

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY 24th SEPTEMBER, 2007.

MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 24 MEAN FÓMHAIR, 2007.

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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|----------------|--------------------|---------------|
| 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 | M. O'Shea | L. Purtill |
| J. Sheahan | | |

IN ATTENDANCE/I LÁTHAIR

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| 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, A/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. M. Boyce, SEE, Environment | Ms. U. Cosgrave, HO, Arts & Heritage |
| Ms. B. Reidy, S.S.O. Corp. Affairs | Ms. A. O'Sullivan, CO Corporate Affairs |
| Ms. K. Felle, CO Corporate Affairs | |

The meeting commenced at 10.40am.

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

The Mayor commenced the meeting with a prayer.

Vote of Sympathy

The Mayor extended a vote of sympathy to Ms. Sheila Broderick, Area Meetings Administrator, on the sudden death of her husband John.

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

Cllr. D. Healy Rae extended a vote of sympathy to the family of the late Thomas Mitchell who died tragically in a workplace accident. He worked with Mr. Mitchell a few months ago and that he was an excellent worker.

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

Removal of Éircom Payphones in villages throughout the county

Cllr. B. Cronin informed the meeting that Éircom notices have been put on payphones in villages, advising members of the public that it is intended to remove them by 22nd October. He proposed that the elected members of Kerry County Council reject this proposal by Éircom. He added that under EU Regulation Éircom is governed by the Universal Services Providers Directives and he called on Éircom to honour that commitment and to maintain the payphones, which have been in rural villages for decades. In conclusion he stated that this move by Éircom is a further attack on services in rural Kerry. He requested that the motion be forwarded to Mr. Edmonds, Regional Payphone Manager with Éircom. He added that it would be more appropriate that Éircom would provide these areas with broadband rather than removing the payphones. He urged all members to write individually to Mr. Edmonds to ensure that this vital service is retained.

Cllr. M. Healy Rae seconded the motion and all members present supported it.

Removal of Éircom poles in the Killarney Electoral Area

Cllr. D. Healy Rae said that when Kerry County Council requested Éircom to move a pole in the Killarney Electoral Area they were requested to pay a sum of €20,000. This is exorbitant and he called on the council to ensure that Éircom is not permitted to erect any poles in future without first getting the permission of the council.

Cllr. P. McCarthy agreed with the sentiments expressed by Cllr. D. Healy Rae and said that if poles are positioned where they are a danger, Éircom should move them at their own expense.

The Mayor informed the meeting that Mr. C. O'Sullivan, Director of Roads & Transportation, will follow up on this issue.

Vote of Congratulations to the Manager and Players of the Kerry Football Team on winning the All-Ireland Final

The Mayor congratulated the Management and the Kerry team on their excellent performance during the season and in particular on winning the All-Ireland Final. He added the players are great role models for the players of the county. He thanked Daragh Ó Sé for taking time out of his busy schedule the week before the All-Ireland to help Kerry County Council launch the Driver Safety Campaign. He added that if a date could be agreed with the Kerry County Board, a Civic Reception would be held to honour the Kerry Team.

07.09.24.01 Mayor's Report on the CPG meeting held on the 20th September, 2007

The Mayor read the following report into the record of the meeting.

At the outset the Mayor congratulated the Kerry Football Team on winning the All Ireland Final.

Vote of Sympathy

Cllr. R. Beasley extended a voted of sympathy to Sheila Broderick on the death of her husband.

Item 1 – Agenda for September Council Meeting

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

In relation to Item 11 Kerry County Council's submission on the Draft Management Plan for Skellig Michael World Heritage Site the Mayor informed the meeting that the proposed plan does not provide for the transferring of a boat licence to family members. The CPG recommended that in relation to ferries operated to and from Skellig Michael that the licence for the ferry should be transferable within families to recognise the unique culture and the contribution of these families down through the years.

Ms. A. Haugh, Director of Environment, briefed members on the report on the current position in relation to the Rossbeigh Caravan Park.

Mr. J. O'Connor, Head of Finance, informed the meeting that with regard to the Caravan Park in Rossbeigh a genuine effort was made to secure approval for it. However, a negative decision was issued by An Bord Pleanála and that is effectively the end of the caravan park in Rossbeigh.

Mr. J. O'Connor, Head of Finance, briefed members on the guidelines for the establishment of Joint Policing Committees. The total membership would be 25 including 14 elected members. It was recommended that there would be 2 members from each electoral area and the four largest electoral areas would get the remaining 4 positions. The Mayor will be an ex officio member.

Item 2 County Development Board

The Mayor stated that the CDB meeting to be held on Friday 21st September was clashing with the Killorglin Area Meeting. The CPG recommended that CDB meetings would be held after Corporate Policy Group meetings.

Item 7 Update on local authority Audit Committees

Mr. J. O'Connor, Head of Finance, informed the meeting that the Local Government (Business Improvement Districts) Act, 2006 requires the setting up of audit committees within county councils. The function of the committee will be to review financial and budgetary procedures, review the Local Government Auditors and Internal Auditors Reports, to promote value for money and to look at control processes within a corporate governance setting. Local authorities have been asked to put arrangements in place by the end of October to establish audit committees. The committee will consist of 5 members, 3 external and 2 councillors. The Chairperson will be one of the external members and council officials cannot be members. The lifetime of the committee will be for the duration of the present council and it is intended that the committee will meet at least 4 times a year. The Audit Committee will report to the elected council and to the Manager on an annual basis.

Cllr. R. Beasley proposed that there would be one member from North Kerry and one member from South Kerry on the Audit Committee.

The CPG noted the position regarding the establishment of an Audit Committee and recommended that one member would be from North Kerry and the other from South Kerry and that Cllr. M. Healy-Rae would be the nominee from South Kerry.

07.09.24.02 Confirmation of Minutes

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. M. Connor-Scarteen, it was resolved that the minutes of the Ordinary Meeting of Kerry County Council held on 16th July 2007 be confirmed.

07.09.24.03 Filling of the casual vacancy on the Council following the election of Senator Ned O'Sullivan to the Seanad.

At the outset the Mayor said he wished to congratulate Senator Ned O'Sullivan on his great achievement on being elected to the Seanad. He also congratulated Senators Paul Coughlan and Mark Daly on their election to the Seanad. Prior to the Senate Elections in 2007 Kerry had just 1 Senator, but now it has 3 in the Upper House, and this should be of real benefit to the County. Senator Ned O'Sullivan will be missed from Kerry County Council as he brought a wealth of experience and knowledge to the Chamber. He was courteous and helpful in the Chamber at all times.

All members present congratulated Senator O'Sullivan on his marvelous achievement in being elected to the Senate. They complimented him on his tireless work for the people of North Kerry during his time as a county councillor and a town councillor and they wished him every success in the future.

Mr. T. Curran, County Manager, on his own behalf and on behalf of the staff of the Council, congratulated Senator O'Sullivan on his election to the Senate. He said that Senator O'Sullivan was always very articulate, honest and courteous and while he was tough, he was always very fair. He wished both himself and his family every success and added that it is important that Kerry has a strong voice in both the Dáil and the Senate. In conclusion he said that he wished forward to working with Senator O'Sullivan and all other Oireachtas member in the future.

In response, Senator O'Sullivan said that it was a day of mixed emotions. He was taking leave of Kerry County Council and he had enjoyed working as part of that great team for the betterment of the county in the past. He stated that he was honoured and delighted to be elected to the Senate and he looked forward to the challenge ahead. Kerry would always be uppermost in his mind and he said that any assistance he could afford the members of Kerry County Council, he would be very glad to do so. He said that he was keenly aware of all the help and support he had received from his fellow councillors in his election and he hoped that he would be deserving of their trust. He also thanked his party members and said that he deeply appreciated the cross party support that he received. Being Mayor of Kerry in 2004 was one of the great achievements of his political career and he had very fond memories of that year. He added that there are 3 other Kerry people in the Senate – Mark Daly, Paul Coughlan and Joe O'Toole, and they would all work together on behalf of the county. He said that he was saddened to be leaving local Government after 25 years service. He welcomed Dan Kiely back into politics and said that Dan was instrumental in getting him involved in politics in 1981.

Senator O'Sullivan said that it is very fashionable to deride the work of politicians, but only elected members know how difficult the work of an elected member can be and elected members are doing tremendous work on behalf of their constituents. He thanked officials of the Council for their support throughout the years, and this included both indoor and outdoor staff. In conclusion he commiserated with Councillors Cahill

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and Fleming who narrowly missed being elected to the Senate. He said that he looked forward to serving all 27 members of the Council equally over the coming years.

The Mayor then called for nominations for the filling of this casual vacancy.

Cllr. J. Brassil said that it gave him great pleasure to nominate Dan Kiely for the position. Dan is a long serving member of Fianna Fáil and was first elected to Kerry County Council in 1979 where he served until 2002. He then served in Seanad Éireann and he has always been a loyal supporter of the Fianna Fáil party.

Cllr. N. Foley SECONDED this proposal and added that Dan Kiely would bring a wealth of experience to the Chamber and the people of North Kerry would be the beneficiaries of his determination.

The Mayor declared Cllr. Dan Kiely co-opted to fill the casual vacancy on the Council following the election of Senator Ned O'Sullivan to the Seanad.

Cllr. D. Kiely then took his seat.

The Mayor welcomed Cllr. Kiely back to Kerry County Council and said that he was a tireless worker for the people of North Kerry.

Cllr. D. Kiely congratulated Senator Ned O'Sullivan on his election to the Senate and thanked Management and Senior Staff for the courteous manner in which they always treated him.

All members present congratulated Cllr. Kiely on his co-option to the Council.

Mr. T. Curran, County Manager, welcomed Cllr. Kiely back to the Council Chambers and said that he looked forward to working with him in the future.

07.09.24.04 Filling of casual vacancies on the following Boards

The Mayor called for nominations for the filling of casual vacancies on the following boards:

- Shannon River Basin District Advisory Council
- North Kerry Together
- Kerry Education Service

Cllr. J. Brassil PROPOSED that Cllr. D. Kiely be nominated to fill these casual vacancies.

Cllr. N. Foley SECONDED this proposal and it was unanimously agreed .

07.09.24.05 Filling of casual vacancy on the Transport SPC

The Mayor called for nominations for the filling of casual vacancy on the Transport SPC.

Cllr. J. Brassil PROPOSED that Cllr. D. Kiely be nominated to fill this casual vacancy.

Cllr. N. Foley SECONDED this proposal and it was unanimously agreed .

07.09.24.06 Selection of Chairperson of the Transport SPC

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. N. Foley, it was unanimously agreed to nominate Cllr. D. Kiely as Chairperson of the Transport SPC.

07.09.24.07 Approval for the raising of a loan of Eur. 10.0m for the purpose of Voluntary Housing (Rental Subsidy)

Mr. J. O'Connor, Head of Finance, referred member to his report on this item, which was circulated. He informed the meeting that the Council is the final lending authority to the voluntary organisations who provide housing in accordance with the National Voluntary Housing Capital Loan and Subsidy Scheme to eligible people. The Council raises the funds from the Housing Finance Agency. The costs of the loan charges and subsidy payments are recovered from the Department of the Environment, Heritage & Local Government and accordingly there are no costs to the Council funds arising from these payments. The approval of the Council was sought to the raising of a loan up to a limit of Eur. 10m for the purposes of this scheme.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. by Cllr. B. Cronin, it was unanimously agreed to approve the raising of a loan of Eur.10m for the purpose of Voluntary Housing (Rental Subsidy).

07.09.24.08 Disposal of Property

- (a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. N. Foley it was unanimously agreed to dispose of a plot of land measuring 0.635 acres approximately at Dromnacurra, Causeway to Ms. Margaret Spillane, Ballinclogher, Lixnaw in accordance with the terms of notice issued 6th September, 2007 pursuant to Section 183 of the Local Government Act, 2001.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. C. Miller it was unanimously agreed to dispose of a plot of land measuring 0.065 acres approximately at Furhane, Rathea to Christopher Myles Porter and Josephine Porter in accordance with the terms of notice issued 5th September, 2007 pursuant to Section 183 of the Local Government Act, 2001.
- (c) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. M. Connor-Scarteen it was unanimously agreed to dispose of house No. 20 together with its plot of land at Killowen, Kenmare to Seamus MacGearailt and Siobhán Clifford, Killowen, Kenmare in accordance with the terms of notice issued 11th September, 2007 pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.
- (d) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. D. Healy-Rae it was unanimously agreed to dispose of house No. 23 together with its plot of land at Killowen, Kenmare to Jane Sayers, 11 April Drive, Kenmare in accordance with the terms of notice issued 11th September, 2007 pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

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- (e) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. B. Cronin it was unanimously agreed to dispose of house No. 30 together with its plot of land at Dromin Upper, Listowel to Claire Sweeney and Keith Brennan, 3A The Forge, Listowel in accordance with the terms of notice issued 11th September, 2007 pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

07.09.24.09 (a) South-East Kerry Settlements Draft Local Area Plan
(b) West Iveragh Settlements Draft Local Area Plan

Mr. M. McMahon, Director of Planning, informed the meeting that this is the latest suite of plans to be prepared. They cover 22 settlements in South Kerry from Kells on the West side to Scartaglin and Gneeveguilla on the east side. The Draft Plans would then be placed on public display and members of the public will be invited to make observations or submissions. The Manager's Report, setting out details of submissions together with our recommendations on the submissions received would be presented to the members for consideration in December. Work is now commencing on the last two Local Area Plans which will cover 17 settlements in Mid Kerry and the east side of the Dingle Peninsula and these will be launched in February 2008.

All members welcomed the Draft Local Area Plans for these areas and complimented the Forward Planning Department on the preparation of a large number of Local Area Plans.

Cllr. J. Brassil informed the meeting that a number of planning applications in his area were refused in recent times on the grounds that they were premature pending the adoption of Local Area Plans, despite the fact that the sites the subject of the applications were outside the plan area. He asked that there be co-operation between the Forward Planning Unit and Development Control on this issue as he felt it was not a valid reason for refusal. He added that if the site is in the town and it is recommended to be zoned, that common sense should prevail. On the Friday before the Ballyheigue Local Area Plan was adopted, an application for a development on a site, which was to be zoned in the Plan was refused and he felt this was unreasonable.

Cllr. D. Healy- Rae said that he felt this Local Area Plan was an ideal opportunity to zone land in Glenflesk for development. He acknowledged that this would be hampered by the N22, which goes through the village. However, there is a vibrant shop and post office there, which is the nucleus of the village, and it should be possible to construct an additional road to exit onto the N22 near the junction. He requested that this be considered.

Cllr. M. Connor-Scarteen welcomed the inclusion of Glenflesk in the Draft Local Area Plan and said that a number of people had made submissions, which unfortunately were not included. He asked if they could make further submissions.

Cllr. M. Cahill referred to Kells, which is a beautiful area and noted that limited development was provided for in the Draft Local Area Plan. He requested that the area provided for development in Kells would be broadened. He added that there is no wastewater treatment in Kells and he understood there was no proposal for one. He suggested that a wastewater treatment facility should be provided in Kells as it is a premier tourist area. The preparation of the Draft Local Area Plans also presents a

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golden opportunity to identify additional marinas, which would be developed around the coastline of Kerry. He suggested that consideration be given to this also.

Cllr. B. Cronin referred to the Local Area Plans already adopted and said that areas have been identified for town squares, amenity areas, car parking etc. He called on the Council to assist communities in the development of these facilities, which are crucial to the growth and development of their areas.

Cllr. T. Fleming requested the staff from the Forward Planning Unit to meet with the local people affected by these Local Area Plans at an early date to clarify issues for them. He referred to the Local Area Plan for Glenflesk and said that he understood the logic of providing a sewerage treatment plant was to provide for development and he understood that Glenflesk is included in the priority list for a sewerage treatment plant. By not providing for adequate development in Glenflesk it is going against all reasonable arguments and as a satellite residential area for Killarney it is important to identify development areas in Glenflesk.

Cllr. D. Healy-Rae asked the County Manager if it was right to zone land for amenity purposes without first consulting the landowner. He added that he fully supported the provision of amenity areas and car parks throughout the county.

In response Mr. T. Curran, County Manager, stated that this issue was raised on a number of occasions. The purpose of the Local Area Plans is to provide for the development of the area for the future and it is important to zone for open spaces, car parking etc. at what is considered to be the best location. At the time the land is being zoned the Planning Department does not try to identify the landowner but it is hoped that the land would become available in the future. The Local Area Plans sets out how a village will develop into the future in a sustainable manner rather than reacting to development as it occurs. Councillors take all concerns on board and adopt the Local Area Plans accordingly. He again stated that the function of the Council is to zone land for the appropriate uses and it cannot consult with landowners in advance of zoning the land.

Mr. T. Sheehy stated that in response to Cllr. Brassil's query relating to the refusal of planning permission prior to the adoption of a plan Local Area Plans are not in place until they are finally adopted, and if a decision is due this must issue. He informed the meeting that where an urban design statement is required for a specific development items could be conditioned into the planning permission, which are not in the application. He then referred to member's queries on Glenflesk and stated that the plans set out the Forward Planning's vision for the settlement into the future. Glenflesk is on a National Primary route, which is important in the connectivity of the County with Cork, and anything that would compromise that cannot be considered. He then referred to Gneeveguilla and said that some land is not suitable for development and there is a dispersed rural settlement there. Some of the land is prone to flooding and he advised members that the plan is for a period of 6 years.

Mr. Sheehy pointed out that the Council does not have the resources to provide Sewerage Treatment Facilities for lands already zoned and said that was the logic behind the Forward Planning Units provision for Glenflesk. He informed the meeting that the plans would be put on display on Wednesday and submissions would be invited over a

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period of 6 weeks. All submissions received will be examined - while some would be included, others would not. Anyone who previously made a submission can do so again.

Cllr. M. Healy-Rae asked if an individual had already made a submission, which was not included, must they put in exactly the same submission again.

Mr. T. Sheehy said that an individual must make a new submission.

The Mayor asked the Press to make it clear that this is the case.

Mr. T. Sheehy stated that anyone who had already made a submission has been notified officially that they must again make a submission if they want it to be included in the future. He pointed out that in the review of the County Development Plan, which will be commencing shortly, an objective could be included in a broad context regarding the provision for piers around the coastline subject to consultation with the Roads and Transportation Department.

Cllr. M. Cahill requested that this objective be included in the 2 plans presently before the Council and that others could then be included in the review of the County Development Plan.

Mr. T. Sheehy informed the meeting that such a facility could only be provided through funding from a Development Contribution Scheme and he hoped there would be support for an Amenity Contrition Scheme to fund amenity facilities, which are crucial for the development of any town.

Mr. O. Ring advised members that the programme for water and sewerage schemes was formally adopted at the July Council Meeting. Plans are being prepared for 30 villages at present and a preliminary report has been prepared for Glenflesk. This is included in the Water Services Investment Programme, but these must be proofed against affordability.

07.09.24.10 Proposed Caravan Park at Rossbeigh

Ms. A. Haugh, Director of Environment, referred members to her report dated 20th September 2007, on this item, which was circulated. She informed the meeting that the recent decision of An Bórd Pleanála to refuse permission for the development of a Caravan Park at Rossbeigh Spit was circulated to members. The National Parks & Wildlife Service had objected to damage being caused to the dunes and the decision of Management to close the Caravan Park pending the granting of permission by An Bórd Pleanála was controversial. However, following discussions with members, there was a clear decision to pursue the development of a caravan park at the same location. Every effort was made in the application to present the optimum chance of success. Members agreed to change the location of the Caravan Park to what was considered to be a less sensitive site and sites outside of the Spit were not considered. The primary objection by An Bórd Pleanála is the status of the Spit and the perceived negative impact on it by this development. She added that any proposed development of this nature on any part of the Spit would meet the same response. During the course of this process it was made clear to members that the existing site had to be closed and if a negative decision was issued by An Bórd Pleanála this site would remain closed. The only option at this point in time is for the private sector to provide a Caravan Park outside of the Spit area. Any further action by Kerry County Council on this matter would be futile on ecological grounds.

Cllr. M. Cahill said that this has been ongoing for a number of years and the former County Manager closed this Caravan Park 2 years ago. It had a major impact on the area and since the site was closed there has been considerable damage to dunes area which is like Mondello Park, yet the National Parks and Wildlife Service and An Taisce are not highlighting this. He requested that a letter be forwarded to Minister John Gormley asking what plans have the National Parks and Wildlife Service for the protection of the dunes in Rossbeigh. He also asked that the damage to date be outlined. He complimented the people who looked after the dunes down through the years and ensured that no damage occurred. He also requested that consideration be given to the provision of a toilets for people with disabilities at the entrance to the beach. He asked that some form of accommodation be provided for camper vans and that a small site be provided for them at the furthest away point from the dune area. He pointed out that the EIS failed to consider less damaging sites and he requested that contact be made with An Bórd Pleanála to establish what area they were referring to.

Cllr. T. Fitzgerald supported the sentiments expressed by Cllr. Cahill and said that it was wrong that this area was being deprived of such an excellent facility. He added that the damage caused to the sand dunes since the closure of the Caravan Park is a scandal.

Cllr. M. Healy-Rae stated that, in the past, Cllr. Cahill had rightly predicted that if this Caravan Park was closed there would be damage to the sand dunes and this is what has transpired.

07.09.24.11 Kerry County Council's submission on the Draft Management Plan for Skellig Michael World Heritage Site 2007 – 2017

The Mayor requested that the recommendation from the CPG be included in Kerry County Council's submission on the Draft Management Plan for the Skellig Michael World Heritage Site 2007 – 2017.

Mr. J. Breen, Director of Housing, Community & Enterprise confirmed that it would. Mr. Breen referred members to his report dated 13th September 2007 on this item, which was circulated. The Draft Management Plan for Skellig Michael World Heritage Site was published by the Department of Environment, Heritage & Local Government and initially submissions were to be received by the end of August. However this was extended to the 28th September. The report circulated outlines the issues involved and he said that this is the only World Heritage Site in the county and there are only 2 in the entire country. A number of issues have been highlighted in the report including visitor's access for outside boats to bring people to Skellig Michael and also the use of it for sports. He outlined the main comments on the Draft Management Plan from an archaeological and a natural heritage perspective under the following headings:

- Popularity of the area with sports divers
- Public toilets/facilities/waste management/spoil management
- Marine management
- Alien species policy
- Control of access out of season
- Provision of access for more extended duration
- More regular contact with Kerry County Council regarding works programme
- Publication and distribution of brief Annual Bulletin

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Cllr. M. Cahill welcomed this report and said that Skellig Michael is one of the few world heritage sites in the country. It is a tremendous facility for the thousands of visitors that go there each year. In the past he had requested that consideration be given to the provision of a safety rope rail. This is necessary as it is an exceptionally dangerous area for the elderly and children. While he understood the importance of protecting Skellig Michael, there are genuine safety concerns for visitors. He requested that the Department reconsider their position on the provision of a rope railing even on one side.

The Mayor stated that this could be incorporated in the submission from Kerry County Council.

Mr. J. Breen, Director of Housing, Community & Enterprise undertook to do this.

07.09.24.12 Report on the establishment of Joint Policing Committees

Mr. J. Breen, Director of Housing, Community & Enterprise referred members to his report dated 13th September 2007 on this item which was circulated. He stated that in Kerry there would be one Joint Policing Committee and the membership will consist of 14 local authority members with at least 2 from each electoral area. The Mayor will be an ex officio member of the committee and each political grouping on the Council must be represented on the committee. The committee will also include 5 members of the Oireachtas, the County Manager shall be an ex officio member and the person nominated by him or her. There will be 2 Garda Officers nominated by the Commissioner accompanied by such officials, as they deem appropriate. There will be 3 persons representing the Community & Voluntary sector in the County selected in accordance with local arrangements. No substitution of membership will be allowed on the JPC and the principle of gender equality and membership must be adhered to. He informed members that the selection to the JPC would be included on the October Agenda.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. R. Beasley it was unanimously agreed to note the report circulated.

07.09.24.13 Report on the future development of Playgrounds

Mr. J. Breen, Director of Housing, Community & Enterprise referred members to his report dated 13th September 2007 on this item which was circulated. He stated that for the past 3 years a grant of Eur.120,000 was received on an annual basis and has been dispersed as appropriate considering the stage of development of playgrounds throughout the county. This funding has been absolutely vital in having playgrounds established and last year Eur.20,000 of this fund went to Ballyheigue for completion of the playground with Eur.100,000 being allocation to Fenit to allow the facility there to be completed in accordance with the decision of the members. The Department of the Environment, Heritage and Local Government recently notified local authorities that it was not in a position to justify the initiation of another years grant scheme. The loss of the playground grant will have serious implications for the playground programme in Kerry, most particularly in the current year. Kerry County Council must consider the impact of the loss of funds through:

- Scaling back on the size of playgrounds to be provided
- Extending the time period over which these facilities would be provided
- Increasing its own local contribution through the development levy scheme to supplement the loss of central grant funding

Our present rate of recreation and amenity levy is Eur.333 for a rural house and Eur.500 in an urban area. This matter needs to be given careful consideration and the views of the members are sought on the future direction of this programme. He pointed out that a national recreation policy was launched last week and this must be carefully considered to see if it affords an opportunity to fund playgrounds in Kerry.

All members expressed concern at the withdrawal of funding by the Department of the Environment, Heritage and Local Government for playgrounds. Kerry County Council has been very proactive in encouraging Community Groups to become involved in the provision of playgrounds and providing assistance to them. The provision of playgrounds is very important for the physical and social development of children and it also helps to bring communities together. Even though some local authorities were not in a position to avail of local funding, it was unreasonable to withdraw the funding altogether. This was penalizing local authorities that were proactive in this area. Members pointed out that a lot of communities in the county have been fundraising with a view to providing playgrounds in their areas and they will now be extremely disappointed if they are delayed. Members called on all Oireachtas members to contact the Minister for Environment, Heritage and Local Government to urge him to reverse his decision of this issue immediately. Members requested that Minister Gormley receive a deputation from Kerry County Council on this issue. Members also suggested that if the Minister did not agree to meet with the members of Kerry County Council, that they would then meet with officials from his Department and that Oireachtas members would also attend this meeting. Members requested that where large developments are about to take place in small towns and villages that the onus be put on developers to provide adequate amenity facilities for children. Members also suggested that a meeting be arranged with the Minister for Health with a view to agreeing a policy on playgrounds.

Mr. J. Breen, Director of Housing, Community & Enterprise said that this matter would be further considered by the Community, Cultural and Tourism SPC and would report back to a future meeting of the Council.

07.09.24.14 Adoption of the Draft Kerry County Council Heritage and Biodiversity Plan 2008 – 2012

Cllr. R. Beasley, Chair of the Community, Cultural and Tourism SPC informed the meeting that the Heritage Officer Programme is seen as one of the most positive actions taken in respect of Heritage Protection within local Government. Kerry County Council is indebted to the Heritage Council who formulated this scheme in 1999 and has continued to provide significant mentoring, funding and training for the Heritage Office and have supported actions contained within the Heritage Plan 2003 – 2007. The Heritage and Biodiversity Plan 2008 – 2012 is Kerry County Council's second heritage plan and first biodiversity plan. The combined plans seek to build on the actions of the previous plan but will concentrate efforts on issues relating to data collection and management. Education played a significant role in the previous plan and still forms one of the key performance areas within the plan. He then outlined the Key Performance Areas as follows:

1. Education & Access
2. Research
3. Management

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Cllr. Beasley stated that it is hoped that over the lifetime of the Heritage and Biodiversity Plans that Kerry County Council can:

- Develop a significant databank detailing all aspects of the County's heritage which will assist in the achievement of greater levels of sustainability and economic development within the County
- Generate greater levels of understanding and interest in heritage issues throughout the County
- Forge new innovative and prosperous partnerships which will ensure the preservation of our heritage resources for future generations of Kerry men and women and the visitors they entertain.

In conclusion, Cllr. Beasley recommended that the members adopt the draft Kerry County Council Heritage and Biodiversity Plan 2008 – 2012.

Mr. J. Breen, Director of Housing, Community & Enterprise informed the meeting that the final draft of the Kerry County Council Heritage and Biodiversity Plan was circulated together with an executive summary. The production of the Heritage and Biodiversity Plans has been Government policy since 2002. He informed the meeting that the appendices in the reports sets out specific action to be taken. He added that the Heritage Office secured in excess of Eur.400,000 partner funding for projects over the lifetime of the Heritage Plan 2003 – 2007. The office has co-operated with and assisted many projects over the past 5 years that have independently acquired funding. With a potential downturn of the economic climate it will become vital to the success of Kerry County Councils Heritage and Biodiversity Plan that alternative and innovative sources of funding are sought in order to make this plan a reality. Heritage projects however, directly benefit habitat enhancement, heritage education, heritage conservation, access to heritage coupled a host of other economic benefits, not least of which is tourism. Diversity plans are a relatively new departure for Irish local authorities their aim is to address the heritage concerns and fulfill obligations under the Convention on Biological Diversity, ratified in Ireland in 1976 and Agenda 21. He then outlined these obligations.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. C. Miller, it was unanimously agreed to adopt the Draft Kerry County Council Heritage and Biodiversity Plan 2008 – 2012.

07.09.24.15 Appointment of an Ethics Officer for the Kerry Local Authorities

Mr. T. Curran, County Manager, referred members to his report dated 3rd September 2007 on this item, which was circulated. He informed the meeting that under legislation the Ethics Registrar can only serve for a period of 2 years and as a result of this he had appointed Mr. Brian Looney, Head of IT as the new Ethics Officer for the Kerry Local Authorities for the period 3rd October 2007 to 2nd October 2009. In conclusion he informed the meeting that Mr. J. Flynn, Director of Corporate Services, would still be available to advise members on Ethics Issues.

All members thanked Mr. Flynn for his advice and guidance throughout his term as Ethics Officer.

Mr. J. Flynn, Director of Corporate Services, thanked the members for their co-operation and the press for their reporting.

07.09.24.16 Update on the Kerry Local Authorities Disability Implementation Plan 2007 – 2010

Mr. J. Flynn, Director of Corporate Services, informed members that in July the deadlines for consultations were extended. He listed the consultation meetings held with local groups throughout the county and he thanked Kerry Community Transport who provided transport to these meetings.

07.09.24.17 Kerry County Council's Draft Submission to the Department of Transport on the Statement of Strategy 2007 – 2010

Mr. C. O'Sullivan, Director of Roads, Transportation & Safety, referred members to his report, together with the draft submission, dated 12th September 2007, which were circulated. Mr. O'Sullivan informed members that the Department of Transport and Maritime Affairs is required to prepare a new Statement of Strategy for the 3 year period from 2008 to 2010. As part of the process, the Department has invited submission from Kerry County Council on all views regarding opportunities and challenges going forward, suggestions as to the shape and emphasis of the new strategy, together with an outline of suggested priorities for the coming 3 years. He pointed out that there have been some changes to the structure of the Department in recent years. The Maritime Safety Directorate, the Irish Coastguard and Marine Transportation transferred from the Department of Communications, Marine & Natural Resources to the Department of Transport in January 2006.

The Taoiseach announced on the 14th June 2007 that responsibility for non-national roads would transfer from the Department of the Environment, Heritage and Local Government to the Department of Transport. A draft submission on behalf of Kerry County Council has been prepared for consideration by members and he would welcome any views the members would have on this issue.

Cllr. P. McCarthy asked would there be any value in the transfer of responsibility for roads to the Department of Transport.

In response, Mr. T. Curran, County Manager, said that there would be no disadvantage. It would result in the more streamlining of services in that the Council would be dealing with one department regarding legislation, procedures etc.

07.09.24.18 Requests for the reception of Deputations

- (a) Cllr. L. Purtill requested that a deputation be received from the residents of Bishops court, Ballyduff regarding roads. It was agreed that this deputation would be received at the next Listowel Electoral Area Meeting.
- (b) Cllr. T. Fitzgerald requested that a deputation be received from Laharn District Residents Association regarding roads. It was agreed that this deputation would be received at the next Tralee Electoral Area Meeting.

07.09.24.19 Opening of Tenders

On the PROPOSAL of Cllr. M. Healy Rae, SECONDED by Cllr. C. Miller, it was agreed to approve the opening of the following tenders approved at the July meeting:

- (a) Farranwilliam Housing Development Phase 4.
- (b) Collection of Farm Film Plastics
- (c) 1 No. Class B Water Tenders
- (d) Supply of Automatic Exhaust Extraction System to five Fire Stations

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- (e) N69 Listowel Bridge Refurbishment
- (f) 5 Water Conservation Bulk Meters

07.09.24.20 Opening of Tenders

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. L. Purtill, it was agreed to approve the opening of the following tenders:

- a) Construction of 8 no. houses and associated site works at Tarbert
- b) Construction of 14 no. houses and associated site works at An Caisleán Mór, Castleisland
- c) N69 Listowel Bridge Rehabilitation
- d) Housing Van

Vote of congratulations

Cllr. M. Gleeson congratulated Killarney Town Council on being awarded the Gold Medal in the Entente Florale competition. This was due to the work of a small group of dedicated people and he said that it sets the standard for other towns.

07.09.24.21 Notices of Motion

1. Contribution to cost of remedial works on schools by Boards of Management Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

That this Council calls on the Department of Education to cease forthwith the practice of demanding from Boards of Management of national schools the payment of 10% of remedial works undertaken to the fabric of schools. The practice is beggaring Boards and belittling parents.

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

Cllr. M. Gleeson informed the meeting that Article 42(4) of Bunracht na hÉireann states *Ní foláir don Stát socrú a dheanamh chun bunoidreachas ar bheith ar fail in aisce*. This is a very clear statement yet many schools throughout the county which have undergone very necessary remedial works – new toilets, new roofs, replacement windows and doors, through its Board of Management are now confronted with a bill for 10% of the cost of the work. He gave one specific example of a school where €130,000 was spent in replacing windows and doors. That Board of Management must now find €13,000 or failing that the parish must find that large sum. This conflicts violently with Article 42 of the Constitution. Cllr. Gleeson stated that the Department of Education and Science and the Government should abide by its Constitutional obligation and fully fund the buildings in which education is provided. Failure to do so is reneging on its legal responsibility and is causing hardship for Boards of Management and Parishes.

Cllr. R. Beasley seconded the motion and it was agreed to refer it to the Minister for Education and Science for consideration.

2. Funding for the upgrade and maintenance of graveyards

Pursuant to notice duly given Cllr. P. McCarthy PROPOSED:

That this Council agree to provide a substantially increased allocation of money through the Estimates for the upgrade and maintenance of our graveyards in Kerry.

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

Kerry County Council are continually improving the upgrading and maintenance of burial grounds by assisting community groups and organizations and are currently working with over 40 such groups. Provision will be made in the budget for the allocation of funding to these groups. This is regarded as the most satisfactory method to upgrade the burial grounds especially since 92 of them are classified as Archaeological Sites and any works done must be approved by Duchas and supervised by an archaeologist.

Cllr. P. McCarthy stated that the majority of graveyards in the county are exceptionally well kept and this is to the credit of the community and the council. However, a small number of graveyards, especially those no longer in use, are in a bad condition. Trees are growing out of tombs and in some instances tombs are falling apart. He requested that a priority list of these graveyards be drawn up with a view to providing once off funding to bring them up to a proper standard.

Cllr. R. Beasley seconded the motion.

3. Growth of hedges on roadsides in Kerry

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

That our new County Manger and new County Engineer make a statement to this Council with regard to the fact that the majority of the road network in our county is literally closing up because of the growth of the hedges and the ditches on our roadsides throughout our county. It is the height of danger and is leading to accidents on a daily basis.

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

The issue of overgrown hedges on the road network in our county is an issue of major concern. Unfortunately, under the provisions of the Section 40 of the Wildlife Act 1976, as amended by Section 46(a) of the Wildlife (Amendment) Act 2000, it is an offence to cut hedges between the 1st March and the 31st August.

Under the provisions of Section 70 of the Roads Act 1993, there is a statutory obligation on owners and occupiers of lands to ensure that roadside trees, shrubs etc. do not present a danger to Road users. The Council's Road Enforcement Officer has worked pro-actively with landowners to ensure their compliance with the requirements of the Act. In 2006, 5,325 letters were sent to known landowners, on our database, reminding them of their responsibilities. Follow up inspections were carried out, on foot of complaints received, and 73 hedgecutting notices were issued. Only one landowner failed to comply with the notice and this case is currently pending with the courts.

We are now in the process of writing to all the landowners on our database, to advise them of their obligations and seeking their co-operation in ensuring the maintenance of their hedges in the interests of road safety.

Within our limited maintenance budgets, the Council does undertake to cut hedges on the National Primary routes and at strategic junctions, where sight visibility is severely restricted.

It would appear that there is a high level of compliance by landowners with the requirements of the Roads Act 1993. The primary issue is the restrictions imposed by the Wildlife Act, which prohibits the cutting of hedges between the 1st March and the 31st August, which is the period when growth is at its strongest.

At the outset Mayor M. Healy-Rae informed the meeting that he did not have a conflict of interest with this notice of motion. He expressed his disappointment with the reply as he believed that landowners are not acting on the notices being issued to them and in fact some landowners reside outside the State. He stated that many roads and water courses are almost blocked with overgrown hedges and water is flowing out onto the road. He pointed out that Cork County Council cuts hedges and while the County Manager and County Engineer are doing an excellent job on the Road Works Programme they cannot stand over the sending out of 5,500 notices and just 73 formal notices. If it would be too expensive to hire a contractor he suggested that the Council could purchase a tractor and hedge cutting machine and they could carry out the work themselves.

Cllr. D. Healy-Rae stated that he did not accept that hedges are not causing a danger to pedestrians. He referred to the Gneeveguilla to Killarney road which is heavily trafficked and said that lorries cross over the white line because of the overgrown hedges. It is nonsensical to put the welfare of wildlife before the lives of people.

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 Mayor M. Healy-Rae, SECONDED by Cllr. C. Miller, it was agreed to suspend Standing Orders to allow the meeting to continue.

3. Growth of hedges on roadsides in Kerry (Cont'd)

Cllr. M. Cahill supported the motion and said that in some instances the landowners are deceased, in hospital or abroad. He PROPOSED that a budget be provided to purchase the machinery needed to cut hedges. He added that nobody has been prosecuted for non compliance with hedge cutting notices. He urged the County Manager to revisit this issue.

Mr. C. O'Sullivan, Director of Roads, Transportation and Safety, informed the meeting that 3 prosecutions were taken last year and two landowners complied and one prosecution is listed for court next month.

Mr. T. Curran, County Manager, informed the meeting that landowners have been convicted for non compliance with Hedge Cutting Notices in the past.

Cllr. M. O'Shea said that millions have been invested in our roads in recent years and it is important to ensure that this investment is protected. He acknowledged that some landowners cut their hedges but many do not and this has resulted in very overgrown hedges which are a danger to road users.

Cllr. R. Beasley supported the proposal that hedge cutting machinery be purchased and used full time from 1st September to 31st March each year.

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Cllr. B. Cronin stated that he received a letter from the Roads Department informing him of his duty to cut his roadside hedges and they have been cut. He complimented the ever increasing number of landowners who cut their hedges and he said there has been a big improvement in this area. He understood that the Council would cut back hedges at junctions, blind and dangerous bends to ensure the safety of road users. It is the duty of the Roads Department to ensure that all landowners comply with the law. He was concerned that there were conflicting message going out to landowners from the members of the Council and he added that the law is very clear in that landowners are responsible for the cutting of roadside hedges. There are 3,659 landowners in County Kerry in the REPS Scheme and they got €25m last year. One of the criteria for this Scheme is to contain and trim roadside hedges. He called on the Director of Roads, Transportation and Safety to make a clear statement to ensure that the public understand that it is the duty of landowners to cut roadside hedges.

Mr. C. O'Sullivan informed the meeting that it is only in North and East Cork that the Council cut hedges and he understood that this is being reviewed. There is a statutory obligation on landowners to cut roadside hedges. He added that there is very little funding available for the roads maintenance programme and it could not sustain a hedgecutting programme.

The Mayor requested that an estimate be prepared for the October council meeting on how much it would cost per electoral area to acquire a tractor and hedge cutting machine.

Mr. T. Curran, County Manager, again pointed out that there is a legal obligation on landowners to cut their roadside hedges and he was not prepared to break the law nor could he justify expenditure on hedge cutting to an auditor. He said that the number of landowners complying with the law is increasing and the council has implemented a programme. Between now and Christmas road will be attended to and if members notify the Roads Department of roads that need attention they would follow up on it. In conclusion he said that he would not contemplate the purchase of machinery for the cutting of hedges.

Cllr. P. McCarthy suggested that the council should put advertisements both on local radio and in the local papers advising landowners and the general public that it is the duty of landowners to have their hedges cut within a particular time frame. If a landowner does not comply the Council should cut the hedges and take the landowner to court to recover the costs involved.

Cllr. J. Brassil agreed with the sentiments expressed by Cllr. Cronin and said that if the council cuts hedges all progress gained in recent years will be lost.

Cllr. L. Purtill agreed with views expressed by Cllr. McCarthy.

The Mayor informed the meeting that the Transport SPC would consider this issue further at their next meeting.

4. Action plan to deal with Camper Vans parking in Council car parks Pursuant to notice duly given Cllr. J. Brassil PROPOSED:

That Kerry County Council would prepare an Action Plan for the Summer 2008 season to deal with the growing proliferation of Camper Vans parking in the Council controlled car parks at our beaches.

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

The Kerry County Council Car Park Bye-Laws 2006 came into effect on the 15th June 2006. The Bye-Laws prohibit vehicles being parked in a car park for more than twenty four continuous hours and also provides that a vehicle shall be parked fully within a parking bay. In preparing these bye-laws the parking of Camper Vans in Council controlled car parks at our beaches had not been previously identified as a major issue and there are a number of privately operated facilities throughout the county which provide the necessary facilities for such vehicles.

If there are particular beach car parks in the county, where we are informed that camper vans are creating difficulties, the Council will undertake to assess the situation and bring a report to the Roads & Transportation SPC for consideration on how the issues can be addressed.

Cllr. J. Brassil stated that camper vans are becoming a major issue in Ballyheigue, Banna and Ballybunion. He requested that the twenty four hours mentioned in the Car Park Bye-Laws be amended to avoid campers staying overnight in Council car parks. He also stated that proper signage is essential.

Cllr. J. Brassil requested permission to move Notice of Motion No. 17.

This was agreed.

17. Public toilets in Ballyheigue.

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

That Kerry County Council would acquire the site of the existing public toilet in Ballyheigue to progress the proposal to have a new toilet built on the beachfront.

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

This matter has been raised previously at Listowel Electoral Area meetings. Kerry County Council is the owner of the public toilets at Ballyheigue which were constructed in early 90's. The site is not registered in the name of Kerry County Council and a land search has indicated that it forms part of the Crosbie estate. Kerry County Council would have a Title of Possession by virtue of occupation of the site for many years. This has not in any way impacted the operation of the toilets for the benefit of the village and beachgoers. Kerry County Council has received a proposal from a private individual to construct a new toilet on the beachfront on the basis of redevelopment of the existing facility. Any such proposal must be considered having regard to proper public procurement regulations and the identified need for a relocation of the toilet. The area immediately surrounding the existing toilet facility is zoned as open space in the recently adopted Local Area Plan for the North Kerry Settlements as it pertains to Ballyheigue. Kerry County Council believes that the toilet facilities as existing at Ballyheigue are adequate to meet the need in the village at present.

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Cllr. J. Brassil expressed his disappointment with the report and said that this has been ongoing for three years. This matter was also raised on a number of occasions at the Listowel Electoral Area Meetings at which time there was unanimous support for the relocation of the toilets to the beach front. A man has offered to build the toilets on the beach front and Kerry County Council had simply to acquire ownership of the land where the existing toilets are located. In the past Mr. J. Breen, Director of Housing, Community and Enterprise, had assured members that a sub committee would be established to examine this issue. He understood that Niamh O'Sullivan would deal with this issue but when she was contacted she was not aware of the proposal. He asked what he had to do to get this project moving.

Cllr. L. Purtill supported the motion.

Mr. J. Breen, Director of Housing, Community and Enterprise, said that he had undertaken to check this file which he did and he also contacted the developer. He pointed out that a public procedure must be followed in accordance with EU regulations and national regulations.

The meeting concluded for lunch at 1.50pm.

The meeting resumed at 3pm.

Cllr. T. Ferris informed the meeting that Notices of Motion Nos. 5 and 18 are similar and could be taken together.

This was agreed.

5. Regulation of quality and standards on imported Brazilian beef.

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

That Kerry County Council write to the Minister for Agriculture to ask her to use her influence to persuade the EU Agriculture Commissioner to apply the same regulations and quality standards on imported Brazilian beef and other food imports from non-EU countries as those applicable to EU producers.

18. Labelling of imported food

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

That Kerry County Council demands that all imported food should be labelled with the country of origin in both retail and wholesale outlets and on restaurant menus.

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

Cllr. T. Ferris requested that a letter be forwarded to the Minister for Agriculture and Food demanding that the same regulations would apply to imported meat and food products as applied in Ireland. She was particularly concerned about the import of Brazilian beef for use in restaurants and hotels as individual carcasses are not labelled and therefore not traceable.

Cllr. R. Beasley seconded the motion.

Cllr. B. Cronin also supported the motion and added that traceability is almost non-existent in Brazil.

6. Ballylongford Sewerage Scheme

Pursuant to notice duly given Cllr. L. Purtill PROPOSED:

That Kerry County Council will now prioritise the Ballylongford Sewerage Scheme in view of the inadequate treatment process in existence at the moment resulting in the serious pollution of the Ballyline River which flows through Ballylongford and directly into the Shannon and also the inadequacy of the treatment plant to facilitate the building of additional houses in the village following recent planning approvals for the village.

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

Upgrading of the Ballylongford Sewerage Scheme has been included in the list of towns and villages prioritised by the Council at the July monthly meeting for inclusion in the Water Services Investment Programme of the DEHLG. A Preliminary Report has been prepared for the Ballylongford Scheme; a site investigations contract has been completed and it is intended to commence Part 8 planning process in the coming weeks.

Cllr. L. Purtill informed the meeting that there are concerns in Ballylongford about pollution in the absence of an adequate sewerage treatment plant. The present system is out-dated and a new scheme is urgently required to cater for recent development and future development in Ballylongford.

Cllr. P. Leahy seconded the motion.

Cllr. R. Beasley also supported the motion.

Cllr. P. McCarthy stated the he wished to move Notice of Motion No. 8 on behalf of Cllr. O'Connor.

8. Strengthening of the law in relation to the public order incidences by children.

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

That the law in relation to children involved in public order incidences or crime be strengthened to ensure that parents are accountable for the actions of their children.

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

Cllr. P. McCarthy stated that many people are dissatisfied that parents are not held accountable for the actions of their children.

Cllr. R. Beasley seconded the motion.

Cllr. McCarthy requested that Notice of Motion No. 20 be deferred to the October meeting.

This was agreed.

9. Kilcummin/Barraduff and Milltown Sewerage Schemes

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

In light of the possible serious consequences for Kerry County Council, I am requesting a detailed report from the County Manager on the suspension of the contractor that was awarded the Kilcummin/Barraduff and Milltown sewer pipe laying contracts valued at over €4m, please clarify who ordered the suspension of the contractor in Kilcummin/Barraduff on July 20th and in Milltown on August 17th and what were the issues for suspension. What are the implications for these three important village sewerage schemes and when were elected members from the two electoral areas concerned briefed on this crisis.

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

Pipeline contract works for the Kilcummin/ Barraduff Sewerage Scheme were suspended on the 20th July 2007. Approx. 570m of pipeline have been laid in Barraduff to date (2.2km of pipeline required). Approx 9.3km of pipeline are required to be laid in Kilcummin.

Pipeline contract works for the Milltown Sewerage Scheme were suspended on the 17th August 2007. Approx. 550m of pipeline have been laid in Milltown to date (4.4km of pipeline required).

These contracts were suspended by the Consulting Engineers for both of these projects, on Health & Safety and progress grounds, in accordance with the Conditions of Contract. Discussions are ongoing between the Contractor and the Consulting Engineers to resolve the issues that led to the suspension of works so that works can resume as soon as possible.

In view of the legal and contractual issues involved, it would not be appropriate to discuss these matters in any more detail at this stage. Elected members who have made enquiries were updated informally regarding this issue. It is intended to brief all Councillors, for the areas affected, with a full update on the position, at the current round of Electoral Area Meetings.

Cllr. B. Cronin said that he was very concerned regarding the suspension of work on these schemes. It is vital that the environment and the Lakes of Killarney are protected. Milltown is a rapidly developing town and this scheme is urgently needed to cater for new development. Work on the Barraduff scheme was suspended for a month but he was not informed by the Water Services Department. This was unacceptable and he asked why the members were not informed. He asked who recommended the appointment of the contractor and if he had been employed by Kerry County Council in the past. He also asked why the three contracts were advertised as one contract? He asked if the work in Milltown was suspended as a result of a complaint to the Health and Safety Authority? In conclusion he asked when would work recommence on these schemes?

Cllr. D. Healy-Rae stated that he was concerned at the delay in these schemes. He stated that he was not convinced that it was a good idea to join the Barraduff and Kilcummin schemes.

Cllr. M. O'Shea stated that the delay with the Milltown scheme was a disaster for Milltown. He was informed of the suspension of the work by a member of staff. He

hoped that work would recommence as soon as possible. He referred to a section of the R553 which is in an appalling condition and said that the road cannot be reinstated until the laying of the sewer pipe is completed. He requested as an interim measure that some repair works be carried out to this section of road to facilitate road users.

Cllr. J. Sheahan expressed his dissatisfaction that members were not informed that work on these schemes was suspended. He added that a developer in Barraduff has paid €1.5m for these works and he asked if he was entitled to have this money refunded until the work is done.

Mr. O. Ring, Director of Water Services, informed the meeting that work was suspended by two different consultants on health and safety grounds and on progress grounds. The two schemes were advertised together to get better value for money. He added that rigorous procedures are set down by the EU and national directives regarding the awarding of tenders. The contractor appointed satisfied the criteria set down and the consultants are presently negotiating with the contractor with a view to recommencing the work. He informed members that it was not true that the work in Milltown was suspended as a result of a complaint to the HSE by a member of the public. When the HSE visited Milltown the work was already suspended. It is hoped that work would recommence as soon as legal and contractual issues are resolved.

The Mayor stated that members should be kept informed of any issues which are specific to their area.

Cllr. B. Cronin requested that members be informed in future of any such issues in their electoral area.

10. Charge for a water connection to a water trough.

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

To ask the County Manager since when did Water Services start charging farmers the full development levy charge as well as the connection fee for just a water trough for cattle – was this authorised by the members?

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

The Council does not and has not imposed either Development Levies or Development Contributions on Water Connections to Agricultural Water Troughs.

However, for many years to-date the Council requires payment of an infrastructural contribution (current value €1,504 per connection) in respect of any water connection to a premises/location including agricultural water troughs which has not been the subject of a planning permission/approval. The Development Contribution Scheme deals with any payments due where the Planning Acts apply.

The infrastructural contribution is charged in accordance with the Local Government (Financial Provisions) (No. 2) Act, 1983, and is an executive function. The requirement of a contribution towards the water services infrastructure in recognition of the benefits of such a facility is considered fair and reasonable. Any income received from the infrastructural contributions is

reserved for funding minor improvements to our water services plants and network.

The Water Metering Project for the non-domestic customers was substantially completed recently. In recognition of the management data which the regular reading of meters will give, we are no longer requiring an infrastructural contribution in respect of connections to agricultural water troughs while the connection is genuinely and exclusively used to supply an agricultural water trough or is not in lieu of a previous connection given for a water trough in the same holding which has been converted to different use.

Cllr. D. Healy-Rae informed the meeting that he understood that the charge for a water trough connection was €850. A staff member informed one person that he would also have to pay an infrastructure contribution. He made representations on behalf of this person and he understood he would get the connection for €850. However when he again called to the council offices he was charged half of the infrastructure charge. He asked if this would be refunded to him as it is expensive enough to pay €850 connection fee and then to pay for the usage. He called for the support of all members for this motion.

Cllr. M. Healy-Rae supported the motion.

In response Mr. J. O'Connor, Head of Finance, stated that there was confusion between what the development contribution was required for. It is required for improvements to the network. He informed members that it is of significant benefit to be able to connect to the network and the €850 charge is the fee required to cover the cost of doing the work. In future as the metering project is more or less complete, while a connection continues to be used for an agricultural trough there will be no infrastructure charge. However, if there is a change of use the Council reserves the right to pursue the balance. He added that it is very expensive to provide a water supply and there has been considerable hijacking of connections in the past. There is a need to be fair to the people who pay the development levy or infrastructure levy. The Council has approx. 44,000 customers and it behoves us all to manage and operate the service to the best of our ability and in the fairest possible way.

Cllr. D. Healy-Rae asked if the individual he represented would get a refund for the infrastructure element of his charge.

Mr. J. O'Connor, Head of Finance, stated that this person was treated fairly and it was not intended to make a refund in that case.

Cllr. M. Cahill requested that Cllr. P. O'Donoghue's notices of motion be deferred to the October meeting.

This was agreed.

11. Elimination of ragwort along roads.

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

What action is Kerry County Council taking to eliminate ragwort which is a major problem along all our roadways.

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

The Council is currently undertaking measures to control noxious weeds, such as ragwort, on roadside margins and areas under our remit. Having regard to the limitations on our maintenance budgets, the Road Enforcement Officer is liaising with Area Engineers to identify the problem areas and to implement the necessary measures required.

It must be noted however that, having regard to the provisions of Section 70 of the Roads Act, the maintenance of roadside hedges is the responsibility of the landowner. The Roads Department will endeavour to ensure that landowners comply with their statutory obligations.

Cllr. R. Beasley stated that ragwort is flourishing and he called on the Council to take all necessary steps to eliminate it from the roadsides.

**12. Provision of sewerage schemes in all towns and villages in Kerry
Pursuant to notice duly given Cllr. M. Cahill PROPOSED:**

That Kerry County Council, through central government funding, council's own resources or funding from the private sector provide sewerage schemes in all towns and villages in Kerry, upgrade schemes that need to be upgraded, extend schemes that need to be extended as a matter of urgency so as to ensure continuous growth and development within the county.

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

A strategic approach is being taken by the Council to the provision of the new and upgraded water and sewerage infrastructure necessary to service the 90 towns and villages and settlements which are identified under the settlement strategy in the County Development Plan 2003 – 2009. The funding and organisational resources are not available to carry out works in all locations immediately and the Water Services Department is working to a programme of priorities based on need and available resources.

The major source of funding for new Water & Sewerage infrastructure is the DEHLG's Water Services Investment Programme (WSIP). This is a rolling multi-annual programme which can require a local contribution, funded through development levies, of 20% to 60% for particular schemes.

A new Water Services Investment Programme 2007 – 2009 has just been released with a total programme budget of €122 million, a 50% increase on the WSIP 2005 – 2007. The new programme includes provision for

- 9 new village sewerage schemes for the Tralee-Killarney Hub;**
- a major new water scheme for the Killorglin-Mid Kerry area;**
- an expansion and upgrade of Killarney sewerage scheme;**
- increased budgets for many of the schemes which were on the previous programme.**

A large amount of construction work is either currently underway or about to begin. Two major water schemes (Caherciveen and Furies/Scartaglin) have just been completed. Five village sewerage schemes are now under construction and at least 10 more village schemes are planned to go to contract in 2008. Two

major water and sewerage contracts are underway in Waterville and new large water projects will begin in 2008 in Kenmare and the Central Regional Scheme. Minor upgrades will be carried out to the Tralee and Listowel Waste water Treatment Plants and the North Ardfert Water Supply Scheme in 2008.

In addition to the WSIP Programme, a significant number of existing water and sewerage schemes are being upgraded every year through the Small Schemes Programme and the Council's own resources.

There is still a lot of work to be done in planning other schemes which are included in the current WSIP and the Water Services Capital Office is being expanded to deal with this. In addition, an Assessment of Needs Study was adopted by the Council in September 2006 which identified a further €143 million of additional water and sewerage infrastructure for the county which will need to be included in future Water Services Investment Programmes.

Cllr. M. Cahill welcomed the report and said that he was anxious to ensure that sewerage schemes are provided in all towns in Kerry to cater for continued growth. He welcomed the Water Services Investment Programme 2007 – 2009 which was recently announced with an investment of €122m which is an increase of 50% on the previous programme.

**13. Funding for the extension of Waterville Sewerage Scheme
Pursuant to notice duly given Cllr. M. Connor-Scarteen PROPOSED:**

That we the members of Kerry County Council urgently request the Minister for Environment, Mr. Gormley, T.D., to provide funding to extend the Waterville Sewerage Scheme from Waterville National School to Spunkane Cross and the road leading to Tarmons Cross down to meet the existing sewer coming from the Village to Beenbawn.

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

Work is currently underway on the construction of the Waterville Sewerage Scheme. This Scheme was designed on the basis of the current needs and expected future needs of development in Waterville Village. The extent of the scheme was also determined by engineering and economic factors which resulted in the areas mentioned having to be omitted from the current scheme. These areas can be considered for future extensions if circumstances change.

Cllr. M. Connor-Scarteen requested that the motion be referred to the Minister for Environment, Heritage and Local Government for consideration. This would be a small extension which would incorporate 37 houses all of which have septic tanks at present. He pointed out that a number of permissions have been refused in this area recently because of the lack of a sewerage scheme in the area.

Cllr. M. Healy-Rae seconded the motion and urged the Minister to approve this extension as it would not be too expensive and would allow for future growth.

Cllr. D. Healy-Rae asked if a group sewerage scheme could be considered to cater for this area.

In response Mr. O. Ring stated that a group scheme could be considered for this area. He added that this scheme was designed to cater for as large an area as possible and some of the area covered by the scheme are considered by the Department to be uneconomic. A group sewerage scheme would have to be practical, economic and reasonable from an engineering point of view.

14. Grant to replace old septic tanks.

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

That Kerry County Council request the Department of Environment to introduce a grant to replace old septic tanks at an early date.

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

Cllr. T. Fleming stated that a lot of septic tanks are in place for many years and are in close proximity to houses. Many householders are not in a position to replace them without some form of assistance. He requested that the motion be forwarded to the Minister for Environment, Heritage and Local Government for consideration.

Cllr. B. Cronin informed the meeting that he had moved a similar motion last May and he asked if a response was received from the Department.

In response Mr. G. O'Brien informed Cllr. Cronin that no response was received to-date.

Cllr. Cronin asked that contact be made with the Department with a view to getting a response as soon as possible.

15. Production of cake-fertiliser from sewage.

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

That the Council would state if it has progressed towards the production of cake-fertiliser from sewage. Such a product would be aesthetically more acceptable to the public.

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

Sewage sludge is treated strictly in accordance with the Regulations. The sludge from Killarney treatment plant is digested aerobically for seven days as required by the regulations prior to landspreading, This sludge has a high nutrient content and is virtually odour free. This method of disposal is environmentally friendly and while other means of disposal will continually be considered, there are no immediate alternative plans.

Cllr. M. Gleeson stated that he understood that when the Killarney treatment plant was constructed it was hoped to progress toward the production of cake fertilizer from sludge.

16. Lowering of the thresholds for family financial assistance

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

That we the members of Kerry County Council pass a resolution here today calling on the Department to lower the thresholds for family financial assistance in order to reflect the high cost of living. This proposal already has the backing of the Kerry Money Advice and Budgeting Service, which is dealing with this problem on a daily basis.

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

Cllr. M. Healy-Rae said that there is huge financial pressure on young families. The thresholds set by the Department do not allow for increases in the cost of living. September is a particularly hard month on families with children returning to school and this results in financial hardship for many families.

Cllr. M. Gleeson seconded the motion.

Cllr. T. Ferris requested that the self employed be included in the motion as they are not entitled to social welfare benefits.

This was agreed.

21. Issuing of bills for water charges to domestic customers.

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

Why are Kerry County Council Water and Revenue Departments sending bills for water charges to domestic customers (e.g. Account No. 3480122 - €384, Account No. 3560381 - €106) – is it council policy to meter and charge domestic houses for water?

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

It is not Council policy to meter and charge customers on a water connection used solely for domestic purposes.

Meters have been placed on a small cross-section of domestic connections for monitoring data collection purposes so as to enable improved overall management and operation of our water services infrastructure. No charges are made on customers where meters have been installed for monitoring and management purposes.

The position in relation to the two customers mentioned in the notice of motion is that the charges set out arose under our outgoing fixed charge structure and not under the metering charging system. The circumstances of both customers have been investigated and, at this stage, the charges have been struck off as the use has been determined as solely domestic in each case.

Cllr. B. Cronin welcomed the report and stated that 1 case mentioned in the motion relates to a metered connection while the other relates to a domestic house which is being billed. He asked that an assurance be given that the council will not bill domestic households which have been metered.

In response Mr. J. O'Connor, Head of Finance, said that he would give that assurance where the connection was for purely domestic purposes. In 2007 less than half of the council's customers which were metered were billed based on usage as many are on a fixed charge.

22. Granting of planning permission to the family of landowners.

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

That Kerry County Council advise all new planners that under an agreement between the members and the former manager only two reasons can be used for refusal on a land holding by family members i.e. traffic hazard and causing pollution

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

The Planning Authority has always been conscious of the need to address the needs of persons who wish to reside on a permanent basis in the rural area. In particular, the needs of bone-fide family members have been given special attention. In this regard, an "on-site" pre-planning service was introduced to deal, in particular, with difficult landholdings and to ensure that the optimum location was identified to minimise the impact of the proposed development on the landscape. It was agreed that where this process was adhered to, and the optimum site was being used, that there would be a presumption that planning permission would be granted subject to requirements regarding public health and traffic safety being met. All planners are aware of this policy and are implementing it.

Cllr. D. Healy-Rae stated that he submitted this motion because an application for planning permission on a family landholding was refused. He accepted that the farm is elevated but added that no request for further information was issued. He understood that there would only be 2 reasons for a refusal on a family landholding i.e. if the proposed development could result in pollution or a traffic hazard.

In response Mr. P. Stack, SE Planning, stated that he would be meeting with the planners later in the week and he would clarify this issue with them.

23. Boy Racers on public roads.

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

That Kerry County Council consider, in conjunction with the relevant authorities, the matter of boy racers on public roads in the county.

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

The Garda Siochana is the statutory body for enforcing the requirements of the Road Traffic Acts, particularly with regard to alleged breaches of the speed limits and dangerous driving.

Council will consider a report at today's meeting on the establishment of a Joint Policing Committee for County Kerry. The subject of this motion is a matter that should be addressed through the Joint Policing Committee.

Cllr. M. Cahill stated that boy racers are a growing problem on public roads. It is impossible for the Gardaí to police the roads all night and people living one to one and a half miles away from a county road cannot sleep because of the noise from cars racing on the roads. This issue must be addressed and ways of facilitating boy racers should be considered. He requested that this matter be considered by the Joint Policing Committee.

Cllr.M. Gleeson informed the meeting that a track for boy racers is being developed in Donegal.

24. Car ferry from Cork to Swansea

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

That Kerry County Council call on the Minister for Tourism, Mr. Seamus Brennan, T.D., to do everything in his power to have a Car Ferry in operation from Cork to Swansea for the 2008 tourist season as the loss of the Car Ferry this year had a huge effect on people operating Bed and Breakfast and Self Catering in the Kerry/Cork area.

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

Cllr. M. Connor-Scarteen stated that the South Kerry and West Cork areas urgently need to have this ferry service restored. Many of those involved in the tourism industry are at a big loss this year.

Cllr. D. Healy-Rae supported the motion and said that when this ferry operated it was of major benefit to the people of Kenmare, Glengarrif etc.

Cllr. R. Beasley also supported the motion.

25. Proposed upgrading of exchanges in County Kerry to facilitate the provision of broadband.

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

That Kerry County Council request Eircom to urgently roll out the proposed upgrading of exchanges in several areas of Co. Kerry to facilitate the provision of broadband to these communities.

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

Kerry County have been liaising with Eircom and lobbying them regarding DSL enabling their rural exchanges to allow for the provision of Broadband. In April this year Eircom announced its plans to commit an extra €30m to broadband enable an additional 319 communities around the country including the following 20 exchanges in Kerry - Anablaha, Ballybunion, Ballyferriter, Ballylongford, Camp, Caragh Lake, Castlegregory, Dromartin Cross, Duagh, Fenit, Glenbeigh, Headford, Kilgarvan, Knocknagoshel, Miltown, Mounthawk, Moyvane, Rathmore, Scartaglin, and Sneem. These should be completed by the end of 2008. Areas not covered by the Eircom DSL rollout should be addressed by the National Broadband Scheme (see response to NOM 19).

Cllr. T. Fleming said that this announcement was welcomed last April at which time it was understood that these areas would have broadband in late summer yet he did not believe that any community had yet got broadband. He requested that the motion be forwarded to Eircom for consideration. He stated that the lack of broadband is impacting on jobs etc. and it is a huge barrier for business people.

Cllr. B. Cronin seconded the motion.

26. Opening of public toilets in Fenit.

Pursuant to notice duly given Members of the Tralee Electoral Area PROPOSED:

That the public toilets in Fenit be left open all year round to facilitate the playground.

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

Kerry County Council aims to match the opening hours of Public Conveniences with periods of public demand.

Currently, Fenit Public Convenience is open daily from 28th April to 7th October, 2007 to meet increased demands over the summer holiday period. For the period October to April, the public conveniences are open on weekends and Bank/Public holidays. For the Christmas period, the public convenience will open daily from 21st December to 6th January, 2008 incl.

Due to restricted hours of daylight during the winter months and the fact that children have returned to school, there is significantly reduced usage of the playground on weekdays. This negates the need to open the Public Convenience on weekdays during the winter months.

Cllr. T. Ferris requested that this motion be deferred to the November meeting.

This was agreed.

27. Provision of a sign at Molls Gap.

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

In response to a previous request at our July meeting to erect a sign at Molls Gap in relation to the Black Valley, I would ask that no such sign be erected as it is not in the best interest of the people of the Valley to do so.

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

The NRA sign located at Molls Gap, which had directions for the Gap of Dunloe was amended to indicate direction to The Black Valley. We have also received a number of requests for a finger post sign at the Black Valley junction. Having reviewed the route, the road through the Black valley is only suitable for local traffic.

Cllr. M. Healy-Rae said that people in this area were concerned about a message which came from a recent council meeting indicating that a new sign would be put in place discouraging people from going down Erris Lough to the Valley. He asked if it was still intended to provide this sign.

In response Mr. G. MacNamara, SE Roads, confirmed that the sign would not be erected.

28. Acquisition of land for Cromane Pier

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

That the County Manager gives a detailed up to date report in relation to Cromane Pier including the issue of acquisition of land for the access road, protection works to the embankment of Glosa and coastal protection works at Rossbeigh.

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

As the councillors will be aware, despite efforts made, the Council has been unable to reach agreement with all of the landowners required for the construction of the access road to the pier. As a result we have no option but to resort to the CPO mechanism to try and acquire the lands required.

The documentation for the CPO is now substantially complete and pending a final review meeting with the County Solicitor, it is proposed to advertise the CPO within the next fortnight.

If the CPO is not challenged Kerry County Council will confirm the CPO as soon as is possible. This would enable us to begin works on the Cromane project subject to the funding being available. If the CPO is challenged it will necessitate a CPO hearing that would delay progress on making a start on the various elements of the overall scheme mentioned in the notice.

In relation to the possible protection works to the embankment at Glosa, these cannot proceed until we have the full written agreement from all of the landowners involved to the proposed works.

Cllr. M. Cahill expressed his disappointment that it was necessary to go the CPO route to acquire the land for the land to provide access to the proposed pier, however, it appears there is no other option. He called on the Director of Roads, Transportation and Safety to commence the CPO procedure immediately.

07.09.24.22 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Cllr. M. Healy-Rae at the NASC European Briefing Programme to be held in Brussels on 21st & 22nd November, 2007. Cllr. M. Healy-Rae was nominated to report back to the council on this Briefing Programme.
- (b) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. B. Cronin it was agreed to authorise the attendance of Cllrs. D. Kiely, M. Healy-Rae and T. Fleming at the Dún Laoghaire-Rathdown County Council “Active Citizenship” Conference to be held in the Radisson SAS, St. Helen’s Hotel, Stillorglin, Co. Dublin on the 2nd & 3rd October, 2007. Cllr. T. Fleming was nominated to report back to the council on this conference.
- (d) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley, it was agreed to authorise the attendance of Cllrs. M. Healy-Rae and M. Cahill at the Kadenza Training Seminar for councilors on “Local Government and Rural Development” to be held in the Tullamore Court Hotel, Co Offaly on the 25th & 26th September, 2007. Cllr. M. Cahill was nominated to report back to the council on this seminar.
- (f) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Cllrs. M. Healy-Rae, A. McEllistrim, T. Fleming and M. Cahill at the Kerry Life Education Ltd Conference on the theme “Getting a Grip 2007 – Winning or Losing the Battle against Substance and Alcohol Misuse” to be held in the Malton Hotel, Killarney on the 4th & 5th October, 2007. Cllr. A. McEllistrim was nominated to report back to the council on this conference.
- (g) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Cllrs. B. Cronin and T. Fleming at the Kilkenny Campus (NUI Maynooth) 10th Anniversary Conference on “Agriculture

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in a Changing Climate” to be held in Kilkenny Castle on the 5th & 6th October, 2007. Cllr. B. Cronin was nominated to report back to the council on this conference.

- (h) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. D. Healy-Rae it was agreed to authorise the attendance of Cllr. M. Healy-Rae at the TJK Conferences Ltd Planning Seminar for Councillors to be held in the Earl of Desmond Hotel, Tralee on the 12th & 13 October, 2007. Cllr. M. Healy-Rae was nominated to report back to the council on this seminar.
- (i) On the PROPOSAL of Cllr. M. Connor-Scarreen, SECONDED by Cllr. D. Healy-Rae it was agreed to authorise the attendance of Cllr. M. Healy-Rae at the Great Blasket Commemoration 2007 on the theme “The Vikings – The Scandinavian influence on Ireland” to be held in Ionan an Bhlascaoid Mhóir, Dún Chaoin, Co Chiarrai on the 12th, 13th & 14th October, 2007. Cllr. M. Healy-Rae was nominated to report back to the council on this event.
- (j) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. T. Fleming it was agreed to authorise the attendance of Cllrs. C. Miller, M. Healy-Rae and M. Connor-Scarreen at the Downpatrick Listowel Linkage Group EU Town Twinning Conference on the theme “Youth in Europe through Town Twinning” to be held in St. Patricks Centre, Downpatrick, Co Down on the 25th – 27th October, 2007. Cllr. C. Miller was nominated to report back to the council on this conference.
- (k) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Cllrs. C. Miller, M. Healy-Rae, A. McEllistrim, B. Cronin, M. Connor-Scarreen and M. Cahill at the LAMA Annual Winter Conference to be held in the Dolmen Hotel, Carlow on the 9th & 10th November, 2007. Cllr. M. Connor-Scarreen was nominated to report back to the council on this conference.
- (l) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. T. Fleming at the Parnell Summer School held in Wicklow from the 12th – 17th August, 2007.
- (m) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. R. Beasley at the AMAI 9th Annual Conference held in New Ross, Co Wexford from the 13th – 15th September, 2007.
- (n) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Island of Ireland Peace Park Path-finding Conference to be held in Ieper, Belgium from the 5th – 8th October, 2007
- (o) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Association of Suicidology Conference held in Killarney from the 28th August – 1st September, 2007.

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- (p) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the AMAI 94th Annual Conference 2007 which was held in New Ross, Co Wexford from the 13th – 15th September, 2007.
- (q) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the John McGahern Summer School held in Carrick-on-Shannon, Co Leitrim from the 26th – 28th July, 2007.
- (r) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Tom Sheahan at the Clare Tourism Conference held in Antrim from the 3rd – 4th February, 2006.
- (s) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Tom Sheahan at the IRDA Conference held in Killarney from the 18th – 20th April, 2007.
- (t) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Tom Sheahan at the AMAI Conference held in Cavan on the 13th & 14th September, 2006.
- (u) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Synge Summer School held in Rathdrum, Co Wicklow from the 1st – 7th July, 2007.
- (v) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-rae at the Local Government Planning Service Training Seminar held in Baltimore, West Cork from the 5th – 7th July, 2007.
- (w) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Joe Mooney Summer School held in Drumshambo, Co Leitrim from the 21st – 28th July, 2007.
- (x) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the John McGahern Summer School held in Carrick-on-Shannon from the 26th – 28th July, 2007.
- (y) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. S. Fitzgerald at the Kerry Environmental Conference held in Ballybunion from the 28th March – 1st April, 2007.
- (z) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the EPA Environmental Conference held in Dublin on the 3rd – 4th September, 2007.
- (aa) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. Tom Fleming at the AMAI 94th Annual

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Conference held in New Ross, Co Wexford from 13th – 15th September, 2007

- (bb) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the William Carlton Summer School in Clogher Co Tyrone from the 6th – 10th August, 2007.
- (cc) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Magill Summer School held in Glenties, Co Donegal from the 15th – 21st July, 2007.

07.09.24.23 Correspondence General

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

1. Letter dated 9th August from Mr. M. Riordan, County Manager, Cork County Council concerning the current status of the N22 National Primary Route.
2. Letter dated 3rd August from Mr. Eddie Kiernan, Private Secretary Office of the Minister for the Environment, Heritage and Local Government concerning the Council's proposal to change the name of the electoral division of Newtownsandes to Moyvane.
3. Letter dated 27th August, from Mr. Michael Murphy, Asst. National Director, Health Service Executive concerning St. Finians Hospital Lands in Killarney.
4. Letter dated 9th August, from Ms Carmel Brosnan SEO Kerry County Council concerning correspondence from Mr. Des Howett, Local Services Section Department of the Environment, Heritage and Local Government concerning funding for playground projects in 2007.
5. Letter dated 9th August, from Mr. John Conroy, Private Secretary, Office of the Minister for Social and Family Affairs concerning anomalies in the Social Welfare System.
6. Letter dated 13th August, from Mr. Gerry O'Dwyer, Hospital Network Manager, Health Service Executive concerning the review of acute hospital services in the HSE South.
7. Letter dated 14th August, from Margie Lynch, General Manager, Health Service Executive, (Kerry General Hospital) concerning Healthcare associated matters referred by KCC Members.
8. Letter dated 15th August, from Mr. Gerry O'Dwyer, Hospital Networks Manager, Health Service Executive concerning a dedicated stroke unit at Kerry General Hospital.
9. Letter dated 15th August, from Mr. Gerry O'Dwyer, Hospital Networks Manager, Health Service Executive concerning MRSA at Kerry General Hospital.
10. Letter dated 23rd August, from Mr. Noel Brett, CEO Road Safety Authority, concerning driver testing services.
11. Letter dated 7th September, from Ms Gretta Crowley, Local Health Manager, Health Service Executive, concerning orthodontic services in Kerry.
12. Letter dated 15th August, from Mr. Gerry O'Dwyer, Hospital Network manager, Health Service Executive concerning consultant availability at Kerry General Hospital.

September Ordinary Meeting

13. Letter from Mr. Ted Moynihan, Chairman of the Kerry Hospice Foundation thanking the Council for the Civic Reception hosted in their honour.
14. Letter dated 21st August, from Mr. Seamus Tracey, Acting Director of the Mid West Regional Authority concerning a resolution adopted at their meeting.
15. Letter dated 15th June, from Ms Brenda Conway, AO Tralee Town Council concerning a resolution adopted at their June Meeting.
16. Letter dated 18th July, from Ms Helen Walsh, A/Town Clerk, Fermoy Town Council concerning a motion adopted at their July Meeting.
17. Email dated 19th July from Ms Sinead Meehan, Corporate Services Section, Leitrim County Council concerning a resolution passed at their July Meeting.
18. Letter dated 17th July, from Mr. John McAleer, Director, South West Regional Authority concerning a resolution passed at their recent meeting.
19. Letter dated 9th August, from Mr. John Conray

The meeting concluded at 4.30pm.

Ger O'Brien
A/SEO Corporate Affairs

Mayor of Kerry