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**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE COMHAIRLE  
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN  
CHONTAE, TRÁ LÍ, AR AN LUAN 6 EANAIR 2014 A CIOREADH AR ATHLÓ.**

**MINUTES OF THE ADJOURNED SPECIAL PLANNING MEETING OF KERRY  
COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN  
CHONTAE, TRALEE ON MONDAY 6<sup>th</sup> JANUARY 2014.**

**PRESENT/I LÁTHAIR**

***Councillors/Comhairleoirí***

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	S. Counihan
B. Cronin	J.J. Culloty	P.J. Donovan
T. Ferris	J. Finucane	S. Fitzgerald
N. Foley	M. Gleeson	M. Griffin
D. Healy-Rae	J. Healy-Rae	P. Leahy
P. McCarthy	A. McEllistrim	T. O'Brien
B. O'Connell	P. O'Donoghue	M. O'Shea
L. Purtill	J. Sheahan	G. Wharton-Slattery

**IN ATTENDANCE/I LÁTHAIR**

Mr. T. Curran, Co. Manager	Mr. M. McMahon, Dir of Planning
Mr. J. Breen, Dir. Hsg. & Comm. & Ent	Mr. J.D. Flynn, Dir. Corp. Serv.
Mr. G. MacNamara, D/Dir. of Roads	Mr. P. Stack, SE Planning
Ms. M. Enright, Sen. Exec. Planner	Ms. E. Kelleher, Asst. Planner
Ms. D. O'Malley, Sen. Exec. Planner	Mr. E. Fleming, Executive Planner
Ms. A. M. Costelloe, Asst. Planner	Ms. A. Murphy, Assistant Planner
Mr. A. Doyle, Exec. Planner	Ms. C. Fisher, Biodiversity Officer
Mr. T.J. O'Mahoney, Exec. Planner	Mr. G. O'Brien, Mtgs. Administrator
Mr. L. Brosnan, AO Planning	Ms. B. Reidy, S.S.O. Corp. Affairs

The meeting commenced at 10.35 am.

The Mayor, Cllr. S. Fitzgerald took the Chair.

**Coastal Erosion**

The Mayor said he received a number of phone calls over the weekend in relation to coastal erosion and he would allow a discussion on this prior to commencing the discussion on planning.

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Cllr. P.J. Donovan said the weekend storm did a lot of damage in Caherdaniel, Cromane, Renard and in many other locations in South Kerry. He visited Cromane where he saw homes that were flooded. The funding allocated for coastal protection is not at all adequate. The wall at this location must be risen and there is no point in waiting until another storm occurs. He called on Kerry County Council to secure the homes at the end Cromane. He also requested that works would be carried out at Kells.

Cllr. L. Purtill said at 6am the previous Friday he was in Bridge Street in Ballylongford and 10 minutes later the street was awash with water and houses were flooded. It is one of the saddest sights he had ever seen and but for the efforts of Kerry County Council it would have been far worse. This area was flooded again that morning. He called on the Council to provide two skips in Bridge Street to allow residents to clear out their homes. This bridge was replaced in 1926 and he felt it should now be surveyed and he asked that works would be carried out on the banks. Some houses do not have insurance as a result of previous flooding and he asked if anything can be done for them. Cllr. Purtill also referred to the incident in Clounmacon where it is a miracle a lady was not drowned and he said it is urgent that cul-de-sac signs are erected in a prominent position on these roads. In conclusion Cllr. Purtill said he hoped some funding could be provided for the families in Bridge Street who were affected by recent flooding.

Cllr. R. Beasley supported the sentiments expressed by previous speakers and said the scene in Ballybunion and the Cashen over the weekend was one of utter devastation. The North and South beaches in Ballybunion were also impacted with six to eight feet of sand washed away on the North Beach. Work carried out by the Council at Yellow Point was also washed away. As a result of high tides and the storm that morning there was further damage in these areas. The swells that morning were 15m high and he had never seen it that bad in his lifetime. In the Cashen houses at the forefront were flooded with 18 inches of water and many elderly people were very frightened. The previous Friday sandbags were provided by the Council and this was welcome. Some fairways in Ballybunion Golf Club were flooded and the foreshore was washed in. It will cost thousands of Euros to carry out repairs. In the past work was done to raise the bank at Ballyhorgan and from Lixnaw to the Ferry Bridge but the water still came to within 14 inches of the top of the bank. Councillors living in coastal areas have highlighted this problem for many years but the funding provided nationally is not adequate. He called on the Government and Minister Brian Hayes, who visited the county and provided funding for a certain amount of work to be done, to provide the funding necessary to protect these areas.

Cllr. J. Brassil said all coastal areas suffered in a similar way. The storms on St. Stephen's Day and New Year's Day have weakened many coastal areas. In Ballyheigue the seawall was washed away and as a result houses are in danger of flooding. Sand bags were provided by the Council but another storm is

forecast for the following Wednesday. This is an emergency situation. In the middle of the sand dunes in Ballyheigue there is a lake of seawater which never before happened. Sandhill Road is flooded and there is just 100 m of sand dunes between it and the beach. A huge amount of debris was washed up on the beach and the sand dunes. At Dromatoor Pier where the Sea Rescue launch their boat the Pier is blocked with debris and boulders and this needs to be cleared. There are two areas on the road to Kerry Head where the road is now flush with the sea. He was concerned if there was further erosion at these two locations there could be a fatality and he said these two areas need immediate attention. There is also an urgent need for a Government response to the immense damage done by the recent storms. A huge cleanup is required in coastal areas prior to the tourism season.

Cllr. M. Griffin said urgent works are required in Glenbeigh and at Inch to protect the coastline. Considerable damage was done at these locations and also in Castlemaine over the past few weeks. This is a national issue and he called on the Council to contact the Government with a view to securing funding for these areas immediately. He also requested that the OPW would be contacted to call on them to secure homes at Cromane immediately. The main bank must be reinforced and the bank risen further. There must be a multi-departmental approach to this problem. It is imperative that a plan is put in place immediately to address it. Funding will be required for the next 10 to 15 years to protect these banks. The effect of the flooding on farming is devastating with hundreds of acres flooded in the previous few weeks. Cllr. Griffin complimented the emergency services who provided an excellent service during the recent storms. Storm barriers were erected at Inch but they were not completed as the Council is still paying the loan for this work.

Cllr. D. Healy-Rae said the people at Foiladown were badly affected by the recent flooding and they were marooned. A small amount of work would facilitate them to gain access to their homes during bad weather. One couple had to sleep in their car as they could not access their home. Homes in Tullig, Castleisland were again flooded on the 29<sup>th</sup> December and he believed this is the responsibility of the OPW. In the past they sorted this problem but it has re-occurred. He thanked the Castleisland area staff who were out all night assisting the residents. He called on the Council to contact the OPW to request that they resolve this issue immediately. Roads in East Kerry were ravaged by the recent floods and many culverts are blocked. He was aware that the level of funding available is not sufficient to allow all these problems to be resolved. However he requested that an application for emergency funding would be submitted to the Department as soon as possible. Cuss Pier was very badly damaged also by the recent storms and it is no longer safe. It is close to houses and he asked that emergency works would be carried out there immediately. At Rossdohan a lot of good work was done to open up the channel for the fisherman. Unfortunately this was now filled in as a result of the recent storms. He asked that emergency funding would be sought to clear this channel again. Residents in Rockfield were

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also cut off as a result of recent flooding and he asked that works would be carried out in this area also.

Cllr. M. Cahill said he was up most of the previous night with people whose homes were in danger of being flooded. Since he was first co-opted to Kerry County Council in January 1990 he had lobbied for funding for coastal protection works at Rossbeigh. Coastal protection has not been given the priority it deserves. He recalled going to the Christmas meeting in Scartaglin in 2008 at which time the Spit at Rossbeigh had been breached and he warned that protection works were urgently needed. Since then 250 acres of land have been washed away and this has implications for Incharee and the other town lands in the area. Hundreds of thousands of euro worth of damage was caused as a result of the recent storms and high tides at Glosha etc. The playground and tennis courts were badly damaged in Glenbeigh. He was very concerned for the people whose homes were flooded with seawater. There are further high tides predicted over the next few weeks and he emphasised the urgent need to secure funding to help people impacted along our coast. He asked that the OPW and Minister Brian Hayes would be invited to Kerry to see the damage caused by the recent storms. Cllr. Cahill requested that a submission for funding would be made to the EU also. People are being asked to pay Property Tax but they are now questioning why they should pay when their homes are being flooded and nothing is being done to prevent it. He emphasised the need to restore these areas. Salt water does tremendous damage to homes and he had great sympathy for the people impacted.

Cllr. J. Healy Rae said he visited Rossbeigh and Cromane the previous day and there is an onus on the Council to restore these areas. Severe damage was also caused to Cuss Pier, Rossdohan and Kells. Once salt water gets into a house it is only fit to be knocked. We are now seeking direction from Government and he suggested that a delegation of councillors from coastal areas would seek a meeting with Government on this very urgent issue.

Cllr. T. O'Brien said all coastal areas have been badly hit by the recent storms and it may be up to Kerry County Council to restore these areas. This is a huge amount of work and he said members are looking to the County Manager for direction.

Cllr. S. Counihan concurred with the views expressed by previous speakers in particular in relation to coastal areas. A few months ago he moved a Notice of Motion in relation to roadside trees and a number of trees were knocked during the recent storms and fortunately there were no fatalities. A considerable amount of funding will be required for the clean up and this emergency funding should come from the Government and the EU. The entire western seaboard needs to be protected. Cllr. Counihan called on Oireachtas members to seek funding for these works from the Minister and the Government.

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Cllr. P. McCarthy empathised with those living in coastal areas that were badly affected by the recent storms. A lot of damage was caused by falling trees and he thanked the Council staff who risked their own safety at night and in the early hours of the morning to assist those in need. He suggested that a letter of thanks should issue to all staff involved. He called for the establishment of a Climate Response Unit in the EU and for Government assistance for those communities badly affected by recent storms.

Cllr. P. Connor-Scarteen said it is important to protect the people of Kerry. In Rossbeigh 1m tonnes of sand were washed away and this will have a detrimental effect on tourism. However the greatest impact will be on those living nearby. Considerable damage was also done at Cuss Strand, Stookisland etc. Householders whose homes were flooded as a result of the recent storms will not be able to get insurance and something must be done to help them.

Cllr. M. Gleeson thanked and commended the Council staff for their heroic efforts during the recent storms. The amount of water flowing onto public roads from elevated sites is a disgrace. These sites should have a soak pit to prevent this from happening. There is something wrong when the By-Pass and new roads have ponding and this is also the case where the road was improved at the Castle Heights. He moved a Notice of Motion in relation to road side trees at the September Council Meeting and it is now more relevant than ever. At that time he asked that only trees that would reach a maximum height of 4 m would be permitted on the side of public roads. He drove through Mission Road two weeks ago and felt fearful. Half an hour later a massive tree fell and blocked the road. He walked Rossbeigh Beach before the severe storm and the sand was cascading down. There is an obligation on the Council to protect those who live there.

Cllr. J. Finucane said he was familiar with the flooding in Tralee a number of years ago. At that time Tralee Town Council applied to the EU under the Peripheral Fund for funding to address this problem. It is devastating for families affected all along the West Coast. There are two regions in Ireland – (1) Dublin and (2) the rest of the country. There are seven counties on the Western coast and they should co-host a major coastal protection plan and all our efforts should be put into implementing this plan. It has already been suggested that these counties should fund and promote the Wild Atlantic Way. They should come together and formulate a policy and a plan. He PROPOSED that each county involved in the Wild Atlantic Way would be contacted with a view to initiating a Plan for the West of Ireland.

Cllr. G. Wharton Slattery concurred with views expressed by Cllr. Finucane and said it was miraculous people were not killed during the recent storms. A lot of damage was done at Banna and Fenit. She paid tribute to the services i.e. Eircom, the ESB and Council workers who worked so hard to restore services during and following the recent storms. It will not be possible to quantify the full

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extent of the damage inland until the weather eases. She asked that all life buoys would be checked to ensure they were not washed away.

Cllr .T. Ferris said people finally appreciate the value of ESB workers. There must be a greater emphasis on the provision of adequate funding for coastal protection. She called on management to clarify whether the Fire Service is allowed to pump out a private house or not. In the Tralee area where a private residence was flooded they did not pump out the house.

Cllr. P. Leahy supported the views expressed by previous speakers. He thanked the Emergency Services, including the Gardai and in particular the Council staff, especially in Ballylongford where they provided excellent assistance to residents. They were in Ballylongford at 5 am that morning and assisted residents in every way they could. The problem in Ballylongford is the bridge as the water comes in over it. The Parish Hall, which was recently refurbished, was flooded. In conclusion Cllr. Leahy asked what is Council policy in relation to dangerous trees on the roadside.

Cllr. J.J. Culloty thanked Council staff and ESB workers who did excellent work during the recent storms. He agreed with the views expressed by previous speakers in relation to flooding at Foiladown and said a small amount of money would help resolve this problem. A lot of water is flowing onto roads from the fields and while this cannot be avoided it is important to keep all drains open. There is a Solidarity Fund for emergencies and this is an emergency. He called on the members of Government parties to put pressure on the EU to provide funding to Ireland from this Fund.

Cllr. N. Foley acknowledged the contribution of Council staff during the recent bad weather and said emergency funding must be provided for coastal areas. While she acknowledged that funding is not available locally she said national emergency funding should be provided. While attending an Emergency Response Conference a few years ago members were told that a co-ordinated response works well. There is now a need for a national co-ordinated response to this emergency. Cllr. Foley said there is also a need for a Government Insurance Scheme for those who cannot get insurance and are at the mercy of mother nature.

Cllr. J. Sheehan said he is originally from Glenbeigh and it is sad to see Rossbeigh in ruin. The playground is badly damaged and the road is gone. This is a scenic area and funding is urgently needed to restore it. A deputation was received at the South West Kerry Area Committee meeting in October from the residents of Glenbeigh and they pointed out the potential dangers from flooding for the area. At that time there were informed a survey was being carried out by UCC and they would not qualify for funding from the EU until this report is completed.

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Cllr. A. McEllistrim emphasised the need to secure funding for coastal areas and said that county roads are also badly affected by recent flooding.

Cllr. B. Cronin called on the Government to recognise the devastation caused by recent storms and said there is an urgent need for funding. This could have serious consequences for local authorities and he wanted to put on record his concern and he pleaded with the Government to provide funding. He appealed to people who have dangerous trees to get them topped. He thanked the emergency services i.e. County Council, Fire Brigade, ESB and Eircom for their excellent work over the last few weeks. He was without power for three days and it was a crew from Carlow that restored the supply. Some households cannot get insurance because they were flooded in the past. There are areas that are prone to flooding and it is unfair to put householders and business people in this position. Some kind of insurance scheme should be made available for them.

Cllr. R. Beasley suggested that a Special Meeting should be held and Minister Brian Hayes invited to address members on the issue of global warming. He added that three steel doors on the Sea Rescue building in Ballybunion were badly damaged by the storm that day.

The County Manager said the highest rainfall in the country was in Valentia and this combined with exceptionally high tides and winds over the past 2 weeks caused a lot of damage. As a result houses were flooded and land saturated. Kerry has the longest coastline and it is a designated soft coastline. Part of the problem is that little or no funding was provided for coastal protection in recent years. A number of years ago major works were carried out at Inch and the Council is still carrying a substantial deficit on that loan. Whatever funding is provided by central government for coastal protection the local authority is expected to come up with a 25% local contribution and this is very difficult. 100% funding should be provided by central government. A few years ago Kerry County Council applied for €50m for coastal protection works at a time when just €2m per annum was being provided for the entire country. He thanked members for the kind comments to the staff who worked so hard over Christmas. He added that there is only a limited amount of work the Council can do in the circumstances and this includes providing sandbags. As a result of recent storms some areas that were never flooded before are now flooded. We must now prioritise our repair and cleanup plan and a submission will be made to the Department for emergency funding. The Budget for 2014 was prepared in difficult economic circumstances and it was the most difficult Budget to balance therefore emergency funding cannot be provided out of the normal budget in the coming year. As a result we can only give a limited response to a situation like this. If funding is provided it would be at the expense of other services. We have a very limited income stream and no properties were valued in the county for a number of years. That makes it very difficult for us. We do the best we can in emergencies like this and we try to help homeowners when we can. He referred to Cllr. Ferris's query and said on occasion a decision is taken not to send

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emergency services to a road traffic accident as adequate staff numbers would not then be available in the event of a further emergency. He undertook to investigate her query further to ensure there is consistency in the county. Trees can cause a lot of damage and on superficial examination they appear to be okay. However when you get an expert in that is not always the case. While we try to preserve trees if we think a tree is dangerous it is removed. Just before Christmas a tree was felled at County Buildings that looked perfect but when it was felled it was rotten on the inside. A lot of damage was done in other areas on the West Coast also and further damage is likely over the next few weeks.

Cllr. R. Beasley asked if the Minister would be requested to attend a Special Meeting of the Council.

Cllr. M. Cahill agreed with the Manager that grants for coastal protection works should be 100% funded by Government. However in relation to the works carried out at Inch he said a commitment was not honoured by the Minister. A large amount of data is available on Rossbeigh since 2008 and it should be possible to finalise the report now. A few areas are in urgent need of works including Cromane Lower, Incharee and Bridge Street, Killorglin. The silence from the Minister, in response to this crisis, has been deafening.

### **14.01.06.01 Date for a Special Planning Meeting**

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M Gleeson it was agreed that a further Special Planning Meeting would be held on the 13<sup>th</sup> January 2014 to conclude consideration of the Draft County Development Plan 2015 - 2021.

### **14.01.06.02 Start time for the Kerry County Council 2014 Budget Meeting**

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley it was unanimously agreed to commence the Kerry County Council Budget 2014 Meeting immediately after the Special Planning Meeting on Monday, 13<sup>th</sup> January 2014.

### **14.01.06.03 Draft Kerry County Council Development Plan 2015 – 2021**

### **Members Duties under Ethics Legislation**

Mayor Fitzgerald 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.



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“Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must

- (1) Disclose the nature of his/her interest or the fact of a connected persons interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.”

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

Mr. M. McMahon, Director of Planning said despite what the Agenda says while 7 Chapters were dealt with at the previous Meetings Section 7.5.2, which refers to Telecommunications, was not dealt with as the number of members present at the meeting at that point was not sufficient. Mr McMahon referred members to Pages 130 and 131 of the Draft Plan and said major changes have been made to the Draft Plan in comparison with the current County Development Plan in that the 1 km rule was removed. The current Plan includes provision that permission will not be granted for telecommunication masts within 1 km of schools residences etc. This has caused huge difficulty for planners. The vast majority of masts are within that distance of houses. The Development Plan encourages the provision of a world-class telecommunications infrastructure yet the 1 km rule means that these applications cannot be dealt with in a positive manner. Since 2009 the Planning Department has dealt with 70 such applications and 61 were refused while 9 were granted. Of the 61 refused 55 were appealed to An Bord Pleanála and in 49 cases Kerry County Council's decision was overturned on the grounds of conflicting objectives in our County Development Plan. For that reason Management feel our Development Plan does not comply with Ministerial Guidelines in relation to telecommunications infrastructure. On 19 October 2012 the Minister issued Guidelines to planning authorities in relation to telecommunications antennae. One of the Guidelines advised that a planning authority shall grant temporary permission on the assumption that technology was advancing so rapidly there would be no need for these masts in time. However this is not the case therefore masts will continue to be a feature of the telecommunications infrastructure. As a result planning authorities were subsequently advised not to grant temporary permissions. The Guidelines issued by the Minister also deal with special provision for masts and other infrastructure and he read the following from the Guidelines in relation to the inclusion of the 1km rule *“Such distance requirements, without allowing for flexibility on a case-by-case basis, can make the identification of a site for new infrastructure very difficult. Planning authorities should therefore not include such separation distances as they can inadvertently have a major impact on the rollout of a viable*

*and effective telecommunications network*“. Mr McMahon said that forms part of the Guidelines issued to planning authorities under Section 28 of the Planning and Development Acts 2000 to 2013. Management are opposed to the inclusion of the 1 km rule in the Draft Plan and they are satisfied the Draft Plan, at present, is in compliance with Ministerial Guidelines. This is the correct policy if we are serious about rolling out a modern telecommunications infrastructure in the county. If the 1 km rule is included in the Draft Plan it will not comply with Ministerial Guidelines and members must put forward planning reasons outlining why the Plan cannot comply with the Guidelines.

Cllr. J. Brassil said the 1 km rule has served no purpose. Members are continually asking for the telecommunications network to be upgraded and they also call for more foreign direct investment. Members cannot look at this in isolation as we are the laughing stock of the country. The 1 km rule is impractical and impossible to implement. He suggested that each application should be dealt with on its merits. The inclusion of the 1 km rule in the Draft Plan means that every application for a mast, if it is located within 1 km of a house, business premises or a school must be refused without proper analysis. It is then appealed to An Bord Pleanála. This portrays a very bad image of the county. He was firmly in favour of what is included in the Draft Plan and that each application would then be dealt with on its merits.

Cllr. J. Finucane concurred with the views expressed by Cllr. Brassil in relation to the 1km rule. It does not reflect well on the members and it questions members' progressive approach to planning. Members should be focussing on other issues. We need a modern telecommunications infrastructure in the county. With the inclusion of the 1km rule planners hands are tied and each application is only delayed as the majority of the decisions are successful on appeal to An Bord Pleanála. He pointed out that planners are allowed take the visual impact into account under planning Guidelines. In Donnybrook there is a lovely grove of trees and this camouflages antennae. Cllr. Finucane said a lot more can be done to blend masts into the landscape.

Cllr. N. Foley asked when an application for a mast is submitted at present, if it is proposed to be located within 1km of a house, school or business, is it automatically refused without further investigation.

Cllr. D. Healy-Rae called for the retention of the 1km rule. He still wants broadband to be available but he supports communities who do not want masts located near them. It is not the mast that causes a problem but the antennae and the radiation from it. Service providers identify an area that is most economically viable for them and that is not fair on local communities. There are plenty of vantage points in the county but they would be more expensive to access. Cllr. D. Healy-Rae said these companies are making enough profits to locate masts in more remote areas. He pointed out also that Eircom does not upgrade their

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infrastructure and many of the Eircom poles are rotten. Cllr. Healy-Rae said there is no landline to Blackwater now so how can they get broadband.

Cllr. P. McCarthy said the 1 km rule was introduced because of fear of health risks from antennae. He said, however, that the greatest health risks are from the use of mobile phones.

Cllr. T. Ferris said members included the 1 km rule in the County Development Plan as they were not convinced there were no health risks from antennae. She was not aware of primary school children using mobile phones however they are in close proximity to masts and antennae. The gentleman from Tipperary, who made a presentation to Council, told members of his experience. During the presentation by O2 she asked them why they indemnify the Gardai for health concerns where masts are located at Garda Stations. He could not give a reply to this. If the Draft Plan does not comply with planning guidelines on this issue it can be stated it is being included for health reasons. Cllr. Ferris said there should also be a specified distance between a wind turbine and the nearest residence. She PROPOSED that the 1 km rule would be retained and she asked that all other aspects of the planning application for a mast would be dealt with in case of appeal. She referred to the statistics given by Mr McMahon that 49 out of 55 applications appealed to An Bord Pleanála were subsequently granted and said she understood applications have not been fully evaluated in the first instance and as a result we are not making a strong enough case as to why the application is refused. Management informed members there is no health risk in relation to the use of fluoride in public water supplies but she was not convinced of this. She urged all councillors to support the 1 km rule.

Cllr. M. O'Shea said a few years ago it was proposed to locate a mast within 100 yards of the National School in Annascaul. As a result of pressure from local people this proposal did not proceed. He acknowledged that it is widely accepted there is a danger from using mobile phones but said the danger from masts for a local community, especially in enclosed areas, cannot be disregarded. People need to be protected and the 1 km rule needs to be further debated in relation to risks from radiation from the masts and antennae.

Cllr. B. Cronin accepted that Kerry requires modern broadband and telecommunications infrastructure. However as Chair of the Planning SPC he invited service providers and interested groups to make presentations to them. Many different arguments were put forward and the service providers said there was no danger from masts or antennae. However the proximity of masts to schools and homes is a very real concern for members. He listened to all sides with an open mind but this issue raised concern for him. Conflicting arguments were put forward in relation to radiation readings from masts and the evidence put forward raised serious doubts in relation to the safety of masts. The Éircom lines are antiquated and have not been renewed. New fibre optic cable can deliver broadband to all parts of the county but there is no mention of this.

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Providers want to select the location of the masts without regard for the local community. Members are bound by Ministerial Guidelines, however, if they have serious health concerns for the community they should be able to act accordingly. He pointed out that it takes time for all information, in relation to health concerns regarding masts, to be published. In conclusion Cllr. Cronin said he supported the retention of the 1 km rule.

Cllr. J. Brassil PROPOSED that the policy as set out in the Draft County Development Plan be adopted.

Cllr. J. Finucane SECONDED this proposal.

Mr M McMahon referred to Cllr. Foley's query in relation to how the Planning Department deals with an application for a mast and said each application is dealt with on its merits. It must first be established if the application complies with the County Development Plan and they may seek further information if appropriate. If an application for a mast is received and the 1 km rule is in the County Development Plan any further information request is disingenuous. In these situations they do not request further information. 9 out of 70 applications were granted while a further six were refused by An Bord Pleanála on amenity grounds. These applications would have been refused by the Council on these grounds also. Mr McMahon again referred members to Page 5 of the Draft Plan and read the following:

*"In accordance with Section 28 of the Planning & Development Acts 2000-2013, a Planning Authority shall append to the Draft Development Plan, a statement that:-*

- Demonstrates how the Planning Authority has implemented the policies and objectives of the Minister contained in Section 28 Guidelines when preparing the Draft Plan.*
- If applicable, where a Planning Authority formed the opinion that it is not possible because of the nature and characteristics of the area, or part of the area, to implement certain policies and objectives of the Minister contained in the Guidelines; it shall give reasons for the forming of the opinion and why the policies and objectives of the Minister have not been so implemented."*

Mr. McMahon said the question that now arises for members is what are the characteristics of Kerry that make it different so that the Guidelines will not apply.

Cllr. D. Healy Rae pointed out that there are plenty other vantage points.

Mr. McMahon said if you pick any location in Kerry and draw a 1 km circumference around it you will find a house.

Cllr. J.J. Culloty asked if the 1 km rule is not included what rule will then apply.

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Mr McMahon said no rule in relation to the distance between a mast and a house etc. would apply.

Mr. O'Brien said a vote would then be taken on Cllr. Brassil's proposal.

Mr. McMahon said as this proposal was in agreement with the Manager's Report the vote should be taken on Cllr. Ferris's proposal.

Cllr. J. Brassil said he had difficulty with Cllr. Ferris's proposal as no alternative was suggested. Masts have been in place for years. The proposal in relation to national secondary roads was already carried and is valid. It is now proposed to include policies in the Draft Plan which will weaken all proposals.

Mr. McMahon says planning legislation states that the Draft Plan is the Plan unless amendments are made by resolution. Cllr. Healy Rae's proposal is that members would not adopt what is contained in the Draft County Development Plan in relation to masts.

Cllr. T. Ferris said she PROPOSED that members would not adopt Section 7.5.2.

Cllr. B. Cronin SECONDED this proposal.

Mr. J.D. Flynn suggested that the resolution to be voted on by Council could read as follows "*That this Council resolves not to adopt the County Manager's report in relation to Section 7.5.2 and 7.5.3 pending an alternative proposal in relation to telecommunication masts*".

Mr. McMahon pointed out that members must have regard to Ministerial Guidelines. If they form the opinion that it is not appropriate to have such a policy in the County Development Plan the onus is on members to state the nature and characteristics of the area that do not allow them to implement certain policies and objectives of the Minister contained in the Guidelines. Members must also give reasons for the forming of the opinion and why the policies and objectives of the Minister have not been so implemented. He pointed out that health and safety issues are dealt with by another organisation.

Cllr. T. Ferris said the Guidelines state that members can have regard to other County Development Plans. She undertook to revert to the next meeting on the 13<sup>th</sup> January with a proposal in relation to telecommunication masts.

Cllr. J. Finucane said the reason the Minister has taken on these powers is that mistakes were made in the past.

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Cllr. J. Brassil asked if members vote to remove the policies set out in the Draft Plan in relation to telecommunications and propose a further wording to be included, when the Draft Plan is submitted to the Department will they say it is not in line with legislation and guidelines and return it for reconsideration.

Mr. McMahon said Circulars issued by Minister Jan O'Sullivan were brought to member's attention. The Government has the power to issue direction and guidelines and the Minister outlined three cases where she returned County Development Plans as they did not comply with national guidelines. It is not possible to predict what the Minister will do in this case. He again stated that members must provide planning reasons in support of their proposal.

Cllr. M. O'Shea said this issue should be referred back to the telecommunications industry. RTE have a mast in Clare and another in Cork. He asked would one mast not suffice.

Cllr. N. Foley pointed out that this is the members Plan and they should let the Minister do what she must do. Members must do what they think is best for the people of Kerry.

Cllr. P. McCarthy said the Director said that another authority is responsible for radiation from masts. He asked when an application is submitted for a mast near a school how is it dealt with.

Mr. McMahon said the Guidelines state another body deals with radiation. Kerry County Council is not a competent authority to deal with that issue. Therefore, we cannot refuse an application based on health and safety grounds.

A vote was then taken on the proposal made by Cllr. T Ferris as follows:

That we the members of Kerry County Council resolve that we do not adopt Paragraph 7.5.2 / 7.5.3 in the County Manager's report on the Draft County Development Plan pending an alternative proposal in relation to masts and antennae.

This proposal was seconded by Cllr. B. Cronin.

The vote resulted as follows:

**For:** Cllrs. Beasley, Buckley, Connor-Scarteen, Counihan, Cronin, Culloty, Donovan, Ferris, Foley, Gleeson, D. Healy-Rae, J. Healy-Rae, Leahy, McEllistrim, O'Donoghue, O'Shea, Wharton Slattery  
**(17)**

**Against:** Cllrs. Brassil, Finucane, McCarthy, Sheahan, Fitzgerald **(5)**

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

**Absent:** Cllrs. Cahill, Griffin, O'Brien, O'Connell, Purtill **(5)**

The Mayor declared the proposal CARRIED.

**(a) Chapter 8 Natural Resources**

**8.1 Introduction**

Kerry has a number of naturally occurring resources that contribute to the social and economic fabric of the County. These include water resources, agriculture, forestry, fisheries, renewable energy and extractives.

Objective No.	Strategic Objectives
	<b>It is an objective of the Council to:-</b>
<b>NR - 1</b>	Maximise the economic potential and development of natural resources in a sustainable manner while ensuring no significant adverse effect on the environment including the integrity of the Natura 2000 Network through the implementation of the objectives and the Development Management, Guidelines and Standards of this Plan.
<b>NR - 2</b>	Maximise the employment potential of the natural resources within the County in a sustainable way through the promotion of associated industries at appropriate locations.
<b>NR - 3</b>	Ensure that the development and exploitation of natural resources does not result in any significant adverse effects on the local community.

**8.2 Extractives Industry**

Applications for mineral extraction will therefore be considered on their merits in terms of potential for impacts on the environment and the proper planning and sustainable development of the area. As part of the assessment process, due regard will be given to the DEHLG (2003) 'Planning Guidelines on Control of Quarries'.

The Planning Authority will where appropriate, support the extractive industry by issuing planning permission with a timeframe that extends over the estimated life of the quarry.

Objective No.	General Extractives Objectives
	<b>It is an objective of the Council to:-</b>
<b>NR- 4</b>	Facilitate the sustainable development of the extractive industry and seek to ensure the ongoing availability of an adequate supply of aggregates for the construction industry, while ensuring environmental protection, through the implementation of the objectives and Development Management, Guidelines and Standards of this Plan.
<b>NR- 5</b>	Ensure all extractive development proposals comply with the objectives of this plan as they relate to development management standards, flood risk management requirements and the protection of landscape, biodiversity, infrastructure, water and air quality, built and cultural heritage and residential amenity.
<b>NR- 6</b>	Ensure that quarrying and mining proposals are not permitted in areas where the visual or other impacts of such works would significantly adversely injure the amenities of the area or create significant adverse affects on the road network in the area.
<b>NR- 7</b>	Ensure that development for aggregates / mineral extraction, processing and associated concrete production will be prohibited in Prime Special Amenity Areas and will not generally be permitted in other open or sensitive landscapes.

### Foreshore Extraction

The extraction of material from the foreshore, beaches, sand dunes and watercourses can have serious adverse impacts on the environment. The Council will seek to prohibit such extraction from occurring.

Objective No.	Protection of the Foreshore
	<b>It is an objective of the Council to:-</b>
<b>NR- 8</b>	Utilise its powers to prevent, where appropriate, the extraction of inorganic material from the foreshore and watercourses. Proposals necessary for the purposes of flood risk management navigation route protection etc will be considered on their merits and will be subject to detailed environmental assessment. As part of this the potential for impact on fisheries and Natura 2000 sites will be taken into consideration

### 8.3 Forestry

In 2011, over 5,620 individuals were employed in Agriculture, Forestry and Fishing in the County. The expansion of forestry is also a national objective.



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In Kerry, approximately 55,000 ha (11.5%) of the all land in the County is covered by forestry<sup>1</sup>. The forest estate in Kerry is relatively unique to the rest of the country in that it is predominantly in private ownership.

The Council will, therefore, in conjunction with the relevant authorities, encourage the sustainable development and expansion of forestry, in a manner that is compatible with the environmental guidelines listed above.

Objective No.	Forestry
	<b>It is an objective of the Council to:-</b>
<b>NR- 9</b>	Promote sustainable forestry developments at appropriate locations in the County, while ensuring environmental protection, through the implementation of the objectives and Development Management, Guidelines and Standards of this Plan.
<b>NR- 10</b>	Support the continued sustainable expansion and diversification of the forestry sector, in a manner that maximises its contribution to the social and economic well being of the County and which is compatible with the protection and enhancement of the environment and heritage of County Kerry.
<b>NR- 11</b>	Ensure that the diversity and character of the countryside is maintained and promote the sustainable cultivation of native species in the forestry throughout the County.
<b>NR- 12</b>	Encourage the appropriate use of forests for timber, energy, biodiversity, recreation and tourism and development of associated businesses and enterprise at local level. Proposals shall be in accordance the provisions of the Renewable Energy Strategy (Kerry County Council 2012).
<b>NR- 13</b>	Ensure that the County's valuable remaining native woodlands are protected and enhanced through the use of appropriate planning and development measures.

Mr. Stack informed members that proposed Objective NR-14 will be removed as it is not longer relevant as there is a National Forestry Strategy.

### 8.3.2 Assessment of Applications

Under the Planning and Development Regulations 2001-2013, initial afforestation of up to 50 hectares are normally exempt from planning.

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<sup>1</sup> Kerry County Council 2013 – Renewable Energy Resource Assessment of Co. Kerry

Objective No.	Forestry Development Guidelines
	<b>It is an objective of the Council to:-</b>
<b>NR-15</b>	Have regard to the publications listed above and the recommendations of relevant bodies.

### 8.3.3 Adjacent Landowners

The planting of large scale forestry can impact on the residential amenity of adjacent landowners and adversely affect the maintenance of public roads.

Objective No.	Forestry Adjacent Landowners
	<b>It is an objective of the Council to:-</b>
<b>NR-16</b>	Ensure afforestation is not located in a manner that will significantly adversely impact on the amenities of adjacent landowners or significantly adversely affect the maintenance of the public road.

### 8.3.4 Forest Recreation

Objective No.	Forestry Recreation
	<b>It is an objective of the Council to:-</b>
<b>NR-17</b>	Encourage the sustainable development of forest parks and other tourist related amenities at appropriate locations within forested areas in accordance with the <i>Forest Recreation in Ireland; A Guide for Forest Owners and Managers published by the Department of Agriculture and Food (2006)</i> .

## 8.4 Fishing / Aquaculture

Aquaculture and food processing both have the potential to continue to expand in the County, while opportunities for the development of a service industry exist particularly in South Kerry with approximately 300-400 Irish and foreign fishing vessels operating off the coastline.

Objective No.	Natural Resources Fisheries
	<b>It is an objective of the Council to:-</b>
<b>NR-18</b>	Support and promote the sustainable development of the aquaculture sector in order to maximise its contribution to employment and growth in coastal communities and the economic well being of the County, while ensuring environmental protection through the implementation of the objectives and Development Management, Guidelines and Standards of this Plan.
<b>NR-19</b>	Support the sustainable use of existing port facilities for the catchments and processing of fish as an economic activity that contributes to the food industry in the County.
<b>NR-20</b>	Support added-value marine and freshwater foods and service industries in a sustainable manner and at appropriate locations where they comply with the general policies and development management standards of this plan.
<b>NR-21</b>	Support the protection of water quality, key habitat and other natural resource requirements necessary to safeguard coastal, estuarine and freshwater fisheries.
<b>NR-22</b>	Have regard to the advice of the Inland Fisheries Board, as appropriate and recommendations of the Environmental Section of Kerry County Council in assessing the environmental impacts of developments.
<b>NR-23</b>	Sustainably improve road networks that link port facilities to the larger urban centres.
<b>NR-24</b>	Have regard to the need to maintain Blue Flag Beach status, recreational use and nature conservation interests in an area when assessing maritime development proposals on sites.

Cllr. M. Gleeson said he lives within 300m of one of the major quarries in the county. It is a material that is in high demand and in short supply. Quarry owners must be reasonable with the local community. Last summer there was a lot of dust from the quarry and it was rarely watered down. Enforcement is the key in this industry. Neighbours in the townland of Minish are very deeply concerned at the relocation of the silt settlement pond which is at the same level as the window of a house which is only 12m away. This is not satisfactory or acceptable. Cllr. Gleeson said his neighbours are considering appealing to An Bord Pleanála in relation to it. They were advised that permission is not required to relocate the silt settlement pond. This is a matter of grave concern for the people in this community and one householder was refused insurance for his residence because of this.

Cllr. T. Ferris referred to the Extractive Industries and PROPOSED that the following Objective be included: "Developments including associated processes which would impinge on existing public rights of way, walking routes or tourist, natural or recreational amenities will not be permitted." She said this is included in the Roscommon County Development Plan. In relation to forestry she

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PROPOSED that the following objective would be included: "Encourage, promote, provide and facilitate access to Forestry and Woodlands (including private forestry) in co-operation with Coillte, the Forestry Service and other agencies for walking routes (including looped walks) and mountain trails, nature trails, mountain bike trails, bridle paths, orienteering and other non-noise generating recreational activities for the benefit of local people and tourists and take into account the Forestry Service 2006 publication "Forest Recreation Guide for Owners and Managers" based on the National Spatial Strategy.

Cllr. D. Healy Rae asked Cllr. Ferris if she was proposing that private forestry would facilitate the general public.

Cllr. Ferris said it should be encouraged.

Cllr. D. Healy Rae referred to the section on Quarries and said there are limestone quarries in Kenmare and one is running out. This will have significant cost implications for Kerry County Council who purchase road making material from them. Castleisland will then be the nearest quarry for South Kerry. He called on Management to recognise this and to deal with quarry owners as it will benefit the Council in the long term. In accordance with Ministerial Guidelines 80% of land must be enclosed before permission will be granted to plant forestry. This is virtually impossible in South Kerry and he called on the Minister to amend this requirement.

The Mayor pointed out that Kerry County Council has no role in this in the context of the County Development Plan.

Cllr. D. Healy Rae said when forestry is planted there should be a stipulation that it is kept back a certain distance from the road. Trees are falling out onto the road and forestry should be planted a minimum of the maximum height of the trees at maturity from the public road. He then referred to rivers and said in the past farmers took gravel from the streams to improve roads on their farms. This prevented the streams from getting blocked and it also facilitated farmers. However farmers are no longer permitted to carry out this work and it is having an adverse impact on rivers as they are getting blocked up. Farmers should be allowed to remove material from rivers at a time when it would not impact on spawning. It is important to recognise the importance of fishing and the employment created by fish processing plants. This should be facilitated in the County Development Plan.

Cllr. J. Finucane asked if local authorities now have the power to issue Foreshore Licences and has this power been devolved. Forestry projects in Mayo are being part funded by the EU as areas are being allowed to return to the wild and this is beneficial for wildlife. This is done in conjunction with cycle/walking areas and people can then benefit from it. Coillte are involved in this project and an

aspiration should be included in the County Development Plan to develop at least one such forest in Kerry.

Cllr. P. O'Donoghue asked are the Council mindful of the fact that under the Marine Spatial Planning and Coastal Directive we will have no say in relation to the foreshore. He acknowledged that the Irish Government objected to this proposed Directive as it will remove control from local authorities. Cllr. O'Donoghue then referred to afforestation and said the planting of 50 acres is exempt from planning permission and could destroy the amenity of a neighbouring home. This is wrong and unfair and he asked that a submission would be made to the Department on it. He asked that not just the site would be considered but also the roads and bridges which are being destroyed by huge trucks transporting trees. The Fertha Bridge in Cahersiveen is in a precarious state as a result of large articulated trucks transporting trees.

Cllr. P. Connor Scarteen concurred with the views expressed by Cllr. Finucane in relation to wild forestry. He pointed out however, that forestry close to houses is becoming a problem. Before forestry is planted cognizance must be had of neighbouring houses, amenities, rivers etc. There is a difficulty in planting upland areas in that up to 80% of the farm must be enclosed. There are many areas in the county that could facilitate additional forestry and this should be encouraged.

Cllr. J. Brassil referred to the section on energy/power provision and said overhead power lines are very controversial. We should be targeting the undergrounding of these services.

Mr. Stack referred members to Objective EP - 9 on Page 134 of the Manager's Report which is to be amended and will read as follows: *"Ensure that the siting of electricity power lines is managed in terms of the physical and visual impact of these lines on both the natural and built environment, the conservation value of Natura 2000 sites and especially in sensitive landscape areas. When considering the siting of powerlines in these areas, priority will be given to underground or the selection of alternative routes."*

Cllr. J.J. Culloty said when a forest is planted views from a property can disappear and this should be taken into account in deciding whether permission will be granted or not. There should be a minimum 30m set back from the road and this is critical. There are problems in the eastern part of the county because in the mature forests branches are growing out onto the road. Hardwood trees should be grown where possible. He called on the NPWS to be more sympathetic to the removal of gravel from rivers as a blanket ban is not acceptable.

Cllr. B. Cronin said where the Council has an input into forestry and a main power line is going through the forest it is important to ensure the power line is protected. A clear path should be preserved to facilitate the power line. He asked how forceful are we where there is blatant disregard for planning. He referred to

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the quarry at Coolcashlagh and said the Council granted permission and An Bord Pleanála ordered that it be closed. Members were informed that the company had not adhered to this instruction. He referred to Objective NR – 6 and said he was aware of areas where the amenity and landholdings were impacted by quarrying. He asked if the Objectives were tested in the Courts. He fully supported proper quarrying where planning conditions are adhered to and the concerns of people living nearby are taken into account.

Cllr. S. Counihan asked in relation to forestry how much power we have to deal with other bodies on this issue. He submitted a Notice of Motion in relation to trees in Ballydowney and he was informed Fáilte Ireland owns the land. The same applies to the OPW. The National Park goes through the Kenmare road and there are a number of dangerous trees on the roadside. He asked if Kerry County Council has any power to insist that these trees are removed. Cllr. Counihan then referred to Mission Road in Killarney and said that there are other trees the same age as the one that fell. It is very difficult for members to address these issues when they are under the control of outside bodies.

Cllr. P. McCarthy referred to Objectives NR–19 and NR–20 and asked if these Objectives address the concerns expressed by Cllr. D. Healy-Rae in relation to the protection of Port facilities.

Mr Stack confirmed they do.

Cllr. G. Wharton Slattery referred to Cllr. Ferris's proposal in relation to forestry and asked does this proposal relate to way marked trails or private property in general.

Mr. G. O'Brien confirmed that the reference to private forestry is being removed.

Mr. Stack referred to the query regarding Foreshore Licences and said in the next 12 months local authorities will be responsible for the area from the high watermark to the low-water mark. Anyone who applies to the Department of Forestry gets a condition in relation to facilitating power lines. He added that Kerry County Council receives very few applications for permission for forestry.

Mr. G. O'Brien informed the meeting there were two proposals and the votes would be taken separately. He then read the first one as follows:

On the PROPOSAL of Cllr. T. Ferris that we the members of Kerry County Council hereby resolves that developments including associated processes which would impinge on existing Public Rights of Way, walking routes or tourist, natural or recreational amenities will not be permitted.

Mr. O'Brien said a seconder would be required for this proposal.

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Cllr. G. Wharton Slattery **SECONDED** the proposal.

A number of members said this proposal was very broad.

Cllr. D. Healy-Rae **PROPOSED** that the status quo would remain.

Cllr. M. Gleeson requested clarification on the proposal.

Mr. G. O'Brien said there were two resolutions proposed by Cllr. Ferris and he would then take a vote on the first one which reads as follows: *"That we the members of Kerry County Council hereby resolves that developments including associated processes which would impinge on existing Public Rights of Way, walking routes or tourist, natural or recreational amenities will not be permitted."*

This proposal was seconded by Cllr. Wharton Slattery.

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

**For:** Cllrs. Ferris, Wharton Slattery **(2)**

**Against:** Cllrs. Brassil, Buckley, Connor-Scarteen, Cronin, Culloty, Donovan, Foley, Gleeson, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Donoghue, O'Shea and Mayor Fitzgerald **(16)**

**Not Vote:** None **(0)**

**Absent:** Cllrs. Beasley, Cahill, Counihan, Finucane, Griffin, O'Brien, O'Connell, Purtill and Sheahan **(9)**

The Mayor declared the resolution **DEFEATED**.

Mr. O'Brien informed the meeting that a vote would then be taken on the following resolution proposed by Cllr. Ferris: *"that we the members of Kerry County Council Encourage, promote, provide and facilitate access to Forestry and Woodlands in co-operation with Coillte, the Forestry Service and other agencies for walking routes (including looped walks) and mountain trails, nature trails, mountain bike trails, bridle paths, orienteering and other non-noise generating recreational activities for the benefit of local people and tourists and take into account the Forestry Service 2006 publication "Forest Recreation Guide for Owners and Managers" based on the National Spatial Strategy."*

Cllr. P. McCarthy **SECONDED** this proposal.

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The vote resulted as follows:

**For:** Cllrs. Brassil, Buckley, Connor-Scarteen, Counihan, Cronin, Culloty, Donovan, Ferris, Foley, Gleeson, Leahy, McCarthy, McEllistrim, O'Donoghue, O'Shea, Wharton Slattery and Fitzgerald **(17)**

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

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

**Absent:** Cllrs. Beasley, Cahill, Finucane, Griffin, J. Healy-Rae, O'Brien, O'Connell, Purtill and Sheahan **(9)**

The Mayor declared the resolution CARRIED.

The meeting adjourned for lunch at 1.40pm.

The meeting resumed at 2.25pm.

Mr. McMahon informed the meeting there were four major Chapters and one smaller one remaining. He would review the situation in one hour and if reasonable progress was not made a further meeting would be required on the 17<sup>th</sup> January.

### **(b) Chapter 9 Social Infrastructure & Community Development**

Mr Stack then referred members to Chapter 9 on Pages 144 to 158 of the Manager's Report. He read the following from that Chapter.

#### **9.1 Introduction**

Social Infrastructure in this Plan includes Health Care services, Education facilities, Burial Grounds, Fire and Emergency services, Recreational and Sports facilities.

Mr. Stack said the page circulated that morning relating to Paragraph 9.2 Social Inclusion primarily relates to Age Friendly Towns. This is a national initiative to develop age friendly towns. There are 8 pilot projects with none in Kerry. The three Objectives set out on the sheet distributed will be inserted instead of the section on Social Inclusion. Mr. Stack then read the page into the record of meeting.



## 9.2 Social Inclusion

Social Inclusion aims to ensure that everybody should have the right to fulfil their potential, through access to high quality public services, education, employment opportunities and adequate housing in an attractive and safe environment. It is therefore important that our living, working and leisure environments are designed and maintained in a manner to ensure people of all backgrounds and circumstances can achieve equality and access to the facilities and services needed to achieve their own potential in life. The Development Plan has an important role in promoting social inclusion in the County and includes a range of strategies to promote access to housing, community facilities and public transport.

### 9.2.1 Access

Physical access is key to creating a socially inclusive community. It has been common practice to address physical access by focusing on 'special needs' of the elderly or the disabled. This has resulted in policies and objectives that segregate access and therefore people by making provision for different groups in different ways – for example by providing steps for the able bodied and ramped access for wheelchair users. Kerry County Council is committed to contributing to the development of a more inclusive public realm which allows all people to use space in the same way – and on equal terms.

### 9.2.3 Age Friendly Towns

One of the major social issues facing communities over the next decade will be an ageing population. The average life expectancy for men in Ireland is 76.8 years and 81.6 years for females. Life expectancy is rising faster in Ireland than any other EU country. By 2041 approximately 20% of population will be over the age of 65 (CSO 2011). It is important that we start now to create an age friendly environment that will meet the needs of an aging population. This can be achieved through the way we design our towns and cities. In concentrating on this group, towns will become more friendly to all elements of society – *“if you build for the young you exclude the old, but if you design for the old you include everyone”*.<sup>1</sup>

Objective No.	Social Inclusion
	<b>It is an objective of the Council to:-</b>
SC-10	Ensure that age friendly values and commitments, as set out in the <i>Dublin Declaration of Age Friendly Cities and Communities in Europe 2013</i> , are incorporated into all aspects of the local authorities plans, policies and service provisions.

SC-11	Engage with local communities and other key stakeholders to improve the quality and experience of towns for older people.
SC-12	Ensure that all local area plans have regard to the age friendly guidance as set out in <i>The Age friendly Cities and Counties Programme 2012</i> .

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Ferris it was unanimously agreed to include these objectives and the text read by Mr. Stack in the Draft Plan.

### 9.3 Community Facilities/Infrastructure

There is a strong tradition of voluntary community development in the County.

The primary role of the Council is to reserve sufficient lands within the settlement centres to meet likely future demands for community infrastructure.

Objective No.	Community Facilities
	<b>It is an objective of the Council to:-</b>
<b>SC-10</b>	Support the sustainable provision and distribution of a range of social infrastructure facilities in accordance with the Settlement and Core Strategies of this Plan.
<b>SC-11</b>	Ensure as far as practicable, that all social infrastructure and local services be located at central village/neighbourhood locations within settlements, which will facilitate pedestrian access, social inclusion, growth in community vibrancy, safety and accessibility for the greatest number of people. Where alternative sites are proposed, applications shall demonstrate why a central location cannot be achieved.
<b>SC-12</b>	Ensure that, where practicable, community, recreational and open space facilities are clustered, with the community facilities being located in local centres or combined with school facilities as appropriate. Community facilities should be located close to or within walking distance of housing, accessible to all sectors of the community and facilitate multi-use functions through their design and layout.
<b>SC-13</b>	Seek the efficient and timely delivery of community and social facilities commensurate with the needs of the resident population and to assist in the delivery of such facilities.

<b>SC-14</b>	Require as part of all new large residential and commercial developments and in existing developments where appropriate, that provision is made for facilities including local/neighbourhood shops, childcare facilities, schools and recreational facilities and to seek their provision concurrent with sustainable development.
<b>SC-15</b>	Safeguard existing social facilities including health, education and leisure amenities of public benefit.
<b>SC-16</b>	Promote the provision of Active Recreational Facilities (eg. Drop In Cafes For Young People) – in appropriate locations that promote active recreation and participation.
<b>SC-17</b>	Promote the provision of outdoor gyms at suitable locations throughout the County.

#### 9.4 Childcare Facilities

Kerry County Council has published 'Developing Play in Kerry: Countywide policy on the development and management of playgrounds and play areas in public open spaces' (February 2004). Kerry County Council has in partnership with community groups installed playgrounds in a number of locations with more planned during the lifetime of this Plan.

<b>Objective No.</b>	<b>Childcare Facilities</b>
	<b>It is an objective of the Council to:-</b>
<b>SC-18</b>	Encourage, promote and facilitate the sustainable provision of quality affordable childcare facilities in accordance with national policy and relevant guidelines.
<b>SC-19</b>	Permit childcare facilities in existing residential areas provided that they do not have a significant impact on the character or amenities of an area, particularly with regard to car parking, traffic generation and noise disturbance. Where proposed facilities relate to properties which have been designed and built as dwellings and are surrounded by other houses, a significant residential element should be retained.
<b>SC-20</b>	Promote and encourage the provision of a network of childcare facilities that reflects the distribution of the residential population in the County and to minimise travel distance and maximise opportunities for disadvantaged communities.

<b>SC-21</b>	Permit childcare facilities of appropriate size and scale in rural locations adjacent to development clusters, community and educational facilities provided that they do not to have a significant impact on the character or amenities of an area, particularly with regard to car parking, traffic generation and noise disturbance and subject to satisfying environmental standards and the needs of the community. Such facilities must generally: be required to locate within community/educational campuses where purpose built childcare facilities are being provided; retain a significant residential element where proposed facilities relate to properties which have been designed and built as dwellings.
<b>SC-22</b>	Facilitate the provision of childcare facilities in Neighbourhood Centres; such facilities would be located within local mixed use service centres.
<b>SC-23</b>	Facilitate the provision of childcare facilities at appropriate locations adjacent to public transport corridors.
<b>SC-24</b>	Liaise with the County Childcare Committee in identifying and meeting prospective childcare needs and in monitoring the effectiveness of planning policy in this regard.

## 9.5 Education

Decisions on the future requirements for educational facilities are primarily a matter for the educational authorities. However, the 'Provision of Schools and the Planning System, A Code of Practice for Planning Authorities' (2008) outlines that the planning system plays a critical role in anticipating future development and co-ordinating the provision of essential supporting infrastructure such as transport, water services, schools, amenity and community facilities through the actions of the planning authorities, the investment programmes of government departments and their agencies and through the private sector.

Objective No.	Education
	<b>It is an objective of the Council to:-</b>
<b>SC-25</b>	Facilitate the Department of Education & Skills and Kerry Education and Training Board, other statutory and non-statutory agencies in the necessary provision of primary, post primary and third level educational facilities throughout the County by reserving lands, at appropriate locations, for such uses in the Local Area Plans.
<b>SC-26</b>	Facilitate where possible, the development in future proposals of site reservations, as close as possible, to community facilities such as sports facilities, libraries etc. so that these can be shared between the school and the community. The Planning Authority shall also consider multi-campus school arrangements e.g. 2/3 primaries side by side or a primary and a post primary school sharing a site, subject to appropriate assessment of specific sites, in order to reduce the land take requirements for school development.
<b>SC-27</b>	Promote the sustainable provision of dedicated facilities for adult and community education and encourage the retention and expansion of all tiers of educational services and associated educational and skills training programmes.
<b>SC-28</b>	Ensure that applications for large residential developments are accompanied by an assessment of the educational facilities in the area to cater for the projected increase in population.
<b>SC-29</b>	Have regard to the DoEHLG and Department of Education and Skills document titled The Provision of Schools and the Planning System – A Code of Practice for Planning Authorities (2008).
<b>SC-30</b>	Encourage and promote the shared use of school facilities with community groups where possible.

## 9.6 Libraries

The Kerry Library Service has 9 branches, 2 mobile libraries, a primary schools library service, a local history and archives service and runs an extensive events and exhibitions programme.

Objective No.	Libraries
	<b>It is an objective of the Council to:-</b>
<b>SC-31</b>	Support, expand and promote the services provided by the County Libraries to local communities across the County.
<b>SC-32</b>	Provide and improve access to library facilities and services and to encourage an integrated approach to the delivery of library, arts and other related services.
<b>SC-33</b>	Continue the sustainable development, upgrading and improvement of library infrastructure.
<b>SC-34</b>	Make provision for new library facilities at appropriate locations, or extensions and refurbishment of existing facilities, sufficient in their overall extent, quality and distribution to meet needs for library services.

## 9.7 Health Services

Health care is provided by a range of private, community and charitable service providers.

Objective No.	Health Services
	<b>It is an objective of the Council to:-</b>
<b>SC-35</b>	Facilitate the Health Service Executive and the Department of Health in the provision of health centres 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.
<b>SC-36</b>	Encourage the integration of healthcare facilities within new and existing communities and facilitate public, private and community based agencies to provide appropriate healthcare facilities, including hospital care and community-based primary care throughout the County and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the disabled, older people and children.

<b>SC-37</b>	Encourage, support and facilitate the sustainable provision of a range of services for the aged population. The Council is committed to accommodating the needs of older people in rural areas through the provision or facilitation of nursing homes and sheltered housing developments, at appropriate locations. These facilities should be located within settlements in order to enhance overall quality of life, increase their links with and accessibility to local amenities and therefore reduce the likelihood of social isolation.
<b>SC-38</b>	Consider change of use applications from residential to health care facilities / surgeries only where the privacy and amenity of adjacent occupiers can be preserved and the proposal does not have a detrimental effect on the local amenity and vitality / viability of town centers. The full conversion of semi-detached or terraced type dwellings will not normally be permitted.
<b>SC-39</b>	Facilitate and encourage the accommodation of emergency services including fire services, rescue services, heli-pads and acute care in appropriate locations that facilitate ease of access, effectiveness and safe functioning with respect to the road network.

## 9.8 Sporting and Leisure Facilities

<b>Objective No.</b>	<b>Sporting &amp; Leisure Facilities</b>
	<b>It is an objective of the Council to:-</b>
<b>SC-40</b>	Facilitate the sustainable provision of sports facilities having regard to local recreational needs and the conservation of the cultural and natural environment.
<b>SC-41</b>	Implement the recommendations of 'Developing Play in Kerry' Policy', in a sustainable manner, in conjunction with all relevant agencies.
<b>SC-42</b>	Resist the loss of existing sporting facilities unless the facility is provided on an alternative site or it can be demonstrated that there is no longer sufficient demand to sustain such a facility.

## 9.9 Public Open Space

Objective No.	Public Open Space
	<b>It is an objective of the Council to:-</b>
<b>SC-43</b>	Examine existing public open spaces and carry out improvements where necessary to increase their usefulness as recreational spaces.
<b>SC-44</b>	Provide for appropriate play provision in accordance with the 'Developing Play in Kerry' Policy 2004 and any revisions there of.
<b>SC-45</b>	Prohibit the intrusion of development along public walking routes and Public Rights of Way, particularly those in scenic areas, the sea coast and along inland waterways. Loss of existing recreational space or facilities will be resisted.

## 9.10 Public Rights of Ways

A Public Right of Way is defined as '***a strip of land (normally a road or path), usually leading from a public place to a public space, along which the public has a legal right to travel***'<sup>2</sup> There are very few registered Public Rights of Way in Ireland that are not maintained public roads. Access to the countryside is usually obtained through 'permissive rights of way' i.e. with the landowners' permission. Land owners have facilitated, through their goodwill and tolerance, access to the countryside through their lands. Ireland's waymarked trails are 'permissive routes' and have been developed with the landowners' agreement.

The Planning and Development Act 2000-2012 (Section 10(2)(o)) requires development plans to list and map Public Rights of Way which give access to seashore, mountain, lakeshore, riverbank and other place of natural beauty or recreational utility. It is intended that this will preserve Rights of Way for recreational purposes for current and future generations.

Kerry County Council has undertaken a County wide survey to identify Public of Rights of Way in the County. These Public Rights of Way have been listed and mapped and are appended to this Plan in Volume 2. It is important to note that this is not an exhaustive list. The omission of a Right of Way from this list shall not be taken as an indication that such a right of way does not exist. It is the intention of the Council to continue to identify existing Public Rights of Way during the life time of this Plan.

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<sup>2</sup> Recreation in the Irish Countryside DoECLG 2012



Where no Public Rights of Way exist to important recreational areas, places of historic interest, architectural heritage, scientific sites and sites of cultural heritage, the Council will encourage the creation of such Rights of Way in co-operation with local land owners.

Objective No.	Public Rights of Way
	<b>It is an objective of the Council to:-</b>
<b>SC-46</b>	Ensure the preservation of Public Rights of Way which give access to seashore, mountain, lakeshore, riverbank and other place of natural beauty or recreational utility.
<b>SC-47</b>	Seek to identify and protect existing Public Rights of Way which are not listed in this plan.
<b>SC-48</b>	Ensure that development does not impinge on public walking routes or Public Rights of Way.

#### 9.11 Burial Grounds

Local Authorities have a statutory responsibility to provide for burial facilities and has provided 147 to date.

Objective No.	Burial Grounds
	<b>It is an objective of the Council to:-</b>
<b>SC-49</b>	Facilitate the sustainable provision of new burial grounds and the extension of existing cemeteries as appropriate to cater for the needs of the County where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of Natura 2000 sites.
<b>SC-50</b>	Protect the archaeological and cultural heritage of historical burial grounds within County Kerry and encourage their management and maintenance in accordance with national legislation, Kerry County Councils Graveyard Management/Maintenance Guidelines and with best conservation practice. Encourage local community groups to develop, manage and maintain new burial facilities, in a sustainable manner.
<b>SC-51</b>	Develop all new burial grounds in the open lawn style.

Cllr. M. Gleeson said the opening of the new playground in Rathmore was a great day for the community. This is a wonderful facility which sets the benchmark for what is required for all communities. He complimented the Council on their involvement in bringing this project to fruition. Cllr. Gleeson referred to Burial Grounds and said in Killarney there is very little space remaining. He read the Bourne Vincent Memorial Act and learned that Killarney Town Council owns land in the National Park. He asked the OPW to exchange land on the periphery of the National Park for a burial ground. He had a meeting with a senior official in the Department who said his request was referred to the Attorney General 12 months ago and they were awaiting a ruling on it. In the town of Navan there is an older people's playground and it is wonderful to see older people exercising. We need to develop these facilities in Kerry. He complimented the schools library system which is an excellent service and said he hoped it would continue and thrive. Cllr. Gleeson said he hoped access to Killarney Library will be increased through access from the Rock Road. He then referred to Education and said he had witnessed a metamorphosis in children with special needs and those on the autism spectrum when they get 1 to 1 attention from a person who specialised in this area. Cllr. Gleeson said many old roadways have closed down but if they were developed as walkways it would be a great amenity for the local community.

Cllr. B. Cronin said this is a very important section and he wanted to put on record his gratitude for the inclusion of provision of community facilities and infrastructure in this Chapter. During the economic boom little villages grew to large towns but infrastructure such as playgrounds were not provided. He welcomed the fact that this is now specified and the Council is asking that these facilities would be provided centrally must be welcomed. This also applies to childcare facilities. Rathmore has a beautiful playground as has Castleisland. In Fries there was huge development and they are still trying to identify a site for a playground. It is vital that sites for playgrounds are identified. Cllr. Cronin welcomed the provision in relation to health care and the provision of facilities for the elderly and those with special needs and he asked that they would be located centrally. He referred to the section on Public Rights of Way and said he always heard public rights of way, by their nature, are very contentious and have caused problems. This is a very difficult area and he urged caution. Cllr. Cronin then referred to the section on Burial Grounds and asked why provision is being made for open lawn cemeteries. The HSE own 66 acres of land at St. Finian's in Killarney and while he was on the HSE he asked Management to sit down with the Council with a view to providing recreational facilities, housing, a new cemetery and road network etc. He called on Management to open discussions with the HSE in relation to this as soon as possible.

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Cllr. S. Counihan said a new burial ground is urgently needed in Killarney. In Caherdaniel an extension to the burial ground was secured by getting land from the OPW and this was welcome. In Killarney the Town Council has been in discussions with the OPW with a view to swapping land but unfortunately it has not come to fruition. There is a vast opportunity to develop the lands at St Finian's if agreement could be reached with the HSE. However he pointed out that Muckross and Aghadoe are traditional burial grounds for the people of Killarney.

Cllr. D. Healy Rae said the requirement for a graveyard in Killarney is ongoing for a long time. There is also a need to extend the burial ground in Gneeveguilla. There is a lot of rock in the burial ground in Kilgarvan and 10 years ago he asked that this rock would be removed. If the rock is not removed it will be necessary to buy additional land. Cllr. Healy-Rae said he was not in favour of lawn style burial grounds and said people should be given a choice.

Cllr. G. Wharton Slattery supported lawn type burial grounds at least for part of each burial ground. The issue of public rights of way is very contentious and she would like to see more funding provided to identify public rights of way in Kerry. Kerry was the adventure capital of the country but we lost our place to Mayo. This needs serious consideration and investment to ensure the county regains its title as the adventure capital of Ireland.

Cllr. P. O'Donoghue said we must facilitate sustainable development as part of voluntary housing developments for the most vulnerable people in the County. Kerry County Council has an excellent record in this area. A further section should be included in the Draft Plan to encourage the development of ancillary facilities in association with voluntary housing. These facilities would include a Daycare Centre, Laundry etc and they are needed in every town and village. In Cahersiveen, in association with the provision of voluntary housing ancillary facilities, a Daycare Centre, a laundry, meals on wheels etc were provided. Cllr. O'Donoghue welcomed the promotion of lawn type burial grounds and said it is a good idea and they are well maintained. He believed the people of the county will accept that they are the way forward. He referred to public rights of way and said this is a legal minefield. This was once the task of the Attorney General and he suggested that the Council should think long and hard before going to Court on any public rights of way.

Cllr. T. Ferris referred to the reference to the sharing of educational facilities and asked does it mean if a local group applies for permission and the facilities are already in the area they will not be granted permission.

Mr. Stack said it means groups will be encouraged to work together.

Cllr. Ferris asked where a school seeks permission for an extension and there is capacity in another school/schools in the area will they be refused permission.

## Special Planning Meeting

Mr. Stack said the amalgamation of schools is not a matter for Kerry County Council.

Cllr. Ferris asked how an application for an extension to a school in a town can be considered when there is already adequate capacity in the town.

Mr. McMahon said there will be a closer role between the Department of Environment and the Department of Education in relation to sites for schools etc.

Cllr. T. Ferris referred to public rights of way and said the Council should encourage them. The Council is responsible for them and there is no mention of the maintenance and preservation of them. She PROPOSED that what is included in the current plan would also be included in the Draft Plan.

Mr. Stack said what is in the current Plan is also in the Draft Plan.

Cllr. Ferris referred to the list of public rights of way and asked if there will be legal enforcement if there is an attempt to impinge on the public right of way.

Mr. McMahon said the kernel of the issue is whether the public right of way exists or not. If we are satisfied it exists there is an obligation on us to maintain it. We are not obliged to upkeep it but rather to maintain it as it is.

Cllr. Ferris asked if an objective could be included to facilitate the sign posting of public rights of way.

Mr. McMahon said this is the first time a list of public rights of way are included in the County Development Plan and most of them relate to access to the seashore. There is no problem with signage once the public right of way is established.

Cllr. T. Ferris asked that an objective would be included to work with the local community to provide this signage.

Cllr. J.J. Culloty supported lawn style burial grounds and said they should be promoted. He concurred with Cllr. O'Donoghue that ancillary facilities should be provided in conjunction with voluntary housing projects.

Cllr. J. Sheahan also supported lawn type burial grounds. He said he is a member of the Killarney National Park Liaison Committee and the majority of the committee are opposed to the exchange of land for a burial ground. He commended the service provided by the Libraries. Cllr. Sheahan said there is a state of the art playground in Rathmore and it will be there for the community for years to come. He thanked Mr. Vincent Foley for his assistance with this project. Cllr. Sheahan referred to hostel accommodation for the homeless and said they are a breeding ground for drugs. A drug free homeless hostel should be provided in the county.

Cllr. J. Brassil referred to the list of public rights of way in the county and said there are very few on the list. He suggested as each local area plan is reviewed planners could look at identifying public rights of way and build up the list that way. He welcomed the section on Age Friendly Society. Cllr. Brassil said the amount of unoccupied houses in towns and villages is alarming. It is important to encourage the use of vacant houses to try to achieve a correct balance. In conclusion Cllr. Brassil said he supported lawn type burial grounds.

Cllr. P. O'Donoghue referred to the suggestion in relation to signage for public rights of way but cautioned it could be dangerous as it could be disputed at a later date and Kerry County Council could be implicated and the rate payers of Kerry may have to pay a high price.

Cllr. S. Counihan supported the views expressed by Cllr. Sheahan in relation to homeless hostels. The St. Finian's building could be utilised for drug rehabilitation. Unfortunately people end up in hostels that do not benefit them.

Mr. Stack said provision could be made in the Plan to encourage and support the development of ancillary facilities in conjunction with voluntary housing projects.

Cllr. T. Ferris then withdrew her proposal in relation to signage.

### **(c) Chapter 10 Natural Environment & Flood Risk Management**

Mr. Stack referred members to Pages 159 to 184 for details on Chapter 10. He read the following extracts from Chapter 10.

#### **10.1 Introduction**

County Kerry's natural environment includes a wealth of features that encompass the character of the County. These include the highest mountain in the country, a diversity of wildlife, ecological sites of importance including Killarney National Park, coastal areas including blue flag beaches and sites of geological importance. It is necessary for these features to be protected to the standards required by national legislation and European Directives, whilst accommodating sustainable development in appropriate locations to facilitate sustainable economic growth and development.

The conservation of biodiversity is of particular significance in Kerry given its rich natural heritage of wildlife habitats, species, geological features and landforms, including some of international importance. Each chapter of the County Development Plan incorporates policy issues regarding natural heritage as appropriate.

Locating development in an area at risk from flooding can lead to property damage, human stress and hardship, problems obtaining property insurance and consequential demands for the expenditure on flood protection works.

Objective No.	Strategic Objectives
	<b>It is an objective of the Council to :</b>
<b>NE 1</b>	Work with all stakeholders in order to conserve, manage and where possible enhance the County's natural heritage including all habitats, species, landscapes and geological heritage of conservation interest and to promote increased understanding and awareness of the natural heritage of the County.
<b>NE 2</b>	Ensure that the requirements of relevant national and EU legislation, including the Habitats Directive (92/43/EEC), the EU (Birds) Directive (79/409/EEC), the Environmental Impact Assessment Directive (85/337/EEC), the Water Framework Directive (2000/60/EC), and the Flood Directive (2007/60/EC), are met by the Council in undertaking its functions.
<b>NE 3</b>	Raise awareness, appreciation and enjoyment of the County's natural heritage and liaise with relevant bodies to promote education and sustainable public participation in environmental and planning matters.
<b>NE 4</b>	Promote best practice with regard to natural heritage conservation and management.
<b>NE 5</b>	Ensure that the cumulative impacts are taken into account when evaluating the impacts of a particular proposal on biodiversity, particularly in relation to habitat loss and wildlife disturbance.
<b>NE 6</b>	Ensure compliance with the provisions of Actions for Biodiversity 2011-2016 - Ireland's National Biodiversity Plan and any subsequent document adopted during the lifetime of this Plan.
<b>NE 7</b>	Have regard to and implement the recommendations and provisions of the Planning System and Flood Risk Management guidelines (DoEHLG 2009).
<b>NE 8</b>	Facilitate the OPW in the preparation of Flood Zone Maps for Coastal Flooding and Catchment Based Flood Risk Management Plans and to have regard to these (where available) when assessing planning proposals and when reviewing land zoning strategies.
<b>NE 9</b>	Liaise with the OPW on all issues involving river drainage and flood relief, especially when dealing with any development consent applications in the vicinity of important drainage channels.
<b>NE 10</b>	Protect and sustainably enhance, where appropriate, flood conveyance, retention and storage features in the landscape, including wetlands.

## **10.2 Environmental Designations**

Biodiversity protection is afforded by International, European and National legislation, most particularly the EU Habitats and Birds Directives, the Planning and Development (Amendment) Act, 2010, the EU (Natural Habitats) Regulations 2011 and the Irish Wildlife Acts (1976 and 2000).

### **10.2.1 International Designations**

#### **Biosphere Reserves**

#### **10.2.2 Ramsar Sites**

#### **10.2.3 Marine Protected Areas**

### **10.2.4 European Designations (Natura 2000 network)**

Natura 2000 sites, also known as European sites, incorporate Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

There are 31 SACs and 14 SPAs designated in Kerry, some of which extend beyond the functional area of the County. These Natura 2000 sites are listed in Volume 1 and Mapped in Volume 3.

The Planning Authority will not give favourable consideration to proposals that would adversely affect the overall integrity of a Natura 2000 site. Normally exempted development requires planning permission where such works may have a significant effect on a Natura 2000 site, i.e. where a stage 2 Appropriate Assessment / Natura Impact Statement is required. A declaration may be sought from the Council as to whether any proposed work (i) is or is not development and (ii) is or is not exempted development.

### **10.2.5 National Designations**

Nationally designated conservation areas include Nature Reserves, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). These are listed Volume 1 and illustrated in Volume 3.

NHAs are a national designation introduced by the Wildlife (Amendment) Act 2000 to protect natural heritage of national importance.

### **10.2.6 National Parks**

There are six National Parks in Ireland, one of which is located in Killarney.

Objective No.	Designated Conservations Areas
	<b>It is an objective of the Council to:-</b>
<b>NE 11</b>	Ensure that all projects likely to have a significant effect on a Natura 2000 / European site will be subject to Habitats Directive Assessment prior to approval.
<b>NE 12</b>	Ensure that no projects which will be reasonably likely to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects) unless imperative reasons of over riding public interest can be established and there are no feasible alternative solutions.
<b>NE 13</b>	Maintain the nature conservation value and integrity of all Natural Heritage Areas (NHAs), proposed Natural Heritage Areas (pNHAs), Nature Reserves and Killarney National Park. This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies

#### 10.2.7 Legally Protected Plant and Animal Species

In Kerry there are several rare, protected and/or threatened plant and animal species.

Flora and Fauna species are also protected under EU legislation, specifically through Annex II, IV and V and Articles 12 and 13 of the Habitats Directive and Annex I of the Birds Directive.

Objective No.	Legally Protected Plant and Animal Species
	<b>It is an objective of the Council to:</b>
<b>NE 14</b>	Protect species of plants listed in the Flora Protection Order (S.I. No. 94 of 1999) and their habitats, species and the habitats of species that require strict protection under the Habitats Regulations (S.I. No. 94 of 1997, 233 of 1998 and 378 of 2005), and animal and bird species and their habitats protected under the Wildlife Acts 1976-2000.



### 10.3 Water Quality

#### 10.3.1 Water Framework Directive

County Kerry covers two River Basin Management Plans; the Shannon International River Basin District (RBD) and the South West RBD. These plans set out the status and quality of waters in the County, the objectives to be achieved and the programme of measures to be implemented in order to achieve those objectives. The two most significant impacts on water quality in County Kerry are discharges from wastewater treatment plants and pollution arising from agricultural activities.

In addition, all local authority wastewater discharges must now be authorised by the EPA and conditions may be imposed in order to protect the environment. Diffuse pollution from agriculture is primarily addressed through the Nitrates Action Programme. The rivers and lakes in County Kerry contain internationally important populations of water dependent species including Salmon, Freshwater Pearl Mussels, Lamprey and Otter. There are also a number of formally designated shellfish areas around the coast of County Kerry.

Objective No.	Water Services
	<b>It is an objective of the Council to:-</b>
<b>NE-15</b>	Achieve water quality targets by implementing the River Basin Management Plans (and associated programmes of measures) and to ensure that development undertaken or permitted by local authorities; other public agencies or private operators, shall not contravene the objectives of the Water Framework Directive, the European Communities Environmental Objectives (Surface Waters) Regulations 2009 SI 272 of 2009 and the European Communities Environmental Objectives) Groundwaters) Regulations 2010, SI 9 of 2010.
<b>NE-16</b>	<p>(a) Promote the protection of Protected Areas as outlined in Annex (IV) of the Water Framework Directive and the application of relevant Government Guidance in this area.</p> <p>(b) Implement Sub-basin Management Plans in accordance with the Fresh Water Pearl Mussel Regulations (SI 296 of 2009)</p>

#### 10.3.2 Groundwater and Source Protection

Ireland has an obligation under the EU Directive 91/676/EEC to prevent pollution of groundwater and surface water by nitrates from agricultural sources.

## Special Planning Meeting

The Lough Guitane catchment is the source of the Central Regional Water Supply Scheme and is the largest single water supply source in County Kerry. In view of the impact of a contaminated water supply on the local economy and public health, it is critical that this source be protected.

Water of good quality is a major resource and must be protected. In areas not served by public or group schemes, groundwater is the principle source of water.

Objective No.	Water Quality
	<b>It is an objective of the Council to:-</b>
<b>NE-17</b>	Prohibit any form of development within the catchment area of Lough Guitane (including the lake itself) that will have a potentially detrimental effect on water quality (See Map 10.1)
<b>NE-18</b>	Assess all planning applications within the Zones of Contribution (as identified by or on behalf of Kerry County Council) or potential Zones of Contribution (as set out in the document "Groundwater Protection Schemes" (GSI/EPA/DoELG, 1991) of any public or group scheme groundwater source in terms of their potential impact on the water quality of that source.
<b>NE-19</b>	Ensure that planning applications are assessed with regard to the Groundwater Protection Scheme and the likely impacts the development may have on groundwater quality. Development considered inappropriate by the Council will be prohibited in the vicinity of important aquifers. Cumulative impacts shall also be taken into consideration.
<b>NE-20</b>	Ensure that any development that would have an unacceptable and significant impact on the water resource of the area, including surface water and groundwater quality and quantity, any fish bearing watercourse, riparian zone, river corridors and associated wetlands of significance will not be permitted.
<b>NE-21</b>	Protect all sources and potential sources of public water supply within the County from pollution resulting from any development and/or land use.
<b>NE-22</b>	Protect rivers, streams and other watercourses and maintain them where possible in an open state capable of providing suitable habitat for fauna and flora and to work with other agencies, as appropriate, to prevent the spread of invasive species in or along the county's aquatic habitats.

<b>NE-23</b>	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.
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#### 10.4 Septic Tanks and Proprietary Waste Water Treatment Systems

There are in the region of 36,000 domestic onsite waste water treatment systems in County Kerry of varying age and condition. It is a legal requirement that all septic tanks and waste water treatment units are registered with the Local Authority.

Objective No.	Waste Water Treatment
	<b>It is an objective of the Council to:-</b>
<b>NE-24</b>	Ensure that all waste water treatment systems for single houses are designed, constructed, installed and maintained in accordance with the manufacturers guidelines and the E.P.A. Publication 'Wastewater Treatment Manuals Treatment Systems for single houses' (2010) or any amending/replacement guidance or standards.

#### 10.5 Features or Areas of Geological Interest

Over 100 sites have been identified by the GSI as sites of geological interest in Kerry as listed in Volume 1 and illustrated in Volume 3.

Objective No.	Features or Areas of Geological Interest
	<b>It is an objective of the Council to:-</b>
<b>NE 25</b>	Seek the preservation of important features of geological interest and to maintain the conservation value of those features or areas of geological interest that are listed in Volume 1 and illustrated in Volume 3 of this plan and protect them from inappropriate development.

#### 10.6 Wetlands

A number of wetlands in the County offer educational, recreational and micro business opportunities, most notably the Tralee Bay Wetlands centre. Wetlands include a wide range of habitats including swamps, marshes, peatlands and inter-tidal areas.

In accordance with the requirements of the Planning and Development Regulations 2001-2013, planning permission is required for proposals which involve the drainage of 0.1Ha of wetlands, while planning permission accompanied by a mandatory EIA is required for proposals which involve the drainage of 2Ha of wetlands. Proposals which involve the drainage of less than 0.1Ha of wetlands require planning permission where either an Environmental Impact Assessment or a stage 2 Appropriate Assessment is required.

Objective No.	Wetlands
	<b>It is an objective of the Council to:-</b>
<b>NE 26</b>	Ensure that impacts on flood risk, biodiversity, carbon storage and archaeology are taken into consideration when assessing any development proposals involving the drainage or loss of wetlands.
<b>NE 27</b>	Support the sustainable use of wetlands for educational, recreational and or tourism uses where appropriate and compatible with environmental protection designations.

### 10.7 Ecological Corridors

Ecological corridors or stepping stones are habitat patches that may not necessarily be of high conservation value themselves, but serve to maintain ecological connectivity in the landscape.

Objective No.	Ecological Corridors
	<b>It is an objective of the Council to:</b>
<b>NE 28</b>	Promote the concept of connecting corridors for the movement of wildlife.
<b>NE 29</b>	Encourage and facilitate the retention and creation of features of local biodiversity value, ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks and wetlands.
<b>NE 30</b>	Identify key areas in the County, in collaboration with other relevant bodies, where habitat mapping would be of particular benefit to record existing features of local biodiversity and to integrate this information in the development management process.
<b>NE 31</b>	Have regard to habitat maps, where available, when preparing town / local area plans and when assessing development proposals.
<b>NE 32</b>	Promote the integration and improvement of natural watercourses in development proposals.

## 10.8 Woodlands and Trees

Landowners and developers will be encouraged to retain existing trees, where practicable and to plant additional trees of native species, locally provenanced and grown where possible. Plants sourced from outside of the County can bring with them diseases which can threaten native stocks (e.g Ash die back).

The National Parks and Wildlife Services (NPWS) have identified 12 native woodlands in Kerry of particular biodiversity value. The woodlands identified in Kerry are listed in **Volume 1**.

Objective No.	Woodlands and Trees
	<b>It is an objective of the Council to:</b>
<b>NE 33</b>	Preserve and enhance the general level of broadleaf tree cover throughout the County in both urban and rural areas and ensure that development proposals satisfactorily retain existing trees and/or provide additional native planting.
<b>NE 34</b>	Encourage the provision of locally provenanced native tree species as part of development landscaping schemes.
<b>NE 35</b>	Protect and sustainably enhance the biodiversity and where appropriate the landscape and recreational interests of woodlands in the County, particularly those listed in Table 10.6 (Vol.1 Appendix 4) and any other woodlands subsequently identified or designated in need of protection.

## 10.9 Green Infrastructure

Green infrastructure is a network of green spaces that help conserve natural ecosystems and also provide benefits to human populations through such means as water purification, flood control, carbon capture, food production and recreation space.

Objective No.	Green Infrastructure
	<b>It is an objective of the Council to :-</b>
<b>NE 36</b>	Protect, enhance and provide green infrastructure throughout the County.

## 10.10 Urban Ecology

Urban habitats are sometimes viewed as being less important than rural habitats, however urban settlements are often located near biodiversity hotspots, such as along rivers or on the coast. Private gardens can also encourage wildlife and

buildings can incorporate biodiversity through features such as green roofs and living walls.

Objective No.	Urban Ecology
	<b>It is an objective of the Council to :-</b>
<b>NE 37</b>	Encourage and where appropriate enhance the provision of biodiversity features in urban areas through the town / local area plan preparation and development management processes.

### 10.11 Habitat Loss and Fragmentation

The primary threat to biodiversity both within and outside protected areas is habitat degradation, fragmentation and loss.

Objective No.	Habitat Loss and Fragmentation
	<b>It is an objective of the Council to :-</b>
<b>NE 38</b>	Require, where necessary, proposals to be accompanied by a habitat map prepared in accordance with the Heritage Councils <i>Best Practice Guidance for Habitat Survey and Mapping</i> , 2011.

### 10.12 Invasive Species

Invasive non-native plant and animal species are often cited as the second greatest threat to biodiversity worldwide after habitat destruction. Invasive introduced species tend to reproduce rapidly and are difficult to eradicate once established. It is therefore very important to prevent the movement of earth contaminated with propagule material (e.g. seeds, rhizomes / roots, cuttings from hedge trimming or other fragments) from one area to another. The issue of invasive species is of particular importance given the potential for impact on protected habitats and species.

Objective No.	Invasive Species
	<b>It is an objective of the Council to :</b>
<b>NE 39</b>	Require as necessary, as part of the planning application process, the eradication/control of invasive introduced species, including Japanese Knotweed, when identified on a site or in the vicinity of a site (underground parts of the plants may extend laterally up to 7 meters).
<b>NE 40</b>	Raise in association with relevant authorities, awareness of potential threats caused by invasive species and how they can be spread.
<b>NE 41</b>	Facilitate, in conjunction with relevant agencies, the appropriate cleaning of boats and other potential vectors of introduction, prior to entry into sensitive waters in the County.

### 10.13 Biodiversity and Planning Applications

Kerry County Council advises that biodiversity issues be considered at the earliest stage of planning and designing of a development.

Objective No.	Biodiversity
	<b>It is an objective of the Council to:-</b>
<b>NE 42</b>	Ensure that in the formulation of development proposals the protection of the biodiversity of flora and fauna is taken into consideration.
<b>NE 43</b>	Prepare planning guidelines for developers / applicants on the incorporation of biodiversity considerations in development proposals, during the lifetime of this plan.
<b>NE 44</b>	Ensure that flood and coastal protection works are designed, implemented and managed in a manner which takes into account biodiversity considerations and shall in all cases be compatible with Natura 2000 nature conservation objectives. As part of this, where coastal protection works are proposed cognisance shall be given to the potential impacts of coastal squeeze on vulnerable habitats (e.g. saltmarsh, mud flats and beaches).

### 10.14 Environmental Impact Assessment

Environmental Impact Assessment (EIA) is the process by which the anticipated effects on the environment of a proposed development or project are assessed.

EIA will be required where it meets the thresholds specified in Schedule 5 Part 1 or 2 of the Planning and Development Regulations 2001-2013. An Environmental Impact Statement shall also accompany an application for sub threshold developments where the Planning Authority is of the opinion that the potential environmental impact is such that an EIA is warranted.

### 10.15 Marine

Kerry has 684km of coastline which is a significant resource in terms of visual amenity, recreation, tourism, biodiversity, ports/harbours, fishing and mariculture/aquaculture.

Directive 2008/56/EC, the Marine Strategy Framework Directive (MSFD), establishes a framework within which EU Member States are required to take the necessary measures to achieve or maintain Good Environmental Status (GES) in the marine environment by 2020. The Directive requires each Member State to produce a marine strategy, which involves defining GES, setting environmental targets and indicators, implementing monitoring programmes for ongoing assessment and developing and implementing Programmes of Measures to achieve or maintain GES.



Objective No.	Marine
	<b>It is an objective of the Council to:-</b>
<b>NE 45</b>	Comply with the provisions of EU Marine and Coastal Zone Management Directives.
<b>NE 46</b>	Take an ecosystems-based approach to the assessment of the potential impact of development proposals on coastal and maritime areas. In assessing the impact that development would have on coastal and maritime natural heritage values, the Council will take a precautionary approach and proposals will be required to demonstrate that there will be no likely significant adverse impact on key environmental attributes. Development proposals shall comply with all relevant objectives and standards of this plan including those relating to biodiversity and environmental assessment.

### **10.16 Integrated Coastal Zone Management (ICZM)**

There is a greater emphasis on the need to achieve better integration between maritime spatial planning and integrated coastal management.

Integrated Coastal Management provides a tool for the integrated management of all policy processes affecting the coastal zone, addressing the land-sea interactions of coastal activities in a coordinated way with a view to ensuring the sustainable development of coastal and marine areas.

#### **10.16.1 Coastal Development**

A Coastal Development Zone is defined in this instance as including the areas over which the coastline has a functional and visual influence.

#### **10.16.2 Coastal Protection**

##### **Coastal Erosion**

Kerry has 684km of coastline, of which 306km can be designated as hard coastline with the remaining 378km being soft and more susceptible to erosion.

##### **Sand Dunes**

Sand dunes form an effective natural coastal defence and interference with dunes can have a serious impact on the coast. Serious sand dune erosion continues to occur in many of the well known recreational areas in the County.

### **10.17 Blue Flag Beach and Green Coast Awards**

The Blue Flag beaches in Kerry in 2013 are set out below:-



Kerry Blue Flag Beaches 2013	
	Derrynane
	Ballinskelligs
	White Strand
	Kells
	Rossbeigh
	Inch
	Ventry
	Magherabeg
	Fenit
	Banna
	Ballyheigue
	Ballybunion South

**Table 10.2 Kerry Blue Flag Beaches 2013**

The Green Coast Award is for beaches which have excellent water quality, but which are also prized for their natural, unspoilt environment and therefore are often located in more rural / remote areas. In 2013 an Béal Bán beach Ballyferriter received the Green Coast Award.

Objective No.	Beach Protection
	<b>It is an objective of the Council to:-</b>
<b>NE 60</b>	Support coastal initiatives such as the Green Coast Award and Blue Flag scheme and seek to ensure that coastal areas and bathing waters are maintained to the highest level to provide a valuable recreational resource in the County.

### 10.18 Coastal Squeeze

Coastal squeeze is defined as the squeeze of coastal ecosystems (e.g. beaches, salt marshes, mud, and sand flats) between rising sea levels and naturally or artificially fixed shorelines, including hard engineering defences.

Objective No.	Coastal Squeeze
	<b>It is an objective of the Council to:-</b>
<b>NE 61</b>	Ensure that Coastal Squeeze is taken into account when formulating and assessing coastal development proposals.

## **10.19 Flood Risk Management**

### **10.19.1 Flood Risk**

**Flood Risk = Likelihood of Flooding x Consequences of Flooding**

### **10.19.2 Climate Change Impacts**

### **10.19.3 Flood Risk Vulnerability**

#### **Flood Zones**

Flood zones are geographical areas within which the likelihood of flooding is in a particular range and they are a key tool in flood risk management within the planning process as well as in flood warning and emergency planning. The three types or levels of flood zones defined in the DEHLG (2009) guidelines are as follows:-

#### **Flood Zone A**

Where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding).

#### **Flood Zone B**

Where the probability of flooding from rivers and the sea is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1 in 1000 year and 0.5% or 1 in 200 for coastal flooding).

#### **Flood Zone C**

Where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding). Flood Zone C covers all areas of the plan which are not in zones A or B.

#### **It is the policy of the Planning Authority to:-**

- Implement the recommendations and provisions of the Planning Guidelines on the Planning System and Flood Risk Management (DoEHLG 2009).
- Adopt a sequential approach to flood risk management in the making of subsidiary plans and local area plans, to guide flood vulnerable development away from undeveloped areas that have already been identified as being at risk and such areas that emerge as being at risk when flood risk maps have been prepared for the County.
- Zone/designate land for flood vulnerable development in areas with a high or moderate risk of flooding (Zone A & B) only where it can be clearly demonstrated, on a solid evidence base, that the zoning or designation will satisfy the justification test set out in the Planning System and Flood Risk Management Guidelines (DoEHLG 2009).

The following are flood risk management objectives of the Planning Authority to be adhered to as part of the Town / Local Area Plan preparation process.

Objective No.	Flood Risk Management and Sustainable Planning
	<b>It is an objective of the Council to:-</b>
<b>NE 62</b>	Facilitate the sustainable growth and expansion of key urban settlements located within flood risk areas through the careful expansion of the urban core and the implementation of appropriate land uses in areas at risk. The Sequential and Justification Tests as described in the DoEHLG Planning Guidelines The Planning System and Flood Risk Management will be taken into consideration in this context.
<b>NE 63</b>	Ensure that Town and Local Area Plans include a Strategic Flood Risk Assessment.
<b>NE 64</b>	Ensure that the zoning / designation of lands, for development in areas with a high or moderate risk of flooding, satisfies the sequential approach and justification test set out in the Departmental Guidance on the Planning System and Flood Risk Management (DoEHLG 2009).
<b>NE 65</b>	Ensure that Town and Local Area Plans include policies and objectives requiring and / or supporting flood resilient land uses and flood resilient designs for ground floors of existing and proposed buildings in flood vulnerable locations within existing urban centres, as appropriate.
<b>NE 66</b>	Ensure that SUDS based drainage plans are prepared in conjunction with Town / Local Area Plans to optimise flood/runoff management potential of the areas. The full suite of SUDS design measures should be considered in the SUDS drainage plans.

The following are flood risk management objectives of the Planning Authority to be adhered to as part of the Development Management Process.

Objective No.	Flood Risk Management Objectives
	<b>It is an objective of the Council to:-</b>
<b>NE 67</b>	Ensure that development proposals which would be sensitive to the effects of flooding, or which would be located in flood prone or marginal areas are accompanied with Flood Impact Assessments, detailed Justification Tests and detailed mitigation measures within the context of the DoEHLG (2009) guidelines on Flood Risk Management.
<b>NE 68</b>	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.
<b>NE 69</b>	Ensure that significant developments in upland areas, such as wind farm developments, roadway construction, peatland drainage and forestry proposals, provide sufficient storm water attenuation so as to avoid the occurrence of river erosion or flooding downstream.

Cllr. M. Gleeson said Chapters 10 and 11 should be given to Failte Ireland to demonstrate the richness that Kerry has to offer. He congratulated Tralee and Killarney on their excellent ratings in the IBAL results where they both finished in the top 10. Cllr. Gleeson said he remembers the fresh water Pearl mussel in the Flesk River but it is not present now because of pollution. Thankfully this river is recovering and he expressed his gratitude to farming and forestry services. The Department needs to fund an extension of the public sewer in Killarney to Lissivigeen and Kilcummin. As he was born beside the River Flesk flooding was a part of his life but now White Bridge has worked wonderfully and has proven what a proper bridge structure can do to prevent flooding. People complain that their homes are being flooded yet they built on floodplains. He never wanted to hear of anyone building on a floodplain again. Cork was flooded again recently but the word 'Cork' means 'a marsh' and that is why it gets flooded. Kerry is privileged to have the white tailed eagle introduced to the county and he was glad it was thriving. This is very important for the county and he was sure they would breed successfully in the near future. The greatest threat to our county is invasive species. The Japanese Knotweed is an enormous danger and Kerry County Council cannot deal with it alone. We must make a strong case to Government to provide funding to address this issue. If it is cut it must be buried to a depth of 6m otherwise it will grow again. The wild rhubarb is another species that is creating enormous problems in Achill. He called on the Council and the NPWS to ensure that the Zebra Mussel does not get into our county. There is a very small sign at Ross Castle warning against this while in Cavan he recently saw a very large sign warning of the dangers of the Zebra Mussel.

## Special Planning Meeting

Cllr. R. Beasley asked if an objective could be included to protect areas that are prone to flooding such as the Cashen, the Listowel road etc.

Cllr. D. Healy Rae said members are very concerned about areas prone to flooding. In the CFRA Kerry is grouped with Cork yet there are areas in Kerry i.e. Foiladown and the Cullowa River that are a cause for concern. These areas should be included in the County Development Plan together with Inch and Rossbeigh. When the water quality deteriorates farmers and business people are blamed but that is not always the case. Kilcummin Sewerage Scheme is now reverting to a stand-alone scheme and this is regrettable as the houses between Kilcummin and Killarney will not now be facilitated. He was advised recently the Killarney National Park is being neglected because of lack of manpower. The National Park is huge and an excellent visitor attraction. However, trees are falling down and roads are not being maintained. He asked that those on social welfare would be trained to do this work under supervision.

Cllr. J.J. Culloty expressed disappointment at the lack of progress with Kilcummin Sewerage Scheme. He understood it is now being considered as a stand-alone scheme but he could not accept that was the correct option.

Cllr. G. Wharton Slattery congratulated Tralee and Killarney on their excellent results in the recent IBAL report. Flooding rivers caused huge problems over the past few weeks. There is a lot of rubbish being dumped into streams and rivers and she asked what the solution to this problem is.

Cllr. S. Counihan referred to Kilcummin Sewerage Scheme and asked if members could get something in writing on it. He said the reply he is getting from the Department is different to what members are being told by Management. He asked if a report on this scheme could be requested from the Department as to whether it will be a stand-alone scheme or not.

The Manager confirmed that this report will be requested from the Department.

Mr. O. Ring said he was not sure what report Cllr. Counihan was referring to. Kilcummin Sewerage Scheme has been ongoing for years and unfortunately the choice of contractors did not work out. It is intended to advertise it as a stand-alone scheme as the Department believes this is the best way to progress it. Discussions on the scheme will now be with Irish Water but they have limited funding.

Mr Stack confirmed that the objective requested by Cllr. Beasley can be included in the County Development Plan.

**(d) Chapter 11 Built & Cultural Heritage**

Mr. Stack referred members to Pages 185 to 204 for details on Chapter 11. He read the following extracts from this Chapter.

**11.1 Introduction**

While encouraging and facilitating the economic sustainable development of the County care must be taken to ensure that aspects of our built and cultural heritage are protected and managed in such a way that they can continue to inform and influence our sense of identity and pride.

At a national level, the importance of heritage was recognised with the publication in 2002 of the National Heritage Plan.

The National Heritage Plan recognises that local authorities are key partners in the integration of heritage conservation at local levels.

Additional policies and objectives relating to Natural Heritage protection are contained in the Natural Environment and Flood Risk Management Chapter of this Plan.

Objective No.	Strategic Objectives
	<b>It is an objective of the Council to :-</b>
<b>H-1</b>	Ensure that [a] the requirements of relevant national and EU legislation are met by the Council in undertaking its functions, and [b] raise awareness in relation to the requirements of relevant national and EU legislation.
<b>H-2</b>	Promote strategic co-ordination between Local Authority Services in respect of Heritage Management.
<b>H-3</b>	Promote strategic heritage partnerships with other Local Authorities and agencies where applicable.
<b>H-4</b>	Liaise with Tralee IT and other third level institutions in the development of heritage research at County level.
<b>H-5</b>	Promote co-operation between agencies with responsibility for heritage conservation and protection at County level.
<b>H-6</b>	Ensure that heritage sites within the ownership or custodianship of Kerry County Council are appropriately and sustainably managed.

<b>H-7</b>	Support local communities to audit and evaluate their local heritage and to publish the results of this work (e.g local heritage guides, local heritage maps).
<b>H-8</b>	Support local Tidy Towns groups in their approach to the natural and built heritage.
<b>H-9</b>	Participate in and promote National Heritage Week, Biodiversity Week and other relevant heritage days.
<b>H-10</b>	Promote sustainable recreational use of the countryside, marine and coastal areas within Co. Kerry.
<b>H-11</b>	Support the professional functioning of museums and heritage centres within the County.

## 11.2 Cultural Heritage

The cultural heritage of Kerry embraces various aspects of the artistic, musical, literary, linguistic and sporting heritage, but also such aspects as agricultural practices, indigenous crafts, folklore, as well as the built and archaeological heritage which are dealt with in following chapters.

<b>Objective No.</b>	<b>Cultural Heritage</b>
	<b>It is an objective of the Council to:-</b>
<b>H- 12</b>	Support cultural and artistic excellence and innovation and support the work of those involved in the sustainable development of our artistic and cultural heritage, subject to compliance with established planning and environmental criteria and the development management standards of this Plan.
<b>H-13</b>	Promote and facilitate the sustainable development, creation and display of works of art in public areas subject to compliance with established planning and environmental criteria and the development management standards of this Plan.
<b>H-14</b>	Co-operate with the Arts Council, the Heritage Council, Fáilte Ireland, the National Parks and Wildlife Service and other relevant bodies to promote and develop the arts, cultural and heritage attractions throughout Kerry.

### 11.2.1 Gaeltacht Areas

Kerry County Council is committed to the preservation and promotion of the linguistic heritage of the Gaeltacht.

The population of the Kerry Gaeltacht areas is 8,729 (CSO 2011) which represents c. 8.7% of the national Gaeltacht population.

### 11.2.2 Preservation of the Irish Language

The main factors that need to be considered can be broken down into a number of categories as follows:

- **Demographics**
- **Economic Factors**
- **Facilities**
- **Infrastructure**

Certain areas within the Gaeltacht reflect the unique traditions and culture of the area. In particular the Blasket Islands, with their tradition of literature and island life, represent a cultural tradition of National importance.

Objective No.	Irish Language
	<b>It is an objective of the Council to :</b>
<b>H-15</b>	Facilitate the sustainable provision of facilities for the teaching of the Irish language.
<b>H-16</b>	Encourage the sustainable provision of facilities for the production of traditional entertainment and the presentation of culture through the Irish medium, at appropriate locations.
<b>H-17</b>	Facilitate the sustainable provision of housing by housing associations and similar organisations, at appropriate locations, for those who use the Irish language as their primary means of communication.
<b>H-18</b>	Facilitate the provision of appropriately designed and located infrastructure to enable the economic development of the area in a sustainable manner.
<b>H-19</b>	Have regard to the impact of gradual residential development in Gaeltacht areas by non-Irish speakers.



<b>H-20</b>	Promote the use of Irish on all non-regulatory signage in Gaeltacht areas.
<b>H-21</b>	Assess large planning applications for development in Gaeltacht areas in terms of the likely effect that such development would have on the Irish language and the Gaeltacht.
<b>H-22</b>	a) Require all large planning applications and residential applications for development in excess of 3 houses in Gaeltacht Areas to be accompanied by a linguistic impact assessment once a clear methodology has been developed for their preparation and assessment. b) To prepare guidelines for the preparation and assessment of linguistic impact assessments.
<b>H-23</b>	Use only the Irish version of Gaeltacht place names in accordance with the Ordú Loganimneacha (Ceantair Ghaeltachta) 2004
<b>H-24</b>	Develop over the period of the plan a policy in relation to social and affordable housing and Irish language requirements.

### **11.3 Archaeological Heritage**

#### **11.3.1 The Archaeology of Kerry - An Overview**

#### **11.3.2 Iveragh & Beara Peninsulas**

#### **11.3.3 The Dingle Peninsula**

#### **11.3.4 North Kerry**

#### **11.3.5 Mid-Kerry**

#### **11.3.6 Recorded Archaeological Monuments**

There are over 6,500 monuments listed in the Record of Monuments & Places for County Kerry, many of which are complexes or monument groups with significant numbers of component features.

#### **11.3.7 Archaeological Landscapes**

#### **11.3.8 Underwater Archaeology**

Objective No.	Archaeological Heritage
	<b>It is an objective of the Council to :-</b>
<b>H-25</b>	Protect and preserve the underwater archaeological heritage of the County. In assessing proposals for development, the Council will take account of the rivers, lakes, intertidal and sub-tidal environments.
<b>H-26</b>	Secure the preservation of all sites, features and objects of archaeological interest within the County. In securing such preservation the Council will have regard to the advice and recommendations of the National Monuments Service, Department of Arts Heritage & the Gaeltacht, the National Museum of Ireland and the County Archaeologist.
<b>H-27</b>	Ensure that proposed development (due to location, size or nature) which may have implications for the archaeological heritage of the County are subject to an Archaeological Assessment which may lead to further subsequent archaeological mitigation – buffer zones/exclusion zones, monitoring, pre-development archaeological testing, archaeological excavation and/or refusal of planning. This includes areas close to archaeological monuments, extensive in area (half hectare or more) or length (1km or more) and development that requires an Environmental Impact Statement.
<b>H-28</b>	Ensure the protection and preservation of archaeological monuments and features, as yet not listed in the Record of Monuments & Places (RMP), Sites & Monuments Record (SMR) and as yet unrecorded, through on-going review of the archaeological potential of the plan area. In securing such protection the council will have regard to the advice and recommendations of The National Monuments Service, Department of Arts, Heritage & the Gaeltacht and the County Archaeologist.
<b>H-29</b>	Ensure that development (including forestry, renewable energy developments and extractive industries) within the vicinity of a recorded monument, zone of archaeological potential or archaeological landscape does not detract from the setting of the feature and is sited and designed appropriately and sympathetically with the character of the monument/feature/landscape and its setting.

<b>H-30</b>	Ensure the active protection of the 18 identified, significant archaeological landscapes outlined in Appendix ? with particular emphasis on the landscape settings, views of and from the landscapes and monument/feature inter-visibility within these landscapes.
<b>H-31</b>	Protect archaeological/historical graveyards within the County and to encourage and promote their maintenance in accordance with legislation, conservation principles and best practice.
<b>H-32</b>	Protect and preserve the industrial archaeological heritage of the County as reflected in such sites as mills, lighthouses, harbours, Valentia cable station etc. Proposals for refurbishment, works to or redevelopment of these sites should be subject to a full architectural and archaeological assessment.
<b>H-33</b>	Promote public awareness and facilitate appropriate advisory guidance in relation to the protection of the archaeological heritage of the County.

## **11.4 Architectural Heritage**

### **11.4.2 Relevant Legislation**

#### **11.4.3 Architectural Conservation Area (ACA)**

A place, an area or a group of structures or streetscape of special interest is eligible for designation as an Architectural Conservation Area (ACA).

At present there are 20 ACAs in the County (see Volume 2). The Council will endeavour to conserve not only the historical built environment but also the traditional townscape and its setting.

#### **11.4.4 Built Heritage - Urban Areas**

#### **11.4.5 Built Heritage - Rural Areas**

A survey of the rural vernacular buildings of North and East Kerry was completed in 2013 by Lotts Architecture on behalf of North & East Kerry Development (NEKD) and Kerry Co. Council. Almost 700 buildings were examined and it is envisaged that when additional funding becomes available this study will be published. The purpose of the study was to create an inventory of the surviving architecture of this part of Kerry, before these structures are altered beyond

recognition or demolished. Unfortunately a high percentage of the buildings recorded are unoccupied a factor which militates against their long-term survival. Much of our vernacular built heritage is now gone either through abandonment, neglect, redundancy, modernization or demolition. The thatched whitewashed rural cottage which was at one point the iconic image used to represent rural Ireland is now a rarity.

#### **11.4.6 Architectural Heritage- The Future**

It is anticipated that through raising awareness of the built heritage of the County that a better appreciation will develop, together with a drive to protect the County's very significant heritage. Developments that are proposed within an Architectural Conservation Area or adjacent to Protected Structures or Recorded Monuments will respect the established vernacular architecture such as building heights, fenestration and design where appropriate and where possible.

It is accepted that buildings change over time and need to be adapted to meet owner's requirements and changing circumstances, it is also accepted that historic buildings need to be kept in active use while protecting their character. Protected structure designation does not prohibit alterations /extensions to a building. Appropriate design measures can ensure that the effect on the material character of the building is minimised. The Council will look favourably at sympathetic proposals for the renovation, adaptation and reuse of protected structures.

The Conservation Grants Scheme which was in operation for a number of years to assist owners of protected structures, was paused due to financial constraints in 2010, and in 2011, the Department of Arts, Heritage and the Gaeltacht introduced a new scheme, entitled the Structures at Risk Fund (SRF) The purpose of the Structures at Risk Fund is to assist with works to safeguard structures protected under the Planning and Development Acts and in certain cases, works to structures within Architectural Conservation Areas, where, in the opinion of the Department, an urgent need for works to such structures has arisen and has been demonstrated. It is anticipated that once the current financial situation has improved the Conservation Grant Scheme or something similar will be reinstated.

<b>Objective No.</b>	<b>Architectural Heritage &amp; Conservation</b>
	<b>It is an objective of the Council to :-</b>
<b>H-34</b>	Protect the architectural heritage and promote conservation-led regeneration and re-use of buildings, where appropriate.

<b>H-35</b>	Promote and improve the understanding of the architectural heritage of Co. Kerry.
<b>H-36</b>	Facilitate and exercise appropriate advisory guidance in relation to maintenance and development of the architectural heritage.
<b>H-37</b>	Encourage the retention of original building fabric such as cut stone, thatch, timber sash windows, timber doors, lime mortar, natural slate, render and joinery detailing.
<b>H-38</b>	<p>Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting:-</p> <ol style="list-style-type: none"> <li>(1) Is appropriate in terms of the proposed materials, scale, density and layout,</li> <li>(2) Addresses the issue of reversibility,</li> <li>(3) Respects the original design plan and form,</li> <li>(4) Demonstrates an understanding of the historical importance of the building and its setting and does not detract from the special character / interest of the protected structure,</li> <li>(5) Deal sensitively with historically important features and fittings,</li> <li>(6) Takes account of any protected species that may utilise the structure and accordingly mitigate any impacts on the species.</li> </ol>
<b>H-39</b>	Ensure that the special interest of protected structure is not gradually eroded by minor alterations.
<b>H-40</b>	Ensure that measures to upgrade the energy efficiency of Protected Structures and historic buildings do not damage the historic fabric.
<b>H-41</b>	Encourage owners or prospective owners of protected structures to seek Section 57 Declarations in order to provide certainty about the type of works that may be undertaken without planning permission.
<b>H-42</b>	Promote the positive enhancement of existing ACAs and review the possibility of designating additional ACAs as is deemed appropriate. ACA designation helps to protect existing street layouts, historic building lines and traditional plot widths.
<b>H-43</b>	Ensure that any new development or alteration to a building within or adjoining an Architectural Conservation Area positively enhances the character of the area and is appropriate in terms of the proposed materials, scale, density and layout, proportions, plot ratio and building lines.

<b>H-44</b>	Ensure a balanced approach to maintenance and development of the architectural heritage, having regard to both the qualities of the given architectural context and the modern requirements to safety, comfort and usage, thus facilitating continuity of use of the architectural heritage in a sustainable manner.
<b>H-45</b>	Encourage the protection, appreciation, retention and appropriate renovation of vernacular buildings throughout the County.
<b>H-46</b>	Facilitate the compilation of a comprehensive survey over the term of the plan of vernacular architecture in the south and west of the County to ensure that these buildings are identified and adequately protected in the Record of Protected Structures.
<b>H-47</b>	Review the <i>Record of Protected Structures</i> including taking into consideration ministerial recommendations arising from the National Inventory of Architectural Heritage and add structures of special interest as appropriate, including industrial, maritime or vernacular heritage.
<b>H-48</b>	Implement statutory protection against unauthorized works, demolition, deterioration, dereliction or any alteration which would affect the character or special interest of a protected Structure.

Mr. McMahon referred members to the paragraph on the Government Grant Scheme and said a modified scheme was recently announced in relation to Protected Structures with substantial funding. An advertisement will appear in this week's paper in relation to it. The information is available on the Department website and anyone interested should contact Eamon Fleming in the Planning Department. In conclusion Mr McMahon said the closing date for receipt of applications is the 7<sup>th</sup> February.

Cllr. M. Gleeson said it is important to do everything possible to maintain and strengthen not just our language but the culture of these areas. The numbers speaking Irish is falling year-on-year. We have a wonderful richness of music and song in particular in Sliabh Luachra and this should be preserved. In County Cavan a number of years ago they produced a cassette of distinctive music from their county. Perhaps the Community, Culture and Tourism SPC could consider undertaking a similar project in Kerry and there would then be a permanent record for our young people of the playing styles of each area. This could also apply to poetry.

Cllr. T. Ferris asked Mr. McMahon and if he was referring to Heritage Grants.

Mr McMahon said it is called “The Built Heritage Jobs Leverage Scheme 2014”.

Cllr. Ferris asked if local authorities can apply under this Scheme.

In response Mr. McMahon said priority will be given to individuals and Kerry received an allocation of €146,000. The minimum grant is €2,500 while the maximum is €15,000.

Cllr. Ferris said local authorities can apply for funding under the Heritage Grant Scheme. She PROPOSED that an application would be submitted under this Scheme to provide new gates at Ardfert Cathedral.

Mr McMahon undertook to consider this and said in the past churches were major beneficiaries of Conservation Grant Schemes.

## **(e) Chapter 12 Zoning & Landscape**

Mr. Stack referred members to Pages 205 to 210 for details on Chapter 12. He read the following extracts from this Chapter.

### **12.1 Introduction**

**12.1.1** The outstanding landscapes of Kerry are one of the County’s defining features and one of its most important economic assets. Few counties possess the variety of different landscapes that are found here - from the beautiful unspoilt beaches and rolling hills and pastureland of North Kerry to the rugged coastline and elevated mountainous wilderness of South & West Kerry.

**12.1.2** Fáilte Ireland conducted a Holiday Maker Survey of visitors to the Ring of Kerry<sup>1</sup> and the Dingle Peninsula<sup>2</sup>. Of those surveyed, over 80% cited the quality and beauty of the countryside as the main reason for their visit.

<b>Objective No.</b>	<b>Landscape Protection</b>
	<b>It is an objective of the Council to:-</b>
<b>ZL 1</b>	Protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to the quality of people’s lives.

1

[http://www.failteireland.ie/FailteIreland/media/WebsiteStructure/Documents/3\\_Research\\_Insights/4\\_Visitor\\_Insights/Final\\_Ring\\_of\\_Kerry\\_2012.pdf?ext=.pdf](http://www.failteireland.ie/FailteIreland/media/WebsiteStructure/Documents/3_Research_Insights/4_Visitor_Insights/Final_Ring_of_Kerry_2012.pdf?ext=.pdf)

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[http://www.failteireland.ie/FailteIreland/media/WebsiteStructure/Documents/3\\_Research\\_Insights/4\\_Visitor\\_Insights/Final\\_Dingle\\_2012-1.pdf?ext=.pdf](http://www.failteireland.ie/FailteIreland/media/WebsiteStructure/Documents/3_Research_Insights/4_Visitor_Insights/Final_Dingle_2012-1.pdf?ext=.pdf)

## 12.2 Landscape Sensitivity and Landscape Capacity

**12.2.2** The sensitivity of a landscape is a measure of its ability to accommodate change or intervention, without suffering unacceptable effects to its character. Differing landscapes, based on their sensitivity, have the capacity to absorb different levels of development.

**12.2.3** In order to fully determine the sensitivity and capacity of a landscape, a Landscape Character Assessment (LCA) is required.

### 12.2.4 Identification and Classification of Landscape Types

### 12.2.5 Landscape Character Areas

### 12.2.6 Landscape Value and Sensitivity to Development

Objective No	Zoning
	<b>It is an objective of the Council to:-</b>
<b>ZL 2</b>	Prepare a Landscape Character Assessment of the County following the publication of the proposed National Landscape Strategy. This Assessment will include capacity studies for different forms of development and will involve consultation with adjoining local authorities.

## 12.3 Zoning

**12.3.1** In the preparation of zoning designations for the County, the Planning Authority has considered not only the quality of a landscape itself, but also the level of existing development and the ability of the landscape to absorb further development without altering its character to an unacceptable degree.

Objective No.	Zoning
	<b>It is an objective of the Council to:-</b>
<b>ZL 3</b>	Determine the zoning of lands in rural areas having regard to the sensitivity of the landscape as well as its capacity to absorb further development.



## Zoning Designations

**12.3.3** The zoning designations for the County are as follows:-

- Urban
- Rural Prime Special Amenity
- Rural Secondary Special Amenity
- Rural General
- Industrial (Tarbert/Ballylongford Landbank)
- Land and Marine Based Development (Shannon Estuary)

### ***(a) Rural Prime Special Amenity***

**12.3.6** Rural Prime Special Amenity Areas are those landscapes which are very sensitive and have little or no capacity to accommodate development.

### ***(b) Rural Secondary Special Amenity***

**12.3.7** The landscape of areas in this designation is sensitive to development. Accordingly, development in these areas must be designed so as to minimise the effect on the landscape.

Objective No.	Rural Zoning
	<b>It is the objective of the Council to:-</b>
<b>ZL 4</b>	Regulate residential development in Rural Areas in accordance with the zoned designation of that area and the policies outlined in the Rural Settlement Strategy set out in Section 3.3 of this Plan.

## **Industrial**

**12.3.11** Land known as the Tarbert/Ballylongford Land Bank comprises 390 hectares of land and is zoned for the development of industrial uses. These uses include large scale marine-related industry and enterprises which require deep water access.

## **12.4 View and Prospects**

**12.4.1** County Kerry contains areas of outstanding natural beauty which are recognised internationally. There is a need to protect and conserve views and prospects adjoining public roads throughout the County. These views and prospects are important to the amenity of the County and to its tourist industry. To this end a survey of viewing points along a number of important walking, cycling and driving routes (including the Wild Atlantic Way) has been carried out.

Views and Prospects requiring protection have been identified and are indicated in Volume 3.

Objective No.	View and Prospects
	<b>It is an objective of the Council to: _</b>
<b>ZL 5</b>	Preserve the views and prospects as defined on Map No's 12.1, 12.1a – 12.1u.
<b>ZL 6</b>	Facilitate the sustainable development of existing Viewing Points as identified by Fáilte Ireland along the route of the Wild Atlantic Way, while ensuring the protection of environmental attributes in the area through the implementation of environmental protection objectives, standards and guidelines of this Plan.

Cllr. D. Healy Rae asked if there are any additional locations included in Views and Prospects. Areas such as Loo Bridge to Kilgarvan and the Clydagh Valley are included in Views and Prospects in the current plan and the designations are very restrictive. He asked if the restrictions applied to them will continue in the new Plan. People from Killarney want to move out and even though they own the land for 8 to 10 years they could not get permission. He asked if that restriction is contained in the Draft Plan.

Mr. P. Stack confirmed that additional areas are included in Views and Prospects and this is primarily on the route of the Wild Atlantic Way. It is very important that this route is protected and we must be seen to support the Wild Atlantic Way. This is critical for the future of tourism in Kerry.

Cllr. D. Healy-Rae asked if the only new areas are those on the route of the Wild Atlantic Way.

Mr. Stack confirmed that is correct and said the route commences in Tarbert. He referred members to the middle of Page 210 and read the following:

*It is not proposed that the protection and conservation of these views and prospects should give rise to the prohibition of development along these routes, but development, where permitted, should not seriously hinder or obstruct these views and should be designed and located to minimise their impact.”* Mr. Stack said the Planning Department would work with anyone on that route and for example while a two storey house may not be permitted a single storey dwelling may be acceptable.

Cllr. D. Healy-Rae requested a response to his query in relation to restrictions on family members.

Mr. Stack said this issue was dealt with in Chapter 3.

**(f) Chapter 13 Development Management Standards & Guidelines**

Mr. Stack referred members to Pages 211 to 244 for details on Chapter 13. He read the following extracts from that Chapter.

**13.1 Introduction**

*The purpose of development management guidelines and standards is to supplement the policies and objectives cited in the other chapters of the Development Plan regarding the appropriate form of new development and to ensure that new development is of a high quality and satisfactorily relates to the character, scale, layout and form of the area in question.*

Mr. Stack referred members to Pages 211 to 223 where details of development standards/general are set out. The appropriate standards are set out and most of these are the same as the current County Development Plan. There is also reference to the appropriate legislation. Mr. Stack then outlined the headings for the development standards as follows:

**13.2 Development Standards/General**

Access for People with Disabilities	
Access onto Public Road	
Air Pollution	
Appropriate Assessment	
Archaeological Assessment	
Bonds and Securities	
Broadband	
Building Line	
Childcare Facilities	
Contributions and Development Charges	
Design (General)	
Design Consideration for Energy Consumption	
Environmental Impact Assessment	
Extractive Industry	
Flood Risk Management Standards	
Home Composting	
Infill Sites	
Invasive Alien Species Management	

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Agreements/Company	
Noise Pollution	
Peat Extraction	
Playgrounds	
Pre-Planning Meetings	The Council in accordance with Section 247 of the Planning and Development Act, 2000 (as amended) provides an opportunity for applicants to engage in discussions with the Planning Authority prior to making a planning application. Applicants are strongly advised to avail of this service. It should however be noted that such discussions will not prejudice any subsequent decision made by Kerry County Council.
Public Realm	
Rain Water Harvesting	
Recycling	
Renewable Energy	<p>Wind Energy, Geo thermal, Biomass, Combined heat and Power and all other forms of renewable energy will be considered in accordance with the Renewable Energy Strategy adopted by Kerry County Council in 2012.</p> <p>The use of small wind turbines and solar panels shall be encouraged where appropriate. Exemptions for small wind turbines and solar panels are detailed in Statutory Instrument no. 83 of 2007, Planning and Development Regulations 2007.</p>
Retailing	
Road Safety Audit	
Sanitary Services	
Services	
Schools	
Smarter Travel	The Council shall be informed by the 'Design Manual for Urban Roads and Streets' – Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government – March, 2013 publication when designing urban roads and making provision for both pedestrian and cycle movement.
Surface Water	Surface water shall be disposed of to soak pits on site or watercourse(s) adjoining site and shall not be allowed to flow onto the public road

	or to adjoining properties. Developments are required to incorporate sustainable storm water management systems for the disposal of surface water arising from the development. A Sustainable Urban Design System (SUDS) will be required for all new developments. Details must be submitted as part of the planning application. Where possible the full suite of SUDS measures should be considered.
Traffic and Transport Assessments	
Waste Water Treatment Systems	
Water	

### 13.3 Standards for Residential Developments in Urban Areas

Mr. Stack then referred members to Pages 224 to 228 where Standards for Residential Development in Urban Areas are set out. He outlined the headings as follows:

Street Design in Urban Areas	Developments in urban areas shall have regard to the 'Design Manual for Urban Roads and Streets' – Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government – March, 2013.
Urban Design Statements	
Apartments	
Boundaries, Screening and Landscaping	
Building Lines and Private Open Space	
Density	
Design/Finishes, Internal Cohesion	
Holiday Home Developments	Where it is intended to build a holiday home development in which the individual units will be for sale the standards set out above will be required. In circumstances where it is intended that the development remain in the one ownership under a management company, the Planning Authority will in certain circumstances, consider proposals by the applicant to vary these standards.

Names of Residential Developments	
Parking	
Public Open Space in Residential Developments	
Site Development Standards	

### **13.4 Standards for Residential Development in Rural and Non-Serviced Sites**

Mr. Stack referred members to Pages 228 to 230 for details of Standards for Residential Development in Rural and Non-Serviced Sites. He briefed them on the headings as follows:

Boundary Treatment	
Design	
Entrance	
Parking	
Renovation	Renovation of derelict houses should, in certain instances, be encouraged as a more sustainable option than the construction of a new dwelling.
Screening and Integration	
Sewage	
Septic Tank and Proprietary Treatment Systems	
Site Curtilage	

### **13.5 Parking**

#### **13.5.1 Bus Parking**

Large retail developments and developments serving the public directly such as recreational facilities shall make provision for the parking and turning of buses.

#### **13.5.2 Bike Stands**

### **13.6 Signage**

Kerry County Council recognises the role of well located and sympathetically designed signage, whether attached to a building or free standing, to contribute to the character and vitality of commercial areas.

Planning permission is required where the sign is on private property. Under the 1997 Litter Pollution Act, the Local Authority has powers to remove any sign that is not exempted development or does not have permission under the Planning Acts.

In general the sign should be an integral part of the elevational design of the building. The following criteria shall be used in assessing applications for signage.

### **13.6.1 Signage - In General**

All signage proposals, shall:-

- Not compromise Road Safety.
- Not be internally illuminated and shall be hand-written where appropriate.
- Be of a high visual quality in terms of design, colour and materials.
- Be, as appropriate, of a scale/character suitable to the subject building and the host environment.
- Not interfere with windows or other façade features or project above the skyline.
- Not detract from built or natural heritage.
- Comply with shop front policies set out in the urban design policies.
- Abide by the provisions of The Official Languages Act 2003, An tOrdu Logainmneacha (Ceantair Ghaeltachta) 2004, Signage Regulations S.I. No. 391 of 2008 and the Road Traffic Manual in relation to the use of Irish and English on various types of signage and the NRA Road Signage Guidelines.
- Be attached to a wall/pole, i.e. free standing signs will generally not be permitted.
- Limit advertising to commercial areas where it is already a feature.
- Prevent an impression of clutter in any location.
- Ensure that the use of electronic variable messaging signs commonly known as “VMS signs”, shall be reserved strictly for use in roadwork activities, hazard information and or as part of an approved event traffic management plan. Advanced written consent of Kerry County Council will be required prior to installation and usage of such signage.
- Promote the use of multi-media and mobile media ie smartphone ‘apps’ and social networking (facebook, twitter, etc) instead of traditional road signs for directional and advertising information.
- Restrain the use of corporate image advertising in chain outlets where these are considered to be too dominant.

### **13.6.2 Advertising Signage**

All proposed advertising signage shall meet the following criteria:-

- All signs will only be considered where an advertising “need” can be demonstrated. In this context the term “need” relates to the requirements of the travelling public and not the desire of the

- applicant to advertise as widely as possible.
- In general advertisement structures will not be permitted at roundabouts, at traffic signalised junctions, at locations where they obstruct sight lines, compete with other traffic signs, give rise to confusion for road users or endanger traffic safety.
- Applications for advertisement structures along national routes and along approach roads to towns and villages will generally not be permitted.
- Large scale commercial advertisements are not acceptable on or near buildings of architectural or historical importance, in parks, Architectural Conservation Areas and in areas of high amenity.
- Only permit general advertising signage on the subject business/development.
- Encourage the use of grouped advertising signs in industrial estates/enterprise centres.
- Permit on-site advertisements, small in scale, where they are considered not to detract from the environment.

### **13.6.3 Directional Signage**

Direction Signs for local premises distant from the main traffic routes may be permitted under an Annual Licence provided:-

- They are finger post signs only.
- The maximum area of the sign shall be 0.7 sq.m.
- The information contained on the sign shall be of a directional nature only.
- The premises shall not be located greater than 2 kms from the sign.
- The maximum number of signs shall generally not exceed two.
- The signs shall not give rise to a traffic hazard.
- In relation to public institutions, Kerry County Council will determine the necessity for directional signs.

### **13.6.4 Tourism Signage**

All proposed tourism related signage shall meet the following criteria:-

- Signage for key tourism attractions, tourism routes, community facilities or other key public or infrastructural facilities will only be permitted on the subject development, at the entry points to the host town/village, or in the immediate vicinity of key junctions leading to the subject development. At such locations signage for multiple facilities/attractions shall be grouped on a single sign.



- Applications for signage shall comply with the requirements of the “Policy on the Provision of Tourist and Leisure Signage on National Roads” March 2011 published by the National Roads Authority (or any such other relevant standards and legislation that may be enacted). All lettering, logos and symbols are subject to the approval of Kerry County Council.

### **13.6.5 Signage in the Gaeltacht**

All proposed signage in the Gaeltacht shall meet the following criteria:-

- All signs in the Gaeltacht including finger post signs, shop-fronts and roadside signs, business/community signage shall be in Irish or bilingual with priority given to the Irish text. In all instances where new signage on shop-fronts in the Gaeltacht are proposed, the profession/type of business shall be in Irish, the applicant may contact the Irish office in relation to this.

### **13.6.6 Advertising Hoardings**

The space is usually leased from the advertising company for a period of time as little as two weeks.

The practice of parking trailers or other mobile objects bearing advertisements in fields adjoining roads has become a feature of Irish roads over the past number of years. Such advertisements can be harmful to the visual amenities of the area, represent a traffic hazard by virtue of distracting motorists and could have impacts on biodiversity.

In relation to large advertising hoardings the council will:-

- Prohibit such advertisements in the open countryside, in architectural conservation areas and where they would detract from the visual quality of the setting of protected structures.
- In all other cases have regard to the visual impact of a proposed advertising hoarding and potential of traffic hazard arising from same.
- Consider advertising hoardings, of artistic merit on a temporary basis where they would screen a derelict building or other eyesore or where construction works are ongoing.
- Consider hoardings in industrial area where their presence by reason of scale and design is not out of character with the existing environment.

### **13.6.7 Temporary Construction Hoarding/Safety Netting along the Main Streets of towns and villages**

Where construction hoardings/safety nets are required to be erected for periods in excess of 4 weeks along the main streets of towns and villages in the County, these shall be designed and maintained so as to screen the construction site and to contribute in a positive manner to the overall streetscape, pending completion of the development works.

### **13.6.8 Signage at Petrol Stations**

- Minimal advertising will be permitted at petrol stations and shall generally be restricted to a single main pillar type sign structure, which shall not exceed 4.5 metres in height.
- Canopies should be appropriate to their setting in terms of height and design. They shall not be internally illuminated. A maximum of two signs shall be permitted on the canopy which shall be externally or halo lit. Where it is considered appropriate, the canopy shall be finished in slate or another approved material.
- The forecourt and adjacent footpath shall not be used for advertising whether for permanent or temporary structures.

### **13.6.9 Shop-Fronts**

A well designed shop-front forms an integral part of the overall building relating to scale, proportion and vertical alignment as well as to adjoining buildings. Advertising should be an integral (not dominant) part of the facade and should be so designed.

### **13.6.10 Street Furniture**

A licence will be required for this from Kerry County Council.

### **13.7 Family Flat Extensions**

- The creation of a family flat, generically referred to as *granny flats*, to be occupied by a member of the occupant family, is generally acceptable, provided it is not a separate detached unit and it is possible to provide direct access to the remainder of the house.
- There shall be no permanent sub division of the garden/private amenity space.
- The flat shall not be let, sold or otherwise transferred, other than as part of the overall property and shall revert to being part of the original house when no longer occupied by the family member.
- The design should ensure that the flat forms an integral part of the main dwelling unit capable of reintegration for single family use and from public view, retains the appearance of a single dwelling unit.

### **13.8 Home Based Economic Activity**

In determining applications for developments involving working from home, the Council will have regard to the following considerations:-

- The number of persons operating in the proposed development shall be limited to only one person (generally),
- The nature and extent of the work proposed,
- The proposal should not negatively affect the amenities of adjoining occupiers, particularly in relation to hours of work, noise and general disturbance;
- Anticipated levels of traffic generated by the proposed development and the potential increased demand for parking,
- Arrangements for the storage of refuse and collection of waste,
- Effluent loading,
- There shall be a presumption against the parking of trucks and commercial vehicles in built-up areas. Any trucks or commercial vehicles whose engine is running during the night will be prohibited in residential areas,
- Light industrial uses/repair and storage of vehicles and trucks will not be permitted unless the Planning Authority is satisfied that the residential amenity of adjacent properties is not affected.

### **13.9 Nursing Homes**

In general, these facilities should be located close to a range of easily accessible facilities in towns and villages where the residents can more easily access local services.

In determining planning applications for change of use of a residential dwelling or other building to nursing/older persons care home, the following factors should be considered:

- Compliance with the standards as laid down in Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009 and the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) (Amendment) Regulations 2010 (or any such other relevant standards and legislation that may be enacted);
- The affect on the amenities of adjoining properties,
- Adequacy of off street car parking,
- Suitable private open space,
- Proximity to local services and facilities and;
- The size and scale of the facility proposed – the scale must be appropriate to the area.
- Comprehensive landscaping plans must be prepared by a fully qualified landscape architect and shall be submitted at application stage.

### **13.10 Industrial and Commercial Developments**

In general, these facilities should be located in appropriately zoned land in towns and villages or existing Industrial estates.

In determining planning applications for industrial and commercial developments, the following factors should be considered:-

- Adequate provision shall be made on the site for parking of vehicles, storage and stacking space. Storage and stacking areas shall be located to the rear of the building or where such facilities are located at the side, provision for screening shall be made. The building should not encroach within 4.5 metres of the side party boundaries.
- The front building line shall be as determined in consultation with the Planning Authority and where required, the existing roadside boundary shall be set back.
- Any industrial or commercial development shall not by way of noise, odors, pollution, and traffic or in any other way, be injurious to the residential amenity of neighboring properties.
- The expansion of industrial and commercial developments in rural areas will not be permitted where the new scale of the extended/new structure and commercial activity can not be accommodated by virtue of infrastructural limits or through any adverse impact on the environment.
- The Zoning matrix in the Local Area Plans (LAPs) shall be used as a guide to permitted uses in Industrial Estate/Enterprise Centres/Business Parks.

### **13.11 Camping/Glamping and Caravan Parks**

The provision of tourist caravan parks to facilitate the expanding tourist industry is encouraged by the Planning Authority. Planning applications for new caravan parks will be required to submit a masterplan for the entire site to which the application relates indicating compliance with the provisions of this plan and adherence to Fáilte Ireland's publication entitled 'Model Standards for Caravan and Camping Parks' updated in 2008.

- An appropriate assessment under Article 6 of the Habitats Directive, where applicable, shall be carried out in consultation with the National Parks and Wildlife Service.

### 13.12 Agricultural Buildings

The following will be taken into account in all proposals for new agricultural buildings:

- Proximity to adjacent dwellings.
- The rural character of the area.
- Utilisation of natural landscape and land cover as screening.
- Waste management in terms of storage and disposal.
- Environmental carrying capacity.
- It is a requirement that agricultural buildings are designed, located and orientated in a manner that will minimise their environmental impacts. A number of exemptions apply to farm buildings as set out in Part 3 of the Planning and Development Regulations 2001 - 2013. These exemptions will generally only apply to farms in rural locations.
- All agricultural development that results in manure, soiled water and slurry etc shall comply with the *European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 [S.I. No. 610 of 2010]*, as amended by *European Communities (Good Agricultural Practice for Protection of Waters)(Amendment) Regulations 2011 [S.I. No. 125 of 2011]*, and/or any substituting or amending regulations.

### 13.13 Extractive Industry Standards and Guidelines

Extractive industries are resource and location based and the resource is often located in visually and environmentally sensitive areas and in close proximity to residential areas. It is however a necessary and vital resource for the future development of the County. Consideration of this form of development is a difficult issue where environmental, heritage and visual considerations have to be weighed against economic, employment and development considerations.

### 13.14 Telecommunication Masts Standards and Guidelines

Mr. Stack referred members to Pages 242 to 244 for details on the Standards/Guidelines in relation to Telecommunication Masts are set out. He listed the headings as follows:

Access Roads	
Design	
Landscape Consideration/Amenity Areas and Natural Environment	

Obsolete Structures	
Permanent Telecommunications Exchange and Radio Station Containers	
Sharing Facilities and Clustering	<p>Due to their visual impact, it is desirable to limit the number of telecommunication masts. It is also necessary, however to provide adequate coverage throughout the County. The Planning Authority will seek to utilise existing masts through a policy of sharing.</p> <p>In order to promote the sharing of masts within the County the following requirements shall apply:-</p> <ul style="list-style-type: none"> <li>• The applicant shall submit either a Discovery Series Map (OSI) or similar map type (to be agreed with Planning Authority) to the scale of 1:50,000 indicating the coverage area of the proposed facility.</li> <li>• The applicant shall submit details of correspondence with other telecommunications operators addressing the sharing of mast facilities in the area.</li> <li>• All new applications for telecommunication masts and associated facilities will be required where possible to share existing masts where there is an existing mast within the locality which will offer a similar level of coverage and is capable of hosting additional antennae.</li> <li>• Where it is not possible to share a support structure, the applicant will be encouraged to share a site or to locate adjacent to an existing structure so that masts and antennae may be clustered.</li> </ul>

	<ul style="list-style-type: none"><li>• The applicant shall indicate in the application whether they are willing to share the proposed masts with other telecommunication operators.</li></ul>
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Cllr. G. Wharton Slattery referred to the dipping of footpaths to facilitate people with disabilities and said when parking spaces are at an angle to the footpath and there is rear access to the disabled person's vehicle they get out of the vehicle in the path of oncoming traffic. There is then a distance before they can access a footpath. Parallel parking would be much safer for them. Cllr. Wharton Slattery requested that a sign for the landfill would be provided from the new road.

Cllr. S. Counihan said the use of rain water harvesting systems should be encouraged. He asked that this type of work would be included under the house improvement scheme. This would help create additional work for small builders. It would cost in the region of €5,000 to €8000 and it involves the use of a natural resource. He asked that this issue would be taken up with the Department.

Cllr. M. Gleeson said he moved a Notice of Motion in the recent past calling on the Council to lead by example and to consider the use of rain water harvesting at County Buildings. He asked that a concerted effort would be made to make bike stands attractive and not to hide them away. In conclusion Cllr. Gleeson requested that when local signposts are being provided that the local spelling would be used.

Cllr. Ferris referred to light pollution and said it is important that developments do not obscure light from adjoining properties. She asked if an objective could be included in the Draft Plan to minimise the adverse impact of developments on adjoining properties. Cllr. Ferris referred to P220 and Renewable Energy and said when the Renewable Energy Strategy was adopted members understood it would be reviewed with the County Development Plan. She asked when the Draft Plan is put on public display can people address the zonings for renewable energy in the county. Cllr. Ferris referred to Page 243 and the paragraph on Sharing Facilities and Clustering. She said the word 'desirable' is not strong enough and she asked that it would be strengthened.

Cllr. J.J. Culloty referred to forestry and said where it is planted the adjoining property owners lose their views. He asked if there are any regulations to limit the impact of forestry or any development on adjoining properties. He referred to trees planted on the boundary of properties that grow particularly high and he asked if there is any restriction that can be imposed on them from a safety or light point of view. He asked that rain water harvesting would be encouraged as it is not too expensive. Cllr. Culloty referred to a family flat extension and asked if it is acceptable not to have a door leading from the house to the flat. In accordance with the OECD there are 25 million people all over Europe working from home. In order to encourage working from home in Ireland better broadband is required.

Cllr. O'Donoghue said it is regrettable that Standards were being dealt with at the end of the Plan. It is important that members are mindful of the importance of these standards. He referred to Page 231 where it is stated that one parking space is required per bedroom of an apartment and said this is utterly excessive. If Guidelines are in place they supersede the policy. For office accommodation three spaces are required per 100 m. He was concerned these standards were not being examined in detail as he felt they were overly prescriptive. He referred to Page 214 where provision is made for new levies. He referred to the section on Road Safety Audit and said this was not mentioned when members were discussing development on national secondary roads. Cllr. O'Donoghue said he believed the standards will create major difficulties and they are anti development.

Cllr. D. Healy Rae supported the views expressed by Cllr. O'Donoghue in particular in relation to parking. He said he was concerned at the lack of signage permitted for businesses to advertise their products. This is not being proactive and it is very disappointing. When a new By-Pass is provided businesses should be allowed to place one sign on it advertising their business. In many instances shops in town served people well but they are not competitive any more. It is unfair that the Council cannot assist them by allowing them to erect signage advertising their business. As a compromise one large sign could be erected where all businesses would be allowed to advertise on it. Cllr. Healy Rae expressed concern at the statement in the Draft Plan which states that agricultural buildings must be a certain distance from the house. It is better for a farmer to have his house close to the farm buildings. In conclusion Cllr. Healy Rae said he supported the promotion of rain water harvesting.

Cllr. P. McCarthy referred to Page 229 and the section on Screening and Integration and said in many instances the screening is only effective for six months as there is no foliage for the remaining six months. There is no mention of evergreen trees or native species in this section which would provide year round screening and he suggested they should be included.

Cllr. J. Sheahan concurred with the views expressed by Cllr. O'Donoghue. He referred to the refusal of permission to family members on national secondary roads where existing entrances can be used and he said this should be facilitated. He asked that businesses would be allowed to erect signage to promote their business as they are providing employment. He called for the provision of noise barriers at White Bridge Manor and at Ballydribbeen.

Mr. Stack referred to the query on light pollution and said no one has a right to a view. The issue of light is best dealt with by the Building Control Unit. He referred to queries on the Renewable Energy Strategy which was adopted in November 2012. It is proposed that the national Renewable Energy Guidelines will be in place by the end of the year at which time all local authorities will be



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required to review their Strategy. It is proposed to continue with the existing Renewable Energy Strategy until then.

Cllr. Ferris asked if submissions can be made now on zonings contained in the Renewable Energy Strategy.

Mr. McMahon said all submissions must be considered and the Manager will give a response to them.

Mr. P. Stack said the development management standards are the same as the current Plan. He accepted that they are prescriptive but said that is necessary to ensure applicants know where they stand.

Mr. McMahon said Section 49 provides for the application of a development contribution but this only applies in certain circumstances where the local authority incurs expenditure ie. extension of a footpath and public lighting for a new housing estate.

Cllr. O'Donoghue said in the past levies were charged and paid but no infrastructure was provided. Chapter 13 is very prescriptive and if members did not see that in 2009 when the current Plan was adopted that was an error. He said members should forensically examine Chapter 13.

Mr. McMahon said they are general guidelines to inform developers but Cllr. O'Donoghue says it is all about a planning application.

Cllr. O'Donoghue said Chapter 13 will be used to refuse permission.

Mr. McMahon said that the assessment determining whether a planning application is granted or refused is informed by Chapters 1 to 12 while Chapter 13 informs the planning conditions.

Cllr. D. Healy-Rae asked what happens if the applicant cannot provide the parking.

Mr. McMahon said Kerry County Council provides public parking and they will be charged for this.

Cllr. O'Donoghue said in Dublin the standard is 1 parking space per apartment. He asked if this could be discussed again.

Mr. Stack said the planning conditions will be reviewed and reference will be made to favouring native evergreen species.

**(g) Chapter 14 Monitoring & Reviewing Process**

**14.1 Introduction**

Under the Planning and Development Acts 2000-2013, Kerry County Council has a statutory obligation to secure the implementation of the objectives of the County Development Plan.

**14.2.1 Priorities for Monitoring**

The effectiveness of all policies and objectives in the Plan should be subject to monitoring.

Mr. McMahon informed members that Chapter 14 sets out how the review of the Development Plan is monitored. A report will be brought to Council 2 years after the Development Plan is adopted.

The meeting concluded at 5.05pm.

**Gerard O'Brien**  
**Meetings Administrator**

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**Mayor of Kerry**