

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY 26TH NOVEMBER, 2007.**

***MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS
AN CHONTAE, TRÁ LÍ, AR AN LUAN, 26 SAMHAIN, 2007.***

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M Cahill	M. Connor-Scarteen	B. Cronin
T. Ferris	S. Fitzgerald	T. Fitzgerald
T. Fleming	N. Foley	M. Gleeson
D. Healy-Rae	M. Healy-Rae	D. Kiely
P. Leahy	B. MacGearailt	P. McCarthy
A. McEllistrim	C. Miller	T. O'Brien
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	Mr. P. Corkery, Press & Comm. Officer
Mr. T. Sheehy, SE Planning	Ms. A. McCormack
Ms. B. Reidy, S.S.O. Corp. Affairs	Ms. K. Sheehy, CO Corporate Affairs
Ms. K. Felle, CO Corporate Affairs	

The meeting commenced at 10.45am.

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

The Mayor commenced the meeting with a prayer.

Cllr. M. O'Shea informed the meeting that due to the recent announcements by the HSE concerning the Cancer Unit at Kerry General Hospital he PROPOSED that the Council hold an emergency meeting to discuss the fall out from this announcement and the serious effects that it will have for the people of the county. Cllr. O'Shea also called on the HSE to rescind their proposed decision to scale down any part of the services provided at the Kerry General Cancer Unit until further negotiations take place and we in Kerry get a firm commitment from the HSE that cancer services will be maintained within Kerry General Hospital.

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Cllr. P. O'Donoghue **SECONDED** this proposal and said that this is a hugely important issue. Mr. McCormack provides an excellent service in Kerry General Hospital. It has become increasingly difficult to get answers from the HSE. He suggested that the HSE be requested to attend a meeting of the council to discuss the proposed Centres of Excellence and to assure members and the general public that there would be no downgrading of services for the people of Kerry.

Cllr. T. Fitzgerald stated that while he supported the Centres of Excellence he was concerned on behalf of the people of Kerry that they would lose the service presently provided at Kerry General prior to these Centres becoming fully operational. He requested the HSE to provide a report to Kerry County Council confirming that the service in Kerry General would remain in place until the Centres of Excellence were fully operational. He called on the HSE to attend a meeting of the Council to alleviate concerns in this regard.

Cllr. N. Foley concurred with the sentiments expressed by previous speakers and said that there is frustration amongst the public in Kerry on this issue. For this reason it is important that members articulate the fears and anguish of the people of Kerry. If the Centres of Excellence are to be provided the HSE must assure the people of Kerry that existing services at Kerry General Hospital will be retained until the new Centres are fully operational. She complimented the staff at Kerry General Hospital for the excellent service they provide.

Cllr. P. McCarthy stated that he has discussed this issue with staff at Kerry General Hospital who stated that they were concerned that Kerry General Hospital would become a nursing home. This would be unacceptable and there would be no accreditation, no microbiologist at the hospital. If someone suffered a heart attack there would be no acute cardiologist available in Kerry resulting in patients having to travel to Cork. He agreed that a representative of the HSE should attend a meeting of the council but he suggested that it is important that the members would show support for the staff of Kerry General Hospital and if necessary organization a demonstration of support for them.

Cllr. T. Ferris supported Cllr. M. O'Shea's proposal and added that it would be unacceptable to remove or reduce the service provided at Kerry General before the Centres of Excellence are in place.

Cllr. D. Healy-Rae stated that the members of the Council should insist that the services presently provided at Kerry General are retained. He pointed out that much of the equipment provided for the Cancer Unit in Kerry was funded through fund raising in the county.

Cllr. T. Fleming informed the meeting that approx. 6 or 7 years ago the then Southern Health Board intended to move all cancer services to Cork. At that time the people of Kerry resisted this and the members of the Council on the Southern Health Board made a strong case at Board level for the retention of this excellent service. The people of Kerry have every confidence in the excellent service provided at Kerry General Hospital and it would be unacceptable if it were removed.

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Cllr. M. Cahill stated that the staff and management at Kerry General Hospital provide an excellent service. He would like to see the retention of the services at the hospital but a decision has been taken to proceed with the Centres of Excellence. He had attended a meeting at which he was informed that it would be 2 years before the Centres of Excellence would be in place and there would be no change to services until then. He acknowledged that in the long term people will have to travel for the best care but the real issue is that staffing levels across all departments at Kerry General Hospital is inadequate. He commended the staff and management of Kerry General for the excellent service they provide.

Cllr. B. O'Connell concurred with previous speakers and stated that Kerry General Hospital is continually being downgraded and undermined. It is now time to call on the Government to stop this.

Cllr. B. Cronin concurred with the sentiments expressed by previous speakers especially Cllr. McCarthy. He added that Mr. Tom McCormack and his staff have provided an excellent service down the years and this cannot be removed until the new Centres of Excellence are operational and fully staffed. He asked if the HSE fully understand the nightmare that women are going through. During the recent Oireachtas enquiry it was stated that 97 women would have to be recalled for further tests yet the women were not informed of this before hearing it from the media. This shows a complete lack of communication and at all times patients must be the first priority.

Cllr. L. Purtill concurred with the sentiments expressed by previous speakers and said that recent announcements that a large number of women would have to undergo further tests was alarming.

Mayor M. Healy-Rae informed the meeting that the HSE would be requested to attend a meeting of the council to respond to queries from members on this issue.

Cllr. P. McCarthy stated that he had proposed that the members of the Council should show leadership on this issue and arrange a demonstration of support for the staff of Kerry General Hospital. The party whips could meet and arrange it and give the details at the December meeting.

Cllr. T. Ferris SECONDED this proposal.

Cllr. M. O'Shea stated that women in the county are very worried about the possible reduction in services at Kerry General. Mr. McCormack and his staff should be informed that the members of the Council fully support them. He suggested that it would be appropriate to invite Professor Drumm to a meeting of the council in the first instance and then to organize a demonstration if necessary.

Cllr. McCarthy insisted that the party whips should meet and report back to the December meeting on a date for the holding of a demonstration of support for the staff of Kerry General Hospital.

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Deputation of parents in Kenmare

Cllr. M. Connor-Scarteen requested as the December meeting would be held in Kenmare the Director of Roads, Transportation and Safety would meet with a deputation of parents of children attending St. Francis' and St. Clare's Schools prior to the meeting to discuss safety issues.

This was agreed.

Vote of sympathy

Cllr. M. Connor-Scarteen PROPOSED a vote of sympathy to Maura Hussey and Family on the death of her husband Gerard who died suddenly recently.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. B.Cronin PROPOSED that a vote of sympathy to Sean O'Mahony and Family of Laharn, Faha on the death of his wife Kathleen.

Cllr. C. Miller SECONDED this proposal.

Cllr. T. O'Brien PROPOSED a vote of sympathy to the Corcoran Family, Cummeen, Lissivigeen, Killarney on the death of their daughter Josephine.

Cllr. T. Fleming extended a vote of sympathy to the family of the late John Cronin, Scartaglin who was a former foreman in the Killarney area.

Cllr. D. Healy-Rae SECONDED this proposal.

Presentation at the January Council Meeting

Cllr. J. O'Connor requested that a presentation by Brendan O'Brien be made at the January council meeting regarding proposals to bring a worldseries event to Kerry.

The Mayor thanked Mr. J. Breen for traveling to Kenmare the previous day for the official opening of the new playground in Kenmare. He thanked the Management of the council for allowing development levies to be used to meet the shortfall in funding for this playground. This is a wonderful facility and he thanked Murphy's Super Value who owned the land.

Cllr. B. MacGearailt requested the Mayor to allow members on the VEC to move their notices of motion first when he was dealing with notices of motion as they had a meeting in Causeway at 4.30pm.

Vote of congratulations

Cllr. T. O'Brien congratulated the Mayor on his recent television appearance on 'Celebrities Gone Wild'.

Requirements of Members under Part 15, Ethics Framework, of the Local Government Act 2001 and the Code of Conduct for Councillors

Mayor M. Healy Rae informed the meeting that he wanted to remind Members of their requirements under Part 15, Ethics Framework, of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. He reminded Councillors that, if the “Beneficial Interest” provision applies, a Councillor must:-

- (i) disclose the nature of his/her interest, or the fact of a connected person’s interest at the meeting, and before discussion or consideration of the matter commences and
- (ii) withdraw from the meeting for so long as the matter is being discussed or considered and accordingly, he or she should take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

07.11.26.01 Mayor’s Report on the CPG meeting held on the 20th November, 2007

As the Mayor did not attend this meeting the Mayor’s Report was presented by Cllr. D. Kiely.

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

Item No. 1 Agenda for the November Council Meeting

Ms. B. Reidy briefed the meeting on the agenda for the November Council Meeting.

In relation to Item No. 6 on the agenda Cllr. R. Beasley stated that Shannon LNG would be constructing 4 tanks on site even though 2 would only be in use and he was concerned that this could prevent further development on the remainder of the landbank.

In response Mr. T. Curran, County Manager, informed the meeting that he was aware that Shannon Development is in discussions with other parties regarding the development of the remainder of the landbank. He added that he visited a similar development in Boston and there are other industrial developments up to the boundary of the LNG site. The plant in Boston is in operation for over 40 years. If a compatible type development is identified he could not see any difficulty with developing the remaining land.

Cllr. D. Kiely stated that the only objection to this project has come from the local people who have safety concerns.

Mr. O. Ring referred members to Item No. 10 on the agenda regarding the Part VIII reports for a number of sewerage schemes. At the July Council Meeting a number of schemes were prioritised and the schemes listed at Item No. 10 are the next priority. However, if these schemes are to progress a local contribution of €11m will be required. The existing development levies will not be sufficient to cover this cost. He acknowledged that when the council considered the development levies in recent times a commitment was given that they would not be revisited prior to the next Local Election.

He informed members that the EPA must now license all schemes and a number of schemes in the county are overloaded and unless they are upgraded the council will be prosecuted for non-compliance with the licence. Government grants no longer fund the full capital cost of providing water and wastewater schemes and a substantial portion falls to be met by the local council – the Development Levy Scheme is the main source of local income for meeting this contribution and so our Development Levy Scheme must be revisited if we are to progress these schemes. He stated that at present the development levy is €2,800, which is the lowest in the country. Most local authorities charge between €6,000 and €7,000.

Members asked what charge was considered necessary to allow these schemes to go ahead.

Mr. T. Curran, County Manager, informed members that while these figures are still being worked out a sum of upwards of €10,000 per house is considered necessary.

Cllr. D. Kiely stated that it would be unacceptable to increase the development levy from €2,800 to €10,000.

Cllr. R. Beasley suggested that if the development levy must be increased it should be calculated having regard to the size of the house.

Mr. J. Flynn informed members that as and from January 2008 expenses for attendance at conferences would only be paid where there is prior approval for the member to attend the conference.

Item No. 2 County Development Board

Mr. J. Breen informed the meeting that the most recent meeting of the CDB was very positive in that there was a concerted effort by all the agencies to work together. The monitoring of progress in Kerry under the National Development Plan was considered and it was agreed that the Board would produce a Kerry NDP document and each agency would report every six months on progress. The Board also considered the Issues Paper on the review of the County Development Plan and agreed that the Executive would make a submission on behalf of the Board.

Item No. 3 Future Dates for CPG Meetings

Mr. J. Flynn informed the meeting that the Mayor has indicated that he agreed with the holding of the CPG meeting on the Tuesday prior to a Council Meeting provided the other members of the CPG also agreed.

It was agreed that CPG meetings would be held on the Tuesday prior to a Council meeting commencing at 11.30am.

Item No. 4 Format for agenda for CPG Meetings

Mr. T. Curran, County Manager stated that the agenda for the CPG was agreed by the members of the previous CPG and he would favour a more focussed approach which

would be more meaningful to members. The agenda items should focus more on policy issues with reports on Finance, Water and Sewage, Environment etc. being considered perhaps twice a year. He asked members to inform him of the items they would like to include on the agenda.

Members agreed to consider this matter and to revert to him with any items they want to include.

Item No. 5 Reports by Chairs of the SPC's.

Cllrs. O'Connell, Beasley, Miller and Kiely all stated that there was no meeting of their SPC's since the October meeting.

Cllr. T. O'Brien, Chair of the Planning SPC, informed the meeting that a recent meeting of the Planning SPC considered the Telecommunications Policy and agreed to recommend that it would be addressed in the review of the County Development Plan.

Item No. 7 New Budget Format

Mr. J. O'Connor informed members that the new budget format would be in place for 2008 for all services. This entails compiling the entire cost of providing a service and presenting it in a format prescribed by the Department. There will be units of output against each service in time and it will be possible to compare costs with similar type local authorities. Each element of the Management charge will be apportioned out between the relevant services e.g. the cost of office accommodation at present is included in the Management charge but going forward this will be distributed based on the office space occupied by each service. He stated that while some work has been done on the Budget there is a deficit of over €12m on the basis of existing charges. A 1% increase in rates would yield €140,000 only. There is very little buoyancy in our rate base year on year and this makes it difficult to raise revenue locally. The Minister of Finance has stated that the country is moving into more difficult times and there won't be the same buoyancy in the Local Government Fund. He added that the 2007 Budget would be translated into the new format to allow members to make comparisons. In conclusion he stated that the Town Councils would not be changing to the new format until 2009.

Cllr. T. Ferris expressed concern at proposals to increase development levies. She added that Mr. J. Breen had made a similar suggestion regarding the lack of funding for playgrounds. A group had met with Minister Gormley on this issue and she anticipated that funding for playground would be reinstated. She pointed out that when members last took a decision on development levies it was agreed that they would not be considered again by the members in the lifetime of the present council. She proposed that a levy of €14,000 be introduced for telecommunication masts.

07.11.26.02` Confirmation of Minutes

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. D. Healy-Rae it was resolved to confirm the minutes of the Ordinary Meeting of Kerry County Council held on the 15th October, 2007.

07.11.26.03 Nomination to the committee of the Kerry Education Service

Mr. G. O'Brien, A/SEO, referred members to his report dated 20th November, 2007 on this item which was circulated and he briefed them on the report.

Cllr. J. Brassil PROPOSED that Mr. Teddy Healy be nominated to the Kerry Education Service.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. T. Ferris PROPOSED that Mr. Michael Crean be nominated to the Kerry Education Service.

Cllr. T. O'Brien SECONDED this proposal.

Cllr. P. Leahy PROPOSED that Mr. Tom O'Connor be nominated to the Kerry Education Service.

Cllr. L. Purtill SECONDED this proposal.

A vote was taken which resulted as follows:-

For T. Healy: Cllrs. Brassil, Cahill, T. Fitzgeald, Fleming, Foley, D. Healy-Rae, Kiely, McEllistram, Miller, O'Donoghue, O'Shea, M. Healy-Rae **(12)**

For M. Crean: Cllrs. Beasley, Cronin, Ferris, O'Brien **(4)**

For T. O'Connor: Cllrs. Buckley, Connor-Scarteen, S. Fitzgerald, Leahy, MacGearailt, McCarthy, O'Connell, O'Connor, Purtill, Sheahan **(10)**

Not Voting: None **(0)**

The Mayor declared Mr. T. Healy to be nominated to the Kerry Education Service.

07.11.26.04 Nominations to the Joint Policing Committee

It was agreed that the following councillors would be members of the Joint Policing Committee:-

Listowel Electoral Area: Cllrs. L. Purtill, D. Kiely, P. Leahy.

Tralee Electoral Area; Cllrs. A. McEllistram, T. Ferris, P. McCarthy

Killarney Electoral Area: Cllrs. D. Healy-Rae, J. Sheahan, B. Cronin

Killorglin Electoral Area: Cllrs. M. Cahill, J. O'Connor, M. Connor-Scarteen

An Daingean Electoral Area: Cllrs. M. O'Shea, S. Fitzgerald.

07.11.26.05 Nomination to the Regional Health Forum

Mr. G. O'Brien referred members to correspondence received from the HSE on this item which was circulated.

The Mayor thanked Cllr. T. O'Brien for his service on the Regional Health Forum on behalf of the people of Kerry.

Cllr. T. O'Brien PROPOSED that Cllr. B. Cronin be nominated to the Regional Health Forum.

Cllr. J. O'Connor SECONDED this proposal and it was agreed.

07.11.26.06 Proposed Liquefied Natural Gas (LNG) regassification terminal at Ralappane and Kilcolgan Lower.

Cllr. J. Brassil informed the meeting that he is Chairman of Shannon Development who own this land and while he has no beneficial interest in it he would withdraw from the meeting while this item was being dealt with.

Cllr. Brassil then left the Chamber.

Mr. M. McMahon, Director of Planning, referred members to the cover note circulated which outlines the procedure for dealing with this item. He read the following from the cover note *"This is the first such development to come before Kerry County Council under the Strategic Infrastructure Act 2006.*

The Act provides an opportunity for Members to have their views on an application taken into consideration by the Board in making its determination.

If the members do not choose to submit written statements a concise and brief summary of their views, as expressed at the meeting and recorded by the meetings administrator will be submitted to the Board."

The Act also provides that a planning authority will prepare a report on the development and for this reason a copy of the application was sent by the Board to Kerry County Council. The Manager's Report as circulated will be forwarded to An Bord Pleanala for consideration. It is a comprehensive report and has regard to international, national, regional and local policies on energy. All these policies identify two important considerations regarding energy – (1) security of supply and (2) diversifying energy supply. Both the National Development Plan and the National Spatial Strategy highlight the importance of energy as follows – *"the ability of the economy to perform successfully depends critically on the supply of adequate, affordable and an environmentally sustainable supply of energy"* *"Infrastructural investment in the energy sector is of critical strategic importance"* He referred members to the conclusion on Page 9 of the Manager's Report and read the following *"the planning authority is of the opinion that all international, national and regional plans and guidelines support the strategic need, and the benefits of, such a development at both national and county level."*

Pages 10 -12 of the Manager's Report sets out the objectives of the County Development Plan that are considered relevant to the assessment of the proposed development and he referred in particular to the following objectives:-

ECO 2-1 Encourage economic and employment growth in a sustainable manner and in accordance with the principles and objectives of this development plan.

ECO 2-6 Identify lands in key strategic locations that are particularly suitable for development that may be required by specific sectors. Land in such locations will form part of a strategic reserve that will be protected from inappropriate development that would prejudice its long-term development for these uses.

INF 2-3 Facilitate the provision of the infrastructure necessary to cater for the needs of industry.

Mr. McMahon stated that the land is zoned industrial following a variation of the County Development Plan which was passed by members at the March 2007 council meeting. In conclusion he read the following excerpt from the conclusion on Page 14 of the Manager's Report – *"It is considered by the Planning Authority that the proposed development does not contravene any section of the Plan and that the objectives of the Plan support the provision of industrial development at this location capitalising on its strategic coastal location. It is considered that the proposal is in accordance with the provisions of the Development Plan and in accordance with the proper planning and sustainable development of the area"*. Mr. McMahon then called on Mr. Tom Sheehy, S.E. Planning, to comment on the assessment of the application and the conditions recommended in the Manager's Report.

Mr. Sheehy informed the meeting that this application was accompanied by an Environmental Impact Statement prepared in accordance with the requirements of the legislation. The activity will be the subject of an IPPC licence which deals with emissions from the plant and is a matter for the EPA. An Bord Pleanala cannot consider emissions as this is the function of the EPA. The local community has been waiting for some development on the landbank for years and now that a development is proposed there is generally a positive response. The assessment did not have regard to Marine and Terrestrial Ecology, Soils and Geology or Hydrogeology as these are the subject of an independent assessment by An Bord Pleanala. The application was assessed having regard to the following:-

- The need for the Scheme
- Visual Impact
- Infrastructure
- Air Quality/noise or vibration
- Hydrology
- Archaeology
- Human Beings
- Material Assets

He referred members to Page 28 Section 6.0 where the conclusion is set out. The proposed development is of major strategic importance nationally. The EIS addressed clearly the proposed alternatives regarding choosing the site, location of the tanks and the proposed technology to be utilised. The proposed site is zoned for industrial development with clear objectives contained in the Kerry County Development Plan 2003 – 2009 regarding this zoning provision. He accepted that there is a current infrastructure deficit but stated that this can be addressed. The site is subject to IPPC licensing and for this reason it is not possible for Kerry County Council or An Bord Pleanála to impose conditions relating to the emissions from the development. While there are significant visual impacts, the landscape at this location is not highly sensitive. It is considered that the development will not have a significant impact on residential amenities in the area and it will have an overall positive impact on the area. He added that the Manager's Report recommends that the proposed development be granted approval subject to a number of conditions including (1) a Bond in the sum of €m to ensure satisfactory completion of the project or to ensure the reinstatement of the site. (2) There is an archaeological monument on the boundary of the site and prior to construction an archaeological assessment must be carried out. (3) Prior to the commencement of the development a sum of €155,280 development contribution levy must be paid to the council in respect of public water infrastructure and facilities benefiting the development. (4) Prior to the commencement of the development the developer shall pay a contribution of €83,566 to the council in respect of amenity facilities. (5) Prior to the commencement of the development the developer shall pay a contribution of €7.25m in respect of the provision of public infrastructure and facilities benefiting the proposed development as a special contribution towards the following:-

- upgrading of the public water infrastructure serving the site from a 50mm main to a 150mm class C watermain
- the provision of specialist fire fighting equipment and specialist training for the Fire Service
- upgrading and widening the local road L-1010 to the standard required to facilitate the project
- upgrading footpaths and road surface of Bridewell Street, Tarbert and the development of an off-street carpark.
- Junction improvements at the R-551 junction with the L-1010.

(6) The developer must also pay an Annual Community Contribution Scheme. This fund will be administered by Kerry County Council for the benefit of the local community.

(7) Prior to the commencement of the development the applicant shall prepare a monitoring programme for the condition of the road along the L-1010 for the agreement of Kerry County Council. (8) The developer shall submit a detailed traffic management plan to the planning authority for their approval. All delivery vehicles serving the site shall use the upgraded L-1010 local road. Restrictions on traffic movement at Tarbert school shall be required at school start and finish times. (9) The developer shall enter into a legally binding agreement with Kerry County Council under Section 47 of the Planning and Development Act 2000 to provide for a number of issues including the recoupment by the planning authority of all costs associated with the monitoring of waste management, traffic and environmental management plans, to be supplied to the planning authority. (10) Noise emitted from the site during the clearance, construction and/or

operational phases of the development shall not give rise to a public noise nuisance. In conclusion he referred members to Page 29 of the Manager's Report for the conclusion regarding the proposed development and pointed out that *"based on the information supplied and subject to the independent assessment of issues relating to Ecology, Soils, Geology and Hydrogeology, it is the recommendation of the manager that permission for the proposed development should be granted."*

The Mayor welcomed the members of the public to the meeting. He added that TG4 had requested permission to film part of the meeting.

This was unanimously agreed.

Cllr. L. Purtill welcomed the Kilcolgan Residents to the meeting and said that he originally lived in Kilcolgan. He then read the following prepared statement into the record of the meeting.

"I welcome the Shannon L.N.G. project to the Ballylongford/Tarbert land bank. I also empathise with the safety and environmental concerns of the residents of the area. I would ask that their concerns be seriously addressed. We have to remember that they are the people who live in close proximity to the proposed project. The project is now before An Bord Pleanala and awaiting a decision.

There are a number of measures that I would like to see addressed as part of this development.

- 1. The health and safety measures must be the most stringent and must be subject to the most rigorous inspections on a regular and ongoing basis and any concerns raised by the residents must be addressed at all times.*
- 2. The coast road from Ballylongford to Kilcolgan must be upgraded, the bends must be removed and the Lislaughtin Abbey Bridge widened. This is of paramount importance for safety reasons because of the volume of traffic that will be using this road during the construction stages. The proposed development is only 2 miles from Ballylongford and this would be the shortest route from the Asdee/Ballybunion area.*
- 3. Planning permission to erect houses in the Kilcolgan or adjacent areas should in no way be restricted by this project, and a firm commitment should be given by Kerry County Council on this matter.*
- 4. I propose that Shannon LNG make a significant contribution towards the erection of a foot bridge at Bridge Street, Ballylongford. Because it will continue to be a safety hazard for school children and massgoers, and will be even more so, with the increased volume of traffic during the construction stages of this project.*
- 5. That priority be given to local contractors and the local labour force in the preparation of the site and at the construction stages of this project, if the application is successful.*
- 6. Shannon Development must address a serious and ongoing issue relating to the shelter belt of trees in the Kilcolgan area. A commitment was given, in writing, by Brian Warner in March 1996 on behalf of Shannon Development*

outlining that the views of the estuary that they then enjoyed would not be interfered with. In the past 12 months alone, the trees have grown 4 feet and, on behalf of the Kilcolgan residents, I would ask for a commitment from Shannon Development that these trees are topped as a matter of urgency and a time frame agreed for this work to be carried out.

In conclusion, regardless of the outcome of this planning application it is important that the community spirit, friendship and neighbourliness of the Kilcolgan area, should remain as it has always been. And I would like to make it clear that, contrary to media reports, there has never been a feud between the residents of Kilcolgan and people of Ballylongford and Tarbert over this matter.

And finally, I would like to say, if this planning application is successful, this project would benefit the people of Tarbert/Ballylongford and the wider North Kerry area.”
In conclusion he asked if a further application from a company called SemEuro for a petroleum plant in the remaining land at Ballyongford is being considered.

In response Mr. M. McMahon informed the meeting that the planning department had received notification from An Bord Pleanala of preliminary enquiries that have been made by this company as to the status of the project under the Strategic Infrastructure Act.

Cllr. L. Purtill asked that if 110kv power lines are required for the development that the ESB would be requested to place them underground. He also asked that as many local people as possible be employed in the construction phase.

Cllr. D. Kiely welcomed the Manager's Report and Shannon LNG to the area. He stated that he had been involved with the landbank for years and in 1987 the then Minister Albert Reynolds was in favour of selling it back to the original landowners. At the time he went with a deputation to meet with the Minister and as a result the landbank was not sold. He stated that he was gravely concerned regarding the safety of the proposed plant. The residents of Kilcolgan have objected to the proposed development and their fears must be answered. He referred to the proposed closure of the ESB plant in Tarbert which he stated should not be permitted but he added that if the LNG project proceeds the company or another company maybe interested in purchasing it and converting it to gas. He was also concerned at the volume of trucks that would be passing through Tarbert each day during the construction phase. In the Tarbert Local Area Plan it is proposed to provide a relief road through the market and he is anxious that this road would be provided and that a one way traffic management system would also be introduced. The road from Tarbert to Kilcolgan is deplorable and urgently needs to be improved. He stated that the objectors are anxious to know if An Bord Pleanala will hold an Oral Hearing to ensure that everyone has their rightful say in the process. The holding of an Oral Hearing would be welcomed by the residents. He has called for natural gas to be brought to County Kerry for years and this proposed development provides an ideal opportunity to tap into the national grid. He requested Shannon LNG to draw up a plan for the provision of gas for County Kerry. In conclusion he stated that he supported the project provided the safety issues are addressed.

Cllr. N. Foley asked if an application has been submitted to the Board by SemEuro or if they had just made initial enquiries.

In response Mr. M. McMahon informed members that the Strategic Infrastructure Act 2006 places a statutory obligation on a developer to engage in discussions with An Bord Pleanála prior to the Board deciding which authority will deal with the application.

Cllr. T. Ferris welcomed the opportunity for economic growth in the area. However, she was not sure that the concerns of the residents were fully understood and being addressed. She added that in Section 5.12.8 – Residential Amenity in the Manager's Report it states that this is dealt with in Section 6 of the report on material assets yet she could not find it in Section 6. In conclusion she stated that she fully supported the opportunities this brings to the area provided the safety issues are fully addressed.

Cllr. T. Buckley welcomed the proposed project and said that the concerns of the local residents are of the utmost importance. He called on the council to set up a line of dialogue to ensure that everything possible is done to address their concerns. He asked what type of development is proposed for the remainder of the land and he requested that members be informed immediately of any proposed development for these lands.

Cllr. P. McCarthy stated that 60 or 70 names of local residents were signed to a document circulated to members that morning which highlighted their genuine concerns. These are all local residents and they are very concerned for marine life and the fear of explosion. He requested a response to these concerns. He asked how many tanks will be included for petroleum products.

Cllr. A. McEllistrim stated that this project would provide a great opportunity for the area if it materialises and it will be of strategic importance to North Kerry. She added that she understood the concerns and fears of the residents of Kilcolgan and their safety should be of paramount importance.

Cllr. R. Beasley welcomed Shannon LNG to the area but added that he was disappointed at the number of full time jobs i.e. 50 that it will provide in the long term with approximately 30 additional jobs in servicing the development. He acknowledged that during the construction phase there will be between 350 and 700 jobs and this is very welcome at a time when jobs are scarce in North Kerry. He stated that he noted that it is proposed to construct 4 tanks when 2 only will be in use. He asked if the company was concerned that the tanks could rupture and would that hinder the development of the remaining landbank. He understood that there could be a development proposed for the remaining land. He requested that a report be presented to the members at the December meeting on the environmental impact of the Shannon LNG project on the remaining land.

Cllr. P. Leahy welcomed the local residents and Tarbert Development Association to the meeting. He said that the proposed development of the landbank has been ongoing for many years and this is the only firm proposal for it. He welcomed the project but added

that the fears of the residents living nearby must be allayed. He believed that the holding of an Oral Hearing would resolve this.

Cllr. N. Foley welcomed the Manager's Report and acknowledged that the development of the landbank has been awaited for years. Now a viable project is proposed and this is welcome. She acknowledged that the people living in the area had particular health concerns and she added that these must be addressed to their satisfaction. She asked how vigilant would the monitoring programme be and she stated that it is important that it is independent. She asked if Kerry County Council would be responsible for the monitoring of the plant. It is important that the local residents have confidence in the monitoring programme as this development has enormous potential for the area.

Cllr. T. Fitzgerald welcomed the proposed development and hoped that it would encourage further development in the area as it would create additional employment. Most people in the area are in favour of the development, however, some have safety concerns and their concerns should be addressed. If the proposed development is not safe it should not be permitted. He was hopeful that with good practice and daily monitoring by An Bord Pleanala it would ensure that the plant is safe at all times.

Cllr. T. O'Brien welcomed the proposed development at the landbank but added that the concerns of the residents must be addressed.

Cllr. D. Healy-Rae stated that the proposed Shannon LNG project provides a tremendous opportunity to create employment in the north of the county. He referred to the list of concerns which Cllr. McCarthy mentioned and stated that he did not receive this list from the residents. He called on all the relevant statutory bodies charged with monitoring this plant to ensure that it is safe at all times.

Cllr. B. Cronin welcomed the opportunity for employment for 50 people in North Kerry. He stated that he read the detailed statement given to him by the community in Kilcolgan and it contains some very serious issues. He called on all relevant bodies to ensure that the issues highlighted by the residents are addressed adequately. The issue of health and safety and indeed the granting of planning permission to family members in this area in the future is very important and these issues must be satisfactorily addressed by the relevant authority and the plant must be constantly monitored.

In response Mr. T. Sheehy informed members that this application has been referred to the Health and Safety Authority for assessment. They will report back to An Bord Pleanala and they will take their views on board. Kerry County Council is recommending a Community Contribution Scheme of €200,000 per annum on the proposed development and it is possible that the footbridge requested by Cllr. Purtill could be provided from this fund and also improvements to the roads mentioned by members. The Part VIII report relating to the improvement works to the road is being prepared at present and it is intended to commence the Part VIII process in December. With regard to the construction of a relief road in Tarbert he stated that it will be necessary to identify the landowners involved and to commence negotiations for the

purchase of the land. If the council was in possession of the land the road would be completed over time and a traffic management plan would also be put in place.

The holding of An Oral Hearing is a matter for An Bord Pleanala to decide and as this is the first application under the Strategic Infrastructure Act it is not possible to predict if the Board will agree to the holding of an Oral Hearing. He referred to the query from Cllr. Ferris regarding depreciation of property and stated that this issue is dealt with in Section 5.13 and not Section 6 as stated in the report. The issue of the impact of the development on marine ecology and numbers of tanks etc. are all issues to be dealt with separately by An Bord Pleanala who have engaged consultants to prepare a report on them. The application includes provision for 4 tanks but it is only intended to construct 1 or maybe 2 tanks initially but the groundwork will be done for 4 tanks because this work could involve blasting which could not be done once the 2 tanks are in use.

Cllr. R. Beasley pointed out that if it is necessary to do the ground works for the 4 tanks at the outset and a proposal to develop the remainder of the landbank involved blasting it could not be considered.

Mr. T. Sheehy informed the meeting that any subsequent application would have to be considered in the context of the tanks that have been constructed. It is a cost decision to use explosives but there are a number of alternative options available to deal with rock.

Cllr. P. McCarthy asked if all 4 tanks would be used for LNG or would some be used for petroleum.

In response Mr. T. Sheehy stated that they would all be used to store LNG. He added that An Bord Pleanala will decide on a monitoring programme for the plant and who will be responsible for it. The EPA will set out the environmental monitoring programme to be carried out by the developer. If the council is to monitor the plant the costs can be recouped.

Cllr. L. Purtill again referred to the topping of the trees in Kilcolgan and asked if a commitment could be given on it.

In response Mr. Sheehy stated that this is a matter for Shannon Development and not Kerry County Council.

Cllr. B. Cronin referred to the Tarbert Ferry and asked if there would be a two mile exclusion zone which could impact on the Ferry.

Mr. T. Sheehy informed members that this would be decided by the Health and Safety Authority. They will carry out a survey of the area and assess the risks involved. An Bord Pleanala will then have regard to their advice.

Cllr. B. Cronin asked if the HSA report to An Bord Pleanala would be made available to the residents and anyone wishing to get a copy?

Mr. T. Sheehy stated that he presumed it would.

Cllr. B. Cronin PROPOSED that the HSA report be made available to Kerry County Council and the local residents.

Cllr. R. Beasley SECONDED this proposal.

Cllr. L. Purtill again stated that he hoped that this development would not impact on the granting of permission to erect houses in this area.

Mr. T. Sheehy said that this would depend on the recommendation of the HSA.

Cllr. L. Purtill requested that family members in this area be accommodated.

This concluded the discussion on the Shannon LNG Project.

Cllr. J. Brassil then returned to the Chamber.

07.11.26.07 Material Contravention of the County Development Plan

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

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 in relation to an application for permission to (1) construct a slatted unit, (2) extend the existing silage base, (3) construct a dung yard and (4) construct horse stables and associated works at Coolmagort, Beaufort, Killarney per planning application reg. no. 07/2615

Name of Applicant:

Michael Galvin

Address of Applicant:

*Coolmagort,
Beaufort Village,
Killarney,
Co. Kerry.*

Agent:

John Galvin

Location of Proposed Development:

*Coolmagort, Beaufort, Killarney.
The site is located off the main street of Beaufort Village. To the north, an existing licenced premises owned by the applicant family separates the site*

Nature/Description of Proposed Development:

from the street. The site is bounded to the east by a licenced premises and a housing development, to the south by farm land and to the west by Beaufort GAA Field and 2 dwelling houses.

Permission to (1) construct a slatted unit, (2) extend the existing silage base, (3) construct a dung yard and (4) construct horse stables and associated works

Planning Reg. No:

07/2615

Decision Due Date:

Material Contravention procedure initiated with publication of the statutory notice in the Irish Examiner newspaper on Oct 18th, 2007.

Planning History

- (1) 07/683 – Planning permission refused to construct a slatted unit, construct a dung yard, extend the existing silage base and construct 4 horse stables and associated works. (Michael Galvin) Reason for refusal – Material Contravention of zoning provision of Beaufort Local Area Plan.*
- (2) 01/5 – Planning permission granted to retain haybarn. (Michael Galvin)*
- (3) 95/1644 – Planning permission granted for dog kennels. (Patrick Galvin)*
- (4) 95/1168 – Planning permission granted for farmyard development. (Patrick Galvin)*

Zoning

The proposed development is located in an area zoned for “Mixed Use” in the Beaufort Local area Plan 2006 – 2012.

Objections/Submissions:

No submissions received.

Appraisal:

- (1) Visual Impact. The proposed development is located within an existing farmyard. While the site is located in Beaufort Village, the existing farm structures are well screened from view by the existing licenced premises and a high wall along the street. The*

proposed development will not be visible from outside the development site.

- (2) *Residential Amenity. The proposed development would constitute a relatively minor intensification of use on the existing farm complex with improved pollution control measures. It is considered that the proposed development would not impinge unduly on existing dwelling houses in the vicinity, particularly in the context that the farmyard pre-dates all neighbouring residential development.*
- (3) *Pollution. The proposed development would increase the slurry storage facilities in the farmyard and would improve pollution control.*

Conclusion

The proposal is considered acceptable as the development comprises improvement to an existing and long established farmyard facility.

Having considered the location the development in an existing farmyard facility, it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would not be prejudicial to drainage in the area. Accordingly, it is considered that the proposed development would be in accordance with the proper planning and sustainable development of the area and therefore a grant of permission is recommended subject to the conditions as set out below.

Recommendation for permission :

A decision to grant permission is recommended with the following conditions;

The development shall be carried out entirely in accordance with the plans and particulars received by the Planning Authority on 27 June 2007 except for any alterations or modifications specified in

this decision.

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

Colour of cladding to proposed slatted unit shall match existing farm buildings.

The roof of the proposed stables shall be covered with slates which shall be dark grey or blue-black in colour.

Reason: In the interests of visual amenity.

All roof waters from the existing and proposed buildings shall be piped uncontaminated by slurry, feedstuffs or other polluting matter into a suitable soakpit or free-flowing watercourse.

Reason: In the interests of pollution control

The proposed underground slurry storage tank to slatted unit, proposed silage base extension and proposed dung yard shall be constructed in accordance with the relevant Department of Agriculture and Food specification.

The walls and base of the proposed underground slurry storage tank to slatted unit shall be fully water tight.

The silage base extension and dung yard shall be properly maintained so as to prevent any leakage of silage effluent and slurry through floors or walls.

Livestock manure and soiled water storage capacity requirements shall be calculated in accordance with the storage requirements specified in S.I. No. 378 of 2006, European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, or any amending or substituting Regulations or guidance

Where soiled water is stored with slurry or other livestock manure, the storage period shall be as for livestock manure. Where soiled water is stored separately, the storage requirements specified in S.I. No. 378 of 2006, European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2006, or any amending or substituting Regulations or guidance, shall apply.

No polluting matter of any kind resulting from the proposed development shall be allowed enter into any tidal waters, river, stream, lake, canal, reservoir, pond, watercourse or other inland waters whether natural or artificial.

Reason: In the interests of pollution control

Cllr. M. Cahill PROPOSED that in accordance with the provisions of Section 34(6)(a) of the Planning and Development Act, 2000 that permissions be granted to Michael Galvin to construct a slatted unit, to extend the existing silage base, to construct a dung yard and to construct horse stables and associated works at Coolmagort, Beaufort in accordance with plans submitted on Planning Register No. 07/2615 which would materially contravene the Beaufort Local Area Plan 2007.

Cllr. P. O'Donoghue SECONDED this proposal.

A vote was taken which resulted as follows:-

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, S. Fitzgerald, T. Fitzgerald, Foley, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistrim, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Purtill, M. Healy-Rae (21)

Against: None (0)

Not Voting: None (0)

The Mayor declared the proposal carried.

07.11.26.08 Date for a Special Planning Meeting

The Mayor informed the meeting that the suggested date for the Special Planning Meeting was Friday, 7th December.

Cllr. P. O'Donoghue stated that he was not available on that date and he PROPOSED that the Special Planning meeting to consider the Manager's Report on submissions on the South East Kerry Settlements Local Area Plan and the West Iveragh Settlements Local Area Plan be held on Wednesday 5th December, 2007.

Cllr. M. Cahill SECONDED this proposal.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, S. Fitzgerald, Foley, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistrim, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae (20)

Against: Cllr. T. Fitzgerald (1)

Not Voting: None (0)

The Mayor declared that the Special Planning Meeting would be held on Wednesday, 5th December, 2007.

07.11.26.09 Proposed development 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.

Mr. J. Breen, Director of Housing, Community and Enterprise, referred members to his report on this item, which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. M. Cahill it was agreed to note 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 Keneigh, Emlagh, Caherciveen.

07.11.26.10 Holding of the December Ordinary Meeting at Pobalscoil Inbhear Scéine, Kenmare.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. R. Beasley it was unanimously agreed to hold the December Ordinary Meeting at Pobalscoil Inbhear Scéine, Kenmare commencing at 11am

The Mayor thanked the principal and management of Pobalscoil Inbhear Scéine for making the school available for the meeting.

07.11.26.11 Proposed developments in accordance with Section 179(3) of the Planning and Development Act 2000.

Mr. O. Ring, Director of Water Services referred members to the Part VIII reports on the 12 sewerage schemes which were circulated. At the July meeting the Council approved a proposal to prioritise and phase a programme of 32 sewerage schemes for villages

throughout the county. The Phase 1 priority list identified 19 villages which are most urgent for environmental and developmental reasons. He then outlined the position relating to all the schemes included in Phase 1. He advised members that the challenge now for the Council will be to finance the shortfall which will arise after the Department of Environment, Heritage and Local Government element of funding is allowed for. The Government's Polluter Pays Policy means that the DEHLG will only fund the cost of servicing houses existing at September 2002 and the marginal cost of servicing other houses constructed after 2002. The servicing of all commercial developments must be funded by the council. The minimum capital cost of the Phase 1 schemes will be approximately €35 of which at least €1m will have to be funded by the Kerry County Council. This sum is in addition to other major Water Services capital commitments. The current Development Levies are inadequate to meet the funding shortfall.

The current standard development levy for sewerage is €3,020 per house which is a small fraction of the economic cost of providing the required new and upgraded sewerage schemes. It is important to note that the cost to an individual of providing their own proper treatment system in the best ground conditions is approximately €6,000 but it can cost up to €15,000 on more difficult sites. He added that there are also significant ongoing annual costs. The options in relation to setting appropriate development levies are being examined and a further report will be brought back to Council. He stated that if these schemes do not proceed, further development in the priority villages will be completely inhibited. In addition all Waste Water Treatment Plants will shortly be subject to EPA discharge licensing and there will be prosecutions and severe penalties, with fines of up to €500,000, for breaches of licences. This provides an added urgency to bringing all existing small plants, such as those in the Phase 1 villages, up to the necessary standard. The completion of the Part 8 process will clear the way for the contract stage of these schemes. Work has already commenced on acquiring any sites that will be needed and Consultants are ready to prepare Contract Documents. However, the issue of funding will have to be addressed before the Council can commit to building more than a small number of new schemes.

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Cahill it was agreed to note the Manager's Report on the construction of a Wastewater Treatment Plant in the townland of Caherdaniel and a pumping station in the townland of Ballycarnahan.
- (b) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. O'Connor it was agreed to note the Manager's Report on the construction of a Wastewater Treatment Plant in the townland of Kilnabrack Lower, Glenbeigh.
- (c) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. M. Healy-Rae it was agreed to note the Manager's Report on the construction of a Wastewater Treatment Plant in the townland of Gortnaboul, Kilgarvan.

- (d) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea it was agreed to note the Manager's Report on the construction of a Wastewater Treatment Plant in the townland of Castlegregory.
- (e) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue it was agreed to note the Manager's Report on the construction of a Wastewater Treatment Plant in the townland of Brackhill and a pumping station in the townland of Castlemaine.
- (f) In relation to the Wastewater Treatment Plant at Ballyduff Mr. O. Ring informed members that a submission was received from Mr. Patrick O'Connor and as a result of this the proposed pumping station is being withdrawn from the proposed development.

Cllr. M. Connor-Scarteen PROPOSED that the Council would proceed with the proposed development with the following modification – the proposed pumping station in the townland of Leagh to be withdrawn from the proposed development.

Cllr. S. Fitzgerald SECONDED this proposal.

A vote was taken which resulted as follows:-

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Fleming, Foley, D. Healy-Rae, Kiely, Leahy, MacGearailt, McCarthy, McEllistrim, O'Brien, O'Connell, O'Donoghue, O'Shea, Purtill, Sheahan, M. Healy-Rae (24)

Against: None (0)

Not Voting: None (0)

The Mayor declared the resolution carried.

- (g) In relation to the proposed location for the Wastewater Treatment Plan in Kilflynn Cllr. J. Brassil stated that the proposed plant would not be located at the lowest point. There is a landowner in the middle of the town who is willing to accommodate the plant. He asked if the council was satisfied that the proposed location of the treatment plant is the optimum location.

In response Mr. Ring confirmed that the Council is satisfied that the proposed site is the optimum location.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. T. O'Brien it was agreed to note the Manger's Report on the construction of a Wastewater Treatment Plant in the townland of Fahavane, Kilflynn.

- (h) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. P. Leahy it was agreed to note the Manager's Report on the construction of a Wastewater Treatment Plant in the townland of Clogher (ED Lixnaw) and a pumping station in the townland of Lixnaw.
- (i) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. L. Purtill it was agreed to note the Manager's Report on the construction of a Wastewater Treatment Plant and a pumping station in the townland of Tieraclea Lower and a pumping station in the townland of Tarbert.
- (j) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. D. Kiely it was agreed to note the Manager's Report on the construction of a Wastewater Treatment Plant in the townland of Aulanebane, Abbeydorney.
- (k) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. T. O'Brien it was agreed to note the Manager's Report on the construction of a Wastewater Treatment Plant and a pumping station in the townland of Fenit Without and a pumping station in the townland of Tawlaght (Ballynahaglish).
- (l) In relation to proposed Wastewater Treatment Plan for Ardfert Mr. Ring informed the meeting that a substantial number of submissions were received and these are detailed in the report circulated. These related to the suitability of the site, its proximity to the river, flooding etc. He informed the meeting that the site was selected by consultants as the most suitable site. It is located outside the town and far enough away from the water supply well to be safe. A bunded area will be constructed around the plant. The existing plant is totally unsatisfactory and is a nuisance to the landowner. It has caused pollution and the Council has been prosecuted by the Fisheries Board. It is clear that this plant needs to be replaced as soon as possible. He assured members that the plant would be constructed to the highest quality given the sensitivity of the area. He informed the meeting that the existing plant does not contribute in any measurable way to flooding in the area. The proposed scheme provides for a separate collection system for storm and foul water. It is proposed that storm water would be routed through tanks which would attenuate discharge to existing greenfield run-off levels prior to discharging to the Tyshe River to ensure that river flows are not affected by future development.

Cllr. M. Cahill welcomed the proposed developments as outlined in the reports circulated. He asked what the timeframe for the construction of these schemes is in particular Glenbeigh. He acknowledged that the funding of these schemes is a major issue for the council and said that it would only be fair that developers would contribute significantly to them as they are the biggest beneficiaries.

Cllr. T. Ferris stated that in relation to the proposed Wastewater Treatment Plant for Ardfert she would have no difficulty with what is being proposed if it is acceptable to those most affected by it. She stated that she was concerned for the health of the people

living nearby and the proposed location is close to the water supply. She requested a guarantee that there would not be a risk of pollution of the water source from the proposed treatment plant. She added that landowners in the area are concerned about the quality of the effluent to be discharged from the plant. There has been an ongoing problem with flooding in this area and the local people whose property adjoins the river are concerned that the construction of the treatment plant may exacerbate this situation. To-date the Council has not been willing to address the issue of flooding in this area and she called for a commitment that serious efforts would be made to alleviate it. She then referred to the quarry and said that a permit was issued to allow water to be pumped into the river and adjoining landowners are concerned about this.

Cllr. T. Fitzgerald agreed that there is concern among landowners in this area that the flooding situation will be exacerbated by the proposed development.

Cllr. P. McCarthy circulated photographs showing extensive flooding and pollution along the river in this area. He stated that the river is not capable of taking the volumes of water at present with 1million gallons of water being used by the quarry daily. Local landowners feel that another river close by could be used. Farmers along the river are entitled to get water for their cattle from the river but they are concerned that it will be polluted by the quarry and the wastewater treatment plant and the Council is doing nothing to address this. The river is overgrown and cannot cater for the volumes of water. While the local community are not opposed to the proposed wastewater treatment plant they are anxious that this problem would be addressed.

Cllr. N. Foley said that the local community have genuine concerns regarding the proposed wastewater treatment plant. Their primary concerns relate to flooding of the area, pollution and the security of the well. She acknowledged that there is an urgency to proceed with this development but it is also important to allay the fears of the local community.

Cllr. A. McEllistrim stated that she hoped the concerns of the local community could be addressed as Ardfert is waiting a long time for this scheme.

Cllr. J. Brassil stated that the existing treatment plant in Ardfert is inadequate and the local community have genuine concerns. If a private developer was proposing to construct this wastewater treatment plant they would be required to carry out various studies. A full study of the River Tyshe and its flows should be carried out by the Council to ensure that the flooding problems are addressed. These reports should outline how the river can be deepened or banded.

Cllr. B. O'Connell said that the local landowners have serious concerns regarding this development and he requested that further consideration of this report be deferred to the December meeting.

Cllr. T. O'Brien informed the meeting that he was opposed to deferring this item.

Cllr. T. Ferris agreed with this.

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. N. Foley, SECONDED by Cllr. T. Ferris it was agreed to suspend Standing Orders to allow the meeting to continue.

07.11.26.11 Proposed developments in accordance with Section 179(3) of the Planning and Development Act 2000 (Cont'd)

Mr. O. Ring informed the meeting that there are two aspects to this scheme (1) the construction of a treatment plant to replace the existing plant to deal with existing and future demands and (2) the refurbishment and rebuilding of the network. At present the stormwater is directed into the main scheme and for this reason the scheme is overloaded. The upgrading of the network will involve separating the storm water to ensure that only foul sewerage goes through the main treatment plant. Using a sustainable urban drainage system it will be necessary to ensure that future run off does not exceed existing run off. The discharge from the existing treatment plant is insignificant in the flow of the river. The new plant will improve the water quality immensely. The plant will be 250m away from the well and the effluent will be pumped 500m to the river over a bunded area. As the effluent will be pumped into the river downstream of the well it will have no adverse effect on it. He added that if necessary the river would be cleaned out. He urged members to agree the Part VIII report for Ardfert as it is necessary to progress this scheme.

Cllr. T. Ferris stated that on the basis of Mr. Ring's reply she PROPOSED that the Part VIII report for Ardfert Wastewater Treatment Plant be noted.

Cllr. T. Fitzgerald SECONDED this proposal and it was agreed.

Cllr. D. Healy-Rae complimented Mr. Ring and his staff on the excellent work being done to progress sewerage schemes for many towns and villages in particular Kilgarvan which was constructed in 1926. He requested that the pipe laying at the eastern end of Kilgarvan be extended on the Killarney side for 100m as there is a problem in this area and an extension of the scheme would resolve it.

Cllr. M. Healy-Rae endorsed this request for an extension to the pipe network in Kilgarvan.

Cllr. J. O'Connor stated that while he voted in favour of amenity levies he was opposed to other levies. Other villages such as Portmagee and Cromane should also be included in the priority list as they need new sewerage schemes. He asked if sludge is properly treated prior to spreading it on land.

Mr. T. Curran, County Manger, acknowledged that a commitment was given to members that development levies would not be revisited before the next Local Election. However, government policy has changed and it now seems there is no other option if the shortfall of €1m in funding for these schemes is to be met. He added that in time to come another €30m or €40m will be required for other schemes. All treatment plants must be licensed by the end of 2008 and the EPA are responsible for this and they are likely to impose strict conditions. A number of small schemes are likely to exceed the limits imposed by the EPA and that is why it is important to progress these schemes. Penalties for breaches could range from €5,000 to €500,000. This is a very serious matter and unless there is some methodology of meeting the shortfall in funding for these schemes only a certain number of the schemes can proceed. He added that he did not raise this matter lightly but the council must face up to its responsibilities.

The Mayor thanked the County Manager for being so forthright on this issue and said that he appreciated the County Manager would not raise it if it was not necessary.

Cllr. J. Brassil accepted the County Manager's argument but said that he feared that as members are facing into a local election they may adopt a weak development levy scheme. If members refuse to take responsibility for the adoption of a reasonable development levy scheme the developments they have been calling for for years will not progress. In the past when levies were being considered there was a huge lobby from people in rural areas. It is important to point out that anyone not connected to the public sewer will not be liable for this levy. If a new scheme is to be introduced he requested that it is clear that the levies will only be charged to those benefiting from the services.

The meeting adjourned for lunch at 2pm.

The meeting resumed at 3pm.

Suspension of Standing Orders

The Mayor informed members that it would be necessary to suspend Standing Orders to allow the remaining items on the agenda to be dealt with.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. J. O'Connor it was agreed to suspend Standing Orders to allow these items to be dealt with.

07.11.26.12 Approval for the raising of a loan of €10.2m

Mr. J. O'Connor, Head of Finance, referred members to his report on this item which was circulated. He briefed members in detail on the report.

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. Fitzgerald, it was agreed to approve the raising of a loan of €6m for An Daingean Relief Road (Initial Stage)
- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. R. Beasley, it was agreed to approve the raising of a loan of €1m for Broadband MANS (Local Contribution).

- (c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the raising of a loan of €0.7m for An Daingean Civic Amenity Area (Local Contribution)
- (d) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. M. Gleeson, it was agreed to approve the raising of a loan of €2.5m for the North Kerry Landfill Extension Development Costs.

07.11.26.13 Overdraft accommodation

Mr. J. O'Connor, Head of Finance, referred members to his report on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. Fitzgerald, it was agreed to approve the incurring of overdraft accommodation of €12.5m for the six months ending 30th June, 2008.

07.11.26.14 Appointment of a Liaison Officer to deal with planning corruption issues.

Mr. J. Flynn, Director of Corporate Services, informed members that correspondence received from Chief Superintendent William Hayes regarding the appointment of a Liaison Officer to deal with planning corruption issues was circulated. He has appointed D/Inspector Dan Keane of Tralee as a Liaison Officer to investigate any claims of planning corruption.

07.11.26.15 Update from the Housing Department on grant aid schemes

Mr. J. Breen, Director of Housing, Community and Enterprise, referred members to his report dated 19th November, 2007 on this item which was circulated. He informed the meeting that the Disabled Persons & Essential Grants schemes have been revised to ensure that available funding is targeted at lower income households and those whose accommodation needs are greatest. The main changes in the new schemes are standardisation of means testing, indexation of grant levels and income bands and increases in the maximum grants available. Under the Housing Adaptation Grant Scheme for People with a Disability the maximum grant available will be €30,000 which may cover up to 95% of the cost of the works. Under the Mobility Aids Housing Grant Scheme the maximum grant of €6,000, which may cover 100% of the cost of works, will be available to people with annual household incomes of up to €30,000.

The maximum grant available under the Housing Aid for Older People Scheme is €10,500, which may cover 100% of the cost of the works. Prioritisation of eligibility will be on the basis of financial need with 100% of the approved cost of works available to those with annual household incomes of less than €30,000, tapering to 30% for those with annual household incomes of €4,001 to €5,000.

In conclusion Mr. Breen stated that in accordance with the regulations these new schemes become operational on 1 November 2007.

Cllr. J. O'Connor stated that he wished to move Notice of Motion No. 10 as it related to this topic.

10. Implementation of revised rules for Disabled Persons Grants

Pursuant to notice duly given Cllr. J. O'Connor PROPOSED:

That Kerry County Council call on the Minister for Environment, Heritage and Local Government to delay the implementation of the revised rules for Disabled Persons Grants until 1st April, 2008 in line with a similar type grant scheme operated by the HSE and that a new tax relief scheme be introduced for those carrying out essential works to their houses to facilitate family members with disabilities who will no longer qualify for the Disabled Persons Grant.

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

Cllr. J. O'Connor stated that many people who are approved for a grant under the Disabled Persons Grant Scheme find it extremely difficult to get a contractor to carry out the works as they must have a C2 Cert. He called for the running of the new scheme in parallel with the old Housing Aid for the Elderly Scheme ceases to be administered by the HSE in April 2008. The new scheme will benefit those with a household income of up to €30,000 but will penalize those on higher incomes. The tax relief provided in the Budget is not sufficient. He PROPOSED that people with disabilities would be given every opportunity possible. This could be achieved by running both schemes concurrently until 1st April, 2008.

Cllr. M. Connor-Scarteen SECONDED this proposal.

Cllr. M. Gleeson pointed out that the scheme does not prescribe what an accessible shower is and it is up to the individual to interpret this. He was aware of one person who was approved for a grant of €2,760 but payment was refused because the basin was not appropriate. He requested Mr. Breen to review this case. He also called for flexibility in the Housing Aid for the Elderly Scheme in particular with regard to the applicants age.

Cllr. T. Sheahan stated that in many instances it takes too long to allocate grants.

Cllr. B. Cronin asked what was the position of a person who was not 60 years but was on chemotherapy and needed assistance.

In response Mr. J. Breen stated that he took on board the issue raised regarding an accessible shower. He acknowledged that there is provision in the scheme for flexibility regarding age or a medical condition. He informed members that the Housing Aid for people with Disabilities specifically includes people with autism. The Housing Aid for the Elderly Scheme allows for the employment of radon contractors. The Housing Department have compiled a list of contractors available to do these works and this is available to those approved for grants. The Housing Aid for the Elderly Scheme will be administered by the Council from March 2008. The scheme precludes consideration of an application where the works are already carried out.

07.11.26.16 Update on Adoption of Kerry County Council – Access for All Implementation Plan 2008 – 2015.

Mr. J. Flynn, Director of Corporate Services, informed members that work has been ongoing on the preparation of the Kerry County Council – Access for All Implementation Plan 2008 – 2015. Access Audits on all our facilities were completed early this year. Our own trained staff completed these Audits. Following consultations with and advice received from the Community and Voluntary Forum, the consultation phase of the process was not carried out until the autumn as the summer period was not deemed appropriate for inclusive consultation. Extensive consultation has now taken place and we are in the process of finalizing the draft plan. It is hoped to bring the plan to the December Ordinary meeting for adoption.

07.11.26.17 Summary of proceedings at conferences.

(1) Nano Technology – Implications for Human Health, the Environment and Food Safety Conference – Dublin – Mayor M. Healy-Rae.

It was agreed to note the written report from Mayor M. Healy-Rae on this conference which was circulated.

(2) “Changing the Landscape” Conference – Dublin – Mayor M. Healy-Rae.

It was agreed to note the written report from Mayor M. Healy-Rae on this conference which was circulated.

(3) “Energy, Security and Climate Change Conference” – Dublin – Mayor M. Healy-Rae.

It was agreed to note the written report from Mayor M. Healy-Rae on this conference which was circulated.

(4) Northern Tourism Conference – Dunadry, Co. Antrim – Cllr. M. Connor-Scarteen.

It was agreed to note the report from Cllr. M. Connor-Scarteen on this conference.

(5) Volvo Car Environmental Conference – Cork – Mayor M. Healy-Rae.

It was agreed to note the written report from Mayor M. Healy-Rae on this conference which was circulated.

(6) TJK Planning Seminar – Tralee – Mayor M. Healy-Rae.

It was agreed to note the written report from Mayor M. Healy-Rae on this seminar which was circulated.

(7) The Great Blasket Commemoration 2007 – Dunquin – Mayor M. Healy-Rae.

It was agreed to note the written report from Mayor M. Healy-Rae on this conference which was circulated.

07.11.26.18 Report on the operations and activities of North Kerry Together Ltd.

Cllr. R. Beasley informed the meeting that the Board of North Kerry Together Limited is currently comprised of representatives of the local community, local government, target groups, social partners and state agencies. Since late 1997 the company has been involved in

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the development and funding of a variety of projects aimed at combating social exclusion and improving quality of life in the area.

North Kerry Together is comprised of a number of sections and is involved in a wide range of development work and some of the key current projects would include the following:

- Community Development – NKT provides a variety of supports to the elderly and have developed a network of those who provide services to the elderly. NKT has also supported the development of a community alert network which has received funding under the government alarms scheme.
- Childcare – The childcare office promotes quality childcare provision for children in the North Kerry area.
- Youth at Risk – NKT promotes social inclusion for young people through a variety of initiatives.
- Jobs Club – The Jobs Club offers a free and comprehensive service to individuals.
- Education and Training – This section aims to prevent and respond to educational disadvantage and to promote ongoing and further education opportunities for the most disadvantaged in the community.
- Rural Resource and Family Support – The role of the Rural Resource section is to make contact with smallholders and to identify their specific needs and to address them.
- Equality Officer – Work under the equality section includes work with women's groups, disability groups and migrants.

07.11.26.20 Report on the Environment SPC

Cllr. B. O'Connell informed members that the Environment SPC met on the 5th October, 2007 and he briefed them on the following items which were discussed:-

- Presentation regarding Regional Waste Management Office.
- Civic Amenities
- Waste Silage Wrap Pilot Scheme
- Update on environmental issues in the county.
- Waste collection service.
- National Water Services Investment Programme.

07.11.26.21 Opening of Tenders

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for Gortglass Water Scheme Scartaglin.
- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for the delivery of Bitumen Products.

07.11.26.22 Reception of Deputations

- (a) Cllr. M. Healy-Rae requested that a deputation be received from Residents of Cois Uisce regarding issues relating to their estate. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.
- (b) Cllr. M. Cahill requested that deputation be received from the Residents of Knocklyne Valley, Killorglin regarding issues relating to their estate. It was agreed

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that that this deputation would be received at the next Killorglin Electoral Area Meeting.

- (c) Cllrs. M. Cahill and P. O'Donoghue requested that a deputation be received from Coomacista Action Group, Caherdaniel regarding the removal of concrete barriers at Coomascita Pass. It was agreed that that this deputation would be received at the next Killorglin Electoral Area Meeting.

07.11.26.23 Notices of Motion

1. Promotion of rainwater harvesting by householders

Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:

“That the Council would promote rainwater harvesting by householders through the sale of appropriate water containers at cost price.

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

Kerry County Council currently actively encourages the use of rainwater harvesters by householders through our environmental awareness programme, however, there are no plans at present to provide rainwater harvesters at cost price.

Cllr. M. Gleeson informed the meeting that Kerry County Council has to undertake reservoir construction to try to ensure that it will be able to cope with future demands for water. The Council is in the process of an extensive, expensive and much needed process to eliminate water leaks. The existing water reserve during dry spells is not enormous and is sometimes a cause for concern. Very large amounts of water flow from our roofs into soakpits and through sub-terrain streams to rivers and lakes.

Some of that, in truth a relatively small percentage could be harvested or saved and used for non-domestic purposes such as washing the car, watering the lawn, nourishing the pot plants, cleaning footpaths and driveways. Some will remember that all country houses had a water tank fed from the roof and also some barrels in which down pipes stood. That water was wisely used and served the owners well. It may help focus our minds that water capacity from public pipes is presenting a big problem in some lands. The island of Cyprus, to name one, is experiencing a very real crisis. Harvesting rain water would be maximizing a gift from nature, reduce the demand on public supply and in some instances save the proprietor expense.

He informed the meeting that because of his proximity to the Coolcashlaugh re-cycling centre he uses his recycle bin for rain water storage. In conclusion he called on the council to consider this initiative in our smaller towns.

2. Provision of a site for a children's play facility in Milltown.

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

That Kerry County Council provides a site for a children's play facility for Milltown as promised by the then County Manager in December 2006 in conjunction with the finalising of the Milltown Town Plan.

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

Kerry County Council are actively pursuing a suitable location for a playground in Milltown and presently a number of sites are under consideration.

Kerry County Council's Play Policy "Ag Spraoi" provides for the development of community led playgrounds with guidance, advice and a portion of funding from the Local Authority. To date the Council has not had to acquire land for a playground with community groups or local developers willing to provide suitable sites for such facilities. Kerry County Council would seek to replicate this model in Milltown and would welcome discussions with any property owners willing to assist.

The Council recognises the requirement of a play facility in Milltown in the context of the rapid expansion of the town in recent years.

Cllr. M. O'Shea stated that he had the agreement of the County Manager and the executive that they would source land for a play area for Milltown when the Milltown Local Area Plan was being adopted. The population of Milltown has quadrupled in recent years but that vital amenity is not available to the children of the area. He called on the council to source a site as soon as possible.

The Mayor informed the meeting that Notices of Motion Nos. 3 and 15 would be taken together.

3. Proposed subvention for Child Care Facilities.

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

That this Council calls on the Government to abandon the proposed subvention for Child Care Facilities.

15. Cut back on funding for community Creches.

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

That this Local Authority calls on the Government to immediately review their proposals with regard to cutting back on funding for community Crèches.

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

Cllr. T. Ferris called for the suspension of the Child Care Scheme which is a two tier system. She was concerned that a number of people whose income is just above the social welfare level will now have to give up work. Those on PAYE and whose income is just above the minimum wage will be most affected by this scheme and they are the most in need of childcare.

Cllr. N. Foley seconded the motion.

All members supported these motions.

5. Disbanding of the Housing Aid Scheme for the Elderly and integrating it within the local authority Essential Repair Grants Scheme.

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

That Kerry County Council call on the Government to immediately review its decision to disband the Housing Aid Scheme for the Elderly and integrate it within the Local Authorities Essential Repairs Grants Scheme as a matter of urgency as it is a most successful scheme.

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

Cllr. M. Cahill stated that the Housing Aid for the Elderly Scheme is an excellent scheme and it is ideally suited for minor works. This is a highly successful and flexible scheme as immediate action was taken and each application was dealt with sensitively. He called for the retention of this scheme and requested that a letter to this effect be forwarded to the Department.

Cllr. T. Ferris seconded the motion.

6. Funding for a relief road for Kenmare.

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

“That we the members of Kerry County Council call on the Taoiseach, Mr Bertie Ahern T.D., and the Government to honour their commitment to provide immediate funding for the relief road (from Killowen Road to the Killarney Road) in Kenmare, Co. Kerry. That this road be built and in operation for the tourist season in 2008 as the town is choked with traffic and lack of parking during the summer.”

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

It is proposed that sections of this relief road in Kenmare will be constructed in conjunction with the development of zoned lands in the Kenmare Local Area Plan. However there are sections of the road that are unlikely to be developed in the short to medium term. To address this situation an application has been submitted to the Department of Transport for funding for this project in 2008 under the EU Co-Financed Specific Improvement Grant. Subject to funding being provided from the Department, it is hoped to acquire the balance of the lands necessary for the scheme and to construct the link between the Railway Road and the N71 Killarney Road via the Dromneavane Road. This Relief Road project scheme will be subject to a Part 8 Planning process in due course.

Cllr. M. Connor-Scarteen informed the meeting that he had spoken with landowners regarding the sale of land for the relief road and they are willing to co-operate subject to a satisfactory offer. There are over 1,000 students using the road from the Church to Pobalscoil Inbhear Scéine and other schools and it is very dangerous. He called on the Government to provide the funding for this road immediately.

7. Dedication of the roundabouts

Pursuant to Notice duly given Cllr. T Fitzgerald PROPOSED:

That the Roundabout at Mounthawk, Tralee be dedicated to Joe Barrett and the roundabout at the other end of the Bracker Regan Road at Monavalley be dedicated to John Joe Landers. (All passed at Tralee Area Meeting and Tralee Town Council).

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

Cllr. T.Fitzgerald proposed the motion.

Cllr. T.Ferris seconded it.

Cllr. N. Foley also supported the motion.

8. Provision of defibrillators for all schools

Pursuant to notice duly given Cllr. N Foley PROPOSED:

That Kerry County Council calls on the Minister for Education in co-operation with the Minister for Health and Children and Minister for Finance to immediately make available defibrillators to all schools – primary and secondary and third level institutions. The cost of same to be covered in an inter-departmental approach and training provided for use of same for staff.

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

Cllr. N. Foley said that it is unacceptable that students must undertake fundraising for the purchase of defibrillators for schools. She called for an inter-departmental approach to this issue.

Cllr. M. Gleeson seconded the motion.

9. Granting of planning permission to landowners

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

To ask the Planning Authority to explain that since the start of 2006 what are the reasons for not granting permission to Farmers who wish to sell a site to a local person from the area living and working locally or to a local small builder who would build a house for sale to a buyer in this category prepared to take an occupancy clause.

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

The assessment of planning applications is based on national legislation, national policy and local policy, i.e. the 2003 – 2009 Kerry County Development Plan.

Objectives of this Plan, SS3-10 and SS3-11 specifically, address the issue of the proper planning and sustainable development of the countryside and the requirement of local people to live in their own area.

The Planning Authority's role is to implement this policy and in so doing must verify that a genuine local need pertains to the applicant while taking issues such as road access and site suitability into account.

It is recognised in the Development Plan that rural communities must be strengthened and this can be achieved by the strengthening of rural settlements as per the Local Area Plans and the Settlement Strategy incorporated in the Plan along with the policy outlined above.

In relation to one-off houses in rural areas, it is significant to note that between 2002 and 2006 (5 year period) 6,274 permissions were granted averaging approximately 1,200 per year and figures to date indicate that that trend will continue this year, 2007.

In County Kerry in 2006 excluding the three Town Councils, 3,000 house permissions were granted (including schemes) indicating a population growth of 10,000 per year in the County yet such growth is

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actually running at 1,000 per year indicating a total 'new house' requirement of 300 houses per year at an occupancy ratio of 3 persons per house.

The Rural Areas of County Kerry can only sustain a certain level of development and in fact at this point in time a significant number of areas are over developed leading to major implications for infrastructure, the environment, tourism etc. It is recognised however that there are other areas that can sustain suitably sensitive development. These issues must form part of the planning process.

Over development of rural areas leading to the problems outlined will act as the legacy of this generation to future generations and there is a huge responsibility on all concerned with the planning process that this does not happen.

Cllr. D. Healy-Rae stated that planning in rural areas is being curtailed and family members are encountering difficulties in securing planning permission. In the Killarney Electoral Area 60% of planning applications are granted with a further 20% being withdrawn and 20% being refused. A local person wanting to buy a site from a landowner is not being accommodated at present and they are being advised to move into a village or town. These people want to live in a rural area and can often purchase a site locally at a reasonable price and family and friends then help them to build the house. Land that is zoned around villages is being bought up by property developers and it is not practical for a young person to compete with them. The livelihood of small builders is also at risk as it is becoming increasingly difficult for them to get permission if they buy land in a rural area.

Mr. M. McMahon, Director of Planning, stated that large areas of land were zoned by members in a number of towns and villages in local area plans and it now appears that it was a waste of time as the land is not becoming available. He stated that there is no blanket ban on the granting of permission in rural areas and where an applicant satisfies the criteria their application gets favourable consideration. The members adopted a policy to give preferential treatment to sons and daughters of landowners and after that each application is dealt with on a site by site basis.

11. Bombing of Iran

Pursuant to notice duly given Cllr. R Beasley PROPOSED:

That Kerry County Council call on the Irish Government and the EU to use its influence with the George Bush Administration not to bomb Iran in his efforts to drag the entire Middle East into conflict which would be a threat to the whole world.

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

Cllr. R. Beasley informed the meeting that the US administration is threatening to bomb Iran. He requested that the motion be forwarded to the Government.

Cllr. T. Ferris seconded the motion.

13. Resumption of work on the Kilcummin, Barraduff and Milltown Sewerage Schemes

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:

As a result of the withdrawal/suspension of the construction of Kilcummin, Barraduff and Milltown Sewage Schemes has any progress been made towards the resumption of work in these projects?

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

Measures have now been put in place by the Contractor which has allowed work on the Milltown Sewerage Scheme to resume and work on the ground is progressing on that project since 24th October. Discussions are continuing with the Contractor on the Kilmummin/Barraduff project and it is expected that a suitable resolution to difficulties on that Scheme can be achieved in the next three weeks.

Cllr. J. Sheahan welcomed the report and said that it is important that work would resume as the road in Kilmummin is in a bad condition and it cannot be improved until these works are completed.

Cllr. B. Cronin stated that members were informed that work might resume in three weeks time.

Mr. O. Ring informed members that in three weeks time the council would have more accurate information on the resumption of work on these schemes.

The Mayor requested that a report be brought to the members at the December meeting on this issue.

14. List of developers that have not complied with the conditions of their planning permission

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

I am requesting the Planning Department to compile a list of developers, based on the files and legal activity of the planning Enforcement section and that this process would identify all developers who have not finished estates and not complied with conditions of planning so that sanction and penalties can be imposed including the refusal of all further planning applications by these developers until all outstanding works are satisfactorily completed.

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

If it is the wish of the Council, a list of developers against whom enforcement action has been taken over the last few years can be compiled, from the files of the Enforcement Section.

The Planning & Development Act 2000 (Section 35) introduced a provision whereby a Planning Authority could refuse planning permission because of the past failure of a developer to carry out development in accordance with previous permission. This was subject to the Planning Authority being satisfied that there was a "real and substantial risk" that the development would not be completed in accordance with the permission if granted. In forming its opinion, the Planning Authority could only consider failure to comply which are substantial in nature. If the Planning Authority wished to use this provision, it had to seek an authorisation from the High Court to refuse permission.

Section 9 of the Planning & Development (Strategic Infrastructure) Act 2006 amended Section 35 of the 2000 Act by reversing the onus of proof onto the developer. If the Planning Authority now forms the opinion that permission should be refused for non-compliance with previous permissions, it shall serve a notice on the applicant and specify the failures to comply that it intends taking into consideration and inviting him/her to make a submission as to why the Planning Authority should not exercise its powers. If the Planning Authority still decides to proceed and refuse permission, the applicant may apply to the High Court within 8 weeks to "annul the decision". If the High Court annuls the Planning Authority's decision, the Planning Authority must again determine the application within a further 8 weeks.

Cllr. B. Cronin proposed that a list of developers be compiled based on the activities of the Planning Enforcement Section. He added that permission was granted for some developments many years ago yet there are still some works outstanding. He was aware of four estates where permission was granted in 1999 and 2000 and roadways and footpaths etc. have still not been provided. He stated that it is important to send out a clear message that there are measures that can and will be taken for non compliance with planning conditions. He stated that developers who do not comply with their conditions of planning should be refused permission for any further developments until they have completed other developments satisfactorily.

Cllr. J. Brassil seconded the motion and stated that if a developer has a history of carrying out works without permission this can be used as a reason for refusal in later applications.

18. Involvement of all villages and towns in the county in the National Tidy Towns Competition.

Pursuant to notice given Cllr. M Gleeson PROPOSED:

That the Council would actively encourage, by advice and where possible financial assistance, the involvement by all villages and towns in the County in the National Tidy Towns competition. Such involvement would most certainly further enhance the beauty of our County.

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

Kerry County Council has regular contact with and provides advice to many of the Tidy Towns groups around the county through our environmental awareness programme and through the local area offices. While there is currently no specific County Council budget for the Tidy Towns area, small amounts of funding have been provided to some groups through the Agenda 21 fund and the environmental awards scheme.

Cllr. M. Gleeson stated that in the 1950's and 1960's Killarney town was decrepit but through its involvement in the Tidy Towns Competition there has been a transformation of the town. Some towns do not participate in this competition and he called on the Environment Department to approach 3 or 4 of them a year with a view to encouraging them to become involved in the competition.

20. Completion of Knocklyne Valley Estate, Killorglin.

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

That the County Manager initiate legal proceedings as a matter of urgency against the developer who has failed to complete Knocklyne Valley Estate, Killorglin to a satisfactory standard and who has not complied with planning conditions attached to planning file reference no. 99/467 even though it is now four and a half years since the first house was occupied in this estate.

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

The completion of this Estate has been problematic and considerable resources have been invested by the Planning Authority in pursuing the enforcement of the conditions attached to the permission granted. The Planning Authority has drawn down monies from the bond held in order to implement the landscaping requirements, however, these works were subsequently implemented by the developer. The Planning Authority is now

satisfied that the development is in substantial compliance with the permission granted, however, certain issues of concern as recently raised by the residents in correspondence to the Planning Authority, remain to be addressed. The up to date position in relation to the issues raised is as follows:

(a) Street Lighting

The street lights have been turned on, however, a number of lights are not in working order. The developer has undertaken to address this issue.

(b) Footpaths

On foot of a previous inspection of this development certain repair works considered necessary to the footpaths within the estate were notified to the developer. These repair works have now been completed.

(c) Green Areas

The developer has been requested to remove the fencing erected around part of the green area (area marked A in map submitted by the residents) and has undertaken to comply with this request.

The issue of the dumping of grass cuttings on part of the green area (area marked B on map submitted) is a matter to be addressed by the Management Company in association with the developer.

Further landscaping works remain to be undertaken on the part of the green area marked C and D in the map submitted. A landscape gardener, Cedar Landscapes, has been engaged by the developer and has confirmed that 85 trees have been planted on the overall site during the week of 12th to 16th November and the only work remaining to be done is to 'tidy up around the edges of the kerbing' A further site inspection will now be arranged to confirm that the planting works done are to the satisfaction of the Planning Authority

(d) Sewers

A cctv survey of the foul sewer network has been submitted by the developer and is currently being considered by the Water Services Department.

(e) Roads

The issue of 'manholes dug up since the road was complete' as raised by the residents is currently being pursued with the developer.

(f) Bond

The term of the Bond held as security to ensure the satisfactory completion of this development has been extended to 31st October, 2008.

Cllr. M. Cahill welcomed the report and said that the residents of this estate are very anxious to have all these works completed. Planning permission was granted for this

estate in 1999 and it is still not completed. He called on the council to be tougher with developers who do not comply with the conditions of their planning.

23. Waiting times on the phone for State and Semi-State Companies.

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

That Kerry County Council write to the relevant authorities both in State and Semi-State Companies to halt the practice of long waits on the phone line for very simple matters.

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

Cllr. R. Beasley informed the meeting that he was put on hold on the phone for 20 minutes when trying to contact the ESB. This has also happened when he phone Eircom. This is unacceptable especially for elderly people trying to contact these companies.

Cllr. B. Cronin seconded the motion.

25. Provision of a public Graveyard in Killarney.

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:

Has any progress been made towards the provision of a public Graveyard for the people of Killarney and surrounding areas?

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

Discussions in recent years between the Kerry County Council and the Office Of Public Works, and also between Killarney Town Council and the Office Of Public Works, towards the possible acquisition of a suitable burial ground in the Muckross area have not resulted in success.

Killarney Town Council has also identified another suitable site for development as a burial ground, but Agreement to acquire this land has not been reached.

The Killarney Town Development Plan includes an objective to endeavour to find a site for a new Burial Ground in the vicinity of the town.

The hinterlands of Killarney town are served by the existing graveyards at Aghadoe Old and New, The New Cemetery, Holy Cross – Kilcummin, Dooneen – Kilcummin and Killaba, and there are sufficient plots (more than 1300) available to meet the medium term demand.

There is no Burial Ground in charge of Killarney Town Council.

Cllr. J. Sheahan informed the meeting that the town of Killarney is in urgent need of a new graveyard as many of the graveyards in the surrounding areas are almost full.

Cllr. M. Gleeson informed the meeting that while reading an Act passed by Dáil Éireann in 1932 recently he discovered that Killarney Town Council owns land in the Killarney National Park. The NPWS have stated that they were unaware of this. It involves approx. 2 hectares and Killarney Town Council is presently establishing the legal position.

26. Provision of assistance at all Kerry Rail Stations for disabled people.

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

To call on the C.E.O. of Irish Rail, Mr. Richard Fearn to ensure that there is appropriate assistance at all Kerry Rail Stations to ensure the proper health, safety and treatment of disabled people travelling on Irish Rail.

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

Cllr. B. Cronin stated that this matter was brought to his attention by an MS sufferer who was stranded on a train without any assistance to help her disembark from the Dublin Tralee train. He said that he understood that 18 Train Hosts have been employed by Iarnróid Éireann for the Cork Dublin route. They will provide assistance to disabled people using the train service. He called for the employment of Train Hosts for all trains traveling to and from Kerry.

Cllr. R. Beasley seconded the motion.

29. Advance notification to the members of Kerry County Council of all proposed designation of lands in the county.

Pursuant to notice duly given Cllr. J. O'Connor PROPOSED:

That this Council propose that all future SAC, NHA, SPA Designation by N.P.W.S. in Kerry be brought before a Council Meeting in advance of their proposed designation and that a representative be available to explain the reason for it.

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

Cllr. J. O'Connor informed the meeting that last December over 15% of lands and waters in the country were designated and it is intended that this figure will increase to 18% or 20%. When lands are designated landowners cannot plant their land and this is happening in South Kerry with a resulting loss in earnings for landowners. He proposed that a study be carried out of the economic implications of these designations in the county. He requested that a letter be forwarded to the NPWS asking them to attend a meeting of the council to advise members of proposed designations in future. As a result of this members would then be in position to advise landowners of proposed designations.

Cllr. M. Cahill seconded the motion.

30. Delay on the proposed new route for the By-Pass road from Ballyvourney to Macroom.

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

That we the Members of Kerry County Council express our disappointment and discontent at the recent news that a snail habitat found somewhere in the proposed route for the new by-pass road from Ballyvourney to Macroom will now delay the road building, this further delay will cause immense frustration and hardship for the people of Kerry who use this route daily – Why don't the NRA just move the snails instead of the proposed route and leave the road building go ahead as planned.

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

The species (snail) referred to in relation to the proposed N22 Ballyvourney to Macroom route is a European Union protected species, the area where this species is found is now being classified as Special Area of Conservation (SAC). We understand that Cork County Council are examining alternative routes to avoid the SAC and this will delay the publication of the Compulsory Purchase Order by a number of months until 2008. However it is unlikely to delay the construction start date which was scheduled for post completion of the Major Inter Urban (MIU's) in 2010.

Cllr. D. Healy-Rae stated that he did not accept that this would not delay the construction of this road which is a vital access road for motorists traveling from Kerry to Cork. He requested that a letter be forwarded to the Minister for Environment, Heritage and Local Government requesting that an alternative habitat be found for the snails.

31. Provision of concrete barriers in scenic areas.

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

That this Council makes a decision with regard to the erection of concrete barriers throughout the County and the fact that many local people are completely opposed to them as they destroy the beautiful scenery. Obviously we have to protect road users but surely there is a better way than what we are doing at present. Coomacista is one example where they look awful.

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.

Kerry County Council are working in consultation with the NRA inspectors, 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.

Cllr. M. Healy-Rae accepted that genuine efforts would be made to resolve this situation.

Cllr. M. Gleeson suggested that a safety wall be integrated into a safety barrier.

Cllr. M. Cahill asked how much would concrete bollards cost?

In response Mr. C. O'Sullivan, Director of Road, Transportation and Safety informed members that there is a five to a six meter drop on the side of the road. For this reason a retaining wall would be more expensive.

Cllr. M. Cahill requested that a report be circulated to members on the cost of proposed works at this location.

32. Budget for coastal erosion.

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

That Kerry County Council provide a specific annual budget for coastal protection works in Kerry as a matter of urgency so that the yearly erosion of our valuable coastline is at least slowed down.

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

Every year Kerry County Council does provide a budget for coastal protection measures under the coastal development fund. It should be noted that this fund is made available to cover the 25% contribution required towards the costs of coastal protection works, with the balance of the monies coming from the Department of Communications, Marine & Natural Resources.

The real issue with the funding of coastal protection works has been that the resources made available by the Department of Communications, Marine and Natural Resources on an annual basis to cover the entire country were very limited. The need for greater funding is actually a national funding issue rather than a local KCC issue.

A case can also be made that the type of works involved should be 100% funded by the national exchequer. The recent Inch project cost €4m and is not yet complete. Kerry County Council has not yet received the 75% from government towards the cost of this project and is carrying the entire cost of the project at this time. Notwithstanding this, the 25% contribution which is in excess of €1m is still very onerous on the Councils resources.

Cllr. M. Cahill stated that the Department should be responsible for funding all coastal protection works. The Kerry coastline is being eroded at an alarming rate. Last week the council provided a substantial amount of rock for two slips to give protection to them and this is very welcome. He stated that it was a disgrace the both Departments have not yet paid the council for works carried out at Inch. He suggested that a letter be sent to them demanding payment immediately.

Cllr. R. Beasley supported the motion.

34. Road improvements near Flynn's Funeral Home in Castlemaine.

Pursuant to notice duly given Cllrs. M. Healy-Rae & D Healy-Rae PROPOSED:

"That the County Engineer makes a statement in relation to the ongoing terribly dangerous situation near Flynn's Funeral Home in Castlemaine where it is in complete darkness and somebody will be killed at this location. Despite numerous politicians making representations with regard to this, I now call on the County Engineer to ensure that a specific grant be allocated, in the interest of public safety, to erect lights at this location as soon as possible."

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

This request has been the subject of numerous representations and Notices of Motion over the past number of years. The Roads, Transportation and Safety Department can confirm that work has commenced on constructing a footpath and associated public lighting on the N70 National Secondary Road between Brackhill Cross and Flynn's Funeral Home in Castlemaine. This work is being substantially funded by Kerry County Councils own resources.

Cllr. M. Healy-Rae welcomed the report.

Cllr. J. Brassil informed the meeting that he wished to move Motion No. 35 on behalf of Cllrs. T. Fleming and C. Miller.

This was agreed.

35. Extension of the closing date for application for the Local Improvement Schemes.

Pursuant to notice duly given Cllrs. T. Fleming & Cllr. C. Miller PROPOSED:

That the County Engineer extend the closing date for two weeks for the Local Government Improvement Schemes applications.

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

The closing date for receipt of applications for inclusion in the Local Improvements Scheme was Friday, 12th October 2007. At the request of the Members at the October Council Meeting the closing date was extended to Friday, 19th October 2007.

Cllr. J. Brassil proposed that the closing date for receipt of applications be extended to the end of November.

Cllr. R. Beasley seconded this proposal and it was agreed.

Mr. C. O'Sullivan informed members that there are 300 applications on file from 2004 and there will be at least another 100 new applications. If the closing date is extended it would delay the assessment of these applications.

36. Provision of a water softener for Chapeltown and Ardfert Water Supply Schemes.

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

That the Water Services Department would make provision for a water softener for Chapeltown and Ardfert Water Supply Schemes.

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

The bored wells of Ardfert Water Supply Scheme produce approximately 360,000 gallons per day. Chapeltown springs, which are the sources of the Fenit Water Supply Scheme, currently produce in excess of 100,000 gallons per day.

The combined schemes serve a population of approximately 3,000.

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The water quality in both Schemes complies with the E.U. Regulations for drinking water, but the water is 'hard', i.e. has high calcium carbonate content.

It would cost circa €500,000 in capital expenditure, and a further annual expense of €150,000 to 'soften' the Fenit and Ardferf water.

The treatment of water to reduce 'hardness' is not included in the Government's €122,000,000 Kerry Water Services Investment Programme 2007-2009, and it is not included in the Kerry County Council's Water Services Assessment Of Needs 2006, which lists works of value €160,000,000.

Cllr. T. Ferris stated that this issue was discussed on numerous occasions both at area level and at full council meetings. There is a water softner in Ballyheigue but not in Ardferf or Chapeltown. As a result electrical appliances must be replaced more frequently. She called for equality of treatment for the people of these areas.

Cllr. A. McEllistrim seconded the motion.

07.11.26.24 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. B. MacGearailt, M. Healy-Rae, T. O'Brien, B. O'Connell, P. O'Donoghue, N. Foley,, M. O'Shea, M. Cahill and J. Sheahan at the 2007 Nuclear Free Local Authorities Annual General Meeting & 9th Irish & UK Local Authorities Standing Conference on Nuclear Hazards to be held in the City Hall & Central Hotel, Dublin on the 6th & 7th December, 2007. Cllr. M. Healy-Rae was nominated to report back to the council on this Conference.
- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Healy-Rae it was agreed to authorise the attendance of Cllrs. C. Miller and M. Healy-Rae at the Local Government Budget Conference to be held in the Carlton Milrace Hotel, Bunclody, Co Wexford on the 1st December, 2007. Cllr. C. Miller was nominated to report back to the council on this Conference.
- (c) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Cllrs. B. MacGearailt, T. O'Brien, B. O'Connell, J. Sheahan and M. Healy-Rae at the Island of Ireland Partnership Pathfinding Conference to be held in the Regency Hotel, Swords Road, Dublin on 1st December, 2007. Cllr. B. MacGearailt was nominated to report back to the council on this Conference.
- (d) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. M. Cahill it was agreed to authorize the attendance of Cllrs. M. Healy-Rae and M. Cahill at The Congress of the Council of Europe Conference entitled "The elected executive and the local authority chief executive – a delicately balanced and complementary partnership" to be held at the Palais de l'Europe in Strasbourg on the 17th – 18th January, 2008. Cllr. M. Healy-Rae was nominated to report back to the council on the Conference.
- (e) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Sheahan it was agreed to authorize the attendance of Cllrs. M. Healy-Rae, B. O'Connell, J. Brassil and P. O'Donoghue at the Woulfe Event Management Seminar on Crime to be held in the Greenhills Hotel, Limerick from the 24th – 25th January, 2008. Cllr. J. Brassil was nominated to report back to the council on this Seminar.

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- (f) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. P. Leahy it was agreed to authorize the attendance of Cllrs. C. Miller, M. Healy-Rae, T. O'Brien, B. O'Connell, M. O'Shea and J. Sheahan at the Department of Health and Children in partnership with the Population Health Directorate of the Health Service Executive Conference on Community Action on Alcohol to be held in the Croke Park Conference Centre, Dublin on the 4th December, 2007. Cllr. B. O'Connell was nominated to report back to the council on this Conference.
- (g) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Ferris it was agreed to authorize the attendance of Cllrs. D. Kiely, B. O'Connell, M. Healy-Rae and T. Ferris at the Confederation of European Councillors Seminar to be held in Enniskillen on the 7th December, 2007.
- (h) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Sheahan it was agreed to approve the attendance of Cllrs. M. O'Shea and D. Kiely at the Downpatrick Listowel Linkage Group EU Town Twinning Conference held in Downpatrick from the 25th – 27th October, 2007
- (i) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllrs. D. Kiely, T. Fleming, M. Healy-Rae and J. O'Connor at the Shannon Development National Conference held in Tarbert on the 14th November, 2007.
- (j) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to approve the attendance of Cllrs. R. Beasley and B. MacGearailt at the Douglas Hyde Conference held in Ballaghaderreen, Co Roscommon on the 26th – 28th October, 2007.
- (k) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. J. O'Connor at the NASC European Briefing Programme held in Brussels from the 20th – 21st November, 2007.
- (l) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to approve the attendance of Cllr. J. O'Connor at the Listowel Seanchai Conference held on the 6th – 7th September, 2007.
- (m) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Sheahan it was agreed to approve the attendance of Cllr. C. Miller at the Kilkee Waterworld Conference held in Kilkee, Co Clare on the 6th – 7th September, 2007.
- (n) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. Leahy it was agreed to approve the attendance of Cllr. C. Miller at the Merriman Summer School held in Lisdoonvarna, Co Clare from the 19th – 23rd August, 2007.
- (o) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. J. Sheahan it was agreed to approve the attendance of Cllr. B. MacGearailt at the Merriman Summer School held in Westport, Co Mayo from the 26th – 29th January, 2007.
- (p) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Healy-Rae it was agreed to approve the attendance of Cllr. B. MacGearailt at the Sherkin Island Conference held in Carrigaline, Co Cork from the 28th – 30th March, 2007.

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- (q) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Healy-Rae it was agreed to approve the attendance of Cllr. B. MacGearailt at the NASC Conference held in Cork on the 3rd – 4th October, 2007.
- (r) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. Sheahan, it was agreed to approve the attendance of Cllr. B. MacGearailt at the Dún Laoghaire/Rathdown Conference held in Dún Laoghaire from the 11th – 12th October, 2007.
- (s) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. M. Cahill, it was agreed to approve the attendance of Cllrs. B. MacGearailt, T. Fleming, J. O'Connor and M. O'Shea at the LAMA Winter Seminar held in Carlow on the 9th – 10th November, 2007
- (t) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Leahy, it was agreed to approve the attendance of Cllr. P. McCarthy at the Shell Livewire Awards on the 23rd October, 2007.
- (u) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Energy, Security and Climate Change Conference held in Dublin on the 7th November, 2007.
- (v) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. R. Beasley, it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Official Launch of the Collector-General's Office in Kiltrush, Co Clare on the 31st October, 2007.
- (w) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Training Seminar for Councillors on Effective Communications held in Letterkenny, Co Donegal from the 16th – 18th November, 2007.
- (x) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to approve the attendance of Cllr. M. Healy-Rae at the "Changing the Landscape" Conference held in Croke Park Conference Centre on 12th November, 2007.
- (y) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Nano Technology – Implications for Human Health, The Environment and Foods Safety Conference held in Dublin on the 2nd November, 2007.
- (z) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Leahy it was agreed to approve the attendance of N. O'Sullivan at the Library Conference held in Portlaoise from the 24th – 26th April, 2007.
- (aa) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. Sheahan, it was agreed to approve the attendance of Mayor M. Healy-Rae at the meeting with Oireachtas members and the County Manager and the NRA on the 13th December, 2007.
- (bb) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill, it was agreed to approve the attendance of Mayor M. Healy-Rae at the Combat Poverty Agency Annual Conference to be held in Dublin Castle Conference Centre on Tuesday 11th December, 2007.

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07.11.26.15 Correspondence General

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

1. Letter dated 9th October, 2007 from the HSE regarding the provision of a second entrance to Kerry General Hospital.
2. Letter dated 23rd October, 2007 from Eircom regarding the removal of public pay phones.
3. Letter dated 23rd October, 2007 from the Office of the Minister for the Environment, Heritage and Local Government regarding the revision of planning legislation.
4. Letter date 31st October, 2007 from Éamon Ó Súilleabháin, Runaí Coiste Chontae Chiarraí CLG. Thanking the members for hosting a Civic Reception in their honour.
5. Letter dated 7th November, 2007 from the Office of the Minister for the Environment, Heritage and Local Government regarding the taking in charge of estates.
6. Letter dated 8th November, 2007 from the Office of the Minister for the Environment, Heritage and Local Government concerning the extension of voting rights for local and general elections to Irish born people living within the EU.
7. Letter dated 8th November, 2007 from the Office of the Minister for the Environment, Heritage and Local Government concerning septic tanks.
8. Letter dated 7th November, 2007 from the Office of the Minister for the Environment, Heritage and Local Government in connection with Special Areas of Conservation.
9. Letter dated 8th November, 2007 from Monaghan County Council regarding a resolution adopted by that authority concerning (a) calling on the Government to reverse the Habitual Residency condition for certain social welfare payments and (b) calling on the Government to speed up the process of determining the status of those seeking asylum.
10. Letter dated 9th October, 2007 from Kildare County Council regarding a resolution adopted by that authority requested an amendment to Section 246(b) of the Planning Act 2000 which requires a public representative to pay a statutory fee of €20 in respect of a submission made on a planning application.
11. Letter dated 6th November, 2007 from Galway County Council regarding a resolution adopted by that authority calling on the Minister for Environment, Heritage and Local Government to remove the cap (€10,000 per house) on the amount of money he is prepared to provide for sewerage schemes in accordance with Circular L7/06.

07.11.26.27 Any other business.

Cllr. J. Brassil requested clarification on the new proposals for the Ring Road in Tralee.

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In response Mr. C. O'Sullivan, Director of Roads, Transportation and Safety stated that following a traffic review by the NRA it has been decided to move the access point further out the N69 Listowel road. He hoped to get approval for the CPO in the near future. A new route has been selected and this was outlined to members at the Tralee Electoral Area Meeting recently.

Cllr. J. Brassil asked what was the timescale for the completion of this roads project.

Mr. C. O'Sullivan stated that the report on the route selected was sent to the NRA. This will involve a variation to the County Development Plan and it is intended that this variation will be considered by members at the March 2008 council meeting. The NRA will only permit 1 access and they are opposed to the roundabout at Ballinorig. At the October meeting it was agreed that a letter would be forwarded to the NRA requesting them to include this roundabout in the project. A response is awaited from the NRA.

Cllr. J. Brassil pointed out that the roundabout at Ballinorig is important to the proposed developments for that area and could jeopardize these developments.

Mr. C. O'Sullivan informed members that a deputation of Oireachtas members, the Mayor and senior officials would be meeting with the NRA shortly and this matter would probably be discussed at that time.

Cllr. M. Cahill requested that a case be made to the NRA at that time for funding for the Ring of Kerry road.

Cllr. D. Healy-Rae requested that the deputation insist on additional funding for national secondary roads. He also requested that funding be made available in 2008 for a new roundabout at Shinnagh Cross.

Mr. C.O'Sullivan informed members that he had not received a formal notification of grants from the NRA for 2008 but he understood there would be a substantial reduction in these grants.

The meeting concluded at 4.50pm.

Gerard O'Brien

A/SEO Corporate Affairs

Mayor of Kerry

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