

April Ordinary Meeting 2008

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

MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 21 AIBHREAN, 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, S.E, Planning
Mr. B. Sweeney, S.E. Water Serv.	Mr. P. Corkery, Press & Com. Officer
Ms. A. McAllen, Fin/Mgmt Account.	Ms. B. Reidy, S.S.O. Corp. Affairs
Ms. L. Sheehan, CO Corporate Affairs	Ms. K. Felle, C.O. Corp. Affairs

The meeting commenced at 10.45am.

Mayor M. Healy Rae took the Chair.

The Mayor commenced the meeting with a prayer.

CANCER SERVICES AT KERRY GENERAL HOSPITAL

The Mayor informed the meeting that he received correspondence from Women 2000 who organized a petition which has been signed by 20,000 people in Kerry asking that the services at Kerry General Hospital would be retained. He PROPOSED that in recognition of the current service provided by the Oncology and Breast Care Units, and of more than 20,000 Kerry people

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who signed the Women 2000 petition, this Council resolves to do all in its power to retain all present services in Kerry General Hospital. He added that one of the arguments used for centralising cancer services is that there will be fewer cases of breast cancer because of the early diagnosis through the national screening programme. Here in County Kerry however, this programme has still not been introduced; yet another example of the second class service which seems to be thought adequate for this area. Likewise, 'travel' is talked about as an abstract matter by the HSE hierarchy, but let them listen to a cancer patient describe the 5 hour journey for treatment whilst sore and weak, or a young mother tell of getting her sick child from the bed at 6am to catch the train to Dublin for chemotherapy; that is not abstract, it is the reality of the situation. Women 2000 called on local representatives to put aside political allegiances and to work together to ensure that our Kerry Hospital does not lose any vital services.

Cllr. P. McCarthy SECONDED this resolution and said that the all-party group on the health service would be meeting at lunch time and this matter could then be discussed.

VOTE OF SYMPATHY

Cllr. M. Connor Scarteen extended a vote of sympathy to the community and family of the late Sister Philomena of Kenmare. She was a great historian and he extended his sympathy to her nephew, Seán McCarthy, Cahir, Kenmare.

Mayor M. Healy Rae SECONDED this proposal.

DESIGNATION OF LANDS IN KENMARE

Cllr. M. Connor Scarteen PROPOSED the following emergency Motion:

"That we the members of Kerry County Council deplore the action taken by Mr. John Gormley T.D., Minister for Environment, and the Secretary of the Department of Environment, to have 5,000 acres of land re-designated to Special Areas of Conservation (SAC) along the Kenmare River. This area could encompass lands from Kenmare to Lambs Head on the Iveragh Peninsula, and from Kenmare to the Dursey Sound on the Beara Peninsula.

Cllr. M. Connor Scarteen informed the meeting that it was his understanding that this request has gone to Europe for approval. Farm Organisations, Local Farmers, Community Groups, Sporting Organisations and local people were not informed or consulted on this plan. If this plan is approved by Europe, it will have a detrimental effect on the local farmers, planning in the area, sporting clubs and small villages. It could result in the ruination of rural communities if these 5,000 acres are approved by Europe. As the population of rural areas is already in decline, especially in the last 10 years numerous Post Offices, Pubs, Small Shops have closed, attendances at Churches have dwindled, planning permission is already extremely difficult to obtain. The last 10 years have seen Kerry people heavily discriminated against. This

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discrimination has to stop if Rural Kerry is to survive. In conclusion, Cllr. Connor Scarteen informed the meeting that he had requested Deputy Tom Sheehan to raise this matter in the Dáil.

The Mayor SECONDED this resolution and all members supported it.

VOTES OF SYMPATHY

Cllr. R. Beasley extended a vote of sympathy to the Dee family of Lisselton on the death of Mick Dee. He also extended a vote of sympathy to the Griffin Family, O'Connell's Avenue, Listowel, on the death of their mother.

Cllr. D. Healy Rae extended a vote of sympathy to Mrs. Kathleen Coffey, Barleymount, Killarney, on the death of her husband, Patrick. He also extended his sympathy to Patrick's brothers and sisters.

Cllr. D. Healy Rae extended a vote of sympathy to Margaret Godfrey & family, Clonlee, Kilgarvan, on the death of her husband, Paudie.

Cllr. D. Healy Rae extended a vote of sympathy to Jenny Riordan, Coomoloha, Rosseightra, Kilgarvan, on the death of her husband, James. He also extended his sympathy to James' mother and brothers.

Cllr. D. Healy Rae extended a vote of sympathy to Dan Joe Sweeney, Derrylahan, Kenmare on the death of his wife, Evelyn.

Cllr. M. Connor Scarteen SECONDED these votes of sympathy.

Cllr. B. Cronin said that he wished to be associated with these votes of sympathy.

CHAPTER 8

Cllr. D. Healy Rae said that he had raised this issue at a number of previous meetings as he believed that parts of Chapter 8 are unworkable on certain roads in Kerry and they will result in unnecessary expenditure for the Council. Chapter 8 is designed for the autobahns of Germany and the motorways of England and not the Ring of Kerry and regional routes in the County.

In response, Mr. C. O'Sullivan, Director of Roads, Safety & Transportation said that a lot of issues have been raised in Kerry in relation to Chapter 8 and these were brought back for discussion at national level. This is presently being reviewed at national level and the implementation of Chapter 8 is deferred until October pending the outcome of this review. At that time a report will be brought to the full Council.

Mayor M. Healy Rae requested that this report be brought to the Council as soon as possible.

Cllr. D. Healy Rae referred to the buffer zone required between the working vehicle and passing vehicles and said that on the narrow parts of the Ring of Kerry road this is not practical and is not necessary for normal safety.

Mr. C. O'Sullivan said that this is one of the issues that have been raised at national level.

CIVIC RECEPTION

Mayor M. Healy Rae informed the meeting that a Civic Reception was being held to honor Damian Foxall at 1pm and food would be provided for all members and the Press in the Conference Room.

MEMBERS DUTY UNDER ETHICS LEGISLATION

The Mayor stated that he again wanted to remind members of their requirements under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirements of the Act and the Code of Conduct lies with each individual Councillor. He reminded Councillors that under the beneficial interest provision, and should that provision apply, a Councillor must

- (1.) Disclose the nature of his/her interest or the fact of a connected persons interest at the meeting and before discussion or consideration of the matter commences and
- (2.) Withdraw from the meeting for so long as the matter is being discussed or considered and accordingly he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

08.04.21.01 East Dingle Settlements Local Area Plan - Aughacashla

Mr. T. Sheehy, SE, Planning informed the meeting there is just one settlement in the East Dingle Peninsula Local Area Plan to be dealt with and that is Aughacashla. Three submissions were received and he understood that members were in agreement with the recommendation in the Managers Report in relation to Submission AA3 only.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T. Fitzgerald, it was agreed that the recommendations in the Managers Report in relation to Submission AA3 be agreed.

Submission AA1 - John Galvin

Mr. T. Sheehy, indicated the lands the subject of this submission on the map and said that the submission relates to 2 separate portions of land which were outlined in blue on the map displayed to Council. This submission is seeking to have these lands zoned for residential use. He then read the Managers response to this submission into the record of the meeting as follows: *'Aughacashla is comprised of small clusters and linear development primarily along the southern side of the R560. The limited services available are*

dispersed at different locations and there is no singular identifiable focus to the settlement and Aughacashla can therefore be accurately defined as a dispersed rural settlement – a loose grouping of residential development with little facilities.

There is no waste water infrastructure and no proposal to construct one.

Development potential for the area is very limited and as such it is seen as appropriate that applications for development in the area will be dealt with in accordance with the rural housing policies of the Kerry County Development Plan. It is not the intention of Kerry County Council to zone land for residential development in this area, an area that would not capture additional services and in which, the zoning of land would in effect, result in the development of residential estates in a rural setting without any commensurate services available. Furthermore, the impacts of such development on the landscape would be contrary to the traditional development form of the area and significantly alter its character without any resulting benefit. It is considered that the vision for the settlement of Aughacashla will determine its future role and the introduction of zoning will jeopardize the long-term development strategy. Adequate provision has been made for residential development in the adjacent settlements to cater for the demands for holiday homes and persons without an existing landholding who wish to reside permanently in this area. It is considered therefore, that the zoning of these lands is not appropriate and not in the interests of the proper planning and development of the area'. In conclusion Mr. Sheehy said that the Manager's response to this submission is that the land should not be zoned.

Cllr. S. Fitzgerald informed the meeting that Aughacashla is situated 25 miles from Tralee and 3 miles from Castlegregory and he could not understand why a proper map was not provided as there is a shop, petrol pumps, hotel, Pitch & Putt course and Caravan Park in the area. Aughacashla is comparable with Ceann Trá. The rural housing policies in the County Development Plan cater mainly for sons and daughters of landowners, but there are a number of people living in the area whose sons and daughters would like to obtain sites and build their own houses. It is imperative that sites are identified for local people. Approximately 5 acres of the land the subject of this Submission should be zoned medium to low density to the front and low density to the rear. Planning permission has been granted for a new development beyond these lands on both sides. Nine to eleven houses have been granted permission further back which is, in effect, creating a streetscape which is not appropriate. There is also residential development on the other side. 2.2 acres of a field is being offered by Mr. Galvin to the Council for the development of a sewerage scheme for this settlement and he PROPOSED that part of this land be zoned community to facilitate this purpose. Aughacashla is identified by the Water Services Department as in need of a small sewerage scheme and this submission wants to share the development of the sewerage scheme with Kerry County Council. If the Council does not take up this offer, it will be thirty or forty years before a sewerage scheme is provided in Aughacashla. He indicated the lands in question which he said are near the beach, and said that the landowner is willing to offer land for a public car park and public toilets subject to satisfactory negotiations. He PROPOSED that this submission be accepted.

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Mr. T. Sheehy again informed the meeting that this submission relates to the 3 portions of land which he indicated on the map. His Department are proposing a 20-30 year strategy for Aughacashla. If development of this nature is permitted it will change the character of the area and allow the development of housing estates in, what is essentially, a rural area. He said that the existing settlement pattern should remain. If members insist on zoning this land it will result in further demands on Kerry County Council to develop a settlement where none exists.

Cllr. B. Cronin expressed concern at the close proximity of these lands to the seafront, and requested that they again be pointed out in the context of the seafront and he asked what area of land was involved.

Mr. T. Sheehy indicated 1 portion of land on the map and said that it was nine acres.

Cllr. S. Fitzgerald said that it was intended to include a sewerage treatment plan on those lands.

Cllr. B. MacGearailt asked if planning permission was granted for 3 houses on these lands in the past.

Cllr. S. Fitzgerald asked how much land was required for a sewerage treatment plant and scheme.

Mr. T. Sheehy informed members that they were confusing Submissions AA1 and AA2, and it would be more appropriate to deal with Submission AA1 firstly. He then referred to the 3 portions of land, the subject of this submission, and indicated one of the portions. He informed members that he had spoken with Mr. Declan O'Malley of Development Control who had indicated that 2 houses could be accommodated for family members on the triangle of land which he indicated on the map.

Cllr. B. Cronin asked if a compromise could be reached on this submission.

Mr. T. Sheehy again stated that 2 houses could be accommodated for family members on the triangle of land which he again indicated on the map.

Cllr. S. Fitzgerald said that he was satisfied with that.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. S. Fitzgerald, it was agreed that the recommendations in the Manager's Report in relation to Submission AA1 be adopted.

Submission AA2 - John Galvin.

Cllr. S. Fitzgerald said that this submission seeks to zone the lower half of the land near the road. A lot of people in Aughacashla do not own land and their

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sons and daughters want to acquire sites and built houses in the area and they must be facilitated.

Mr. T. Sheehy said that the policy in the County Development Plan facilitates local people.

Cllr. S. Fitzgerald said that in relation to Castlegregory it was agreed that 60% of houses would be for permanent residential while 40% would be for holiday homes. He suggested that a similar approach could be adopted for Aughacashla to ensure that local people are accommodated. He added that there is a primary school, shop, petrol pumps etc in Aughacashla and they have their own community and their sons and daughters do not wish to live in Castlegregory.

Mr. T. Sheehy cautioned members that if they go down the route of zoning land in Aughacashla there will be no going back and they will effectively be building housing estates in a rural area. This would change the entire character of the area. He added that he would have a preference for cluster type development rather than the zoning of land for residential development.

Cllr. S. Fitzgerald again pointed out that planning permission was granted for 9-11 houses which in effect created a streetscape and this is inappropriate.

Mr. T. Sheehy said that there would not be a difficulty in granting cluster development for permanent residences on the lands the subject of this submission.

Cllr. S. Fitzgerald requested that these lands be zoned low density and that a portion be zoned for a sewerage treatment plant similar to Ceann Trá.

Mr. T. Sheehy said that cluster development could be accommodated on these lands but he would not recommend that the land be zoned.

Cllr. B. MacGearailt pointed out that permission was granted for the development of 9 houses to the east of these lands and they are presently being built and he asked what was the current position in relation to Submission AA1.

Cllr. R. Beasley asked how much land was already zoned for development in Aughacashla.

In response Mr. T. Sheehy said that no land was zoned for residential development in the Draft Aughacashla Local Area Plan.

Cllr. B. MacGearailt again referred to Submission AA1 and the 3 portions of land the subject of this submission. He understood that 2 houses could be

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accommodated on the triangle, but he was not sure if there was agreement on the smaller portion of land where there is an existing house to the front.

In response, Mr. Sheehy said that permission cannot be granted for any development on the third piece of land as it is too close to the sea.

Cllr. S. Fitzgerald pointed out that Aughacashla is a settlement node in the County Development Plan.

Mr. T. Sheehy advised members that they should consider what the best development strategy is for Aughacashla into the future.

Cllr. B. Cronin stated that Mr. Sheehy is prepared to look at the larger portion of land as he felt it may be possible to accommodate cluster development on it and he called on the local Councillors to agree with this.

Mr. T. Sheehy then indicated one of the portions of land the subject of Submission AA1 on the map and said that he would view it and see what development could be accommodated on it.

Cllr. B. MacGearailt said that he was not satisfied with Mr. Sheehys response in relation to the bottom portion of land and added that Cllr. S. Fitzgerald had indicated that the sewerage scheme could be accommodated on it.

Mr. T. Sheehy said that Submission AA1 relates to the 3 portions of land outlined in blue on the map which he then indicated to Council and Submission AA2 relates to the 2 portions of land which he then indicated on the map.

Cllr. B. MacGearailt said that he was seeking to accommodate a few houses on the bottom portion of land as permission was granted for 3 houses on this land a number of years ago. He PROPOSED that the 3 portions of land the subject of Submission AA1 be zoned residential.

Cllr. S. Fitzgerald SECONDED this proposal.

Cllr. B. Cronin said that he would have serious concerns regarding the zoning of land on the seafront and while he fully supported local people it was important to protect coastal areas.

Cllr. B. MacGearailt said that this was a large portion of land.

Mr. J. D. Flynn, Director of Corporate Services, informed the meeting that it was agreed on the proposal of Cllr. B. Cronin, SECONDED by Cllr. S. Fitzgerald that the recommendations in the Managers Report in relation to Submission no.AA1 would be adopted.

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Cllr. S. Fitzgerald said that he understood that 2 houses could be accommodated for family members on one portion of the land.

Mr. T. Sheehy said that he wanted to make it clear that Submission AA 1 relates to 3 portions of land.

Cllr. B. MacGearailt said that he understood that members were in agreement on this Submission last week.

Mr. T. Sheehy said that there was no agreement on this submission at that meeting. He had indicated that 2 houses could be accommodated on the triangle of land with a possibility of another house on the portion of land to the South of the road which he then indicated on the map.

Cllr. B. MacGearailt said that this does not mean that a house would be constructed on the beach.

Cllr. B. Cronin asked what was the distance between the top corner of the site and the seafront.

Mr. T. Sheehy said that it was 30-40 yards.

Cllr. B. MacGearailt said that was a huge portion of land.

Mr. T. Sheehy urged members not to zone this land.

The Mayor then called for a vote to be taken and he asked Mr. Sheehy to clarify what members would be voting on.

Mr. J.D. Flynn, Director of Corporate Services asked if members were going back on what was already agreed in relation to Submission AA1.

Cllr. B. Cronin PROPOSED that what was already agreed in relation to this Submission would remain.

Cllr. T. O'Brien SECONDED this proposal.

Cllr. S. Fitzgerald said that he understood that members had only agreed on the triangle portion of these lands.

Cllr. B. Cronin PROPOSED that the recommendations in the Manager's Report in relation to Submission AA1 be agreed.

Mayor M. Healy Rae said that members were not zoning for 2 houses on the triangle portion of land. Members are either zoning or not zoning the land.

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Mr. T. Sheehy recommended that members accept the recommendation in the Manager's Report in relation Submission AA1.

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. S. Fitzgerald, this Council having considered the County Manager's Report and recommendations on the submissions received in relation to the Draft Local Area Plan for Aughacashla resolves to amend the Local Area Plan as follows: Having regard to Submission AA1 to zone the lands the subject of this submission outlined in blue on the map residential.

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

For: Cllrs. Connor Scarteen, S. Fitzgerald, Kiely, MacGearailt, Purtill (5)

Against: Cllrs. Beasley, Brassil, Cahill, Cronin, T. Fitzgerald, O'Brien, O'Donoghue, M. Healy Rae (8)

Not Voting: Cllrs. Foley, McEllistrim (2)

Absent: Cllrs. Buckley, Ferris, Fleming, Gleeson, D. Healy Rae, Leahy, McCarthy, Miller, O'Connell, O'Connor, O'Shea, Sheahan (12)

The Mayor declared the resolution defeated.

Members then accepted that the defeated proposal was a direct negative to the original proposal and Councillor B. Cronin's proposal that the recommendation in the Manager's Report be agreed was therefore deemed to be passed.

Submission AA2

Mr. T. Sheehy stated that he believed that a cluster development could be accommodated on the portion of land which he indicated on the map and he urged members to agree the recommendations in the Manager's Report.

The Mayor urged members to consider Mr. Sheehy's advice as it is the best way forward.

Cllr. S. Fitzgerald said that this landowner was offering land to the Council for a sewerage treatment plant.

In response, Mr. T. Sheehy said that that would still be possible even if the land is not zoned.

Cllr. S. Fitzgerald said that the provision of a small sewerage treatment plant for Aughacashla is proposed by the Water Services Department. There is a nice beach there and a public car park together with public toilets should be developed.

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Cllr. B. MacGearailt agreed that a public car park and sewerage scheme should be provided for Aughacashla.

Cllr. S. Fitzgerald PROPOSED that the recommendation in the Manager's Report in relation to Submission AA2 be agreed.

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

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. R. Beasley, it was unanimously agreed that the recommendations in the Manager's Report in relation to the Draft Local Area Plan for Aughacashla be agreed.

Cllr. B. MacGearailt then referred to the Feothanach Local Area Plan and asked Mr. Sheehy if he had an opportunity to view the sites which they had discussed.

In response, Mr. T. Sheehy said that he had not yet visited these lands.

Cllr. B. MacGearailt said that he understood that the Feothanach LAP would be revisited when Mr. Sheehy had inspected these sites. Members had agreed not to zone the lands in order to afford Mr. Sheehy the opportunity to view the lands on the ground.

In response, Mr. T. Sheehy said that members had agreed not to zone the lands and that he would meet with the individual landowners and local Councillors to discuss possibilities for development on the lands.

08.04.21.02 Mayor's Report on the Corporate Policy Group meeting held on the 15th April, 2008.

The Mayor called on Cllr. D. Kiely to present the report on the meeting.

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

Item 1 Agenda for the April Council Meeting

Mr. G. O'Brien briefed members on the agenda for the April Council meeting.

In relation to Item No. 7, the Annual Financial Statement for 2007, Mr. J. O'Connor, Head of Finance, briefed members on this item and said that it would be dealt with at Item No. 7 on the agenda for the full council meeting.

Mr. J.D. Flynn briefed the meeting on his report on the proposed extension to County Buildings and the need to raise a loan for it. He informed members that this would be dealt with at Item No. 8 on the agenda for the full council meeting.

In relation to Item No. 9 on the raising of bridging finance of €9.5m for Affordable Housing Mr. J. O'Connor informed members that this will not result in a cost to the Council as any cost will be offset by income and subsidies as appropriate.

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In relation to Item No. 16 Mr. O. Ring informed members that this report is in response to the EPA Drinking Water Quality Report 2006 and he briefed members on his report.

Item 2 Update on the County Development Board

Mr. J. Breen informed the meeting that the next meeting of the Executive Board of the County Development Board would be held the following day and the next CDB meeting would be held on the 2nd May. The main issues being considered by the CDB are the submission to the Department of Transport on Sustainable Transport to 2020 and a submission to An Garda Síochána on their Strategic Plan. The Draft Development Contribution Scheme will also be considered by the Board at its next meeting and he emphasised the need for members to show support and leadership when this is being considered. The Board will also receive an update on the Social Strategy for the Hub. Mr. Breen informed the meeting that the Traveller Committee has been reactivated and there is good progress on the Inter Agency Report. The Board will also agree a 12 month work programme. Bord Fáilte will make a presentation to the Board at the next meeting. The Indecon Report on the review of the operation of CDB's will be considered at a special meeting of the Board shortly. The report makes a number of recommendations which have already been put in place in Kerry.

Item 3 EU Habitat Directive and cessation of turf cutting.

Mr. G. O'Brien informed the meeting that this report is in response to an issue raised at the March meeting at which time members requested that a report be prepared on it. Under the cessation of turf cutting on SAC's Scheme all industries and commercial operations ceased in 1999. In the case of domestic cutters a ten year notice was given to cease cutting turf in light of the social and economic impacts immediate cessation of turf cutting would have. The ten year period initially offered to domestic cutters is now due to expire this year. The only bog affected in Kerry is a raised bog at Sheheree. This is located 2km South East of Killarney.

Item 4 Update on the replies to Notices of Motion

Mr. G. O'Brien informed the meeting that this matter was discussed previously and a revised procedure has now been agreed but this will require the co-operation of all members. At the commencement of the item on Notices of Motion replies will be issued to members present in the Chamber. If members leave the Chamber their motions will not be dealt with unless another member moves them. As motions are moved replies will be given to the Press. If a motion is not moved the reply cannot be given to the Press by the member. If this situation arises the new arrangement will be reviewed. He also advised members that from April all replies to Notices of Motions will be displayed on a screen.

Item 5 Funding for Renard Pier

Mr. C. O'Sullivan circulated a detailed report on this item and this report is attached to the Mayors Report for the information of all members.

Item 6 Update from the Chairs of the SPC's

Cllr. C. Miller informed the meeting that he would present a report on the Housing SPC at Monday's meeting.

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Cllr. D. Kiely informed the meeting that he would present a report on the Roads & Transportation SPC at Monday's meeting.

Item 7 Any other business

Mr. G. O'Brien informed members that an email was received from the Friends of the Elderly who are searching for the oldest working person in every county in Ireland. A copy of the email is attached to the Mayor's Report.

Cllr. D. Healy Rae referred to the report on turf cutting and said that he understood that people would be allowed to cut turf on their own bog until 2012. It is important that people would be allowed to cut turf for their own needs. He believed that the cutting of turf did not impact on climate change.

Cllr. B. Cronin asked if the cessation of turf cutting only affected the raised bog at Sheheree and said that there was a lot of mis-information on this issue and that Ireland is being dictated to by the EU.

Mr. G. O'Brien clarified for members that the report of the Heritage Officer has indicated that the only bog affected is the raised bog at Sheheree at the present time. However, this position could change in the future.

Mayor M. Healy Rae then referred to funding for Renard Pier and said that when grant aid was made available last year he suggested that as there wasn't sufficient funding to carry out the works, at least the materials should be purchased and when additional funding became available the following year, the works could then be carried out. The response received contradicts this and he was anxious to hear the views of members on it.

Cllr. P. O'Donoghue said that the grant received last year was €281,000 only and the materials would cost three times that amount. Efforts should be made to secure a greater grant from the Department of the Marine for these works. He pointed out, however, that the level of grant aid available this year is still not sufficient. He asked what was the cost of the piles for the work on Renard Pier.

In response, Mr. C. O'Sullivan, Director of Roads, Safety & Transportation, said the piles would cost €900,000. However, the Council has no guarantee of funding on a multi-annual basis and the Council is committed to the contract for Knightstown. A request was made to the Department to permit the funding allocated for Renard to be used for enhancement works at Knightstown and a reply is awaited.

Cllr. P. O'Donoghue acknowledged that the completion of the works at Knightstown are very important but said that the Department would hardly allocate a figure of €600,000 for works to Renard Pier and not follow up with further allocations in the following years. He acknowledged however, that it is important to complete the works at Knightstown.

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Cllr. M. Healy-Rae said that an allocation was received last year for Renard Pier and a similar allocation was received in 2008. He had suggested that piles be purchased for the amount of the grant aid and when an additional allocation was received the works could then be carried out. He asked what happened to the allocation notified for Renard Pier in 2007.

In response Mr. C. O'Sullivan said that the Council could not draw down this grant aid. The piles are specialised and would not have been delivered before the end of the year.

Mayor, M. Healy-Rae said that €271,000 allocated to Renard Pier last year was lost and the Council is now proposing to transfer €600,000 from Renard to Knightstown. It is unfair not to carry out the works at Renard in order to facilitate the completion of the works at Knightstown. He again suggested that the grant aid received in the current year should be used to buy materials for Renard as he believed that the funding for the completion of the works at Knightstown would be forthcoming from the Department.

Mr. T. Curran, County Manager, said that rather than getting caught up on the merits of Renard or Knightstown it was important to establish the facts. The Department of the Marine has now been aligned with the Department of Agriculture. Funding for marine works has been on an ad hoc basis with no guarantee of additional funding from year to year. At present there are a number of key pieces of infrastructure in the county being drip fed funding from Central Government to commence them. These works can be carried out by the Council if we are guaranteed that funding will be provided to complete the projects. The Council has a major programme of Water and Sewerage Schemes to be funded and this will involve a substantial investment. Major repair works were carried out at Inch at a cost of €4m. €3m of this is still outstanding with no guarantee that it will be funded by Central Government. The Council is now in a position where it will no longer accept piecemeal funding arrangements. Works commenced on Knightstown Pier on the basis that it would cost €3.5m and that the funding was available. It subsequently transpired that a floating pontoon was the most appropriate solution for this location. As a result of this the cost of the works increased from €3.6m to €4.9m. The Council is presently in negotiations with the Department to get them to fund the balance and they are presently considering this. He could not recommend that the Council would commence works on Renard without a guarantee of funding to complete the works. Because works on the Pier in Knightstown had commenced and adequate funding had not been provided, the Council took a decision to apply to the Department to transfer the funding from Renard to Knightstown in 2008 in the hope that these works would be completed. It is then intended that works would commence on Renard in 2009.

Cllr. P. O'Donoghue said that he accepted the logic of what the Manager was saying and he believed that stock piling material created an expectation in the

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local community that works would proceed. He requested a firm commitment from management that when work is completed on Knightstown Pier that work would commence on Renard Pier.

Cllr. M. Cahill suggested that a strong letter would be sent to the Department in relation to funding for Inch and demanding a response.

Mayor M. Healy-Rae confirmed that this was already done.

Mayor M. Healy-Rae said that he understood, from the Director of Roads, that the Department has been requested to give approval to the transfer of €600,000 from Renard to Knightstown in 2008. If they refuse this it will result in a total sum of €800,000 being lost for Renard Pier. If the Department does not agree to the transfer of this funding to Knightstown he suggested that the materials for Renard would be purchased. However, if the Department agrees to the transfer of this funding, he would not object, if it meant that Knightstown Pier would be completed.

In response, Mr. C. O'Sullivan, Director of Roads said that if a positive response is received from the Department it would allow for the completion of Knightstown. If not the funding for Renard can be used to purchase materials in 2008.

Cllr. J. O'Connor asked if sufficient funding would be available for Cromane Pier.

In response, Mr. T. Curran, County Manager said that he did not know as it would depend on the funding available when the project was ready to go to construction.

Cllr. S. Fitzgerald said that there are many piers around the county that need attention and the Council should have discretion on where the funding would be spent.

Mayor M. Healy-Rae stated that he understood that there was agreement amongst the members that if the Department did not agree to the transfer of grant aid from Renard to Knightstown that the €600,000 would be spent on the purchase of materials for Renard Pier.

Cllr. D. Healy-Rae said that while the County Manager made a compelling case for the transfer of the grant aid from Renard to Knightstown he was not in favour of it.

Cllr. J. Brassil referred to the grant of €600,000 for Renard Pier and asked what would the Council's contribution be to these works?

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In response, Mr. T. Curran, County Manager said that the Council has to contribute approximately 25% and he anticipated that the overall works at Renard would cost €2.5m.

Cllr. J. Brassil said that before he could commit the Council to a contribution of €150,000 for these works, he would like to see details of the works to be carried out.

Mr. T. Curran, County Manager said that Renard is in a serious state of disrepair and warning notices to this affect have been erected by the Council. However, the Council cannot incur a large overdraft for these works without a guarantee of funding from the Department to complete them.

Cllr. P. O'Donoghue said that he would agree to focus all our efforts on the completion of the works at Knightstown as this is most urgent.

Mr. J. O'Connor, Head of Finance, informed the members that at the end of December, Kerry County Council was supporting a debit balance of approximately €4m on various marine projects and the statement made by the County Manager needs to be considered in that context.

Cllr. P. O'Donoghue PROPOSED that the Council would limit their exposure by first completing the works on Knightstown Harbour.

Mayor M. Healy-Rae said that he did not want to sell out Renard and he did not want to see the allocation of €600,000 for Renard in 2008 being returned to the Department.

Mr. T. Curran, County Manager said that approximately 10-20 years ago there was a similar stop-start programme on roads without any guarantee of funding. If we have a Marine Programme, he could not understand why funding was not guaranteed and he was not prepared to accept the present funding arrangement any longer.

Mayor M. Healy-Rae requested that if a response is received from the Department on the transfer of funding from Renard to Knightstown that members would be made aware of it as soon as possible.

Cllr. T. Fitzgerald supported the sentiments expressed by the County Manager and requested that a letter be forwarded to the Minister to ensure that a proper method of funding of these works is introduced by his Department.

This was AGREED.

The Mayor informed the meeting that as Mr. O. Ring, Director of Water Services would have to leave the meeting shortly he would then take Item No. 16.

08.04.21.16 UPDATE ON WATER QUALITY ISSUES IN THE COUNTY

Mr. O. Ring, Director of Water Services, referred members to his report dated 15th April, 2008 on this item which was circulated and he briefed them in detail on the report. He informed the meeting that Kerry was the first county to address this issue three years ago. At that time a programme of improvement works required for various water schemes was forwarded to the Department, in the sum of €26.5m, requesting that this funding be made available. Efforts have been made in the recent past to improve the smaller scheme but the funding provided to-date is inadequate. It will be necessary to spend in excess of €20m over the next three years to meet our obligations under various legislation. Higher EU standards and the threats posed to water supplies means that many schemes are no longer adequate. In conclusion, he said that the vast bulk of the water produced by Kerry County Council is of potable quality when assessed in context and is showing annual improvements. There are some isolated problems particularly with some of the smaller schemes which need to be addressed. Kerry County Council is working with the DOEHLG to identify solutions and funding and with the EPA to ensure that all water produced is in compliance with the Drinking Water Regulations and free from threats of contamination. Kerry County Council is constructing and planning new and upgraded schemes and will continue with its careful monitoring and management of existing schemes. He added that additional funding is required to carry out these improvements and he was looking for the support of members regarding the way this matter can be dealt with.

All members welcomed this very important report and added that priority must be given to the protection of water sources, in particular Lough Guittane.

Cllr. T. Fitzgerald welcomed the steps being undertaken by the Water Services Department as outlined by Mr. Ring. He asked that the EPA be consulted before any remedial works are carried out as he was anxious to ensure a positive response from the EPA.

Cllr. B. Cronin emphasised the need to maintain a very high standard of water quality and he asked that priority would be given to the protection of sources for drinking water. The continuous monitoring of water supplies is crucially important and must be continued. He said that if necessary a compensation scheme for landowners adjoining water sources should be considered. He had concerns regarding land and animal movements in higher areas and he asked if equipment could be provided in treatment plants to establish if the level of cryptosporidium in the water is increasing.

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Cllr. P. McCarthy asked if the Water Services Department is happy with the progress being made. The report from the EPA relates to 2006 and he asked if further progress has been made since then. He asked what was the percentage of water lost in the county and if there was a possibility that domestic customers would be metered. In conclusion, he said that he recently attended a conference on water supplies in Cork and a Canadian speaker had mentioned monitoring equipment which would identify any changes in contamination of water. He asked if this was considered in Kerry.

Cllr. D. Healy-Rae thanked all the landowners around Lough Guittane for ensuring that they do not pollute this very important water source. He asked if there was a recognized distance for the location of a septic tank from a lake? He asked if the Water Services Department were satisfied that the water source at Lough Guittane could cater for increasing demands or should other sources be considered.

Cllr. J. Brassil referred to the number of septic tanks in the county and asked if there was any evidence of the pollution of ground waters from these septic tanks. He recently read a report regarding asbestos which is contained in water pipes and he asked if there were any health concerns arising from the use of these pipes.

Cllr. M. O'Shea said that there is concern amongst the general public regarding the quality of drinking water in the county. He referred to the Rural Water Committee and asked if this committee is still in place or should it be reactivated.

Mayor, M. Healy-Rae referred to the PROPOSED improvements to the Kenmare Water Supply Scheme which are not progressing at present. He recently had a meeting with concerned residents in relation to the new water source and he said that this is a very serious issue for them and he wanted to be kept briefed on any developments on this scheme.

In response, Mr. O. Ring said that he would shortly present a report to Council on the Kenmare Water Supply Scheme and he undertook to brief the Mayor on any new developments on this scheme. The use of asbestos cement water pipes is perfectly safe and does not pose a health risk. It is only when pipes are cut and the dust is inhaled that a problem can arise. He confirmed that there is evidence of the pollution of ground waters from septic tanks and this is evident from the testing of individual wells and some private schemes. However, it is not a problem for public schemes. He assured members that his Department was satisfied that there is adequate water at Lough Guittane to meet the increasing demands for water around the county. He informed members that a turbidity meter can be installed in water schemes to monitor the levels cryptosporidium. The EPA is very keen on this and the Council is presently installing these meters. A meeting would be held with the EPA the following week in Cork to discuss all these issues. He assured members that

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he was happy with progress being made bearing in mind the funding received. The unaccounted for water, including leakage, is estimated at between 50% - 60%. He added that it is not intended to meter domestic properties.

Cllr. J. O'Connor asked if a Directive would be issued on the desludging of septic tanks.

In response, Mr. Ring said that he understood new regulations on the desludging of septic tanks were being considered. His Department would be in consultation with the EPA regarding protection measures for the water supply at Lough Guittane. Water tests are carried out at Lough Guittane every day and to date there has not been any difficulties with pollution of this source.

08.04.21.03 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed that the Minutes of the February Ordinary Meeting of Kerry County Council held on the 18th February, 2008 be confirmed.
- (b) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed that the Minutes of the Budget Meeting of Kerry County Council held on the 7th January, 2008 be confirmed.
- (c) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed that the Minutes of the Adjourned Budget Meeting of Kerry County Council held on the 11th January, 2008 be confirmed.

CLEENEY ROUNDABOUT

Mayor M. Healy-Rae said that he had requested that consideration be given to the provision of 2 lanes at the entrance to Cleeney Roundabout from Tralee and he understood a report would be brought back to the members on this item.

In response, Mr. C. O'Sullivan, Director of Roads said that he had given a verbal report at that meeting and he undertook to provide a report for members on this issue.

SIGNS ON THE APPROACH ROADS TO THE COUNTY

Mayor M. Healy-Rae said that he had requested that signs would be erected on the approach roads to the county and he was disappointed that there had been no progress on this. He called for the provision of signs that would read *"Welcome to the Kingdom of Kerry the Home and Heart of Tourism"* and he requested an update on this issue.

In response, Mr. T. Curran, County Manager said that a few drafts of this are being considered and he would revert back to the Mayor when a decision had been taken on the appropriate wording.

08.04.21.04 REPORT IN ACCORDANCE WITH SECTION 179 (3) OF THE PLANNING AND DEVELOPMENT ACT, 2000.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. Sheahan, it was unanimously agreed to note the PROPOSED development and the Manager's Report thereon in accordance with Section 179 (3) of the Planning and Development Act, 2000 and Part VIII of the Local Government (Planning and Development) Regulations 2001 in respect of the construction of a single rural cottage with the appropriate effluent treatment facilities and the removal of existing derelict building and Doolahig, Caragh, Killorglin.

08.04.21.05 TUAIRISC DE RÉIR MÍR 179 (3) DEN ACHT UM PLEANÁLA AGUS FORBARTHA 2000

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. J. Sheahan it was unanimously agreed to note the PROPOSED development and the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act, 2000 and Part VIII of the Local Government (Planning and Development) Regulations 2001 in respect of the construction of two single rural cottages with the appropriate effluent treatment facilities at Cill Chúille, Baile na nGall, An Daingean.

08.04.21.06 REPORTS IN ACCORDANCE WITH SECTION 179(3) OF THE PLANNING & DEVELOPMENT ACT 2000

(a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed to note the PROPOSED development on the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act, 2000 and Part VIII of the Local Government (Planning and Development) Regulations 2001 and Article 17 to 19 of the Planning and Development Regulations 2006 in respect of the PROPOSED widening and realignment of 4.36km of the L-1010 Local Primary Road from Kilcolgan Upper/Kilcolgan Lower to Tarbert, Co Kerry along with ancillary services.

(b) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to note the PROPOSED development and the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act 2000 and Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the PROPOSED construction of 365m of the new An Daingean Inner Relief Road – Phase 1 from N86 National Primary Road to John Street, including roundabouts on the N86 and John Street Junction, along with ancillary services, at An Fearann, An Daingean, Co Kerry.

DISPOSAL OF PROPERTY

Cllr. J. O'Connor said that he understood that the disposal of a small portion of land at Killorglin was to be included on the Agenda as it had been approved at an Area Meeting. He requested an update on this matter.

In response Mr. C. O'Sullivan said that there were some issues regarding the disposal of this land which were not yet resolved. There was no objection in principle to the disposal but there is an obligation on his Department under Article 206 of the Planning Regulations to ensure that the appropriate value is achieved for the land. This land was owned by CIE and transferred to the Council. A number of legal issues must be resolved before it can be brought before Council.

08.03.10.07 ANNUAL FINANCIAL STATEMENT

Mr. J. O'Connor, Head of Finance referred members to the Annual Financial Statement 2007 which was circulated. He referred members to the Financial Review at the start of the AFS to which he would be referring. The overall expenditure for 2007 was in excess of €267m for both revenue and capital with an income of €252.6m. This resulted in a deficit which was met from an incoming credit balance on the capital account. He referred members to the top of Page iii of the Financial Review where details of income and expenditure for 2007 are set out and he said there was a small credit balance at the end of the year. Effective Budgetary Control of expenditure and income throughout the organization and buoyant collections performance on our major local income streams have enabled the Council to carry forward provisions for a number of ongoing Council programmes, some uncompleted projects at years end, and policies for which the Elected Council has regularly expressed support, and to close the financial year with a small credit balance, allowing for the accrued income now incorporated into the revenue account. The overall closing credit balance amounts to just 1% of our total revenue budget. He then outlined the main provisions carried forward as follows:-

- €150,000 for emergency Disabled Persons Grants/Essential Repairs Grant
- €100,000 for emergency footpath provision such as towards Glebe House in Castleisland for the intellectually challenged
- €450,000 towards the fund started a few years ago for a programme of environmental/amenity improvement works across the county – it is intended that this fund will be used to co-fund grant aid from other bodies for such works and hence have a much greater impact
- €300,000 towards the fund which commenced some years ago for the extension of Áras an Chontae and which is the subject of a separate report to the April Meeting of the Council.
- €150,000 for the provision of a new public toilet in Sneem in co-operation with the Local Development Association.
- €100,000 towards a fund for the digitisation of our burial ground records.

Mr. O'Connor informed the meeting that the report also details any over-expenditure and there was nothing extraordinary in 2007. The beginning of 2007 was a buoyant year but as the year progressed the economy slowed down and collections are now more challenging. The Capital Account which provides for works on Water and Wastewater Schemes, Housing, Roads etc closed with a favourable balance. However, a substantial amount of funds was due to the Council at the end of December 2007. There was a deterioration in that account of €17m in 2007. He then referred members to Page VIII of the Financial Review and said that a substantial capital programme is in place in particular for Water and Wastewater Schemes. The new Sewerage Scheme Investment Programme discussed at recent Council meetings envisages a requirement for funding of €125m to up-grade or construct schemes for 57 towns and villages to meet new EPA licensing requirements and to provide the infrastructure necessary to allow the county to develop to its full economic and social potential. Based on current experience, as indicated then, it is estimated that, allowing for Government grant aid, a local contribution of approximately €40m will be required towards the overall investment. In addition the Council is advancing a Drinking Water Investment Programme estimated to cost at least €100m with a likely local contribution required of €35m. Furthermore, improvements needed to bring our drinking water quality in existing schemes up to the required minimum standard, will require investment of a further approximately €30m based on our existing information, with a likely local contribution required of €10m. It is essential for the efficient delivery of the investment programmes envisaged for both water services and others and for the substantial financial position of the Council, that we continue to have some funds available within the Capital Account to enable the start-up of the various projects and to finance cash-flow while long-term funding is being organized, such as grant-aid and/or borrowings, as appropriate.

Mr. O'Connor pointed out that we do not have unlimited capacity to borrow and the Government controls all borrowings. The Council's capital debt at the 31st December, 2007 amounted to €62.5m – an increase of €18.3m on the December 2006 figure. Of that €30.5m relates to housing. The Balance Sheet indicates that at 31st December, 2007 the Net Book Value of our accountable assets is €3,407m - an increase of €38m on the 2006 figure and details of these assets are set out on Page XI of the Financial Review. He informed members that the Annual Financial Statement gives an overview of the financial position of the Council at 31st December 2007. The current overall financial standing of the Council may be described as continuing to be generally satisfactory at that date.

Mr. O'Connor referred members to Page XII of the Financial Review where the charts detail Revenue Expenditure and Income for 2007. 37% of the Revenue Budget was spent on Road with 9% being spent on Housing and Building. The Council is very reliant on Government/State aid and the well being of the national economy. 50% of the expenditure in the Revenue

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Account is received from state sources. He referred members to Page XIV of the Financial Review where details of Capital Expenditure and Sources of Capital Funding for 2007 are set out. 38% of the capital funding in 2007 was spent on Housing and Building and this included the purchase of land, voluntary housing etc. 21% of the Capital Budget was spent on Roads and 57% of the funding for capital projects is received from the State. In conclusion he said that he wished to record his thanks to the AFS team under the leadership of Angela McAllen.

Cllr. A. McEllistrim said that the parking situation at Aras an Chontae is at crisis point and she asked when would the car park be extended.

Cllr. J. Brassil asked how much has been set aside for the extension to Aras an Chontae and he requested a detailed breakdown of the total cost of €26.5m as he felt that this was an outrageous estimate.

Cllr. T. Fitzgerald thanked Mr. O'Connor for his presentation on the AFS and he thanked all those involved in the preparation of it.

Cllr. D. Healy-Rae thanked Mr. J. O'Connor and his team on their excellent work in managing the finances of the Council. He asked if there would be a shortfall in funding for the Housing Programme in 2008 as there appears to be some concern regarding this.

Cllr. P. O'Donoghue said that he was concerned regarding the raising of a loan of €26.5m for the extension to County Buildings. He referred to Page IX of the Financial Review under the heading Miscellaneous where a sum of €5.25m was included and he requested a detailed explanation on this item. He stated that the expenditure on consultants in 2007 was up almost €0.5m on the 2006 figure and he was concerned that more of this work was not being done in-house as this could result in a saving for the Council.

Cllr. B. Cronin welcomed the funding to be provided for the footpath to Glebe Lodge in Castleisland and said that he was disappointed that there was no mention of funding for an amenity area for Firies or for a car park at Ballyhar. He also expressed concern at the expenditure on consultants in 2007 and said that more of this work should be done in-house.

Cllr. J. O'Connor referred to the funding received from Central Government of 50% of the total Revenue Budget and asked how does this compare with other Local Authorities. He added that he recently addressed a conference in Dublin and some of his comments were reported in the media. At that time he stated that local authorities need additional finance if they are to meet the additional responsibilities being imposed on them by Central Government. He suggested that the method of funding being used in other European countries should be studied to see if better alternatives are available. A lot of

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new directives are issuing both from the EU and Central Government and the funding is not being provided to implement these.

Cllr. J. Sheahan also expressed concern at the expenditure on consultants in 2007 and said that if in-house staff were to carry out this work it would probably ensure better value for money.

Cllr. M. Connor-Scarteen referred to the provision for the public toilet in Sneem and said that it appears to be very high.

Cllr. B. MacGearailt stated that he understood that the Council is obliged to employ consultants on certain capital projects by the State as they are providing the funding for these projects.

Cllr. N. Foley referred to the expenditure for consultants and said that she thought that it would be more beneficial to have this work carried out by an in-house unit as it would represent better value for money.

Cllr. R. Beasley expressed concerns regarding the sum of €26.25m which is the PROPOSED cost of the extension to County Buildings and he added that the consultant's fee for this project would be almost 12% which is outrageous. In conclusion he welcomed the allocation of €100,000 for the footpath to Glebe Lodge in Castleisland.

In response, Mr. J. O'Connor, Head of Finance said that the vast majority of expenditure for consultants is for Water and Wastewater Schemes. The Council is advancing a programme with a total cost of €255m for Water and Wastewater Schemes and there is no way existing staff could deal with this workload in engineering terms. A design and planning team is in place in-house and these are funded from own resources. Expenditure on consultants is part of the overall capital cost which is funded by grant aid etc. He referred to comments on the costs of the extension to County Buildings and added that Mr. J. D. Flynn, Director of Corporate Services would be dealing with this at Item No. 8 on the Agenda. At the end of 2007 a sum of €1.8m has been set aside for the extension to County Buildings to help with the fit-out costs and loan charges in the early years.

Cllr. J. Brassil asked if this was part of the €26.5m.

In response, Mr. J. O'Connor, Head of Finance said that it was not and it would be to cover the fit-out costs and to help with the payment of loan charges.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. A. McEllistrim it was unanimously agreed to note the Annual Financial Statement for the year ended 31st December, 2007 and to approve additional expenditure as

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outlined in the Financial Review including the provisions for the additional work measures mentioned in that Review.

The Mayor then informed the meeting that it was 1.15pm and the meeting would adjourn for the Civic Reception.

The meeting resumed at 2.40pm.

08.04.21.08 COUNTY BUILDINGS EXTENSION AND APPROVAL TO THE RAISING OF A LOAN OF €26.25M FOR THE NEW COMPLEX.

Mr. J. D. Flynn, Director of Corporate Services, referred members to his report dated 6th March, 2008 on this item which was circulated. Mr. Flynn informed members that there is now an urgent need to proceed with the development of the complex as we have a large number of staff in both rented offices around Tralee and temporary prefab buildings at Áras an Chontae. It is vital from the public's point of view that the current offices are modernized to provide front desk services, member's rooms, waiting rooms and interview rooms so that our services can be provided in a confidential, helpful and friendly way. The development of the County Buildings new structures would allow for the return of 100 staff members to the main campus. The complex will also contain a new laboratory, file store and maintenance workshop. The provision of a modern state of the art laboratory will ensure that we carry out our ever increasing role under the various water and environmental legislation to exacting standards and is essential to the well being of the people of Kerry and our visitors. Mr. Flynn added that the existing laboratory accommodation is less than adequate. However, it should be noted that it is only 1 of 3 laboratories in the country with EPA accreditation. In the mid 1980's the elected council authorized an investment in the current County Buildings and it opened in 1989 and the new Motor Tax Office opened in 1998. 90,000 transactions are conducted over the counter in the Motor Tax Offices each year with a further 56,000 transactions by post. This investment in our services is required to facilitate the people of Kerry. The costings include site development cost, reorganization of roads etc, provision of office accommodation, workshop and new laboratory.

Cllr. B. Cronin said that he had concerns about approving the raising of a loan of €26.25m for the extension of County Buildings over a 50 year period. He asked would the burden of meeting these loan repayments fall on the rate payers or those paying water charges. He added that he would like to see a detailed breakdown of the costings before he would agree to approve the raising of a loan and he asked must additional land be acquired to facilitate the extension. He accepted that additional car parking and proper office accommodation is required but said that €26m is a very substantial loan.

Cllr. J. Brassil said that he supported the need for Kerry County Council to develop a facility and provide all its services on one site. The present

situation where a number of the Departments are located around town is not desirable or workable. However, before he would be satisfied to approve the raising of a loan of in excess of €26m he would require a greater breakdown of the costs involved. He asked if the €1.8m already set aside in the Budget is in addition to the €26.25m. It is intended to spend €16.7m on a 60,000sq ft office building. He informed the meeting that he had done some research on these figures and he understood that the current market cost for commercial development is €140 per sq ft for a shell core and €40 per sq ft to fit it out. This would total approximately €200 per sq ft. The overall cost of the building should be €10m yet the estimated cost by the Council is €16.7m which is a very substantial difference. The proposed laboratory will cost €400 per sq ft which is double the present market value, however, if there are good reasons for this he would be satisfied to study them if they were presented to members. He added that it is only fair that members would be provided with a more detailed report to allow them to ensure that value for money is achieved for the rate payers of the county. He added that €5.6 worth of site works appears enormous.

Cllr. M. Connor-Scarteen asked if the loan charges would be fixed for 50 years at €1.4m per annum. If the repayments are to be levied on rate payers what increase in rates would be required each year. He asked would funding be forthcoming from central government for this project.

Cllr. P. O'Donoghue said that he had reservations about raising a loan of €26.25m for this project as it would result in an unfair burden on the rate payers of the county. Taking account of the repayments outlined in the report the overall project will cost €75m which is a very substantial sum. He acknowledged that additional parking must be provided but asked if it was really necessary to provide the extensive storage proposed in the report. He asked if it was necessary to store all these files or could some of them be put on disk. He asked if the Council would be terminating the leases on the offices down town and will there be a saving on this when the complex is complete. He asked if there was any spare capacity in area offices and would consideration be given to moving certain departments to other towns and villages around the county.

Cllr. B. O'Connell said that he understood that the Water Services Capital office would be moving to Castleisland. This would be the equivalent of a small industry to the town and he asked if the extension to Áras an Chontae would impact on this move. The NRA office is located in Castleisland and it is working very well. The decentralization of some departments to various towns around the county would be very beneficial to those towns.

Cllr. J. Sheahan said that it would be very helpful for the people of the county to have all Council offices in one location, however, members must ensure value for money. He asked if the extension to County Buildings would result in the elimination of expenditure on rent on properties in Tralee etc. He

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asked if funding would be made available by any Government Department for this project as it would be unfair to expect the rate payers of the county to pay for such a major project.

Cllr. T. Fitzgerald welcomed the proposed extension to Áras an Chontae and said that in the 1980's elected members decided to build the present offices and this was very good value for money. He added that what was in the report was simply an estimated cost and the actual building cost would be the amount tendered. He asked if the project could be done on a phased basis and he understood that there will be a saving on rented accommodation when the extension is complete. He asked if a grant would be available from central government for this extension.

Cllr. D. Healy-Rae said that he felt that it was not the right time to undertake this major project. He acknowledged the need for the provision of additional car parking at County Buildings but said that he could not justify expenditure of, in excess of, €26m at a time when the economy is slowing down. He suggested that some departments could be moved to different towns around the county. In conclusion he said that it would not be prudent at this time to ask the rate payers of the county to fund such a major project at a time when the provision of new offices in Killarney is also being undertaken.

Cllr. B. MacGearailt said that it is time to move forward and he fully supported the PROPOSED extension to County Buildings.

Cllr. S. Fitzgerald said that there is a need to provide additional car parking at Áras an Chontae and many staff are working in very confined conditions. He asked what rent was being paid for property down town and said that this expenditure would no longer be required when the extension was complete. He added that as the economy is slowing down the market has become more competitive and the costings should be reconsidered. He asked if the new laboratory could be located in another town. In conclusion he asked if consideration was given to moving to a green field site as it may be more cost effective.

Cllr. J. O'Connor said that the Council must move with the times and he would like to see detailed plans of the proposed extension prior to approving the raising of the loan. He agreed that this was a good time to commence such a project but added that all options must be examined. He suggested that departments could be moved to different towns around the county. When the new offices in Killorglin were first proposed it was intended that they would be a One Stop Shop but this has not happened. At a previous meeting he suggested that a pilot be undertaken in Killorglin, Castleisland and Listowel to enable people to tax their cars at the local offices. He suggested that more detailed plans be made available to members and that this item would be deferred until the next meeting.

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Cllr. T. O'Brien PROPOSED that the raising of a loan of €26.25m for the County Buildings extension be approved. He said that now is the time this project should be undertaken and Tralee Town Council has rezoned the land to facilitate this development and he fully supported it.

Cllr. T. Fleming said that this is a very ambitious project which must be supported by the members. The present complex at County Buildings is inadequate to cater for all the needs of the people of Kerry and staff. He asked that every effort be made to reduce the cost of this project through the prudent disposal of any surplus property. He asked that existing staff be employed on this project rather than engaging consultants.

Mayor M. Healy-Rae informed members that the Joint Policing Committee would be meeting at 5pm and he urged members to keep their comments brief. He added that if additional information is required no vote would be taken at that time.

Cllr. P. McCarthy said that the PROPOSED extension to County Buildings is an investment in the future and he supported the provision of all services in one location in the county. While he accepted that the sum of €26m appears to be very substantial at this time he reminded members that the Council administers a budget of €140m each year. He SECONDED Cllr. O'Brien's proposal to approve the raising of this loan.

In response to queries raised Mr. J. D. Flynn said that the Council has acquired the additional land needed for this project. He accepted that the costings presented are an estimate but said that there is no better time to go to the market. This is an investment in the future of the services of the Council for the people of the county and it will ensure that the core services are brought back to the County Buildings complex. The savings in rent will be approximately €400,000 which will bring the loan repayments down to approximately €1m per annum. This also allows for energy savings. In the short term, the Water Services Capital Office will be moving to Castleisland but in the long term they will be back in the County Buildings complex. It is intended that the staff will move to Castleisland by July and will be there for a period of 4-5 years. It is important to have a state of the art laboratory to ensure that the expansion of testing and the very high standard can be maintained. In relation to the provision of office accommodation, he said that it will cost €1m to tie in the PROPOSED extension with the existing building.

Mayor M. Healy-Rae said that with the agreement of the members this item would be brought back to the May meeting for decision.

This was unanimously AGREED.

08.04.21.09 RAISING OF BRIDGING FINANCE OF €9.5M FOR AFFORDABLE HOUSING

Mr. J. O'Connor, Head of Finance, referred members to his report dated 14th April, 2008 on this item which was circulated. He informed members that the Council has entered into a number of agreements with developers to provide affordable housing in accordance with Part V of the Planning and Development Act (as amended). Where possible the Council encourages developers to sell directly to purchasers nominated by the Council. In some instances however, the Council will be required to buy directly from the developer for re-sale to affordable housing purchasers. Therefore in order to make provision for instances where direct sales are not possible, a resolution of the Council is required to approve the raising of Bridging Finance of €9.5m from the Housing Finance Agency. This resolution is in respect of agreed purchases, plus future demand for purchase of affordable house, which will subsequently be sold to eligible applicants in accordance with the relevant Affordable Housing Scheme.

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed to approve the raising of Bridging Finance of €9.5m for Affordable Housing.

08.04.21.10 DRAFT GUIDELINES ON SUSTAINABLE DEVELOPMENT IN URBAN AREAS

Mr. T. Sheehy referred to report from Mr. M. McMahon, Director of Planning on this item which was circulated. He informed the meeting that Kerry County Council welcomes the consultation Draft and its companion document the "Urban Design Manual – A Best Practice Guide" as a revision of the Residential Density Guidelines 1999. The Guidelines provide a good framework for the orderly and sustainable development of urban areas and the Council is in broad agreement with it. It is noteworthy that a greater emphasis is placed on pre planning application discussions and Kerry County Council would welcome measures in order to increase this vital source of effective communication with applicants. Kerry County Council however, has reservations regarding some aspects of the PROPOSED guidelines and this concern relates to Chapter 4 – Checklist of Policy Recommendations. *"No substantial residential development should proceed without either adequate existing public transport provision or new public transport provided in tandem with the development."* It is considered that it would be inappropriate to have a restriction on substantial residential development in peripheral and rural counties such as Kerry where the public transport provision does not match that of larger cities. The Local Area Plan process seeks to consolidate development so that walking to schools, shops and other community facilities is not onerous on individuals.

Cllr. T. Fitzgerald suggested that the reference to public transport should be removed from the Draft Guidelines.

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Mr. T. Sheehy, S.E. Planning pointed out that these Guidelines have been produced by the Department and it is not up to Kerry County Council to exclude this provision.

Cllr. T. Fitzgerald PROPOSED that they be excluded.

Cllr. M. Gleeson SECONDED this proposal.

The Mayor advised members that they could make their own submission on the Draft Guidelines on Sustainable Development in Urban Areas to the Department if they so wish.

08.04.21.11(a) MANAGERS REPORT ON THE PROPOSED VARIATION NO. 16 TO THE KERRY COUNTY DEVELOPMENT 2003 – 2009

Mr. T. Sheehy, S.E. referred members to report dated 2nd April, 2008 on this item which was circulated and he briefed them in detail on the report.

It was unanimously agreed to note the report.

(b) MAKING OF VARIATION NO. 16 TO THE KERRY COUNTY DEVELOPMENT PLAN 2003 -2009.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. S. Fitzgerald this Council resolves to vary the Kerry County Development Plan 2003 – 2009 to amend Map 7.2 of the Plan to incorporate the realignment and extension of the preferred route corridor of the N22 Tralee By-Pass/Tralee to Bealagreaallagh Road Improvement Scheme in order to upgrade the N69 National Secondary Route from Ballybeggan to Leath Cross in accordance with the objectives of Transport 21 and the National Development Plan 2007 – 2013.

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

For: Cllrs. Buckley, Cahill, Connor-Scarteen, Cronin, S. Fitzgerald, T. Fitzgerald, Fleming, Gleeson, Leahy, McCarthy, McEllistram, Miller, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae **(19)**

Against : None **(0)**

Not Voting: None **(0)**

The Mayor declared the resolution CARRIED.

08.04.21.12 NOMINEE TO THE BOARD OF KERRY AIRPORT PLC.

Mr. G. O'Brien, A/SEO, Corporate Affairs, referred members to his report dated 15th April 2008 on this item which was circulated and he briefed them on the report.

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Cllr. T. Fitzgerald PROPOSED Cllr. A. McEllistrim as Kerry County Council's nominee to the Board of Kerry Airport plc.

Cllr. M. Cahill SECONDED this proposal.

Cllr. B. O'Connell PROPOSED that Cllr. B. Cronin be nominated to the Board of Kerry Airport plc.

Cllr. J. Sheahan SECONDED this proposal.

A vote was taken which resulted as follows.

For Cllr. McEllistrim: Cllrs. Cahill, T. Fitzgerald, Fleming, McEllistrim, Miller, O'Donoghue, O'Shea, M. Healy Rae (8)

For Cllr. Cronin: Cllrs. Buckley, Connor-Scarteen, Cronin, S. Fitzgerald, Gleeson, Leahy, McCarthy, O'Brien, O'Connell, O'Connor, Sheahan (11)

Not Voting: None (0)

The Mayor declared Cllr. B. Cronin to be Kerry County Council's nominee to the Board of Kerry Airport plc.

08.04.21.13 NOMINEES TO THE BOARD OF IRD DUHALLOW

Mr. G. O'Brien, A/SEO, referred members to his report dated 10th April 2008 on this item which was circulated and he briefed them on the report.

Cllr. J. O'Connor PROPOSED that Cllr. J. Sheahan be one of the nominees to the Board of IRD Duhallow.

Cllr. M. Connor Scarteen SECONDED this proposal.

Cllr. P. O'Donoghue PROPOSED that Cllr. T. Fleming be the second nominee to the Board of IRD Duhallow.

Cllr. C. Miller SECONDED this proposal.

Mr. G. O'Brien asked if all members were satisfied that there is unanimous agreement on these nominations and that there was no need to apply the group voting procedure.

All members present indicated their agreement with the two nominees.

**08.0.21.14 EXTINGUISHMENT OF PUBLIC RIGHTS-OF-WAY,
IN THE TOWNLAND OF GURTEEN NORTH, AS
PART OF THE N86 ROAD REALIGNMENT AT CROW
HILL, ANASCAUL**

Mr. C. O'Sullivan, Director of Roads, Transportation & Safety referred members to his report dated 10th April 2008 on this item which was circulated. He briefed them in detail on the report.

Cllr. S. Fitzgerald PROPOSED that Kerry County Council make an Order in accordance with Section 73 of the Roads Act 1993 to extinguish the Public Right Of Way of approximately 325m or thereabouts on a section of public roadway L-8080 (marked "X - X1" on the attached Map A) and the extinguishment of 180m or thereabouts of Public Rights Of Way on a section of public roadway R561 (marked "Y-Y1" on the attached map A) in the townland of Gurteen North, Co. Kerry.

Cllr. M. O'Shea SECONDED this proposal and it was agreed unanimously.

Cllr. S. Fitzgerald asked what would happen to this land.

Mr. C. O'Sullivan, Director of Roads & Transportation undertook to clarify this matter for the Councillors and to revert to them in due course on it.

**08.04.21.15 KERRY LOCAL AUTHORITIES DRAFT ANNUAL REPORT
2007**

Mr. G. O'Brien, A/SEO, referred members to the Draft Kerry Local Authorities Annual Report for 2007 which was circulated, and said that in accordance with legislation, this must be circulated by the end of April.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. T. Fitzgerald, it was unanimously agreed to note the Kerry Local Authorities Draft Annual Report for 2007.

08.04.21.17 DATES FOR SPECIAL PLANNING MEETINGS

The Mayor informed the members that from Monday 12th May to the end of June there will be Council Meetings on almost every Monday with the exception of Bank Holiday Mondays.

Mr. T. Sheehy informed the meeting that it is intended that the Draft County Development Plan will be sent to members on 7th May. Unlike the Local Area Plans, the County Development Plan cannot be put on public display without the agreement of the members. He hoped that consideration of the Draft County Development Plan would be concluded by 9th June.

The Mayor informed the meeting that Cllr. R. Beasley had requested that a Special Planning Meeting would be held to discuss planning issues of concern to members. A number of these issues relate to the County Development Plan

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and he suggested that at the first Special Planning Meeting on the 12th May a general discussion would first take place on the issues of importance to members.

This was unanimously agreed.

It was then agreed that the Special Planning Meetings would be held as follows :

- Monday 12th May
- Monday 26th May
- Wednesday 4th June
- Monday 9th June

Cllr. T. Fitzgerald stated that the Tralee Electoral Area Meeting was scheduled to be held on Monday 9th June and as a Special Planning Meeting was now to be held on that date, he suggested that the Tralee Meeting be held on Friday 6th June.

This was agreed.

08.04.21.19 REPORT FROM CLLR. D. KIELY, CHAIR OF THE TRANSPORT SPC

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. M. Healy Rae, it was agreed to note the written report on this item which was circulated.

08.04.21.20 REPORT FROM CLLR. C. MILLER, CHAIR OF THE HOUSING SPC

On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. T. Fitzgerald, it was agreed to note the written report on this item which was circulated.

08.04.21.21 REPORT ON THE OPERATIONS AND ACTIVITIES OF THE ASSOCIATION OF COUNTY AND CITY COUNCILS

Cllr. J. O'Connor requested that this item be deferred to the May meeting.

This was agreed.

08.04.21.22 SUMMARY OF PROCEEDINGS AT CONFERENCES

(a) Alcohol and Society 5th Annual Conference -

It was unanimously agreed to note Mayor M. Healy Rae's written report on this conference which was circulated.

(b) Visit to the US

It was unanimously agreed to note Mayor M. Healy Rae's written report on this visit which was circulated.

(c) 16th Annual Kerry Environmental Recognition Conference

It was unanimously agreed to note Cllr. A. McEllistrim's written report on this conference which was circulated.

08.04.21.23 REQUESTS FOR THE RECEPTION OF DEPUTATIONS

(a) Cllr. T. Buckley requested that a deputation be received from the Residents of Lixnaw regarding the provision of a new Sewerage Scheme. It was agreed that this deputation would be received at the next Listowel Electoral Area Meeting.

(b) Cllr. M. Cahill requested that a deputation be received from the Residents of Incharee, Faha and Rossbeigh regarding flooding. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

Cllr. M. Cahill requested that Mr. Eamon Scanlon would visit this area prior to the deputation being received at the Meeting.

This was agreed.

(c) Cllr. P. O'Donoghue requested that a deputation be received from the Residents of Sneem regarding flooding. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

08.04.21.24 OPENING OF TENDERS

- (a) On the PROPOSAL of Cllr. M. Gleeson SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of tenders for the 2008 Bituminous Overlay Requirements.
- (b) On the PROPOSAL of Cllr. S. Fitzgerald SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the opening of tenders for An Daingean Character Area Mapping and Design Guidelines .
- (c) On the PROPOSAL of Cllr. M. Healy Rae SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for the File Services Contract 2008.

08.04.21.25 Notices of Motion

1 Establishment of a permanent Garda presence in villages

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

"That in view of the enormous growth of what were heretofore quiet villages that this Council calls on the Minister for Justice, Equality and Law Reform and the Garda Commissioner to establish a permanent Garda presence in these new conurbations"

Report:-

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

Cllr. M. Gleeson stated that a Garda presence is important, not just to preserve law and order, but also to ensure that a proper respect for property and community is fostered. A permanent Garda presence and constant interaction with the youth will inevitably have beneficial results for the overall community. The occasional visit by a Garda car from a nearby town will not or should not be deemed sufficient. In fact it will have an adverse impact as, in the eyes and minds of the young, it and its occupants will be associated only with disturbance and anti-social happenings. Having a permanent Garda presence will allow the Garda become and be perceived as people who live and actively care for the community. It will allow the Gardai to become leaders and to become associated with progress, cohesion and social progress.

2 Development of a Golf Course at Inch

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

"Can the County Manager advise the best way forward and what steps should be taken in progressing the development of the Golf Course at Inch, Co. Kerry"

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

We understand that there is ongoing discussions between the developer/owners and the Department of Environment, Heritage and Local Government in respect of the development of a Golf Course at Inch. It is felt that the best course of action is to await the outcome of the discussions.

Cllr. S. Fitzgerald PROPOSED that Minister Gormley would be requested to meet with a deputation from Kerry County Council regarding the development of a golf course at Inch.

Cllr. J. O'Connor SECONDED this proposal and it was AGREED to forward the request to Minister Gormley.

3 Review of the Disabled Parking Card Scheme

Pursuant to notice duly given Cllr. T. O'Brien PROPOSED:-

"That Kerry County Council would immediately call on the Minister for Transport to initiate a full and thorough review of the disabled persons parking card scheme to ensure that the issuing and use of these cards is done carefully and accurately"

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

Cllr. T. O'Brien informed the meeting that this review was promised two years ago by the Minister for Transport but it has not yet happened. He requested that the resolution be forwarded to the Minister for Transport for consideration.

Cllr. M. Gleeson SECONDED the motion and it was AGREED to refer it to the Minister for Transport for consideration and reply.

4 Adoption of a policy for the Taking in Charge of Private Estates.

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

"That Kerry County Council immediately adopt its policy for the "taking in charge" of estates, as required by the Department of Environment, Heritage & Local Government and urgently proceed with the process of taking over housing developments that have applications made to this Council"

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

A draft Policy Document in relation to the 'Taking in Charge' of Housing Estates was prepared recently by Kerry County Council. However, this document has now been updated to incorporate requirements of the Department of Environment, Heritage and Local Government Circular Letter PD1/08 issued recently on this issue.

This Circular requires all Local Authorities to develop and update their policy on 'Taking in Charge' by the end of June, 2008.

Consequently, a Draft Policy Document in line with this Circular will be submitted to the Council for adoption at the June meeting at the latest.

Subsequent to the adoption of this Policy, it is PROPOSED to proceed with the Taking in Charge of Estates commencing with those who have already applied to be taken in charge.

Cllr. B. Cronin welcomed the statement that a Draft Policy document on the Taking in Charge of Estates would be brought before the Council for adoption by June. A number of private developments have been left in an unsatisfactory position and this is a very important issue for the many Resident's Associations who have invested a lot of time in trying to secure the completion of their estates. He added that the taking in charge of estates will have a substantial funding implication for the Council.

Cllr. M. Gleeson SECONDED the motion and requested that a copy of the reply be brought to the Killarney Electoral Area Meeting the following Wednesday.

5 Road realignment works at Kells, Co. Kerry.

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

"That Kerry County Council explain the reason for its failure to give priority to the road re-alignment at Kells, Co. Kerry when submitting a list of roads to the National Roads Authority and advise as to whether or not the €350,000 granted for another section of that road could be diverted to start the re-alignment works"

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

This project on the N70 National Secondary Route between Kells Post Office and Kells Station was included in Kerry County Councils list of projects submitted to the National Roads Authority for consideration in October 2007. It was PROPOSED by Kerry County Council that the project receive €1m of funding in 2008. The total sum of funding PROPOSED for the 2008 National Secondary Pavement and Minor Improvement programme in the County in this initial submission was €13.22m.

In the request for proposals, in August 2007, the NRA advised all local authorities that focus was to be given to pavement overlay schemes and any re-alignment schemes which were under construction at that time with a completion date in 2008 or those minor improvement schemes where a preliminary design and land purchase was completed.

The list of priority projects was prepared having regard to the criteria specified by the NRA. The NRA did not request for the schemes to be prioritised in order but we were informed that on receipt of this information the NRA would meet with each Road Authority to discuss the proposals.

Information in relation to the Carriageway width, Engineering condition, Geometric consistency over 2km in either direction, Safety records, Environmental constraints, Traffic counts, Structural constraints on the existing route and a cost breakdown for the PROPOSED improvements, in a format specified by the NRA is submitted with the list of schemes.

Following this meeting, a revised shortened list, as directed by the NRA, was resubmitted, excluding the following projects on the National Secondary Improvement Scheme programme and reducing the financial submission to €9.12 million; N70 Castlemaine to Milltown, N70 Caherdaniel to Castlecove, N72 Ballymallis, N70 Sneem to Castlecove, N70 Kells Post Office to Kells Station and N72 Barraduff Bridge.

The allocation received this year, from the NRA for National Secondary Pavement and Minor Improvement Projects, is €6.095m, as was advised to all Councillors, on the 31st January 2008. This funding is primarily for pavement overlay works and the continuation and completion of minor improvement

schemes from last year. No funding has been provided by the NRA for re-alignment works on the National Secondary Road network.

A sum of €350,000 has been provided by the National Roads Authority to enable the re-alignment scheme on the N70 at Kells to be surfaced with Hot Rolled Asphalt. This funding is committed to completing the outstanding works on this section of the N70.

The prior approval of the NRA has to be sought for all projects where we request funding to be transferred from another project and is only given in exceptional circumstances where difficulties are experienced in not spending the grant allocation on a particular scheme, for reasons outside the Council's control.

Cllr. P. O'Donoghue said that he was given to understand that the realignment works at Kells would be carried out in 2008 but Kerry County Council moved it down the priority list. He requested that he be given assurances that this project would be given priority in 2009.

Mr. C. O'Sullivan, Director of Roads refuted the allegation that staff in Kerry County Council took the Kells realignment project off the priority list. The list forwarded to the NRA was a list of projects which were considered to be a priority in no particular order. He undertook to include the Kells Road Improvement Scheme on the list for submission to the NRA for funding for 2009.

6 Repairs to the R563 Killarney/Milltown Road and the Lyre Road leading to Milltown Transfer Station.

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

"To ask the County Engineer when will repairs commence on the Killarney - Milltown Road, known as the R563 and the Lyre Road heading to the Milltown Transfer Station"

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

There is a Sewerage Scheme on-going at present in Milltown. There have been sewer pipes laid on both of these roads and the trenches will have to be maintained by the contractor for twelve months following substantial completion of the contract. It is not PROPOSED to surface these sections of road until after the twelve month maintenance period for the contract has elapsed.

A section of the R563 Regional Road between Farran Cross and Milltown lies outside these works and the possibility of re-surfacing this section in the 3rd Quarter of 2008 is being examined at present. These works are subject to additional funding being made available by the Department of Transport through the Specific Improvement Grant.

In relation to the Lyre Road, the Killorglin Area Office have just completed edge strengthening and passing bays on this Local Primary Road.

Cllr. M. O'Shea said that the R563 and the Lyre road are in an appalling condition. He commended the local Area Engineer Brian Hickey and Mr. Pdraig Teahan for doing their best to keep this road in a reasonable state of repair and he asked why the restoration work had not been done on these roads. He called on the Environment Department to fund improvement works to the Lyre Road leading to the Transfer Station prior to the summer.

Cllr. M. Healy-Rae supported the motion.

7 Imposition of earlier closing hours on fast food outlets

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

"That this Council calls on the Minister not to impose early closing hours on "fast-food" outlets. This plan would not have any significant effect on anti-social behaviour, as only a very small amount of problems occur at these outlets. It would, however, create a major inconvenience to people and would remove a very important refuge from the point of view of safety and comfort, while people wait for taxis or to be picked up by family members"

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

Cllr. P. McCarthy said that this Notice of Motion relates to a proposal that opening hours for fast food outlets would be reduced by 1 hour. He PROPOSED that this restriction would not proceed. When pubs and night clubs close hundreds of people pour out onto the streets and in Ireland there is six months bad weather. They often have to wait for up to two hours for taxis and buses and at least if the fast food outlets were open they would have someplace safe to shelter from the elements and anti social behaviour. The proposal from Government appears to indicate that fast food outlets are a source of trouble. This is not so and Gardai are well equipped to deal with any incidents that occur. If people have to wait outdoors for taxis and buses a small number will eventually be left and they will be exposed on the streets. He PROPOSED that fast food outlets would not be forced to close an hour earlier.

Cllr. T. O'Brien SECONDED this proposal.

8 Provision of a roundabout at the Church, Spunkane, Waterville

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

"That Kerry County Council calls on the NRA to provide funding for a roundabout at the Church at Spunkane, Waterville as requested by the local community. This is a very dangerous location and would more than justify

having a roundabout located at it"

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

This junction on the N70 National Secondary Route was re-surfaced with Hot Rolled Asphalt and re-lined in 2006. These works complemented a Safety Measures Scheme that had been undertaken some years before, where comprehensive warning signage had been placed at the approaches to the junction. A design proposal to change the entire layout of the junction had also been examined at this time, but agreement could not be reached with local landowners to advance the proposal.

It is difficult to justify the need for a roundabout at this location, having regard to existing traffic volumes at this junction and the works carried out to date have addressed the safety issues that were previously identified. The provision of a roundabout at this location would be contingent on the approval of and funding by the NRA. It is most unlikely that the proposal would receive favourable consideration from the NRA, particularly with the investment in the road safety measures in recent times.

Mayor M. Healy-Rae informed the meeting that when roadworks were being undertaken at this location one of the roads was closed and this meant that traffic had to slow down. A number of cars have driven into the Church wall and graveyard wall at this location and he was satisfied that there was more than ample justification for the provision of a roundabout there. He called on the NRA to carry out a Feasibility Study on the provision of a roundabout at the Church, Spunkane, Waterville.

Cllr. M. O'Shea SECONDED the motion and it was agreed to forward it to the NRA for consideration.

9 Provision of dedicated cystic fibrosis treatment facilities at Cork University Hospital

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

"That this Council urges the Minister for Health and the H.S.E. South to ensure that dedicated cystic fibrosis treatment facilities are provided in Cork University Hospital.

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

Cllr. T. Ferris informed the meeting that the life expectancy of a cystic fibrosis sufferer in Ireland is less than in any other country in the world. She acknowledged the trojan work done by parents of cystic fibrosis sufferers and in particular of Mr. Joe Browne, Castleisland who has constructed two houses in order to raise funds for these facilities. It is only right that the Department of Health would meet parents half way.

Cllr. M. Cahill SECONDED the motion.

Cllr. B. Cronin also supported the motion and said that in Ireland the life expectancy of a cystic fibrosis sufferer is somewhere between 21 and 25 years of age. He has a cousin in England who is now 41 and she cannot return home to Ireland as the facilities are not available for cystic fibrosis sufferers. In conclusion he said that the Pollock Report contains startling facts about the inadequacies of the facilities and services available in Ireland for cystic fibrosis sufferers.

10 Ring of Kerry Road

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

"In view of the NRA's failure to adequately provide funding and to upgrade Ireland's premier tourist route, I propose that the Minister for Transport be requested to transfer responsibility for the Ring of Kerry Road to his own Department or Kerry County Council"

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

The classification of national, regional and local roads is a statutory function of the Minister for Transport in accordance with the provisions of Section 10 of the Roads Act, 1993. The overall responsibility for the planning and supervision of works for the construction and maintenance of national roads is the general duty of the NRA as defined in Section 17 of the Roads Act, 1993.

In 2008, Kerry County Council received €9,569,009 from the NRA for improvement and maintenance works on the 336 km of National Secondary Road network. This includes a sum of €5,369 per km for normal maintenance of our National Secondary Roads.

The grant allocation from the Department of Transport for the maintenance and improvement of 455 km of Regional Roads and 3,826 km of local roads is approximately €22.7 million. This funding with the Council's own resources of €4.89 million provides an allocation of €1,407 per km for normal maintenance of the non-national road network.

The implications of this motion are to request the Minister to reclassify the premier tourist road in the country as a Regional road. This could result in less funding being available for works on the Ring of Kerry and I would caution members on the negative perception this could have for the county, particularly in promoting its tourism potential.

Cllr. M. Cahill said that the NRA has failed miserably to fund the Ring of Kerry Road which is Ireland's premier tourist route. Caragh Bridge and Mountain Stage have been ignored and these realignment works have been put on the long finger. He called on the Department of Transport to transfer responsibility for the Ring of Kerry Road either to Kerry County Council or his own Department. The Ring of Kerry Road is not the same as any other National Secondary Route as it is the premier tourist route in the country. Many applicants on the Ring of Kerry Road have been refused planning

permission on the grounds that the road needs improving and if this road is not improved they will have to wait for years to get permission. He called on the Minister to upgrade the status of this road and to provide additional funding for improvement works to it. This road should be made safe to allow two buses to pass on it.

Mr. C. O'Sullivan, Director of Roads said that the Minister for Transport could be requested to change the legislation to reclassify this road as a Regional Road. He accepted that the level of funding provided for improvements to national secondary roads has been disappointing. However, it would be a retrograde step to request the Minister to transfer responsibility for this road to either his own Department or Kerry County Council as the only option open to him would be to reclassify the road as a Regional Road.

Cllr. M. Cahill said that the NRA had failed the members of Kerry County Council, the general public, tourists and landowners and all road users in not providing adequate funding for improvements to this road and some parts of this road are extremely dangerous.

Mr. C. O'Sullivan, Director of Roads suggested that a letter be forwarded to the NRA indicating the members disappointment with the level of funding being provided and seeking additional funding.

Cllr. M. Cahill agreed to this.

Cllr. M. Healy-Rae SECONDED the motion.

14 Provision of 80km signs on all traffic calming junctions

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

"That Kerry County Council call on the NRA to put 80km signs on all traffic calming junctions as many motorists seem to ignore the fact that they should reduce speed"

Cllr. M. Cahill moved this motion on behalf of Cllr. J. Sheahan.

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

Traffic calming is essentially a method of reducing vehicle speeds by self-enforcing traffic engineering methods. These physical methods are installed in accordance with a National Roads Authority publication; Guidelines on Traffic Calming for Towns and Villages on National Routes. These guidelines specify the suite of signage which is required at the specific locations and in what particular order they are erected, as well as the civil works that needs to be installed. The majority of traffic calming occurs at or within the designated speed limit. The introduction of additional signs over and above those specified needs the approval of the NRA. In discussions with the NRA they are not in favour of placing extra signs as they feel the visual impact can be lost by having too many repeat

signs.

15 Increased allocation for the Kerry Enterprise Board

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

"That Kerry County Council call on the Department of Enterprise, Trade & Employment or an Enterprise Ireland Central Co-Ordination Unit for CEB's (County Enterprise Boards) to increase the financial contribution to Kerry Enterprise Board in line with budget sought, especially in a period of rising unemployment in the County. At present, the allocation for this year is 60% short of budget submission which is in line with current project demand. To date, the present budget is 90% committed for 2008 despite just completing 3 months works"

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

Cllr. J. O'Connor said that members want to have a good rate base in Kerry. Over the last number of years the IDA have failed to create any jobs in the county and the County Enterprise Board is the only organization assisting employment in the County. In 2007 Kerry County Enterprise Board received the 17th largest allocation while in 2008 they dropped to 24th. He asked why did some counties, who have 2 County Enterprise Boards in the county such as Tipperary, receive almost double the allocation that Kerry received in 2008. Their proximity to Dublin means that they receive a far greater level of funding under Transport 21 and many jobs are being created there. In the first 3 months of 2008, 90% of the Budget has already been allocated in Kerry. He requested that a letter be forwarded to the Minister for Enterprise Trade and Employment requesting an additional allocation for the Kerry County Enterprise Board in 2008.

Cllr. T. Ferris SECONDED the motion and said that the Kerry County Enterprise Board assisted in the creation of 65 jobs in 2007.

17 Road signage at the entry point to roundabouts

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

"That the Council in conjunction with the N.R.A. would ensure that road signage at the entry point to each Roundabout would no longer be so located as to eliminate an adequate view of the traffic approaching and entering the roundabout from the road to the immediate right i.e. the road at 270 degrees"

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

The design and layout of signage at roundabouts is governed by the Traffic Signs Manual published by the Department of the Environment, Heritage & Local Government. This manual is currently being updated and will be available later this year. In reply to the particular query raised i.e. the mounting heights of directional signs on the roundabout splitter islands,

the distance from the underside of the sign to the ground level varies between 750mm and 2100mm. The height of the sign is dependent on the information printed on the sign. In general, the higher figure of 2100 is used where pedestrian traffic would be using the splitter islands. However, in most other situations, the lower mounting height is used. However, the sign should never interfere with the sight triangle required at the roundabout. All new roundabouts are subject to 3 stage safety audits and any sign interfering with sight lines would be identified and relocated.

Where there are any concerns in relation to existing roundabouts at specific locations, the Council will examine the locus and where possible rectify any problems identified in accordance with the design standard.

Cllr. M. Gleeson stated that inappropriately located road signage at the entrance to roundabouts frequently restricts proper visibility of traffic approaching from the right. This can result in very dangerous situations and in traffic accidents. He called for an overall review of signage at these locations. He added that to properly use a roundabout involves the ability to do proper lane selection and this clearly demands advance signage. Such clear signage is imperative in a tourist area in order to eliminate confusion and to ensure safety. It is most certainly dangerous to have signage at eye level on the triangular section at the entrance to a roundabout. He welcomed the fact that this review is presently taking place and that road signage at the entrance to roundabouts would be replaced where necessary.

18 Works carried out at Cuas Crom Caherciveen

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

"That Kerry County Council furnish a full and detailed report in relation to the works carried out at Cuas Crom, Caherciveen, the purpose of which it is understood were to protect the car park and to advise as to the total costs of same and the cost of restoring the said works on a number of occasions since then because of storm damage. Also please outline as to when it is intended to carry out proper works which will bring upon a permanent solution to the problem"

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

The works carried out at Cuas Crom are termed as "Beach Ridge Restructuring" and were constructed in accordance with the technical specifications in the "Environmentally Friendly Coastal Protection - Code of Practice". The works were designed following extensive consultation with the Department of Communications, Marine and Natural Resources, who were grant aiding the works. The primary purpose of the works was to mitigate against the erosion of the existing car park and reduce the amount of material being deposited on to the car park in adverse weather conditions.

Having regard to the level of grant aid provided, in the sum of €20,000, this

was considered to be the only economically viable proposition. It was recognised by the Council and Coastal Marine Engineers from the Department that the success of the project was contingent on very favourable weather conditions to allow for the growth and matting of grass, which had yet to be sown. Since the works were constructed we have experienced extremely adverse tidal conditions, with the highest waves recorded in history by Met Eireann. These tidal conditions have caused extensive damage to the works. The total cost of constructing the coastal protection works was €26,860 and a further €2,960 has been spent on repairs in the past 5 months.

The only other options available would be for the provision of rock armouring or the construction of seawalls and revetments, which would be substantially more expensive and for which the level of grant aid is most unlikely from central Government, considering the level of funding available nationally for coastal protection works. Council will be aware of the difficulties that we are experiencing in seeking the recovery of costs for coastal protection works at other locations throughout the county, most notably at Inch, where the Council is currently carrying a debt of almost €3 million.

In view of the representations made on behalf of the local community and the difficulties being experienced in retaining the berms for the protection of the car park, as well as the on-going associated costs, it is evident that the coastal protection works are insufficient and will have to be removed. However, it must be recognised that unless substantial funding is committed by central government, the Council will not be in a position to protect the car park from further erosion.

Cllr. P. O'Donoghue requested that the coastal protection works carried out at Cuas Crom be removed immediately.

Mr. C. O'Sullivan, Director of Roads confirmed that these works would be carried out.

19 Meeting with Minister Gormley in relation to the establishment of a Golf Course at Inch

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

"To ask the County Manager to seek a meeting with the Minister for the Environment John Gormley T.D. with a view to establishing a Golf Course at Inch"

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

We understand that there are ongoing discussions between the developer/owners and the Department of Environment, Heritage and Local Government in respect of the development of a Golf Course at Inch. It is

felt that the best course of action is to await the outcome of the discussions.

Mr. O'Brien informed Cllr. O'Shea that Cllr. S. Fitzgerald had earlier proposed that a letter would be sent to Minister Gormley requesting that he meet with a deputation from Kerry County Council regarding the provision of a Golf Course at Inch.

Cllr. M. O'Shea said that the County Manager is extremely supportive of the provision of a golf course at Inch as it would have economic benefits for the entire county. He did not believe that sending a deputation to meet with Minister Gormley would be successful and he called on the County Manager to make contact with Minister Gormley in an effort to progress this matter.

20 Increase in the head room at the tunnels on the Kenmare/Glengarriff Road

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

"With regard to the tunnels on the Kenmare/Glengarriff Road, where I am seeking to have the road reduced to gain more height in the tunnel, to enable new buses to go through and also to include strip lighting in the interest of safety"

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

The Roads, Transportation and Safety Department have been in discussion with Cork County Council in relation to this issue as the principal tunnel on this section of the N71 National Secondary Route is on both sides of the County bounds and any proposal would have to be agreed between the two Local Authorities. Whilst, it would be desirable to increase the headroom through the tunnels, by up to 1m, in particular for larger modern tour buses, the lowering of the roadway would require a detailed feasibility study including an engineering, geological and financial assessment. To advance the proposal, funding would have to be provided by the National Roads Authority for such a Feasibility Study. The matter can be examined with the National Roads Authority.

In relation to the provision of strip lighting, the Roads, Transportation and Safety Department are aware that the NRA examined this proposal previously. However the cost of providing these lights was prohibitive at that time due the non-availability of electricity supply in this remote area. This aspect would also be examined as part of the feasibility study.

Mayor M. Healy-Rae requested that a letter be forwarded to the NRA seeking funding for the carrying out of a Feasibility Study on the possibility of lowering the level of this road and also on the provision of strip lighting. He added that while there is no electricity available in this area there must be some method of using solar energy which would provide lighting at this location. He suggested that the Energy Officer be requested to investigate the possibility of providing lights at this location with the use of solar power.

21 Opposition to Britain's EU Commissioner Peter Mandelson's proposals to the WTO

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

"That Kerry County Council urgently calls on the Government to vehemently oppose Britain's EU Trade Commissioner Peter Mandelson's proposals to the W.T.O. and to support all farming organisations by safeguarding Ireland's farming and food industry which accounts for in excess of 300,000 jobs"

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

Cllr. M. Cahill said that the World Trade Talks will take place in Geneva in May and it is proposed to cut tariffs on beef, lamb and pork meat etc. This could result in large amounts of these meats coming on the Irish market from non EU countries and it would have a devastating effect on agriculture in Ireland. 10,000 farmers marched in Dublin in their opposition to these proposals on Thursday last and this is the biggest farming led protest for many years in Dublin. A number of agriculture related industries also shut down on the day in support of this protest. The IFA have predicted losses of €4bn in exports if these proposals are agreed and many farmers will be put out of business. He acknowledged the work of Minister Coughlan in her opposition to these proposals and said that the onus is on Kerry County Council to call on the Government to take action against them.

Cllr. J. O'Connor supported the motion.

22 Change in the specifications for new National Secondary Roads

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

"That this Council calls on the NRA to change the present specification for new national secondary roads in order to provide a hard shoulder particularly where white lines are installed at the centre of the roadway"

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

The standard specification for carriageway widths used on re-aligned sections of National Roads is based on the NRA "Design Manual for Road and Bridgeworks" (DMRB) having regard to existing and projected traffic volumes over a 20 year design period as well as the volume of HGV's. Where full re-alignment works are carried out on sections of the National Secondary road in Kerry, the specified width generally consists of a 7 metre carriageway with centre and edge lining. There is a half metre hard strip either side. There is also a requirement for a 2.5 metre verge running on either side of the roadway. This gives an overall cross sectional width of 13 metres.

The specification also provides for adequate overtaking opportunities on

long sections of re-aligned roads and where there is a significant volume of HGV's on long steep stretches.

Having regard to the limited funding available for improvements to the National Secondary Road network, most of the minor improvements on the network are carried out within existing road boundaries. Full re-alignment is substantially more expensive, requiring land acquisition, more detailed design and increased construction costs.

All proposals for minor improvements and re-alignment on National roads have to be sanctioned by the NRA, who are the funding authority. In particular, any proposal to deviate from the requirements of the DMRB has to be fully justified in a detailed design report to the NRA.

Cllr. P. McCarthy welcomed the comprehensive report and said that the report is quoting the present rules and regulations. With a 7m roadway a .5m hard shoulder and a 2.5m soft verge there is space to provide a 3m hard shoulder inside the yellow line. This would be particularly beneficial at the new stretch of road at Leith. This road is 1.3km long with a continuous white line for 1.2km of it. When a stretch of road is improved it is intended to improve traffic flow. This is not happening at this location as traffic cannot overtake a slow moving vehicle due to the continuous white line and oncoming traffic. A 3m hard shoulder should be provided inside the yellow line to allow slow moving traffic to move in for the safety of all road users and to improve traffic flow. He requested that the resolution be forwarded to the NRA and the Minister for Transport for consideration.

This was agreed.

24 Provision of a bus stop on the N22 at Clonkeen

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

"That Kerry County Council would request that the NRA re-consider their decision to allow for a bus stop on the N22 at Clonkeen. There is ample room and it would be of great benefit to the people there"

Cllr. M. Cahill moved this motion on behalf of Cllr. J. Sheahan.

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

It is not feasible on safety grounds to construct a bus stop at this location, as it is located in a rural area of the N22 National Primary Route where the maximum speed limit of 100 km/h applies.

25 Proper completion of Knocklyne Estate

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

"That the Planning Authority would now use the funds acquired from the draw down of the bond (€25k) to oversee the proper completion of the

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Knocklyne Estate development environmental conditions, since attempts by the Planning Authority over the last 3 years to enforce completion of the conditions have failed"

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

The Planning Authority has drawn down monies from the bond held with the purpose of completing the landscaping at this development and undertaking a CCTV survey.

However, the Developer subsequently arranged for the CCTV survey to be undertaken and also for certain landscaping works to be completed.

The Planning Authority has met with the residents of this development on foot of previous Notices of Motion submitted to the Killorglin Electoral Area Meetings. The outstanding works that remain to be completed in full compliance with the conditions of the permission granted as identified by the residents relate to:- (a) street lighting, (b) the green areas and (c) the boundary fence.

(a) Street Lighting

Following a recent inspection of the development, it was confirmed that two street lights within the development are not operational. This matter will be pursued.

(b) Green Areas

Following the recent inspection of the development undertaken after a period of dry weather, there was no evidence of the ponding as evidenced during the previous inspection in January on the Green Area within the development. However, a response to correspondence issued to the Developer in February, 2008 has not been received and the Planning Authority understands that no improvement works have been undertaken to this Green Area. Furthermore, the landscaping to the Green Area located inside the main entrance has not been undertaken. A reminder letter will now issue to the developer and the Planning Authority will continue to monitor the situation.

(c) Boundary Fence

The conditions of the permission granted require that the timber boundary fence along the public road be replaced by a block wall. This work has not been undertaken. An alternative boundary of hedging and fencing may satisfy the terms of the condition, however, this is a matter to be negotiated and agreed with the residents. The Planning Authority will now continue to pursue this matter.

In light of the up to date position on site at this development as outlined above with the outstanding works now substantially complete, it is not considered necessary to use the monies drawn down from the bond. The

Planning Authority will continue to monitor the completion of all works and to liaise with the residents on the matter.

Cllr. J. O'Connor said that the problems with the completion of this estate have been ongoing for the past three years. The Bond has been drawn down and the Council should ensure that the works are completed.

Cllr. M. Cahill SECONDED the motion.

26 Under-grounding of all heavy duty power lines by the ESB

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

PROPOSED:-

"Ask the ESB to underground all heavy duty power lines in the interest of health and safety"

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

Mayor M. Healy-Rae requested that the motion be forwarded to the ESB for consideration.

Cllr. M. Cahill SECONDED the motion.

27 Meeting with the NRA regarding the footpaths on the Killarney road out of Killorglin town.

Pursuant to notice duly given Cllrs. J. O'Connor & M. Connor-Scarteen

PROPOSED:-

"That a meeting be arranged with the top officials of the NRA in relation to safety and the footpaths on the Killarney Road out of Killorglin Town"

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

The National Roads Authority is fully aware of this project and provided funding of €270,000 in 2007, under the National Secondary Road Safety measures. The allocation for Safety Measures schemes has been reduced substantially this year, with €469,400 provided for road safety measures at 4 locations. The Roads, Transportation and Safety Department do not consider it necessary to request a specific meeting with the National Roads Authority in relation to the this specific location at present. However, further submissions will be made to the NRA for future funding, under the National Secondary Road Safety measures programme.

Cllr. J. O'Connor said that there is an urgent need for additional footpaths on this road. When funding was provided for footpaths they were not provided for an adequate distance and there have been two fatalities on this road.

28 Involvement of County Councils and the Community Alert in preserving the environment from the surge of illegal dumping.

Pursuant to notice duly given Cllrs. P. McCarthy & L. Purtill PROPOSED:-

"That the officials of the Environment Department of this Council arrange a meeting with their counterparts in Co. Cork and Co. Limerick and with Mr. Dermot Cronin, Development Officer for Southwest Community Alert and their representatives to discuss strategy for involving the County Council's and the Community Alert in preserving the environment from the surge of illegal dumping"

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

It is our opinion that the meeting in question might best be organised through the Regional Waste Management Office based in Limerick, which has a coordinating role at regional level. We will make contact with the office with a view to arranging such a meeting.

Cllr. P. McCarthy said there has been a surge in illegal dumping in particular over the past six months. He had recently been in contact with Mr. Dermot Cronin who has a role in organizing and developing the role of Community Alert organizations in Munster. They are willing to consider this matter with the various Environment Departments and Community Alert Groups and it could be beneficial to all.

Mayor M. Healy-Rae requested that a letter be forwarded to the Regional Waste Management Office to arrange this meeting as soon as possible.

This was AGREED.

30 Acquisition of a site for a burial ground at Cromane

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

"That Kerry County Council acquire a site for a burial ground at Cromane as a matter of urgency, as the residents are campaigning for a burial ground for over 20 years now"

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

A two acre site was identified in 2007 and discussion between the landowner and the Council is ongoing. A second landowner has this year come forward and this site is also now under consideration.

Cllr. M. Cahill requested that priority be given to the acquisition of land for a burial ground in Cromane in 2008. This has been ongoing for many years and it is a big parish with its own Church and no burial ground.

08.04.21.26 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Mayor M. Healy-Rae, SECONDED by Cllr. P. O'Donoghue it was agreed to authorize the attendance of Cllrs. T. Fleming and T. Ferris at the Housing Conference on the theme "*A Shared Future – shaping the fabric of our communities*" to be held in Cork on the 24th – 25th April, 2008.

Cllr. T. Fleming was nominated to report back to the Council on this conference.

- (b) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. McCarthy it was agreed to autorise the attendance of Cllrs. S. Fitzgerald, J. Sheahan, B. MacGearailt, P. O'Donoghue, A. McEllistrim, M. Healy-Rae and D. Healy-Rae at the TJK Planning Seminar to be held in Limerick on the 25th – 26th April, 2008.

Mayor M. Healy-Rae was nominated to report back to the Council on this seminar.

- (c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. O'Donoghue it was agreed to authorize the attendance of Cllrs. P. O'Donoghue, D. Healy-Rae, J. O'Connor and M. Healy-Rae at the Kerry County Council Environment Seminar to be held in the Brandon Hotel on the 30th April, 2008.

Cllr. P. O'Donoghue was nominated to report back to the Council on this seminar.

- (d) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. O'Donoghue it was agreed to authorize the attendance of Cllrs. M. Connor-Scarteen, T. Fitzgerald, J. Sheahan, T. Fleming and M. Healy-Rae at the Local Government Anti Poverty Learning Network Meeting on the theme "*The Implementation of Phase 2 of RAPID*" to be held in Tullamore, Co Offaly on the 30th April, 2008.

Cllr. T. Fitzgerald was nominated to report back to the Council on this meeting.

- (e) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. S. Fitzgerald it was agreed to authorize the attendance of Cllrs C. Miller, L. Purtill, B. Cronin, J. Sheahan, T. Fleming and M. Healy-Rae at the Border, Midland and Western Regional Assembly Conference on the theme "*Quality of life –Improving the Regions Competitive Advantage*" to be held in Portlaoise, Co Laois on the 1st May, 2008.

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

- (f) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. O'Donoghue it was agreed to authorize the attendance of Cllrs. L. Purtill, S. Fitzgerald, J. Sheahan, P. Leahy, P. O'Donoghue, M. Healy-Rae, D. Healy-Rae and J. O'Connor at the Kerry Literary and Cultural Centre Conference on the theme "*The Role of Local Government in Community and Rural Development*" to be held in Listowel on the 8th – 9th May, 2008.

Cllr. J. Sheahan was nominated to report back to the Council on this conference.

- (g) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Cahill it was agreed to authorize the attendance of Cllrs. J. Sheahan, P. O'Donoghue, M. Healy-Rae, T. Fleming and D. Healy-Rae at the Kerry Community Transport Ltd International Conference on the theme "*Current Practice and Future Opportunities for Rural Community Transport in Ireland*" to be held in Tralee on the 14th -15th May, 2008.

Cllr. D. Healy-Rae was nominated to report back to the Council on this Conference.

- (i) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. O'Shea it was agreed to authorize the attendance of Cllrs. M. Connor-Scarteen, T. Fitzgerald, L. Purtill, S. Fitzgerald, T. Fleming, J. O'Connor and M. Healy-Rae at the Southern and Eastern Regional Assembly 9th Annual Conference on the theme "*EU Territorial Co-Operation Programmes (Interreg) 2007 – 2013 –what's in it for regional and local bodies in Ireland*" to be held in Newtownmountkennedy, Co Wicklow on the 16th May, 2008.

Cllr. L. Purtill was nominated to report back to the Council on this conference.

- (j) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P. McCarthy, it was agreed to authorize the attendance of Cllrs. L. Purtill, B. Cronin, P. O'Donoghue, J. Sheahan, A. McEllistrim, M. Healy-Rae, D. Healy-Rae and M. O'Shea at the Seminar for Councillors on the theme "*Local Government and the Environment*" to be held in Ballyvaughan, Co Clare from the 16th – 18th May, 2008.

Cllr. M. Shea was nominated to report back to the Council on this seminar.

- (k) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea it was agreed to authorize the attendance of Cllrs T. Fitzgerald, B. Cronin, J. Sheahan, M. O'Shea, T. Fleming, D. Healy-Rae and M.

Healy-Rae at the National Adult Literacy Agency Conference on the theme *"Literacy and the Local Authority: How to develop literacy friendly policies and practices across the organization."* to be held in Galway on the 21st May, 2008.

Cllr. T. Fleming was nominated to report back to the Council on this Conference.

- (l) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. McCarthy, it was agreed to authorize the attendance of Cllrs. M. Healy-Rae, T. Ferris, M. Connor-Scarteen, P. McCarthy, J. Sheahan, M. Cahill, T. Fleming, D. Healy-Rae and J. O'Connor at the Mitchel Conference on the theme *"Moving on from Conflict, Lessons from Northern Ireland"* to be held in Belfast on the 22nd and 23rd May, 2008.

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

- (m) On the PROPOSAL of Cllr. M. Shea, SECONDED by Cllr. P. O'Donoghue it was agreed to authorize the attendance of Cllrs T. Fitzgerald, A. McEllistrim, M. Healy-Rae, M. O'Shea, T. Fleming, D. Healy-Rae, J. O'Connor, P. O'Donoghue and M. Cahill at the Kerry Mental Health Association Annual Conference 2008 on the theme *"Making Mental Health a National Priority"* to be held in Killarney from the 23rd - 25th May, 2008.

Cllr. M. Cahill was nominated to report back to the Council on this conference.

- (n) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. O'Donoghue it was agreed to authorize the attendance of Mayor M. Healy-Rae at the IPA Conference on the theme *"A Public Service for the Future - the OECD Challenge"* to be held in Dublin on the 29th May, 2008.
- (o) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea it was agreed to authorize the attendance of Mayor M. Healy-Rae at the Ireland and Northern Ireland's Population Health Observatory's Training Workshop to be held in Thurles, Co Tipperary on the 22nd April, 2008.
- (p) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. O'Shea it was agreed to approve the attendance of Cllr. P. O'Donoghue at the Merrimann Summer School held in Lisdoonvarna, Co Clare from the 19th - 25th August, 2007.

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- (q) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. P. O'Donoghue at the AMAI Conference 2007 held in New Ross, Co Wexford from the 13th – 15th September, 2007

08.04.21.27 Correspondence General

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

1. Letter dated 25th March, 2008 from the Office of the Minister for Transport, regarding Valentia Coast Guard Station.
2. Letter dated 5th March, 2008 from the Office of the Minister for Foreign Affairs regarding the Iran nuclear issue.
3. Letter dated 29th February, 2008 from the Office of the Minister for Agriculture, Fisheries and Food concerning proposals to publish names of farmers who are in receipt of direct payments.
4. Letter dated 4th March, 2008 from the Department of Agriculture, Fisheries and Food regarding the transportation of dead animals.
5. Letter dated 6th March, 2008 from Clones Town Council regarding a resolution adopted by that authority calling on the Minister for Health to appoint an ombudsman in the Department of Health.
6. Letter dated 6th March from Clones Town Council regarding a resolution adopted by that authority regarding Agency employment.
7. Letter dated 28th February, 2008 from Clonmel Borough Council regarding a resolution adopted by that authority calling on the Minister for Justice to continue to oppose any move by Bookmaker Chains to have gaming machines placed in their offices.
8. Letter dated 28th February, 2008 from Macroom Town Council regarding a resolution adopted by that authority regarding Agency employment.
9. Letter dated 25th February, 2008 from Tralee Town Council regarding a resolution adopted by that authority calling for the reinstatement of the co-habitee tax relief on properties in which they reside.
10. Email dated 14th March, 2008 from South Dublin County Council regarding a resolution adopted by that authority regarding services for Cystic Fibrosis patients.
11. Email dated 28th March, 2008 from Leitrim County Council regarding a resolution adopted by that authority regarding the provision of a viable and workable rail freight service.
12. Letter dated 14th March, 2008 from Macroom Town Council regarding a resolution adopted by that authority regarding the provision of a by-pass for Macroom.
13. Email dated 23rd March, 2008 from Friends of the Elderly seeking the oldest working person in every county in Ireland.
14. Report dated 3rd April, 2008 from Mr. G. O'Brien, A/SEO Corporate

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Affairs regarding EU Habitat Directive and the cessation of Turf Cutting.

15. Report dated 14th April, 2008 from Mr. C. O'Sullivan, Director of Roads and Transportation regarding the status of funding for Renard Pier.

Cllr. J. O'Connor referred to letter dated 29th February, 2008 from the Office of the Minister for Agriculture, Fisheries and Food concerning proposals to publish the names of farmers who are in receipt of direct payments. The reply received only states that the matter would be brought to the Minister's attention. He asked that the Minister's office be contacted with a view to getting a more detailed reply.

This was AGREED.

08.04.21.29 Any Other Business

Cllr. T. Ferris said that Senator Mary White organized an excellent conference recently on suicide prevention. At that time she indicated that she was considering developing a half day training programme for elected members. She asked that a letter be forwarded to Senator White congratulating her on the Conference and asking her if she is pursuing the training for elected members.

The meeting concluded at 4.45pm.

Gerard O'Brien
A/SEO Corporate Affairs

Mayor of Kerry