

Many Local Authorities have issued County Development Plans

I refer specifically to Cork County Council Development plan 2015 – 2020

Development Plan objectives :- R

“Relatively Developed Greenbelt Areas “(A3)

- (A) It is our objective to recognize those relatively built up pockets of Greenbelt Land (labeled A3 in the Green Belt maps) that may be suitable for a very limited amount of further development
- (B) It is an objective to recognize that individual housing needs that may arise from time to time of people who have lived for a period in excess of 7 years within a particular A3 area, subject to the availability of a suitable site and normal proper planning and sustainable development considerations.

Article 43 and 56 of the EC Treaty guarantee the freedom of establishment and the free movement of Capital.

In 2005, the Law Society warned that County Councils discriminating in favour of family members/locals only, in respect of planning permissions for one off rural housing were breaking both constitutional and EU law.

The European Court of Justice ruled in 2007 that the ‘locals only’ stipulation breached articles of the EU treaty which guaranteed both the free movement of Capital and of people.

In 2013 The European Court of Justice issued a ruling in relation to restrictions based on place of origin and language for acquiring a house in the Flemish region of Belgium

Consequently any planning refused since 2013 based on the ‘locals only’ rule would now appear to be illegal.

Cork County Council completely ignore the European Court of Justice ruling, in their planning decisions.