

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN POBALSCOIL INBHEAR SCÉINE, KENMARE ON MONDAY 17TH
DECEMBER, 2007.**

***MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I, POBALSCOIL INBHEAR SCÉINE,
AN NEIDÍN AR AN LUAN, 17 NOLLAG, 2007.***

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

T. Buckley	M Cahill	M. Connor-Scarteen
B. Cronin	T. Ferris	S. Fitzgerald
T. Fitzgerald	T. Fleming	D. Healy-Rae
M. Healy-Rae	D. Kiely	P. McCarthy
A. McEllistrim	C. Miller	B. O'Connell
J. O'Connor	P. O'Donoghue	M. O'Shea
L. Purtill	J. Sheahan	

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, Co. Manager	Mr. J. O'Connor, Head of Finance
Mr. J.D. Flynn, Director of Corp. Serv.	Mr. O. Ring, Director of Water Services
Mr. C O'Sullivan, Dir. Roads & Transp.	Ms. A. Haugh, Dir. Of Environment
Mr. M. McMahon, Director of Planning	Mr. J. Breen, Director Housing
Mr. G. O'Brien, A/SEO Corp. Affairs	Mr. G. MacNamara, SE Roads & Tran.
Mr. P. Corkery, Press & Comm. Officer	Ms. B. Reidy, S.S.O. Corp. Affairs
Ms. K. Sheehy, CO Corporate Affairs	Ms. K. Felle, CO Corporate Affairs

The meeting commenced at 11.30am.

The Mayor, Cllr. M. Healy Rae, took the Chair.

The Mayor commenced the meeting with a prayer.

The Mayor welcomed everyone present to the meeting in Kenmare. He thanked Mr. Dermot Healy, Principal and Ms. Maureen Foley, Deputy Principal, for accommodating the meeting in Pobalscoil Inbhear Scéine. He welcomed Fr. Gerry Keane and Senator Mark Daly to the meeting. He also welcomed Mary O'Shea, Principal of Lauragh National School and also the pupils from that school to the meeting.

Votes of Sympathy

December Ordinary Meeting

- (a) The Mayor proposed that a vote of sympathy be extended to Mrs. Noreen Fitzgerald on the death of her husband Gene. Gene made a great contribution to Irish politics both at a national and European level.
Cllr. D. Kiely seconded this vote of sympathy and all members said they wished to be associated with it.
- (b) Cllr. J. Sheahan proposed that a vote of sympathy be extended to the O'Carroll Family, Ross Road, Killarney on the death of their son Nathan.

All members said that they wished to be associated with this expression of sympathy.

- (c) Cllr. M. Connor-Scarteen proposed that a vote of sympathy be extended to the Family of the late John Quille, Kilgarvan.

Retention of the Coast Guard Station at Valentia.

Cllr. P. O'Donoghue called on the members of the council to support the people of Valentia Island in their efforts to retain the Coast Guard Station. This Station was founded in 1914 and has provided a very valuable service since then. There are 17 people employed at the Station and in the past a Deloitte and Touche report recommended that not only should the station be retained but that it should be expanded. Malin Head Coast Guard Station is also due to be closed. These jobs are crucial to the economy of Valentia Island and the surrounding area. He requested that a letter of support, not only for the retention of this service but also for the expansion of it, be forwarded to the Minister for Communications, Marine and Natural Resources.

Mayor M. Healy-Rae thanked Cllr. O'Donoghue, Minister O'Donoghue and Deputy J. Healy-Rae for supporting the people of Valentia in their efforts to have this service retained. He acknowledged that the Oireachtas members met recently with the Minister but the outcome of the meeting was disappointing. The Valentia Coast Guard Station has an excellent staff of 17 and also has very modern equipment and all public representatives should work together to ensure that this Station is retained.

All members supported the retention of the Coast Guard Station at Valentia.

Tribute to Sean Walsh, Cromane.

Cllr. J. O'Connor informed the meeting that Sean Walsh from Cromane came first in Ireland in Geography in the Leaving Certificate. He added that 24,000 students sat the exam and Sean was the only student to achieve 100%. He called on the Mayor and the County Manager to make a presentation to him to mark this marvelous achievement.

Mayor M. Healy-Rae confirmed that a presentation would be made to Sean Walsh and he commended him on his achievement.

The Mayor then welcomed the teachers and pupils from St. Francis' National School to the meeting.

December Ordinary Meeting

Meeting with Management and Consultants from Kerry General Hospital and the Bon Secour Hospital.

Cllr. P. McCarthy informed the meeting that following the discussion at the November council meeting a meeting of elected members and representatives of the doctors and consultants of Kerry General Hospital took place. He read the following report into the record of the meeting.

“This meeting took place on Tuesday 11th December in the Manor West Hotel. The councilors were represented by Cllrs. T. Ferris, B. Cronin, M. O’Shea, J. O’Connor and P. McCarthy. Apologies were received from Mayor M. Healy-Rae, Cllr. T. O’Brien and Cllr. M. Gleeson. Doctors and consultants were represented by Dr. Tom McCormick, Dr. Mary Caffrey, Dr. John Rice and Dr. Sean Gibbons.

The members present wish to thank the consultants for a most informative meeting. We were left in no doubt that a tremendous amount of work needs to be done to maintain and develop the health services in Kerry for the people of Kerry. Each consultant gave a very detailed account of the problems which exist, the resources which are needed and the fears they have of services which we have presently being downgraded. We also received encouraging information from the consultants of the wonderful talents and abilities of the staff of Kerry General Hospital right across the many disciplines which exist there.

The following was agreed:-

- 1. This joint working group should continue to work together with the aim of finding solutions to the problems that exist.*
- 2. The first initiative is to invite representatives of the health providers in Kerry to a special meeting of the Council. Suggested date is Monday 28th January.*
- 3. The representatives will give a full and frank account of the present situation of the Health Service in Kerry.*

The agreed motion to be put to this meeting would read as follows:-

That this Council invite medical representatives of both the Kerry General Hospital and the Bon Secour Hospital, General Practitioner representative and local Health Managers to inform the council and Oireachtas members of the present situation regarding delivery of Health Care Services in Kerry and with the aim of formulating a healthcare plan for the people of Kerry going forward.”

Cllr. P. McCarthy PROPOSED the motion and suggested that the meeting be held on Monday 28th January, 2008.

The Mayor asked if this would be a full council meeting.

Cllr. McCarthy confirmed that it would be a full council meeting.

Cllr. B. Cronin SECONDED the motion and added that the meeting was very informative and of great assistance to members. He stated that as public representatives members must support the consultants and staff at Kerry General Hospital.

December Ordinary Meeting

Cllr. T. Fitzgerald supported the motion and added that it would be very beneficial to members if the consultants outlined the services presently available at Kerry General and any deficits identified could then be addressed. He stated that Kerry General Hospital offers an excellent service to the people of Kerry. He said that he supported the Centers of Excellence but he was anxious to ensure that the new service will be of a higher quality than that already provided.

Mr. G. O'Brien, A/SEO, informed members that arising from the discussions at the November meeting Professor Drumm was invited to attend a meeting of the council. A reply was received which indicated that the appropriate body to meet would be the Regional Health Forum South.

Cllr. T. Fleming welcomed this initiative and requested that Mr. Tom Leonard Director of Community Care also be invited to address the meeting. Mr. Leonard is responsible for the primary care teams and he understood that funding has not been provided for this service in the budget for 2008.

Cllr. J. O'Connor informed the meeting that many Kerry women used to attend the maternity hospitals in Cork but he understood that the Cork Hospitals are no longer admitting Kerry women.

Cllr. D. Healy-Rae said that according to recent media report the HSE under spent substantially in 2007 and returned the surplus of over €9m. This is unacceptable considering the cuts in hours for Home Help for the elderly in the later part of 2007. He called on the members of the Regional Health Forum to highlight this.

Cllr. B. Cronin informed the meeting that he contacted the HSE offices in Kerry on this issue and he spoke with Mr. Tom Leonard and he is awaiting a written explanation for the return of €9m in 2007.

Cllr. T. Fleming informed the meeting that he attended a meeting of the Regional Health Forum South on Thursday last and on that occasion members did get clarification on this issue. He stated that it was a misinterpretation to say that €9m was unspent in 2007 and that in fact there was no under expenditure on the 2007 allocation.

Cllr. P. McCarthy again stated that he had moved a motion that representatives from Kerry General and the Bon Secours Hospitals together with local Health Manager's and representatives of General Practitioners in the county would be invited to a special meeting of the council. He undertook to co-ordinate with Dr. John Rice and to agree who would be invited to address the meeting.

Mr. G. O'Brien, A/SEO, requested clarification on who would be invited to address this meeting.

In response Cllr. P. McCarthy stated that he would meet with Dr. John Rice and he would provide management with a list of speakers to be invited to address the meeting.

December Ordinary Meeting

Water charges for schools

Mayor M. Healy-Rae informed the meeting that on Thursday last the Minister for Education, Mary Hanafin, said that she has held talks with the Department of the Environment about the possibility of a minimum threshold being introduced for schools that pay water charges. Ms. Hanafin confirmed that attempts by her Department to secure a waiver for schools under the 1999 EU Water Framework Directive had failed.

Speaking on RTE Radio's News at One, Ms. Hanafin urged schools that were facing large water bills to negotiate with their local authorities but she said the introduction of a minimum threshold was being explored. She said it was important to have a method in place whereby a threshold could be negotiated for schools based on its pupil population. If the school were to use more water than its threshold it would have to pay for it.

The Mayor stated that in light of the Minister for Education's announcement that the Government is unable to waive water charges for schools in this country due to EU legislation he PROPOSED that this local authority takes the view that all schools are exempted from water charges and that this exemption is based on the average water usage over the past 3 years, and only when schools go above this usage that charges will apply. He also PROPOSED that a monitoring system is in place whereby a balancing system ensures that when one school maybe over and some other schools are under, no charges will apply.

Cllr. D. Healy-Rae SECONDED the motion.

Cllr. T. Fitzgerald strongly supported the motion and stated that education is a right and anything that hinders it is unacceptable. Members should do everything possible to alleviate the burden on schools. He asked that the Minister for Education be requested to continue the Summer Work Scheme in the coming year.

Cllr. B. Cronin supported the motion and added that many schools are forced to undertake a lot of fundraising as they are under extreme financial pressure.

Cllr. M. Connor Scarteen also supported the motion.

The Mayor informed the meeting that he had got legal advice on this issue and while he could not make a simple proposal that all schools be exempt from water charges but by applying the threshold of usage over the past three years his proposal was legal.

Mr. J. O'Connor, Head of Finance, said that there are certain fundamental legal principals that must be taken into account in dealing with this issue. This is a very emotive issue nationally at present and the cost of metered supplies is increasing. He informed members that it is not within the legal competence of the council to give effect to the Mayor's proposal. This issue needs to be addressed at a national level and Kerry County Council would have major legal difficulties with this proposal as it would be open to challenge by auditors and the EU. He suggested that it would be more appropriate to seek a solution to this issue at a national level and unless the law is changed it is not possible to give effect to this proposal locally.

The Mayor stated that the Minister for Education and Science clearly stated that schools should consult with their local authority.

December Ordinary Meeting

Cllr. T. Fitzgerald stated that water charges should be based on the customer's ability to pay and he called on the Minister for Education to reimburse schools the full cost of water charges in 2008.

Cllr. D. Kiely supported the sentiments expressed by Cllr. Fitzgerald.

Cllr. D. Healy-Rae said that it was unfair to expect schools to pay water charges. Clonkeen National School does not have a proper water supply and the staff purchase water for the children. He called on the Water Services Department to ensure that a proper water supply is provided for this school and the neighboring Church as a matter of urgency.

Speed Control Measures at Faha National School

Mayor M. Healy-Rae informed the meeting that the 6 members for the Killarney Electoral Area made representations regarding the dangerous situation at Faha National School for the children attending that school. In November members understood that speed control measures were to be put in place but this has not yet happened. He requested that these works would be carried out over the Christmas holidays.

Cllr. B. Cronin stated that funding was identified for these works in February 2007 and he called on the County Engineer to clarify the position regarding these works.

Mr. C. O'Sullivan, Director of Roads, Transportation and Safety, undertook to investigate this matter and to revert to members directly on it.

07.12.17.01 Mayor's Report on the CPG meeting held on the 11th December, 2007.

Cllr. D. Kiely read the following report into the record of the meeting.

Cllr. D. Kiely informed the meeting that he was requested by the Mayor to read the following report to the CPG meeting.

On Wednesday 28th November, I led a deputation from Kenmare to a pre-arranged meeting with Minister Jimmy Devins – Junior Minister for Health – organised by Deputy Jackie Healy-Rae to discuss the provision of a mental health day care facility in the town of Kenmare.

On the deputation we had Mr. Dan O'Connor, Regional Development Manager with Kerry Mental Health Services, Ms. Monica O'Shea from Kenmare and Mr. Pat O'Sullivan from Bonane. Pat is the Chairman of the Kenmare Mental Health Association. The Minister gave us a very fair hearing on the day as we had a very strong and hard case put forward for funding as if you take the catchments area of the greater Kenmare area it takes in so many people and we have proven in the past that there is a need for the service. Other towns of similar sizes and indeed even less have such facilities so that is why we have to campaign vigorously to secure the same for the Kenmare area. The Minister told us to continue pressurising the HSE locally and that he will also throw his weight behind what we are trying to achieve.

Item 1 Agenda for the December Meeting

Mr. G. O'Brien briefed the meeting on the agenda for the December meeting.

Mr. O. Ring, Director of Water Services, circulated a report on the item relating to Item 9 on the cost implications of the licensing of wastewater treatment plants. He informed the meeting that in accordance with the Waste Water Discharge (Authorisation) Regulations 2007 local authorities must apply to the EPA for authorisation of all discharges from their waste water works to all waters. Applications for licences must be made for all towns and villages. The application fee ranges from €30,000 to €3,000 for initial applications and from €22,500 to €2,000 for reviews and there will be an annual monitoring fee for each licence. The application fees alone will amount to €565,000 and it is estimated that the other cost associated with making the applications could come to a further €3,000,000. This is a total of €865,000 over the next three years. There will be new water quality monitoring requirements in connection with the licences which may be in the order of €100,000 annually for all schemes. The cost of upgrading existing plants would be in the region of €49m and it is anticipated that €15m of this would have to be funded locally. Penalties applying to offences under the Regulations are a fine of up to €5,000 on summary conviction and up to €500,000 on conviction on indictment.

Mr. Ring informed the meeting that the Regulations also have implications for the functions of planning authorities. One of the most significant is that the Regulations require a planning authority and An Bord Pleanála to refuse permission or to impose necessary conditions to prevent the pollution of receiving waters where either is of the opinion that the proposed discharge, in conjunction with existing discharges, would cause pollution.

Mr. T. Curran, County Manger, informed members that members were informed of these regulations a few months ago and he added that difficult decisions would have to be made over the next few months as a substantial increase in charges will be required. He acknowledged that a commitment was given to members that development levies would not be revisited but as a result of new legislation it will be necessary. He added that there are approximately 25,000 septic tanks in the county and these will have to be licensed in time.

Item 2 County Development Board

Mr. J. Breen informed the meeting that one of the main issues being dealt with by the CDB at present is the submission on the County Development Plan. He added that it is hoped to finalise the cohesion process shortly.

Item 3 Update from Chairs of the SPC's

Cllrs. T. O'Brien and B. O'Connell stated that their SPC's had not met since the last CPG meeting.

Cllr. R. Beasley informed the meeting that at the last meeting of the Community, Culture and Tourism SPC the following items were considered and he briefed them on the debate on each item.

December Ordinary Meeting

- *Review of the County Development Plan*
- *Arts Plan*
- *Library Services Update*
- *Discussion on Public Art Works Scheme*
- *Update on Social Strategy Group*
- *SPC Work Programme 2008.*

Cllr. C. Miller informed the meeting that the Housing SPC met on the 6th December at which a number of policy issues were discussed as follows:-

- *Housing Adaptation Scheme*
- *Policy on regularising tenancy.*

Cllr. R. Beasley stated that there is a serious problem with dogs fouling the streets and he asked if anything could be done about it.

Cllr D. Kiely informed the meeting that at the last Transport SPC meeting there was a discussion on the upgrade of all major schemes. A new Road Safety Strategy is being prepared and this will have implications for local authorities. A new Road Safety Officer was appointed in recent months and she will focus on the schools and bringing the road safety message to young people. There was also a discussion on the provision of ring roads and the cost of same.

Item 4 Draft Budget 2008.

Mr. J. O'Connor, Head of Finance said that 2008 will be an exceptionally difficult year for a variety of reasons and some critical issues affect the budget. It is necessary to support drinking water and wastewater. Notification of the Local Government Fund Grant has not yet been received but it is hoped that it will be received this week. The metering of non-domestic customers has been completed. Customers have been given ample time to sort out leaks on their property. It is intended that the refuse charge will increase by 50cent per lift with no increase in the standard charge. In conclusion he stated that it is intended to support the essential services.

Item 5 Any Other Business

Cllr. R. Beasley requested the Head of Finance to make a sum of €200 to €300 available to cover the expenses of volunteers installing smoke alarms.

Cllr. J. O'Connor asked what impact the Safety Strategy would have on the Roads Programme. He understood that there would be no increase in the roads budget in 2008 and with the implementation of Chapter 8 would this mean a reduction of 15% in the roads budget for 2008.

In response Mr. C. O'Sullivan stated that Chapter 8 regarding signage etc. comes into effect from 1st May, 2008. At present staff are being trained for it but it is difficult to cost the overall implications of it on the budget at present.

The Mayor welcomed Mr. Sean Doherty, Principal of Kilgarvan National School and the pupils for that school to the meeting.

07.12.17.02 Confirmation of Minutes

On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. B. Cronin, it was resolved that the minutes of the Ordinary Meeting of Kerry County Council held on the 26th November, 2007 be confirmed.

07.12.17.03 Nominations of Oireachtas Members to the Joint Policing Committee

Mr. J. Breen, Director of Housing, Community and Enterprise, referred members to his report dated 11th December, 2007 on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. B. Cronin, it was unanimously agreed to note the Oireachtas Members nominated to the Joint Policing Committee.

07.12.17.04 Report in accordance with Section 179(3) of the Planning and Development Act 2000

Mr. J. Breen, Director of Housing, Community and Enterprise, referred members to his reports dated 11th December, 2007 on this item which were circulated. He briefed them on the reports.

- (a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. D. Kiely, it was agreed to note the report on the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act, 2000 and Part VIII of the Local Government (Planning and Development) Regulations 2001 in respect of the provision of a demountable dwelling at Baile na hAbha, Lios Póil.
- (b) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. D. Kiely, it was agreed to note the report on the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act, 2000 and Part VIII of the Local Government (Planning and Development) Regulations 2001 in respect of the construction of a single rural cottage at Cill Mhic an Domhnaigh, Fionn Trá, Trá Lí.

07.12.17.05 Material Contravention of the County Development Plan

The Mayor informed the meeting that this item would be deferred until sufficient members were present.

07.12.17.06 Access For All Implementation Plan 2008 – 2015

Mr. J. Flynn, Director Corporate Services, referred members to his report and the Draft Access For All Implementation Plan 2008 – 2015 which were circulated. He informed members that the Plan was prepared by council staff unlike most other local authorities. He stated that the Draft Plan was produced following an extensive consultation process with all relevant stakeholders and sections of society. This follows on from the

successful Barcelona Declaration Implementation Plan 2003 – 2006. The Access for All Plan has identified the remedial works to be carried out by the Kerry Local Authorities in this area and will form the focus of the decision making and allocation of resources for Kerry Local Authorities over the next eight years. It will also make Kerry a more accessible environment for all. In conclusion he stated that it was then a matter for the members to adopt the Access For All Implementation Plan 2008 – 2015.

All members complimented Mr. Flynn on his report and the Draft Plan.

Cllr. B. Cronin complimented Kerry County Council on leading the way in ensuring access for people with disabilities. He added that this Plan is very important in providing equal opportunities for people with disabilities. He complimented all those who made submissions on the Draft Plan and he asked that people with disabilities would be consulted prior to any works being carried out. In conclusion Cllr. Cronin PROPOSED that the Access For All Implementation Plan 2008 – 2015 be adopted.

Cllr. P. McCarthy SECONDED this proposal. He expressed concern at how the works, costing €13.6m, identified in the Plan would be funded and he added that these works should be funded by the EU.

Cllr. P. O'Donoghue stated that considerable progress has been made on improving access to buildings in particular local authority buildings. Kerry has the finest coastline in the country; however, it can be very difficult to access some of our beaches. He referred, in particular, to Cuascrom where the council closed off the beach front but a storm subsequently washed the ditch away but the Council rebuilt it to the dismay and disgust of the people of the area. He called on the Director of Roads to give a commitment that this ditch would be removed immediately.

Cllr. J. O'Connor congratulated the Roads Department on providing access to Rossbeigh Beach.

Cllr. T. Ferris supported the positive comments made by members on this item. She requested that the physical access to Banna Beach be improved to make it more accessible for people with disabilities. Last year the issue of access to the council services was discussed and she asked that consideration be given to the production of an information pack for new and existing communities. She requested that priority be given to the preparation of this information pack in 2008.

Cllr. T. Fitzgerald supported the Access for All Implementation Plan 2008 – 2015 and added that funding must be provided by central government for its implementation as the rate base in Kerry is very restricted.

Mr. J. Flynn informed the meeting that the disability issues are coming from Towards 2016. He assured members that disability groups were consulted when the Draft Plan was being prepared. Funding of €0.5m was provided by the Government last year and also in the current year and it is anticipated that this level of funding will continue for

2009. However, there is no indication that funding will be provided beyond that time. The Environment Department have prepared a programme for the improvement of access to beaches for 2008. The works carried out at Cuascrom were in fact coastal protection works.

The Mayor thanked Mrs. Anne Finn and Mr. Jerry Reilly for facilitating the meeting in Kenmare.

07.12.17.07 Kerry County Council Playground Bye-Laws 2008

The Mayor acknowledged the assistance of the Council in providing the playgrounds in Sneem and Kenmare. He acknowledged the funding made available for these playgrounds and he commended the local committees for the funding raised locally.

Mr. J. Breen, Director of Housing, Community and Enterprise, referred members to his report dated 4th December, 2007, together with the Kerry County Council Playground Bye-Laws 2008 which were circulated. He informed members that it is intended that these Bye-Laws will be in place for the coming year. The number of playgrounds provided in the county is expanding and it is important to ensure that there are utilised for the purpose for which they were designed. The purpose of the Bye-Laws is to help improve people's enjoyment of public playgrounds by managing and controlling all activities which might cause distress to playground users or damage to Council property. The introduction of the Bye-Laws will strengthen the hand of the Gardaí in dealing with any unacceptable use of the playground particularly at night. He stated that 1 submission was received from the Gardaí and they welcome the introduction of the Bye-Laws. In the interests of public safety and privacy an amendment 3.m) has been included in the Draft Bye-Laws and it reads as follows:- *"No person shall operate or use a camera, camera phone, video or any other video media device in a playground without the authorisation of the Council"*. This amendment is intended to protect those who use the playgrounds and if the Bye-Laws are made they will come into effect from the end of January 2008.

Cllr. T. Ferris welcomed the Bye-Laws but expressed concern that parents could not take photos of their children in the playground. She asked if the maximum fine was €75 only.

In response Mr. J. Breen said that the maximum fine was €75 plus the full cost of the replacement and installation of any equipment damaged.

Cllr. M. Cahill welcomed the Playground Bye-Laws as it would strengthen the powers of the Gardaí in dealing with issues i.e. under age drinking, graffiti and damage to equipment etc. He believed that all playgrounds should be locked after dark. The proposed playground at Rossbeigh will cost approximately €102,000 and this is now at an advanced stage. Cllr. Cahill PROPOSED that playgrounds be locked at night and that this would be included in the Bye-Laws. He also suggested that sensor lights should be provided at all playgrounds together with CCTV cameras. In conclusion he stated that last weekend there was a very high tide and the roadway in his area was closed and a large amount of rubble was deposited on the road. If proper coastal protection works are not undertaken in this area the proposed playground will be affected.

Cllr. D. Kiely supported the locking of playgrounds at night as they are being used by adults in his area for late night drinking.

Cllr. M. Connor-Scarteen welcomed the Bye-Laws and supported the call to have playgrounds locked at night.

Cllr. P. McCarthy stated that the Bye-Laws must be enforceable and he thought that it was not possible to prevent a family member from taking a photograph of their own child in a playground. He suggested that 3 m) be amended to read "*other than for family photos*".

Cllr. A. McEllistrim agreed with the sentiments expressed by Cllr. McCarthy and she asked who would monitor activities in playgrounds to ensure the Bye-Laws are complied with.

Cllr. T. Fitzgerald stated that the Bye-Laws are necessary for the protection of children and the playgrounds and the Gardaí would enforce them.

Mr. J. Breen informed the meeting that it is important to put the Playground Bye-Laws into context. It is important to ensure that the network of playgrounds is properly protected. It is intended that any damage done to playgrounds will be pursued with a view to recovering the costs involved. He added that he was concerned with the proposal to lock the playgrounds at night because he thought that if people wanted to access a playground at night they would regardless of the fencing or the lock on the gates. 2008 will be the first full season with the Playground Bye-Laws in place and he would be arranging quarterly review meetings with the Gardaí. He suggested to members that they should agree to make the Bye-Laws and they could be reviewed after the summer. He stated that every child must sign a consent form before a photograph can be taken. The inclusion of 3 m) is suggested to protect children.

Cllr. D. Kiely stated that while he agreed with Mr. Breen the playground in Ballybunion is highly abused at night and he was in favour of locking it after dark.

Cllr. T. Ferris said that while there maybe issues in Ballybunion and Rossbeigh most other playgrounds have the overall support of the community and she was anxious not to send out a message that there is anti-social behaviour at all playgrounds in the county.

Cllr. P. O'Donoghue stated that the installation of CCTV cameras would be the greatest deterrent to anti-social behaviour and this should be considered.

Mr. J. Breen stated that there are many good and active community groups involved with playgrounds throughout the county. Sites were donated and substantial funding was raised by local groups. He suggested that all groups and the Council should work with the Gardaí on this issue.

December Ordinary Meeting

Mr. J. Flynn, Director of Corporate Services, informed members that they could agree to make the Bye-Laws and they could be reviewed in 12 months.

Cllr. D. Kiely PROPOSED that the Kerry County Council Playground Bye-Laws 2008 be made.

Cllr. P. McCarthy PROPOSED that rather than have Section 3 m) open to ridicule that *“other than for family photos”* be included.

Cllr. A. McEllistram SECONDED this proposal.

Mr. J. Flynn urged members to be cautious in making any changes to the Bye-Laws as they may not be in line with national legislation.

Cllr. M. Cahill stated that he fully supported the making of the Bye-Laws but he felt strongly that the playgrounds should be locked in the evenings.

Cllr. D. Healy-Rae pointed out that it was not practical to make Bye-Laws that would prevent a mother from taking photos of her child on a swing.

Cllr. D. Kiely PROPOSED that we the members of Kerry County Council resolve to make the Kerry County Council Playground Bye-Laws 2008 in accordance with Part 19 of the Local Government Act, 2001 subject to the following amendment to 3 m) *“unless they are a family member”*.

Cllr. P. McCarthy SECONDED this proposal.

A vote was taken on this resolution which resulted as follows:-

For: Cllrs. Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Fleming, D. Healy-Rae, Kiely, McCarthy, McEllistram, Miller, O’Connell, O’Connor, O’Donoghue, O’Shea, Purtill, Sheahan and M. Healy-Rae **(20)**

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the resolution carried.

The Mayor welcomed Mrs. Noreen Hanley and Mrs. Anne Randles from Caher National School to the meeting and also the pupils from that school.

The Mayor informed the meeting that he would take Item No. 5 next.

07.12.17.05 Material Contravention of the County Development Plan.

Cllr. B. O'Connell PROPOSED in accordance with the provisions of Section 34(6)(a) of the Planning and Development Act 2000 that permission be granted to John Barrett, Cahereens West, Killarney Road, Castleisland to demolish the existing funeral home and permission to construct 34 no. 3 bedroom semi-detached dwelling houses, 12no. 4 bedroom detached houses and 5no. 3bedroom terraced dwelling houses, service road, entrance, ancillary services and areas at Cahereens West, Killarney Road, Castleisland in accordance with plans submitted on Planning Register No. 07/456 which would materially contravene the 2004 Castleisland Local Area Plan.

Cllr. A. McEllistrim SECONDED this proposal.

Mr. G. O'Brien, A/SEO, read the following report:-

*Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning and Development Act, 2000 in relation to an application for permission to demolish the existing funeral home to construct 34 no. three bedroom semi-detached dwelling houses, 12 no. four bedroom detached houses and 5 no. three bedroom terraced dwellings, service road, entrance and ancillary services and areas at **Cahereens West, Killarney Road, Castleisland** per planning reg. no. 456/07.*

<u>Name of Applicant</u>	John Barrett
<u>Address of Applicant</u>	Cahereen West, Killarney Road, Castleisland
<u>Agent</u>	Hickey Moynihan Design, 43-44 New Street, Killarney
<u>Location of Proposed Development</u>	Cahereen West, Killarney Road, Castleisland
<u>Nature / Description f Proposed Development</u>	Permission to demolish the existing funeral home and permission to construct 34 no. three bedroom semi-detached dwelling houses, 12 no. four bedroom detached houses and 5 no. three bedroom terraced dwellings, service road, entrance and ancillary services and areas.
<u>Planning Reg. No.</u>	456/07
<u>Decision Due Date:</u>	19 th January, 2008

Planning History

No recent planning history on site

Appraisal

The lands the subject of this application are zoned agricultural and residential medium density in the 2004 Castleisland Local Area Plan. In the circumstances, part of the proposed development located within the agricultural zoned area would materially contravene the Local area Plan 2004. The Planning Authority has no objection in principle to the proposed development given the proximity of the site to the town centre and to the adjacent existing medium residential density zoned lands. However, in order to recommend a grant of planning permission, it is necessary to implement the statutory Material Contravention procedure under and in accordance with Section 34 (6) of the Planning and Development Act, 2000. This procedure was initiated on the recommendation of Mr. Declan O'Malley, S.E.P., with publication of the prescribed notice in the Irish Examiner newspaper on 16th November, 2007.

Observations / Submissions

- 1. Tom and Helen Pembroke,
Killarney Road,
Castleisland
(12/03/07)*

Planning Concerns Raised

- (a) May infringe on privacy*
- (b) Backland nature of the development*

Note: A further submission was made by Tom and Helen Pembroke on 17th September, 2007, (in relation to the further information element of the application as received on 5th September, 2007 and 13th September, 2007), in which it is requested that the developer be required 'to build a seven foot high capped wall adjacent to the hedging on the boundary of our property'.

- 2. Nora Begley,
Killarney Road,*

Castleisland,
13/03/2007

Planning Concerns Raised

- (a) *May infringe on privacy*
- (b) *Scale and mass of proposal*
- (c) *Disruption during construction phase.*
- (d) *Potential traffic hazard*

3. *Michael J. & Betty Kearney,
Killarney Road,
Castleisland
13/03/2007*

Planning Concerns Raised

*Each of the concerns referenced (a) to (d) overleaf,
as submitted by Nora Begley are re-iterated in this
submission*

4. *S.W.R.F.B
Nevilles Terrace
Masseytown,
Macroom,
Co. Cork*

Planning Concerns Raised

*Disposal of Surface water to the River Maine, a
salmonoid river in need of protection.*

**Reports Received following Referral to
Internal Departments**

1. *County Archaeologist (dated 2/3/2007)*

*The report received from the County Archaeologist
recommends that an archaeological impact
assessment including pre-development testing be
requested (Archaeological Impact Assessment
subsequently submitted on 5/9/2007 – condition no.
4 hereafter also refers)*

2 (a) *Roads / Transportation & Safety
Department (dated 13/03/2007)*

This report advised that a traffic impact statement and safety audit is required. (Traffic Impact Statement and Safety Audit subsequently submitted on 5/9/2007)

2(b) Roads and Transportation & Safety Department (dated 3/10/2007)

The report dated 3rd October, 2007 requests that a special contribution of €60,000 in respect of public lighting and pavement improvement be attached to any grant of permission, i.e. condition no. 7 hereafter

3. Water Services Department (dated 22/03/2007)

The report received from Water Services recommends that certain conditions be attached to any grant of permission, i.e. condition no's 12, 19 and 20 hereafter.

4. N.R.A. (dated 30/03/2007)

The report received from the N.R.A. confirms that "the Authority has no objections to the proposed development, so long as the development has no adverse impact on the operation of the existing or future National Roads Network in the area."

5(a) Environmental Services (dated 16/04/2007)

This report requests that certain conditions relating to the management of waste be attached in the event of a grant of permission, i.e. condition no's 13, 22 and 23 hereafter

5 (b) Environmental Services (dated 21/5/2007)

This report confirms that the requirement for licensing under the Water Pollution Acts would not apply to the discharge of clean surface waters from the proposed development.

Recommendation:

Having regard to the plans and particulars

submitted on 7th February, 2007, 5th September, 2007, 13th September, 2007 and 22nd November, 2007, it is considered that the proposed development will not impact on the visual and residential amenity of the town nor create a traffic hazard at the junction onto the access road to the south.

A grant of permission is, therefore, recommended subject to the following 29 no. conditions as listed at pages 5 – 10 of this report under Schedules 2(a) and 2 (b).

SCHEDULE 2(a) Permission to demolish existing funeral home and to develop service road, entrance and ancillary services

1. The development shall be carried out in accordance with plans and particulars received on 07-02-2007, 05-09-2007, 13-09-2007 and 22-11-2007 except for where altered herein. All site development works and services shall be carried out in accordance with the Department of the Environment publication 'Recommendations for Site Development Works for Housing Areas.'

Reason: In the interests of orderly development.

2. The management and maintenance of the proposed development following its completion shall be the function and responsibility of a properly constituted management company.

(b) Prior to the commencement of any development on this site, *the developer shall enter into an agreement with the Planning Authority under Section 47 of the Planning and Development Act 2000 to deal with the ongoing management and maintenance of the development including responsibility for maintenance of roads and footpaths, water supply, storm and foul drainage, public lighting, electrical, telephone and other underground services and public open spaces.*

(c) The Section 47 agreement shall provide for the establishment of a management company whose legal status shall be proven to be adequate to provide for the ongoing management and maintenance in perpetuity of the facilities within the development.

Reason: In the interest of orderly development and to provide for the ongoing management and maintenance of the proposed development which will not be taken in charge by the Local Authority.

3. Before the development is commenced the developer shall lodge with the Planning Authority a Bond in the sum of EUR 400,000.00 coupled with an agreement to empower the Local Authority

to apply such security or part thereof to the satisfactory completion of any part of the development. Such Bond will be increased from 1st January, 2008 and annually thereafter in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office to the value pertaining at the time of payment and shall be from an approved Financial Institution as may be acceptable to the Planning Authority to secure the provision and satisfactory completion and maintenance of roads, footpaths, water supply, foul sewer, and drainage required in connection with the proposed development. The Bond shall remain in place for a period of 12 years from the date of grant of permission or until such time as the development has been completed to the satisfaction of the Planning Authority in accordance with the conditions of the planning permission granted (whichever is the sooner).

Reason: In order to secure the satisfactory completion of the development.

4. The developer shall engage the services of a qualified archaeologist to monitor all ground disturbance aspects of the proposed development at the time of construction. The developer shall be prepared to facilitate the archaeologist in the recording and recovery of any archaeological material encountered. The archaeologist will be empowered to halt development work, if necessary, for the purpose of recording and recovering any archaeological material encountered. A report on the archaeological monitoring shall be forwarded to the Planning Authority and to Dept of the Environment, Heritage and local government, upon completion.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

5. Prior to the commencement of development the developer shall pay a contribution of EUR 230, 724.00 to Kerry County Council (Planning Authority) in respect of public water and sewerage infrastructure and facilities benefiting the development. The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2008 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

6. Prior to the commencement of development the developer shall pay a contribution of €25,500. to Kerry county Council (Planning Authority) in respect of amenity facilities. The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2008 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000

Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

7. Prior to the commencement of development, the developer shall pay a contribution of **EUR 60,000.00** to Kerry County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the proposed development, as a special contribution within the meaning of Section 48 (2) (C) of the Planning & Development Act, 2000 towards the cost of implementation of the following schedule of works:-

Proposed Infrastructure and Facilities

Provision of new public lighting & undergrounding of ESB/Eircom networks EUR.30,000.00
Pavement improvement; EUR30,000.00

8. The amount of this contribution will be increased from January 1st 2008 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, in accordance with the provisions of Section 48 of the Planning and Development Act, 2000.

9. All the developments shall be carried out on a phased basis, which shall be agreed with the planning dept prior to the commencement of works.
Notwithstanding this, all works along the link road shall be completed prior to the occupation of any of the residential units. The planning authority shall be notified in writing prior to the commencement of each phase of works.

Reason: In the interest of orderly development.

10. Within eight weeks of this decision the developer shall enter into an agreement with the Planning Authority in relation to the provision of social and affordable housing as part of or in conjunction with the proposed development in accordance with the requirements of the Kerry County Council's Housing Strategy for the provision of 20% of social and affordable housing. No development shall take place until this agreement is concluded and in the event of failure to agree, the matter shall be referred to An Bord Pleanala for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000 (as amended).

11. Roads shall be named in Irish and English. A name plate shall be erected at the entrance to each road in a location clearly visible to drivers. Houses shall be numbered in a logical sequence .Name of estate and numbering shall be agreed with the Planning Authority prior to the commencement of construction.

Reason: For easy identification and to facilitate personnel servicing site.

12. **Prior to the occupation of each dwelling house**, all site development works shall be substantially completed in accordance with the conditions attached to this decision in order to ensure an adequate means of access and the provision of all services to facilitate the development.

December Ordinary Meeting

(b) On completion of each phase of the development, the developer shall submit a certificate from an approved person stating that all the works carried out to-date on the development are in accordance with:

- *The 'Recommendations for Site Development Works for Housing Areas' as issued by the Dept. of the Environment and Local Government*
- *Any other condition which may have been imposed as a condition of planning.*

(c) On completion of the works the developer shall submit a set of as-constructed drawings indicating the on-site position of all structures and services. These drawings shall include the location of all sewers, watermains, ESB and Telecom ducting. Details of all pipes sizes, inverts, manholes, cover levels, hydrants and stopcock locations as well as records of all pipe tests shall be included as a minimum.

(d) The proposed service roads and paths shall be maintained to allow for the easy passage of pedestrians and vehicles throughout all stages of the development and building construction.

Reason: In the interest of orderly development

13. Prior to the commencement of any works on site, the developer shall carry out an evaluation and quantification of all construction, demolition and excavation waste (including hazardous waste) likely to arise during all phases of development/construction and shall develop a waste management and disposal plan for all such wastes arising. A copy of this plan shall be submitted to the Planning Authority for agreement and approval prior to Commencement Notice stage.

Reason: In the interests of orderly development.

14. (a) Adequate sight distances shall be provided at the junction of the service roads within the development and at the junction of the service road with the public road in accordance with the Site Layout Map, received on 5-8-07.

(b) Formation of the junction of the service road with the public road shall not cause surface water or seepage water to flow onto the public road surface. The junction area shall be at the level of the public road for a distance of not less than 6 metres from the edge of the public road.

(c) Formation of the junction of the service road with the public road shall not interfere with roadside drainage which shall be maintained, repaired or made good to the satisfaction of the Roads Authority.

Reason: In the interests of traffic safety and to protect public property.

15. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

16. Under no circumstances shall the applicant\developer cut or otherwise interfere with the public road for the purposes of connection to public services without a road opening license.

Reason: In order to protect public property.

17. (a) All tree planting shall be carried out in public and private areas in accordance with the landscaping plan received on 5-9-07.

(b) Any failure of plant/shrubs/tree through disease, damage or removal within the first three years after planting shall be replaced by such similar species.

(c) All hard surfacing, kerbing, paving shall be carried out in accordance with plans and particulars received on 05-09-07.

(d) All boundary treatment shall be carried out in accordance with plans and particulars received on 05-09-07

(e) a 2m high block wall shall be erected along the entire rear boundaries of sites 1-11 inclusive.

Reason: In the interests of visual amenity.

18. Site construction working hours shall be confined to between 0730 hours and 1900 hours on Monday to Friday and 0800 hours to 1830 hours on Saturdays. No on-site works shall be permitted on Sundays or Public Holidays without the prior written agreement of the planning authority.

Reason: In the interest of protecting residential amenity.

19. The proposed development shall be connected to the public water supply network.

(b) Each dwelling shall be separately connected to the public water supply network and provided with a stop cock to the approval of the Planning Authority to be located in the footpath outside the curtilage of individual sites

(c) The applicants shall provide an adequate number of fire hydrants. Full details shall be agreed with the Fire Services Authority prior to commencement of development.

(d) The proposed development shall be connected to the public foul sewer at the applicant's expense in accordance with the plans and sections received on 7-9-07 to the satisfaction of the Water Services Section of Kerry County Council.

(e) Surface water shall be disposed of into the storm sewer. No surface water shall be permitted to enter the public foul sewer network.

(f) Storm water attenuation shall be agreed with the Water Services Department.

(g) All public lighting shall be located and erected to the satisfaction of the E.S.B

Reason: In the interests of orderly development.

20. No garage, garden shed or other structure shall be constructed on the Kerry County Council Local Authority wayleave shown in yellow on drawing no. 00/103/j23/06 received by the Planning Authority on 7th February, 2007.

Reason: To ensure proper provision of the services.

21. A river side walk shall be provided along the entire length of the north eastern boundary. The path shall be finished in a material to be agreed with the Planning Dept. All planting and hard/soft landscaping shall be completed prior to the commencement of work on the 2nd phase.

Reason: In the interests of visual amenity.

22. The demolition of the existing funeral home as indicated shall be carried out in a safe and satisfactory manner; materials shall be disposed of to an authorised site or otherwise re-utilised in an authorised manner.

Reason: In the interest of orderly development.

23. Prior to the commencement of development, the developer shall liaise with the Environment Section of Kerry County Council to agree to a suitable location for the proper and safe disposal of all waste material arising as a result of the proposed demolition and development. Prior to the commencement of any development work on site, a copy of any agreement reached with the Environment Section shall be forwarded to the Planning Authority for their approval.

Such demolition works shall be carried out so as not to cause damage to, interfere with nor infringe upon adjoining properties, nor cause damage to the public road or underground services.

Reason: In the interests of orderly development and the protection of private and public properties.

SCHEDULE 2(b) Permission to construct 34 no. 3 bedroom semi-detached dwelling houses, 12 no, 4 bedroom detached houses and 5 no. 3 bedroom terraced dwellings.

24. The proposed development shall be located and constructed in accordance with plans and particulars received on 07-02-2007, 05-09-2007, 13-09-2007 and 22-11-2007 except for where altered herein.

The scheme shall comprise of;

- 12 no detached houses,
- 34 no semi detached houses,
- 5 no terrace houses,

Reason: In the interest of orderly development.

25. Each proposed dwelling house shall be located on site as shown on Site Layout Map received on 05-09-07.

Reason: To regulate and control the layout of the development.

26. (a) Proposed dwelling houses shall be constructed in accordance with the design drawing received on 05-09-07

(b) Each Roof shall be covered with slates or tiles which shall be either black, dark-grey or blue-black. The colour of the ridge tile shall match the colour of the roof.

(c) Prior to commencement of construction of the houses, details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to the planning authority for agreement.

(d) Stone work to the external walls shall be constructed of natural stone which shall be sourced locally.

Reason: To integrate the structures into the surrounding area.

27. A proposed colour scheme for all the dwellings within the scheme shall be submitted for agreement to the Planning Authority prior to the commencement of development.

Reason: To integrate the development into the surrounding area.

28. The landscaping proposal for the overall development shall be carried out in accordance with plans and particulars received on 05-09-07.

Reason: In the interest of visual amenity

29. Notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended, no part of any dwelling house or apartment shall be used for the purpose of provision of overnight commercial guest accommodation without a prior grant of permission for such development.

Reason: To ensure the preservation of a good standard of amenity.

A vote was taken on Cllr. O'Connell's resolution which resulted as follows:-

For: Cllrs. Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Fleming, D. Healy-Rae, Kiely, McCarthy, McEllistram, Miller, O'Connell, O'Connor, O'Donoghue, O'Shea, Purtill, Sheahan and M. Healy-Rae **(20)**

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the resolution carried.

07.12.17.07 Extinguishment of Public-Rights-of-Way

Mr. C. O'Sullivan, Director of Roads, Transportation and Safety, referred members to his report dated 10th Nollaig, 2007 on this item which was circulated and he briefed them in detail on the report.

Cllr. B. Cronin PROPOSED that Kerry County Council resolves to extinguish the Public Rights-of-Way in the townlands of Lissanearla East, Leith West and Leith East as part of

the realignment of the N69 at Leith in accordance with Section 73 of the Roads Act, 1993.

Cllr. T. Fitzgerald SECONDED this proposal.

A vote was taken on this resolution which resulted as follows:-

For: Cllrs. Buckley, Cahill, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Fleming, D. Healy-Rae, McCarthy, McEllistrim, O'Connor, O'Donoghue, Sheahan and M. Healy-Rae
(14)

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the resolution carried.

07.12.17.08 Report on the cost implications of licensing all Waste Water Treatments Plants.

Mr. O. Ring, Director of Water Services, referred members to his report dated 11th December, 2007 on this item which was circulated. He informed members that last September the Minister for the Environment, Heritage and Local Government made the Waste Water Discharge (Authorisation) Regulations 2007. These Regulations require local authorities to apply to the EPA for authorisation of all discharges from their waste water works to all waters. An application for authorisation must be made in respect of each distinct local authority sewerage system in their functional area, regardless of whether or not there is an associated treatment plant or whether there is only a collection system. In the case of villages with population equivalents less than 500, applications for certification must be made between 22nd June, 2009 and 22nd December, 2009. Applications for both Tralee and Killarney schemes were submitted last Friday. A lot of data must be submitted with the application. The application fees range from €30,000 to €3,000 for initial applications and from €2,500 to €2,000 for reviews and there will be an annual monitoring fee for each licence.

There are 33 sewerage schemes with population equivalents over 500 which will require licensing and a further 15 village schemes which will require certification. The application fees alone will come to €65,000 and it is estimated that the other costs associated with making the applications could come to a further €300,000. There will be new water quality monitoring requirements in connection with the licenses which may be in the order of €100,000 annually for all schemes. The most serious financial implications relate to the cost of upgrading the existing schemes to meet the likely licence and certification conditions and at this time it is estimated that this will cost approximately €49m. The application of the Government's Polluter Pays Principle will mean that approximately €15m of this will have to be raised locally. Mr. Ring informed the meeting that he estimated that a total of €115m is needed to provide fully upgraded sewerage schemes for all 48 locations to allow for the proper sustainable development of

these towns and villages. There are severe penalties for non compliance ranging from €5,000 on summary conviction to €500,000 on conviction on indictment.

In conclusion Mr. Ring stated that the Regulations also have implications for the functions of planning authorities. One of the most significant is that the Regulations require a planning authority and An Bord Pleanála to refuse permission or to impose necessary conditions to prevent the pollution of receiving waters where either is of the opinion that the proposed discharge, in conjunction with existing discharges, would cause pollution.

All members welcomed this very important report and expressed concern at the major financial implications for Kerry County Council. Members asked how the local contribution would be funded in Kerry as we have a small rate base. They also referred to the large number of septic tanks in the county and the implications for the pollution of ground waters and also the proposal that these would have to be licensed. Members were concerned that the new regulations could result in a large reduction in the number of permissions granted in rural areas. These regulations should not be used to force people from rural areas who want to provide a home into our towns and villages.

Following a detailed discussion on this item it was agreed that the report would be referred to the next round of Electoral Area Meetings and each SPC for further consideration.

07.12.17.09 Report on Planning Enforcement Activity

Mr. M. McMahon, Director of Planning, referred members to his report dated 11th December, 2007 on this item which was circulated. He informed the meeting that arising from a Notice of Motion he prepared the report on the enforcement activity of the Planning Department in relation to major developments, principally in the housing area. The detailed report circulated outlines the action taken and the current position in each case. Mr. McMahon stated that while this is a very important and growing element of enforcement activity it must be noted that action is also required in many other areas such as quarries, waste outlets, individual houses, unauthorised signage etc. At any one time there are up to 400 open/active files in relation to various planning enforcement issues. From September 2006 to August 2007, 24 cases resulted in Circuit Court proceedings which are both costly and time consuming for both the Planning Department and the Law Department. A number of these cases have resulted in the demolition or partial demolition of unauthorised development or the discontinuation of unauthorised use.

Cllr. B. Cronin welcomed the report which sets out the difficulties with a number of new housing developments. He acknowledged the volume of work being handled by the Planning Enforcement Section and he said that members fully support their work. The report lists 18 developments where action has been taken and there have been long running battles by residents in these estates with the developers in an effort to have their estates completed in accordance with permission granted. Non compliance with the conditions of planning should not be tolerated and the failure of some developers to sign

up to the provision of social housing is unacceptable. He asked if it would be possible to refuse to grant permission to a developer until such time as he complied with all previous permissions granted. He said that this would be a good deterrent and would ensure that housing developments are completed in accordance with permission granted.

Cllr. T. Ferris asked if a condition could be included in permission that the final three houses of a development could not be occupied until the estate is properly completed. She asked if a second Enforcement Officer would be appointed. She also referred to the occupancy clause on one off rural houses and added that there are certain genuine cases where the house has to be sold. The new purchaser has to apply for retention and she requested that a decision on these applications would issue as soon as possible and that they would not be required to wait 8 weeks for a decision.

Cllr. J. O'Connor stated that where a developer has not completed a housing development to the satisfaction of the planning authority he should not be granted further permission. This would be a deterrent and would send out a clear message to all developers. He requested that where a developer does not comply with the conditions of his permission that the planning authority draw down the Bond at an early date and ensure that all works are completed.

Mr. M. McMahon informed members that the Planning and Development Act of 2000 introduced a provision whereby the history of past performance of a developer could be taken into account but this required a High Court action. He was not aware of any case where this has happened to date. The 2006 Amendment legislation puts the onus on the developer to go to the High Court where a planning authority indicates to a developer that it intends to refuse permission based on past performance. The Planning Department has a list of developers that are causing difficulties and serious consideration will be given to using this power in the future. He complimented the staff in his Department and said that the staff member who was dealing with the registration of quarries will now have more time to deal with other enforcement issues. He referred to the occupancy clause and said that it was intended that a person would only be released from it if they were in financial difficulty or if they changed their job. It is important that the Planning Department is satisfied that the intended purchaser meets normal standards. He assured members that intended purchasers would be facilitated in the shortest time possible.

Cllr. B. Cronin welcomed that past performance can now be taken into account and he PROPOSED that the members endorse this change for the benefit of residents.

Cllr. J. Sheahan SECONDED this proposal and added that it is time that elected members and officials look after the ordinary person who is left without footpaths or public lighting.

07.12.17.11. Dates for the next round of Electoral Area Meetings

It was agreed that the next round of Electoral Area Meetings would be held as follows:-

Area	Date	Location	Time
Tralee	Monday 4 th February	Council Chambers	10.40am
Listowel	Monday 4 th February	Áras an Phiarsaigh	2.20pm
Killarney	Wednesday 6 th February	Town Hall, Killarney	10.00am
An Daingean	Wednesday 13 th February	Farranakilla House	10.30am
Killorglin	Friday 15 th February	Kenmare	10.00am

07.12.17.12 Summary of proceedings at Conferences

(a) LAMA Winter Conference – Carlow – Cllr. B. Cronin

It was agreed to note Cllr. Cronin's written report on this conference which was circulated.

(b) Island of Ireland Pathfinding Conference – Dublin – Mayor M. Healy-Rae

It was agreed to note the Mayor's written report on this conference which was circulated.

(c) 9th Irish and UK Local Authorities Conference on Nuclear Hazards – Dublin – Mayor M. Healy-Rae

It was agreed to note the Mayor's written report on this conference which was circulated.

07.12.17.13 Opening of Tenders

- (a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. O'Shea it was agreed to approve the opening of tenders for the supply of Diesel Fuels.
- (b) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Healy-Rae it was agreed to approve the opening of tenders for the Kerry Central Regional Water Supply Scheme – Site Investigation Contract .
- (c) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of tenders for the Kerry Central Regional Water Supply Scheme – Chlorine Dioxide Plant – Specialist Works Contract.

07.12.17.13.1 Reception of Deputations

- (a) Cllr. M. Healy-Rae requested that a deputation be received from the Kerry Branch of the Irish Rural Dwellers Association regarding rural planning. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.
- (b) Cllr. M. Healy-Rae requested that a deputation be received from the Ballinskelligs In-Shore Rescue Group regarding works to the slipway. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

December Ordinary Meeting

- (c) Cllr. M. O'Shea requested that a deputation be received from Castlemaine Community Council regarding improvements to the village. It was agreed that this deputation would be received at the next An Daingean Electoral Area Meeting.
- (d) Cllr. J. O'Connor requested that a deputation be received from the Residents of Ballykissane Road regarding lighting. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

The Mayor welcomed his wife Eileen and children Juliette, Rosie and Kevin to the meeting.

07.12.17.15 Notices of Motion

1. Safety Measures at Pedestrian Crossings.

Pursuant to notice duly given Cllr. M. Healy-Rae PROPOSED:

"That we call on the Department to introduce funding for an accident prevention scheme to allow safety measures i.e. pedestrian crossings to be provided in urban areas in the interest of safety of pedestrians.

Mr. G. O'Brien, A/SEO, read the following report:

Pedestrian crossings, either pelican or zebra are installed at suitable locations on the road network. The specific locations are dependant on the vehicular and pedestrian numbers arising from the traffic counts, and also are assessed with the Non-National Roads Regional Safety Engineer. The majority of the locations are in the larger urban centres of Tralee and Killarney and many such crossings have been provided over the years.

No specific grant aid is available from the Department. However, both Kerry County Council and the Town Councils have been successful in funding these crossings as part of larger infrastructural works such as roundabout construction or from their own resources, if available.

Cllr. M. Healy-Rae noted the report.

2. Proposed Subvention Scheme for Childcare facilities.

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

"That we call on the Minister for Children, Mr. Brendan Smith T.D., to amend the proposed subvention scheme for childcare facilities by increasing the income threshold so that most families on the average family income will qualify for this scheme."

Mr. G. O'Brien, A/SEO, stated that this is a matter for consideration by the members.

Cllr. M. O'Shea stated that people are very angry about the guidelines on the proposed new subvention scheme for childcare facilities which is scheduled to take effect from July 2008. The managers of many childcare facilities are genuinely concerned that they will not be able to continue in business when this is introduced as it is only families on

Family Income Supplement that will qualify for assistance under the scheme. He called on Minister Smith to increase the income limit to the average family income.

Cllrs. M. Healy-Rae and D. Healy-Rae supported the motion.

3. Site for a burial ground in Cromane.

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

"That Kerry County Council acquire a site for a burial ground in Cromane as a matter of urgency. It is extremely frustrating for the residents who have been waiting patiently for many years now. It should also be noted that Cromane has its own church and yet does not have a burial ground."

Mr. G. O'Brien, A/SEO, read the following report:

A two acre site has been identified near Cromane. Discussions have taken place between the Council's Property Manager and the landowner's Agent but provisional Agreement to purchase the land has not been reached.

Cllr. M. Cahill stated that a suitable site is now available for a burial ground in Cromane and he called on the Council to purchase it immediately.

Cllr. M. Healy-Rae seconded the motion.

4. Kilcummin and Barraduff Sewerage Schemes

Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:

"What is the current position on the Kilcummin and Barraduff Sewerage Schemes – when will works on both these schemes resume.

Mr. G. O'Brien, A/SEO, read the following report:-

It is prudent for the Council to proceed with caution in regard to difficulties that have arisen with the Contractor on this project. We are continuing with efforts to resolve the issues and are hopeful that the appropriate way forward will be identified before the Christmas break.

Cllr. D. Healy-Rae informed the meeting that work on both these schemes is suspended since the summer and it is causing immense frustration to the local communities. He called on Kerry County Council to arrange to have these works carried out by council staff as the work involves pipe laying. The treatment plant for Barraduff could be put out to tender. He asked that in future consideration would be given to the employment of a resident engineer, clerk of works and general operatives to carry out this type of work.

Cllr. B. Cronin informed the meeting that he wished to move Notice of Motion No. 7 as it also relates to these schemes.

7. Kilcummin/Barraduff Sewerage Schemes

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

At the November Killarney Area Meeting Water Services indicated that in "three weeks they would know if Kilcummin/Barraduff Sewerage Schemes would start". As the three weeks has passed when will work commence on these two sewerage schemes?

Cllr. B. Cronin acknowledged the up to-date information provided to members by Mr. Ring on these schemes. He added that he understood that work had recommenced in Milltown but it is now suspended. He felt it was a mistake to award all three schemes to the one contractor as the schemes are now in a very difficult position legally. The Kilcummin scheme involved very deep excavation and it is important to ensure the health and safety of workers. He asked that the awarding of future contracts be reconsidered in the light of the experience on these schemes. He requested clarification on when work on all three schemes would recommence.

Mr. O. Ring informed the meeting that the consultants would be meeting with the contractor in relation to the Milltown scheme that day. The other consultants would also be writing to the contractor that day in relation to the other two schemes. All works must be carried out strictly in accordance with the law. Discussions with the contractor are proceeding cautiously but he was not in a position to say when works would resume.

Cllr. M. O'Shea urged Mr. Ring to resolve outstanding difficulties regarding these schemes as soon as possible.

Suspension of Standing Orders

The Mayor informed the meeting that it was 1.30pm and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. B. Cronin it was agreed to suspend Standing Orders to allow the meeting to continue.

5. Job creation in the county.

Pursuant to notice duly given Cllr. T. Fleming PROPOSED:

"That Kerry County Council request the Minister for Enterprise, Trade and Employment, Michèal Martin, T.D. to attend a special meeting of Kerry County Council regarding the continuing failure of the job creation agencies to attract investment into the County and that Oireachtas Members and M.E.P.'s be invited to attend."

Mr. G. O'Brien, A/SEO, said that this is a matter for consideration by the members.

Cllr. T. Fleming stated that Kerry is losing a large number of jobs in comparison to other counties. A recent article in the paper gave the statistics on job creation county by county and while Kerry lost 700 jobs from 2002 to 2006 Cork County gained 4,000 jobs. He felt that the IDA and Enterprise Ireland are not making adequate efforts to attract jobs

to County Kerry. He called on the Oireachtas members and MEP's to work together at national level to try to attract jobs into the county. New and inventive ways must be used to promote Kerry as an attractive place for investors and developers as Kerry is becoming an industrial wasteland. Kerry is no more peripheral than Cork and it has a lot to offer any prospective investor i.e. Kerry Airport, the IT and a well educated work force. He requested the Minister Martin be invited to a full council meeting to discuss this matter.

Cllr. T. Fitzgerald SECONDED the motion.

5. Funding to repair the wall leading to Kenmare Pier

Pursuant to notice duly given Cllr. M. Connor-Scarreen PROPOSED:

"That Kerry County Council urgently request the Department of Marine & Natural Resources to provide funding in 2008 to repair the wall on the road leading to Kenmare Pier, Kenmare and also repair the Pier wall which is getting worse every year due to coastal erosion."

Mr. G. O'Brien, A/SEO, read the following report:-

The area in question was the subject of a joint inspection by engineers from Kerry County Council and Department of Communications, Marine & Natural Resources. A plan of action was agreed for dealing with the issue. An estimate is being prepared and will be submitted for funding in 2008 under the annual funding scheme. The indications are favourable that the scheme will be funded. Both the engineers from Kerry County Council and Department of Communications, Marine & Natural Resources are satisfied that the erosion occurring would be dealt with in a timely manner next year if the funding is made available.

Cllr. M. Connor-Scarreen requested that the motion be forwarded to the Department seeking funding for these works in 2008.

Cllr. T. Fitzgerald informed the meeting that he would move Notice of Motion No. 8 on behalf of Cllr. Kiely.

8. Provision of flashing speed limit signs at Lyons Funeral Home, Dirra, Listowel.

Pursuant to notice duly Cllr. D. Kiely PROPOSED:

"That flashing speed limit signs be erected at either side of Lyons Funeral Home at Dirra, Listowel and that they would be turned on at funeral times only."

Mr. G. O'Brien, A/SEO, read the following report:-

This Notice of Motion has been the subject of discussion at the Listowel Electoral Area Meeting previously. Lyons Funeral Home is located on the N69, National Secondary Tarbert to Listowel Road. The erection of any traffic signage along this roadway is a matter for the National Roads Authority. Any variation to the existing speed limit or positioning of permanent speed limits can only be dealt with under the Speed Limit Review and will also be subject to the approval of the National Roads Authority.

Cllr. T. Fitzgerald requested that the provision of flashing speed limit signs at this location be reviewed with the NRA.

9. Undergrounding of services in Waterville

Pursuant to notice duly given Cllr. M. Healy-Rae PROPOSED:

"That as a matter of urgency, specific funding be sought from the Department to underground the wires in Waterville i.e. ESB and Eircom. This work should be done as a matter of urgency before the footpaths and roads are re-instated following the work with regard to the sewerage and water scheme in Waterville. Also, a proper programme of renewing broken down footpaths should be carried out in the town. Specific funding should also be sought for that."

Mr. G. O'Brien, A/SEO read the following report:-

Significant work is required in Waterville to upgrade the footpath and public lighting. Previously such works would have been considered for funding under an Urban and Village Renewal Scheme supported by the Department of Environment, Heritage and Local Government. This scheme is now closed. No details are available at present on whether a new scheme will be announced by Government and what the terms of such a scheme would be.

The I.R.D. in Waterville is corresponding with the other service providers as to the costs involved in undergrounding their services and what might be their contribution to such a project.

Cllr. M. Healy-Rae noted the report.

10. Extension of the footpath from Meanus Heights Housing Estate to Castlemaine Village.

Pursuant to notice duly given Cllr M. O'Shea PROPOSED:

"That Kerry County Council immediately proceed with the extension of the footpath between Meanus Heights Housing Estate, Castlemaine and Castlemaine village. That this is now a serious public safety issue."

Mr. G. O'Brien, A/SEO, read the following report:-

Kerry County Council has been attempting for some time to purchase a 3m strip of land over a distance of 300m to facilitate the construction of a footpath on this National Secondary Route at Castlemaine. Negotiations with the landowners have not been concluded to the satisfaction of Kerry County Council. If a reasonable deal can be negotiated, then construction of the footpath can be considered, within the constraints of funding being available in our Footpath Improvement Scheme.

Cllr. M. O'Shea noted the report.

11. Funding for the completion of Gaddagh Bridge

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

"That Kerry County Council make a special case to the Department of Environment Heritage and Local Government as a matter of urgency for additional funding to complete the Gaddagh Bridge, that a detailed progress report be given in relation to cost, timescale and program of works etc."

Mr. G. O'Brien, A/SEO, read the following report:-

Work started in September to re-construct the Gaddagh Bridge and as a result of the clement weather, progress is ahead of schedule. This project is estimated at approximately €675,000 and funding is being provided by the Department of Transport. It is hoped that works will be completed and the bridge re-opened in mid summer 2008.

Cllr. M. Cahill welcomed the report and said that the closure of this bridge has caused huge inconvenience to the residents of Kilcolgan, Beaufort.

12. Policy for the provision of amenities and facilities for the youth of the county.

Pursuant to notice duly given Cllr. T. Fleming PROPOSED:

"That Kerry County Council develops a policy document for the provision of amenities and facilities for the youth of the County."

Mr. G. O'Brien, A/SEO, read the following report:-

We propose examining the National Recreation Policy, recently launched, with the view to taking a proactive approach for County Kerry including policy on the provision of facilities for young people. We are also working on a Social Strategy for the Tralee Killarney Hub area. This policy document will include recreational objectives which may in turn be applicable to the entire County.

Cllr. T. Fleming welcomed the report and said that it is important that facilities are provided for young people. He understood that funding is available for teenage cafes etc. from the Department of Health and Children and the HSE.

13. Granting of planning permission for a change of use for farm buildings

Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:

"To ask the Planning Authority that priority be given to farmers who wish to have de-funct farm buildings granted permission for a change of use for commercial and light industrial usage."

Mr. G. O'Brien, A/SEO, read the following report:-

All planning applications are assessed on the basis of proper planning and sustainable development of an area in conjunction with adopted policies such as the County Development Plan. In that context, applications for change of use of farm buildings to light industrial units are assessed in the normal fashion with issues such as traffic safety, effluent disposal, residential amenity and development scale being particularly relevant in the decision-making process.

Cllr. D. Healy-Rae informed the meeting that he was aware of a number of applicants in the Killarney area who applied for a change of use to convert farm buildings into enterprise units and they were refused. It appears that in accordance with the County Development Plan commercial development cannot be permitted in rural areas.

Mr. M. McMahon, Director of Planning, stated that this is not correct but there are a number of other issues that must be taken into consideration when assessing a planning application. He thought the refusal was probably on one of these grounds.

Cllr. D. Healy-Rae agreed with Mr. McMahon but added that greater obstacles have to be overcome to be granted planning permission for commercial units in rural areas. He called on the Planning Department to view this type of application more favourably in the future and to grant permission if at all possible.

Cllr. M. Connor-Scarteen supported the motion.

Mr. M. McMahon stated that if appropriate permission will be granted but each application will be considered on its merits.

14. Taking in charge of the Cul-de Sac road at Ballybeggan, Tralee.
Pursuant to notice duly given Cllr. T. Fitzgerald & Cllr. P McCarthy PROPOSED:
“That Kerry County Council take over the Cul de Sac Road at Ballybeggan, Tralee which leads to houses opposite the upper gate of Ballybeggan Racecourse.”

Mr. G. O’Brien, A/SEO, read the following report:-

This private cul-de-sac abuts the Local Road L-10589 at Ballybeggan (near the entrance to the racecourse). It is not the policy of Kerry County Council to take private roads in charge, having regard to the limited resources available to maintain its existing 4,700km road network. It is estimated that at least €24,000 is required to upgrade this road to a reasonable standard.

Funding is available for the upgrading of Private roads under the Local Improvement Scheme but there is a requirement that the road being improved must serve two or more agricultural holdings. It would appear that this road would not satisfy this minimum criteria.

Cllr. T. Fitzgerald stated that he disagreed with the report and he believed there was a good reason why a number of cul-de-sac roads should be taken in charge. People are not granted permission to build houses on the main roads and they are forced to build on by-roads. As some of these roads do not satisfy the criteria for the Local Improvement Scheme they cannot get their road improved. He urged that this case would be reconsidered.

15. Completion of the footpath on the Killorglin/Killarney road as far as West’s Caravan Park.

Pursuant to notice duly given Cllr. M. Cahill & Cllr. P. O'Donoghue PROPOSED:

"That Kerry County Council would request the NRA to provide necessary funding as a matter of urgency to complete the new footpath on the Killorglin/Killarney Rd out as far as West's Caravan Park."

Mr. G. O'Brien, A/SEO, read the following report:-

These works are located on the N72. Kerry County Council Roads personnel met with the National Roads Authority Regional Safety Engineer regarding proposals for this area. A plan was drawn up and initial funding to the value of €170,000 was received. Kerry County Council liaised further with the National Roads Authority and a further allocation of €100,000 was received. These phases of the works are currently being completed and will allow for the construction of approximately 250 metres on either side of the road. Kerry County Council has made further submissions to the National Roads Authority for additional funding to extend the current works.

Cllr. M. Cahill said that he had campaigned to have this works done for many years and it commenced in 2007. This is an extremely dangerous stretch of road with a number of bends on it. He called on the Roads Department to ensure that funding is provided to complete these works in 2008.

16. Replacement of concrete barriers at Coomacista

Pursuant to notice duly given Each Member of the Killorglin Electoral Area PROPOSED:

That Kerry County Council write to the Minister for Transport, the Minister for Tourism and the NRA requesting the replacement of concrete barriers at Coomacista with a more aesthetically suitable solution.

Mr. G. O'Brien, A/SEO, read the following report:-

The installation of the concrete barriers on the Ring of Kerry Road was carried out as a safety measure in association with the NRA. During the carrying out of the improvement works on this road, it was determined that the existing stone walls did not have the structural integrity to deflect and stop any vehicle, such as touring buses from bursting through the wall and crashing off the roadway.

Due to the distances below the road that one would have to start construction of properly engineered, reinforced concrete retaining walls, and the subsequent cost of these works, in order to progress the overall improvement works at the road surface, the decision to install the barriers was taken as they were assessed as the most appropriate system capable of meeting the required safety and engineering standards.

Following a request by the members of the Killorglin Electoral Area at the last area meeting the Mayor raised the issue at a recent meeting of the Oireachtas members and the NRA. The NRA gave a commitment at the meeting to review the situation with Kerry County Council Roads Department to see if an effective economic solution can be arrived

at, that addresses the aesthetic nature of the safety barriers, but also predominantly ensures the safety of all road users that travel this road.

It was agreed to note the report.

07.12.17.16 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. T. Fitzgerald it was agreed to authorize Cllrs. R. Beasley, B. O'Connell, S. Fitzgerald, J. Brassil, D. Healy-Rae, J. O'Connor, P. Leahy, P. O'Donoghue, C. Miller, T. Fitzgerald, M. Cahill, P. McCarthy, D. Kiely, T. Fleming, T. Buckley, A. McEllistrim, M. Healy-Rae and J. Sheahan at the 19th Colmcille Winter School Conference on the theme "The Benefits of North-South Cooperation" to be held in Churchill, Letterkenny, Co. Donegal from 29th February – 2nd March, 2008.
- (b) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. B. Cronin, it was agreed to authorize the attendance of Cllrs. R. Beasley, B. O'Connell, J. O'Connor, J. Brassil, L. Purtill, P. McCarthy, P. Leahy, M. Connor-Scarteen, T. Fitzgerald, D. Healy-Rae, D. Kiely, M. Cahill, M. Healy-Rae, T. Fleming, M. O'Shea, S. Fitzgerald and J. Sheahan to attend the Antrim Tourism Conference on the theme "Forty Shades of Green Tourism" to be held in Muckamore, Dunadry, Co. Antrim on the 1st & 2nd February, 2008.
- (c) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. J. Sheahan it was agreed to authorize the attendance of Cllrs. J. Brassil, M. Cahill, D. Kiely, P. Leahy, T. Fleming, C. Miller, T. Buckley, A. McEllistrim, B. O'Connell, B. Cronin, M. Healy-Rae, P. O'Donoghue, S. Fitzgerald and J. Sheahan at the AMAI Spring Seminar 2008 to be held in Trim, Co. Meath on the 15th & 16th February, 2008.
- (d) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. B. Cronin it was agreed to authorize the attendance of Cllrs. J. Brassil, M. Healy-Rae, M. Connor-Scarteen, S. Fitzgerald, M. Cahill, T. Fleming and J. Sheahan at the EPA Environmental Research Conference on the theme "Today's Environmental Research is Tomorrow's Environmental Protection" to be held in Dublin on the 6th & 7th February, 2008.
- (e) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. J. Sheahan it was agreed to authorize the attendance of Mayor M. Healy-Rae at the Suicide Prevention Conference to be held in Dublin on the 23rd February, 2008.
- (f) On the PROPOSAL of Cllr. M. Healy-Rae SECONDED by Cllr. C. Miller it was agreed to approve the attendance of Cllr. M. Cahill at the Cumann Merriman School held in Westport on the 26th & 27th January, 2007.
- (g) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the attendance of Cllrs. M. Cahill and T. Fleming at the LAMA Conference held in Killarney on the 12th & 13th April, 2007.
- (h) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Healy-Rae it was agreed to approve the attendance of Cllr. T. Fleming at the Town Twinning Conference held in Downpatrick from 25th – 27th October, 2007.
- (i) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. O'Connor it was agreed to approve the attendance of Cllr. J. Brassil at the LAMA Conference held in Carlow on the 9th & 10th November, 2007.

December Ordinary Meeting

- (j) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. J. O'Connor it was agreed to approve that attendance of Mayor M. Healy-Rae at the Excellence in Local Government Awards held in Dublin on the 8th November, 2007.
- (k) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. O'Shea, it was agreed to approve the attendance of Mayor M. Healy-Rae at the Local Government Reform Conference to be held in Dublin on Monday 14th January, 2008.
- (l) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. O'Shea, it was agreed to approve the attendance of Cllr. C. Miller at the NASC Conference held in Cork on the 4th October, 2007.
- (m) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. O'Shea, it was agreed to approve the attendance of Cllr. J. O'Connor at the AMAI Conference held in New Ross on the 13th & 14th October, 2007.
- (n) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the attendance of Cllr. J. O'Connor at the Humbert Summer School held in Ballina from 23rd – 24th August, 2007.
- (o) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. O'Shea, it was agreed to approve the attendance of Mayor M. Healy-Rae at the conference on the theme "How great is your Valley" to be held on the 25th January, 2008.
- (p) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. O'Shea, it was agreed to approve the attendance of Mayor M. Healy-Rae at the Conference on the theme "Influencing Public Policy" to be held in Dublin on the 10th January, 2008.
- (q) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. O'Shea, it was agreed to approve the attendance of Mayor M. Healy-Rae at the Irish Institute of Sport Inaugural Conference to be held in Dublin on the 11th & 12th January, 2008.
- (r) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Mayor M. Healy-Rae at the conference on the theme "Creating the Perfect Public Sector" to be held in Dublin on the 22nd January, 2008.
- (s) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. Cahill, it was agreed to approved the attendance of Mayor M. Healy-Rae at the Meeting on "Local Food", hosted by Mr. Trevor Sergeant T.D., Minister of State at the Department of Agriculture and Food to be held in Dublin on Wednesday 16th January, 2008.

07.12.17.17 Correspondence General

It was agreed to note the following items of correspondence which were circulated.

- 1. Letter dated 20th November, 2007 from Waterford County Council regarding a resolution adopted by that authority regarding anomalies in the Mortgage Subsidy Scheme.
- 2. E-mail dated 26th November, 2007 giving an update on the European Commission's Europe's Social Reality Stocktaking.
- 3. Letter dated 28th November, 2007 from Trim Town Council regarding a resolution adopted by that authority concerning the provision of a 400KV power line from Meath to Cavan.
- 4. Letter dated 27th November, 2007 from the Office of the Minister for Environment, Heritage and Local Government regarding the designation of lands in mid-Kerry and the Iveragh Peninsula as Special Protection Areas and Special Areas of Conservation.

December Ordinary Meeting

5. Letter dated 3rd December, 2007 from Offaly County Council regarding a resolution adopted by that authority concerning the preparation of a Roll of Honour for those who are buried in Flanders.
6. Letter dated 30th November, 2007 from Macroom Town Council regarding a resolution adopted by that authority concerning the introduction of a system of reporting in the Health Service.
7. E-mail dated 3rd December, 2007 from Limerick County Council regarding a resolution adopted by that authority calling on supermarkets to curtail their opening hours and days during the Christmas period.
8. Letter dated 30th November, 2007 from the Office of the Minister for Housing, Urban Renewal and Developing Areas regarding the costs related to the taking in charge of estates.
9. Letter dated 3rd December, 2007 from Monaghan Town Council regarding a resolution adopted by that authority calling on the HSE to withdraw their decision of the 17th September whereby pharmacies will be paid less than the cost price of medicines from 1st December, 2007.
10. Letter dated 16th November, 2007 from FLAC (Free Legal Advice Centres) calling for the restoration of Child Benefit to all children.
11. Letter dated 4th December, 2007 from the National Roads Authority regarding the proposed Tralee Bypass.

07.12.17.18 Any other business

Cllr. J. O'Connor referred to correspondence received from the NPWS regarding the designation of lands and said that the public notice given is insufficient. He called on the NPWS to attend a council meeting when new designations are proposed in the county to inform members of the proposed areas affected.

Cllr. M. Cahill agreed with Cllr. O'Connor and added that the designation of lands is a form of zoning.

Cllr. P. McCarthy PROPOSED that all members turn their mobile phones to silent during the council meeting and that all phone calls would be taken outside the Chamber. He thanked the Roads Department and the National Road Design Office in Castleisland for installing the two traffic islands on the N21 at Maglass adjacent to O'Riada's Bar and on the N21 at Glounsharoon, Castleisland.

Cllr. M. Cahill expressed his disappointment that Kerry County Council refused to fund a development officer as proposed by the FAI. He stated that 22 other local authorities have agreed and it is anticipated that the majority of local authorities will get involved. This would be a very good development for the youth of the county and he called on the council to reconsider.

Cllr. T. Fitzgerald supported the views expressed by Cllr. Cahill.

Cllr. T. Fitzgerald welcomed the new air service between Shannon and Charles de Gaulle airport and said that it would benefit Kerry.

December Ordinary Meeting

Mayor M. Healy-Rae paid tribute to the County Manager, Mr. T. Curran and Cllr. J. Brassil for their very pro-active responses to the connectivity campaign.

Cllr. B. Cronin stated that a number of trees were knocked onto the public road by storms in recent weeks. He asked, in the event of an accident, who would be liable. He stated that it is important that landowners are aware of the legal position relating to this issue. He requested that a written response be provided to all members.

In response Mr. C. O'Sullivan, Director of Roads and Transportation, stated that under the provisions of the Roads Act landowners are responsible for upkeep and maintenance of hedgerows. If a tree is knocked onto the road it would be a matter for a court to decide who is responsible.

Cllr. T. Fitzgerald pointed out that a number of street lights are off at present and in need of repair. He asked that the ESB be contacted with a view to having these repaired as soon as possible.

The Mayor expressed his gratitude to the Principal, teachers and Board of Management of Pobalscoil Inbhear Scéine for facilitating the council meeting.

The meeting concluded at 3.15pm.

Gerard O'Brien
A/SEO Corporate Affairs

Mayor of Kerry.