

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY 16th JULY, 2007.

MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 16 IUIL, 2007.

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Connor-Scarteen	B. Cronin	T. Ferris
S. Fitzgerald	T. Fitzgerald	T. Fleming
D. Healy-Rae	M. Healy-Rae	P. Leahy
B. MacGearailt	P. McCarthy	A. McEllistrim
C. Miller	T. O'Brien	B. O'Connell
J. O'Connor	P. O'Donoghue	M. O'Shea
N. O'Sullivan	L. Purtill	J. Sheahan

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, Co. Manager	Mr. J. O'Connor, Head of Finance
Mr. J.D. Flynn, Director of Corp. Serv.	Mr. O. Ring, Director of Water Services
Mr. P. Stack, A/Dir. Roads & Transp.	Ms. A. Haugh, Dir. Of Environment
Ms. C. Brosnan, SEO, Community & Ent	Mr. G. MacNamara, S.E. Water Services
Mr. G. O'Brien, AO Environment	Mr. F. Dillon, SE, Water Services
Mr. M. Corridan, SE, Roads	Mr. L. Quinlan, SEO, Housing
Mr. D. O'Brien, SO, Roads	Mr. M. O'Donoghue, SEO, HR
Mr. P. Corkery, Press & Comm. Officer	Ms. B. Reidy, S.S.O. Corp. Affairs
Ms. A. O'Sullivan, 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.

Cllr. D. Healy Rae requested clarification on a report, which should have been sent to An Bord Pleanála in relation to a mast at Looscaunagh.

The Mayor informed him that he could raise that matter under Any Other Business at the end of the meeting.

07.07.16.01 Confirmation of Minutes

- a) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P. Leahy, it was resolved that the minutes of the Ordinary Meeting of Kerry County Council held on 21st May 2007 be confirmed.

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- b) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. R. Beasley, it was resolved that the minutes of the Ordinary Meeting of Kerry County Council held on 18th June 2007 be confirmed.
- c) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. C. Miller it was resolved that the minutes of the Annual Meeting of Kerry County Council held on 29th June be confirmed.

07.07.16.02 Disposal of Property

- a) On the PROPOSAL of Cllr. A. McEllistram, SECONDED by Cllr. T. Fitzgerald, it was agreed to dispose of a plot of land measuring 0.062 acres approximately at Knocknagoshel West, Knocknagoshel to Denis O'Donoghue, Knocknagoshel West in accordance with the terms of notice issued 7th June, 2007 pursuant to Section 183 of the Local Government Act, 2001.
- b) On the PROPOSAL of Cllr. A. McEllistram, SECONDED by Cllr. T. Fitzgerald, it was agreed to dispose of a plot of land measuring 0.932 acres approximately at Cloonprohus, Newtownsandes to Patrick O'Connor, Cloonprohus, Moyvane in accordance with the terms of notice issued 22nd June, 2007 pursuant to Section 183 of the Local Government Act, 2001.
- c) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Ferris, it was agreed to dispose of a plot of land comprising 0.4656 Hectares (1.1505 acres) at Scart, Maglass East, Ballyegan to the Reps. of John B. McElligott, Scart, Ballymacelligott, Tralee in accordance with the terms of notice issued 29th June, 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. T. Fitzgerald, SECONDED by Cllr. P. McCarthy, it was agreed to dispose of a plot of land comprising 0.0683 Hectares (0.1688 acres) at Ballycarty, Ballymacthomas, Ballyseedy to Boyle Bros. Construction Ltd., Castlemaine in accordance with the terms of notice issued 29th June, 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.
- e) On the PROPOSAL of Cllr. A. McEllistram, SECONDED by Cllr. T. Fitzgerald, it was agreed to dispose of a plot of land comprising 0.0845 Hectares (0.2088 acres) at Ballymacthomas, Ballyseedy to Aonghus O'Connor, Ballycarty, Tralee in accordance with the terms of notice issued 29th June, 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.
- f) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. A. McEllistram, it was agreed to dispose of a plot of land comprising 0.4557 Hectares (1.1261 acres) at Ballycarty, Ballymacthomas, Ballyseedy to Boyle Homes and Development Ltd., Co. Kerry in accordance with terms of notice issued 29th June, 2007 pursuant to Section 183 of the Local Government Act,

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2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

- g) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. P. McCarthy, it was agreed to dispose of a plot of land comprising 0.7222 Hectares (1.784 acres) at Curraghmacdonagh, Arabella to The Earl of Desmond Hotel, Tralee in accordance with the terms of notice issued 29th June, 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.
- h) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. P. McCarthy, it was agreed to dispose of a plot of land consisting of 8m² in total at Ratass, Tralee to the Electricity Supply Board, 27 Lower Fitzwilliam Street, Dublin 2 in accordance with the terms of notice issued 2nd July, 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.
- i) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. T. O'Brien, it was agreed to dispose of Land consisting of 12.088 acres in total consisting of two separate plots measuring 8.645 acres and 3.443 acres approximately at Dromore, Mollahiffe, Farranfore to Laune Properties Ltd., Daly's Lane, Killorglin in accordance with the terms of notice issued 2nd July, 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.

07.07.16.03 Date for the holding of a Special Planning Meeting

Cllr. A. McEllistrim PROPOSED that a Special Planning Meeting be held on Monday 10th September 2007 commencing at 10.40am to consider the Manager's Report on submissions and observations received on amendments in relation to the following:

- Draft Local Area Plan for West Kerry Settlements
- Draft Local Area Plan for North Kerry Settlements

Cllr. C. Miller SECONDED this proposal.

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

For: Cllrs. Beasley, Buckley, Ferris, T. Fitzgerald, D. Healy Rae, Leahy, McCarthy, McEllistrim, Miller, O'Brien, Sheahan, M. Healy Rae **(12)**

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the resolution carried.

07.07.16.04 To approve the raising of a short term loan of €10.0m for the purchase of land for Social and Affordable Housing and the restructuring of the loan of €6.75m for the purpose of the metering of non-domestic water supplies

Mr. J. O'Connor, Head of Finance, referred members to his report dated 6th July 2007 on this item which was circulated. The report refers to the raising of loans for two separate items, firstly the purchase of land for Social & Affordable Housing. This money will subsequently be recovered from the Department as the houses are built, but it is necessary to continue to purchase land and for this reason it is necessary to authorise the borrowing. He informed the meeting that this will have no impact on the Council's revenue budget and it is subject to the construction of houses within 5 years. The second issue relates to the restructuring of a loan of €6.75m for the purpose of the metering of non-domestic water supplies already approved by the Council on 18th July 2005 from a 10 year loan term to a 20 year loan term.

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. C. Miller, it was resolved to approve the raising of a short term loan of €10m for the purchase of land for Social and Affordable Housing and the restructuring of the loan of €6.75m for the purpose of the metering of non-domestic water supplies already approved by the Council on 18th July 2005 from a 10 year loan term to a 20 year loan term.

Cllr. P. McCarthy PROPOSED that the council approve the raising of a short term loan of €10m for the purchase of land for Social and Affordable Housing and the restructuring of the loan of €6.75m for the purpose of the metering of non-domestic water supplies which was already approved by the Council on 18th July, 2005 from a 10 year loan term to a 20 year loan term.

Cllr. C. Miller SECONDED this proposal.

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

For: Cllrs. Beasley, Buckley, Cronin, Ferris, T. Fitzgerald, D. Healy Rae, Leahy, McCarthy, Miller, O'Brien, O'Connor, O'Shea, Purtill, Sheahan, M. Healy Rae **(15)**

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the resolution carried.

Cllr. B. Cronin stated that he had evidence that water meters were being installed on domestic properties. He could not understand this and he asked if they would be charged.

A number of members stated that they had come across similar cases and also situations where an elderly couple have a few acres of land which is not being used yet the land is metered and they are being billed despite the fact that they do not use the land.

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In response, Mr. J. O'Connor, Head of Finance, said that where a water connection is used solely for domestic purposes, there is no charge and that it confirmed in legislation. Where an elderly person or couple has a small amount of land they are not using, in accordance with the Water Pricing Policy Framework, they must be charged. However, if they appeal and can support their application, this charge may be waived. In the interest of getting information on usage, a small number of purely domestic properties have been metered for management purposes but these people will not be charged either for the meter or the usage. If members have particular instance they were concerned about, they could bring them to his attention and each case would be dealt with on its merits.

07.07.16.05 Draft Traffic Management Plan for Ballybunion

Mr. P. Stack, A/Director, Roads & Transportation, referred members to the Ballybunion Draft Traffic Management Plan which was circulated together with his covering note. He informed the meeting that this report was prepared over a 6 month period in 2006 by RPS Consulting Engineers who were appointed by the Council to undertake a detailed Traffic Flow Assessment of Ballybunion in the context of seasonal peak flows, significant pedestrian traffic, and car parking availability. The draft report was developed after consultation with local groups such as the Ballybunion Development Association, An Garda Síochána and Kerry County Council officials. A public consultation meeting was held in Ballybunion on 1st February 2007 and the report incorporates comments and proposals submitted by the general public at that meeting. The main recommendations in the report are contained on Pages 28 and 29. Subject to approval of the members, the Draft Traffic Management Plan for Ballybunion will go on public display for a period of 30 days. The public has a right to make submissions on the report within that 30 day period and the Council will consider any submissions made. A report on the objections to the Draft Traffic Management Plan for Ballybunion will be brought before the members at the September Council Meeting for consideration. He outlined the main changes proposed in the report for the meeting.

Cllr. R. Beasley welcomed the Ballybunion Draft Traffic Management Plan, and said that Ballybunion has been neglected for some time. He urged members to support the draft plan and to adopt it at the September Council Meeting. He called on the Council to ensure that additional car parking is made available and asked them to consider providing a car park at the back of the Tínteán Theatre which would be free of charge.

Cllr. T. Ferris stated that a Draft Traffic Management Plan was also prepared for Ardfert and 2 years later it has still not been implemented and she failed to understand this.

Cllr. T. Buckley welcomed the draft plan and said that he hoped that the issue of traffic congestion in Ballybunion could be addressed together with the provision of adequate parking and footpaths.

Cllr. P. Leahy welcomed the draft plan and supported calls for the provision of a footpath at Sandhill Road. He added that parking is a major issue and is only permitted on one side of Sandhill Road while the other side is overgrown.

Cllr. L. Purtill welcomed the draft plan and supported the call for the provision of a car park near the Tínteán Theatre.

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On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Buckley, it was agreed that the Draft Traffic Management Plan for Ballybunion would be put out for public consultation.

07.07.16.06 Higher Education Grants Scheme, 2007

Mr. J. Flynn, Director of Corporate Services, referred members to the Higher Education Grants Scheme for 2007, which was circulated. He informed members that Kerry County Council administers the Higher Education Grants Scheme on behalf of the Minister for Education and Science.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley, it was unanimously agreed to approve the Higher Education Grants Scheme 2007.

07.07.16.07 Re-allocation of priorities for the Water Services Investment Programme

Mr. O. Ring, Director of Water Services, referred member to his report on this item, which was circulated. He informed the meeting that there is an urgent need to provide or upgraded sewerage schemes for most of the villages in Kerry, both for environmental reasons and to support the sustainable development of the villages. Five projects are already under construction i.e. Milltown, Barraduff, Furies, Kilcummin and Sneem and design reports and costings are being completed for 29 more.

Most of the schemes are included in the current Water Services Investment Programme to go to construction or to enter the planning phase, including Barraduff and Kilcummin. However, some very urgent schemes in the Water Services Investment Programme while many of those included are not considered to be in the top priority category. An investment of over €70million will be required to deliver all the required schemes with up to 50% of the cost of some schemes having to be funded by Kerry County Council. It is necessary to prioritise and phase the delivery programme in order to draw down Department funding effectively and to deliver schemes as quickly as possible.

He then outlined the schemes which are included in Phase 1, and he added that substantial progress had been made in advancing these village schemes but it is vital that funding be secured through the Water Services Investment Programme and through development levies if they are all to be constructed in good time. He then outlined progress to date on the various schemes.

He then briefed the meeting on the 13 schemes proposed for Phase 2 of the programme and added that some of these could advance rapidly to construction in partnership with suitable developers. He informed the meeting that a further 16 village scheme upgrades were included in the Assessment of Needs (2006) and said that it is hoped that these schemes will be included in the forthcoming revision of the Water Services Investment Programme as schemes to enter planning. He then outlined these schemes.

He informed the meeting that it would be a major challenge for Kerry County Council to finance the shortfall after the Department funding element is accounted for. The shortfall would vary from 40% in a small number of schemes to 60% for Serviced Land Initiative funded schemes. The shortfall will need to be funded almost entirely from development levies. At present there is a countywide General Development Levy for sewerage of €3,020 per house. On top of this levy, there is an additional Special

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Development Contribution Levy of €1,910 for the 'fast-track' schemes of Milltown, Firies, Barraduff & Kilcummin, and €4,000 for Tarbert. The current best estimates available indicate that the funding shortfall could be over €8,000 per new house equivalent for Phase 1 schemes and could be over €12,000 per house in Phase 2 schemes. As a result of this the development levies for sewerage must be increased if the Village Sewerage Scheme programme is to be delivered in a reasonable time scale.

He informed the meeting that it was intended to bring proposals to the Council for a revised sewerage development levy scheme for the Phase 1 villages at the September meeting. In conclusion he stated that the support of the Council was sought for the revised Village Sewerage Scheme programme to be submitted to the Department of the Environment, Heritage and Local Government for inclusion in the Water Services Investment Programme and also for a limited revision of the Sewerage Development Levy Scheme which would fund targeted elements of the Village Sewerage Scheme programme. He asked all members to support the programme.

Cllr. M. Healy-Rae PROPOSED that the Village Sewerage Schemes Programme be forwarded to the Department and that a report be brought back to the September meeting on additional development levies.

Cllr. T. O'Brien SECONDED this proposal.

Cllr. M. O'Shea supported the Water Services Investment Programme. He referred to Phase II and said that developers should be instructed to give serious consideration to putting schemes in place under the Serviced Land Initiative. This would be particularly appropriate for villages included in Phase II of the Programme.

Cllr. L. Purtill referred to Tarbert and Ballylongford and said that because of the Shannon LNG project both these areas need to get priority.

Mr. O. Ring informed the meeting that both these villages are included in Phase I and it is anticipated that they will go to tender by the end of the year and it will be 12 to 18 months before these schemes will be in operation.

Cllr. T. Ferris said that she would have difficulty in voting for a new development levy for sewerage schemes.

The Mayor suggested that members would vote to agree the reallocate the priorities only and that the issue of the development levies would be considered further at the September council meeting.

Cllr. T. Ferris accepted this and said that she would not vote on the adoption of the report as presented. She would only agree the priority list. She pointed out that in some instances where planning permission has been granted construction cannot commence until the schemes are provided and she was concerned that these planning permissions would expire before a scheme is provided. If the planning permissions expire she was concerned that planning permission would not be granted in the future.

Cllr. T. Fleming said that he was concerned about the villages of Currow and Scartaglin which are included in Phase II. Both these villages are on a tributary of the Brown Flesk which was being monitored. He requested an update on the current levels of pollution in

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the Brown Flesk and he asked if that was taken into account in including these villages in Phase II. He also referred to Gneeveguilla which is included in Phase III and said that this is a rapidly expanding village and a sewerage scheme is urgently required there.

Cllr. B. Cronin said that in a recent survey the general public in Kerry said that the most important amenity to them was the provision of sewerage schemes. This is particularly important in the protection of our rivers and various water sources. He expressed concern at proposals to introduce a sewerage development levy scheme and said that he was not prepared to vote on it at that meeting.

The Mayor again stated that a vote would be taken on the reallocation of priorities but not on the development levy scheme.

Cllr. R. Beasley PROPOSED that the paragraph in the report relating to development levies be removed.

Cllr. M. O'Shea SECONDED this proposal.

Mr. M. O'Donoghue, SEO, informed the meeting that if members so wish a vote could be taken on the adoption of the revised priorities only.

Mr. O. Ring, Director of Water Services, stated that the funding of the €70m investment programme will be critical and significant funding will have to be raised locally. He added that a detailed report would be presented to the members on this issue at the September Council meeting.

Cllr. J. O'Connor asked if the Government is fully recouping the cost of the provision of water for domestic properties since charges for domestic properties were abolished.

Cllr. M. Healy-Rae PROPOSED that a vote be taken on the Water Services Scheme of Priorities as presented.

Cllr. M. O'Shea SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Beasley, Buckley, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Fleming, Leahy, McCarthy, McEllistrim, Miller, O'Connell, O'Connor, O'Shea, Purtill, Sheahan, M. Healy-Rae **(17)**

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the resolution carried.

07.07.16.08 Report on the establishment of a Joint Policing Committee

Mr. J. Flynn, Director of Corporate Services, referred members to his report on this item which was circulated and he briefed them in detail on the report.

It was unanimously agreed to note the report.

07.07.16.09 Update from Tralee Town Council on the activities of the Joint Policing Committee

Mr. J. Flynn, Director of Corporate Services, informed the meeting that this report which was presented by Tralee Town Council on the Joint Policing Committee which was established some time ago and it was presented in order to update the members of Kerry County Council.

It was unanimously agreed to note the report.

07.07.16.10 Update on the proposed Water Abstraction Order for the Sheen River, Kenmare.

Mr. O. Ring, Director of Water Services, referred members to his report dated 12th July, 2007 on this item which was circulated. He briefed them in detail on the report. In conclusion he said that the water supply in Kenmare is not adequate and further developments could not be permitted until a new scheme is provided.

Cllr. D. Healy-Rae said that he wished to move Notice of Motion No. 13.

13. Extraction of water from the Sheen River

Cllr. D. Healy-Rae informed the meeting that he had recently attended a public meeting in Kenmare and all in attendance were concerned at the taking of water from the Sheen River as they felt it was not the best source in the area in light of the recent incident of water contamination in Galway. He pointed out that in the month of August there is very little water in this river and this is the time that most water is needed in Kenmare as it is the height of the tourism season. He asked if consideration was given to extracting water from Lough Currane. He also pointed out that Carrig Lake is not visible from the Ring of Kerry road and would also be suitable. He requested the Director of Water Services to reconsider his report and to consider using nearby lakes as a water source to supplement the water supply in Kenmare.

Cllr. M. Connor-Scarteen thanked Mr. Frank Sheahan, Waterworks Caretaker in Kenmare for managing the water supply so efficiently. People in Kenmare have called urgently for improvements to the existing water supply and they are opposed to extracting water from the Sheen River as planning permission may not be granted in the vicinity nor will landowners be permitted to spread fertilizer in nearby lands. He asked if an Environmental Impact Assessment was carried out in conjunction with proposals to extract water from the Sheen River. He also asked if it would be possible to continue to take water from the present source and to provide a dam if necessary. He asked if the proposal to extract water from the Sheen River was referred to An Bord Pleanála how long would it take before a decision would issue.

In response Mr. O. Ring said that he was not sure but it could take from 6 months to 2 years. He pointed out that harnessing the existing lake has been considered and if the level of the lake is raised it would be to maximize output, however, in this instance even if the level of the lake is risen it would not be sufficient. The only two possible sources of water for Kenmare are the Sheen River and the Roughty River and everyone is in agreement that the Roughty River is not suitable. The proposed extraction levels would be to a maximum of 25% of the rivers low flow. He added that daily water sampling has been taking place and this is a perfectly adequate source

for a water supply as a treatment plant will be installed. The recent pollution of the water supply in Galway cannot be compared to any situation in Kerry as the source in Galway was a low lying lake and all the water sources in Kerry are upland and there are no major developments such as towns upstream of them. Every possible source of water in the area has been considered on a number of occasions and an EIS was carried out. The only issues, which arose from that related to fisheries and this would only occur once in every fifty years. This issue has been discussed at length with the relevant fisheries department. He stated that there would be no restriction on farming as a result of this abstraction and that the Nitrates Directive would determine how farms operate. He also confirmed that the Water Services Department would not be objecting to planning applications in the vicinity of the Sheen River.

Cllr. M. Connor-Scarteen stated that the EIS was not made available to Bonane residents. He recently spoke to an engineer who stated that if Carrig Lake was dammed and the level risen by two feet there would be sufficient water for Kenmare for 40 years.

Mr. O. Ring pointed out that the Council must plan for prolonged droughts.

Cllr. M. Connor-Scarteen asked if other lakes in the area could be harnessed.

In response Mr. O. Ring stated that there were not enough lakes with sufficient capacity in the area which would be suited to the demands that would be placed on them.

Cllr. D. Healy-Rae stated that he was speaking on behalf of the people of Kenmare and Bonane who are not satisfied that the Sheen River is a suitable water source. They are also very concerned that planning permission will be refused as a result of this abstraction of water. He asked how far back from the tributaries flowing into the Sheen River would planning applicants be forced to keep.

Cllr. M. Healy-Rae stated that farmers in the area have indicated that a number of small streams in the area flow into the Sheen River and they are concerned that they will be refused planning permission as a result of the abstraction. This is a very difficult situation for members as they desperately want an adequate water supply for Kenmare.

Mr. O. Ring again stated that the council is strongly of the view that there is insufficient water in the lakes in the surrounding areas to meet the demands for water in Kenmare. The only other option available is the Roughty River. The prohibition on the spreading of fertilizer within 200 meters of a river is a stipulation in the Nitrates Directive. He was not concerned that the Sheen River would suddenly become polluted as he knew that farmers were responsible and apply good farming practices. He again pointed out that a treatment plant would be constructed and if this issue is referred to An Bord Pleanala it would result in a delay in the provision of additional water for Kenmare town. He stated that there is no evidence that the people of the town are opposed to this abstraction order.

Cllr. M. Healy-Rae asked if the Abstraction Order did not proceed and if the council has to await the decision of An Bord Pleanála would further development be prohibited in Kenmare.

In response Mr. O. Ring stated that while a single house development maybe permitted no other development would be allowed in the absence of an enhanced water supply. He also pointed out that no formal or informal objection was received in relation to the Abstraction Order and that a full treatment plant would be provided to guarantee the standard of water being supplied.

Cllr. M. Healy-Rae suggested that a meeting be held with individuals who have concerns and that Mr. O. Ring and Mr. J. Flynn would attend with a view to addressing their concerns.

In conclusion Cllr. M. Connor-Scarteen requested that the EIS be made available to the residents of Bonane.

07.07.16.11 Local Authority Housing Programme Capital Allocation for 2007.

Mr. L. Quinlan, SEO, Housing referred members to his report on this item which was circulated and he briefed them in detail on the report.

It was unanimously agreed to note the report.

07.07.16. 12 Submissions to the Boundary Commission.

Cllr. M. Healy-Rae stated that this issue was recently mentioned in the Chamber and it relates to proposals that Kerry would be a single five seat constituency for future elections rather than two three seater constituencies. If the members wished a submission could be made to the Constituency Commission on behalf of the Council in the Mayor's name which would represent the views of Kerry County Council. He said that he assumed that all members were in agreement that Kerry should continue to be two three seater constituencies with 3 seats in each constituency.

Cllr. T. Ferris PROPOSED that Kerry could continue to be two 3 seater constituencies.

Cllr. B. O'Connell SECONDED this proposal.

Mr. J. Flynn, Director of Corporate Services, informed the meeting that the Constituency Committee has been put in place, and one of its' functions is to review the representation in terms of Dáil constituencies and the number of members shall in time be fixed. The Constituency Commission will be basing their decision on population statistics and the only route open to Kerry County Council is to make a submission to the Constituency Commission. The Mayor informed the meeting that the most appropriate way would be to authorize Mr. Flynn to make a submission on behalf of the Mayor, which would reflect the views of the entire Council.

This was agreed.

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07.07.16.13 Dates for next round of Electoral Area Meetings

It was agreed to hold the next round of Electoral Area Meetings on the following dates:

Area	Date	Location	Time
Tralee	Mon. 3 rd September	Council Chambers	10.40am
Listowel	Monday 24 th September	Áras an Phiarsaigh	10.00am
Dingle	Wednesday 12 th September	Farranakilla House	10.30am
Killarney	Wednesday 19 th September	Town Hall, Killarney	10.00am
Killorglin	Friday 21 st September	Kenmare	10.00am

07.07.16.14 Summary of proceedings at conferences

a) AMAI Spring Seminar 2007.

Cllr. B. O'Connell informed the meeting that this conference took place on the 9th and 10th February in Tralee. Cllr. N. Foley welcomed all the delegates to Tralee and Mary Davis also addressed the conference, as did Dr. Clodagh Harris.

b) Northern Tourism Conference:

Cllr. M. Connor-Scarteen requested that this item be deferred to the September Council Meeting.

This was agreed.

c) Irish Rural Dwellers Association Planning Conference 2007.

Cllr. J. O'Connor informed the meeting that he attended this conference which on the theme 'Last Call for Rural Planning' which was held from the 18th - 20th April in Killarney. James Doyle, Chairman of the IRDA, chaired the entire conference, which was organized to highlight the issue in the run-up to the election. All political parties were invited to present their political parties policies on rural housing at the conference and they were all supportive of rural housing, especially for people on their own land. Other speakers included Mary & Seán Sweeney, Seamus Caulfield, Jim Connolly, Pat Buckley, Nora Flynn and Pádraig Kennelly amongst others. This was a very interesting and well attended conference.

d) Southern & Eastern Regional Assembly 8th Annual Regional Assembly Conference.

Cllr. T. Buckley informed the meeting that he attended this conference which was held in Naas, Co. Kildare on the 20th April, 2007. The theme of the conference was 'Regional Governance' and was very interesting.

e) The Local Government Housing Service Seminar for Councillors

Cllr B. O'Connell said that he attended this conference which was held in Letterkenny, Co. Donegal, which dealt with the Housing Service in Local Authorities. The principal speaker was Bridie McBrierty, Programme Manager, Rental Accommodation Scheme, Border Region and there was a very interesting presentation on the RAS scheme.

f) Carlow Tourism Conference.

Cllr. P. Leahy stated that he attended this conference, which was held in Carlow. The Cathaoirleach of Carlow County Council, Cllr. M. Lally, addressed the Conference. The speakers included Mr. Joe Crockett, Carlow County Manager, Mr.

Eamon McKeown Chief Executive, Irish Tourist Industry Confederation. The theme of the conference was 'Tourism – Fostering Local and Regional Regeneration'.

07.07.16.15 Report on the activities and operations of Shannon River Basin District Advisory Council

Cllr. N. O'Sullivan informed the meeting that the Shannon River Basin District Advisory Council had just completed its first year in operation and their first annual meeting was held last week. He was the first chair of the Council, which represents 18 Local Area Authorities. There are also 7 co-opted members from Town Councils in the region. The emphasis for the Council was on water quality in the Shannon Basin, and he added that several documents have been compiled by the Council which are available for public inspection.

07.07.16.16 Report by Cllr. R. Beasley, Chair of the Community, Cultural & Tourism SPC

Cllr. R. Beasley briefed the meeting on the issues discussed at a recent meeting of the Community, Cultural and Tourism SPC under the following headings:-

- (i) Appointment of new County Librarian.
- (ii) Heritage and Bio-Diversity Plan 2008 – 2012
- (iii) Library Plan

07.07.16.17 Opening of Tenders

- a) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. R. Beasley, it was agreed to approve the opening of tenders for the N22 Farranfore to Killarney Road Improvement Scheme – Preliminary Ground Investigation Contract – Farranfore to Lawlors Cross.
- b) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of any tenders that may arise up to the September meeting.

07.07.16.18 Notices of Motion

1 Improvement Work at Clash, Annascaul

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

"That Kerry County Council carry out improvement works at Clash, Annascaul as follows: two extra lights needed, put a footpath in place between the estate and the Village, extend the 40km signs beyond the CLUID estate and erect warning signs to slow traffic"

Mr. M. O'Donoghue, SEO, read the following report:-

The Cluid estate is located in an 80Kph zone and the location of this speed limit may be reviewed during the next speed limit review which will take place in 2008.

The estate itself is located approximately 460m from the village and is serviced with intermittent footpaths and public lighting. The undertaking of such works as outlined below is currently not on any programme and it is estimated that the cost of undertaking these works over a distance of 460m would be in the order of €115,000. These works would necessitate the setting back of a number of private boundaries and for this reason the good will of locals would be necessary.

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Furthermore, it should be noted that there are no levies available along this road. Suitable warning signs will be erected at this location.

Cllr. M. O'Shea stated that this particular area is very unsafe for pedestrians and he would have to query the policy of allowing estates where there is no services and proper access. He asked if this was a private development, would planning permission have been granted as there was no access to the village from it. There is now a duty on Kerry County Council to provide proper access for the people living in this area.

Mr. T. Curran, County Manager, stated that it would be necessary to set back the boundary wall in order to provide adequate pedestrian access. In the past housing was provided by the Council where land was made available and this policy is now being reviewed. He pointed out that this will also happen where land has been zoned by members. In this situation the Council can try to establish if the goodwill of the landowner is forthcoming to enable a programme of works to be put in place to set back the boundary ditch and to allow for the provision of a footpath.

Cllr. S. Fitzgerald supported the motion and said that it would be worthwhile for the County Manager to visit the area. 100 houses have been constructed here and all of these are occupied. It is a very busy road at the rear of the village and he felt it was only a matter of time before there was a serious accident there. If a private developer was responsible for constructing of this development, it would be a condition of planning that public lighting and footpaths would be provided and he called on Kerry County Council to provide these facilities.

The Mayor informed the meeting that Notices of Motion numbers 2 and 18 would be taken together.

2 Road reinstatement work

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

"That Kerry County Council, Water Services Department would adopt a policy that ensures road reinstatement carried out on foot of works either temporary, permanent or emergency would be carried out to the highest possible standard and would not compromise the standard of the roads they are working on"

18. Road reinstatement works.

Pursuant to notice duly given Each Listowel EA Councillor PROPOSED:

"That the Water Services Department carry out the road reinstatement on all the works as per agreement with the Roads and Transportation Department"

Mr. M. O'Donoghue, SEO, read the following report:-

Water Services have an agreed protocol with the Roads Department for the opening and temporary re-instatement of cuttings in public roads. Water Service Maintenance Vans have been kitted out with the required tools to allow compliance with this protocol. Final re-instatement is carried out by the relevant Roads Area Staff and is paid for out of the Water Service maintenance budget.

Since its adoption this procedure has worked well.

Water Services carry out approximately 800 openings of differing magnitudes per year.

It is the intention of each van crew to carry out trench re instatement to the highest standard.

However for varying reasons some cuttings may fail or even compact abnormally and do need remedial action.

Water Services will again raise this issue with the various van crews involved.

Cllr. J. Brassil requested that Senior Engineer of the Water Services Department to

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outline the protocol for these works.

In response Mr. G. MacNamara, SE, Water Services, stated that the excavated mat

Cllr. Brassil stated that while the procedure generally worked well he was aware of 4 occasions in the past 2 months where Water Services carried out works. The first in Ardfert Village where emergency repair works were carried out to a burst water main. During the course of these works no attempt was made to cut the road, which had been surfaced to a high standard the previous year. Temporary reinstatement was carried out at the time, but the final restoration has not yet taken place. He also referred to a similar situation on the outskirts of Tralee near Mounthawk where a section of road has been repaired so many times that it is now 6 inches higher than the surrounding road. During the course of works to relay a water main at Hehirhill to Meenogahane in Ballyheigue, no attempt was made to cut the road. He acknowledged that 804 material was used, but it was not compacted. Originally 300-400 yards of these works was carried out, but this now stretched to 3 or 4 miles with numerous potholes. He was not prepared to accept the present standard of work being carried out and he called on the engineer responsible to ensure that these matters were rectified.

Cllr. B. Cronin seconded the motion and said that he had also raised this issue at a Killarney Electoral Area Meeting. He had seen many instances where roads were left in a dreadful condition and in particular at Rossmore/Firies where the road was torn up and left in a dreadful condition. This also happened at Molahiffe, Firies where a section of 300-400 metres of the road was dug up with no effort being made to cut the road to minimize the damage. A water main was also relaid in Coolick where 5 kms have been left in a dreadful condition. He was concerned that shabby workmanship was being tolerated and he called on the Council to ensure that these works are carried out to a satisfactory standard. He referred to Killarney town where the Town Council employed a company to carry out the installation of broadband in the town and the workmanship on this work was superb. In conclusion he stated that any contractor who has a history of poor workmanship should not be given any further contracts.

Mr. T. Curran, County Manager undertook to follow up on this motion.

3 Steps to deal with increasing traffic levels

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

"What steps are Kerry County Council and the NRA taking to deal with the continuing increase in traffic levels in our county as many commuters are already experiencing severe difficulties and time delays in the towns like Killarney and Kenmare - we can expect that most children starting off second level education now will have cars on our roads in four or five years time, serious action will have to be taken or else our County will grind to a halt"

Mr. M. O'Donoghue, SEO, read the following report:-

Kerry County Council and agencies such as the NRA, Department of Transport and Department of Environment, Heritage and Local Government are very aware of the increasing traffic volumes on the roads in the County leading at times to congestion in primarily Tralee, Killarney, Listowel along with the six scheduled towns.

The various actions presently being undertaken by the Road Authorities include monitoring of traffic flows, development of Traffic Management Plans and identification of routes for relief/ bypass roads along

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with the provision of car parking facilities.

Traffic Management Plans are either in place or being developed for the six scheduled towns in the County and suitable routes for relief roads have been identified with some commenced and indeed some completed (e.g. Tralee Western Link Road (Phase 1) and John B. Keane Road, Listowel).

Bypasses for Tralee, Killarney, Listowel and Castleisland will be funded by the National Roads Authority while relief roads in the scheduled towns will be funded mainly through a combination of Development Levies and Department of Environment, Heritage and Local Government allocations.

It is a primary objective of the Roads and Transportation Section to progress as quickly as possible the delivery of relief/ bypass roads in Kerry.

Cllr. D. Healy-Rae stated that there was no mention of Kenmare in this reply which is gridlocked for 7 days of the week due to enormous volumes of traffic. He was very conscious of the fact that young people will have their own cars and no provision is being made for the additional traffic that will be on our roads in 4 or 5 years time.

Cllr. J. O'Connor seconded the motion.

4 Number of farmers not in receipt of de-stocking premium for sheep Pursuant to notice duly given Cllr. J. P. O'Connor PROPOSED:

"Could we be informed as to how many farmers in Kerry are not now receiving the de-stocking premium for sheep. Farmers now have to apply for the de-stocking premium, rather than having it paid automatically by the NPWS Section of the Department of the Environment every year as was the norm in the past. Is there data showing how much Kerry is losing financially as a result of this change"

Mr. M. O'Donoghue, SEO, read the following report:-

Kerry County Council does not have a function in relation to this scheme and therefore has no data on same.

Cllr. J. O'Connor called on Kerry County Council to write to the Department of the Environment, Heritage and Local Government requesting details on the numbers of farmers in Kerry who are not receiving their destocking premium since the regulations were changed, making it necessary for them to apply for this premium. He stated that up to 2 years ago, farmers automatically got this cheque in the post, but now they must apply and he was concerned that some farmers are not doing this and this has resulted in a loss in the economy for the County. He also requested that the Department to inform Kerry County Council how many farmers have not applied for the destocking premium and are there specific requirements a farmer would have to satisfy before he would qualify for these payments e.g. would he have to join REPS.

Cllr. J. Sheahan SECONDED the motion.

5 Broadband services for rural areas Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

"To request a report from Kerry County Council explaining why large sections of Rural Kerry are still without a proper Broadband service and when will this service be available to people in Rural Kerry"

Mr. M. O'Donoghue, SEO, read the following report:-

There are two telecommunications infrastructure intervention initiatives currently being undertaken by the Department of Communications, Marine and Natural Resources. They are; the Metropolitan Area Networks (MANs) Programme and the recently announced National Broadband Scheme (NBS).

Under the MANs Programme Kerry County Council are currently implementing fibre based broadband solutions for the towns of Tralee, Killarney and Listowel as well as a fibre backhaul link to Castleisland. Works began in these towns in June 2007 and are expected to be fully completed by October 07. Wireless Local Access solutions are currently being investigated for Kenmare, Dingle and Castleisland.

Other Kerry Towns:

We have received no assurance yet that the proposed Local Wireless Access infrastructure will be provided to the next tier of Kerry towns, including Killorglin and Cahersiveen. A submission to include these towns in Phase III of the MANs programme is being considered.

Planning Issues

The provision of a wireless based broadband solution to our rural towns will necessitate the erection of a substantial number of masts to relay the signal. This could be problematic, as our current County Development Plan has severe restrictions in relation to the siting of masts. This will have to be re-examined if wireless based Broadband is to be introduced in the County.

National Broadband Scheme

The procurement process for the National Broadband Scheme (NBS) was commenced by the Minister on May 2nd. It is envisaged that the contract with the successful candidate, will be signed at the end of 2007.

The winning Service Provider/s will be required to;

- o provide broadband services to residential and business locations in specified areas within a defined timeframe.*
- o ensure that the services it provides are affordable, sustainable and scaleable with a view to ensuring that retail subscribers are provided with a broadband service to a specification, which is closely analogous to broadband service typically enjoyed by users in urban areas.*
- o provide a wholesale product, at an appropriate wholesale price, which will be available to other operators in the market.*

Please note that a website www.kerrycoco.ie/broadband has been set up to inform the public about the MANs programme and the general situation of Broadband in Kerry.

Cllr. B. Cronin stated that his motion requested details, in particular on rural Kerry. He appreciated that work has been carried out in some towns, but rural areas are just as important as towns and are without access to broadband services. At present it is virtually impossible to connect to the emails on Council laptops. Many people work from home and any industry considering locating to Kerry will not do so because of the lack of this very important service. Rural Kerry needs this facility and action should be taken on this issue immediately.

Cllr. T. Ferris seconded the motion.

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Cllr. J. O'Connor stated that at a recent Killorglin Area Meeting he had asked that some person be brought in to promote broadband and to explain the current position to members. He asked for an update on this.

Cllr. B. Cronin proposed this.

Cllr. J. O'Connor seconded it.

In response, Mr. T. Curran, County Manager, said that the same principal applies. The Council is in negotiation with the Department and the IT Dept are trying to promote a wireless option as it is the only option for rural Kerry. He hoped that when the details of the new scheme are announced that Kerry will be included.

Cllr. A. McEllistram asked if some areas in Kerry could not be serviced with Broadband.

In response Mr. T. Curran, County Manager, said that there must be a clear line of vision and additional masts will be required to relay the signal to more remote areas.

7 Revision of constituencies in Kerry for Dail elections.

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

"That Kerry County Council call on the Government to leave Kerry as two separate electoral areas - Kerry North and Kerry South as the county is too large and too remote".

The Mayor informed the meeting that Notice of Motion no. 7 was dealt with in the context of item 12.

8 Condition of Carrahane/Banna Road

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

"That the Council would attempt to resolve the disgraceful condition of a portion of the Carrahane/Banna Road"

Mr. M. O'Donoghue, SEO, read the following report:-

The Carrahane\Banna road is a Private Road and not in the charge of Kerry County Council. However this road links two public roads – the Local Tertiary Road the L10481 at the Banna end and the Local Secondary Road L6095 at Rahanoor. This particular road also serves the Public Beach at Banna as well as the local residents. 970m of this road is in extremely poor condition of which at least 700m is being constantly damaged by high tides. This section would require extra strengthening works to raise it above the high tide level. The estimate cost to bring this road up to the approved standards is €77,260. As this road is private the only current option open to it, is for the local residents to apply for a Local Improvement Scheme or request Kerry County Council to take the road in charge.

Cllr. T. Ferris said that she was not satisfied with the report, in particular with the section that says that this is a private road. She pointed out that she had to raise this issue at a number of area meetings and Cllr. Beasley had also raised it at a number of Listowel Electoral Area Meetings where he requested that the road be improved through Discretionary Funding. However, he was informed that this road did not qualify for such funding. The residents on this road are too elderly to be expected to contribute and it is not possible to drive from Casements Monument to the Fort with the present condition of the road. The residents of the 2 houses are adamant that they signed a

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document approximately 2 years ago and they understood as a result of this that the road was to be taken in charge. However, the Tralee Area Office denies this. She pointed out that it would not be possible for these 2 houses to make up the shortfall of €77,000 for a local improvement scheme in order for this road to be improved to a sufficient standard to allow the road to be taken in charge. The section of road in question is 970 metres and sea erosion is making it worse.

Cllr. P. Leahy supported the motion and said that this problem has been ongoing for a long time. He asked if the road could be included in the CLAR Programme, as he understood it was not possible to improve it under the local improvement scheme.

Cllr. T. Buckley pointed out that the road at either side of this section of road has been taken in charge, and it is just this section that is still privately owned.

Cllr. T. Fitzgerald said that this is a public road and should be taken in charge.

Mr. P. Stack, Acting Director of Roads & Transportation, said that he had viewed this road and he would have grave concerns with taking in charge a private road. He was aware that it was raised at Area Meetings, and he acknowledged that the road is a public road at either side and this road gives access to the beach. It is also used by tourists. The Council took one road in charge last year, which was the road leading to Carrauntoohil. He was concerned that if this road was taken in charge that it would set a dangerous precedent.

9. Carrying out of a maintenance audit on all council owned houses Pursuant to notice duly given Cllr. M. Healy-Rae PROPOSED:

"That we request the Director of Services in the Housing Department to carry out a maintenance audit on all houses/estates under the management of Kerry County Council"

Mr. M. O'Donoghue, SEO, read the following report:-

The housing stock of Kerry County Council has undergone an extensive assessment during 2006 and into early 2007. We have carried out a comprehensive survey of the condition of our single rural dwellings in the preparation of an application for funding to the Department of Environment & Local Government in late 2006, following notification that its Remedial Works Scheme was being extended to include our single rural dwellings. All of our 550 single rural dwellings were examined and estimates prepared for the up-grading of dwellings requiring remedial works. It is anticipated that this programme of works will be completed over a 3 year period utilising a combination of exchequer funding and internal capital receipts. Furthermore a programme of improvement works is being prepared in respect of our group housing stock & estates utilising our housing internal capital receipts which the DEHLG has given direct control to housing authorities to spend on certain eligible works. It is envisaged that this programme can be completed over a two year period. In preparing this programme our housing area engineers undertook a review of the estates in the county and the programme of works will be based upon the identified needs and in accordance with the eligible works criteria which include window and door replacement, boiler replacement, works to the exterior of houses & estate regeneration. In view of this very recent assessment of the condition of council housing stock and it is not considered that there is a requirement for a maintenance audit at this stage.

Cllr. M. Healy-Rae welcomed the report and complimented all involved in the Housing Department on doing an excellent job in the maintenance of houses.

10. Names of company directors or individuals involved in group planning applications.

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

"That the names of the company directors or individuals involved in group planning applications be listed in the Planning Section of the Kerry County Council website"

Mr. M. O'Donoghue, SEO, read the following report:-

Question No. 6 of the prescribed planning application form relates to planning applications where the applicant is a Company (registered under the Companies Acts 1963 to 1999). In any such instance, the following specific details are required to be entered on the form:

- (a) The Name(s) of the Company Director(s)*
- (b) The registered address of the company*
- (c) The company registration number*
- (d) The company telephone number*
- (e) E-mail address/fax number (if any)*

The omission of this required information will lead to the invalidation of the application. The planning application form accompanying an application may be accessed through the Council's website under the relevant planning register reference number.

Cllr. J. O'Connor noted the report and said that if the company directors were easily identified it would be helpful to residents living in the area who wish to identify the developer proposing new developments in their area. In Killorglin an estate was construction and 6 years later there are no public lights there.

Mr. F. Dillon informed the meeting that the names of company directors are listed on the application form, which can be viewed online. Any application that does not contain the names of company directors is invalid.

11 Intimidation of tourists driving through the Gap of Dunloe

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

"That this Council condemns the actions of a small number of people who intimidate tourists who wish to drive through the Gap of Dunloe"

Mr. M. O'Donoghue, SEO, informed the meeting that this is a matter for consideration by the members.

Cllr. P. McCarthy said that he had experienced a form of bullying as he was attempting to drive through the Black Valley. This had happened on more than one occasion even when he was driving a vehicle with a Kerry registration. Last year he met a couple returning to Mayo who had turned back in 2004 and again this year due to bullying and intimidation. This is a public road and a sign indicating that the road is unsuitable for trucks and buses is probably the reason that some people turn back. Some of the local people are using this Kerry County Council sign to tell motorists they cannot drive through. He asked what role has Kerry County Council in ensuring that this does not

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happen again.

Cllr. J. O'Connor stated that a German bus recently went off this road and many motorists do not read the signs. People should not stop motorists from driving through this area.

Cllr. D. Healy-Rae rejected Cllr. McCarthy's statement that residents of the Black Valley are bullying anyone.

Cllr. B. Cronin said that he would be concerned if there was intimidation of drivers who wanted to drive through the Black Valley. This issue was also reported on Radio Kerry and it is worrying. He asked Mr. Stack if the road from the Gap to Molls Gap is a public road.

Cllr. M. Healy-Rae said that he took grave exception to the wording of the motion and his uncle and first cousin are jarveys. They would never bully or intimidate anyone and he did not want all the residents of the Valley to be branded bullies. His relations run a good and orderly business.

Cllr. P. McCarthy pointed out that the motion states that 'a small number of people' are involved and he acknowledged that some jarveys are very professional. He added that he could give the date, time, names of the motorists turned back and also their phone numbers.

Cllr. J. O'Connor PROPOSED that a sign be erected on the other side specifying what vehicles are allowed to use the road.

Mr. P. Stack informed the meeting that the road from the Gap to Kate Kearney's Cottage is a public road. However, it is unique and a very narrow road. There is a sign at Kate Kearney's end and a similar sign should be provided at the other end. The issue of bullying or intimidation is a matter for the Gardaí. He added that the sign is informational but it is critical that motorists know the area.

Suspension of Standing Orders

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

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T. Ferris it was agreed to suspend Standing Orders to allow the meeting to continue.

12 Funding received from the Department for Playgrounds in 2006.

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

"To ask the County Manager how much funding was received in 2006 from the Department of the Environment, Heritage and Local Government for playgrounds in Kerry"

Mr. M. O'Donoghue, SEO, read the following report:-

In 2006, €120,000 was received under the Department of the Environment, Heritage and Local Governments 'Local Authority Playground Grant Scheme'. This funding was supplemented by local authority funds to complete the development of public playgrounds in Fenit and Ballyheigue.

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The introduction of the 'Local Authority Playground Grant Scheme' has enabled Kerry County Council to work effectively with communities to develop much needed playgrounds; this year three more playgrounds are dependant on the Scheme being continued. However, we are very concerned about the future of the Scheme, as we are still awaiting confirmation whether funding will be provided in 2007. Given our previous experience, an additional three projects could be completed, if funding was made available in 2007. These potential projects are located in Kenmare, Rossbeigh and Ardfer.

Cllr. M. O'Shea said that it was worrying that the funding from the Department may not be continued. Other counties do not have policies in place and they are putting the future of this scheme in jeopardy. The importance of playgrounds for the county cannot be underestimated and he urged members to pass a resolution calling on Minister J. Gormley to continue this grant scheme especially for counties like Kerry who have the capabilities to put more playgrounds in place.

Cllr. A. McEllistrim seconded the motion and it was agreed to write to Minister Gormley calling on him to continue this grant scheme.

14 Number of legal actions taken in the past 12 months for non completion of planning conditions by developers.

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

"To ask the Law Department to clarify and outline how many legal actions have been pursued in the last 12 months regarding the non completion of planning conditions by developers in Kerry"

Mr. M. O'Donoghue, SEO, read the following report:-

In regard to Housing Scheme Developments, legal proceedings are currently being pursued in one case where a developer has failed to complete the development in accordance with the conditions of the permission granted. An investigation has been initiated in 14 further cases on foot of which Enforcement Notices have been served in respect of the outstanding works. The terms of the Enforcement Notice have been complied with in full in four cases and substantially complied with in eight cases. The files relating to the two outstanding cases are currently being prepared to be forwarded to the County Solicitor with an instruction that injunctive proceedings be pursued.

In addition to the Enforcement activity outlined above, site inspections/investigations are undertaken on an ongoing basis in the context of the extension/release of bonds lodged to secure the satisfactory completion of developments. In any case where the development is not satisfactorily completed, the developer is required to extend the term of the bond. Failure to comply with this requirement will result in the bond being drawn down from the relevant financial institution to finance the completion of the outstanding works by Kerry County Council. To date, bonds have been drawn down in three cases. The works have been completed in one of these cases and arrangements are now being finalised to have the works undertaken in the remaining two cases.

Cllr. B. Cronin acknowledged the report and stated that he was amazed that only one case is being pursued through the courts with bonds being drawn down in three other cases. He pointed out that 5 out of 7 estates in Furies do not have public lighting four or five years after the completion of the construction of the houses. He asked if additional staff was required to ensure that developers who do not comply with the conditions of their planning are pursued. The developers do not take Kerry County Council seriously and those who bought houses are left without all the services they are entitled to. This also applied to Lake View Park, Currow and he appealed to the Legal Department to recruit additional staff to ensure these developers are pursued.

15 Funding for improvements to the Annascaul to Dingle road.

Pursuant to notice duly given Cllr. S. Fitzgerald PROPOSED:

"That Kerry County Council and the NRA would invest funding on the section of road from Annascaul to Dingle which has become dangerous and uneven to drive recently"

Mr. M. O'Donoghue, SEO, read the following report:-

The N86 between Annascaul and Dingle was strengthened approximately 11 years ago and there are a number of section which are now starting to fail.

The matter has been discussed with the National Roads Authority Roads Inspector and it is proposed to apply for funding for work on this section of the N86 in 2008.

Cllr. S. Fitzgerald welcomed the report and said that this road has deteriorated in recent years.

16 Zoning of lands in the immediate vicinity of Kerry Airport.

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

"That this Council will request the relevant Minister to zone the lands in the immediate vicinity of Kerry Airport, that this Council has zoned commercial and industrial, as a tax free zone"

Mr. M. O'Donoghue, SEO, read the following report:-

This is a matter for consideration by the members, however, current EU policy in relation to airport and tax free zones would suggest that this is not possible.

Cllr. A. McEllistrim stated that as she was a Director of Kerry Airport in accordance with Section 177 of the Local Government Act, 2001 she would withdraw from the meeting while this motion was being discussed.

The County Manager also stated that as he was a Director of Kerry Airport he would also withdraw from the meeting.

Cllr. McEllistrim and Mr. Curran then left the Chamber.

Cllr. M. Healy-Rae said that he thought that such a zoning would be good.

17 Cleaning of the River Flesk

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

"That Kerry County Council and the Office of Public Works together clear the path of the River Flesk as it is choked in many places"

Mr. M. O'Donoghue, SEO, read the following report:-

Kerry County Council does not have a role in river cleaning. The only two rivers which the Office of Public Works deal with in Kerry are the River Feale and its tributaries and the River Maine and its tributaries. This issue of river management has recently been considered by the Environment & Water Services SPC and work is ongoing in the preparation of an information leaflet on river management which would outline the roles and responsibilities of the various State agencies and landowners in this area.

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Cllr. D. Healy-Rae stated that former Junior Minister Tom Parlon had made an announcement on this issue and he understood that a new scheme was put in place whereby the OPW and the Council would undertake to clear rivers. The River Flesk in particular needs to be cleaned.

Cllr. M. Healy-Rae said that this issue should be referred to the Environment SPC for consideration and a letter could also be sent to the Department of Environment seeking clarification.

07.07.16.19 Correspondence – Conferences and Seminars

(a) On the PROPOSAL of Mayor M. Healy-Rae, SECONDED by Cllr. T. Buckley it was agreed to authorise the attendance of Cllrs. T. O'Brien, T. Buckley, J. Sheahan, P. O'Donoghue and M. Healy-Rae at the Seanchai Kerry Literary and Cultural Centre Annual Conference to be held in Listowel on the 6th & 7th September, 2007.

Cllr. T. O'Brien was nominated to report back to the Council on this conference.

(b) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. M. Healy-Rae it was agreed to authorise the attendance of Cllrs. A. McEllistrim, C. Miller, B. Cronin, B. O'Connell, T. O'Brien, T. Buckley, J. Sheahan, J. Brassil and M. Healy-Rae at the Parnell Summer School to be held in Rathdrum, Co. Wicklow from the 12th – 17th August, 2007.

Cllr. A. McEllistrim was nominated to report back to the council on this Summer School.

(c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Fitzgerald it was agreed to authorise the attendance of Cllrs. A. McEllistrim, C. Miller, B. O'Connell, T. O'Brien, T. Buckley, J. Sheahan, P. O'Donoghue and M. Healy-Rae at the General Humbert Summer School to be held in Ballina, Co. Mayo from the 23rd – 26th August, 2007.

Cllr. C. Miller was nominated to report back to the Council on this Summer School.

(e) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Brassil, it was agreed to approve the attendance of Cllr. P. McCarthy at the Kerry Literary Conference held in Listowel on the 11th & 12th May, 2006.

(f) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Fitzgerald it was agreed to approve the attendance of Cllr. P. McCarthy at the Kerry Environmental Conference held in Ballybunion from the 26th – 29th April, 2006.

(g) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. J. Brassil it was agreed to approve the attendance of Cllr. M. Healy-Rae at the meeting of the All Ireland Nuclear Free Local Authorities Forum held in Newry on the 5th June, 2007.

(h) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Buckley it was agreed to approve the attendance of Cllr. L. Purtill at the Kadenza Training Seminar for Councillors on Effective Communications held in Castlebillingham, Co. Louth from the 8th – 10th June, 2007.

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- (i) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Fitzgearld it was agreed to approve the attendance of Cllr. L. Purtill at the Colmcille Winter School held in Churchill, Letterkenny, Co. Donegal from the 23rd – 25th February, 2007.
- (j) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Fitzgearld it was agreed to approve the attendance of Cllr. L. Purtill at the ACCC Conference held in Dungarvan, Co. Waterford from the 8th – 10th March, 2007.
- (k) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. M. Healy-Rae it was agreed to approve the attendance of Cllr. J. O'Connor at the launch of the Bord Failte Awards held in Adare, Co. Limerick on the 20th February, 2007.
- (l) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. A. McEllistrim it was agreed to approve the attendance of Cllr. T. Buckley at the Kerry Environmental Conference held in Ballybunion from the 28th March – 1st April, 2007.
- (m) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. J. Brassil it was agreed to approve the attendance of Cllr. T. Fleming at the BMW Conference held in Roscommon on the 7th & 8th June, 2006.
- (n) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Fitzgearld it was agreed to approve the attendance of Cllr. T. Fleming at the Kerry Environmental Conference held in Ballybunion from 26th – 27th April, 2006.
- (o) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Fitzgearld it was agreed to approve the attendance of Cllr. T. Fleming at the Drogheda Cross Border Conference held in Drogheda on the 28th & 29th April, 2006.
- (p) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Fitzgearld it was agreed to approve the attendance of Cllr. T. Sheahan at the AMAI Conference held in Cavan on the 13th & 14th September, 2006.

07.07.16.20 Correspondence General

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

1. Letter dated 18th June, 2007 from Dr. Brian McCarthy, FEXCO.
2. Letter dated 19th June, 2007 from Killarney Town Council regarding a resolution adopted by that authority concerning a revision of the constituencies for Dail Elections.
3. Letter dated 15th June, 2007 from Tralee Town Council regarding a resolution adopted by that authority calling for the introduction of legislation to prohibit the sex trafficking of women and children in Ireland.
4. Letter dated 27th June, 2007 from Monaghan Town Council regarding a resolution adopted by that authority calling for the introduction of a system at EU level that would alert the police, media and public within hours of a child going missing.

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Mr. J. Flynn, Director of Corporate Services, informed the meeting that arising from the appointment of Charlie O'Sullivan as Director of Roads and Transportation Ger O'Brien would be Meetings Administrator.

The meeting concluded at 1.45pm.

Martin O'Donoghue
SEO Corporate Affairs

Mayor of Kerry