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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 2 AIBREAN 2012.**

**MINUTES OF THE SPECIAL PLANNING MEETING OF KERRY COUNTY  
COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE,  
TRALEE ON MONDAY 2 APRIL, 2012.**

**PRESENT/I LÁTHAIR**

***Councillors/Comhairleoirí***

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

**APOLOGY**

***Councillor/Comhairleoir***

**Cllr. B. Moynihan Cronin**

**IN ATTENDANCE/I LÁTHAIR**

Mr. T. Curran, Co. Manager	Mr. M. McMahon, Dir of Planning
Mr. J.D. Flynn, Dir. Of Corp. Services	Mr. P. Stack, SE Planning
Mr. G. O'Brien, Mtgs. Administrator	Mr. D. O'Malley, Sen. Exec. Planner
Mr. E. Fleming, Executive Planner	Ms. A.M. Costelloe, Asst. Planner
Ms. B. Reidy, S.S.O. Corp. Affairs	

The meeting commenced at 10.40am.

The Mayor, Cllr. T. Buckley took the Chair.

**Vote of Sympathy**

The Mayor informed the meeting that Cllr. S. Fitzgerald wished to propose a vote of sympathy.

Cllr. S. Fitzgerald read the following statement into the record of the meeting.

“Thar ceann an Comhairle Contae agus Pairtí Fhine Gael Rún Có-Bhrón a rith ar son bás Michael Begley Iar-Comhairleoir, Iar-Theachta Dála, Iar Runaí Pairliminte agus Iar Aire Stát.

At a young age of 28 years Michael was elected to Kerry County Council in 1960 and he continued to serve as a member until 1991. He was elected Chairperson of the Council for 1967-1968. He also represented the Council on many committees associated with Kerry County Council. Michael first ran for national politics in the South Kerry By-Election of 1966. It was in the General Election of 1969 in which he first got elected to Dáil Éireann, a position which he held until 1989. He was appointed Parliamentary Secretary in the Department of Local Government from 1973 to 1975 and he was then appointed Parliamentary Secretary in the Department of Finance and Defence from 1975 to 1977.

Michael serviced in opposition before and after the Government of 1973 to 1977 when he was spokesperson on Gaeltacht Affairs, Fishing and Defence. In 1981 the Taoiseach Garrett Fitzgerald appointed him Minister of State in the Department of Tourism and Trade. He was a very outspoken person, never afraid to put forward his opinion whether popular or unpopular and he was a great believer that ‘politics was local’. Many of his achievements are now taken for granted. He lobbied hard for better infrastructure for South Kerry – better roads, water infrastructure, social housing, improved environmental services and the rollout of the Telephone infrastructure. He was a champion fighter for the Agriculture and Fishing Industries and he lobbied continuously for better health services.

He had a huge interest in sport in particular the G.A.A. and greyhounds. He was President of the Dingle G.A.A. and Secretary of the West Kerry Board. He was one of the original Directors of the Kingdom Greyhound Stadium and he was very much involved in the development of the present Tralee Track. He was one of the funding members of the Friends of Kerry General Hospital and was continuously engaged in fund raising efforts to purchase vital equipment for the Hospital.

Michael was instrumental in the setting up of the surveying and logging of our Archaeological Sites and Monuments around the County. This action ensured that these sites and monuments are now protected and will be there to see for generations to come.

Locally in West Kerry he played a part in the re-opening of Scoil Dún Chaoin, the building of two new primary schools in Baile an Fheirtéaraigh and Lispole, the setting up of Dingle Mart, the Lamb Fattening Unit and the Neo-Data Factory which gave major employment to young women in the town.

To his wife (Name withheld for Data Protection purposes, a paper copy is available on request), daughter (Name withheld for Data Protection purposes, a paper copy is available on request), sons (Names withheld for Data Protection purposes, a paper copy is available on request), brothers (Name withheld for Data Protection purposes, a paper copy is available on request), son-in-law (Name withheld for Data Protection purposes, a paper copy is available on request), grand children, nieces and nephews we extend our sympathy.”

Cllr. M. Gleeson **SECONDED** this vote of sympathy. He also **PROPOSED** a vote of sympathy to the family of the late Donal O'Donoghue of Ballyhar and Salthill. Donal started his working life in Tralee Town Council and moved on to become Deputy Manager in Galway County Council, County Manager in Meath and finally he returned to become Manager of Galway City. By universal opinion he was a man of the highest integrity and it was sad that his integrity was impuned in his native county because of the Boundary Committee. He extended his sympathy to Donal's wife (Name withheld for Data Protection purposes, a paper copy is available on request), his son (Name withheld for Data Protection purposes, a paper copy is available on request) and daughter (Name withheld for Data Protection purposes, a paper copy is available on request).

Cllr. M. O'Shea **SECONDED** this vote of sympathy and said Donal was a true gentleman and he will be a major loss to his family and friends.

Mayor Buckley said he wished to be associated with the vote of sympathy to the family of the late Donal O'Donoghue.

### **Household Charge**

Cllr. M. O'Shea said there is huge pressure on local authorities to collect the Household Charge. He commended the County Manager for not sending staff door to door to encourage people to pay the charge. He said this proposal could present an opportunity to criminals to blackguard the most vulnerable in our county. The Government should put structures in place for people who want to pay but simply do not have the money at present. Cllr. O'Shea **PROPOSED** that Kerry County Council would call on the Government to grant an extension of 6 months to those who have not already paid the charge.

Cllr. J.J. Culloty **SECONDED** this proposal.

Cllr. J. Finucane said the Government are not insisting that local authority staff go door to door but they are calling on householders to pay the charge.

Cllr. D. Healy-Rae said there was a lot of misinformation in relation to this charge. Minister Hogan said those that did not pay would not be prosecuted while Minister Shatter said they would. He was contacted by people who tried to pay

online from 10.45pm on Saturday night but the site was down until after 12 noon on Sunday. Members were informed that people who reside in commercial premises were not liable for the charge as they were paying rates but it now appears they are liable. He did not pay the charge as he understood he was exempt and he passed on the information he was given to other rate payers.

Cllr. R. Beasley said this issue was handled very badly by the Government especially Minister Hogan who was blaming local authorities for the low payment rate. This is a disgrace. He was delighted the County Manager decided not to send out staff to call to houses to encourage people to pay the charge. In conclusion Cllr. Beasley said he did not and will not pay the charge.

Cllr. S. Fitzgerald referred to articles in the newspapers the previous week which linked a Kerry County Council employee with her brother who is a TD and is opposed to the charge. This was very wrong as she is a very private person who is a diligent worker.

Cllr. M. Cahill said the Household Charge is very controversial and confusing. It may be more acceptable if it was a scheme based on ability to pay. He was aware of people who are in arrears with their mortgage yet they borrowed to pay this charge as they felt they had to pay it. He received queries from people paying rates who reside over their business and following the information he received he informed them they were not liable for the Household Charge. However he understood from a radio interview at the weekend that this is not the case and they are liable for the charge. He requested clarification on this issue.

Cllr. T. Ferris welcomed the fact that up to 1million households took a stand and refused to pay this charge. This is the first of many forms of civil disobedience if the Government continues with austerity measures. She asked if those who purchased their local authority houses are liable for this charge as some houses were sold with a freehold interest while others have a leasehold interest. Despite what Minister Hogan says people cannot be forced to pay the charge until March 2013 as the legislation provides for this. She asked what contingency plan the Council has in place to deal with the short fall in income from the Household Charge. She emphasised that she was not trying to deny the local authority of funding by encouraging people not to pay the charge. She asked how many households paid the charge in Kerry and how the shortfall would be managed if Minister Hogan does not provide the resources.

Cllr. J. Healy-Rae expressed his discontent with the way the Household Charge was handled. It is ridiculous that the Charge cannot be paid at the Post Office. He was grateful that income tax or the USC were not increased and he agreed that the money must be raised. He believed people should be facilitated by allowing them to pay the charge in their local Post Office.

Cllr. M. Gleeson said he paid the Household Charge. The way this campaign was managed by the Government was a classic example of how not to get people on your side. He was hugely disappointed with the way this was handled by the Government as they were both arrogant and dictatorial. One Government Minister told people to 'get a life'. This is unacceptable. Cllr. Gleeson said he spent his life fighting for the reform of local government and the only way this can be achieved is to examine how it is funded. Successive governments have failed to do this. The way this was handled by the government has given local authorities a bad name. If local authorities were properly funded we would have a great country. He received a query from a lady living in a granny flat built onto a house asking if she was liable for the Household Charge. He asked for a response to this query.

Cllr. P. McCarthy said this issue could have been handled better. Under the last Census 80% of households were covered and if their names, addresses and PPS Numbers only were used for the purpose of this charge it would cover a large percentage of the households in the country. As part of the bailout package the EU/IMF are insisting that a property tax of some kind is introduced and that domestic water charges are also introduced. It is unfortunate this Government has to impose additional charges in these tough economic circumstances. There will be a Household Charge and the €100 is only a registration charge. He pointed out that people can buy a Postal Order and post it to the Household Charge Office in Dublin.

Cllr. M. O'Shea asked if members agreed with his proposal that the members of Kerry County Council would call on the Minister to grant a 6 month extension of time to allow people to pay the charge.

Cllr. J. Finucane said this was not on the Agenda.

Mr. T. Curran, County Manager said from Kerry County Council's point of view we did as much as we could to facilitate payment. We ran additional campaigns in the local media and all Area Offices and Headquarters opened on Saturday last. The Area Offices opened a half day while the office at County Buildings remained open until 5pm. He complimented all staff involved for their efforts in helping people fill up forms etc. Ironically at 5.05pm on Saturday evening last there was a queue of people at County Buildings. He had no sympathy for anyone who waited until late on Saturday night to pay online as they should have paid in advance. A staff member was singled out by the media and this was scurrilous. He is considering whether to lodge a formal complaint against the journalist involved and this decision will be taken in consultation with the individual involved. This staff member is a quiet, private person and this was lazy, scurrilous journalism. Mr. Curran thanked all those who paid the charge and he informed members that he expected approx 50% of people paid the charge in Kerry and this is in line with national figures. This will leave a shortfall in our Budget and as he pointed out to Members at the Budget Meeting a

percentage of the Local Government Fund is made up of income from this charge. Depending on the final figures it could result in a shortfall of between €2.5 - €3m. If that is the case he may have to bring in a revised Budget later in the year. This would result in a reduction in peripheral services i.e. street cleaning, beach cleaning, pot hole filling etc. The Manager said he did not have the exact answers to member's queries and he would revert to them in due course.

#### **12.04.02.01 Reception of Deputations**

- (a) Cllr. J.J. Culloty requested that a deputation would be received from Castleisland Residents regarding extensions to the sewerage network in the town.

On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. A. McEllistrim it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

Mr. G. O'Brien informed the meeting that two additional deputations required approval also.

- (b) Cllr. Ferris requested that a deputation would be received from the Residents of An Fhearann, Ardfert regarding anti-social behaviour.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. A. McEllistrim it was agreed that this deputation would be received at the next Tralee Electoral Area Meeting.

Cllr. M. Gleeson PROPOSED that when a deputation is approved for an upcoming Electoral Area Meeting no Notice of Motion relating to that matter would be accepted from another councillor for that Electoral Area Meeting or for an upcoming full Council Meeting.

Cllr. P.J. Donovan SECONDED this proposal and it was agreed.

Cllr. D. Healy-Rae said he puts down a Notice of Motion if it is an issue he raised in the past.

Mr. O'Brien informed him that in future if a deputation is approved a Notice of Motion relating to the issue of concern to the deputation will not be accepted for the upcoming Electoral Area Meeting or for an upcoming full Council Meeting.

- (c) Cllr. M. Cahill requested that a deputation would be received from Killorglin Tidy Towns Committee regarding roads, footpaths and Bottle Banks.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. A. McEllistrim it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

#### **12.04.02.02 Opening of Tenders**

- (a) On the PROPOSAL OF Cllr. J. Finucane, SECONDED by Cllr. S. Fitzgerald it was agreed to approve the opening of tenders for Appointment to a Multi-Party Framework Agreement for Energy Utility Companies and ESCO Companies to complete Energy Efficiency Projects and Renewable Energy Projects – Closing Date: 3.00 pm on Wednesday 4 April, 2012.
- (b) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. McCarthy it was agreed to approve the opening of tenders for the Analysis of Drinking Waters – Closing Date: 3.00 pm on Thursday 5 April, 2012.

#### **12.04.02.03 Approval for a visit to Washington and New York by the Deputy Mayor**

On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. M. Gleeson it was agreed to approve a visit, by the Deputy Mayor of Kerry, Cllr. J. Finucane, to Washington and New York from 25<sup>th</sup> April to 2<sup>nd</sup> May 2012 to assist in extending the international support base for the Rose of Tralee Festival in North America and to participate in a Kerry Tourism Trade promotion, led by Fáilte Ireland.

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

Mayor Buckley informed members that he wished to remind them of their duties under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. He then read the following statement into the record of the meeting.

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

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

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

Os rud é go mbeidh Plean Áitiúil Chorca Dhuibhe, atá sa Ghaeltacht, á mheas ag na comhaltaí d'iarr an Clr. Ó Gliosáin ar cheart déileáil leis an mír seo trí Ghaolainn.

Á fhreagairt, dúirt an Bainisteoir Contae gur ceist í seo do na comhaltaí ach nach léir dó go bhfuil gach comhalta líofa go leor sa Ghaolainn chun an cúram seo a dhéanamh maith a dhóthain.

**12.04.02.04 Manager's Report on Submissions or Observations received in relation to the Draft Dingle Functional Area Local Area Plan 2012 – 2018**

Mr. M. McMahon, Director of Planning, informed the meeting that the Draft Dingle Functional Area Local Area Plan was included on the agenda for the December meeting for noting. The Plan was put on Public Display from the 11<sup>th</sup> January 2012 to the 23<sup>rd</sup> February 2012. An Open Day for the public was held in Daingean Uí Chúis on the 2<sup>nd</sup> February 2012. An interactive facility was also available on the Council's website which enabled submissions to be made on line. In all 61 no. submissions were received.

As is normal practice, a Special Meeting was held with the Area Councillors on Thursday last, to go through the Manager's Report and agreement was reached on a considerable amount of the report. Mr. Paul Stack will take the Members through the submissions.

It is important to note that this is the first L.A.P. which is being considered following the adoption of the Core Strategy and its incorporation into the County Development Plan. Members, in considering the Manager's Report, must consider the proper planning and sustainable development of the area, have regard to the Core Strategy and the Guidelines issued by the Minister to Planning Authorities on various planning matters.



## Special Planning Meeting – Dingle FA LAP

There are also a number of amendments to planning legislation, introduced by the Planning & Development Act 2010, that affect the process of adopting LAP's, which he wished to draw to members attention:-

- (1) When the Plan comes to be considered for adoption the resolution must be passed by not less than half of the members of the Planning Authority (14 no.).
- (2) Following on from today's meeting and any agreement to materially alter the Plan, no further modification to these amendments can be made unless they are minor in nature and cannot be made where:-
  - (a) an increase in the area of land zoned for any purpose, or
  - (b) the addition or deletion from the Record of Protected Structures would occur.

Mr. P. Stack SE informed the meeting that preliminary discussions were held with councillors from the Dingle Electoral Area on the 61 submissions. A list of the submissions received was circulated which is divided into sections. He proposed to go through each section in the order they appear on the list.

### **General**

Mr. Stack informed the meeting that 13 general submissions were received and he understood members were in agreement with the recommendations in the Manager's Report on them. These submissions are G1, G2, G3, G4, G5, G6, G7, G8, G9, G10, G11, G12 and G13.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions G1 to G13 inclusive.

### **Daingean Uí Chúis**

Mr. P. Stack informed the meeting that 41 submissions were received on Daingean Uí Chúis and he understood members were in agreement with the recommendations in the Manager's Report in relation to submissions DuC-1, 2, 3, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 20, 31, 33, 34, 35, 36, 37, 38, 39 and 41.

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. M. O'Shea it was unanimously agreed to accept the recommendations in the Manager's Report in relation to these submissions.

**DuC-4          Michael Williams & Associates, Tralee**

Mr. Stack informed the meeting that this submission relates to an existing protected structure, Siopa an Dearu, which is adjacent to the Milltown roundabout. It is proposed to retain it as a protected structure in the Draft Plan as it is considered to be a landmark structure as you enter Dingle from Ventry. The primary concern is to retain the front façade. He did not believe it would be an encumbrance for the future development of the building. There is an existing permission on the site for the refurbishment and extension to the existing property. Mr. Stack then displayed a photo of the building.

Cllr. J. Finucane asked if this incorporates the two buildings.

Mr. Stack confirmed that it did.

Cllr. S. Fitzgerald said he was opposed to the inclusion of this building in the Record of Protected Structures and he PROPOSED that it would be removed. The façade can be incorporated into the new building which would be set back from the road. The existing building is very close to a busy road and roundabout.

Cllr. M. O'Shea SECONDED this proposal.

Mr. Stack said a lot of streetscape was lost in Dingle and for this reason it is proposed to retain the remaining streetscapes.

Mr. M. McMahon pointed out that there is an existing permission on this site therefore the protection of the building is not an encumbrance on securing permission.

Cllr. Fitzgerald asked if permission was granted on this site for a house.

In response Mr. D. O'Malley said permission was granted for 24 houses to the rear.

Cllr. J. Healy-Rae asked what the objection was to moving the house back from a very busy road.

In response Mr. McMahon said that moving the house back was not protecting it as different materials were used to build the house.

Cllr. M. Gleeson asked if the footpath is the problem.

Cllr. D. Healy-Rae said in an ideal world the perfect proposal would be to move this building back. A shop on the side of the road is very dangerous as cars park at the side of the road. While it is managements view that the building should be protected in practical terms this is not the case.

## Special Planning Meeting – Dingle FA LAP

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea, this Council having considered the County Manager's Report and recommendations on the submissions received in relation to the Draft Dingle Functional Area Local Area Plan 2012 – 2018 resolves to amend the Local Area Plan for Daingean Uí Chúis as follows: having regard to Submission No. DuC-4 that the listed building Ref. RPS-KY-043-030 be removed from the Record of Protected Structures.

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

**For:** Cllrs. Cahill, Donovan, Finucane, Fitzgerald, Griffin, D. Healy-Rae, J. Healy-Rae, McCarthy, McEllistrim, O'Shea, Purtill, Buckley **(12)**

**Against:** Cllrs. Ferris, Gleeson, O'Brien, Wharton-Slattery **(4)**

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

**Absent:** Cllrs. Beasley, Brassil, Connor-Scarteen, Cronin, Culloty, Foley, Leahy, Moynihan-Cronin, O'Connell, O'Donoghue, Sheahan **(11)**

The Mayor declared the resolution CARRIED.

**DuC-5** (Names withheld for Data Protection purposes. Paper copy available on request)

**DuC-19** (Name withheld for Data Protection purposes. Paper copy available on request)

Mr. P. Stack informed the meeting that this submission relates to land zoned 'existing residential' in the Draft Plan. The site is located at Fairfield Close and was previously zoned Recreational/Open Space/amenity in the An Daingean LAP 2006-2012. The Planning Departments view is that the green area forms part of that estate and there is no possibility that it will be developed for housing. However, there is concern locally over the proposed designation and they propose that it would be zoned 'Views and Prospects' and he had no objection to that zoning.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea, this Council having considered by the County Manager's Report and recommendations on the submissions received in relation to the Draft Dingle Functional Area Local Area Plan 2012 – 2018 resolves to amend the Local Area Plan for Daingean Uí Chúis as follows: having regard to Submission Nos. DuC-5 and DuC-19 that the area shown on Map A attached shall be designated 'Views and Prospects' and it shall be incorporated into the Dingle Functional Area Local Area Plan.

## Special Planning Meeting – Dingle FA LAP

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

**For:** Cllrs. Cahill, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Shea, Purtill, Wharton-Slattery, Buckley **(18)**

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

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

**Absent:** Cllrs. Beasley, Brassil, Connor-Scarteen, Cronin, Foley, Moynihan-Cronin, O'Connell, O'Donoghue, Sheahan **(9)**

The Mayor declared the resolution CARRIED.

**DuC-6 (Names withheld for Data Protection purposes. Paper copy available on request)**

Mr. Stack informed the meeting that this submission proposes to zone land outside the LAP boundary with intent to develop lands for family members. Mr. Stack then indicated the lands on a map. He pointed out that 18.1 hectares only can be zoned residential in the Plan. These lands are outside the boundary and members from the Dingle Electoral Area want to strengthen Objective 00-44 in the Draft Dingle FA LAP. A few other submissions also relate to this issue. He suggested that the wording could be strengthened by the addition of the following sentence: *The Planning Authority will look favourably on applications from family members on family landholdings, in accordance with the proper planning and sustainable development of the area.*

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin, this Council having considered by the County Manager's Report and recommendations on the submissions received in relation to the Draft Dingle Functional Area Local Area Plan 2012 – 2018 resolves to amend the Local Area Plan for Daingean Uí Chúis as follows: having regard to Submission No. DuC-6 that the wording of Objective 00-44 be amended by the addition of the following: *The Planning Authority will look favourably on applications from family members on family landholdings, in accordance with the proper planning and sustainable development of the area.*

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

**For:** Cllrs. Cahill, Cronin, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Donoghue, O'Shea, Purtill, Wharton-Slattery, Buckley **(20)**

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

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

**Absent:** Cllrs. Beasley, Brassil, Connor-Scarteen, Foley, Moynihan-Cronin, O'Connell, Sheahan **(7)**

The Mayor declared the resolution CARRIED.

Mr. Stack informed the meeting that he would return to Submission DuC-10 later.

**DuC-21 (Names withheld for Data Protection purposes. Paper copy available on request)**

Mr. Stack informed the meeting that this submission also relates to Submission DuC-10 and DuC-21 to DuC-30. He displayed a map and indicated these lands on it. The submission relates to a site of 11 acres in the Grove. This land is zoned 'Rural General' in the Draft Plan and the submission proposes that it would be zoned 'Residential'.

Cllr. S. Fitzgerald pointed out that this land was zoned 'Residential' in the An Daingean LAP 2006 – 2012.

Mr. Stack confirmed that was correct and added that approx. 57 hectares, zoned 'Residential' in the current Plan are not zoned in the Draft Plan. As previously stated there is a limit on the amount of land that can be zoned residential because the Core Strategy specifies how to zone land. In accordance with the Core Strategy a sequential approach must be taken whereby land is zoned from the centre out. The zoning criteria is as follows:

- It is important that zoning within the settlements is carried out in a logical and informed manner which will provide for the long-term sustainable development of the settlements. The following criteria are used in deciding the extent and location of proposed residential zoning;
- Zoning within settlements shall not exceed the calculated requirements of the plan.

- The provisions of Section 11.4 of the County Development Plan 2009-2015 shall apply in relation to flood risk management and zoning of land.
- All zoned land shall be contiguous to the existing settlements boundary.
- Zoning of land is dependent on adequate wastewater infrastructure provision.
- Preference shall be given to the development of the town centre and infill developments prior to the zoning of additional lands on the outskirts of the settlement.
- All proposed zoning provisions shall be in accordance with the overall objectives of the plan.

Mr. Stack said this land does not constitute sequential zoning, there is difficulty with access to the lands and an issue with sewer and surface water.

Cllr. T. O'Brien asked if this land is zoned residential will it expose the Council to a cost.

In response Mr. Stack said if this land is zoned the amount of zoned land in the Plan will exceed what is permitted. If this land is zoned residential it will be necessary to dezone 4 hectares elsewhere in the Draft Plan. He again stated that the development potential of this land is not good because of a difficulty with access.

Cllr. S. Fitzgerald stated that in the Draft Plan 4½ acres down by the Skellig Hotel is zoned 'Proposed Residential' and the farmer does not want this. He only wants 0.8 acres.

Cllr. T. Ferris urged Cllr. Fitzgerald to be careful with the wording of his proposal.

Cllr. Fitzgerald said that land, which is not zoned in the current Plan, would then be available to facilitate the zoning of the land in Submission DuC-21. He referred to previous discussions regarding land near the Council Offices, which is privately owned and said that both these would make up the residential aspect of DuC-21. In relation to the tourism aspect the land zoned for tourism near the Skellig Hotel could be moved to the lands the subject of Submission DuC-21. He identified the 4 acres to be zoned residential for DuC-21 and said that the tourism element can be increased by 3 acres.

Mr. Stack said this is a complex proposal. The land the subject of Submission DuC-21 is 11 acres. It is proposed to take 1 acre of residential zoning from the land on the main road into Dingle, where a total of 1.8 acres is proposed to be zoned residential, to facilitate the residential zoning for DuC-21. It is further proposed to take an additional 3 acres as indicated on Map C which would give a total of 4 acres. That would allow for the zoning of 4 acres 'Proposed Residential' out of the 11 acres. He suggested that should be at the northern end which he indicated on the map. This proposal would not exceed the amount of land to be zoned residential in the Draft Plan. However, he pointed out that the zoning of that particular 4 acres does not comply with the sequential zoning requirement and the land is not serviced.

Cllr. S. Fitzgerald said this is an infill site and the land surrounding it is already developed.

Mr. Stack said it is proposed to zone the remaining 7 acres for tourism/leisure which in effect is a caravan park. This land is not suitable for tourism/leisure as it is extremely elevated. If this land is zoned tourism/leisure it will allow the owner to apply for permission for a caravan park on this land. He pointed out that zoning is a major consideration in assessing a planning application.

Cllr. S. Fitzgerald PROPOSED that the 7 acres would be zoned tourism/leisure.

Mr. Stack said that he could agree to the residential zoning on this land but said the remainder of the land should be zoned 'Institutional'.

Cllr. Fitzgerald suggested that the 7 acres could be zoned tourism/leisure/institutional.

Mr. Stack said that zoning that land tourism/leisure is totally inappropriate.

Cllr. T. Ferris suggested that two separate votes should be taken.

Cllr. T. O'Brien PROPOSED that two separate votes would be taken.

Mr. Stack pointed out that if the 4 acres is zoned residential the remainder of the land will be landlocked. He was of the opinion that the landowner wanted to zone the remainder of the land for a caravan park.

Cllr. M. Gleeson asked where it was intended to facilitate family members.

Mr. Stack said they would be facilitated on the 4 acres if proper access can be provided.

Cllr. B. Cronin asked if there are houses beside this land.

Mr. Stack said the adjoining sewer network could not cater for any further development. He again said he could accept the residential zoning on the 4 acres but not the tourism/leisure zoning on the remaining 7 acres.

Cllr. Fitzgerald accepted this but said if another proposal is submitted a material contravention could be passed to facilitate it.

Mr. M. McMahon pointed out that a material contravention procedure is at the discretion of management and if they are not in favour of it, it will not arise. He agreed that two separate votes should be taken.

It was unanimously agreed to take two votes on this proposal.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin, this Council having considered by the County Manager's Report and recommendations on the submissions received in relation to the Draft Dingle Functional Area Local Area Plan 2012 – 2018 resolves to amend the Local Area Plan for Daingean Uí Chúis as follows: having regard to Submission No. DuC-10 that the boundary on the LAP be adjusted in line with Map B attached and the area now outside the new adjusted boundary reverts to Rural General and also an area of 0.8 acres as indicated on Map B to be zoned Proposed Residential and included within the LAP.

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

**For:** Cllrs. Beasley, Cahill, Cronin, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Connell, O'Donoghue, O'Shea, Purtill, Wharton-Slaterry, Buckley **(22)**

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

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

**Absent:** Cllrs. Brassil, Connor-Scarteen, Foley, Moynihan-Cronin, Sheahan **(5)**

The Mayor declared the resolution CARRIED.

Mr. Stack said that meant 1 acre was now available for residential zoning and it is proposed to get another 3 acres from the lands which he indicated on Map C. That land would then revert to passive open space.



## Special Planning Meeting – Dingle FA LAP

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin, this Council having considered by the County Manager's Report and recommendations on the submissions received in relation to the Draft Dingle Functional Area Local Area Plan 2012 – 2018 resolves to amend the Local Area Plan for Daingean Uí Chúis as follows: that 3 acres of land indicated on Map C attached be now zoned Passive Open Space from 'Proposed Residential' as indicated in the Draft Dingle FA LAP which went on display.

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

**For:** Cllrs. Beasley, Cahill, Cronin, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Gleeson, Griffin, J. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Connell, O'Donoghue, O'Shea, Purtill, Buckley **(20)**

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

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

**Absent:** Cllrs. Brassil, Connor-Scarteen, Foley, D. Healy-Rae, Moynihan-Cronin, Sheahan, Wharton-Slattery **(7)**

The Mayor declared the resolution CARRIED.

Mr. Stack then indicated the land the subject of Submission DuC-21 which is located outside the LAP boundary at present and said it is proposed to zone 4 acres 'Proposed Residential' with the remainder zoned 'Institutional'.

Cllr. Fitzgerald said he was not satisfied with the proposed location of the residential zoning and illustrated some minor adjustments which were taken on board.

Mr. Stack then indicated the proposed LAP boundary on a map.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin, this Council having considered the County Manager's Report and recommendations on the submissions received in relation to the Draft Dingle Functional Area Local Area Plan 2012 – 2018 resolves to amend the Local Area Plan for Daingean Uí Chúis as follows: having regard to Submission No. DuC-21 that the boundary to the LAP be adjusted as outlined on Map D and a 4 acre portion of the site as outlined on Map D shall be zoned 'Proposed Residential' and the remainder of these lands to be zoned 'Institutional'.

## Special Planning Meeting – Dingle FA LAP

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

**For:** Cllrs. Beasley, Cahill, Cronin, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Connell, O'Donoghue, O'Shea, Purtill, Buckley **(21)**

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

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

**Absent:** Cllrs. Brassil, Connor-Scarteen, Foley, Moynihan-Cronin, Sheahan, Wharton-Slattery **(6)**

The Mayor declared the resolution CARRIED.

Mr. Stack informed the meeting that Submission Nos. DuC-10, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 were then agreed.

All members indicated their agreement with this statement.

**DuC-32** (Name withheld for Data Protection purposes. Paper copy available on request)

**DuC-40** Dingle Business Chamber

Mr. Stack informed the meeting that these submissions relate to an area south of John Street which they proposed should be zoned 'Town Centre'. He then indicated the area in question on the map.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin, this Council having considered the County Manager's Report and recommendations on the submissions received in relation to the Draft Dingle Functional Area Local Area Plan 2012 – 2018 resolves to amend the Local Area Plan for Daingean Uí Chúis as follows: having regard to Submission Nos. DuC-32 and DuC-40 that the area indicated on Map E be now zoned 'Town Centre' from existing 'Residential/Institutional'.

## Special Planning Meeting – Dingle FA LAP

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

**For:** Cllrs. Beasley, Cahill, Cronin, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistram, O'Donoghue, O'Shea, Purtill, Buckley **(19)**

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

**Not Voting:** Cllr. G. Wharton-Slaterry **(1)**

**Absent:** Cllrs. Brassil, Connor-Scarteen, Foley, Moynihan-Cronin, O'Brien, O'Connell, Sheahan **(7)**

The Mayor declared the resolution CARRIED.

### **Annasaul**

Mr. Stack informed the meeting that he understood members were in agreement with the recommendations in the Manager's Report on Submissions An-1, 2, 3, 4, 5, 6 and 7.

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. M. O'Shea it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions An-1 to An-7 inclusive.

### **Ballyferriter**

Mr. Stack informed the meeting that he understood members were in agreement with the recommendations in the Manager's Report in relation to Submissions BF-1, 2, 4, 5 and 6.

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. M. O'Shea it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions BF-1, BF-2, BF-4, BF-5 and BF-6.

**BF-3 (Name withheld for Data Protection purposes. Paper copy available on request)**

Mr. Stack indicated this property on the map and said it is a proposed Protected Structure which is located outside Ballyferriter. The following is the appraisal of the building in the Draft Dingle Functional Area Local Area Plan: "The former glebe house is a two storey hipped roof structure with a number of extensions added over the years, it retains a number of six over six timber sash windows. A structure denoted Dunurlin Glebe is shown in the first edition of the OS map (1841), a church is shown nearby approximately 50 metres to the east and a school approximately 100 metres to the north. The building is of significance in the locality because of its historical role as an ecclesiastical residence having connections with the nearby church and school". In conclusion Mr. Stack said he felt strongly that this building should be protected.

Cllr. J. Finucane pointed out that the second part of the building is in poor condition.

Cllr. G. Wharton-Slattery asked if it intended to protect the portion of the building which is not painted.

Cllr. M. O'Shea said this house is a shambles.

Mr. Stack said it is a very prominent building and in his opinion it would be wrong to demolish it.

Cllr. J. Healy-Rae said the building is awful as it is.

Cllr. D. Healy-Rae said if anyone proposed to build a structure of this size at this location it would be rejected by the Planning Department.

Cllr. G. Wharton-Slattery asked if some of the original features are retained in the interior.

Mr. Stack said it is proposed to protect the façade only.

Cllr. S. Fitzgerald said this building was burned down in 1922 and it would be easier to knock it and to replicate it when it is rebuilt. He PROPOSED that this building would be delisted.

Cllr. M. Griffin SECONDED this proposal.

Cllr. J. Finucane said the potential cost of reinstating the building would be off putting for anyone interested in acquiring it and as a result it would fall into complete ruin.

## Special Planning Meeting – Dingle FA LAP

Cllr. B. Cronin said the reason a building is listed is to protect it for future generations.

Cllr. P. O'Donoghue asked what features should be retained.

Cllr. J. Healy-Rae asked what is special about this building.

Mr. Stack said it is of historic interest.

Cllr. M. O'Shea said the building was burned down in the 1920's and he presented a photo showing the shell of the building following the fire. It was then redesigned and extensions were added in 1941 and 1971.

Cllr. R. Beasley said he did not like to vote in favour of delisting a building but this building will deteriorate and in his opinion it did not make sense to protect it.

Cllr. T. Ferris suggested that the façade could be retained.

Cllr. M. Gleeson pointed out if Killarney House was not protected it would have been demolished but now the Government are providing the funding to restore it.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin, this Council having considered by the County Manager's Report and recommendations on the submissions received in relation to the Draft Dingle Functional Area Local Area Plan 2012 – 2018 resolves to amend the Local Area Plan for Ballyferriter as follows: having regard to Submission No. BF-3 that the listed building Ref. RPS-KY-042-001 be removed from the Record of Protected Structures.

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

**For:** Cllrs. Beasley, Cahill, Culloty, Finucane, Fitzgerald, Griffin, D. Healy-Rae, J. Healy-Rae, McCarthy, McEllistrim, O'Donoghue, O'Shea, Purtill, Buckley **(14)**

**Against:** Cllrs. Cronin, Donovan, Ferris, Gleeson, Leahy, Wharton-Slattery **(6)**

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

**Absent:** Cllrs. Brassil, Connor-Scarteen, Foley, Moynihan-Cronin, O'Brien, O'Connell, Sheahan **(7)**

The Mayor declared the resolution CARRIED.

### **Baile na nGall**

Mr. Stack informed the meeting that he understood members were in agreement with the recommendations in the Manager's Report in relation to Submissions BnG-1, 2 and 4.

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions BnG-1, BnG-2, BnG-4.

### **BnG-3 (Names withheld for Data Protection purposes. Paper copy available on request)**

Mr. Stack informed members that this submission also relates to previous discussions on the amendment of Objective 00-44.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Griffin it was agreed to accept the amendment to Objective 00-44 in respect of this submission.

### **Ceann Trá**

Mr. Stack informed the meeting that he understood that members were in agreement with the recommendations in the Manager's Report in respect of Submission CT-1, 2, 3, 4, 5 and 6.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions CT-1, CT-2, CT-3, CT-4, CT-5 and CT-6.

### **Dún Chaoin**

Mr. Stack informed the meeting that he understood members were in agreement with the recommendations in the Manager's Report in respect of Submission DC-1 and DC-2.

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions DC-1 and DC-2.

### **Lios Póil**

Mr. Stack informed the meeting that he understood members were in agreement with the recommendations in the Manager's Report in respect of Submission LP-1, 2, 3 and 4.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Griffin it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions LP-1, LP-2, LP-3 and LP-4.

### **An Mhuiríoch**

Mr. Stack informed the meeting that he understood members were in agreement with the recommendations in the Manager's Report in respect of Submission AM-1, 2 and 3.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions AM-1, AM-2 and AM-3.

### **An Blascaod Mór**

Mr. Stack informed the meeting that he understood members were in agreement with the recommendations in the Manager's Report in respect of Submission ABM-1 and ABM-2.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions ABM-1 and ABM-2.

### **Rural Area**

Mr. Stack informed the meeting that he understood that members were in agreement with the recommendations in the Manager's Report in respect of Submission Ru-1, 3, 4 and 5.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin it was unanimously agreed to accept the recommendations in the Manager's Report in relation to Submissions Ru-1, Ru-3, Ru-4 and Ru-5.

**Ru-2 (Names withheld for Data Protection purposes. Paper copy available on request)**

Mr. Stack informed the meeting that this submission also refers to BF-3 (Name withheld for Data Protection purposes. Paper copy available on request) which was already dealt with.

This was unanimously agreed.

**LAMA Spring Seminar 2012**

Mr. G. O'Brien informed the meeting that Cllrs. J. Healy-Rae and D. Healy-Rae required approval to attend the LAMA Spring Seminar 2012 be held on the 13<sup>th</sup> and 14<sup>th</sup> April 2012 in Waterford.

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P.J. Donovan it was agreed to authorise the attendance of Cllrs. J. Healy-Rae and D. Healy-Rae at the LAMA Spring Seminar 2012 to be held in Waterford on the 13<sup>th</sup> and 14<sup>th</sup> April, 2012.

**Notices of Motion for Electoral Area Meetings**

Cllr. D. Healy-Rae asked if it was fair to stop a councillor from putting down a Notice of Motion on a topic once another councillor gets approval for the reception of a deputation even though they had moved Notices of Motion on that topic on many occasions. If this is to be implemented he will be requesting approval for more deputations.

Cllr. P.J. Donovan said if approval is given for the reception of a deputation another councillor cannot submit a motion on that topic for the upcoming Area Meeting.

Cllr. T. Ferris suggested that a report could be presented at the Area Meeting on the Notices of Motion previously moved by councillors on that topic.

Cllr. D. Healy-Rae said on occasion Management do not clarify this when a deputation is received.

Mr. J.D. Flynn said when deputations are received at Killorglin Electoral Area Meetings he states that this issue was previously raised by the relevant councillor. It is a matter for the councillor to advise the deputation that they have raised this issue previously.



**Public Lights at Brook Lane**

Cllr. J. Healy-Rae said the public lights at Brook Lane are still not working. They are out of order for 11 weeks. He contacted Airtricity on a number of occasions and they advised him that this is a matter for Kerry County Council and the ESB to resolve. He called on Management to resolve this issue immediately.

The meeting concluded at 1.05pm.

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

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**Mayor of Kerry**