

March Ordinary Meeting

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY
COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE,
TRALEE ON MONDAY 10TH MARCH, 2008.**

***MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE,
ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 10 MARTA, 2008***

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

Absent:

None

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, Dir. of Water Services
Mr. J. Breen, Director of Housing	Ms. A. Haugh, Dir. Of Environment
Mr. M. McMahon, Director of Planning	Mr. C O'Sullivan, Dir. Roads & Transp.
Mr. G. O'Brien, A/SEO Corp. Affairs	Mr. T. Sheehy, SE, Planning
Mr. P. Corkery, Press & Com. Officer	Ms. B. Reidy, S.S.O. Corp. Affairs
Ms. L. Sheehan, CO Corporate Affairs	Ms. K. Felle, CO, Corp. Affairs

The meeting commenced at 10.40am.

The Deputy Mayor, Cllr. D. Healy-Rae, took the Chair.

The Deputy Mayor informed the meeting that Cllr. M. Cahill wished to propose an emergency motion.

Tidal Flooding at Incharee, Glenbeigh

Cllr. M. Cahill informed the meeting, that land at Incharee, Glenbeigh is prone to tidal flooding and a few years ago, a number of houses were destroyed, as a result of flooding. In the past, the Land Commission had responsibility for the drainage of this area, but now it appears that no state organization is willing to take responsibility for it. He then presented photographs of the recent flooding in this area to the meeting and said that it was a frightening experience for the families living there. The last time there was serious

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flooding in this area, a deputation from Kerry County Council went to Dublin to meet with Minister Cullen and subsequently Kerry County Council carried out works in the area. Many of these people have carried out works to protect their property at huge expense. He stated that the Council has a duty to protect these people and he called on the Council to provide assistance for them immediately and to enter into discussions with the OPW or the Government with a view to resolving this problem.

Flooding in Kenmare

Cllr. M. Connor-Scarteen said there was flooding in Kenmare the previous night. In particular, on the road from the bottom of Bell Height which was impassable. Five years ago, the people of Kenmare were informed that funding would be provided to raise the road at this location but this still has not happened. He called on the County Manager to take this matter up with the relevant authorities with a view to securing the funding to raise the level of the road at this location.

Crisis at Portlaoise Hospital

Cllr. R. Beasley referred to the recent report on Portlaoise Hospital and called for the immediate resignation of Minister Mary Harney and Prof. Drumm.

Cllr. P. McCarthy SECONDED this proposal.

Cllr. T. Fitzgerald said that if Minister Harney resigns it would do a lot of damage to the health service. Minister Harney is very concerned about the deliver of the Health Service and she is relying on the Executive to deliver this service. He did not believe that her resignation would achieve anything.

The Deputy Mayor advised Cllr. Beasley to submit a notice of motion for the next Council Meeting, if he wanted to call on Minister Harney to resign.

Cllr. T. Fleming pointed out that Minister Harney was not Minister for Health when these errors were made in Portlaoise and Prof. Drumm was not CEO of the Health Service Executive at that time.

Road Restoration Programme

Cllr. T. Fleming referred to a road included in the Road Restoration Programme in Currow last year, which was subsequently removed from the programme. He PROPOSED that a request be forwarded to the Department for funding for this road in 2008, as it is one of the worst roads in the county.

08.03.10.01 Mayor's Report on the CPG Meeting held on the 4th March 2008

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

Item 1 – Agenda for the March Meeting

Mr. G. O'Brien briefed the meeting on the March agenda.

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In relation to Item 5 on the raising of a loan for Capital Water Services Projects Cllr. Kiely asked how would the repayments be funded.

In response Mr. J. O'Connor stated that it was intended that the repayments would be funded from development levies. The Draft Development Contribution Scheme would have taken account of all the schemes to be undertaken over the next few years and the levies set accordingly. He informed members that the repayments on a loan of €15.6m would be €1.5m per annum.

In relation to Item 8 on the appointment of nominees to the North and East Kerry Leader Partnership Company Cllr. D. Kiely said that he understood these companies were amalgamated into one.

Mr. J. Breen informed the meeting that while the four companies have now amalgamated all the companies are still based in their own office which is contrary to the guidance from the Department. The challenge for the Board will be to complete the cohesion process as required by amalgamating all the companies..

Ms. J. McCarthy referred to Item 10 on the agenda on the Draft Guidelines on Sustainable Residential Development in Urban Areas and informed the meeting that the Draft Guidelines together with the Design Manual and a brief synopsis were circulated to members. This will be dealt with at Item 10 on the agenda.

Item 2 – County Development Board

Mr. J. Breen informed the meeting that the inaugural meeting of the Joint Policing Committee was held on the 18th February under the auspices of the County Development Board. A sub-committee of the Board will be making approaches to the NRA on the provision of the Inner Relief Road for Tralee and the Castleisland By-Pass in the near future. The Department of Transport invited submissions on Sustainable Transport to 2020 and An Garda Síochána invited the Board to make a submission on their Strategic Plan. Both of these will be considered by the Board's Executive. Indecon Economic Consultants have been engaged to review the workings of County Development Boards and the Board may convene a special meeting to consider this report when available.

Item 3 – Update from the Chairs of the Strategic Policy Committees

Cllr. B. O'Connell informed the meeting that he would give his report on the most recent meeting of the Environment SPC at the March meeting.

Cllr. C. Miller stated that the Housing SPC would meet on the 6th March and a report would be brought to the April council meeting.

Cllr. R. Beasley said that the Community, Cultural and Tourism SPC did not meet since the February Council meeting.

Cllr. D. Kiely said that the Transport SPC met on the 3rd March and a report would be brought to the April meeting.

08.03.10.02 Confirmation of Minutes

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. R. Beasley it was unanimously agreed that the Minutes of the Special Planning Meeting of Kerry County Council held on the 22nd February 2008 be confirmed.

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Cllr. T. Ferris stated that at the February Meeting members requested that a Special Planning Meeting would be held to discuss members concerns regarding planning issues. She asked if a date was set for this meeting.

In response, Mr. M. McMahon said that a number of Special Planning Meetings would be held in the near future and that would be the appropriate time to have that discussion.

Mr. T. Curran, County Manager said that he had discussed this matter with the Mayor, but as it has only been 3 weeks since the last Council Meeting, no date has been set for this Special Planning Meeting. It is a matter for the Mayor and members to agree a date.

Cllr. T. Fitzgerald asked that the meeting would be held prior to the summer.

The Deputy Mayor informed the meeting that the Mayor and County Manager would set a date and advise members in due course.

Disposal of Land in Killoglin

Cllr. J. O'Connor referred to a Section 183 Notice which was approved at a recent Killorglin Area Meeting for the disposal of land to a Mr. O'Neill in Killorglin. He understood that item would be on the Agenda for the March Meeting and he asked for an up-date on it.

In response Mr. C. O'Sullivan, Director of Roads said that there were a number of issues to be resolved regarding the disposal of that land and as soon as these were resolved it would be included on the Agenda for a full Council Meeting.

08.03.10.03 Disposal of Property

(a) On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. R. Beasley, it was agreed to approve the disposal of a plot of land measuring 0.12 acres at Coolnaharigal Lower to Clare Leahy, Mountain Stage, Glenbeigh, Co. Kerry, in accordance with the terms of notice issued, the 28th February 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.

(b) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. T. Buckley, it was agreed to approve the disposal of a plot of land measuring 1.24 acres approximately at Ballygowloge, Listowel to Presentation Family Resources Centre Ltd in accordance with the terms of notice issue, the 27th February 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.

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08.03.10.04 Proposed development and Manager's Report in accordance with Section 179(3) of the Planning & Development Act 2000

On the PROPOSAL of Cllr. D. Healy-Rae SECONDED by Cllr. M. Connor-Scarteen, it was agreed to note the proposed development and the Manager's Report thereon, in accordance with Section 179 (3) of the Planning & Development Act 2000 and Part VIII of the Local Government (Planning & Development) Regulations 2001 in respect of the construction of a new Fire Station at Gortamullen, Kenmare, Co. Kerry.

All members welcomed the progress being made on the provision of a new Fire Station for Kenmare.

08.03.10.05 Approval for the raising of a loan of €15.6m for Capital Water Services Projects.

Mr. J. O'Connor, Head of Finance, referred members to his report dated the 3rd March 2008 on this item which was circulated. He briefed them in detail on the report.

Cllr. T. Fitzgerald asked if the interest rate on the loan would be fixed.

In response, Mr. J. O'Connor, Head of Finance said that the repayments referred to in the report, are calculated based on an indicative rate and a strong case can be made for going for the variable rate at present. However, his Department are constantly reviewing market trends etc and we can react to the market situation as changes occur.

On the PROPOSAL of Cllr. T. Fitzgerald SECONDED by Cllr. P. McCarthy it was unanimously agreed to approve the raising of a loan of €15.6million for funding the local contribution, under the National Water Pricing Framework, for a number of Capital Water Services Projects as indicated in the report.

08.03.10.06 Dréachtphlean Bainistíochta Tráchtá An Daingin

The Deputy Mayor informed the meeting that the Mayor has indicated that he is totally opposed to the An Daingean Draft Traffic Management Plan, as indeed he was himself. Local people have highlighted that this will be very restrictive and unfair on people who operate a business in the town as they will not be permitted to park near their premises yet real realistic alternative is being provided.

Mr. C. O'Sullivan, Director of Roads, Transportation & Safety referred members to his covering report dated 27th February 2008 on this item together with the An Daingean Draft Traffic Management Plan dated February 2008 which were circulated. He said that the need for this study was driven by chronic traffic congestion in An Daingean during the tourism season. The Council commissioned Nicholas O'Dwyer Ltd. Consulting Engineers to undertake a Traffic Management study for An Daingean, with particular reference to parking demand and junction layout. The primary aims of the study were to examine the existing road network, assess its capacity for both current and future traffic demands, determine existing and future parking

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requirements and analyse key junctions. A full traffic study was carried out in the town on 17th August 2005 to record the traffic volumes, destinations, and types of vehicles over a 12 hour period, as well as the existing parking demand in the town. He then outlined for the meeting the primary findings of the study. The consultants assessed the impact of a projected 4% and 6% increase in local and visitor traffic respectively over the next 10 years. He outlined the expected increase in vehicle movements in the town over the coming years and said it would further exacerbate traffic congestion in the town and create a demand for an additional 310 car parking spaces. To address this demand, the following mitigating measures were proposed:

- Construction of a link road from the proposed Relief Road (at the existing Mart site) to John Street, to allow for one way traffic on John Street (inwards) and Spa Road (outgoing).
- Revise the junction layout at Spa Road and Main Street, giving priority to traffic coming from the Mall onto Main Street to increase its' capacity
- The removal of 17 car parking spaces at the junction of Spa Road and Main Street to improve its' capacity – 12 car parking spaces on Spa Road, 3 parking spaces on the Mall and 2 parking spaces on John Street. However, 6 parking spaces can be provided when one-way traffic is provided along Spa Road.
- 21 car parking spaces will have to be removed from The Colony, when Phase 3 of the Relief Road between Goat Street and Strand Street is being constructed.
- 122 car parking spaces will have to be removed from various streets in the town to eliminate obstructions, improve traffic flow, allow for an increase in the number of loading bays for commercial purposes, provide improvements to footpaths and develop a safer environment for pedestrians.
- The provision of 3 additional off-street car parks to provide for the loss of the on-street spaces. The indicative locations for these are at Emlagh (100 spaces) adjacent to the Relief Road, near Chapel Lane (200 spaces) and adjacent to the Relief Road at Farranakilla, near the Colony (200 spaces and 10 bus spaces).

In conclusion he said that he wished to clarify that the on-street car parking will not be removed until adequate off-street parking is provided.

Cllr. D. Healy Rae said that traders have pointed out that the off-street parking will be too far removed from the business premises and they were anxious that this would be highlighted.

Cllr. S. Fitzgerald said that a number of meetings were held regarding this Draft Plan and much of the concern focused on the public car park to be provided at Emlagh. He requested that this be removed before the Draft Plan is put on public display. He added that there should be a right of way access to the Údaras building.

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Mr. C. O'Sullivan informed the meeting that this is only a Draft Plan and he recommended that it would be put out for public consultation and when submissions are received members could then decide if they wanted to amend the Draft Traffic Management Plan for An Daingean.

It was agreed that the Draft Traffic Management Plan for An Daingean would be put out for public consultation.

08.03.10.07 Report on the Operation of the Litter Pollution Acts, 1997 – 2003

Ms. A. Haugh, Director of Environment, referred members to her report dated March 2008 on this item which was circulated. She briefed them in detail on her report. In conclusion, she acknowledged the work of the Litter Wardens, Traffic Wardens & Dog Wardens, who have a very frustrating task in trying to stop people from illegally dumping their rubbish and it is very difficult to catch those responsible for it. She thanked the staff of the Environment Section for their dedication and hard work throughout the year.

All members welcomed the comprehensive report and expressed concern at the large number of illegal dumping reports received. Members appealed to the public to expose those responsible for this and they said that Kerry is very dependant on tourism and cannot afford to have the environment destroyed. Members suggested that the most appropriate means of tackling illegal dumping would be through education in the schools. They welcomed the Kerry Environmental Awards which have now become very successful with 60 applicants last year and they welcomed the fact that this has become an annual event. They also congratulated the Kerryman newspaper, on becoming involved with these Awards. Member asked if a package for the refuse collection service for the summer months is available to those who have holiday homes in the county and are holiday home owners advised of the locations of the Transfer Stations in the county.

Members complemented the staff in the Environment Department and in particular the two Litter Wardens and the Traffic Wardens, who are dealing with a very difficult situation. Dog fouling is also a major issue which should be addressed. All members complemented the Tidy Towns Committees in the county, who are doing fantastic work in keeping their towns and villages neat and tidy. Members asked what was the maximum fine that could be imposed on a person found guilty of illegal dumping and they suggested that this fine should be substantially increased to act as a deterrent.

The establishment of a database of customers of Kerry County Council and private operators should also be considered and Litter Inspectors should call on households to establish what facilities they are using to dispose of their refuse. Additional signage should also be provided throughout the county to advise the general public to take their litter home. A Free-phone number should be established to allow members of the general public to report illegal dumping, especially where they have witnessed it. A small number of isolated bottle banks are being targeted for illegal dumping and this should be

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stopped if at all possible, as it is a worrying trend. Members asked if there were plans to install CCTV cameras at all Bring-Bank Centres in the county.

Members suggested that Community Alert Organisations should be involved in the control of illegal dumping, as they have an important role to play. Illegal dumping has also occurred between, Poulgorm Bridge and Kilgarvan and members asked that this would be cleaned up.

In response to queries raised Ms. A. Haugh said that it is a cause of concern that the level of prosecutions is low and it is important to get the general public on side to alert us to illegal dumping. It is becoming increasingly difficult to prove the service of the notice and our legal advice is that it is not advisable to go to Court, unless we have proof of service of the notice. Those responsible for illegal dumping are no longer leaving evidence in the rubbish and where successful prosecutions are brought, our Law Agent suggests that our costs be paid and generally we are awarded them. It is becoming increasingly difficult to get successful prosecutions and this is the best deterrent of all. She added that it would be a huge undertaking to establish a database of all customers and to visit every household and it would be very difficult to resource this task. It is not intended to install CCTV cameras at all Bring-Bank Centres. However, where there is a particular problem this will be considered and this has proved to work in the past. She informed the meeting that there is a Free-phone number available for people who wish to report instances of illegal dumping which they have witnessed and this number will be published. Every effort has been made to try to pin-point the culprits responsible for the removal of sand from the Cashen, but to-date this has not been successful. However, she undertook to continue the efforts in trying to identify those responsible. In relation to awareness by holiday home owners of the facilities available to them for the disposal of their refuse, she added that Michael O'Coileán of the Environment Department can incorporate this information in his weekly environmental column in the Kerryman. She added that fines are set by statute and the Local Authority does not have the power to increase it. Last year the Regional Waste Management Office conducted a survey of households who had not signed up for any refuse collection service and the results of that are available. 8% of those surveyed did not appear to have any form of disposal for their refuse, while 22% were using Transfer Stations. She pointed out, however, that the results of this survey were very much dependant on the honesty of those surveyed. If members felt that this was a worthwhile exercise, she could raise it in the context of Regional Waste Management Meetings.

Cllr. B. O'Connell PROPOSED that this be considered at a future Regional Waste Management Meeting.

Cllr. P. McCarthy SECONDED this proposal and it was agreed.

08.03.10.08 Nominees to Kerry Leader Partnership Company.

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Mr. J. Breen, Director of Housing, Community & Enterprise, referred members to his Report dated 10th March 2008 on this item which was circulated and he briefed them on the report.

Cllr. R. Beasley PROPOSED that Cllr. T. Ferris be nominated to the North & East Kerry Leader Partnership Company.

Cllr. T. O'Brien SECONDED this proposal.

Cllr. J. O'Connor PROPOSED that Cllr. T. Buckley be nominated to the North & East Kerry Leader Partnership Company.

Cllr. J. Sheahan SECONDED this proposal.

Cllr. M. Cahill PROPOSED that Cllr. T. Fitzgerald be nominated to the North & East Kerry Leader Partnership Company.

Cllr. T. Fleming SECONDED this proposal.

The Mayor informed the meeting that Councillors T. Ferris, T. Buckley and T. Fitzgerald would be Kerry County Council's 3 nominees to the North & East Kerry Leadership Partnership Company.

08.03.10.09 Draft Development Contribution Scheme

Mr. M. McMahon, Director of Planning referred members to his Report dated the 29th February 2008 on this item which was circulated, together with the Draft Development Contribution Scheme 2008. He briefed them in detail on his report.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. T. Fleming, it was agreed to note the new Draft Development Contribution Scheme to be put forward for public consultation.

08.03.10.10 Draft Guidelines of Sustainable Residential Development in Urban Areas

Mr. M. McMahon, Director of Planning referred members to his Report dated the 3rd March 2008 on this item, which was circulated, together with Sustainable Residential Development in Urban Areas Consultation Draft Guidelines for Planning Authorities. This documentation is being circulated for member's information and from an initial examination of the documentation he believed it re-affirms a lot of what Kerry County Council is implementing in local area plans. No major development has been permitted in towns and villages in the absence of local area plans. The Guidelines emphasise the importance of good urban design and this has been incorporated in the local area plans also. The Guidelines also highlight the issue of leap-frogging and permitting development on the edges of a settlement. The Guidelines require Planning Authorities to ensure that settlements grow organically and not to permit the leap-frogging of lands. A

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report will be brought to the April Meeting and an Appendix was also circulated to members which included the key policy recommendations.

Cllr. B. Cronin referred to Page 32, Paragraph 5.2, which relates to design and assessment of higher density residential development and he welcomed these Guidelines. He referred to developments at the Cleeney Roundabout:- (1) The Lidl, Supermarket, which was kept low, while on the other side of the roundabout, the new building being constructed is very high. He also referred to Page 43 of the Guidelines, which refers to daylight, sunlight and energy efficiency. At present the Planning Authority in rural areas, are demanding small windows in houses, yet the Guidelines encourage the maximum use of sunlight, daylight and solar energy.

It was unanimously agreed to note the Draft Guidelines on Sustainable Residential Development in Urban Areas and it was agreed that they could be discussed in greater detail when a further report was brought to the April Meeting.

08.03.10.11 Date for Special Planning Meeting

Cllr. S. Fitzgerald PROPOSED that the Special Planning Meeting to consider the Manager's Report on submissions and observations received in relation to the Draft East Dingle Peninsula Local Area Plan and the Draft North Iveragh Settlements Local Area Plan be held on Monday, 14th April 2008.

Cllr. B. O'Connell SECONDED this proposal.

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

For: Cllrs. Buckley, Cahill, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Fleming, Foley, D. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Connell, O'Connor, Sheahan **(16)**

Against: None **(0)**

Not Voting: None **(0)**

The Deputy Mayor declared the resolution CARRIED.

08.03.10.12 Nominee to attend the 82nd Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd

Cllr. J. O'Connor PROPOSED that Cllr. B. O'Connell be nominated to attend the 82nd Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd.

Cllr. J. Sheahan SECONDED this proposal.

Cllr. T. Fitzgerald PROPOSED that Cllr. M. O'Shea be nominated to attend the 82nd Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd.

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Cllr. M. Cahill SECONDED this proposal.

A vote was taken which resulted as follows:

For Cllr. O'Connell: Cllrs. Buckley, Cronin, S. Fitzgerald, Leahy, McCarthy, O'Brien, O'Connell, O'Connor, Sheahan (9)

For Cllr. O'Shea: Cllrs. Cahill, Ferris, T. Fitzgerald, Fleming, Foley, D. Healy-Rae, McEllistrim (7)

Not Voting: None (0)

The Deputy Mayor declared Cllr. B. O'Connell nominated to attend the 82nd Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd.

08.03.10.13 Dates for next round of Electoral Area Meetings

It was agreed that the next round of Electoral Area Meetings would be held on the following dates:

Area	Date	Location	Time
Tralee	Monday 7 th April	Council Chambers	10.40am
An Daingean	Wed. 16 th April	Farranakilla House	10.30am
Killarney	Wed. 23 rd April	Town Hall, Killarney	10.00am
Killorglin	Friday 25 th April	Caherciveen	10.00am
Listowel	Monday 28 th April	Áras an Phiarsaigh	10.00am

08.03.10.14 Report on the Inaugural Meeting of the County Kerry Joint-Policing Committee

Cllr. A. McEllistrim, Chairperson of the Joint-Policing Committee informed the meeting that the inaugural meeting of the Kerry County Joint-Policing Committee was held on the 18th February. She was elected Chairperson of the Committee and they considered the following business:

- Introduction of all members
- Role & Function of Joint-Policing Committee, clarified and discussed.
- Draft Standing Orders for the conduct of meetings circulated and considered to be adopted at next meeting.
- Discussion on an agreed work programme for 2008 for the Committee.
- Presentation on the Killorglin CCTV project by Ms. Catherine Evans, SKDP & endorsement by the Committee.

In conclusion she said that the next meeting of the JPC would be held on the 21st April 2008.

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Cllr. T. Fitzgerald said that there was a lengthy discussion at that meeting regarding Standing Orders and he requested that clarification be sought on that matter from the Department prior to the April Meeting.

Mr. J. Breen undertook to contact the Department on this issue.

08.03.10.15 Report by Cllr. B. O'Connell, Chairman of the Environment SPC

Cllr. B. O'Connell referred members to his report dated the 4th March 2008 which was circulated. The Environment SPC met on the 20th February 2008 and he briefed them on the items considered at that meeting under the following headings:

- Report on Climate Change, "White Paper & Energy"
- Attendance of representative from Muingamane Landfill Site Committee/Resident.
- Report on SWRBD
- Policy discussion on recommendation to include a condition to provide an area for recycling facilities on all future retail planning applications.
- Report on activities under Litter Pollution Act 1997 2003 for 2007.
- Recent legislation/regulations/circulars.

It was unanimously agreed to note Cllr. O'Connell's report.

08.03.10.16 Summary of Proceedings at Conferences

- (a) It was agreed to note Mayor M. Healy-Rae's written report on the conference on "EU & Climate Change/ Are we doing enough" which was circulated.
- (b) It was agreed to note the written report from Mayor M. Healy-Rae on the Seminar on "Managing the Performance, Safety & Health Risks of Employee, Drugs & Alcohol Use" which was circulated.
- (c) It was agreed to note the written report from Mayor M. Healy-Rae on the EPA Environmental Research Conference, which was circulated.
- (d) It was agreed to note Cllr. J. Sheahan's written on the Antrim Tourism Conference which was circulated.

08.03.10.17 Report on the Operations and Activities of the Governing Body of the National University of Ireland Cork

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

08.03.10.18 Opening of Tenders

- (a) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. B. O'Connell, it was unanimously agreed to approve the opening of Tenders for the Building Cleaning Services for Kerry County Council.
- (b) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. M. Cahill it was agreed to approve the opening of Tenders for the construction of a Single Rural Cottage at Caragh, Killorglin, Co. Kerry.

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- (c) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. T. Fitzgerald, it was agreed to approve the opening of Tenders for Bird Control Service for the North Kerry Landfill Site.

08.03.10.19 Notices of Motion

1. Purchase of unoccupied houses by Local Authorities

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

"In view of the huge number of unsold/unoccupied houses in the country and of the extremely long waiting lists for housing that the Department of the Environment and Local Government would allocate additional finance to Local Authorities in order to allow them to purchase those houses at a reasonable rate"

Mr. G. O'Brien, A/SEO read the following report: *Over the last number of years we have acquired a small number of new or second hand houses for re-letting to applicants for local authority housing. These purchases were funded out of our overall capital allocation notified to us by the Department of the Environment Heritage and Local Government. In the coming years our Capital allocation for new housing units will have to be carefully managed to allow the completion of agreements to purchase units under Part V of the Planning & Development Act 2000 (as amended). No specific additional allocation is provided to honour these commitments. Additional funding would be welcome for new house purchases and construction. However, the early indications for 2008 appear to show an overall reduction in allocations, as against our target.*

Cllr. M. Gleeson informed the meeting that in accordance with the recent census, there are 293,000 unoccupied houses in the country, of this, 43,000 are holiday homes. This still leaves 250,000 unoccupied houses built by investors. He called on the Government to enter into negotiations to purchase some of these houses for those on the housing waiting list. Unoccupied houses in housing estates bring down the appearance of these estates, as they can be unkept and the lawns uncut etc.

Cllr. B. O'Connell SECONDED the motion and said there were also a number of derelict/run-down houses in villages and it would be of great benefit to the appearance of these villages if these houses were repaired and let to local authority tenants.

2. Provision of Lay-By's for Lorries and Heavy Goods Vehicles.

Cllr. D. Healy-Rae moved this motion, on behalf of Cllr. M. Healy-Rae.

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

"That Kerry County Council ask the NRA to provide lay-bys where lorries and heavy goods vehicles could park safely so that drivers could take their required rest breaks in the interest of safety on our roads"

Mr. G. O'Brien, A/SEO read the following report: *There have been requests in*

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the past to provide lay-bys in or adjacent to the three main towns, primarily to facilitate businesses with large vehicles who do not appear to have their own vehicle depots. It was decided that the Local Authority should not have to provide parking facilities for private commercial operations.

The NRA have a policy for the provision of Service Areas on Motorways and High Quality Dual Carriageways. They are currently progressing the provision of Service Areas on the Motorway Network, and will be working on the provision of services on the other inter-urban routes in the coming months.

However as Kerry is an end destination from a commercial development viewpoint therefore there does not appear to be a demand or need for such locations in this County.

Cllr. D. Healy-Rae stated the provision of lay-bys for lorries and heavy goods vehicles is absolutely necessary and should be provided near Killarney and Tralee for drivers who want to take a rest. There is a legal requirement on drivers to take rests at certain intervals.

Cllr. T. Fitzgerald, SECONDED the motion and said that more lay-by's are needed throughout the county, to ensure that motorist can pull in, in safety.

Mr. G. O'Brien informed the meeting that Notice of Motion No: 3, should be a joint motion with Cllrs. T. Ferris and R. Beasley and for this reason, it would be dealt with later in the meeting. He added that one of Cllr. Ferris's Notice of Motion was omitted from the Agenda in error and it would then be taken.

4. Community Drugs Scheme

Pursuant to notice duly given Cllr. A. McEllistrim PROPOSED:

"That Kerry County Council would ask the HSE to engage in meaningful discussions with the IPU (Irish Pharmacists Union) to resolve current difficulties with the "Community Drug Scheme" and that every effort should be made to safeguard the scheme"

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

Cllr. A. McEllistrim said that it is extremely important to safeguard the Community Drugs Scheme. If pharmacists were to resign, the Community Drugs Scheme Contracts would the State be able to meet their responsibilities to look after patients on medical cards and those with long-term illness. Negotiations should take place between the HSE and the pharmacists before a decision is made by an Independent Committee. She did not believe that the competition law is a reason not to negotiate what would be acceptable to both the pharmacists and the HSE. She was concerned that some pharmacies would close if the proposals by the HSE are implemented. Pharmacies are a very important source of employment in Kerry and if some pharmacies were to close the overall service may not be as good. Many older people are very dependant on rural pharmacies. In conclusion she called on the HSE to enter into negotiations with the Irish Pharmacists Union immediately.

Cllr. T. Fitzgerald SECONDED the motion.

Cllr. N. Foley supported the motion and said that there is immense concern regarding this issue especially amongst those availing of the Community Drugs Scheme. If the new proposals are implemented by the HSE it could result in the closure of nearly 300 pharmacies in the country. This would have a massive impact on the availability of the service. She added the parameters of the independent board are very narrow and the whole issue of employment and the knock-on effect must be considered. It is also important to consider the duty of care to the community and the viability of pharmacies into the future.

Cllr. T. Fitzgerald said that pharmacies provide 'a hands on' service and they do not have the confidence in the HSE to resolve this issue. It is important that dialogue would be established between both parties.

Cllr. B. Cronin said that he felt that pharmacists were being let down and he called on all Oireachtas members to defend them.

5. Appointment of a Kerry Representative to the Foynes Harbour Board.

Pursuant to notice duly given Cllr. D. Kiely PROPOSED:

"To call on Minister Dempsey to appoint a Kerry County Councillor to Foynes Harbour Board, as Clare, Limerick City and Limerick Country are represented on the Board"

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

Cllr. D. Kiely said that Clare County Council, Limerick City and Limerick County Council all have representatives on the Foynes Harbour Board. Now that the Shannon LNG Project is about to commence, it is important that Kerry County Council would have representation on the Harbour Board. He requested that this resolution be forwarded to Minister Dempsey for consideration.

Cllr. R. Beasley SECONDED this proposal and it was unanimously agreed to refer the resolution to Minister Dempsey for consideration.

6. Preparation of a programme of pedestrian crossings required in the County

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

"That a programme of pedestrian crossings required in the County be prepared and funding identified to implement same"

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

The provision of pedestrian crossings is determined having regard to pedestrian demand and traffic volumes in accordance with national Guidelines. On National Roads, Kerry County Council in association with the NRA have been proactive in the provision of pedestrian crossings countywide, in urban locations, where the need for such facilities has been established in accordance with the Guidelines and determined in association with the NRA Safety Officer. Funding is provided by the NRA annually under the National Secondary Routes Maintenance Budget. This amounts to €40,000 for the County.

In other towns, throughout the county, where there is sufficient pedestrian volumes, generated by new developments, Kerry County Council also install pedestrian crossings, primarily by imposing planning conditions on specific large developments or funded from own limited maintenance funding.

Kerry County Council has invested significant resources in preparing Local Area Plans for over 80 settlements in the County. Any future investment in pedestrian facilities, such as footpaths, public lighting and pedestrian crossings will have to be prioritized in these areas, having regard to the limited available funding and to ensure value for money. The strategy for the provision of pedestrian facilities is set out in these Local Area Plans.

The provision of specific funding for pedestrian crossings has to be sourced from either
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grant provision or own resource provision for road maintenance. The members are aware that there are many competing demands for these limited resources and therefore difficult decisions/priorities have to be made. On this account it will be difficult to have any substantial programme of new pedestrian crossings at this time.

A specific grant from Department of Transport is also not available.

Works of this nature could be funded from a general road development levy scheme, which is in operation in many other counties. However, it is accepted that the members of this Council are not disposed to such a proposal.

Cllr. J. Sheahan said that it is essential that a survey is carried out to identify where pedestrian crossings are needed in the towns and villages throughout the county and to investigate if there is funding available to carry out these works. It would be of major benefit to young and old. Kerry Parents and Friends in Killarney have made representations to him to investigate the possibility of having another 3 pedestrian crossings in the town of Killarney. These crossings would be invaluable to the people in their care and would help build their independence and their confidence. He suggested that lines should be painted on the road to make motorists more aware of the pedestrian crossings. Everyone is aware that it can be difficult for able bodied people to cross the road and it is far more difficult for people in wheelchairs and those who are mentally challenged or those with poor or failing eyesight. In conclusion he said that he hoped Kerry County Council would undertake this work in an effort to help those involved in the Kerry Parents and Friends who are doing tremendous work.

Cllr M. Connor Scarteen supported the motion.

7. Number of illegal or unauthorised quarries in the county

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

"Following the request by the Planning Department of Kerry County Council to all quarry owners to apply to regulate their business, can the Planning Dept clarify are there still illegal or unauthorised quarries or excavations being opened or operated without planning in Kerry. If so please give details of where in Kerry these unauthorised quarries are, who owns the property and if enforcement proceedings have begun"

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

Pursuant to Section 261 of the Planning and Development Act, 2000, 122 valid applications for registration of quarries were received by the Planning Authority. 101 quarries were registered, those not registered did not come within the scope of the legislation.

21 of those registered appealed the decision of Kerry County Council to An Bord Pleanála.

To date, 4 decisions have been received from the Board.

With regard to unauthorised quarries, the Enforcement Section are currently dealing with 8 cases. Details are as follows:

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Enf Ref	Operator	Location	Current Status
U004/06	Eamon McElligott (QY099)	Larha, Ballylongford	Appealed to An Bord Pleanala. Listed for court hearing.
U013/06	Michael Griffin	Freaghanach, Kilgarvan	Legal proceedings put on hold as the quarrying has ceased and a planning application is pending.
U062/07	Pat O'Brien	Boulerdah, Kells	Enforcement Notice Served. Court hearing awaited.
U142/06	Donegan	Knockane, Listowel	Warning Letter served. Planning application submitted ref 07/3144. FI requested on 24/9/2007. Response awaited.
U230/07	Denis Clancy	Doon West, Ballybunion	Warning Letter served. Follow up inspection to be arranged asap.
U241/07	John Sugrue	Gortboy, Beaufort	Warning Letter served. Land owner intends to apply for planning permission.
U270/07	M.F. Quirke (QY111)	Fermoyle, Ballinskelligs	QY111 decision appealed to An Bord Pleanala.
U299/07	James Power	Cloonnafineela, Kilflynn	Warning Letter Served. Reply received from Owners' Solicitor. Follow up inspection to be arranged as soon as possible.

6 other quarries have come to the attention of the Planning Enforcement Section that are currently operating without permission. However, the lands are unregistered and the owners are unknown. Once all enquiries and investigation of ownership of these sites are exhausted, legal notices will be posted on the relevant sites, where necessary.

Cllr. B. Cronin informed the meeting that all quarry owners were invited to regularize their operations. A lot of people live on the access roads to quarries and many of these are pulverized because of the size and volume of trucks using these roads. Some of these quarries do not have planning permission and this is unfair on the local community. Kerry County Council is losing out on levies. Some quarry owners make an application to regularize their position prior to being taken to court. He asked the Planning Department how confident are they of identifying the owners of the quarries mentioned in the report and he asked if Kerry County Council was drawing material from any of these illegal quarries.

In reponse, Mr. M. McMahon, Director of Planning, said that Section 261 of the Planning & Development Act 2000 required quarries to register with the planning authority. Prior to that serious difficulties were encountered in dealing with quarries. Generally quarry owners claimed that their quarry was in operation prior to 1964 and it is very difficult to prove or disprove this. Any quarry owner who has not registered is now unauthorised and any quarry that was abandoned the owner can no longer claim that it was in operation prior to 1964. He added that a substantial part of land in Kerry is not

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registered and if efforts to identify the landowners are not successful notices will be posted on the sites. He stated that Kerry County Council does not purchase materials from any unauthorized facilities in the county and Area Engineers have been instructed not to purchase materials from any unauthorized source.

Cllr. B. Cronin asked if Kerry County Council would have the power to impound valuable excavating machinery from unauthorized quarries.

In response Mr. M. McMahon said that he was not aware that the Planning Authority had the authority to do this.

**8. Licensing for the collection, removal and scrapping of vehicle
Pursuant to notice duly given Cllr. R. Beasley PROPOSED:**

"That Kerry County Council grant licences to those who are willing to abide by the EPA Guidelines for the collection, removal and scrapping of vehicles and other metals that are discarded around our County"

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

The collection of waste, including end-of life vehicles and scrap metal, is dealt with under the Waste Management Acts and associated regulations. Kerry County Council has no issue with the authorisation of such activities provided the service providers in question meet the required criteria. There are currently 43 companies or individuals who are permitted to collect metals and/or end-of-life vehicles in County Kerry, of which 5 are based in the county. In addition, there are currently 13 waste facilities in the county that are authorised to process metals and/or end-of-life vehicles.

Cllr. R. Beasley said that he was aware of an individual who had applied to provide such a facility at Dooncaha, Tarbert. He has an ideal site for the removal of vehicles and he requested that he be granted a license. He undertook to give the details of this application to the Environment Department.

Cllr. T. Buckley supported the motion.

**9. Use of existing exits and entrances by family members on the N22
Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:**

"To ask our Planning Authority to allow family members to use existing exits and entrances as a means of accessing the N22"

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

The N22 is the primary access between the Tralee – Killarney Hub and the Cork gateway, with current traffic volumes of 20,000 aadt (annual average daily traffic), and a maximum speed limit of 100 km/hr. The strategic importance of this route is underpinned in various submissions from this Council to Government, in previous years, initially seeking funding for the construction of the Tralee – Farranfore road, as well as the Killarney to Ballyvourney Road. In our most recent submission to the Department of Transport's Statement of Strategy 2008 – 2010, this Council has strongly reiterated the need to complete the Ballyvourney to Ballincollig section of the N22 as well as the Farranfore/ Killarney By-Pass.

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The National Roads Authority (NRA) are primarily responsible for such roads and various Policy Statements from 1985 to 2007 have addressed the issue of access onto National Routes as follows:

The 1985 "Policy and Planning Framework for Roads" document states that it is "Government policy that this investment (in national roads) should be safeguarded by preventing the premature obsolescence of those roads as a result of inadequate control on frontage development. Experience and research has shown that failure to effectively control frontage development reduces traffic capacity of a particular road, shortens its useful life and requires its earlier than necessary replacement. This reduces the benefits to be derived from road investment, places an increased burden on taxpayers and diverts resources from other essential road works. Inadequate control of frontage development also adversely affects road safety. This leads to an increased road accident and casualty rate, which has a direct impact both in terms of the personal loss to families and the economic loss to the country"

Planning Authorities must have regard to the Ministerial Guidelines on Sustainable Rural Housing in the performance of their functions in accordance with the provisions of Section 28 of the Planning and Development Act 2000.

Furthermore, an analysis of road accident data indicates that more than 50% of all injury accidents reported between 1996 and 2004 occurred as a result of turning movements onto/off roads. The NRA in Circular 06/2006 makes it clear that it will object to "development that would have unacceptable consequences for the capacity, operation, efficiency or safety of National Roads."

While the use of an existing entrance/exit does not entail the creation of a new access, it may entail the generation of additional turning movements on the National Road thus increasing the risk of a traffic accident and reducing the safety of this road for normal road users.

All Planning Applications involving the creation of a new access point or the generation of additional turning movements must be referred to the NRA for their observations and where such observations identify a Road Safety issue the Planning Authority must take such observations into account when reaching its decision.

Cllr. D. Healy-Rae said that he was aware that a number of young people had experienced severe difficulties in getting planning permission because of the additional traffic it would generate onto the N22. In many instances, the other family members have left home. He called for the inclusion of a provision in the County Development Plan to allow planners to grant planning permission to use existing entrances and exits on to National routes by family members. Many of these applicants are already using these entrances.

Cllr. M. Cahill strongly supported the motion and said that this impacts on all planning applicants exiting onto national primary and secondary roads, and in particular the Ring of Kerry Road. He believed there was room for improvement to many existing access points and this would resolve the

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concerns over traffic and would help to improve road safety. He called on the Planning Department to accommodate the sons and daughters of land owners on national primary and national secondary routes.

Cllr. B. O'Connell also supported the motion

Cllr. P. O'Donoghue supported the motion and said that there are very few places on the Ring of Kerry Road that can comply with the Guidelines. He asked if Kerry County Council, as a Planning Authority, is bound by the NRA Guidelines on this issue and he called for the introduction of specific criteria to deal with this matter in the new County Development Plan.

In response, Mr. M. McMahon said that Kerry County Council must have regard to Government policy and Guidelines and the current Minister has clearly indicated that he expects planning authorities to have regard to national legislation and Government Guidelines.

Mr. T. Curran, County Manager, advised members that they must take cognisance of advice given by the Director of Planning. It is very difficult for Kerry County Council Roads Department to seek funding from the NRA when as a planning authority we continue to grant planning permission on our national primary and national secondary routes.

The Deputy Mayor informed the meeting that it was 1pm and a presentation would then be made by Adventure Racing Ireland.

08.03.10.16 Presentation by Adventure Racing Ireland

The Deputy Mayor welcomed Fiola Foley and Mr. Daragh O'Sullivan to the meeting and said that the World Series is a very promising event and he understood that 22 international teams would take part from all over the world.

Mr. Daragh O'Sullivan thanked the members for the opportunity to address the meeting. He apologized on behalf of Dr. Brendan O'Brien who was unable to attend a meeting with Minister O'Cuiv. He informed the meeting that Adventure Racing is a growing sport and this unique event is an opportunity to present Kerry as an adventure sport destination. This is a 3 year project to bring international adventure races to the Atlantic seaboard of Ireland. Mixed teams of 4 will race non-stop, 24 hours a day for hundreds of miles, resting only when they must and sometimes not at all.

Adventure racing traditionally encompasses many activities including trail running, mountain biking, kayaking, mountaineering, horse riding, navigating, climbing and rope walking. The Adventure Racing World Series takes place each year culminating in a World Championship. World Series 2008 will take place in Ireland, Mexico, Spain, Africa, Portugal, Australia, New Zealand, France, Sweden and Poland. The overall vision for the project is that with Government backing it is intended to host the World Series Adventure Races in 2008 and 2009 and the World Championship Race in 2010.

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These races will get coverage from television stations all over the world and reach very extensive audiences. Local festivals and celebrations along the course will take place featuring local cuisine, music and adventure activities.

Forty international teams will trail blaze 400 miles in 5 days of racing across five peninsulas in West Cork and Kerry. The mixed teams of 4 will compete non-stop day and night through some of Ireland's most spectacular, ancient and mythical landscapes. The prize is €100,000 which is the biggest prize purse ever offered in the Adventure Racing World. Day 1 includes a bonus event, a high velocity water sprint, with additional prize money for the winning team.

The race begins on the Dingle Peninsula following on to Schull, West Cork, where athletes will embark on a journey winding them through the Mizen, Sheep's Head, Beara and Iveragh peninsulas on both land and water to finish at the Gap of Donloe on the evening of June 21st.

Ms. Fiola Foley then addressed the meeting, and said that she is an athlete who represented Ireland in rowing so she was very familiar with the challenges for athletes. To date the project has secured very strong support from Government and Regional bodies including Fáilte Ireland South West, Údaras na Gaeltachta, South Kerry Development Partnership, MFG, West Cork Leader Group and Tourism Ireland. The television format is tailored for innovate media delivery to a worldwide audience and will be customized for major global markets. The television production will target 250million viewers worldwide across terrestrial and satellite channels.

The Deputy Mayor thanked Ms. Foley and Mr. O'Sullivan for their presentations and said that the members of Kerry County Council would give them any assistance and support possible.

Cllr. J. O'Connor welcomed the presentation and said that this event provides a unique opportunity for Kerry to showcase its' natural beauty to the world. He commended Dr. Brendan O'Brien and Con Moriarty for their vision in attracting this event to the western seaboard counties. He called on the media to highlight this event. Additional funding is still required for the project but the benefits will be enormous.

Mr. Daragh O'Sullivan informed the meeting that his steering Group broadly represents their partners in the project but he said that there is a shortfall in funding and he would welcome any support for this very worthwhile project. He then showed some video footage of past events which have been taken from various television channels which demonstrates how exciting and challenging this event can be.

Cllr. M. Cahill welcomed Ms. Foley and Mr. O'Sullivan to the meeting and thanked them for their presentation. He stated that Kerry has a natural beauty and amenity including mountains, river, lakes, coastline etc . This is a golden opportunity for Kerry to be promoted worldwide. He welcomed the

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festivals which have been organized along the route and also the extensive world TV coverage that this event will attract. He added that Kerry County Council should assist in every way possible with this event and he called on the Director of Roads & Transportation to facilitate this. He also suggested that Kerry County Council should consider a substantial financial contribution to the event.

Cllr. T. Fitzgerald said that this event provides a window of opportunity to promote Kerry worldwide, and he would like to see Tralee and the northern part of the county included. He fully supported this event and the provision of funding by Kerry County Council for it.

Cllr. M. Connor Scarteen expressed his disappointment that the route will not go through Kenmare as it would be ideally suited for an overnight .

In response Mr. Daragh O'Sullivan said that the only stops would be in Dingle and Schull, and he informed the meeting that Mr. Tony Daly is very involved with the event.

Cllr. B. MacGearailt said that this provides a great opportunity to promote Kerry worldwide and he commended Dr. O'Brien and his team on undertaking this project.

Cllr. P. O'Donoghue welcomed the presentation and said that sports tourism is the way forward. Many TV networks will cover this event, and it provides an excellent opportunity to promote Kerry and all its' natural beauty. He assured the organisers of his full support for this event and asked how they envisaged Kerry County Council could be of assistance to them.

In response Mr. D. O'Sullivan said that the TV distribution is being organized by a production company called Big TV and the producer has won many awards. Many satellite TV channels carry this event and it reaches a huge audience. At present, Dr. Brendan O'Brien and Con Moriarty are in talks with Fáilte Ireland at a national level with regard to national exposure from the event and this is dependent on the event moving up the West coast over the next few years. Efforts are being made to secure corporate sponsorship for this event and Dr. O'Brien and Mr. Moriarty will be meeting with Mr. John Flynn, Director, Corporate Services, in the near future.

Cllr. P. McCarthy welcomed the presentation and said that this event affords Kerry and indeed Ireland an opportunity to showcase its' natural beauty to the world over the next few years. He asked if the Department of Sports & Tourism and also the National Lottery are contributing to this event. He PROPOSED that a letter be forwarded to the Department of Sports & Tourism and the National Lottery requesting that funding be made available for this event.

Cllr. J. O'Connor SECONDED this proposal.

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Cllr. R. Beasley welcomed the presentation and the promotional opportunities arising out of the hosting of this event in Kerry and Cork and added that he hoped the organisers would get the financial support they were seeking. He said that he fully supported the use of our coastline for the promotion and development of sporting and tourism activities.

Cllr. J. O'Connor undertook to contribute €500 to this project.

Cllr. P. O'Donoghue asked management if they would be willing to make a financial contribution to this international event.

In response, Mr. J. O'Connor, Head of Finance, said that discussions are ongoing with the organisers. If an acceptable business plan is presented some support could be identified for it.

The Deputy Mayor thanked Ms. Foley and Mr. O'Sullivan for their excellent presentation and wished them every success when the event is held in June. He said that this provides a great opportunity to promote Kerry and he was sure that all the members and the executive would fully support the event.

Suspension of Standing Orders

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

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

08.03.10.20 Notices of Motion (Cont'd)

10. Provision of a second bridge across the Laune River

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

"With regard to the 2nd crossing of the Laune in the vicinity of Killorglin as indicated in the Killorglin Local Area Plan, that Kerry County Council seek funding to commence an immediate study of this 2nd bridge and to draw up a design for the new bridge and put costing's on same"

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

The existing bridge at Killorglin is located on the N70, Ring of Kerry route. In recent times it is showing signs of distress due to age and volume of traffic crossing it. Studies have been commissioned lately to determine the extent of the damage. An allocation of €200,000 has been earmarked by the NRA in 2008 to carry out underpinning works on this structure.

In the long term development of the Iveragh Peninsula, it is desirable that a second bridge crossing be provided somewhere on the vicinity of Killorglin, as referenced as an objective in the Killorglin Local Area Plan. As the N70 comes under the responsibility of the NRA, the funding for the preparation of a feasibility study is their responsibility.

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If the members so wish, Kerry County Council will make a request for funding to the NRA.

Cllr. J. O'Connor said that when the original bridge was built across the River Laune it was for horses and cars and there is a lot of distress on the bridge due to its age and the volume of traffic. This is a very important bridge as it is a gateway to South Kerry. He called on the County Engineer to request the NRA to provide the funding for a Feasibility Study on the provision of a second bridge. He acknowledged the allocation of €200,000 in 2008 for works to underpin this bridge, but said that he believed that additional funding is required.

Cllr. M. Cahill supported the motion and said that the provision of a new bridge would be multi-million euro project.

Presentation by the Peter Bradley Foundation

Cllr. B. Cronin PROPOSED that Lucia Power of the Peter Bradley Foundation would be permitted to make a presentation to the members on the work of that Foundation.

The Deputy Mayor informed Cllr. Cronin that Cllr. Fleming had PROPOSED this and it was agreed at the last Council Meeting.

The meeting adjourned for lunch at 1.40pm.

The meeting resumed at 2.35pm

11. Levy on a property under the Derelict Sites Act

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

"That Kerry County Council call on the Department to change the Derelict Sites Act so that the levy applied to a property is the responsibility of the property owner at the time it is levied only and not any future owners"

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

Under the Derelict Sites Act 1990 the levy remains a charge on the property. Currently therefore the local authority has no latitude in this regard. In the event of a change of ownership of the property, it is the responsibility of the purchaser/purchaser's solicitor to ensure that there are no outstanding charges including derelict site levies at the time of transfer of ownership. In the event of a change of ownership taking place and the levy remaining unpaid, the Council would have no legal recourse to recover the outstanding levy and there would be no incentive for the PROPOSED purchasers to ensure that the levy is paid by the previous owner if the legislation was changed in accordance with the above notice of motion. Therefore it is not recommended that the DoEHLG be called on to amend the legislation in this regard.

Cllr. M. Cahill said that he did not agree with the report. He had encountered a number of cases where people who purchased a property discovered that a levy was due on it. He believed it should be the sole responsibility of the owner at the time the levy is imposed to pay this levy. There is also a

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responsibility on the owner to inform a prospective purchaser of this levy. He requested the support of all the members for this motion.

Mr. J. O'Connor, Head of Finance, said there is a clear onus on solicitors to establish if a levy, such as this, is due on a property. Most solicitors carry out this search thoroughly while others do not. He advised members that this proposal would be a retrograde step. It is a charge on the property and the normal practice is that clearance is sought by a Solicitor from Kerry County Council on a number of issues. If this is done the new owner will be aware of the levy prior to purchase.

Cllr. P. O'Donoghue said that solicitors normally enquire if there is any charge on a property under the Derelict Sites Act, and if there is, this is deducted from the sale price of the property.

Cllr. B. O'Connell **SECONDED** the motion.

Mr. J. Breen, Director of Housing, Community & Enterprise, informed the meeting that the Derelict Sites Register is a public document and is open to inspection.

12. Staggering of appointments at Kerry General Hospital Pursuant to notice duly given Cllr. B. MacGearailt PROPOSED:

"That Kerry County Council ask the HSE that appointments in Kerry General Hospital be staggered as is the practice in the private sector"

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

Cllr. B. MacGearailt informed the meeting that when the Local Health Committee were responsible for the health service appointments were staggered and this is happening in the private hospitals, where people usually have to wait no longer than 15 minutes for their appointment. However, in the public hospital a patient could be waiting between 3 and 6 hours to be seen and this is unacceptable and an insult to the patients. He requested that the resolution be forward to the HSE for consideration.

This was agreed.

13. Flooding on the N72 in the village of Fossa. Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

"That this Council would, as a matter of great urgency, call on the N.R.A. to allocate the finance necessary to relieve the deplorable flooding on the N72 in the village of Fossa. The existing situation is totally unacceptable to residents and to pupils, parents and teachers of the National School"

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

The annual National Secondary Ordinary Maintenance Allocation is the sole source of funding available for drainage measures on the National Secondary Network. This funding is fully committed to carrying out routine maintenance on the network. It is

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estimated that a capital sum of approximately €225,000 would be required to upgrade the surface water network in Fossa, to alleviate this flooding. A case can be made to the NRA for specific funding for these works, should the members so wish.

Cllr. M. Gleeson said that the residents of Fossa, together with the teachers and pupils of the local school continue to suffer because of ongoing flooding problems in Fossa. This problem has been ongoing for many years and in 2007 the NRA allocated €400,000 for works in this area, but it was then withdrawn before the Election. In 2007 he also requested a pedestrian crossing in Fossa and the present situation is a scandal and completely unacceptable.

Cllr. B. Cronin **SECONDED** the motion and said that the flooding affects the area from the Golden Nugget to behind the school.

Cllr. D. Healy Rae supported the motion and it was unanimously agreed that the Director of Roads & Transportation would contact the NRA with a view to securing funding for these works.

14. Funding for Ardfert Playground

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

"In light of recent development announcements in relation to Leader and Central Government Funding towards the development of playgrounds, it is PROPOSED that Kerry County Council would give a commitment to fund Ardfert playground, allowing the development to go ahead immediately"

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

In a report prepared for the September 2007 Meeting, Members were informed of the discontinuation of grant funding for playgrounds from the Department of the Environment, Heritage & Local Government for the year 2007. The grant (€120,000) which had been received on an annual basis for the previous three years had been vital in enabling the provision of playgrounds throughout the County. The withdrawal of grant funding at National Level has resulted in Kerry County Council having to draw on development levies to continue its playground programme. In the period 2007-2008 a figure of EUR230,000 has been provided in order to complete playground projects at Sneem, Kenmare and Rossbeigh.

A commitment has been given by Senior Management that a proportionate amount of development levy funding will continue to be provided for playgrounds, despite the fact that Recreation and Amenity Levies are used to fund other projects outside of playgrounds. Presently there are a number of playground projects including Ardfert at various stages of development and these projects will be ranked having regard in the first instance to the objectives contained in recently adopted local area plans and the terms of the Council's Play Policy Guidelines. A recommendation on which projects should be funded in the period 2008-2009 will then be brought to the Senior Management Team in August 2008.

It is expected that the next round of Leader funding will become available in June 2008, and Kerry County Council are hopeful that all playground applications will be positively considered for funding

The loss of Central Government grant funding for the playground programme will ultimately have to be addressed by either scaling back the size of playground projects, extending the period over which playground facilities can be provided, or by increasing the Recreation and Amenity Levy under the Development Levies Scheme. It has been recommended that the matter of future policy in respect of playground provision be considered by the Community Culture and Tourism SPC and a report brought back before the Council.

Cllr. T. Ferris said that she was not satisfied with the reply. In 2007 5 projects were shortlisted for funding. Deputy Ferris recently received a response from the Department indicating that funding for playgrounds would be restored in 2008. Ardfert Playground Committee are ready to commence construction of their playground since November 2007 and they had hoped to commence in January 2008. She had raised this issue at the Budget Meeting at which time a commitment was not given to fund the Ardfert Playground. She PROPOSED that Kerry County Council in good faith would give a commitment to fund the Ardfert Playground early in 2008. If Government Funding is received later in the year it can be used to fund other playgrounds.

Cllr. R. Beasley SECONDED this proposal and supported the motion.

In response Mr. J. Breen said that the only notification received by the Council with regard to funding related to funding being allocated to the Leader Development Companies. No notification has been received from the Department regarding the reinstatement of these grants. He undertook to seek clarification from the Department on this issue.

Cllr. T. Ferris said that she would take it that the Council were agreeing to fund the Ardfert Playground in 2008.

Cllr. R. Beasley said that the local committee have raised a lot of money in Ardfert for the new playground and if Government funding is restored Ardfert should be given priority.

All members present supported the motion.

15. Assessment of Percolation Tests

Pursuant to notice duly given Cllr. D. Kiely PROPOSED:

"How many planners have we for the County and how many are qualified to test percolation trial holes?"

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

There are 13 Area Planners in Development Control at present.

All 13 have acquired extensive training in the interpretation and adjudication on Site Characterisation forms to be submitted in the context of on-site effluent disposal.

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This training also included on-site practical work along with addressing issues such as the geological and hydrological characteristics of County Kerry. In addition two of the Planners have completed an intensive seven day Fás Course on Site Assessment.

In other words all the Planners are trained in determining whether or not Site Assessments are carried out correctly.

Cllr. D. Kiely said that a large number of refusals issued on the grounds of effluent disposal have come to his attention in recent months. The agent responsible for carrying out the tests has certified that these sites meet the criteria but the planners are refusing permission on percolation grounds. He was aware of 1 case where an individual with a Masters from Trinity College certified that a site passed a percolation test yet the planners subsequently turned it down.

Mr. T. Curran, County Manager, said that the reply read by Mr. O'Brian is factually correct. If however, Cllr. Kiely was referring to a specific case, he could refer it to himself or Mr. McMahon and they would review the file. He added that an agent is not qualified to certify that a site has passed a percolation test unless they have undertaken specific training. In recent times a number of applications were submitted erroneously and it is how you interpret the information that is important. A panel of qualified Agents is being established who can carry out percolation tests and an in-house team is also being established to assess these applications.

Cllr. R. Beasley supported the motion.

16. Allocation in 2008 for Local Improvement Schemes

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

"To ask for clarification regarding this year's allocation of funding for Local Improvement Schemes. Is it true that the 2008 allocation is reduced by 50% from last year"

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

The allocation from the Department of Transport for Local Improvements Schemes in 2008 is €1,335,000, which is 50% of the allocation received in 2007. Kerry county Council also received an allocation of €448,000 under the CLÁR Programme in 2007 for Local Improvements Schemes. We have not been notified of any CLÁR allocation to date.

Cllr. B. Cronin complimented the Roads Department on the excellent work carried out by its' staff in the past few years under this Scheme. A reduction in funding of 50% for this Scheme in 2008 will have devastating consequences for the applicants and people in rural areas. He asked if CLÁR funding for this Scheme is also in jeopardy and how many roads could be improved with the allocation received in 2008.

Mr. C. O'Sullivan, Director of Roads, informed the meeting that notification of the allocation from CLÁR Funding will be received later in the year. In 2007 it was received in the first week of November but there is no guarantee that funding will be made available in 2008. In 2007 110 roads were improved under the Local Improvement Scheme and this is likely to be reduced by half in 2008 as a result of the reduction in funding.

Cllr. B. O'Connell supported the motion and said the reduction in funding will have very serious implications in particular for people in rural areas. He complimented Mr. Curran and the Roads Department on the excellent programme of works carried out under the Local Improvement Schemes over the last few years.

Cllr. D. Healy Rae asked the Director of Roads to call on the Minister for Community, Rural & Gaeltacht Affairs to give notification of CLÁR funding earlier in the year.

In response, Mr. C. O'Sullivan said that this issue has been raised with the Minister at which time the Minister was informed that the allocation would need to be received by at least July or August.

Mr. T. Curran, County Manager, informed members that CLÁR funding for Local Improvement Schemes only becomes available if money for Group Water Schemes is not spent. That is the reason that allocations are notified late in the year and there was no guarantee that there would be any funding available from CLÁR for Local Improvement Schemes in 2008.

Cllr. M. Gleeson asked how many applications were received under the Local Improvement Scheme.

In response Mr. C. O'Sullivan said that approximately 200 applications were received and 160 were outstanding from the old list. All these applications

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are presently being assessed and he hoped that a revised list would be available in April or May.

17. Transport of Dead Animals

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

"To ask again that vehicles transporting dead animals through our County Roads and especially our towns and villages to be sealed up so as to avoid the horrific smell that these vehicles leave in their wake, this was a previous Notice of Motion by myself in which I asked, following a debate, that we write to the Department of Environment, did that Department ever respond to our plea for assistance"

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

Following this motion being moved at the November 2004 Council Meeting, we wrote to the Minister for Agriculture & Food and the response we received was as follows:

"The condition attached to the collection and transport of fallen animals are laid down in Regulation (EC) No 1774/2002 of the European Parliament and of the Council. The collection vehicle(s) used to transport dead animals must comply with all of the requirements outlined in the Category 2 Intermediate Plant (Knackery) Approval Conditions. A summary of the relevant points concerning haulage of dead animals to the knackery is as follows:

- 1. Animals must be collected and transported in covered and leak-proof containers and vehicles*
- 2. Vehicles must be maintained in a clean condition. All vehicles must be cleaned and disinfected after each use.*
- 3. Vehicles should be fitted with a small slurry tank or sump tank. This tank should be emptied daily, cleaned and disinfected.*

In addition all vehicles used in the transport of fallen animals will be subject to an annual inspection to ensure compliance with the conditions detailed in the Regulation. The Department is currently compiling a list of vehicles used to transport fallen animals. Any specific breaches of these regulations should be brought to the attention of the Department and the matter will be investigated.

Cllr. D. Healy Rae said that when the vehicle carrying dead animals passes through Kenmare during the summer months when traffic is at a standstill the smell is dreadful. He PROPOSED that a letter be forwarded to the Minister for Agriculture requesting that vehicles transporting dead animals would be covered in or sealed.

Cllr. R. Beasley SECONDED this proposal.

Cllr. D. Healy-Rae said that he wished to move Notice of Motion No. 18 on behalf of Cllr. M. Healy-Rae.

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**18 Equipment fitted to the mast at the Garda station in Kilgarvan
Pursuant to notice duly given Cllr. M. Healy-Rae PROPOSED:-**

"To ask the Environment Section to clarify that additional equipment fitted to the mast at the Garda Station in Kilgarvan does not exceed the limit which would adversely effect our national school, children, parents and teachers"

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

The issue appears to relate to concerns about the possibility of health impacts associated with the equipment in question, rather than any specific environmental concern. The Environment Department is not in a position to comment on this, as we do not have the required expertise in this area. It should be noted that responsibility for the assessment of the health effects of non-ionising radiation, including electromagnetic radiation, was recently transferred to the Department of the Environment, Heritage and Local Government and they may be able to provide specific information on the issue.

Cllr. D. Healy-Rae said that the people of Kilgarvan are concerned that the additional equipment fitted to the mast at the Garda station in Kilgarvan may not be safe. He stated that masts should be located away from centres of population. He requested that a letter be forwarded to the Department requesting them to monitor this mast to ensure that it will have not have an adverse affect on the parents, pupil or teachers of Kilgarvan National School.

Cllr. R. Beasley supported the motion and said there is a similar situation in Ballybunion.

19 Access to the Village of Bréanann

Pursuant to notice duly given Cllr. B. MacGearailt PROPOSED:-

"That Kerry County Council take urgent steps to address the access problem to the village of Breanann"

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

The Council has been trying to address this issue for a number of years, on behalf of the local community group. A number of landowners were approached to secure lands to both provide car parking and to improve the access route to the pier area. To date these approaches have been unsuccessful and legal complications have arisen. However, we are continuing to examine all available options and are in discussions with the relevant landowners. We will advise the local members in due course as these negotiations are progressed.

Cllr. B. MacGearailt said that he appreciated that the Council is doing its best in this situation, however, the people on the other side of Bréanann have been imprisoned in their homes and problems with access to the village have caused a lot of concern as it has been ongoing for a long time. Twelve years ago the Minister said that he hoped there would be a sewerage scheme in Bréanann but this has not happened. He called on the County Manager and the County Engineer to do their best to resolve the current problems.

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20 Protection of the public road and sand dunes at Rossbeigh Beach

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

"What programme of works do Kerry County Council propose to carry out to protect the public road and sand dunes at Rossbeigh Beach and when will this urgent works take place"

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

The coastal protection works at Rossbeigh will proceed in tandem with the Cromane pier project. The CPO for the Cromane Pier Access Road is with An Bord Pleanála and the decision of the Bord is not due until the 31st July at the earliest. It is unlikely that the pier project will be sufficiently advanced in 2008 to allow for coastal protection works to commence. The coastal protection is more likely to happen in 2009.

Cllr. M. Cahill said that acres of the sand dunes at Glenbeigh are being eroded annually. As a result of recent storms it was virtually impossible to drive this road because of the amount of debris on it. He understood that the dune area is not part of the PROPOSED protection works. He called for the surveying of the entire Rossbeigh area with a view to drawing up a programme for coastal protection for this area. In conclusion, he said that he was aware that the OPW had an interest in Rossbeigh Spit.

Cllr. M. Gleeson supported the motion and said that Rossbeigh Beach is one of the greatest assets in Kerry. He agreed that large amounts of the dunes have been eroded and said that this is a priceless asset and every effort should be made to save it.

Cllr. R. Beasley also supported the motion and said that the entire Kerry coastline is under threat and the annual allocation nationally for coastal protection works is completely inadequate.

Mr. C. O'Sullivan said that the main issue in relation to coastal protection works is funding. In 2007 the Council made an application for funding for coastal protection works at Inch and a sum of €3m is still outstanding.

Mr. G. O'Brien then informed the meeting that a motion by Cllr. T. Ferris was omitted from the Agenda in error and it would then be dealt with.

Establishment of a natural gas generation plant at Tarbert Generating Station.

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

"That this Council would ask the Minister for Natural Resources to consider the establishment of a Natural gas generation plant at Tarbert Generation Station."

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

Cllr. T. Ferris said that as there is an existing generating station in Tarbert. The Minister should consider providing a natural gas generating station there.

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Due the ever increasing cost of oil this would be an economic proposition and would provide employment in the area. She called on the Minister to report back to the Council on this proposal.

Cllr. R. Beasley SECONDED the motion.

3. Agency Workers

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

"This Council notes the increase in agency employment throughout the economy. We are aware that many workers from home and abroad are offered agency employment when they are seeking direct and permanent employment. We understand trade unions have raised concerns that many of these workers are retained on minimum conditions and in some instances are not receiving all their entitlements. Agency employment should not be used as an unnecessary substitute for direct employment or as a mechanism for avoidance of or undermining of fair pay and conditions. Noting that legislation will come before the Oireachtas on the issue of Agency Employment, this Council believes and will recommend to the Minister that the principle of equal treatment should be included in any such legislation on this issue."

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

Cllr. T. Ferris said there has been a lot of coverage of this topic in the media in recent times. Agency workers are being used to eliminate the rights of workers and our own indigenous population are being displaced. She requested that the resolution be forwarded to the Minister for Enterprise Trade & Employment and also to all Local Authorities.

Cllr. R. Beasley SECONDED the motion and it was agreed that it would be referred to the Minister for consideration and also to all local authorities.

21. Rezoning of 12.5 acres of land at Tulligmore, Killorglin for light industrial use.

Pursuant to notice duly given Cllrs. M. Cahill/M. Healy-Rae/M. Connor-Scarteen/J. O'Connor/P. O'Donoghue PROPOSED:-

"That the enclosed lands consisting of 12.5 acres at Tulligmore, Killorglin be rezoned for light industrial"

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

The zoning of industrial lands throughout the County is important for the future development of the County in a sustainable manner. It is considered that provision should be made in strategic locations for such lands. It is also considered that the provision of these lands should be considered in the context of an overall policy having regard to the location, catchment, serviceability and service costs, accessibility and availability of lands. It is intended that the Draft County Development Plan will contain a section on Industrial zoning having regard to these matters. Any proposal for light industrial zoning will therefore be considered in the context of the review of the current Kerry County Development Plan.

Cllr. M. Cahill said that this proposal has the unanimous support of the members from the Killorglin Electoral Area. 40 jobs are dependent on the zoning of this land in Killorglin. No other site is available and it is opposite Hoare's lands where there is an existing commercial enterprise. It is also beside the Prodent factory so it is an ideal location. He asked if it would be given favourable consideration in the review of the County Development Plan.

Mr. M. McMahon, Director of Planning said this policy would be reviewed in the County Development Plan and he would not give a commitment one way or another with regard to this particular portion of land.

Cllr. P. O'Donoghue supported the motion and said that this is already an industrial area. Unless this land is zoned this firm will have to close down and jobs will be lost. He requested that the procedure be commenced immediately to rezone this land. This land is beside lands used for industrial purposes. In conclusion he SECONDED the motion.

Cllr. D. Healy-Rae supported the motion and said that it is not possible to locate this industry in town. Kenmare Business Park is almost 2 miles from the town and it is very successful.

In response, Mr. M. McMahon, Director of Planning said that it is a matter for the Executive to initiate a rezoning proposal. This proposal will be considered in the context of the review of the County Development Plan and the Draft County Development Plan will be in place in two months.

Cllr. P. O'Donoghue asked when would the County Development Plan be implemented.

In response, Mr. M. McMahon said that there is nothing in the County Development Plan that prevents industrial development in rural areas.

Cllr. M. Cahill said that he understood that the Killorglin Area Plan was about to be revisited.

Mr. M. McMahon said that the review of the County Development Plan would have to be dealt with first.

Cllr. P. O'Donoghue pointed out that there are forty jobs involved in this business and it cannot afford to wait for the review of the County Development Plan.

Mr. M. McMahon again said that nothing in the County Development Plan prohibits industrial development in rural areas and the zoning of this land would not guarantee that planning permission would be granted.

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**22 Change in the legal blood alcohol concentration level for drivers
Pursuant to notice duly given Cllr. B.O'Connell/T.Fleming/D.Healy-Rae/M.
O'Shea PROPOSED:-**

"That we, members of Kerry County Council are opposed to proposals to change the current 2006 Road Traffic Act, with specific reference to the legal Blood Alcohol Concentration levels for drivers. The Council hereby directs the County Manager to communicate its view on this matter to Minister for Transport"

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

The Minister for Transport launched the Road Safety Strategy 2007-2012, in October 2007.

The key objective of the Strategy is to reduce the number of fatalities and serious injuries from road traffic accidents on Irish roads and draws on an insight and experience of countries implementing best practice in road safety.

Ireland's current fatalities register at 98 per million of population. The target is to reduce this figure to no greater than 60 per million (252 deaths per annum) by the end of 2012 and 50 per million (210 deaths per annum) or fewer in the following years with demonstrable downward reductions in each year of the Strategy.

These targets would place Ireland on a par with The Netherlands, Sweden, Norway and the UK, who currently have the lowest death rate in Europe.

The primary causes of road collisions are:-

- Speed
- Alcohol
- Drugs or fatigue
- Failure to use seatbelts & child restraints
- Human aspect – unsafe behaviour by vulnerable road users

Alcohol is a factor in 37% of fatal road crashes. Driver alcohol is predominantly a male problem – 90% of drivers whose alcohol was a contributory factor in a fatal crash were male and the highest risk ages were 19-34.

One of the key actions in the Strategy is to "legislate for and introduce a reduction in the legal Blood Alcohol Concentration for drivers"

Any proposal to amend the 2006 Road Traffic Act will be a matter for the members of the Houses of the Oireachtas.

At the outset, Cllr. B. O'Connell said that he wished to make it clear that both he and his colleagues condemned drink driving and they believed that their proposal would not have any real impact on safety on our roads. The Donegal Coroner recently commented that in the last two decades very few fatalities have been as a result of blood alcohol levels in excess of the legal limit. He believed that people are being criminalized by being breathalised the following morning. Motorists leaving a pub having taken one or two pints are not a danger and many are not traveling very far. This is the only

social outlet they have and these factors should be taken into account.

Cllr. T. Fleming SECONDED the motion and said that he understood that serious consideration was being given to reducing the blood alcohol level from 80mg to 50mg per 100mg of blood. If this is introduced it will be to the detriment of rural Ireland. Many citizens are isolated and the public transport system is not adequate. In many rural areas it is not viable to operate hackney cars. Pub licences are being sold every week as this is a declining industry and we are facing a very serious crossroads for the whole social fabric. He felt that it would be safe for a person to have two pints and to drive home safely.

Cllr. T. Ferris said that she was not entirely happy with the wording of the motion and she did not agree that motorists should not be breathalised the following morning. However, she could not see how it would be possible to legislate for elderly males living in rural areas. She added that this is a very sensitive subject for people who have lost loved ones on our roads. For these reasons she could not be associated with the motion.

Cllr. D. Healy-Rae said that he is a publican and the PROPOSED reduction in blood alcohol levels will result in unregulated consumption of alcohol at home and this could result in more deaths on our roads. Forcing people to stay at home will have an adverse impact on them and when a motorist was permitted to have two pints they went to their local pub and brought a few neighbours with them. He suggested that it would be more appropriate to enforce the existing regulations rather than introducing new regulations. He asked if drivers were tested for drugs at check points.

Cllr. C. Miller supported the motion.

Cllr. R. Beasley said that he understood that motorists are being tested for drugs.

Cllr. P. O'Donoghue said that it is the same test.

Cllr. M. Cahill supported the motion and it was unanimously agreed to forward it to the Minister for Justice, Equality and Law Reform for consideration.

08.03.10.21 Correspondence, Conferences and Seminars

(a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. C. Miller it was agreed to authorize the attendance of Cllrs. M. Healy-Rae, B. O'Connell, B. Cronin, A. McEllistrim, J. O'Connor and J. Sheahan at the TJK Planning Seminar for Councillors to be held in Limerick on the 4th -5th April, 2008.

Cllr. B. Cronin was nominated to report back to the Council on this seminar.

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(b) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. C. Miller it was agreed to authorize the attendance of Cllrs. M. Healy-Rae, T. Fitzgerald, B. O'Connell, S. Fitzgerald, T. Fleming, B. MacGearailt, M. Connor-Scarteen, J. Sheahan, D. Healy-Rae at the Wexford Borough Council Conference on the theme "*Better Local Government – Is it working?*" to be held in Wexford from the 3rd – 5th April, 2008

Cllr. M. Healy-Rae was nominated to report back to the Council on this conference.

(c) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. Cahill it was agreed to authorize the attendance of Cllrs. M. Healy-Rae, B. Cronin, P. McCarthy, T. Fleming, B. MacGearailt, J. Sheahan, D. Kiely, D. Healy-Rae, B. O'Connell and P. O'Donoghue at the Sherkin Island Marine Station 24th Annual Environmental Conference on the theme "*Water – the challenges for users*" to be held in Carrigaline, Co Cork on the 17th – 18th April, 2008.

Cllr. P. McCarthy was nominated to report back to the Council on this Conference.

(d) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. C. Miller it was agreed to authorize the attendance of Cllrs. M. Healy-Rae, T. Fitzgerald, B. O'Connell, J. Sheahan, D. Healy-Rae and P. O'Donoghue at the Environmental Seminar to be held in the Brandon Hotel on Wednesday 26th March, 2008.

Cllr. T. Ferris was nominated to report back to the Council on this seminar.

(e) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. Cahill it was agreed to authorize the attendance of Cllrs. T. Fleming and R. Beasley at the 16th Annual Kerry Environmental Recognition Conference to be held in Ballybunion from the 2nd – 6th April, 2008.

(f) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. Cahill it was agreed to authorize the attendance of Cllrs. T. Fleming and B. MacGearailt at the LAMA Annual Spring Conference to be held in Trim, Co Meath on the 27th – 28th March, 2008.

(g) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. C. Miller it was agreed to approve the attendance of Mayor M. Healy-Rae at the Councillors Seminar on Alternative Enterprise and Sustainable Rural Economy held in Moycullen, Co Galway from the 18th -21st December, 2007.

(h) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. M. Connor-Scarteen at the Kerry Life Education Conference held in Killarney on the 5th – 6th October, 2006.

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(i) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. T. Fleming it was agreed to authorize the attendance of Mayor M. Healy-Rae at the Greener Ireland Conference to be held in Dublin on the 19th – 20th April, 2008.

(j) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. P. McCarthy it was agreed to authorize the attendance of Mayor M. Healy-Rae at the INIS Seminar series to be held in the Radisson Hotel, Dublin on the 25th March, 2008

08.03.10.22 Correspondence General

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

1. Letter dated 11th February, 2008 from the Office of the Minister for Health and Children regarding the provision of defibrillators in schools.
2. Letter dated 25th February, 2008 from the Office of the Minister for Agriculture, Fisheries and Food regarding funding for coastal protection works at Inch.
3. E-mail dated 13th February, 2008 from Balbriggan Town Council regarding a resolution adopted by that authority calling on the Government to introduce legislation to prevent economic migrants and refugees with criminal records from entering Ireland.
4. Letter dated 7th February, 2008 from South Tipperary County Council regarding a resolution adopted by that authority supporting the Irish Guide Dogs for the Blind appeal for an increase in funding.
5. Letter dated 29th January, 2008 from the Department of Environment, Heritage and Local Government regarding candidate Special Areas of Conservation.

08.03.10.24 Any Other Business

Cllr. P. O'Donoghue requested that a report be prepared on the EU Directive on the use of Bog lands into the future. He understood that the derogation ends in 2008 and the report should identify the bogs affected.

It was agreed that this report would be prepared and presented to members at the next Council Meeting.

The meeting concluded at 4.05pm.

Gerard O'Brien
A/SEO Corporate Affairs

Mayor of Kerry