

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY 21st JANUARY, 2008.**

***MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS
AN CHONTAE, TRÁ LÍ, AR AN LUAN, 21 EANAIR, 2008.***

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M Cahill	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
T. O'Brien	B. O'Connell	J. O'Connor
P. O'Donoghue	M. O'Shea	L. Purtill
J. Sheahan		

IN ATTENDANCE/I LÁTHAIR

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

The meeting commenced at 10.45am.

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

The Mayor commenced the meeting with a prayer.

Young Scientist of the Year 2008

Cllr. N. Foley said that Ms. Emer Jones from the Presentation Secondary School in Tralee was awarded the Young Scientist of the Year on the 11th January in Dublin. This was a tremendous achievement for Emer, her family and her school. She is the first winner from the county and the youngest ever winner of the competition. It would be appropriate that this marvelous achievement is recognized. She PROPOSED that a Civic Reception be held to honour Emer and her school at a date and time to be agreed.

Cllr. T. Fitzgerald SECONDED this proposal.

The Mayor informed members that this was discussed at the CPG meeting and it was agreed that a Civic Reception would be held at lunchtime on the day of the February meeting. Emer, her family and her teachers would be invited to the reception at 1pm that day. He met Emer during the week of the Young Scientist Exhibition and he was very impressed at how articulate she was.

Flooding on the Tralee Road

Cllr. D. Healy-Rae said that a deputation was received at a Killarney Electoral Area Meeting regarding flooding on the Tralee road. He asked that funding be made available to allow a proper job to be done in this area to resolve this problem permanently. Houses are being flooded and the problem is getting worse.

Exorbitant charge by Eircom to remove a pole

Cllr. D. Healy-Rae said that Eircom is holding up the taking of a bend because they are charging €20,000 to remove a pole. This is very unreasonable and if they want to incorporate additional works in the removal of the pole they should fund this element of the work.

Potholes on main roads

Cllr. D. Healy-Rae said that because of the extensive rainfall during the month of January a number of potholes have appeared on main roads. He requested that these be addressed immediately. He thanked the Killarney Area Office for getting men out East of Barraduff the previous Saturday to address a flooding problem. This was very much appreciated.

Granting of Planning Permission in Gneeveguilla

Cllr. J. Sheahan said that he wanted to take issue with the Forward Planning Unit on behalf of Sean Hickey. Sean feels that he is not getting fair play from Kerry County Council. Cllr. Sheahan stated that he wanted to be an advocate on Sean's behalf. In the current climate we should be holding onto jobs that exist in the county. Sean presently employs 18 people in Gneeveguilla and if these jobs were lost these people would end up on the dole queue. He said that Kerry County Council has failed to provide Gneeveguilla with a suitable site for light industrial use and furthermore it is the only area without a light industrial zoning. This means that small indigenous businesses are not enabled to start up and in Kerry we should do more to help create new jobs and to sustain those already there. Sean has identified inefficiencies in his operations and he wants to remedy them. However, the rental of a shed is a major expense for him and there are five man hours lost per week per employee before work can begin. Diesel costs are spiralling and this has resulted in additional travelling costs to his base and this coupled with wear and tear of vans and the additional servicing because of the extra mileage is putting a huge burden on his business. A major factor that Sean needs to resolve is the fact that he is too far away from the business, he should be at the premises during business hours. These costs are all adding up and eating into his profit margins. Sean has a site to relocate his business back to his home in Gneeveguilla and all that is required is the foresight and the backing from the members and officials of Kerry County Council to help Sean's continued success. He called on the Council to take this on board and to help Sean to move his business to Gneeveguilla in an effort to maintain the 18 jobs he presently provides. Small business is the way forward and it is necessary to keep the cost base low in order to make these businesses more competitive.

Cllr. D. Healy-Rae supported the case made by Cllr. Sheahan for Sean Hickey.

Vote of Sympathy

Cllr. B. Cronin extended a vote of sympathy to the family of the late Tom Brosnan, Ballybrack who died recently. Tom was a former employee of Kerry County Council and his son Tony is presently employed by the Council.

Cllr. D. Healy-Rae **SECONDED** this vote of sympathy and all members said that they wished to be associated with it.

Gortacoosh Bridge

Cllr. M. Gleeson welcomed the students from Presentation Secondary School to the meeting. He referred to Gortacoosh Bridge and said that approx. 3m of the parapet has disintegrated. This is an open disaster waiting to happen and he called on the Council to carry out an immediate inspection of this bridge.

Inaugural meeting of the Joint Policing Committee

Cllr. J. O'Connor referred to the recently established Joint Policing Committee and said that he was hoping that the inaugural meeting would be held that day. The installation of CCTV cameras in Killorglin needs the approval of this Committee and he was disappointed that the inaugural meeting would not be held for another month. He hoped that this project could be progressed as soon as possible.

08.01.21.01 Mayor's Report on the CPG Meeting held on the 15th January, 2008

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

Item 1 Agenda for the January Meeting

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

In relation to Item No. 3 Mr. J. Flynn advised members that the closing date for receipt of completed Ethics Declaration is the 29th February, 2008. The dates to be inserted for the 'appropriate period' is the date the 2007 declaration was signed and also the date the current declaration is signed. He urged members to submit their completed forms as soon as possible.

In relation to Item No. 10 the Mayor asked that realistic negotiations be resumed with the landowner in Kenmare for the land for the relief road.

Mr. G. O'Brien informed the meeting that at the December council meeting Cllr. P. McCarthy proposed that a Special Meeting would be held on Monday 28th January to consider the current state of the health service in Kerry. Cllr. McCarthy liaised with a consultant in Kerry General Hospital with a view to compiling a list of speakers. In an effort to agree the format for the meeting he suggested that the party whips, Cllr. McCarthy and the Independent councillors, would meet on Monday morning next prior to the council meeting to agree the format and date for the meeting.

It was agreed that this meeting would take place at 9.30am on Monday next and that the County Manager would also attend.

Young Scientist of the Year – Emer Jones

The Mayor congratulated Emer Jones from Tralee on being named the Young Scientist of the Year at the BT Young Scientist Exhibition in Dublin and stated that he would like to honour her achievement.

Following a discussion it was agreed that a presentation would be made to Emer at the February Council Meeting followed by a reception in the Conference Room at lunch time.

Item No. 2 County Development Board

Mr. J. Breen informed the meeting that the first County Development Board meeting of 2008 would be held on the 1st February. A presentation will be made to the meeting by Tadgh O'Donoghue, former Chief Executive of the ESB, on wind farms and the resilience of the power supply into the future. It is intended to review 2007 and to agree a work programme for 2008. The cohesion process of local development groups is finally coming to a conclusion and the first meeting of the new structure will be held towards the end of January.

Item No. 3 Annual Disclosure of Donations and Expenditure Forms

Mr. J. Flynn informed members that the Annual Disclosure of Donations and Expenditure Forms were issued to members and the closing date for receipt of completed forms is the 31st January, 2008. Members must declare any donations received and also details of any bank accounts for political donations.

Mr. G. O'Brien informed members that following the closing date an advertisement will be placed in the local paper advising the public that the completed forms are available for public inspection. He added that those who have bank accounts must submit bank statements.

Item 4 Reports from the Chairs of the SPC's

It was noted that Cllr. Kiely would give a report on the Transport SPC at the January meeting. All other SPC's would be meeting in the near future.

Item 5 Any other business

Request to Minister Micheál Martin to meet with the members of Kerry County Council

Mr. G. O'Brien informed the meeting that members asked that Minister Micheál Martin be invited to attend a meeting of the council to discuss job creation. The Minister has indicated that he would be pleased to attend and it is now a matter of agreeing a date with the Minister's Office.

It was agreed that a special meeting would be held with the Minister in April if this was acceptable to him.

First meeting of the Joint Policing Committee

Mr. J. Breen informed the meeting that he intended holding the inaugural meeting of the Joint Policing Committee at approximately 4.30pm on Monday 18th February which is the date of the February Council meeting.

This was agreed.

In conclusion the Mayor informed members that a format was agreed for the Special Meeting to discuss the Health Service in the county. The agenda would be issued the following day and the meeting would be held on Monday, 28th January at 10.00am sharp. The party whips should co-ordinate all questions for their party.

Cllr. T. Fitzgerald said that he could not agree to that as he wanted to ask questions himself.

The Mayor said that members had agreed this and Cllr. Fitzgerald should take this up with his party whip.

Cllr. N. Foley asked if the HSE would be invited and if they would attend. She also asked if the meeting could be held at 10.30am.

The Mayor confirmed that the HSE would be invited but said that the meeting would have to commence at 10am to facilitate the consultants.

08.01.21.02 Confirmation of Minutes

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. T. O'Brien, it was resolved that the minutes of the Ordinary Meeting of Kerry County Council held on the 17th December, 2007 be confirmed.

08.01.21.03 Issue of the Annual Declaration Forms in accordance with Part 15 (Ethics) of the Local Government Act, 2001.

Mr. B. Looney, Ethics Registrar, referred members to his report dated 15th January 2008 on this item, which was circulated. He reminded members that in accordance with Section 174 of the Local Government Act 2001 notice has been issued to each member informing them of the requirement under Section 171 of the Act to prepare and furnish an annual declaration of declarable interest to the Ethics Registrar. This declaration must be returned before the last day of February 2008.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. M. O'Shea, it was agreed to note the report on the issue of the Annual Declaration Forms in accordance with Part 15 (Ethics) of the Local Government Act, 2001.

08.01.21.04 Disposal of Property

Mr. J. Breen, Director of Housing, Community and Enterprise, referred members to report dated 8th January, 2008 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the disposal of a plot of land measuring 4.913 acres approximately at Ballybunion to Respond Housing Association, Oranmore, Co. Galway in accordance with the terms of notice issued 8th January 2008 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.

08.01.21.05 Dréachphlean Ceantair Áitiúil Lonnaíochta d'Oirthear Dhuibhneach and North Iveragh Settlements Draft Local Area Plan.

Mr. M. McMahon, Director of Planning, informed the meeting that this is the final suite of Local Area Plans for the county and they cover the final 17 settlements listed in the County Development Plan. The Draft Plans will be put on public display from the 23rd January until the 6th March and any member of the public can make a submission up to that date. His Department would be holding open days in these areas to allow members of the public to meet with the planners and to facilitate submissions. A report would then be brought back to Council on submissions received and the County Manager's response to them.

Cllr. P. O'Donoghue said that while he welcomed the Draft Local Area Plans for these areas it seemed a waste of time. Those applying for permission in Kenmare are being informed that permission will not be granted until the necessary infrastructure is in place. In view of this areas zoned for development are superfluous and meaningless until this infrastructure is provided. He suggested that it would be appropriate to hold a special meeting to discuss the provision of infrastructure in the county.

Cllr. J. O'Connor asked as this is the last suite of Local Area Plans did the Director of Planning intend to review the Killorglin Local Area Plan and if so what was the proposed date for this.

Cllr. S. Fitzgerald welcomed the Draft Local Area Plans and said that no maps accompanied some of the villages mentioned in the Local Area Plans and in the absence of a map it is difficult to consider it. A large part of Lispole village, which includes the primary school and a number of houses, is not shown on the map.

Cllr. T. Fitzgerald welcomed the fact that the last of the Local Area Plans would be completed in the near future and he hoped that they would be honoured at a national and local level.

Cllr. P. McCarthy concurred with the sentiments expressed by Cllr. O'Donoghue and said that if Minister Gormley's proposals for planning in rural areas become a reality villages with a population under 400 residents will be limited to 2 houses per annum. This is ridiculous. He PROPOSED that a letter be forwarded to the Minister for Environment, Heritage and Local Government seeking clarification on his proposals.

Cllr. R. Beasley also supported the sentiments expressed by Cllr. O'Donoghue and said that in the preparation of the Duagh Local Area Plan a portion of land was omitted and not zoned. However, even if it was zoned permission would not be granted, as the infrastructure is not in place.

Cllr. D. Healy-Rae stated that the Minister has suggested that very few houses can be accommodated in rural areas. This is unfair and he should withdraw that remark publicly otherwise it will not be possible to implement the Local Area Plans. He requested that a letter be forwarded to the Minister on this issue and that members objection to this comment would be noted.

Mayor M. Healy-Rae informed the meeting that he raised this matter after the Minister's announcement and members of Minister Gormley's party in Kerry took him to task. That night he met the Minister and told him that he did not agree with his proposals. Following a discussion the Minister said that he appreciated the Mayor's views and he was very understanding of them.

Cllr. B. Cronin commended the Forward Planning Unit on the preparation of the final suite of Local Area Plans. However, he stated that it is too late as many villages have experienced massive development in recent years and existing sewerage schemes cannot cater for the increase in population in some cases. No further permission will be granted in Kenmare until a proper water supply is provided. In many towns and villages no playgrounds, community facilities or green areas are provided and schools cannot cater for the increase in pupil numbers. Furies and Lixnaw are particular examples of this. The IT, Tralee carried out a survey of people in these areas and their priority was the provision of an adequate sewerage scheme in their locality. Developers have become multi-millionaires and planning permission has been granted by the planning authority. This has resulted in a desperate financial burden being placed on the Council.

Cllr. M. O'Shea welcomed the Draft Local Area Plans and complimented the Forward Planning Unit on the preparation of Local Area Plans. He called for a reduction in density when land is being zoned and suggested that 4 to 6 houses per acre should only be permitted. He also stressed the importance of the provision of open spaces and play areas for children in all towns and villages. Furies and Milltown have been over developed and in future any planning application for large residential developments should be obliged to provide a play area as part of the development.

Cllr. T. O'Brien said that the issue of the zoning of land was flagged a long time ago by the Forward Planning Unit. Some of the planning meetings were very interesting and despite the fact that members were advised not to zone land they proceeded to do so even though video evidence was produced in support of the planner's advice.

Cllr. J. Brassil concurred with the sentiments expressed by Cllr. O'Brien and added that in accordance with the EPA Guidelines for the licensing of sewerage treatment plants in towns there are a number of towns and villages where development cannot be permitted until sewerage schemes are upgraded. He had submitted a notice of motion asking management to prepare a report on the places in Kerry where development can be permitted. He agreed that it is necessary to have the Local Area Plans in place but said there is a serious issue facing Kerry County Council regarding the provision of water and wastewater treatment facilities.

Cllr. M. Cahill requested permission to move Notice of Motion No. 7 as it relates to this issue.

This was agreed.

7. Impact of Minister Gormley's planning proposals on development in County Kerry.

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

"That the County Manager make a detailed statement in relation to Minister Gormley's recent planning proposals to be introduced in 2008. What impact will they have on

- (a) development in the County if implemented
- (b) on the County Development Plan
- (c) all the Area Plans and
- (d) financing of sewerage treatment plants in Kerry."

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

"To date Kerry County council has received no formal details in relation to Minister Gormley's statement. However I understand that the statement was made in the context of the review of the Residential Density Guidelines 1999. A new draft policy document entitled "Sustainable Residential Development in Urban Areas" is about to be issued by the Department of the Environment, Heritage and Local Government. This will be on public display for eight weeks and it will afford an opportunity for any interested party including Kerry County Council to make observations on its content.

When the draft policy document is made available it will be discussed by the Planning and Sustainable Development SPC and a report on same will be brought to the full council for consideration"

Cllr. M. Cahill stated that Kerry County Council would experience difficulties in the financing of sewerage schemes. In 2007 members were informed that it would be necessary to revisit the Development Levy Scheme in order to finance the provision and upgrading of sewerage schemes. There is a tendency to promote development in towns and villages but some villages are more development friendly than others. The Minister's statement has grave implications for Kerry County Council and indeed the county. He requested that a letter be forwarded to the Minister outlining the concerns of members at the restriction of development in some villages.

Cllr. P. McCarthy support the motion and said that the main difficulty for development in villages is the provision of an adequate sewerage scheme. The Government must take responsibility for this and fund the provision and upgrading of these schemes. In conclusion he stated that the Castleisland Stage II sewerage scheme has been promised for the past eight to ten years but funding has not yet been provided.

Cllr. M. Gleeson said that there were far too many Ministerial Directives issued in the past few years and he opposed development levies as a selective form of taxation. It is a source of huge concern to him that in accordance with the latest census there are 293,000 unoccupied houses in the country. Unoccupied houses are not good for any area. For the past six to ten years developers created a false boom. It is time that there was greater

clarity in the language used in planning. He requested clarification of the meaning of the word 'density' which has baffled him for some time. He referred, in particular, to Planning ref. No. 07/3512 where the applicant applied for permission to construct a house in Tiernaboul. The applicant was refused on the grounds of density. This is his ancestral home and the applicant is teaching in the parish. He felt that this refusal could not be justified. The Planning Department cannot stand over a refusal in this area on the grounds of density and if they grant permission within 1km of this application in the foreseeable future it would be completely wrong. Planning is about communities and he urged the Planning Department to be very careful.

Cllr. D. Healy-Rae stated that in that case there is another reason for refusal, people in Killarney town are not allowed to build homes out the country.

Mr. M. McMahon said that the preparation of Local Area Plans was not a waste of time or resources. The purpose of these plans is to provide a vision for the future development of the area. He was aware that the land zoned would not be developed in the lifetime of the plans. The preparation of the plans has identified challenges and issues including the need for infrastructure and the need to preserve land for amenity, roads etc. The public can inspect Local Areas Plans and in his view the plans should be put in place first and then the infrastructure should be provided. Maps did not accompany the settlements where the Planning Department indicated that no land would be zoned for development. When the current suite of plans is completed the operational plan for the section will be compiled and the review of the County Development Plan would take priority. Because of this he could not give a commitment on when the Killorglin Local Area Plan would be reviewed. However, the Operational Programme for the Department would be brought to a full meeting of the council in the near future. He informed members that the Minister's statement was based on a proposal to revise the density guidelines.

Cllr. N. Foley acknowledged the tremendous work done by the Forward Planning Unit in recent times but said that the Minister's guidelines would have the ability to supersede the Local Area Plans.

Mr. M. McMahon said that the Planning Department must have regard to the Minister's Guidelines and the issue of leapfrogging would have to be addressed. Development areas assigned in a Local Area Plan must be from the centre out. He understood that the Minister would be publishing a document shortly and this would be brought to the Planning SPC and then to the full council. A submission must be made within 10 weeks of the publication of the Guidelines.

08.01.21.06 Manager's Report on submissions or observations received following the initial public consultation regarding the review of the County Development Plan 2003 – 2009

Mr. M. McMahon referred members to cover note, dated 17th January, 2008 on this item which was circulated. He stated that members have a period of 10 weeks, commencing on the 21st January to consider this report and having considered same may issue directions to the Manager regarding the preparation of the Draft Development Plan. He suggested that a Special Planning Meeting be held on Friday 22nd February and this would be the date to commence discussions on this item. He was hopeful that the debate

could also conclude on that date. Following this the Draft County Development Plan would be prepared within the following 12 weeks and it would be brought back before the Council for consideration prior to public consultation.

Cllrs. J. O'Connor and A. McEllistrim requested that this meeting be held on a Monday.

In response Mr. M. McMahon also referred to Item 7(a) and said that the South East Kerry Settlements Local Area Plan and the West Iveragh Settlements Local Area Plan must be dealt with by the 22nd February. Therefore the Special Planning Meeting could be held any time from Friday 15th to Friday 22nd February.

Cllr. M. Gleeson said that unfortunately the consideration of the County Development Plan coincides with an election year and he requested the Minister for Environment, Heritage and Local Government to defer it until after the Local Elections.

08.01.21.07 Date for a Special Planning Meeting

Cllr. J. Brassil requested that the Special Planning Meeting be held on the afternoon of Friday 22nd February.

Mr. M. McMahon pointed out that the Area Plans would have to be considered in the morning and the Manager's Report on the issues raised in relation to the review of the County Development Plan would be dealt with in the afternoon.

Cllr. T. Ferris pointed out that a County Enterprise Board Meeting is also scheduled for that date and other members on the Board are getting very frustrated with councillors for not attending Board Meetings as they are clashing with Council Meetings.

The Mayor informed the meeting that the suggested date for the Special Planning Meeting was Friday 22nd February.

Cllr. S. Fitzgerald PROPOSED that the Special Planning Meeting would be held on Friday 22nd February.

Cllr. T. Fitzgerald SECONDED this proposal.

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

For: Cllrs. Beasley, Buckley, Cahill, Cronin, S. Fitzgerald, T. Fitzgerald, Fleming, D. Healy-Rae, Kiely, McCarthy, O'Connell, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae
(15)

Against: Cllrs. Brassil, Ferris, Foley, Leahy, McEllistrim, O'Brien **(6)**

Not Voting: Cllr. O'Connor **(1)**

The Mayor declared the resolution carried.

Works to be completed under the Farm Waste Management Scheme

Cllr. B. Cronin informed the meeting that all works under the Farm Waste Management Scheme must be completed by the 31st December 2008. This has huge implications for the farming community. He was aware of one application for permission which was refused on the grounds that it would be visually obtrusive. This application was for a shed and slatted unit. A second application was refused as it would set a negative precedent. A third application was to roof an open area and the construction of a calf house. The applicant was told that the planning authority was not happy with the wording used in the application but it did not specify what a more acceptable wording would be. He called on the planning office to be more realistic with applications for works to be carried out under this scheme as farmers are operating to a deadline.

In response Mr. M. McMahon said that he could not comment on the cases mentioned by Cllr. Cronin. His Department met with the IFA and ICMSA 18 months ago to discuss planning applications under this scheme and since then 1200 applications have been received but no complaints have been received from the IFA or the ICMSA regarding the handling of those applications. Staff in his Department are conscious of the deadline and they will give every assistance possible to planning applicants.

Meeting of the Joint Policing Committee

Cllr. T. Ferris pointed out that the Kerry Education Service have scheduled a meeting for the afternoon of the February meeting and this would clash with the proposed inaugural meeting of the Joint Policing Committee.

In response Mr. J. Breen, Director of Housing, Community and Enterprise, said that he was trying to facilitate the 14 members on the JPC and also Oireachtas members. This meeting must be held on a Monday or on a Friday.

08.01.21.08 Date for the March Ordinary Meeting

Mr. G. O'Brien, A/SEO, informed the meeting that the 3rd Monday in March was falling on St. Patrick's Day and it would be necessary to reschedule the March Ordinary Meeting. The 4th Monday is Easter Monday and so the suggested date for the March Meeting is Monday 10th March.

Cllr. P. O'Donoghue PROPOSED that the March Ordinary Meeting be held on Monday 10th March.

Cllr. A. McEllistrim SECONDED this proposal.

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

For: Cllrs. Beasley, Buckley, Cahill, Ferris, S. Fitzgerald, T. Fitzgerald, Fleming, Kiely, Leahy, McCarthy, McEllistrim, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, M. Healy-Rae (17)

Against: None (0)

Not Voting: None (0)

The Mayor declared the resolution carried.

08.01.21.09 Report from the Transport SPC on the provision and funding of Relief Roads

Cllr. D. Kiely, Chair of the Transport SPC, said that this report was considered by the Transport SPC at its meeting on the 10th December 2007. The report sets out where we have made specific provision in our local area plans – Appendix A of the report identifies these.

The Roads Department has estimated the cost of providing this infrastructure, excluding the national routes which will be funded by the NRA, to be in the region of €130 million.

The funding of these roads will pose a major challenge for Kerry County Council and the committee has examined the funding mechanisms available, which the Director of Roads will go into in greater detail.

The Committee, having considered the funding options available, also recommended that the funding for the provision of this infrastructure should be provided by Supplementary Development Contribution Schemes to be applied to the lands within the development boundaries of the local area plans, in which the relief roads are identified and will service.

Such a scheme has already been adopted by Council for the construction of the An Daingean Relief Road and work is due to commence on this route by the middle of the year.

He then called on the Director of Roads to brief members in detail on the report.

Mr. C. O'Sullivan, Director of Roads, Transportation and Safety, stated that the Local Area Plans provide for the zoning of lands to facilitate the proper planning and sustainable development of settlements around the county including specific objectives for the development of the necessary infrastructure to service this development such as the provision of roads, water services, wastewater treatment facilities, car parks, amenities etc. In the larger settlements it is a specific objective to reserve strategic road corridors for the provision of relief roads/by-passes to reduce the impact of traffic generated by increased development and to provide for the safe, efficient and sustainable transportation movements. In particular the need to provide specific new roads is identified in 11 plans which are outlined in greater detail in Appendix A to his report which was circulated. A detailed assessment has yet to be undertaken in relation to most of these routes to ascertain all the constraints and to allow for detailed cost estimates. However, it is envisaged that the overall cost of providing this infrastructure will be in the region of €130m. The funding of these roads will pose a major challenge for Kerry County Council if these objectives are to be achieved to provide for the future growth of these settlements. The cost of funding a loan of €130m for the projects identified over a 30 year period would be in the region of €9m per annum. This level of loan repayments would place a considerable financial burden on the Council and is not sustainable in the

current economic climate. The delivery of projects will have to be prioritized and possibly phased over a 5 to 15 year period having regard to funding availability. The options available to funding these projects are:-

- Capital Grant Aid through the Department of Transport – at current levels of funding, the delivery of these schemes would not be realistically achievable without a medium term timeframe.
- Condition Developers to construct road as a condition of Planning where scheme is through zoned lands – difficulties may arise where lands are not developed and no contribution is provided from other developments which would benefit from the scheme.
- Prepare a revised General Development Contribution Scheme, to include a levy towards the cost of this infrastructure, for consideration and adoption by Council – this would imply levying all developments in the county, including developments in rural areas.
- Prepare a Supplementary Development Contribution Scheme, for consideration and adoption by Council – this would imply levying all developments within the settlements, towards the provision of the infrastructure identified in the local area plan for the settlement.

Having considered these funding options and the need to progress the development of relief roads identified, the committee recommended that Supplementary Development Contribution Schemes be prepared and applied to the lands within the development boundaries of the following local area plans:-

- Environs of Tralee
- Ballybunnion
- Cahersiveen
- Castleisland
- Kenmare
- Killorglin
- Milltown

Funding from such Supplementary Development Contribution Schemes, would allow the Council to progress the detailed design for each of these projects, acquire the required lands and construct the schemes over time. It would also support Council in leveraging capital grant aid from central government, which would reduce the timeframe for delivery of projects. Projects will have to be prioritized and phased having regard to the income generated as well as available grant aid.

In conclusion he stated that the key benefit of a Supplementary Development Levy would be that that settlement would benefit from funding raised through the scheme.

Cllr. A. McEllistrim said that she was in favour of providing funding for these roads as they are important for the economic development of these areas. Inner relief roads are urgently needed especially in Castleisland. She hoped that the number of relief roads provided would be increased especially in Tralee. There is a lot of traffic congestion

from Boherbue to County Buildings and she welcomed the new traffic survey being undertaken.

Cllr. T. Fitzgerald said that relief roads are very important to all our towns and villages and he hoped that the By-Pass road for Castleisland would proceed before the end of the year. The provision of the relief road for Tralee is of paramount importance and he referred to the proposed new route for the relief road joining the N21 with the N69 which he understood would exit near Leith Cross. The importance of access onto this road, especially for new developments in the Ballybeggan area, cannot be over emphasized and he called for the provision of a roundabout at Ballybeggan and he asked if there was any progress in the provision of a roundabout at Ballinorig. He would like to see a relief road provided between the N69 and the Ballyheigue road and onto the N70. He added that he hoped that the NRA would provide funding for a number of these roads in the area. In conclusion he said that he was anxious development would not be stifled further at Ballinorig and he was concerned that the introduction of a Supplementary Development Contribution Scheme may do this.

Cllr. J. O'Connor said that the necessity to provide relief roads cannot be under stated and this applies in particular to Killorglin. He understood that a second bridge would be provided in Killorglin and that investigations are presently underway on the main bridge crossing the River Laune. He asked what was the estimated cost of a new bridge and he added that his major concern was how this second bridge would be funded. The Council is already faced with providing and upgrading sewerage schemes throughout the county and now roads and coach/car parking must be provided. This will have a huge financial implication for the Council and he was concerned at the cost to the ordinary person. The Government has received large sums of money from Capital Gains Tax and the NRA appear to be funding projects closer to Dublin. The IDA has not provided any new jobs in Kerry in recent years and he believed that central government should provide the funding for these roads. In conclusion he said that both Killorglin and Caherciveen towns are grid locked in the summer time.

Cllr. T. O'Brien said that Tralee, the capital of Kerry, is grid locked on a daily basis. He asked if the commencement date was available for the outer relief roads for Tralee and he emphasized the importance of taking traffic from the town centre. He asked for an update on the Castleisland By-Pass.

In response Mr. C. O'Sullivan said that the indications from the NRA are that the Castleisland By-Pass will go to tender in the second half of 2008 and construction should commence by the end of the year.

Cllr. J. Brassil requested an update on the Listowel By-Pass.

In response Mr. C. O'Sullivan said that while the full allocation for 2008 has not yet been received he understood that some funding would be made available for this project in 2008. He added that the Supplementary Development Contribution Scheme would be put in place with a view to raising as much funding as possible locally without crippling development. The cost of all this infrastructure would place a huge burden on the Council and we are presently campaigning central government for funding. However,

each local authority is required to generate some funding locally and the only way forward is to introduce a Supplementary Development Contribution Scheme. In relation to the ring road for Tralee he stated that the NRA are presently in discussions with the Road Design Office in Castleisland regarding the roundabout at Ballybeggan and a report will be brought to the next Tralee Electoral Area Meeting on it. In relation to the new bridge at Killorglin he informed the meeting that no detailed costings are available. The key issue for the Council is to consider the cost of the infrastructure required together with the level of central government contributions and to assess where the balance will be sourced. Some funding mechanism must be identified to allow us to progress the design of these relief roads.

Cllr. J. O'Connor requested that an estimate be prepared on the provision of a new bridge over the River Laune.

Mr. T. Curran, County Manager, said that he did not want to get into individual issues. The cost of providing a new bridge in Killorglin would depend on where the crossing would be located, however, unless some level of funding is identified it will not be possible to progress these projects. He added that the Government would not provide 100% funding for these projects. The need for this additional infrastructure is identified in the local area plans and the shortfalls have been highlighted. The Transport SPC recommends that the principal adopted in Dingle would be considered for all other areas. A report would be brought back to Council on the seven major projects together with costings. If a new bridge was to be provided in Killorglin it would be on a national road and funding would be sought from the NRA.

Cllr. D. Healy-Rae expressed concern that if a new relief was to be provided in both Kenmare and Killarney it could be delayed if it was dependant on funding being provided by developers. The Council should identify the routes for these relief roads and if a developer has lands along these routes the Council should acquire it. If a developer does not want to sell his land the CPO process should be used to acquire the land.

Cllr. M. Gleeson said that on the 14th February 2007 members of Kerry County Council were informed that the Castleisland By-Pass was about to begin. He was concerned that a Development Contribution Scheme would stymie development. The By-Pass road for Killarney has been put on hold because the NRA withdrew funding. Killarney Town Council are now considering developing a minor relief road.

Cllr. R. Beasley said that members met with the NRA in 2006 and no clarification on funding for these relief roads was forthcoming. He referred to Ballinagar Bridge and said that he understood that the new bridge would be in place by now. This, however, has not happened and it is very inconvenient for a number of local landowners who own land on both sides of the river. He called for the commencement of works on the new Ballinagar Bridge immediately.

Cllr. P. O'Donoghue asked when the priority list was being drawn up for submission to the NRA why did members not have a role in it. He asked if the SPC was consulted when the priority list for national roads was being compiled.

Cllr. B. Cronin referred to the Farranfore/Killarney/Lissivigeen road and said that members understood that funding would be provided for this road some time ago. He now understands that this project could be undertaken in phases yet no commencement date has been given by the NRA. He suggested that if a developer has key land for the development of a relief road it should be a condition of his planning permission that the land would be provided to the local authority.

Mr. C. O'Sullivan said that the NRA decide on funding for all national primary and secondary roads and they decide what roads are to be funded. The Roads and Transportation Department have a strategic plan which identifies works to the value of €14m on national secondary roads. The list submitted to the NRA is not prioritized.

Cllr. P. O'Donoghue said that he made enquiries about the Kells Road and he had called for a multi annual programme to carry out improvements to it. The NRA has indicated that this road is last on the priority list submitted by the Council. The members were not consulted on this priority list.

In response Mr. C. O'Sullivan said that Kerry County Council submits a list to the NRA but it is not a priority list. The NRA Inspector then considers this list and identifies projects to be funded.

Cllr. P. O'Donoghue said that a response from the NRA reads as follows:-

"Whilst Kerry County Council included this scheme on their list of works for 2008, they themselves had it last on their priority list. The scheme would indeed be an extension of the Kells Post Office re-alignment opened earlier this year, but no indication was ever given by the NRA that it should form part of a rolling or multi annual programme.

The area in question has been examined and bearing in mind the many competing demands for the limited funding available, works will not be undertaken at this location as they would not be warranted given other existing poorer conditions on the N70".

In response Mr. T. Curran, County Manager, informed members that Kerry County Council is required to submit a list of projects to the NRA each year. This list is always greater than the funding that will be provided as there is never enough funding for national secondary roads. Last year a sum of €10m was received and he understood that this would be cut back to approx. €6m in the current year. When funding is reduced to that extent a number of schemes will be omitted. He understood from the NRA that work on the Kells road would be a rolling programme. While a list is provided to the NRA for projects to be funded each year this list is not prioritized by Kerry County Council as it is a matter for the NRA to decide where the funding will be spent.

Mayor M. Healy-Rae asked if this road could be at the end of the list?

In response Mr. T. Curran, County Manager, said that every section of national road in the county is a priority.

Cllr. P. O'Donoghue PROPOSED that the elected members would have an input into the preparation of the priority list for submission to the NRA.

08.01.21.10 Report from the Transport SPC on the provision and funding of car/coach parking

Cllr. D. Kiely, Chair of the Transport SPC, said that the report presented to Council identifies where we have made provision in our local area plans for the development of car parks and coach parks in various locations throughout the county.

The demand for the provision of parking facilities is varied with each settlement and depends on such factors as retail & commercial activity, tourism, seasonal demand, growth in population and increased levels of car ownership. Such factors need to be considered in the development of parking facilities as well as funding mechanisms and location.

The number of cars on Irish roads has increased threefold since 1971 and has doubled in the past 10 years. It is projected that car numbers will increase by at least a further 50% in the next 15 years. Currently there are approximately 60,000 cars registered in County Kerry.

Research also indicates that there are approximately 7,000 cars rented in Kerry during the summer months and approximately 2000 buses travel through the county daily during the peak tourism period, the vast majority being tour buses which require parking facilities in tourist areas. This does not include traffic from tourists renting cars outside the county or tourists travelling in their own vehicles.

Traffic management and parking studies have been recently undertaken in An Daingean, Ballybunnion and Kenmare – all of which indicate the need for the future development of further car and coach parks in these towns. The lack of adequate parking in these towns is contributing to traffic congestion in the towns and is a constraint on increasing the tourism potential in these towns.

The report also sets out the critical factors that have to be taken into consideration in developing a car park and the associated costs, which can be as much as €9,200 per car park space.

The funding of new car parks is a major challenge for the Council. Having considered the funding mechanisms available, it would appear that the current income from development contributions is totally inadequate to fund the development of car parks identified in our local area plans. It would appear that if Council wants to deliver this infrastructure within a reasonable timeframe, funding will have to be generated through paid parking, in particular for on-street parking.

If there is approval in principal by Council to this proposal, the Transport SPC will examine the viability of developing car and coach parks in the towns for consideration by Council. He then ask the Director of Roads to go through the report in greater detail and answer any queries by the members.

Mr. C. O'Sullivan referred members to his report dated 15th January 2008 on this item which was circulated. The need for the provision of car/coach parks has been clearly

identified in the local area plans in order to provide for the proper movement of traffic. He referred members to Page 3 of the report which clearly outlines the need for car/coach parking. How these car/coach parks are to be provided must be considered. Having considered the need for the provision of car/coach parking and the funding requirement the Committee recommended that approval in principle be sought from Council to the introduction of car parking charges, including on street car parking, for the future development of such infrastructure, where it is considered viable. The traffic management studies undertaken in An Daingean, Ballybunnion and Kenmare strongly recommend the provision of off-street car parking to address the existing deficiencies in parking requirements and to allow for a more effective traffic management layout to alleviate the traffic congestion experienced in these towns.

Any proposal for the introduction of paid parking, will involve consultation with the public and the Garda Commissioner, in accordance with the provisions of Section 36 of the Road Traffic Act, 1994 and a report on any observations/submissions received will have to be considered by Council in adopting bye-laws for same. In conclusion he recommended the introduction of pay parking in An Daingean, Ballybunnion and Kenmare.

Cllr. A. McEllistrim said that there has been a lot of commercial development on the fringes of towns and it is important to safeguard the centre of towns. She called for the introduction of free parking for the first 15 minutes in these towns or that a charge of 20cent for the first 15 minutes be introduced.

Cllr. D. Healy-Rae said that additional parking is need at Kilgarvan National School for the safety of children and parents. He requested that a letter be forwarded to the Minister for Education to fund the purchase of additional land for this purpose. He added that coach parking is required in Kenmare to cater for the larger buses visiting the town. There have been ongoing demands for the provision of a bus lay-by at Mick the Bridges to ensure that passengers can disembark safely onto this very busy road. A bus lay-by is also urgently needed in Farranfore to allow the bus to come off the road while stopping for passengers. He asked that priority be given to these.

Cllr. B. Cronin said that the provision of adequate car/coach parking is critical for effective traffic management. He expressed his disappointment that there was no mention of Ballyhar or Currans in the report and he asked that they be included. Lands have been identified in Ballyhar for a car park. On a number of occasions he identified the need to provide a bus stop in Farranfore and it is also on the agenda for the Killarney Electoral Area Meeting in February. He said that he was hopeful that negotiations could conclude shortly. In conclusion he said that his submission for Kilgarvan would make the area safer.

Cllr. J. O'Connor said that in some EU countries buses are levied. Approximately 2,000 buses per day travel throughout the county during the tourism season and this report is asking the ordinary people of Kerry to fund the provision of adequate parking for them. These buses stop at 2 or 3 locations around the county and then they are gone yet the Council must maintain the roads. He requested that consideration be given to levying buses as they travel around the county.

Cllr. P. O'Donoghue expressed his astonishment at this proposal.

Cllr. J. O'Connor said that he was simply asking that options used in other countries would be considered.

Cllr. B. Cronin said that tourism is a major industry in Kerry and in particular in Killarney and he would object to the imposing of a levy on tour buses. Tourism is critical to the economy of the area and he would reject any attempt to interfere with that.

Cllr. R. Beasley stated that there should be no further taxation on tourists.

Cllr. M. Gleeson said that the provision of parking for tour buses is very important and this has already been catered for in Killarney. He urged members not to do anything that would cost the county in the long term.

Mr. C. O'Sullivan said that the report before members dealt with the issue of funding car/coach parks especially in Ballybunion, Kenmare and An Daingean. Some source of funding must be identified if these facilities are to be provided. If the Council agree in principle to looking into the funding of these the SPC will consider them in greater detail and their recommendation would be brought before the full Council for consideration in the future.

Cllr. R. Beasley said that pay parking in Ballybunion is seasonal only and he hoped that it would remain that way.

In response Mr. C. O'Sullivan said that this matter can be considered by the Transport SPC together with any other issues involved.

Cllr. J. O'Connor again stated that he was simply requesting that consideration be given to the practices used in other European countries and he wanted to establish if they charge tour buses for parking.

Cllr. P. O'Donoghue said that Cllr. O'Connor was proposing to levy tourists and this was sending out a bad message to visitors to the country and he called on him to withdraw his proposal.

Cllr. B. Cronin PROPOSED that Cllr. O'Connor's proposal be rejected.

Cllr. R. Beasley SECONDED this proposal.

Cllr. J. O'Connor asked where would the funding for the provision of this infrastructure come from. How much levies would be required to provide sewerage infrastructure, roads, car parking etc. and are members suggesting that the people of Kerry be asked to subscribe to this?

Mr. C. O'Sullivan said that there were no proposals in the report to introduce any new levies. It is recommended that the 3 towns of Ballybunion, Kenmare and An Daingean

would be considered for the introduction of pay parking. The SPC can consider this issue and any other issues involved.

Cllr. J. O'Connor asked what was the total sum involved for all the services required throughout the county.

Mr. T. Curran, County Manager, informed members that a number of reports were brought before them for consideration and it was clear in the local area plans that the lack of infrastructure needs to be addressed. It is anticipated that a sum of €150m will be required to address the shortfall for sewerage schemes and these works must be carried out over a 10 to 20 year programme. However, car parking is a different issue and a further detailed report will be brought from the Transport SPC for consideration by the members in the near future.

Cllr. M. Cahill requested that consideration also be given to including Killorglin in the list of towns where additional car parking will be provided.

In response Mr. T. Curran said that an underground car park was provided in Killorglin and it is not being used and he asked would it be appropriate to provide additional car parking when the new underground car park is not being used.

Cllr. Brassil said that the people in Kerry have an inbred dislike for using multi-storey car-parking. The numbers of available car spaces in Tralee are surprising, yet it is quite difficult to get parking. If the existing car parks were used to the full, the problem would not be as acute as originally thought.

Cllr. T. Fitzgerald said that the design, lighting and security in multi-storey car parks is not user friendly. If more thought went into the design of these buildings they would be used more by the general public.

Cllr. N. Foley supported the sentiments expressed by Cllr. Fitzgerald and added that people from outside Tralee Town may not be aware of all the car parks available. Tralee Town Council is considering providing signage to advise motorists of the car parks available.

08.01.21.11 Report from Cllr. D. Kiely, Chair of the Transport SPC

Cllr. D. Kiely briefed the meeting on the issues considered by the Transport SPC at their last meeting in December under the following headings:-

- Update on Major Schemes – Review of 2007
- Road Safety Strategy 2007 – 2012: Implications for Kerry Local Authorities
The members welcomed Ms. Maria O'Regan, who has taken up the position of Kerry County Council's Road Safety (Education) Officer. Maria O'Regan briefed the members on her role and on the contents of the Road Safety Authority's Road Safety Strategy 2007-2012, as circulated, as well as the implications for Kerry. The key issues for the Council, in the strategy, are to

continue our programme of road safety improvements, increase awareness of road safety and in conjunction with other statutory bodies to prepare a local road safety strategy for the county. The development of a local road safety strategy will be developed through the Transport SPC. Proposals to bring the AXA Road Safety Show to Kerry on the 19th February 2008 were also considered. This show has proved very successful throughout the county and will be targeted at young people. It was agreed by the members that students in the ITT and secondary schools as well as youth clubs would be targeted to attend. Details of this will be circulated to the Elected Members shortly.

- Provision and Funding of Relief Roads
- Provision and Funding of Car/Coach Parking
- Budget 2008 – key issues
- Work Programme for the SPC in 2008

Civic Reception

The Mayor reminded members that a Civic Reception would be held at 5pm that evening for Willie Guiney from Listowel and he requested that as many members as possible would remain on for the Civic Reception.

08.01.21.12 Summary of Proceedings at Conferences

- (1) Combat Poverty Seminar, Dublin Castle – Mayor M. Healy-Rae. It was agreed to note Mayor M. Healy-Rae's written report on this Seminar which was circulated.
- (2) Councillor's Seminar for Alternative Enterprises & Sustaining the Rural Economy, Moycullen, Co. Galway – Mayor M. Healy-Rae. It was agreed to note that Mayor M. Healy-Rae's written report on this Seminar which was circulated.

08.01.21.13 Report on the Operations & Activities of the Southwest River Basin District Advisory Council.

It was agreed to note Cllr. O'Connor's written report on this item which was circulated.

08.01.21.14 Opening of Tenders

- (a) On the proposal of Cllr. M. Healy-Rae, seconded by Cllr. R. Beasley, it was agreed to approve the opening of Tenders for the North Kerry Landfill Extension.
- (b) On the proposal of Cllr. S. Fitzgerald, seconded by Cllr. B. Cronin, it was agreed to approve the opening of Tenders for the Supply of an Automated Discrete Analyser capable of analysing water and waste water.

- (c) On the proposal of Cllr. P. O'Donoghue, seconded by Cllr. M. Healy-Rae, it was agreed to approve the opening of Tenders for the Construction of a Single Rural Cottage.

08.01.21.15 Reception of Deputations

- (a) Cllr. M. Cahill requested that a deputation be received from the residents of Gurrane, Killorglin regarding roads. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.
- (b) Cllr. M. Connor-Scarteen requested that a deputation be received from the residents of Templenoe regarding road safety. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.
- (c) Cllr. B. Cronin requested that a deputation be received from the residents for Firies Village regarding flooding. It was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.
- (d) Cllr. R. Beasley requested that a deputation be received from the residents of Ballyhorgan regarding Ballinagar Bridge. It was agreed that this deputation would be received at the next Listowel Electoral Area Meeting.
- (e) Cllr. M. Healy-Rae requested that a deputation be received from the residents of Gurrane, Pound, Portmagee regarding roads. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

The Mayor informed members that the meeting would then adjourned for lunch and would resume at 2.30pm.

The meeting resumed at 2.35pm.

08.01.21.16 Notices of Motion

1. Provision of safe corridors for walkers and cyclists

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

"In view of the Department of Health's advice to the public "Get out and Walk or Cycle", and the Department of the Environment's admonition to: "Leave the car", that this Council and the N.R.A. would provide safe corridors for walkers and cyclists"

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

"It is an objective of the Kerry County Development Plan to encourage cycle ways and pedestrian routes as part of the design schemes for residential, educational, employment and recreational development and to make improvements to the design of roads in urban areas to accommodate the needs of both cyclists and pedestrians. Whilst it is difficult to achieve the required width to accommodate a cycle way within existing streetscapes in urban areas, provision is made in the development of new streetscapes and relief roads.

Where the Council is widening and re-aligning Regional roads, particularly on tourist routes, it is now our policy to ensure that the road is at least 8m wide to accommodate cyclists. In 2007 the Council secured grant aid under the Fáilte Ireland Tourism Development Strategy with matching funds provided by the Council, for the upgrading of walking and cycling routes for the benefit of tourists. We hope to secure additional

funding under this programme in 2008 with provision being made in the 2008 Estimates for the matching funds by the Council."

Cllr. M. Gleeson said that as a representative on the Local Sports Partnership, he had raised this issue. The Government aims to promote a healthy lifestyle, as does the Local Sports Partnership and the Department of Health urges us to get out and walk. The Department of the Environment encourages us to leave the car, yet 64% of motorists say they would never risk cycling. There is a fine margin from the Cleeney Roundabout to Lawlor's Cross, but it is pock marked with pot-holes and from Lawlor's Cross to Farranfore there is no space for pedestrians. It is amazing that in many rural areas there is no place safe to walk or cycle and people must go into town to walk or cycle in safety.

Cllr. P. McCarthy seconded the motion and said that some roads which are used by motorists to connect one area with another are used for walking and cycling. An example of this would be the Ardfert to Banna Road and he called on the Roads Department to dig out the grass margin on this Road and to put down the hard core to make it safer for cyclists and pedestrians.

2. Provision of funding for CCTV cameras for all playground facilities

Pursuant to notice duly given Cllr. N. Foley PROPOSED:

"That Kerry County Council call on the Department of the Environment and the Department of Health and Children to jointly commit to the provision of funding for CCTV cameras for all playground facilities as a Health & Safety measure."

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

"There are presently two playgrounds in Kerry, i.e. Kenmare and Killorglin which have CCTV cameras in place. The CCTV facilities are provided as part of the overall building security & management where these two playgrounds are located.

Kerry Co Council has not considered CCTV for other installations, and has instead favored low level lighting for natural surveillance. This is in line with the Countywide Policy on the Development & Management of Playgrounds and Play Areas in Public Open Spaces- Developing Play in Kerry ,(Section 7) which states :

Location & Access

Appropriate sites:

- *Will be in areas, which allow for passive or active supervision at all times (e.g. be observable by neighbouring houses, other buildings or be close to a community centre/ or other public areas).*
- *Will be in an area with sufficient lighting.*
- *Should take advantage of sunlight, views and landscape features.*

There is no reference to the provision of CCTV cameras for playgrounds in the Countywide Play Policy and such facilities are rarely put in place by other Local authorities in Ireland"

Cllr. N. Foley said that in an ideal world playgrounds would never be abused. New playgrounds have been provided around the County at huge expense and they have been

vandalised. In principle, these areas need some element of supervision and as a means of alleviating anti-social behaviour which goes on in the evening in these locations. The provision of funding for CCTV cameras would address this at no cost to the Local Authority.

3. Employment of additional General Operatives
Pursuant to notice duly given Cllr. M. Healy-Rae PROPOSED:

"That the Management of Kerry County Council in our Roads section recognise the fact that our engineering areas i.e. Kenmare, Caherciveen and Killorglin are grossly understaffed. We had an awful situation before Christmas where works could have been completed but there were no men to put with machinery in order to carry out the works. This is not acceptable and whether we address the issue by appointing more full-time men or taking on more part-timers, we should do whatever is necessary to deal with this problem in a pro-active way. If we are to get more funding from Central Government we have to be able to spend the money quickly in our engineering areas"

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

"The permanent compliment of road workers in County Kerry is based on the length of roads in the County. This equates to a permanent compliment of 193 people. This number is broken down between the eight Engineering Areas on a pro rata basis. Depending on the grants allocation that this Council receives in any one year, the permanent compliment is strengthened by the recruitment of temporary road workers, who are recruited after attending interview.

In 2007, Kerry Co. Co. took on 52 temporary road workers. The contracts that these people got depended on the works programme and the funding that was available to finance them. The majority of contracts given were in excess of 10 months.

The permanent compliment, with the addition of the temporary staff employed, ensured that the complete delivery of the roads work programme in 2007. It is anticipated that temporary staff will be required in 2008 and the number will depend on the grant allocation from Central Government"

Mayor M. Healy-Rae said that he did not insinuate that the Roads Programme was not being delivered, quite the opposite. He complemented the Roads Engineers and staff on the excellent work they carry out in the delivery of the Roads Programme. However, he believed that many areas are grossly understaffed and many areas had more staff employed in the past. This must be recognized and he expressed his disappointment with the reply and called on the Director of Roads to consider employing additional road staff.

Cllr. D. Healy-Rae supported the motion and said that this is a very serious issue, particularly having regard to new Health & Safety Legislation and Chapter 8. It will now take more manpower to carry out the Roads Work Programme. It would be logical that additional general operatives should be employed.

Cllr. P. O'Donoghue asked for a breakdown of the 193 road workers presently employed by the Council.

Mr. C. O'Sullivan, Director of Roads said that he was satisfied with the staff complement in the Roads Department and temporary staff are taken on as required. At the end of 2007, the weather made it difficult to carry out works under the Local Improvement Scheme and notification of grants was received quite late in the year. Irrespective of how many men were employed, it would not have been possible to carry out these works due to the adverse weather conditions. He undertook to forward a breakdown of the number of staff employed to members. He pointed out that at present there is a staffing embargo by the Department of the Environment, Heritage & Local Government and this impacts on the number of General Operatives that can be employed.

4. Proposals to improve access to beaches

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

"That Kerry County Council outline details of the proposals which it has to improve access to the beaches in the County during the course of 2008"

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

"Limited funding is available from our own resources for the maintenance/improvement of beaches and in allocating these monies priority is generally afforded to those beaches with Blue Flag status. Kerry currently has 13 Blue Flag beaches but also hosts 20 other beaches together with a further twenty locations which would be deemed popular bathing locations.

The management of Kerry's Blue Flag Beaches is shared by a number of departments of Kerry County Council including Environment, Roads, and Water Services etc and is subject to a specific set of stringent criteria in order to qualify for the Blue Flag Award.

Irish Water Safety, on behalf of KCC, carried out Risk Assessments on our thirteen Blue Flag Beaches during 2006 and these assessments made a number of recommendations regarding signage, access, water safety equipment etc. During 2007 KCC commenced a programme of works, which was grant aided by Failte Ireland, at some of our Blue Flag Beaches including the provision of disabled access at Rossbeigh, Derrynane and Ballinskelligs. In anticipation of similar funding from external sources being obtained in 2008, Kerry County Council will shortly be identifying and planning a further schedule of desirable works at our beaches throughout the county. This programme of works will be compiled in consultation with the various Directorates with an input into beach management"

Cllr. P. O'Donoghue said that there is a serious problem with access to beaches for people with disability throughout the County. Appropriate railing and steps should be provided and these measures could be carried out at a relatively low cost. Access to Cuascrom Beach was blocked off by the Council and previously there was clear access to it. He demanded that this embankment be removed immediately.

In response, Mr. C. O'Sullivan said that he had given a commitment that he would consider this issue and he would forward his proposals for it to members during the coming week.

**5. Repair to dangerous bridge on the Eastern side of Coolick School
Pursuant to notice duly given Cllr. B. Cronin PROPOSED:**

"To request the County Engineer to provide urgent funding to repair the dangerous bridge and short section of road on the Eastern side of Coolick School, Kilcummin towards Knockleade. This issue was raised by the deputation at the November Area meeting but has got progressively worse since then."

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

"This location has been inspected recently and it is the earthen embankment adjacent to the bridge which is subsiding, thereby causing distress to the road surface. There is no apparent damage to the bridge structure. The Killarney Area Engineer has undertaken to begin repair works, which consist of the construction of a rock armor, subject to getting appropriate access to this awkward location from the adjoining land owners."

Cllr. B. Cronin said that he was seriously concerned at the condition of this bridge and he requested that works on the road would commence immediately.

Flooding at Kilmoyley Graveyard

Cllr. J. Brassil said that there was a serious flooding issue in Kilmoyley Graveyard recently where a number of graves were under water

Cllr. T. Buckley supported the sentiments expressed by Cllr. Brassil and said that this matter was brought to the attention of both officials and members a few years ago. This is the third or fourth season of flooding at this location and it is causing a lot of embarrassment.

Cllr. J. Brassil acknowledged the efforts of the Council Engineer who went out with his own pumping equipment by night recently in an effort to resolve the issue.

**6. New EPA licensing requirement for sewerage treatment facilities
Pursuant to notice duly given Cllr. J. Brassil PROPOSED:**

"That Kerry County Council would issue a full report on the consequences of the new EPA licensing requirement for sewerage treatment facilities in the County"

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

"The Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No 684 of 2007) were made on 27th September 2007 and they require local authorities to apply to the EPA for authorisation of all discharges from their waste water works to all waters."

Applications for licences must be made for all towns and villages with population equivalents greater than 500 according to a schedule which depends on the size of the works. The schedule runs from 14th December 2007, for Tralee and Killarney, to 22nd June 2009 for the smaller villages. About 33 towns and villages in Kerry are involved.

In the case of villages with population equivalents less than 500, applications for certification must be made between 22nd June 2009 and 22nd December 2009 – about 15 such villages in Kerry.

Preliminary Assessment of Financial Implications:

The application fees alone will come to €565,000 and it is estimated that the other costs associated with making the applications could come to a further €300,000, a total of €865,000 over the next three years. There will be new water quality monitoring requirements in connection with the licenses which may be in the order of €100,000 annually, for all schemes.

However, the most serious financial implications relate to the cost of upgrading the existing schemes to meet the likely licence and certification conditions. At this stage, there is no firm information on what works will be necessary as a result of licences and certificates but our current best estimate is that about €49,000,000 of works will be required. The application of the Government's Polluter Pays Principle will mean that about €15,000,000 of this will have to be raised locally in Kerry.

The above costs are basically the minimum required to deal with the existing loadings and we estimate that a total €115,000,000 is needed to provide fully upgraded sewerage schemes for all 48 locations to allow for the proper sustainable development of these towns and villages.

Penalties

Penalties applying to offences under the Regulations are a fine of up to €5,000 on summary conviction and up to €500,000 on conviction on indictment.

Planning Implications

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

Further details can be found in the report which was delivered at the December Council Meeting”

Cllr. J. Brassil said that in the 8 years since he became a member of Kerry County Council, this is the greatest challenge facing the Council. The Council must fund the cost of applying for licences and of the 48 locations, improvements are needed on the vast majority of these schemes otherwise they will not meet the EPA requirements. Non-compliance will result in a fine of €5,000 and if this is multiplied by 48 schemes it will come to a total of €225,000. If the Council tries to up-grade the schemes it will result in a sum of €15m having to be funded from own resource, probably through levies on future development. He could not see any planning application for development in many towns and villages being granted permission and rightly so, because our rivers and streams must be protected. The EPA has indicated that they are unhappy with 30,000 one-off houses in Kerry, discharging untreated effluent into water courses. One report recently indicated that one particular area in North Kerry is unsuitable for development and it is pointless to use the argument that land is zoned around these towns, when the sewerage scheme is inadequate. This situation will require senior intervention at Government level from a funding point of view. He was extremely concerned over this situation and said that it must be addressed immediately.

Cllr. T. Buckley supported the motion and said that development will not be permitted in towns and villages and neither will one-off houses. This will have a very serious impact on the County.

In response, Mr. O. Ring said that as part of the Multi-Annual Programme, planning is underway on the various schemes for some time and a report was brought to Area Meetings giving the overall costings for the upgrades required.

Cllr. J. Sheahan said that he wished to move Notice of Motion No. 8 on behalf of Cllr. M. Connor-Scarteen.

This was agreed.

8. Improvement to Broadband facilities in Kenmare

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

"That we the members of Kerry County Council urgently request Telecom to upgrade and improve the Broadband facility at the Kenmare Telecom Exchange, as the present facility in Kenmare, Co Kerry is not capable of taking the present demand in the area"
Improvements to the exchange were promised by Telecom in August, October and December, 2007 which have not yet taken place. Some businesses have suggested that they may have to move to other towns where there are proper broadband facilities"

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

"Government policy in relation to communication services is as stated by the Minister of Communications, Energy & Natural Resources (Eamon Ryan TD):

"The provision of broadband services is, in the first instance, a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated by the independent Commission for Communications Regulation, (Com. Reg.). The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers.

We have requested that Eircom provide us with any plans for upgrading their existing Kenmare exchange but they have no obligation to provide this. If this information is provided to us, we will pass on to interested Councillors immediately.

Eircom have publicly announced plans for roll-out of what they call NGN (Next Generation Network) but from the information presented to us in October last year, the likely date for exchange upgrades in exchanges the size of Kenmare will be 2012"

9. Rollout of Broadband in and around Dingle

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

"When can we expect Kerry County Council to rollout Broadband in and around Dingle town (expected commencement date)"

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

"As Council will be aware, the original three Kerry towns in the call for proposals for Phase 2 of the Regional Broadband Scheme - Metropolitan Area Network (MAN) programme were actually Kenmare, An Daingean and Castleisland. The addition of Tralee, Killarney and Listowel to the list of towns in Phase 2 happened as a result of lobbying by Kerry County Council officials, public representatives and the business community. Ironically, while the three latter towns have had fibre MAN's built, the three original towns have not MAN infrastructure funded by the Dept of Communications Energy & Natural Resources [Castleisland does have a co-location facility and a fibre backhaul to Tralee].

Having initially demanded "fibre only" proposals for these towns, the Dept of Communications Energy & Natural Resources subsequently requested that plans be drawn up for Wireless MAN's in these towns. While design exercises including Wireless surveys of towns and backhaul routes have been completed, the Dept still have not committed to funding the subsequent works. All new MAN's are effectively suspended pending a Value for Money & Policy Review on the MAN's which Minister Eamon Ryan communicated to the Dail in November, in answer to a written question. The Minister has stated that "My Department is continuing to undertake a Value for Money and Policy Review on Phase I of the Metropolitan Area Networks Programme. The review is being carried out in close cooperation with the Department of Finance. This Review, which is expected to be completed by the end of 2007, along with other policy analyses being undertaken, will help to inform my decisions on future investment in broadband infrastructure."

Our current understanding is that this review will be complete in Feb 2008. Regrettably given the suspension of the MAN's Programme, and uncertainty pending the outcome of the inter-departmental review, we cannot commit to a commencement date for any MAN's works in and around Dingle / An Daingean.

The National Broadband Scheme, to deliver Broadband to unserved areas of the country is expected to have a supplier in place for the summer of this year. 4 companies are engaged with the Department in a Competitive Dialogue tender process for this contract."

Cllr. S. Fitzgerald expressed his disappointment with the report and said that Kenmare, An Daingean & Castleisland were to be provided with Broadband.

**10. Granting of permission to applicants from Killarney Town
Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:**

"That the Planning Section of Kerry County Council explain fully to the members why applicants from Killarney town are being deprived from planning permission in areas like Aghadoe, Barleymount and Kilcummin. Is it as a result of the Department of Environment's Guidelines? If so we should make our dissatisfaction known to the present Minister as these people are being discriminated against."

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

“Planning Applications are assessed on the normal criteria such as road safety, effluent disposal, genuine local need, density etc. These criteria also apply in relation to applications in the areas referred to along with the fact that these areas are under intense urban pressure as identified in the Environs Plan for Killarney as adopted by Kerry County Council in 2007.

Section 7 of the Environs Plan clearly sets out criteria for Rural Generated Housing which applies in the areas referred to along with Urban Generated Housing.

It clearly states that in areas under intense urban pressure “urban generated housing will generally be prohibited while rural generated housing, accommodating local rural needs, will generally be accommodated”.

All Planning Applications in these areas under urban pressure are assessed in the context of this statement.

Local Area Plans are now in place in relation to the Settlement Areas within the Tralee/Killarney Hub and significant areas have been zoned residential to accommodate persons who wish to live outside of the larger settlements and do not fit the criteria of Rural Generated Housing”

Cllr. D. Healy-Rae expressed his dissatisfaction with the reply and said that this is very serious matter, which came to light in the Killarney Electoral Area in the second half of 2007. Some planning applicants who live in Killarney Town want to move out to a rural area but they will not be granted planning permission in Kilcummin because they are not from that area. In a number of instances, the applicant is getting a site from their parents, while in other cases, the applicant is getting a site from an uncle, but because they are not from the area, they are refused. He understood that this was related to the Minister’s Guidelines and the Environs Plan adopted last year. He pointed out that zoned land is not always the most suitable land and the more land that is zoned the greater the choice. He added that many people would prefer to raise their children in a rural area.

Cllr. M. Gleeson said that at present in Ireland sites are dearest in Dublin, Galway and then Killarney. The biggest problem facing Killarney Town Council is the purchase of land for housing. While a considerable amount of land was zoned, much of it is not available and won’t be for a considerable length of time. Communities should be allowed to develop and this also applies to rural communities and he pointed out that in some rural areas, the local GAA Club is finding it increasingly difficult to field teams. It should not matter if the planning applicant was born in Killarney if they want to move out of town as they will bring vibrancy to the area they are moving into.

Mr. P. Stack, SE Planning, stated that there are 253 on-site treatment plants in Aghadoe with 574 in Kilcummin. This is a cause of great concern and part of what intense urban pressure means. The health of future generations could hinge on the management of this type of development into the future. There is no blanket ban on people from Killarney Town moving out into rural areas and every effort is made to accommodate people and each case is dealt with on its merits.

Cllr. D. Healy-Rae said that if an applicant is from Killarney Town, it is obvious that they have no hope of being granted planning permission in surrounding rural areas. He did not think that he had voted for anything in the Environs Plan, that would result in this. Many young couples would like to live in rural areas and to raise their children there and land was zoned to give them a choice.

Cllr. M. Gleeson said that he was glad that there was not a blanket ban on people from Killarney being granted planning permission in a rural area. Everyone is concerned with the welfare of Killarney Lakes but he believed that properly constructed septic tanks would not pose a danger. There is an obligation on the Planning Authority to ensure that septic tanks are working properly. He pointed out that Kilcummin Sewerage Scheme should be in place by the end of the year.

Mayor M. Healy-Rae said that a similar situation has arisen in Killorglin Town.

Cllr. B. Cronin said that it is important to protect family members, who must be accommodated in constructing their homes on family farms and he acknowledged that they are being accommodated. He pointed out that there is poor percolation in parts of Barleymount and Aghadoe and he asked if this was part of the problem.

Mr. P. Stack, S.E.Planning said that Kilcummin and Barleymount are under intense development pressure and one problem is the proliferation of septic tanks and most land is not suitable for them. This matter was highlighted by consultants and it is important to keep remaining sites for genuine rural need and to protect the health and welfare of future generations.

11. School transport in Killorglin

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

"That Kerry County Council would take a lead role in sorting out the problems that exist in Killorglin with school transport to the local schools, which has existed for some time and has reached crisis lately."

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

"A bus-bay has been provided by Kerry County Council adjacent to Killorglin Community College and sight distance has been improved at O'Gorman's Cross to facilitate buses dropping off at the Killorglin Community College. In relation to the Intermediate School Killorglin, the Council is liaising with Bus Eireann, The Intermediate School and An Garda Siochana in relation to bus drop off points. However, this is primarily an issue for the schools to resolve with the bus operators in conjunction with the Department of Education.

Kerry County Council is willing to provide whatever assistance we can in this matter. However, this is primarily an issue for the schools to resolve with the bus operators. The bus operators and the school management have been invited to a Killorglin Electoral Area meeting to discuss the issues."

Cllr. J. O'Connor said that this problem has been on-going for the past year and a half. Bus parking was provided but Bus Eireann said that it is not adequate. At the school

there is a problem with parking bays. A meeting was called in an effort to resolve this situation but the Gardai did not attend. They subsequently approached Bus Eireann and advised them not to go to the school from the Glenbeigh side, as a result of this, the pupils are being dropped off, away from the school and are getting wet, while walking to school. This is an accident waiting to happen and he asked if the Area Meeting was the most appropriate place to resolve this issue.

The Mayor said that he would like to see this issue addressed at an Area Meeting.

In response, Mr. J. Flynn, Director of Corporate Services said that all parties involved were invited to attend the Area Meeting at the request of members.

12. St. John's Cemetery, Coolgarraive, Killarney

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

"That the Council investigate St. John's Cemetery, Coolgarraive, Killarney as an alternative graveyard for the towns people of Killarney and the surrounding area"

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

"This 1.7acre, privately owned, old burial ground, is located on the public roadside near the hill-top Aghadoe junction on the Killarney to Ballyhar Road.

The burial ground is marked 'graveyard' on the old O.S. maps, but is not a designated Archaeological site. The boundaries are defined by old stone walls, and there are grave markings throughout the cemetery, which was used as a Famine / Paupers' burial ground.

It would be both impractical and insensitive to disturb this old resting place.

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

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

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

Another site was also identified last year, but Agreement was not reached between the Town Council and the owner.

The hinterlands of Killarney town are served by the existing graveyards at Aghadoe Old and New, The New Cemetery at Coolcorcoran, Holy Cross in Kilcummin, Dooneen in Kilcummin and Killaha, and there are sufficient plots (more than 1200) available to meet the medium term demand."

Cllr. J. Sheahan said that St. John's Cemetery was concentrated in 1970 by Fr. O'Keeffe, this is Council property and he could not understand why it could not be used as a burial ground.

Cllr. B. Cronin said that he understands the need to be sensitive with this burial ground and added that there are a huge number of marked graves there. There is an urgent need for a new graveyard for Killarney but he felt that there was adequate land available closer

to the town. He requested clarification regarding the ownership of St. John's cemetery.

Cllr. M. Gleeson said that he hoped that Killarney Town Council would soon have a reply regarding the ownership of land in Killarney National Park. He added that there was great sensitivity about St. John's cemetery in Coolgarraive.

13. Provision of a Radiotherapy Unit at Kerry General Hospital

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

"When the long mooted 8 Health Centres of Excellence (Should more correctly be termed Centres of Speciality/Specialisation) are finally established that the H.S.E. will ensure that a thoroughly modern and fully staffed Radiotherapy unit will function in Kerry General Hospital"

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

Cllr. Gleeson said that Kerry people have an acute sense of being peripheral, isolated and neglected. This is not an advanced form of paranoia but is in truth the inevitable result of years of neglect and of having had to endure second best. For years our roads were a disgrace, our schools were old and cold, our people were forced to migrate or emigrate and even our GAA supporters had to endure the nightmare of the ghost train. It is little wonder therefore that we are fearful about our personal and community wellbeing.

Since placing this notice of motion on the Agenda, he had discussed the matter in some debt with a consultant and received a written response which he read into the record of the meeting.

The future model and configuration of cancer care in Ireland present a major challenge to ensure the highest standards of cancer care for all patients. The outcome for patients with cancer in terms of disease-free and overall survival depends on their access to quality cancer care providers. The quality and duration of survival are improved by access to cancer care centres where the appropriate level of expertise is available.

Broadly speaking, cancer is treated by three modalities – surgery, radiotherapy or chemotherapy. One, two or all modalities may be necessary to optimise outcomes. Doctors trained in these modalities of care are usually sub specialists, treating a specific cancer site i.e. the organ of the body in which the cancer arises. For example, a cancer surgeon may specialise in breast cancer, gynaecological cancers, bowel cancers or lung cancers or other sites. Similarly, a chemotherapist may specialise in breast cancer, lung cancers, lymphomas and leukaemias or other sites. A radiotherapy department will have doctors specialising in radiotherapy treatment of specific sites. This sub specialisation provides the cancer patient with the best expertise. The cancer doctors work with a team of nurses (cancer nurse specialists), social workers, nutritionists, psychological and psychiatric support specialists, radiologists and radiographers (X-ray specialists), pain specialists, palliative care, pastoral care and experts in complementary therapies eg reflexology, visual therapy.

The complexity of the optimum care package for cancer patients dictates that this can only be delivered in designated cancer centres. All cancer doctors need a minimum

caseload to maintain his/her skill. For example a cancer surgeon may need 50 cases per annum to maintain his/her expertise in a cancer operation, as well as access to special equipment in operating theatres, and specialist intensive care units for patients after surgery. A chemotherapist may need isolation areas in which to barrier nurse patients when their immunity is low. A radiotherapist needs equipment that is very expensive to install and a large staff of technicians and physicists to maintain it. The three modalities of treatment are often combined to achieve best results. At present, comparison with international results shows that Irish patients are less likely to receive multimodality treatments and this contributes to our less than optimum survival figures in some cancers.

Best practice, therefore, dictates that all treatment modalities are available and that sufficient numbers of patients attend a designated cancer centre. In other countries centres of excellence would typically have a catchment area of one to four million. The geography of Ireland makes a single centre delivering to the entire population impractical. As a result it is likely that a recommendation for 4 to 8 cancer centres in Ireland treating the majority of cancers will be acceptable. Within that framework, very rare cancers would need to be centralised to a single national unit. The framework would be supported by existing smaller hospitals eg county hospitals acting as satellite centres providing different degrees of treatment. For example, the cancer diagnosis may be made in a county hospital. Some surgeries, eg skin cancers and emergency bowel surgeries will still be undertaken by local surgeons, but it is imperative that all the resources of the cancer centre are then made available to that local surgeon to optimize care. Modern technologies facilitating electronic transfer of x-rays and laboratory imaging as well as video conferencing are available to facilitate this process. Some patients may never need to attend the cancer centre in person. Some satellite centres may even deliver chemotherapy. However intensive chemotherapy, complex surgery and all radiotherapy would have to be delivered in a cancer centre. Support mechanisms should be put in place to transport those patients who so need to attend the cancer centre. Patients could be referred back to their county hospitals for all appropriate elements of their further care. Certainly, palliative care and care of the dying should be available locally.

In summary, moving the management of cancer to a cancer centre will improve every patient's chance of surviving their cancer and optimise the quality of life for all cancer patients. The key element is that all patients will have equal access to the expertise of a cancer centre. Locally I would recommend that financial, social and political resources should be channelled into supporting a system that will remove the current inequities in cancer care that are dictated by geography. All stakeholders including the county and district hospitals, community and general practitioners, nurses, social workers and cancer support groups should be invited to participate in generating the best local policy to support cancer care regionally.

Cllr. Gleeson said that our fight now should be about how our cancer sufferers are transported and looked after while their illness is being treated in a place of specialisation. Our fight should be to ensure that relatives have a place in which to reside close to their loved ones who are being treated. Our concern should be to ensure that when primary treatment is concluded, there are facilities within our County to the

required standard to ensure that follow-up care will be excellent. Our insistence must be that if chemotherapy is to be out-sourced to Tralee, as it should, that it should have the very best personal, equipment and facilities.

Cllr. B. Cronin supported the motion and said that our focus should be on maintaining and maximizing the service we currently have at Kerry General Hospital. He believed that Kerry General provides an excellent service. Professor Tom Keane is in charge of the co-ordination of the cancer strategy and he made the strongest case as possible to him.

Cllr. J. Sheahan also supported the motion.

14. Asbestos water pipes

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

"To ask the Water Services Department to clarify are there any pipes made of asbestos supplying water in the County and is there any risk to the public"

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

"Approximately 290 kilometres of the circa 3000 kilometres of water mains in Kerry are comprised of asbestos cement pipes.

There are no known health implications associated with the use of asbestos cement pipes for water supply purposes.

The dangers associated with asbestos are related to the inhalation of asbestos dust - asbestosis is a disease of the lungs contracted by inhaling asbestos dust fibres. The inhalation of asbestos dust can be encountered mainly in fabrication of asbestos materials at factories, and in the cutting of pipes on site.

In 1994 the World Health Organisation stated its position on this matter: "While inhaled asbestos is a known carcinogen, there is no evidence that asbestos has any adverse effect on human health when ingested with drinking water".

Asbestos cement pipes are no longer produced and are no longer used in new water supply contracts because of health and safety issues relating to the actual construction/laying of the pipelines, and for other reasons relating to costs. Repairs to water mains due to broken asbestos cement pipes are carried out with iron or PVC or other types of synthetic pipes"

Cllr. B Cronin said that it is startling that 290km of water mains in the County are made of asbestos cement pipes. The report indicates that there is no risk to human health only from the inhalation of asbestos dust. He said that in some of these cases, major supply lines carry a substantial volume of water and these can wear the interior of the pipes and come in contact with asbestos. He was concerned that this could impact on the health of those consuming the water.

Cllr. M. Gleeson said that he had raised this issue on a number of occasions. He asked if the pipes made with asbestos are coated and could chemicals interact with the pipes. He asked if the area where chemicals are added have a higher than normal death rate.

Mr. O. Ring stated that 10% of pipes are asbestos concrete and chemicals in the water do not impact on them. The World Health Organisation has indicated that there is no evidence that asbestos is harmful in water pipes and it is only present in a small percentage of water pipes around the County. The real danger is in breathing in the dust in the installation of asbestos water pipes. Blue asbestos is mostly used in heating but white asbestos is used in pipes and the only danger from it, is when the pipes are cut and the dust is inhaled in. He added that there are no known health implications from using asbestos concrete water pipes.

Cllr. B. Cronin said that if there is no major concern about the use of these pipes why were they no longer used and what about the concerns of the people who were involved in laying them first day.

In response, Mr. O. Ring said that in order to address health and safety concerns for workers laying these pipes, certain measures were agreed and this included the use of alternative pipes to ensure the safety of the workers.

15. Taking over of estates

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

"That Kerry County Council, as a matter of urgency, adopt a clear policy with regard to taking over estates. There are a number of estates which are awaiting being taken over and the correct policies must be adopted by this Local Authority to allow such to happen"

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

"The Planning Department of Kerry County Council has now developed a Draft Policy Document on the taking in charge of Housing Estates which is presently being reviewed by other relevant Sections and Senior Management.

It is hoped to have this Policy Document before the Full Council for approval within 3 months".

Cllr. M. Healy-Rae welcomed the reply and said that many estates are up to a proper standard. He welcomed the introduction of this policy as soon as possible.

16. Setting up of a list of approved assessors to carry out percolation tests

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

"That Kerry County Council would set up a list of approved assessors to carry out percolation tests for planning applications in Kerry as is done in Limerick County Council"

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

"The issue of Site Assessment in relation to effluent disposal is highly contentious and very relevant to the protection of water quality in County Kerry.

This is emphasised by EPA Guidelines, EU Water Quality Directives and in the context of over 30,000 on site treatment facilities operating in the County at present.

Both the Environment Section and the Planning Department are very concerned about this issue and in late 2007 correspondence was issued to Agents involved in Planning Applications clearly outlining the requirement associated with the EPA Guidelines and the Site Assessment form accompanying all applications where effluent is to be disposed of on site.

It was emphasised in the correspondence that an inaccurate or incomplete Site Assessment Report would impact adversely on a Planning Application.

It is important that both the on-site and reporting elements of Site Assessment is expertly and thoroughly undertaken and assessed by trained staff within the Local Authority in order to find an Engineering solution to the disposal of effluent, if at all possible, within a site where the application complies with the other criteria associated with a Planning Application.

In this regard the Management of Kerry County Council has looked at the Limerick situation and is presently considering all options in this regard”

Cllr. J. Brassil welcomed the report, with the exception of the last line. Following discussion on this matter, it is accepted that this is an issue in many parts of the County and it is obvious that Agents are not filling their role satisfactorily. As a result of this, the only option is to establish a list of approved assessors to carry out percolation tests. Of the 30,000 septic tanks in the County, 20,000 were never looked at again and many Maintenance Contracts were cancelled after the first 12 months. He proposed that Kerry County Council adopt a policy of drawing up a list of approved assessors to carry out percolation tests for planning applications in Kerry.

Cllr. J. O'Connor seconded this proposal.

Cllr. J. Brassil said that if a list of approved assessors is compiled, he wanted staff to be specifically trained for this within the Council and he asked management to take his proposal on board.

Cllr. J. O'Connor said that staff in the Environment Department are experts in this area and just 5% of applications pose a serious threat from an environmental point of view.

Cllr. J. Brassil called for the appointment of dedicated members of staff to assess percolation tests submitted with planning applications.

Mr. P. Stack, SE Planning agreed that some planning applications submitted never have a chance of being approved. Pre-planning meetings are recorded and he hoped that they would be on file shortly. A meeting between planners and agents was held last October to communicate the most up-to-date regulations to them. The information provided to agents can also be provided to members. A number of options are being considered in this regard and consideration is being given to the holding of clinics once a year, at various locations throughout the County. Limerick County Council introduced this system in April 2005 and it appears to be working well. Of the 30,000 one-off septic tanks, it was considered that a great portion of these are not working properly.

Cllr. J. Brassil called on the County Manager to ensure that when he receives Mr. Stack's report that adequate resources are provided to implement his recommendations.

Mr. P. Stack said that in planning a number of areas are very grey and open to interpretation. In the new County Development Plan, it is hoped that these issues will be clarified. A considerable amount of work has been done on the Rural House Design Guidelines and these will be brought to the members for consideration in due course.

Cllr. J. Sheahan said that some planning applicants are given two reasons for refusal and when these are resolved, they are given 3 or 4 other reasons for refusal. He requested that all reasons for refusal would be stated in the original decision.

Serving of Derelict Site Notices

Cllr. J. Sheahan asked what was the Council's objection to serving Derelict Sites Notices on property owners.

In response, Mr. J. Breen said that every effort is being made to remove derelict sites as an eye score in towns and villages throughout the County. The Council will be persuing the acquisition of derelict sites if necessary and this was recently done in Rathmore.

Cllr. J. Sheahan called for the serving of Derelict's Sites Notice on Killarney House.

Mr. J. Breen said that this is a matter for Killarney Town Council.

17. Farmers rights to protect their sheep

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

"That Kerry county Council call on the Minister for Environment, Heritage and Local Government and all Government Ministers to ensure that sheep farmers will always have the right to protect their flock against attacks from foxes."

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

Cllr. M. Cahill said that there is huge concern regarding the ban on hunting. Many farmers suffer severe sheep loses as a result of attacks by foxes and he requested that this resolution be forwarded to Minister Gormley.

This was agreed.

Cllr. J. Sheahan said that he wished to move Notice of Motion No: 18 on behalf of Cllr. Connor-Scarteen.

This was agreed.

18. Funding from the NRA for the N70 and N71

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

"That we the members of Kerry County Council urgently request the NRA to allocate at least €1m to each of the following roads in Kerry in 2008.

- Molls Gap to Ladies View N71

- Tahilla to Sneem N70

- Kenmare to Bonane N71

so that further improvements are carried out on the above mentioned roads.

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

"A total of €8.4m has been spent on these sections of the N71 in recent years (€3,347,000 on Molls Gap to Ladies View, €1,722,000 on Tahilla to Sneem and €3,320,000 on Kenmare to Bonane), under the National Secondary Pavement Improvement and Realignment Works scheme. Further funding has been sought to continue works on the N71 in 2008, but this will be dependant on the level of grant aid from the NRA. As previously advised to Council, the indications at present are that funding under this programme is expected to be substantially less than the €10.5 million allocated in 2007".

20. Drug users and pushers in local authority housing

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

"That this Council be proactive in the fight against drugs. There should be no tolerance of drug pushers or users in Local Authority housing and housing staff should at least be trained to recognise tenants who are in the grip of drugs"

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

"A detailed anti-social and nuisance behaviour policy in respect of Council tenants was adopted through our Housing SPC in 2006 which deals with all forms of anti social behaviour in Council estates including the above. This policy sets out the process the Housing Department will implement when complaints are received. It ensures that the Council investigates complaints in a fair, impartial and objective manner. Both the complainant and respondent will be involved in the process. Where complaints are of a serious nature or a conviction that constitutes anti-social behaviour which includes sale or supply of drugs (as defined in the Miscellaneous Provisions Act, 1997) has been secured, Kerry County Council reserves the right to take immediate action to secure an 'Excluding Order' or Order for Possession as appropriate. The grant or otherwise of an 'Excluding Order' or an Order for Possession, is a matter for the Court. As a further initiative we intend to consult further with senior gardai with a view to gaining their views in the review of this policy and putting in place more formal local structures with local gardai & community gardai in the implementation of this policy"

Cllr. D. Healy-Rae called on the Council to be more pro-active in the fight against drugs. Staff are dealing with tenants on a daily basis, who are taking and dealing in drugs. They should be trained so that they can recognise people involved in drugs and they should report them to the Gardai or to Management. There should be no place for "drug pushers" in local authority housing and they should be evicted to ensure that they are not a danger to local children.

Mr. J. Breen, Director of Housing said that there is no provision in legislation to allow local authorities to act against a tenant who is using drugs, however, they can move against a tenant who is selling and supplying drugs.

21. Meetings with planning agents, officials and councillors

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

"That Senior Planning Officials would convene at least two meetings with planning agents and councillors over the next 12 months in an effort to reduce the number of refusals and withdrawals that exist at present as the level of approvals is very low."

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

"It is the policy of the Planning Authority to keep Planning Agents fully informed on all aspects of new planning legislation, procedures and practices. In 2007, a seminar was held to present to the Agents the changes introduced in the 2006 planning regulations. Other areas covered included the Planning and Development Strategic Infrastructure Act, 2006 and also a presentation on the criteria governing site assessment. Unfortunately, not all Agents attended.

Agents are also kept up to date with regular correspondence on changes proposed and introduced, e.g. on the 10th January, 2008, all Agents were circulated with a new supplementary information section on the planning application form. The amendment to the form was considered necessary to request specific details in relation to site ownership given the significant number of further information requests warranted in the past year, where the necessary information was not included in relation to applications for residential development in the rural area.

This correspondence also referred to the unacceptable level of invalid applications received in 2007. A total of 707 applications were returned as invalid following the initial validation process on receipt of an application and a further 340 applications were returned as invalid following a site inspection. In my correspondence, I appealed to Agents to be more mindful of the regulations when submitting applications. Invalidation of applications leads to time delays for the customer and is a waste of valuable resources in the Planning Department.

In the future when seminars for Agents are organised an invitation will also issue to all Councillors. If the members request, copies of all correspondence to Agents can also issue."

Cllr. J. O'Connor welcomed the last statement that members would be invited to the seminars. He added that in the Killorglin Electoral Area 52% of planning permissions were approved, while 24% were refused and 14% withdrawn. On average a planning application costs €2,000 and as a result of the refusals and withdrawals, up to €1m is lost by planning applicants. He asked that some measures be taken in the validation process to identify applications being submitted by Agents, which are not up to the required standard. 707 planning applications that were returned as invalid is a frightening statistic and this has resulted in substantial losses for the applicants. He welcomed the preparation of a list of approved assessors for the carrying out of percolation tests. On

many occasions 'density' and 'not integrating with the local landscap' is the reason for refusal. He believed that there were too many loose terms being used and no progress would be made until such time as these terms were clarified. He asked that the pilot project regarding septic tanks in Tipperary be considered in Kerry and he called for the making of a presentation by the makers of the various disposal means to members. He called for the keeping of a detailed account of all applications submitted by the various planners who attend the meetings convened by the Planning Authority, in an effort to ensure that all applicants get fair treatment by their agents.

Cllr. B. Cronin, supported the sentiments expressed by Cllr. O'Connor. Planning applicants pay an agent to lodge a planning application and to carry out a site percolation test. The number of requests for further information is substantial and in many instances the percolation test form is not completed properly. He was aware of a number of agents who when they send the bill to the applicant, also advise them to contact their local councilor for assistance. He strongly objected to that practice. He said that he had evidence that a planning agent did not fill out a site assessment form in accordance with the EPA Guidelines and this should be a matter for him to rectify. Agents providing a sub-standard service to applicants should be identified and they should not be paid until the application is deemed valid.

22. Programme of improvements to beaches

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

"In view of the significant importance of our Kerry beaches to the tourism industry I proposed that Kerry County Council initiate a programme of works to enhance and protect our seaside resorts as a matter of urgency"

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

"Limited funding is available from our own resources for the maintenance/improvement of beaches and in allocating these monies priority is generally afforded to those beaches with Blue Flag status. Kerry currently has 13 Blue Flag beaches but also hosts 20 other beaches together with a further twenty locations which would be deemed popular bathing locations.

The management of Kerry's Blue Flag Beaches is shared by a number of departments of Kerry County Council including Environment, Roads, and Water Services etc and is subject to a specific set of stringent criteria in order to qualify for the Blue Flag Award.

Irish Water Safety, on behalf of KCC, carried out Risk Assessments on our thirteen Blue Flag Beaches during 2006 and these assessments made a number of recommendations regarding signage, access, water safety equipment etc. During 2007 KCC commenced a programme of works, which was grant aided by Failte Ireland, at some of our Blue Flag Beaches including the provision of disabled access at Rossbeigh, Derrynane and Ballinskelligs. In anticipation of similar funding from external sources being obtained in 2008, Kerry County Council will shortly be identifying and planning a further schedule of desirable works at our beaches throughout the county. This programme of works will be compiled in consultation with the various Directorates with an input into beach management."

Cllr. M. Cahill said that an adequate budget should be provided for improvements to

beaches. These are very important from a tourism point of view and they should be made more attractive.

Cllr. R. Beasley supported the motion.

23. Serial Objectors

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

"That we ask the Minister for Environment to do something about serial objectors who appeal decisions to An Bord Pleanála that are granted to family members by Kerry County Council as we all recognise that family members are entitled to permission on family owned land"

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

Cllr. D. Healy-Rae said that this was a very serious matter, which was highlighted in the Irish Examiner since Christmas. A family member got planning permission last summer and a serial objector, Mr. Michael Horgan, Tralee, appealed this decision to An Bord Pleanála. This applicant has now been deprived of a home. They have no hope of purchasing a site and they had a mortgage arranged and a builder lined up to build the house. He requested that a resolution be forwarded to Minister Gormley, Cllr. M. Healy-Rae seconded the motion.

Cllr. R. Beasley said that this is an appalling situation and this individual has created hardship for a number of families.

Cllr. J. O'Connor asked could Kerry County Council change the law or increase the fee for lodging an objection.

Cllr. J. Brassil said that members comments should be channelled to the people who make decisions at a national level.

Cllr. J. Sheahan supported the motion and said that there must be balance and fairness. Someone in Dublin objecting to a planning application for an applicant in Ballybunion does not make sense.

08.01.21.17 Correspondence Conferences & Seminars

- (a) On the proposal of Cllr. P. O'Donoghue seconded by Cllr. B. Cronin it was agreed to authorise the attendance of Cllrs. B. O'Connell, M. Healy-Rae, B. Cronin & J. O'Connor at the Mid-West Regional Authority 14th Annual Conference on the theme "Planning for Renewable Energy" to be held at the Woodlands House Hotel, Adare, Co. Limerick on the 7th & 8th February 2008. Cllr. B. O'Connell was nominated the report back to the Council on this conference.
- (b) On the proposal of Cllr. M. Healy seconded by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllr. B. O'Connell, P. O'Donoghue & B. MacGearailt at the Cumann Merriman, Scoil Gheimhridh 2008 to be held in Cathair na Mart,

Co. Mhaigh Eo from the 1st to the 3rd February 2008. Cllr. P. O'Donoghue was nominated to report back to the Council on this Winter School.

- (d) On the proposal of Cllr. N. Foley, seconded by Cllr. M. Healy-Rae it was agreed to authorise the attendance of Cllr. P. O'Donoghue & Mayor M. Healy-Rae at the Atlantic Way Presentation to be held at Westpark, Shannon on Friday the 25th January 2008. Mayor M. Healy-Rae was nominated to report back to the Council on this Presentation.
- (e) Cllr. B. Cronin asked why was Cllr. Kiely being authorised to visit the US for St. Patrick's Day?

In response, Mr. T. Curran, County Manager said that an invitation was received from The Kerryman's Association for the attendance of The Mayor, Cllr. Kiely and himself at their annual dinner and to take part in the St. Patrick's Day Parade in New York. It is a matter for the members to approve this.

On the proposal of Cllr. P. O'Donoghue, seconded by Cllr. T. Fitzgerald, it was agreed to authorise the attendance of Mayor M. Healy and Cllr. D. Kiely on a visit to the US for St. Patrick's Day.

- (f) On the proposal of Cllr. N. Foley, seconded Cllr. P. O'Donoghue it was agreed to authorise the attendance of Cllr. M. Connor-Scarteen, M. O'Shea and L. Purtill at the Colmcille Winter School, to held in Churchill, Letterkenny, Co. Donegal from the 29th February to the 2nd March 2008.
- (g) On the proposal of Cllr. N. Foley, seconded by Cllr. T. Fitzgerald it was agreed to authorise the attendance of Cllrs. M. Connor-Scarteen, R. Beasley & L. Purtill at the AMAI Conference to be held in Trim, Co. Meath on the 1st & 2nd February 2008.
- (h) On the proposal of Cllr. N. Foley, seconded by Cllr. P. O'Donoghue, it was agreed to approve the attendance of Mayor M. Healy-Rae at the Young Scientist Exhibition held in Dublin on the 9th & 10th January 2008.
- (i) On the proposal of Cllr. T. Fitzgerald, seconded by Cllr. M. Cahill, it was agreed to authorise the attendance of Mayor M. Healy-Rae at the 2008 Failte Ireland Southwest Industry Briefing on the theme "Investigating for Growth to be held in Cork on Tuesday 29th January 2008.

08.01.21.18 Correspondence General

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

1. Letter dated 12th December 2007 from the HSE regarding a request for a meeting with Professor Drumm.
2. Letter dated 19th December 2007 from Professor Tom Keane regarding cancer services.

3. Letter dated 2nd January 2008 from Eircom regarding the removal of public payphones.
4. Letter dated 11th December 2007 from Galway City Council regarding a resolution adopted by that authority calling for a ban on all detergents, powders etc. containing phosphates.
5. Letter dated 25th October 2007 from Monaghan Town Council regarding a resolution adopted by that authority regarding the implementation of the new Community Childcare Subvention Scheme.
6. Letter dated 19th December 2007 from Waterford County Council regarding a resolution adopted by that authority calling on the Government to immediately ban the importation of Brazilian beef.
7. Letter dated 28th December 2007 from Clonmel Borough Council regarding a resolution adopted by that authority calling for the introduction of a clamping system for people who park in disabled parking spaces when they are not entitled to do.
8. Letter dated 3rd January 2008 from South Tipperary County Council regarding a resolution adopted by that authority regarding the system operating for cyclists at roundabouts.
9. Email dated 19th December 2007 from Galway County Council regarding a resolution adopted by that authority regarding the granting of planning permission by An Bord Pleanala.
10. Email dated 14th January 2008 from Ballinasloe Town Council regarding a resolution adopted by that authority regarding changes to the Disabled Persons Grant Scheme.

The meeting concluded at 5pm.

Gerard O'Brien

A/SEO Corporate Affairs

Mayor of Kerry