PRWs in the Draft Kerry County Development Plan 2015-2021 as these sections are all recognised as old highways. Reference is made to the basic requirement of dedication and acceptance of that dedication of these highways is made.
- Additional detail is given with regards to a short section of the Kerry Way walking route at Clashnacree outside Sneem. The section of road in question is a part of the old road that has existed for in excess of 250 years (possibly dating back to the 14<sup>th</sup> century). It is widely accepted that this was the route that Daniel O'Connell would have travelled on his way to Parliament. This section of the public highway is currently blocked at Clashnacree. Attached to the submission are three maps, an extract from Nimmo's Map from 1812 which shows the section of road in question, an extract from the report of Arnold Horner relating to the road at this location, and a map showing the Kerry Way. The entirety of the section in dispute is on the property associated with Clashnacree House. Attempts have been made by local community groups to reopen the public highway at this location. The Kerry Way Committee and The Clashnacree Highway Restoration Committee are currently fighting to ensure that the public highway is preserved.

### **Chief Executives Response**

- ❖ The evidence put forward is reflected in the old Ordnance Survey maps of the area. The information provided would justify the inclusion of these sections of the Kerry Way as PRWs.
- ❖ These are currently part of the Kerry Way but landowners have raised issues with some of this route, particularly to east of Sneem. The Kerry Way will be examined at a later date with a view to including parts that are PRW in future development plans.

- ❖ ROW-45 includes part of the Old Kenmare Road, as shown on a map included with this submission. The section of the Old Kenmare Road located within Killarney National Park was not included as a PRW as it is already afforded protection by being located within the National Park.

### **Chief Executives Recommendation**

No amendment to the Draft Plan.

Cllr. P. Connor-Scarteen asked that the inclusion of the Kerry Way would be considered in the County Development Plan at a later date.

Mr. Stack confirmed that would be considered in the future.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Kelleher it was unanimously agreed to adopt the recommendation in the Chief Executive's Report on this right of way.

### **Kenmare**

Mr. Stack briefed members on this proposed new right of way as follows:

- A submission (129) has been received requesting that a PRW be included west of Kenmare pier.
- This submission proposes the inclusion of a PRW adjacent to Kenmare Pier marked on an attached map. It states that this right of way has been used for generations in the area and that 20 residents signed an affidavit (a copy of this affidavit is included) which was sent to the receiver of the property for NAMA.

### **Chief Executives Response**

- ❖ There are legal issues associated with the ownership of this site with access being blocked to walkers. There is no reference on old Ordnance Survey maps but the evidence referred to in this submission would indicate that it is used by local people for walking. Additional evidence is required before this possible PRW can be included and should such evidence be presented further consideration can be given to including this as a PRW in future development plans.

### **Chief Executives Recommendation**

No amendment to the Draft Plan.

Cllr. J. Healy-Rae PROPOSED that the recommendation in the Chief Executive's Report be adopted. He acknowledged that a few submissions were made and that an Affidavit was signed by 20 people. In the past councillors together with Senator Mark Daly made submissions on the grounds that he wants to make a right of way at this location. NAMA do not own this land but a private individual owns it. Only Kerry County Council has a right of way over it.

Cllr. D. Healy-Rae **SECONDED** this proposal.

Cllr. N. Foley said it is unacceptable that a person who makes a submission is named as it is not the custom and practice.

The Cathaoirleach also said it is not right to name an individual who made a submission.

Cllr. J. Healy-Rae said he is factually inaccurate.

Cllr. Connor-Scarteen said he would not name an individual who made a submission. People have been walking this road for generations but a big gate was erected on the road. 20 submissions were made in relation to this right of way and he asked for confirmation that they were received. He asked what further evidence is required before a decision can be made on this right of way.

Mr. Stack said each case is different but in this case not enough information is available and there is an element of doubt over it.

Cllr. Connor-Scarteen said he was in favour of this right of way and the towns people are disgusted to be locked out of it for the past 3 or 4 years.

Mr. McMahon cautioned members against including this right of way in the Draft Plan as it could be challenged in Court and a lot of witnesses would be called. The planning authority is not satisfied that there is sufficient evidence available to justify the inclusion of this right of way. While a lot of people might like this to be a right of way it does not mean it exists.

Mr. Stack said one submission was received which referenced 20 Affidavits. He pointed out that there is a gate on this road.

Cllr. J. Healy-Rae said the owner can lock this gate at any time and give a key to Kerry County Council.

Cllr. P. Connor Scarteen **PROPOSED** that this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves to reject the Chief Executive's recommendation and include a public right of way as per submission 129.

Cllr. N. Moriarty **SECONDED** this proposal.

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

**For:** Cllrs. Cahill, Connor-Scarteen, Finucane, Flynn, Foley, Kennelly, D. McCarthy, McEllistram, Moloney, Moriarty **(10)**

**Against:** Cllrs. D. Healy-Rae, J. Healy-Rae, Quigg, Thornton, Brassil **(5)**

**Not Voting:** Cllrs. O'Shea, Spring **(2)**

**Absent:** Cllrs. Beasley, Cronin, Culloty, Daly, Ferris, Fitzgerald, Gleeson, Grady, Kelleher, Locke, P. McCarthy, Nolan, O'Brien, O'Connell, Purtill, Sheahan **(16)**

The Cathaoirleach declared the proposal CARRIED.

### **Ballybunion**

Mr. P. Stack briefed members on this proposed right of way as follows:

- A submission (20) has been received requesting that a PRW be included in Ballybunion giving access to the beach.
- This submission relates to a long established right of way running along the east side of the former Castle hotel site and adjacent to the public playground in Ballybunion.

### **Chief Executives Response**

- ❖ There is a clearly defined path from the road to the beach to the east of the Castle Hotel site with the existence of this path reflected on the Ballybunion LAP map contained in the Listowel/Ballybunion Functional Areas Local Area Plan 2013-2019. This path is shown on old Ordnance Survey maps.

### **Chief Executives Recommendation**

It is recommended that the Draft Plan be amended to include this path from the L1002 to the beach east of the Castle Hotel site as a PRW. It will be included as ROW-53 which is shown on Map 11 of this report.

On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Kennelly it was unanimously agreed to adopt the recommendation in the Chief Executive's Report in respect of this proposed right of way.

### **Listowel**

Mr. P. Stack briefed members on this proposed right of way as follows:



- A submission (28) has been received requesting that a PRW be included in Listowel. This submission requests that the right of way from Kenny Heights to the River Feale be retained and also included in the Draft Kerry County Development Plan 2015-2021.

### **Chief Executives Response**

- ❖ This proposed PRW is located within the town boundary of Listowel, as identified in the current Listowel Town Development Plan 2009-2015. Therefore, Kerry County Council cannot consider the inclusion of this PRW in the Draft Kerry County Development Plan 2015-2021.

### **Chief Executives Recommendation**

No amendment to the Draft Plan.

On the PROPOSAL of Cllr. M. Kennelly, SECONDED by Cllr. J. Moloney it was unanimously agreed to adopt the recommendation in the Chief Executive's Report in respect of this proposed right of way.

### **Ballinskelligs**

Mr. Stack briefed members on this proposed right of way as follows:

- A submission (61) has been received requesting that a PRW be included in Ballinskelligs.
- Kerry County Council should formally recognise the established, traditional, public rights of way e.g. access to St. Michael's Well in Ballinskelligs.

### **Chief Executives Response**

- ❖ St. Michael's Well is shown on the Historic Ordnance Survey Maps but it is unclear based on desk research where there might be a PRW giving access to the Well at this stage. Additional evidence is therefore required before this possible PRW can be included and should such evidence be presented further consideration can be given to including this as a PRW in future development plans. If the planning authority is made aware of other established PRWs then it will also consider them for inclusion in future development plans.

### **Chief Executives Recommendation**

No amendment to the Draft Plan.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. J. Finucane it was unanimously agreed to adopt the recommendation in the Chief Executive's Report in respect of this proposed right of way.

The Cathaoirleach said there are a number of proposed amendments contained in Pages 141 – 149.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. O'Shea it was agreed to adopt these amendments.

### 9.11 Burial Grounds

Mr. Stack briefed members on this section as follows:

A number of submissions but principally submission 326 relate to **Burial Grounds**, affecting the County.

- The council should continue to maintain and manage burial grounds and find a real solution to disposal of spoil and waste from burial grounds.
- Concerns re open lawn style burial grounds, it was felt the creation of the lawn-style would create additional maintenance. Currently KCC are not providing personnel to cover this work. Many of the graves are not tended and work carried out by volunteers.
- Supported the establishment of a crematorium in Kerry.
- Proposal that burial grounds would have a special section for Ashes. — A Wall of Ashes type of development would save on grave space requirement.
- Develop parking facilities at burial grounds, mapping of burial grounds.

### Chief Executives Response

- ❖ A number of issues raised are already covered by existing policies and objectives in the Development Plan, however others should be included in the plan.

### Chief Executives Recommendation

It is recommended that the following objectives should be included in section 9.11:-

<b>Burial Grounds</b>	
<b>It is an objective of the Council to:-</b>	
	Facilitate the establishment of a crematorium in Kerry.
	Facilitate a special section for Ashes, such as a Garden or a Wall of Ashes type of development in burial grounds.
	Facilitate the sustainable provision of car parks at burial grounds where appropriate.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. O'Shea it was agreed to adopt the recommendation in the Chief Executive's Report on Burial Grounds.

The meeting adjourned for lunch at 2.25pm.

The meeting resumed at 3.10pm.

## Chapter 10 Natural Environment & Flood Risk Management

Mr. Stack briefed members on this Chapter as follows:

A number of submissions received relate to Natural Environment & Flood Risk Management and have been addressed under the relevant Chapter headings of Introduction, Environmental Designations, Water Quality, Septic Tanks & Proprietary Waste Water Treatment Systems, Features or Areas of Geological Interest, Woodlands and Trees, Green Infrastructure, Invasive Species, Biodiversity and Planning Applications, Environmental Impact Assessment, Integrated Coastal Zone Management (ICZM), Blue Flag Beach and Green Coast Awards and Flood Risk Management. Other issues raised that do not fall under these categories are addressed at the end of this section.

### 10.1 Introduction

Submission 38 and 108 address issues raised in the Introduction to the chapter:

- Objective NE-1 should be amended and an additional objective be included that refers to public access.
- Education on sustainable development and awareness of the interconnectedness of the ecosystem and biodiversity, corridors and connectivity can contribute to engaging people and enabling stewardship of the environment.

### Chief Executives Response

- ❖ With regard to amendments proposed to Objective NE-1, it is considered that the wording of the existing objective is appropriate and that it is not necessary to include specific reference to recreational, amenity and tourism. It is also considered that the issue of understanding and awareness of natural heritage is addressed under Objective NE-3.
- ❖ With regard to the proposed additional objective regarding natural amenities and public access, it is considered that this is addressed appropriately under Objectives T-10 and T-45.
- ❖ Environmental education is addressed in Objectives NE-3 and NE-27.

### Chief Executives Recommendation

No amendment to the Draft Plan

### 10.2 Environmental Designations

Submissions 114, 119, 120 and 326 raise issues in relation to Environmental Designations:-

- New waste management facilities proposals should only be considered if they fully comply with all new directives (including EU Habitats Directives)
- Support for the designation of Inch dunes and beach as a proposed Natural Heritage Area as in Map 10.4 (Vol) 1.
- Special Areas of Conservation (SACs) need to be reviewed.

### Chief Executives Response

- ❖ It is standard practice that all planning applications are assessed in accordance with the provisions of the Habitats Directive and the issue is addressed in Objective NE-12 of the Draft Plan.
- ❖ The National Parks and Wildlife Services (NPWS) is the body with responsibility for Special Area of Conservation (SAC), Special Protection Area (SPA) and Natural Heritage Area (NHA) designations, not Kerry County Council.

### Chief Executives Recommendation

No amendment to the Draft Plan.

### 10.3 Water Quality

Submission 24 and 326 raised issues regarding waterways, as follows:-

- Slurry being spread in wet weather and entering the waterways.
- River maintenance of the Brown Flesk river and its tourism potential for angling etc

### Chief Executives Response

- ❖ The issue of water pollution from agricultural sources is addressed in Objective NE-23:  
“Protect the County’s waters from pollution by nitrates and phosphates from agricultural sources through implementation of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2010 or any amending or replacement Regulations”.

- ❖ The issue of watercourse protection is addressed in Objective NE-22 and tourism is addressed in Objectives T-6 and T-15.

### Chief Executives Recommendation

No amendment to the Draft Plan.

### 10.4 Septic Tanks and Proprietary Waste Water Treatment Systems

Submission 326 raised the issue of reed-beds, as follows:-

- Innovative waste water solutions need to be explored — reed beds for individual dwellings and community solutions.

### Chief Executives Response

- ❖ Objective NE-24 requires compliance with the current EPA wastewater treatment manual, which includes treatment by reed-bed.

### Chief Executives Recommendation

No amendment to the Draft Plan.

### 10.5 Features or Areas of Geological Interest

Submission 38 raised issues regarding Features or Areas of Geological Interest:

- Proposes that a table with sites and maps of areas of geological interest in the county should be included in the plan
- Recommends that amendments be made to Objective NE-25 by stating that precautionary approach be adopted to development proposals, and that proposals be accompanied by a detailed report from a competent person setting out their potential impact etc.

### Chief Executives Response

- ❖ With regard to sites and maps of areas of geological interest, the sites have been listed in Table 10.5 - Appendix 4 and the Maps are included Volume 3, as referred to in Objective NE-25.
- ❖ With regard to the proposed amendments to Objective NE-25, it is considered that the wording of the existing objective is appropriate. The assessment of impact of proposals on geological sites is addressed in the development management process. It is also considered that the issue with regard to access and public rights of way is addressed appropriately in objective T-45. The issue of geo-tourism is considered to have been addressed in Objective T-11.

### Chief Executives Recommendation

No amendments to the Draft Plan.

### 10.8 Woodlands and Trees

Submissions 93,121 and 326 raised issues in relation to Woodlands and Trees:-

- Amendment recommended to Objective NE-33 to state that roadside tree-planting would not be permitted. Reference to storm Darwin and the number of trees that fell.
- Planting of community woodlands, to promote and increase local biodiversity and sustainable woodland management.
- Finish the wildlife corridor planting of shelter-belt with native trees from Tralee town to Ballyseedy woods.
- Upkeep of ditches/growth at bends.
- Cutting of trees around road signs.
- Dangerous trees need to be cut back and appropriate planting carried out. It was proposed that a Tree Officer be appointed for the County who could advise and assist community groups, Planning Dept, and locals on all aspects of tree management.

### Chief Executives Response

- ❖ It is not considered appropriate, to prohibit tree planting, along roadside boundaries, because of their importance in the context of visual amenity and biodiversity. It is the responsibility of the landowner to ensure that any trees on their property do not pose a hazard.
- ❖ It is considered that the development of “community woodlands” is an initiative that should be included in the Plan and supported by Kerry County Council. It is recommended that additional text and an objective be included in the Plan.
- ❖ With regard to the shelter-belt, it is understood that reference is being made to the Ballyseedy to Ballymullen Amenity Trail. As this project is being carried out by Kerry County Council, it is not considered necessary to include an objective in support of it.
- ❖ Roadside boundary maintenance is addressed under Kerry County Council’s annual Roadworks Programme and is beyond the remit of the Development Plan.

### Chief Executives Recommendation

It is recommended to include a New sub-section 10.8.1 Community Woodlands:-

The Native Woodland Trust is pioneering an initiative to create community woodland reserves planted with native Irish woodland species in each county of Ireland. The reserves grow along with the local community and is a direct action towards increasing the amount of native woodland habitat in Ireland as well as creating a resource for the local community to walk, relax, play and learn<sup>1</sup>.

It is recommended to include a new objective in section 10.8.1:-

Tralee Killarney Hub	
It is an objective of the Council to:-	
	Support and facilitate the development of Community Woodlands in the county.

### 10.9 Green Infrastructure

Submission 38 raised issues in relation to Green Infrastructure:

- It is proposed that Objective NE-36 be amended and that an additional objective in relation to a Green Infrastructure Strategy be included.

### Chief Executives Response

- ❖ It is considered that the existing Objective NE-36 is appropriate and does not need to be amended. The issue of outdoor recreation is addressed in Objective T-11.
- ❖ In relation to proposed Green Infrastructure Strategy see response to submission No.6.
- ❖ With regard to the proposed additional objective in relation to new developments identifying environmental assets etc. this issue is considered to be addressed in the proposed amendment to the Development Management section of the Plan as per the response to the Inland Fisheries Ireland submission No. 7.

### Chief Executives Recommendation

No amendments to the Draft Plan.

### 10.12 Invasive Species

Submissions 146 and 326 raises issues with regard to Invasive Species, as follows:-

- Threat of invasive species. Scheme needed to eradicate Japanese Knotweed and other species, with the involvement of the National Roads Authority.

- Submits that the Council in the Plan acknowledge, monitor and respond appropriately to the unpredictable behaviour of previously benign introduced species of flora caused by climate change.
- Submits that the Council seek to use only ecologically sound and sustainable methods when eradicating invasive species.

### Chief Executives Response

- ❖ It is considered to be beyond the remit of Kerry County Council and the Development Plan to monitor the behaviour of benign introduced species.
- ❖ It is considered that an additional objective should be included in the plan to address the issue of eradicating invasive species.

### Chief Executives Recommendation

It is recommended to include a new objective in section 10.12:-

Invasive Species	
It is an objective of the Council to:-	
	Liaise with the relevant authorities to address the issue of eradicating invasive species, using ecologically sound and sustainable methods.

### 10.13 Biodiversity and Planning Applications

Submission 326 raised an issue indirectly related to Biodiversity and planning applications, as follows:-

- Maintain characteristics of countryside

### Chief Executives Response

- ❖ It is considered that this issue is addressed satisfactorily in Objective NE-42.

### Chief Executives Recommendation

No amendments to the Draft Plan.

### 10.14 Environmental Impact Assessment

Submission 114 raised the issue of EIA with regard to proposed waste management facilities:

- Where new facilities are established and operated, all daily operational aspects as indicated in the planning submission/ EIS etc. for example, opening hours, Light & Noise nuisance, dirty water run-off, should be accessible and policed by an independent third party answerable to KCC and funded by the operator(s).



### Chief Executives Response

- ❖ The Council is empowered to pursue complaints in respect of non-compliance with planning permissions and unauthorised developments. The Council is empowered to pursue legal proceedings in such cases and in cases where developments generally do not conform to planning conditions. Waste facilities are subject to licence either by Kerry County Council or the EPA and their operations are monitored and regulated according to those licences.

### Chief Executives Recommendation

No amendment to the Draft Plan.

### 10.16 Integrated Coastal Zone Management (ICZM)

Submissions 38, 61,108,151, 304 raised issues in relation to Integrated Coastal Zone Management (ICZM):

- Submission 38 proposes that objective NE-55 be amended to include the following text: *Ensure that beaches, sand dunes, wetlands and estuaries are not compromised by inappropriate coastal protection works or development.*
- Kerry County Council has a duty in the protection of public amenities from coastal erosion and flooding i.e. Beaches and Dune area of Ballinskelligs which are owned by Kerry County Council and are of prime importance to tourism.
- Ballinskelligs should be included in NE-59 (Pg. 157 of Draft County Development Plan) together with the Maherees and Castlegregory.
- Need to integrate potential biodiversity impact issues and ICZM in planning applications.

### Chief Executives Response

- ❖ It is considered that Objective NE-55 is appropriate without amendment
- ❖ Flooding issues are dealt with in Section 10.19
- ❖ River Erosion is addressed in Objective NE-69. Coastal Protection is addressed in Section 10.16.2
- ❖ With regard to Objective NE-59, it is recommended that this be amended to be a general objective for the county as a whole, rather than mentioning specific areas. This is an issue that would be addressed at Local Area Plan level.

- ❖ The issue of biodiversity and ICZM and planning applications is addressed in Objectives NE-50, NE-51 and NE-52. However, it considered that text relating to the Irish Coastal Protection Strategy Study be included in the plan together with an objective to have regard to the strategy as set out in the recommendation below.
- ❖ See Response to submission from Department of the Environment, Community & Local Government in relation to climate change and Section 10.19 in relation to Flood Risk management.

### Chief Executives Recommendation

It is recommended that objective NE-59 is amended as follows:-

Coastal Protection	
It is an objective of the Council to:-	
<b>NE-59</b>	Regularise coastal facilities such as car parking and surf board rental facilities-services in the Sand Dune areas of the Magharees, Castlegregory, so as to protect the overall integrity of the sand dunes. As part of this, proposals should pay due regard to nature conservation, and landscape designations and the objectives, policies and standards of this Plan, particularly as they relate to the Natural Environment and Flood Risk Assessment.

It is recommended that the following text be added to section 10.16.2:

#### Irish Coastal Protection Strategy Study (ICPSS)

ICPSS reports provide strategic level flood event (hazard) maps for 0.1% AEP (Extreme Flood Extent), the 0.5% AEP (Indicative Flood Extent) as well as a number of less extreme annual exceedance probabilities (AEPs). It also provides predictive erosion maps prepared for the years 2030 and 2050, which are based on a strategic level erosion hazard assessment for the coastline. Kerry is included in the ICPSS report titled 'Irish Coastal Protection Strategy Study (ICPSS) from Bantry Bay to Ballyvaghan Bay' which was published in December 2013.

The ICPSS studies are referenced in the publication "The Planning System and Flood Risk Management, Guidelines for Planning Authorities, DEHLG, Nov 2009" and as such are to be taken into consideration as part of the planning policy and development management processes and as part of Flood Risk Assessments processes.

The primary areas of potential coastal flood risk identified in the ICPSS report for Kerry are:-

- CastlemaineHarbour
- Tralee to Derrymore
- Ballyheigue to Barrow
- Moneycashen to Finuge

In addition, it is noted that five primary areas of potential significant coastal erosion hazard identified in the ICPSS report for Kerry are:-

- Waterville to Ballinskelligs
- Rossbehy to Cromane
- Fermoy to Tonakilly
- Ballyheigue to Banna
- Ballybunion

It is recommended that the following objective be inserted into section 10.16.2:-

Coastal Protection	
It is an objective of the Council to:-	
	Ensure that due regard is given to the ICPSS reports, including coastal flood hazard and predictive coastal erosionmaps, as part of flood risk assessment, developmentmanagement and forward planning.

It is recommended that objective NE-63 be amended as follows:

Tralee Killarney Hub	
It is an objective of the Council to:-	
<b>NE-63</b>	Ensure that <del>Municipal Local Area District Plans and all lower tier plans</del> <del>Town and Local Area Plans</del> include a StrategicFlood Risk Assessment. Due regard shall be given to relevant CFRAM and ICPSS studies and reports.

### 10.17 Blue Flag Beach and Green Coast Awards

Submissions 132 and 326 raised issues regarding beaches.

- That there should be a commitment to create more Blue Flag Beaches in the county, specifically at Foylemore to Maherabeg in Castlegregory.

- Also seeking extra life guarding duties, better facilities such as car parks, toilets and access at beaches and a pledge to keep the waters surrounding Kerry pollution free.
- There should be management of beaches. There is unregulated over-night parking. Policy is required in relation to beaches and coastal areas.

### Chief Executives Response

- ❖ Blue Flag beach designation is not in the remit of Kerry County Council. The Blue Flag beach system is operated in Ireland by An Taisce – The National Trust for Ireland on behalf of the Foundation for Environmental Education (FEE).
- ❖ The issue of beach protection is addressed in Objective NE-60 and coastal tourism is addressed in Section 5.9.

### Chief Executives Recommendation

No amendment to the Draft Plan.

### 10.19 Flood Risk Management

A number of submissions(163, 301, 303, 310, 312 & 326) received address Flood Risk Management, as follows:-

- A submission relates to the Listal Ltd facility in Clieveragh Industrial Estate Listowel and inadequacies of the storm water system. These inadequacies increase the potential of flooding which could be detrimental to business.
- Provide assistance for people in all the areas of the county that are threatened by flooding.
- Seek funding to protect and restore the coastline, resorts, piers and harbours, slip ways.
- It is essential the Kerry County Development Plan addresses the issue of flooding, coastal and river erosion which is having a substantial impact on farm families across the county. This must include plans for river and coastal maintenance.
- The river at Blennerville needs to be dredged to reduce flooding in Tralee.
- A submission relates to the increase in frequency of flooding of lands in Clogherbrien, Tralee. The Council is requested to control the flow of water in the streams and to maintain the water courses in the area.
- Roadside gullies need to be cleaned to aid surface water runoff.

- The current policy of not cleaning/clearing out rivers/watercourses is in conflict with maintaining the flow of water leading to increased risk of flood down stream. It is an issue of managing the rivers versus conservation.
- There is need for a joined up approach as reducing a problem in one area is leading to problems in other areas.
- There should be a separate flood risk management Department, separate from the natural environment section, as it requires careful consideration within its own right, due to the increasing changing climate, increasing rainfall and flood risk.
- A catchment based approach to flood risk management, should be taken aimed at increasing the infiltration and attenuation of water flows within a catchment, with a view to reducing water delivery rates to flood risk areas.
- The use of strategically located plantations, woodlands, hedge systems and drains to attenuate water flow rate in flood risk areas.
- Proper maintenance of drains and hedgerow systems as part of an integrated flood risk plan.

### Chief Executives Response

- ❖ The issue of flood risk management including dredging is considered within the ongoing Catchment Flood Risk Assessment and Management Plans (CFRAMS), being prepared by the Office of Public Works (OPW) as the lead agency for flooding and is beyond the scope of this report.
- ❖ It is the policy of Kerry County Council to adopt a strategic, integrated, sustainable and proactive approach to catchment flood risk management in the County in order to reduce and manage flood risk. In accordance with the DEHLG (2009) guidelines on Flood Risk Management, flood risk is a key consideration in preparing development and local area plans and in the assessment of planning applications.
- ❖ It is the policy of Kerry County Council to implement sustainable site specific management policies and initiatives to reduce the risk of coastal erosion, as appropriate.
- ❖ It is the policy of the plan to support and facilitate Agencies in the sustainable provision of flood defences at appropriate locations throughout the county which are identified as vulnerable to flooding, including those identified in Catchment Flood Risk and Assessment Management Plans (CFRAMS).
- ❖ It is the policy of Kerry County Council to ensure that developments, which in the opinion of the Planning Authority, would have an unacceptable risk of flooding or which would result in an unacceptable risk of flooding elsewhere, will not be permitted.

- ❖ Specific local issues cannot be considered within the context of this Draft County Plan but can be considered in the context of the review of the Municipal District Plans.
- ❖ A Strategic Flood Risk Assessment (see Vol 4) was carried out as part of the environmental assessment for the Draft plan. This SFRA will be amended in light of the submissions received and any proposed amendments made to the Draft Plan. As part of this the 'Irish Coastal Protection Strategy Study (ICPSS) report recently prepared by the OPW will be taken into consideration.
- ❖ Sustainable Urban Drainage Systems (SUDs) and other flood risk management methods can be used to attenuate water flow rate in or upstream of flood risk areas, as appropriate.

### Chief Executives Recommendation

No amendment to the Draft Plan.

### Other Issues Raised

The submissions received also raised other issues that did not fall under any of the chapter heading categories:-

#### Climate Change

Submissions 93, 146, 157 and 326 raised the issue of Climate Change:

- The plan should be climate change proofed, there is a lack of commentary on climate change, there is a need for a climate change strategy.

### Chief Executives Response

- ❖ See Response to submission from Department of the Environment, Community & Local Government in relation to climate change.

### Chief Executives Recommendation

No amendment to the Draft Plan other than that recommended in relation to Submission No.1.

### Peatlands

Submissions 38 and 153 raised issues with regard to Peatlands, as follows:-

- Submit that an additional sub-section regarding peatlands is included, as well as a list of significant bogs and additional objectives.
- Submission in relation to bogland acting as a carbon sink and that steps should be taken to preserve it as such. Kerry County Council should promote the protection and regeneration of our blanket bog as a major contribution to a better environment. It is important for the world environment that carbon is prevented from leaching from our blanket bogs and that steps are taken to restore them to a point where they begin to grow naturally again.

### Chief Executives Response

- ❖ The issue of peatlands is addressed under Section 10.6 of the Plan – Wetlands. It is considered that an additional objective listing publications which the Council shall have regard to in carrying out its functions be included in the Plan as set out in the recommendation below.
- ❖ The Strategic Environmental Assessment (SEA) of the Plan includes a “List of Peatlands recorded by the IPCC within or adjacent to the Plan Area” (Volume 4 – Table 4-10).

### Chief Executives Recommendation

It is recommended that the following objective should be included in section 10.6: –

Wetlands	
It is an objective of the Council to:-	
	Have regard to the provisions of the (draft) National Peatlands Strategy, the (draft) National Raised Bog Special Areas of Conservation (SAC) Management Plan and a Review of Raised Bog Natural Heritage Areas (NHAs) and subsequent related Government policy adopted during the life-time of the Plan.

### Dark Skies

It is proposed to insert additional text in this Chapter - see Response and Recommendation to Submission No. 11 (Part 2 of this report).

Cllr. M. Gleeson said he strongly supported the planting of trees along roadsides but there should be a height restriction of 3 – 4m. This should ensure if they fall they will not damage any vehicle. There is a need to compile a table of maps of all archaeological sites in the county which should be available in public libraries. Maps showing flood plains should also be available and no development should be permitted on them. If there is development on a flood plain it creates problems elsewhere. He was aware of a development on a flood plain where a barrier was built on the river side and this forced the river to undermine the river bank on the opposite side resulting in a landslide. Cllr. Gleeson said he was delighted that invasive species are being addressed as we failed to address obnoxious weeds. The roadside on the new Ring Road near John Mitchel's grounds is overgrown with ragwort. He thanked the Council for taking the threat of Japanese Knotweed seriously. He welcomed the signs erected where Japanese Knotweed is growing advising that it should not be cut. However this weed is growing near the Currans fly over and it was cut in the past month. Cllr. Gleeson said he has spoken on many occasions about the threat from the Zebra Mussel which has invaded every lake along the River Shannon. This year the lake activity in Killarney has increased expeditiously and boats are brought from one lake to another without

decontamination. This is a very serious issue and he spoke to the OPW on it and it is time we imposed standards that will ensure the protection of our lakes.

Cllr. S. Locke welcomed the proposed works in Blennerville to address flooding in Tralee. Dredging is also needed at the Locke gates. He asked that consideration would be given to providing flood barriers in certain areas in Tralee that are prone to flooding and that this would be included in the County Development Plan. He was concerned there would be repeated flooding in Tralee during the winter and he asked that it would be addressed before it occurs again.

Cllr. D. Healy-Rae said it is a contradiction to support the planting of roadside trees when earlier members called for the planting of roadside trees to be set back. It is imperative that people can drive safely. Cllr. Healy-Rae said he did not want any restrictions imposed on people who cut turf as they traditionally did in particular in South Kerry. There was climate change down through the centuries going back to the 13<sup>th</sup> century and there was no combustible engine then. He did not want to impose further costs on people in the guise of climate change. Cllr. Healy-Rae referred to wind farms and said this county has gone as far as it will with these developments as any proposed wind farm development is appealed to An Bord Pleanála. He expressed disappointment that Kerry is in with Cork in the CFRAMS which he believed would militate against Kerry.

Cllr. B. Cronin said his previous comments in relation to roadside trees related to the planting of forestry along the public road which caused huge problems during the winter storms. These trees should be set back from the road to ensure they do not block the public road if they fall. There is a need for a flood risk strategy as a few strategic rivers get flooded as they are not cleaned out.

Mr. Stack said he spoke earlier on CFRAMS and said a lot of work was done on this taking into account the experience of flooding over the past few years. It is intended that the Draft Plans will be put out for public consultation around the end of the year. They will identify areas prone to flooding and then address these issues. He assured members that development will not be permitted on flood plains in future. Mr. Stack said the County Development Plan will not restrict turf cutting and climate change is a matter of opinion but he believed there is an issue with climate change. He agreed with Cllr. Cronin that it is important to ensure if trees fall they will not cause a hazard and there are forestry guidelines on this. Mr. Stack acknowledged that invasive species is an issue that must be addressed and said he was not aware of the issue at the Currans fly over mentioned by Cllr. Gleeson but it would be investigated. Staff have been tasked to train staff in the areas in relation to Japanese Knotweed and on the appropriate actions to be taken when they encounter it.

On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. B. Cronin it was agreed to adopt the recommendations in the Chief Executive's Report in relation to Chapter 10.

## Chapter 11 Built and Cultural Heritage

Mr. Stack briefed members on this Chapter as follows:



A number of submissions received (principally submissions 38 and 326) relate to Built and Cultural Heritage. These have been addressed under the chapter headings of **(11.1)** Introduction, **(11.2)** Cultural Heritage, **(11.3)** Archaeological Heritage and **(11.4)** Architectural Heritage (including submissions in relation to the Record of Protected Structures).

### 11.1 Introduction

Submission No.s 38 and 326 principally address the issues raised in the Introduction:-

- It is submitted that Objective H-6 be repositioned under Section 11.3 Archaeological Heritage.
- There should be local consultation on appropriate responses to heritage issues.
- Places of interest, like historical sites, museums, walkways are not being promoted in social media, brochure form or road signage.
- The rural environment, traditional building styles, the scenery and attractive villages attract tourism and greater care needs to be placed in protecting the visual environment which can be easily destroyed.

### Chief Executives Response

- ❖ Objective H-6 is a strategic objective and therefore should be positioned with the other strategic objectives in this chapter.
- ❖ Local consultation in regard to heritage is being undertaken as part of the Development Plan process. Local heritage is also addressed under Objective H-7.
- ❖ It is considered that the plan supports the promotion of cultural and heritage features in so far as they relate to land use planning.
- ❖ The protection of the natural and built environment is one of the core principles underlying the County Development Plan. A comprehensive range of objectives designed to protect the built and natural heritage are included in the Plan.

### Chief Executives Recommendation

No amendment to the Draft Plan.

### 11.2 Cultural Heritage

Submissions 38 and 326 principally address the issues raised in relation to Cultural Heritage:-

- Additional text proposed to section 11.2 stating that the county has a rich and diverse heritage, and that heritage protection not only has environmental benefits and benefits for the quality of life for local people, but also brings economic benefits for visitors to enjoy.
- Burial grounds – potential of genealogy tourism should be further explored and developed.
- KCC should support, and act as agent for, genealogy research in communities.
- Burial grounds are not just heritage sites for tourism but are hugely important to local people.
- Arts and culture need to be emphasised more in the Plan and amenities need to be put in place to provide for the arts. A designated section on arts and culture should be included in the plan to allow for growth in these areas. Arts and culture are not just for tourists but for those that live here too.

#### Chief Executives Response

- ❖ It is considered that the Draft Plan sets out, in detail, the importance of the County's heritage and the need to protect it and additional text in Section 11.2 is unnecessary.
- ❖ The importance of the role of burial registers in assisting genealogical research has been acknowledged by the Kerry Graveyard Records Heritage Steering Group<sup>1</sup>. However, this issue is beyond the remit of this plan.
- ❖ Cultural Heritage, including Gaeltacht Areas, is addressed in Section 11.2 of the Draft Plan. Kerry County Council has an Arts Officer and a Heritage Officer that deal with arts and cultural issues in the county on an on-going basis.

#### Chief Executives Recommendation

No amendment to the Draft Plan.

#### 11.3 Archaeological Heritage

Submissions 38 and 326 principally address the issues raised in relation to Archaeological Heritage:-

- It is proposed that an additional paragraph be included referring to the Department's publication "Framework and Principles for the Protection of Archaeological Heritage" which states that archaeological considerations need to take full account of the development process.
- It is submitted that a table and maps of the Record of National Monuments and Places should be included in the Plan.
- It is recommended that a table of Historic Graveyards be included in the Plan.

- It is suggested that a list of Preservation Orders on Monuments be included in the Plan.
- An additional objective is proposed in relation to promoting archaeological heritage as a tourism resource.
- It is proposed that an additional sub-section and related objectives be included in the plan stating the Council's intention to prepare a County Heritage Plan.
- An additional objective is proposed to *"Ensure that the character of Killarney National Park is protected and enhanced and prohibit any development which would impair its character"*. It is also proposed that a feasibility study should be carried out on areas suitable for designation as National Parks.
- Additional Special Amenity Areas should be designated and that the Skelligs Heritage Site be conserved and managed in order to protect and enhance the outstanding universal value of the site.
- The Draft Plan should support and promote the candidatures of areas such as the Great Blasket Island and the tetrapod trackway (in Valentia Island) for inclusion on the World Heritage Site "Tentative List".
- Dromavalla burial ground has archaeological and cultural importance.

### Chief Executives Response

- ❖ The "Framework and Principles for the Protection of Archaeological Heritage" document dates from 1999 and there has been a subsequent amendment of the National Monuments Act in 2004. It is not considered necessary to include reference to this document in the Plan.
- ❖ Volume 2 of the Draft Plan lists both the National Monuments and Registered Monuments in Kerry.
- ❖ It is not considered necessary to include a table of Historic Graveyards in the Plan. Information on burial ground records in Kerry is available at [www.kerrylaburials.ie](http://www.kerrylaburials.ie).
- ❖ Table 1 in Volume 2 of the Draft Plan indicates which monuments are subject to a Preservation Order.
- ❖ The Heritage objectives of the Draft Plan are sufficient for the purpose of informing readers and protecting the County's heritage and it is not considered necessary to amend Objectives H-26, H-28 and H-29 as proposed.
- ❖ Development Management is addressed under Objective H-27 and H-29 and it is not considered necessary to amend Objective H-31. The issue of Public Access is addressed under Objective T-45.

- ❖ Archaeological heritage as a tourism resource is addressed under Objective T-45.
- ❖ In relation to a County Heritage and a Biodiversity Plan see Submission No.6.
- ❖ The designation of National Parks is beyond the remit of Kerry County Council.
- ❖ There are no proposals to designate additional Special Amenity Areas at this time. It is considered that existing designations are adequate such as Prime Special Amenity, Secondary Special Amenity, Views and Prospects, Natura 2000 sites etc.
- ❖ It is recommended that existing objective T-47 be amended to include the Great Blasket Island and the tetrapod trackway with regard to World Heritage Site status – such an objective is included in the current County Development Plan (Objective T6-41).
- ❖ Features of archaeological and cultural interest are protected under the provisions of relevant legislation and the County Development Plan as appropriate.

### Chief Executives Recommendation

It is recommended that objective T-47 in the Tourism and Recreation Chapter be amended as follows:-

Heritage & Cultural Tourism	
It is an objective of the Council to:-	
<b>T-47</b>	<i>Support and encourage measures to secure the designation of:</i> <ul style="list-style-type: none"><li>• <i>Valentia cable station and associated features</i></li><li>• <i>Great Blasket Island</i></li><li>• <i>The tetrapod trackway on Valentia Island as a UNESCO World Heritage Sites.</i></li></ul>

### 11.4 Architectural Heritage

Submission No. 326 principally addresses issues raised in relation to Architectural Heritage as follows:-

- Grant aid should be made available to reinstate older dwellings both in villages and in the countryside to encourage people to return to live there and to avoid dereliction.

- The last chimney stack in Denny's site Tralee should be preserved – significant to the history of industrialisation.
- Dingle town has suffered from poor design and needs careful management to ensure that it does not lose its character.
- Place names protection – maintaining of place names and signage.

### Chief Executives Response

- ❖ The issue of the revitalisation and protection of the County's architectural heritage is addressed in Section 11.4.6.
- ❖ It is the legal obligation of the owner/occupier of a Protected Structure to ensure that it is preserved. There is funding available to undertake necessary works to Protected Structures. It is recommended that additional text be included under Section 11.4.2 with regard to conservation grants as set out in the recommendation below.
- ❖ As the Record of Protected Structures is included in the Draft Plan (Volume 2), the public consultation on the Draft Plan provides the opportunity for submissions with regard to structures included in the RPS.
- ❖ With regard to the Denny site, the proposed Tralee Municipal District Local Area Plan will address the issue of Protected Structures in Tralee town.
- ❖ The issue of design and architectural protection with specific regard to Dingle town is addressed in the current Dingle Functional Area Local Area Plan 2012-2018.
- ❖ Section 13 of the Draft Plan (Development Management) requires that residential developments and roads reflect local place names, particularly townlands or local names which reflect the landscape, its features, culture and/or history within which developments are located, including names of historical persons who have some association with the area. The use of the Irish version of Gaeltacht place names is also addressed under Objective H-23.

### Chief Executives Recommendation

It is recommended that additional text is included under Section 11.4.2 as follows-

A Conservation Grant Scheme is administered by Kerry County Council to assist the owner and/or occupier of the Protected Structure to undertake necessary works to ensure its conservation.

### Record of Protected Structures

Mr. Stack said there are 72 new proposed protected structures, 52 of these come from the Local Area Plans and 12 from architectural surveys. In total 16 submissions were received on protected structures.

The Cathaoirleach said all members had read this section and it would not be necessary to go through them individually unless members had specific proposals they wanted to make.

Cllr. P. Connor Scarteen referred to protected structure No. 83 referred to on Page 203 and declared that the owner is his mother's first cousin and for this reason he would leave the meeting while it was being considered.

Cllr. Connor-Scarteen then left the meeting.

Mr. Stack said there were a few protected structures he wanted to refer to. He referred members to Page 198 and written submission No. 43 and he briefed them on it as follows:

#### Written Submission No. 43

- Proposal to include a thatched cottage in Cordal West, Castleisland in the Record of Protected Structures.

### Chief Executives Response

- ❖ This structure is one of the few remaining extant thatched cottages in this part of the county and should be included in the RPS because of its significant architectural and social interest.

### Chief Executives Recommendation

No amendment to the Draft Plan.

Cllr. Connor-Scarteen then returned to the meeting.

Cllr. B. Cronin PROPOSED that this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that the thatched cottage the subject of Submission No. 43 at Cordal West, Castleisland be included in the Record of Protected Structures.

Cllr. M. Gleeson SECONDED this proposal.

A vote was taken which resulted as follows:

**For:** Cllrs. Connor Scarteen, Cronin, Daly, Flynn, Foley, Gleeson, D. Healy-Rae, Kennelly, Locke, D. McCarthy, McEllistram, Moloney, Moriarty, O'Brien, Quigg, Brassil(16)

**Against:** None (0)

**Not Voting:** None (0)

**Absent:** Cllrs. Beasley, Cahill, Culloty, Ferris, Finucane, Fitzgerald, Grady, J. Healy-Rae, Kelleher, P. McCarthy, Nolan, O'Connell, O'Shea, Purtill, Sheahan, Spring, Thornton (17)

The Cathaoirleach declared the proposal CARRIED.

**Written Submission No. 51**

- Proposal to include the remains of an Auxiliary Workhouse (part of Liscarney House) at Liscarney, Cloghane in the Record of Protected Structures

**Chief Executives Response**

- ❖ This structure forms part of the remains of the outbuildings of the former Liscarney House. The remaining structures have special architectural and social interest and should be included in the RPS.

**Chief Executives Recommendation**

No amendment to the Draft Plan.

Mr. Stack informed members that the Chief Executive's Recommendation should state that this building should be included in the Record of Protected Structures.

Cllr. D. Healy-Rae said this building looks derelict and he asked if someone has plans to renovate it.

Cllr. B. Cronin PROPOSED that this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that the building the subject of Submission 51 at Liscarney, Cloghane be included in the Record of Protected Structures.

Cllr. P. Daly SECONDED this proposal.

A vote was taken which resulted as follows:

**For:** Cllrs. Connor Scarteen, Cronin, Daly, Flynn, Foley, Gleeson, Kennelly, D. McCarthy, McEllistrim, Moloney, Moriarty, O'Brien, Quigg, Brassil(14)

**Against:** None (0)

**Not Voting:** Cllrs. D. Healy-Rae, Locke (2)

**Absent:** Cllrs. Beasley, Cahill, Culloty, Ferris, Finucane, Fitzgerald, Grady, J. Healy-Rae, Kelleher, P. McCarthy, Nolan, O'Connell, O'Shea, Purtill, Sheahan, Spring, Thornton (17)

The Cathaoirleach declared the proposal CARRIED.

The Cathaoirleach PROPOSED 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 an objective in the Draft Plan to support the designation of Listowel as a Historic Town.

Cllr. J. Moloney SECONDED this proposal.

A vote was taken which resulted as follows:

**For:** Cllrs. Connor Scarteen, Cronin, Daly, Foley, Gleeson, Kennelly, Locke, D. McCarthy, McEllistrim, Moloney, Moriarty, O'Brien, Quigg, Brassil **(14)**

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

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

**Absent:** Cllrs. Beasley, Cahill, Culloty, Ferris, Finucane, Fitzgerald, Flynn, Grady, D. Healy-Rae, J. Healy-Rae, Kelleher, P. McCarthy, Nolan, O'Connell, O'Shea, Purtill, Sheahan, Spring, Thornton **(19)**

The Cathaoirleach declared the proposal CARRIED.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. P. Daly it was agreed to adopt the recommendations in the Chief Executive's Report in relation to Chapter 11 subject to the amendments previously agreed.

Cllr. P. Daly referred to his query under Section 7 on road signs 'as Gaeilge' and asked if it was appropriate to this Chapter.

The Cathaoirleach said this issue could be addressed in Chapter 13.

## Chapter 12 Zoning & Landscape

Mr. Stack briefed members on Chapter 12 as follows:

A number of submissions received relate to Landscape and Zoning, and these have been addressed under the relevant chapter headings of **(12.2)** Landscape Sensitivity/Landscape Capacity, **(12.3)** Zoning, **(12.4)** Views and Prospects.

### 12.2 Landscape Sensitivity and Landscape Capacity

Submissions 38 & 85 raise a number of points relating to landscape issues as follows:-

- Additional text relating to the following is suggested:
  - It should be stated that landscape and scenery constitute an economic asset.
  - References to the purpose of a Landscape Character Assessment for the county should be expanded.
  - Insert a table of landscape classifications.



- Include suggested text and objectives to strengthen landscape protection.
- Applications for new development in areas of landscape vulnerability or sensitivity should be required to prepare a visual/impact assessment to include photomontages, on-site height poles and landscape/impact statements setting out alternative sites that were considered and proposals to mitigate negative impacts.
- The environment and landscape of Killarney is important to the economy of County Kerry. It is important that approach roads to the national park are protected from overdevelopment and are aesthetically attractive to visitors.

### Chief Executives Response

- ❖ It is considered that Objective ZL-1 as contained in the Draft CDP “protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to the quality of people’s lives” recognises the role of landscape to the economy.
- ❖ It is considered Objective ZL- 2 to prepare a Landscape Character Assessment (LCA) of the County following the publication of the proposed National Landscape Strategy is sufficient to address issues raised in respect of Landscape Character Assessment. The format and approach taken in preparing the LCA will be in accordance with best practice.
- ❖ Landscape classification is part of the methodology for the preparation of a LCA. It would be premature to include landscape classifications in the Development Plan.
- ❖ The Draft Plan contains 3 no. Visual Amenity zonings, namely; **(1)** Rural Prime Special Amenity, **(2)** Rural Secondary Special Amenity and **(3)** Rural General. In primary and secondary amenity areas development is restricted. The Draft Plan recognises that a balance must be achieved between landscape protection and making provision for the housing and employment needs of the County’s rural population.
- ❖ In the case of all three types of amenity areas, new development is required to integrate into the landscape. It is considered that the objectives relating to development in amenity areas and the publication *Building a House in Rural Kerry (Kerry County Council 2009)* provides protection for the county’s landscapes. Building a House in Rural Kerry addresses siting issues such as the avoidance of upland areas and steep slopes and measures for integrating development into the landscape and reducing visual impacts.
- ❖ Objective ZL-5 states Kerry County Councils position in relation to the preservation of designated views and prospects and not to views and prospects in general. It is not considered appropriate to include non designated views and prospects in this objective. Visual impact assessments are carried out as part of the normal planning process with photomontages and on-site height poles requested where necessary. Site selection is dealt with in pre-planning and in the assessment of proposals

- ❖ Killarney National Park has the highest landscape protection in the plan - it is zoned as Rural Prime Special Amenity. Areas to the south and west of Killarney, between the development boundary of the town and the National Park are zoned Rural Secondary Special Amenity. The landscapes of areas in this designation are sensitive to development. Accordingly, development in these areas must be designed so as to minimise the impact on the landscape.

#### **Chief Executives Recommendation**

No Amendment to the Draft Plan.

#### **12.3 Zoning**

Three submissions No.s 71, 130 & 147 request the zoning of land as follows:-

- It is requested that the land zoned for light industrial use in the Tulligmore area of Killorglin in the Kerry County Development Plan 2009-2015 is carried forward into the new Plan and additional lands zoned.
- It is requested that a partially developed site, at Bawnluska, Castleisland, be re-zoned as Residential. Currently the site lies outside the development boundaries of the Castleisland Town LAP and is un-zoned.
- A submission relates to lands in Causeway, which are currently zoned for carparking. It is requested that the zoning be deleted along with the playground on adjacent land.

#### **Chief Executives Response**

- ❖ The zoning of land is currently addressed in Functional Area Local Area Plans which will be replaced by 4 Municipal District Local Area Plans. These plans will be prepared after the adoption of the County Development Plan in early 2015.
- ❖ The site in Causeway is zoned in the Tralee-Killarney Hub FALAP 2013-19 and is not contained within the Draft CDP.

#### **Chief Executives Recommendation**

No Amendment to the Draft Plan.

#### **12.4 Views and Prospects**

Submission No. 38 raises points relating to Views and Prospects as follows:-

- It is submitted that Objective ZL-5 be amended to include the 2<sup>nd</sup> line of paragraph 1 in section 12.4 which reads “there is a need to protect and conserve views and prospects adjoining public roads throughout the County”. Landscape conservation Areas will be addressed in the proposed County Landscape Character Assessment and in Municipal District Plans.
- Enhance views and prospects by removing derelict sites under the provisions of the Derelict Sites Act 1990.

- Views and Prospects and the route of the 'Wild Atlantic Way' should be reviewed and protected.
- Review the views and prospects within 2 years of the adoption of the plan.

### Chief Executives Response

- ❖ It is considered that the proposed amenity zonings combined with the views and prospects designations together with normal planning assessment considerations provide adequate protection to the landscape in the context of proposed development.
- ❖ Views and Prospects throughout the County will be reviewed as part of the proposed Landscape Character Assessment.
- ❖ The Views and Prospects along the 'Wild Atlantic Way' were reviewed in the preparation of this Draft Plan and adjusted accordingly.

### Chief Executives Recommendation

No amendment to the Draft Plan.

Cllr. P. Daly said at the previous meeting Cllr. Ferris made a proposal in relation to the landscape in North Kerry and this proposal was seconded. He discussed it with the planners and he PROPOSED that this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that it is considered that while the landscape of South and West Kerry are universally considered as being among the most scenic landscapes in the country from a tourist perspective, the landscape of the reminder of the county has also got significant tourism potential and needs to be protected from inappropriate developments which might detract from the landscape.

Cllr. J. Brassil SECONDED this proposal.

A vote was taken which resulted as follows:

**For:** Cllrs. Cronin, Daly, Gleeson, D. Healy-Rae, Kelleher, Kennelly, Locke, D. McCarthy, McEllistrim, Moloney, Moriarty, O'Brien, Quigg, Spring, Brassil **(15)**

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

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

**Absent:** Cllrs. Beasley, Cahill, Connor-Scarteen, Culloty, Ferris, Finucane, Fitzgerald, Flynn, Foley, Grady, J. Healy-Rae, P. McCarthy, Nolan, O'Connell, O'Shea, Purtill, Sheahan, Thornton **(18)**

The Cathaoirleach declared the proposal CARRIED.

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. D. McCarthy it was agreed to adopt the recommendations in the Chief Executive's Report in relation to Chapter 12.

### **Chapter 13 Development Management-Standards & Guidelines**

Mr. Stack briefed members on Chapter 13 as follows:

A number of submissions (namely 38,108,113,121,151,326) relate to Development Management-Standards & Guidelines, as follows:-

- It is essential that the current exemption from development contributions for agricultural development in Kerry County Council is retained.
- Kerry County Council must address the level of contribution required for residential development, in particular for one-off houses, in rural areas where the cost of infrastructural provision to the County Council is minimal.
- Businesses and premises should be prohibited from using neon signs outside and on windows.
- Planning decisions for the county need to be underpinned with real sustainability.
- All planning decisions need to be use as indicators/guides for future development. There needs to be continued energy demand reduction and renewable energy supply, etc in all planning decisions.
- Facilitate landscaping for biodiversity, food production and recreational amenity use and the development of productive green spaces.
- It is suggested that the parking standards provided in the Plan are minimum standards as invariably convenience retailing would have a higher demand for customer parking than non food retailing.
- A collaborative approach between the EPA and the local authority is needed to translate the requirements under the Noise regulations into practical application. In particular regarding monitoring of industrial noise output both day and night and late bar (music) noise that impacts on residents' health and well being.
- Best practice is needed in the installation and the review of current public lighting. These would benefit the environment, the communities and biodiversity and also as a means of supporting a dark skies initiative, on a county -wide basis.

### Chief Executives Response

- ❖ There is a Section on contributions and development charges in the Draft Plan (see Section 13.2 (pg 189). The Development Contribution Scheme (adopted 2011) sets out the level of contributions for all developments. The Development Contribution, Guidelines for Planning Authorities was published in January 2013 by the DoECLG. Kerry County Council is currently reviewing the existing development contribution scheme(s) to ensure compliance with the content of this guidance.
- ❖ The Council is satisfied that there are adequate policies, objectives and guidelines contained in the Plan regarding telecommunication masts and obsolete structures.
- ❖ Noise and nuisances associated with motor bikes and quads can be dealt with on a specific case by case basis. Specific noise levels, track/event opening hours and other environmental monitoring issues are dealt with at Development Management stage and it is inappropriate to attach any standards in the plan. Section 13.2 contains guidelines regarding noise pollution and these are considered sufficient.
- ❖ The Council, through planning legislation, implements the planning enforcement process, ensures compliance with regulations and the collection of bonds / development contributions.
- ❖ Throughout the Draft Plan, the policies and objectives promote sustainability. It is considered appropriate to further enhance the sustainable development criteria contained in the plan with particular regard to the Development Management section. It is recommended that all applications for residential and business units contain a Sustainability Assessment Report outlining the use of sustainable methods such as energy demand reduction, renewable energy supply, water conservation and recycling, promotion and use of sustainable urban drainage.
- ❖ 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. Further development management standards and specific controls are included at application stage.
- ❖ Businesses and shops are generally prohibited from using neon signs outside and on windows. The Planning authority encourages good shop front design and the control of signage and advertising.
- ❖ The Draft Plan contains guidelines for landscaping and screen in Sections 13.2 & 13.3. It is considered appropriate to further emphasise the importance of these guidelines and to promote them for biodiversity, food production and recreational amenity use and to facilitate the development of productive green spaces and other forms of green infrastructure.

- ❖ It is accepted that convenience retailing would have a higher demand for customer parking than non food retailing. It is therefore appropriate to increase the minimum parking standard for convenience retail shops to 7 spaces/100m.

### Chief Executives Recommendation

1. It is recommended that an additional section is included in Chapter 13.2:- Sustainability Assessment Report – All applications for residential and commercial/industrial units shall contain a Sustainability Assessment Report outlining the use of sustainable methods such as energy demand reduction, **renewable** energy supply, water conservation and recycling, promotion and use of sustainable urban drainage.
2. It is recommended that an additional Section is included in 13.3:- Facilitate planting and landscaping for biodiversity, food production and recreational amenity uses and promote the sustainable development of productive green spaces.
3. It is recommended to alter Section 3.5 (Pg 207) and insert:- Convenience Retail Shops – 7 car parking spaces/100 sq.m.

Cllr. P. Daly said there was nothing in Chapter 11 in relation to place names. He referred to Objective T-44 in the Draft Plan which aims to preserve the cultural and linguistic heritage of Gaeltacht areas and said the entire county was a gaeltacht a few generations ago. At the entrance to Killorglin the sign says 'Fáilte go Chill Orglan' and underneath it says 'Killorglin' so everyone can follow the signs. He said that the emphasis should be on the Irish version of the place name. The Placenames Manual recommends where the translation is similar the emphasis should be on the Irish name. He PROPOSED that where possible the Irish place names should appear first in capital letters with the English underneath.

Cllr. D. Quigg SECONDED this proposal.

Cllr. S. Locke said he was advised that he should wait until this Chapter was being dealt with to make his proposal as follows: *"he supported the development of the upper floors of commercial units in town centres for residential use on condition facilities for the proposer disposal of refuse are provided."*

The Cathaoirleach said he would first deal with Cllr. Daly's proposal.

Mr. O'Sullivan said the Place Names Order refers particularly to Gaeltacht areas and he outlined the legislative provision in relation to signage as previously requested by Cllr. Daly as follows:

"Road Authorities are empowered to provide traffic signs, if they consider them to be necessary, under Section 95 of the Road Traffic Act, 1961 (amended by the Road Traffic Act 1994).

Signs are divided into three categories – Information signs, Warning signs or Regulatory Signs. Regulatory signs are governed by statutory instruments.

The Department of Transport's Traffic Signs Manual provides a comprehensive guide to the format of non-regulatory traffic signs (i.e. information and warning signs). The Manual sets out all of the types of road signs and markings used in this country and the technical standards to be followed by Road Authorities in the provision of the various types of road signs and markings, including temporary signs for use in connection with road works. The technical standards prescribe the wording in Irish and English and the format of the script.

**The Manual has a statutory basis – it constitutes a directive from the Minister for Transport to Road Authorities under Section 95(16) of the Road Traffic Act 1961. Road Authorities are obliged under Section 95 (16) to comply with any directive given by the Minister.**

Road traffic signs need to be clear, concise and effective. They indicate the application of road traffic regulations and are essential for the efficient operation of the road network, the safety of both road users and road workers, and the enforcement of road traffic regulations.

Under the provisions of Section 2.1.14 of the manual, the prior written approval of the NRA (in respect of the National Road network) and the Department of Transport, Tourism and Sport (in respect of Regional and Local Roads) is required for the erection, removal and modification of directional signs.

The NRA directly manage and entirely fund the provision of road traffic signs on the National Road network. Since 2003, the Department of Transport, Tourism and Sport has funded the provision/replacement of directional signage on the Regional Road network (at a cost of €406,000 over the past 4 years).

Any proposal to change the format of road signage in the County Development Plan, from that prescribed in the Department of Transport's Traffic Signs Manual, would be non-compliant with the Ministerial Directive, under Section 95(16) of the Road Traffic Act, would result in inconsistencies with national signage standards and may impact on funding."

Mr. O'Sullivan said the type of signs referred to by Cllr. Daly i.e. 'Welcome to Killorglin' are not directional signs and the Council has its own policy on this type of signage. All signs must be in compliance with the Manual.

Cllr. Gleeson also supported Cllr. Daly's proposal and said he is referring to the logainmneacha. He spoke on this issue on many occasions in the past when he referred in particular to Aghadoe. He asked that the traditional spelling of an area would be used. There are five signs for Aghadoe and two of these are incorrect.

The Cathaoirleach said Cllr. Daly is suggesting that precedence would be given to the Irish language.

Cllr. Daly confirmed that was his proposal in relation to place names.

The Cathaoirleach asked if an objective to this effect could be included in the Draft Plan.

Cllr. P. Daly PROPOSED that this Council having considered the Chief Executive's Report and Recommendations on submissions received to the Draft Kerry County Development Plan 2015 -2021 hereby resolves that the Draft Development Plan be amended in order to give pre-eminence to the Irish language where place names are mentioned on road signs in accordance with Traffic Signs Manual (Section 1.1.48) 2010.

Cllr. N. Kelleher asked if this proposal is in accordance with the Traffic Signs Manual issued by the Department.

Mr. O'Sullivan said he understood if the proposal is in accordance with Section 1.1.48 of the Manual there is no need to include this objective as it is already provided for in legislation. He referred to Cllr. Gleeson's comments and said when Cllr. Gleeson raised this issue in the past he contacted the NRA who pointed out that the problem is with Coiste Logainmneacha.

Cllr. Moloney requested clarification on 'pre-eminence'.

Cllr. Daly said in the case of Listowel the sign would read LIOS TUATHAIL while underneath would read Listowel.

Mr. C. O'Sullivan pointed that the Traffic Signs Manual also states what text and slanting is used and all signage must comply with this Manual.

Cllr. Daly then read Section 1.1.48 which states that the sign can be in both Irish and English and he was asking that prominence would be given to the Irish.

Mr. C. O'Sullivan said putting the Irish first outside Gaeltacht areas contravenes the Traffic Signs Manual and Cllr. Daly's proposal contravenes this provision.

A vote was then taken on Cllr. Daly's proposal which resulted as follows:

**For:** Cllrs. Daly, Gleeson, Locke, Moriarty, Quigg, Brassil**(6)**

**Against:** Cllrs. Flynn, D. Healy-Rae, Kelleher, Kennelly, D. McCarthy, McEllistram, Moloney, O'Brien, Spring **(9)**

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

**Absent:** Cllrs. Beasley, Cahill, Connor-Scarteen, Cronin, Culloty, Ferris, Finucane, Fitzgerald, Foley, Grady, J. Healy-Rae, P. McCarthy, Nolan, O'Connell, O'Shea, Purtill, Sheahan, Thornton **(18)**

The Cathaoirleach declared the proposal DEFEATED.



Cllr. S. Locke referred to Page 85 and Objective US-6 and PROPOSED that this Council having considered the Chief Executive's Report and Recommendations on submission received to the Draft Kerry County Development Plan 2015 – 2021 hereby resolves that the following additional text be added to Objective US-6 'to ensure any such proposals would include adequate provision for waste storage and disposal.'

Cllr. M. Gleeson SECONDED this proposal.

A vote was taken which resulted as follows:

**For:** Cllrs. Daly, Flynn, Gleeson, D. Healy-Rae, Kelleher, Locke, D. McCarthy, McEllistrim, Moloney, Moriarty, O'Brien, Quigg, Spring, Brassil **(14)**

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

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

**Absent:** Cllrs. Beasley, Cahill, Connor-Scarteen, Cronin, Culloty, Ferris, Finucane, Fitzgerald, Foley, Grady, J. Healy-Rae, Kennelly, P. McCarthy, Nolan, O'Connell, O'Shea, Purtill, Sheahan, Thornton **(19)**

The Cathaoirleach declared the proposal CARRIED.

Cllr. D. Healy-Rae referred to Page 211 of the Chief Executive's report and to the third last paragraph which reads "All planning decisions need to be used as indicators/guides for future development. There needs to be continued energy demand reduction and renewable energy supply, etc. in all planning decisions". He called on planners to follow their own recommendations on this as they are insisting on small windows in houses. He asked if his previous query in relation to signage to allow business to advertise where a town/village has been by-passed was agreed.

The Cathaoirleach said the Guidelines from the NRA allow for the provision of signs to promote events in the short term but long term signage is not permitted. He then advised members that in relation to Chapter 13 there are three recommendations made by the Chief Executive.

On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. T. O'Brien it was agreed to adopt these recommendations.

The Cathaoirleach thanked members for their co-operation and consideration of the Chief Executive's report. He thanked Mr. McMahon, Mr. P. Stack and all the Planning staff for their work on the review of the County Development Plan.

Mr. McMahon thanked the members for their detailed consideration of the Chief Executive's report. An EIS and AA will now be carried out on all the amendments and this would take a few weeks. When they are completed the amendments would be put on public display for a period of 4 weeks. They then have 4 weeks to prepare the Chief Executive's report on the submissions received. It is likely that the next Chief Executive's report will issue to members Christmas week and they will have 6 weeks to consider it. It is hoped to consider the Chief Executive's report in January and that the Plan will be adopted in early February. It will take effect 4 weeks after the making of the Plan.

The meeting concluded at 5pm.

**Gerard O'Brien**

**A/SEO Corporate Affairs**

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**Cathaoirleach of Kerry County Council**