

**May Ordinary Meeting 2008**

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY 19<sup>th</sup> May, 2008.

*MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 19<sup>th</sup> BEALTAINÉ, 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	J. Sheahan	

**Apologies:**

L. Purtill

**IN ATTENDANCE/I LÁTHAIR**

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. M. McMahon, Director of Planning	Mr. J.D. Flynn, Director of Corp. Servs.
Mr. O. Ring, Director of Water Services	Mr. J. Breen, Director of Housing
Ms. A. Haugh, Dir. of Environment	Mr. C. O'Sullivan, Director of Roads
Mr. G. O'Brien, A/SEO, Corp. Serv.	Ms. J. McCarthy, SEO Planning
Mr. T. Sheehy, SE Planning	Mr. M. O'Donoghue, SEO HR
Ms. A. McAllen, Fin. Mgmt. Accnt.	Mr. P. Corkery, Press & Comm. Officer
Mr. K. Parrott, A/SEE Corp. Affairs	Mr. C. Van Schoor, Exec. Planner
Ms. D. Griffin, SO, Corporate Affairs	Ms. L. Sheehan, ASO Corporate Affairs
Ms. K. Felle, CO, Corporate Affairs	

The meeting commenced at 10.40am.

Mayor M. Healy Rae took the Chair.

The Mayor commenced the meeting with a prayer.

**Vote of Sympathy**

Cllr. D. Healy Rae extended a vote of sympathy to the family of the late Maurice Galvin, Iron Mills, Killarney. He expressed his sympathy to Mr. Galvin's wife, Bina, and his family. The Healy-Rae family would not have been elected to Kerry County Council without men like Maurice Galvin and the effort he gave over the years in helping with elections. Maurice's help was immense and he was a respected man in Iron Mills, Killarney, and all over Kerry. He contributed immensely to elections and political life. He expressed his thanks to the Galvin family for their support to the Healy-Rae family over the years.

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Mayor M. Healy Rae paid the following tribute to Mr. Galvin.

*“I wish to pay a special tribute to Maurice Galvin and to sympathise with his wife, Bina, his sons, Eamon, Dermot, James, Mossie, Mike and John, his daughter-in-law, grandchildren, nephews, nieces and relatives.*

*Maurice was a larger than life character. He was known all over the county and country and respected highly by people everywhere. Originally from Kilgarvan, he played hurling with Kilgarvan in his younger days.*

*He was extremely active in politics in South Kerry and was a life long friend, adviser and close confidant to my father Jackie Healy-Rae, TD. The determination that he showed during the course of the 1997 General Election, despite the fact of his advancing years, was absolutely unbelievable. He canvassed from early morning until late into the night and his one goal and objective was to win the seat.*

*From my own point of view, whether it was going to Ard Fheis’ or By-Elections with Maurice, my father and Pats Guerin, I could honestly say that you would learn more from being in Maurice Galvin’s company that you would gain from attending the best University in Europe. His commonsense approach, his steely determination and knowledge of all subjects was absolutely second to none.*

*He was highly regarded in his place of work in St. Finian’s Hospital, Killarney, where he worked all his life and the massive attendance at his removal and burial was a testament to his popularity among his many, many friends.*

*I know that Jackie Healy-Rae will miss him every day and we as a family will be forever in his debt.”*

Cllr. R. Beasley extended a vote of sympathy to the Kennelly family, Marian Crescent, Ballybunion, on the death of their mother Maureen Kennelly, R.I.P.

Cllr. D. Kiely seconded this proposal.

Mayor M. Healy Rae extended a vote of sympathy to the family of Toby Ship. Mr. Ship died over the weekend in Sneem.

Mayor M. Healy Rae acknowledged the tremendous attempts made by the Sneem Fire Brigade to save Mr. Ship. The Station Officer received the call and got to the Station in less than four minutes. A Fire Officer living beside the station had everything ready in under a minute. The Sneem Fire Brigade made a valiant effort to save Mr. Ship and they did everything they could in the circumstances. He complimented the staff of the Sneem Fire Brigade.

### **Vote of Congratulations**

Mayor M. Healy Rae extended a vote of congratulations to Ms. Katie Nolan from Castleisland who was selected as the 2008 Kerry Rose on Saturday last. She will be a great ambassador for the county over the next year. He complimented all participants in the Kerry Rose selection and also Mr. Daithí Ó Sé who was the host for the selection night.

**Fishing Ban in Cromane**

Cllr. M. Cahill referred to the fishing ban in Cromane. The draft net season opened last Tuesday and just a day after the season started, Minister Eamon Ryan, banned draft net fishing in the harbour. Nine boats and their crews are affected in the area. These men have been fishing all their lives and the fishing season is only for a period of ten weeks. Licences have been given to people for the Laune and Caragh Rivers. He called on a Minister to reverse this decision.

Mayor M. Healy Rae supported the sentiments expressed by Cllr. Cahill and added that Deputies O'Donoghue, Sheahan, Healy Rae and Ferris are all aware of this issue. A Junior Minister passed this Bye-Law which stopped drift net fishing in Cromane. All fishermen have paid for their licences.

Cllr. P. O'Donoghue said he is acting on behalf of the fishermen and this is being referred to another forum.

Mayor M. Healy Rae said that members fully supported the fishermen.

**Naming of the New Roundabout on the By-Pass Road, Killarney.**

Cllr. D. Healy Rae sought approval for the naming of the roundabout at Woodlands on the Killarney By-Pass after Mackey O'Shea. A resolution was passed at a previous council meeting asking Killarney Town Council members to consider naming the new roundabout after Mackey O'Shea. Killarney Town Councillors have given their approval to this. He PROPOSED that the new roundabout on the By-Pass Road in Killarney be named the 'Mackey O'Shea Roundabout'.

Mayor M. Healy-Rae SECONDED this proposal.

Mr. G. O'Brien, A/SEO, said a letter was received from Killarney Town Council on the 16<sup>th</sup> May, 2008 which states that at the May meeting of Killarney Town Council it was agreed to call this roundabout the Mackey O'Shea Roundabout.

Cllr. M. Cahill and Cllr. J. Sheahan supported this proposal.

It was agreed that the new roundabout on the By-Pass Road in Killarney be named the 'Mackey O'Shea Roundabout'.

**Ardfert Playground**

Cllr. T. Ferris said at the March meeting she called for funding to be allocated for the Ardfert Playground. She referred to minutes of the March Council Meeting which state "Cllr. T. Ferris said that she would take it that the Council were agreeing to fund the Ardfert Playground in 2008." All members present at that meeting supported the motion and she thanked the members for their support. To date the playground has not received funding. And the committee has requested a letter of commitment on funding from Kerry County Council. The local community has raised substantial funds for the playground. The Playground Committee are waiting to commence work on the playground and the equipment is ready to be delivered. The committee need confirmation that funding will be provided. LEADER funding is increasing from August and the Ardfert Playground Committee will be the only group looking for this funding. The community wants a place for the children to play this summer.

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Mr. J. Breen, Director of Housing and Community & Enterprise, undertook to follow up this matter immediately with regard to ensuring Ardfert does progress in the context of the playground scheme. To-date Government funding for playgrounds has not been restored and as a result of this Kerry County Council is short €120,000.

Cllr. T. Ferris said that with respect the same response was given by Management in March and it is non-committal. She said she was asking for a letter for the Playground Committee confirming that funding will be provided for their playground in 2008.

Mr. J. Breen said there was an indication that Government would restore funding for playgrounds but no formal notification to this effect has yet been received.

Cllr. J. Brassil said he wished to support Cllr. Ferris on this issue. Members agreed that Ardfert playground would progress and receive funding. Having gone through the process in Ballyheigue, he was aware of what is involved. If the suppliers get a letter of comfort they will do the work. A lot of work has been done by local people and he asked that a commitment be given that the letter would be sent to the Playground Committee.

Cllr. T. Fitzgerald also supported the motion. He said he hoped there would be a positive response on this issue.

Cllr. R. Beasley said the playground should not be held up for the sake of a letter and he supported the motion also.

Cllr. N. Foley said that a letter of comfort for the suppliers is all that is being sought.

Mayor M. Healy Rae said a Council meeting would be held the following Monday and he requested that a response be given to members on the funding for Ardfert Playground at the start of the meeting.

### **Shannon LNG**

Cllr. D. Kiely referred to the proposed Shannon LNG Terminal in Tarbert which was recently granted planning permission. The route they will take to Tarbert has now been agreed. He said for years he has been trying to secure a gas line for the county and all counties in the West of Ireland have a gas supply. He asked that the Kerry County Manager would contact Shannon LNG to ensure there is a Transfer Station in Tarbert which can be utilized with a view to supplying the county. This is a priority for development in the county. The people of this county would then have access to gas in the future. The Tarbert Power Station is for sale at the moment and as oil is so expensive at the moment, it would be ideal to link into the gas supply. He called on the County Manager to contact Shannon LNG with regard to this matter.

Cllr. P. Leahy supported this motion.

### **Increase in Free Fuel Allowance**

Cllr. D. Healy Rae referred to the concerns of people on Social Welfare with regard to the cost of home heating oil which is increasing. He PROPOSED that a letter be forwarded to the Minister for Social Welfare requesting him to increase Free Fuel

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Allowance. Even though it is coming into the summer, the elderly still feel the cold and need heating in their houses.

Cllr. R. Beasley SECONDED this motion. He said the price of fuel is very expensive and the allowance should be doubled to make up for the increase.

Mayor M. Healy Rae supported this motion.

### **School Flashing Warning Lights on Furies/Killarney Road**

Cllr. B. Cronin said at the last Killarney Area Meeting he moved a motion regarding the School Flashing Warning Lights on the Furies/Killarney Road which were out of order. Numerous efforts have been made to fix these lights but they keep failing. At the Killarney Electoral Area Meeting he was assured that new lights would be installed. Unfortunately this has not happened. The Board of Management and the Parents Committee have met on this matter. It is very dangerous at this area as cars double park, the volume of traffic is huge and there is a risk of an accident. The Council has the road closed for repair at the moment. He appealed to the Director of Roads & Transportation to ensure in this school term that new flashing lights will be installed for the safety of children and parents.

### **Unauthorised Development at Quarries**

Cllr. B. Cronin said he had to raise a serious issue with regard to the March Council Meeting and he read the following report into the record of the meeting:

*“At the March 10<sup>th</sup> meeting of Kerry County Council, chaired by Deputy Mayor Cllr. Danny Healy Rae, I had Motion No. 7 on Agenda seeking details of illegal or unauthorised quarries or excavation being operated in Kerry without planning and all details of landowners enforcement proceedings. The reply given by Planning Department identified 8 cases and stated that 6 more cases where the owners were unknown. Based on documents in my possession it is now clear that all information was not disclosed to Council Meeting. A copy of unauthorised Development Site Report carried out on 11<sup>th</sup> February 2008 at a site in Gortnaboul, Kilgarvan by Chris Van Schoor, Planning Enforcement for quarries, recommended to proceed with enforcement action. Enforcement Notice dated February 14<sup>th</sup> was live on the date of Council Meeting March 10<sup>th</sup>. The land in question was part of a 38 house planning application 06-2309, refused by Kerry County Council – appeal to An Bord Pleanála and refused – and has been zoned residential in the Kilgarvan Area Plan. The owner is a Mr. Dan Healy, Gortnaboul Partnership, Kilgarvan – better known to us Councillors as Cllr. Danny Healy Rae, who chaired the Council Meeting while this motion on unauthorised quarrying and excavation was being discussed. I will not accept information being concealed from this Council by the Planning Office when I seek information and details. Based on documents in my possession, the Planning Department knew the full details. The landowner in question, Cllr. Danny Healy Rae, knew and did not disclose the situation to the Council Meeting being in the unique position of chairing a meeting of the Policing Authority - Kerry County Council, while we were discussing enforcement proceeding against 14 other cases. This gave the landowner a powerful and unfair advantage over the other 14. The Planning Department knew and said nothing. This seems to be a cover up and warrants investigation. But rest assured I will not request Kerry County Council to investigate what is going on here – this must go outside the County.”*

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Mr. M. McMahon, Director of Planning, said that he did not have advance notice of this issue. However, the information given in reply to the motion at the March Council Meeting was accurate on the day the motion was dealt with. He confirmed that there was an investigation on a site in Kilgarvan and on the date the report was given that file was closed.

Cllr. B. Cronin said the letter from the Planning Department which was sent closing this file was dated 18<sup>th</sup> March 2008.. It contradicts what the Director of Planning is saying.

Cllr. T. Fitzgerald said that this is a very serious issue and he asked how Management proposed to deal with it.

Mr. M. McMahon said that every notice of motion is taken seriously and accurate information is given in the response. To his knowledge when the reply to this notice of motion was prepared this file was closed.

Mayor M. Healy Rae said, on the basis of the allegation by Cllr. Cronin, he was requesting the Director of Planning to bring forward a report, outlining the facts, at the next Council Meeting on this matter. He said that he could not make any comment on this issue.

Cllr. B. Cronin said he wanted it to be clear that he did not want Kerry County Council to investigate this matter as the investigation should be carried out by an independent body. He said he will not accept any report from Kerry County Council as a solution to this. The evidence he had in his possession must be recorded.

Mayor M. Healy Rae said *“you are making an allegation, the person you are making it against is my brother. I want to be clear about what I am saying. Today I cannot ignore what you have said. My answer is to ask the Director of Planning to prepare a report on this. I have no problem vacating the Chair, if necessary, when this report will be considered at the June Council Meeting.”*

Cllr. B. Cronin said that he does not expect any support or backing on this issue. Having regard to the information in his possession it would be wrong to remain silent.

Cllr. J. Brassil supported Cllr. T. Fitzgerald. A notice of motion was tabled by Cllr. Cronin who feels the reply was inaccurate. Cllr. Brassil requested that a report be presented to members on this issue at the next meeting.

Mr. T. Curran, County Manager, said he takes very seriously any accusation that there was a cover up by Management with a report. It calls into question the credibility of Management. He welcomed the opportunity at the next Council Meeting to clarify the situation.

#### **08.05.19.01 Mayor’s report on the CPG Meeting held on 13<sup>th</sup> May, 2008**

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

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### **Item 1 Submission to the Commission on Taxation in relation to Local Government Financing**

*Mr. J. O'Connor, Head of Finance, briefed members on this item and said that it would be considered in detail under Item No. 9 on the agenda for the full council meeting.*

### **Item 2 Agenda for the May Council Meeting**

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

*In relation to Item No. 5, the Draft Development Contribution Scheme 2008, Mr. M. McMahon, Director of Planning, briefed members on this item and said that it would be dealt with at Item No. 5 on the agenda for the full council meeting.*

*Following a discussion on the proposed extension to County Buildings it was unanimously agreed by the members of the CPG to recommend approval by the Elected Council to the proposed development and the raising of the necessary loan.*

### **Item 3 Update on the County Development Board**

*Ms. C. Brosnan informed the meeting that the most recent CDB meeting was held on 2nd May, 2008. Significant issues discussed were:*

- (a) It was agreed to draw up Terms of Reference for the Executive of the Board, i.e. the group which agrees the agenda for Board meetings and deals with urgent matters arising between meetings.*
- (b) Consultants are profiling service provision in the Tralee-Killarney Linked Hub Area. It was agreed that a series of planning days be devoted to the development of a Results-Based Strategy to be completed by November 2008.*
- (c) The Board heard from the Education & Forum Development Worker who has been put in place to:*
  - Organise a countywide training event.*
  - Develop a plan for family learning.*
  - Examine need for counselling for post-primary school students.*
- (d) The Board agreed to examine the new report on strengthening county development boards i.e. The Indecon Report. A half day will be set aside in September to consider the recommendations and develop best practice for Kerry County Development Board. It was noted that the model of a Board Executive, which is already in place in Kerry, is now being recommended country-wide.*
- (e) In accordance with the Board's policy on reports from member organisations the following presentations were made:*
  - A presentation from Mr. Tom Shanahan on the service provided by Teagasc in the county.*
  - Chief Superintendent Liam Hayes gave an overview of An Garda Síochána staffing structure and policing plan for the county.*

### **Item 6 Update from the Chairs of the SPCs**

*Cllr. T. O'Brien informed the meeting that a Planning SPC meeting was held last week. A report on this meeting will be made to a future Council Meeting.*

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*Cllr. R. Beasley informed the meeting that a Community, Culture and Tourism SPC meeting will be held on 28th May, 2008. A report on this meeting will be made to a future Council Meeting.*

### ***Item 7 Any other business***

*Mr. G. O'Brien informed members that correspondence was received from The Rehab Group seeking nominations for the People of the Year Awards 2008. The closing date for nominations is 1st June, 2008. A copy of the correspondence is enclosed under Item No. 17 (Correspondence General) on the agenda for the full council meeting.*

Mayor M. Healy Rae thanked Cllr. Kiely for taking the CPG Meeting on 13<sup>th</sup> May, 2008. He reminded members that they should give serious consideration to Item 7 - The People of the Year Awards 2008. Members are active in their areas and they should consider submitting nominations for People of the Year Awards. He asked the members to take special note of this.

### **08.05.19.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. A. McEllistrim, it was resolved that the minutes of the March Ordinary Meeting of Kerry County Council held on the 10<sup>th</sup> March, 2008, be confirmed.
- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. S. Fitzgerald, it was resolved that the minutes of the Special Roads Meeting of Kerry County Council held on the 31<sup>st</sup> March, 2008, be confirmed.
- (c) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. T. O'Brien, it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on the 14<sup>th</sup> April, 2008, be confirmed.

Cllr. T. Ferris said that she was in attendance at this meeting, and requested that her attendance record be amended.

- (d) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. T. Fitzgerald, it was resolved that the minutes of the April Ordinary Meeting of Kerry County Council held on the 21<sup>st</sup> April, 2008, be confirmed.

### **08.05.19.03(a) Material Contravention of the Kerry County Development Plan 2003 – 2009 and the Caherciveen Local Area Plan 2006 – 2012 to grant permission to Mary O'Driscoll, The Parsonage, Caherciveen, Co. Kerry.**

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

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 in relation to an application for permission to construct a dwelling house and garage at The Parsonage, Cahersiveen per planning application reg. no. 08/355.

**Name of Applicant:**

**Address of Applicant:**

Mary O' Driscoll  
9 Merlyn Park,  
Dublin 4.



Agent:

Location of Proposed Development:

Location of Proposed Development, Contd.:

Nature/Description of Proposed Development:

Planning Reg. No:

Decision Due Date:

Planning History

Zoning

Objections/Submissions:

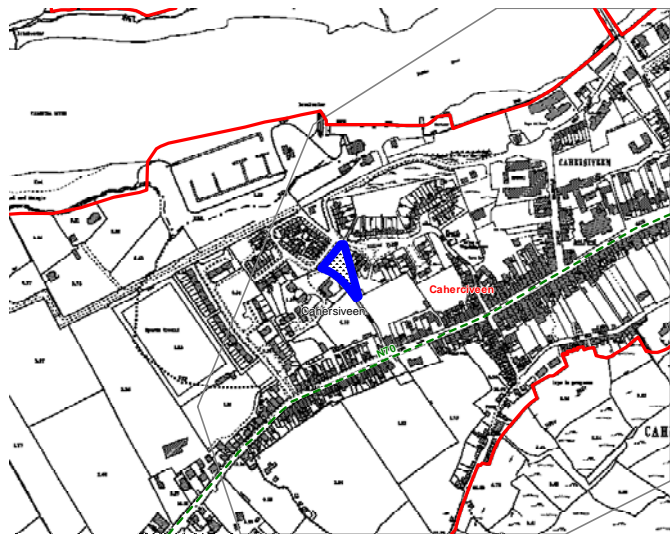
Appraisal:

Patrick Griffin

The Parsonage, Cahersiveen

The site is located in a residential area close to Cahersiveen Town Centre. The site is triangular in shape and is surrounded by a high wall except for a gateway at its northern corner where it is proposed

to develop the vehicular access to the site. The eastern boundary of the site is also the rear boundary fence to a terrace of four dwelling houses, Nos 29 to 32 Marian Place. There is an estate roadway running along the north-western boundary of the site and a narrow pedestrian way along the south-western boundary.



Permission to construct a two-storey dwelling house and a detached garage.

08/355

Material Contravention procedure initiated with publication of the statutory notice in the Irish Examiner newspaper on 8<sup>th</sup> April 2008.

None on site

The proposed development is located in an area zoned for 'Recreational/Open Space/Amenity Area' in the Cahersiveen Local Area Plan 2006 – 2012.

No submissions received.

- (1) Visual Impact. The proposed development is located in a walled site in a residential area. The predominant house type in the vicinity is two-storey and the proposed house design would not be out of keeping with existing development in the area.

- (2) Residential Amenity. The layout and design of the proposed house are such that it would not over-look or otherwise impinge on the amenities of any existing residential properties in the area.
- (3) Traffic: Proposed vehicular access is considered suitable for exit on to housing estate road.
- (4) Effluent Disposal: Site is served by public foul sewerage system.

**Conclusion**

The proposal is considered acceptable as the development comprises a new dwelling house in a residential area close to the centre of Cahersiveen. The location and configuration of the site are such that it would not be suitable for development for recreational purposes, as open space or as an amenity area in accordance with the zoning objective set out in the Cahersiveen Local Area Plan.

Having regard to the location of the site within the development boundary of Caherciveen and to the availability of services, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

**Recommendation for permission :**

A decision to grant permission is recommended with the following conditions:

- (1) The development shall be carried out entirely in accordance with the plans and particulars received by the Planning Authority on 20/02/2008 except for any alterations or modifications specified in this decision.

**Reason: To regulate and control the layout of the development.**

- (2) No part of any garage or other exempted structure shall be erected within 2.5metres of the centre of any divisional boundary or adjoining property on either side of the proposed dwelling house.

**Reason: To regulate and control the layout of the development.**

- (3) (a) Proposed dwelling house shall be in accordance with the design drawing received on 20/02/2008.
  - (b) Roof shall be covered with slates or tiles which shall be either black, dark-grey or blue-black. The colour of the ridge tile shall match the colour of the roof.
  - (c) All external finishes shall be neutral in colour, tone and texture.

**Reason: To integrate the structure into the surrounding area.**

- (4) The finished floor level shall be in accordance with the details received on 20/02/2008.

**Reason: To integrate the structure into the surrounding area.**

- (5) The dwelling house shall be connected to the public water supply network.

**Reason: In the interest of public health.**

- (6) Under no circumstances shall the applicant\developer cut or otherwise interfere with the public road for the purposes of connection to public services without a road opening licence.

**Reason: In order to protect public property**

- (7) The proposed development shall be connected to the public sewer at the applicant's expense to the satisfaction of the Water Services Section of Kerry County Council. Full details of the sewer connection (including longitudinal sections and invert levels) shall be submitted to the Planning Authority within 4 weeks of the date of this decision.

**Reason: In the interest public health and to prevent pollution.**

- (8) (a) The existing roadside boundary shall be retained except for where its removal is necessary for the construction of an entrance with adequate sight lines.  
(b) Vehicular access to the site shall be located as shown on the Site Layout Map received on 20/02/2008.

**Reason: In the interest of traffic safety.**

- (9) Formation of the new vehicular entrance shall not cause surface water or seepage water to flow onto the road surface. No water from the proposed development shall be allowed to flow onto the public road surface.

**Reason: To avoid a traffic hazard and protect public property.**

- (10) The site shall be landscaped with suitable indigenous trees, shrubs and hedges to the satisfaction of the Planning Authority.  
All landscaping and screening shall be carried out within the first growing season following occupation of the dwelling house.

**Reason: In order to integrate the development into its setting and in the interests of biodiversity and the proper planning and sustainable development of the area**

- (11) Prior to the commencement of development the developer shall pay a contribution of **EUR 4660** to Kerry County Council (Planning Authority) in respect of public water and sewerage infrastructure and facilities benefiting the development.  
The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2009 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.**

- (12) Prior to the commencement of development the developer shall pay a contribution of **EUR 515** to Kerry County Council (Planning Authority) in respect of community infrastructure, environmental amenities and facilities benefiting the development.  
The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2009 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with**

**Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.**

(13) Proposed garage shall be located and constructed in accordance with drawings and details received on 20/02/2008.

**Reason: To regulate and control the layout of the development.**

(14) The external materials and finishes to walls, roof and windows to the proposed garage shall match the dwelling house.

**Reason: To integrate the structure into the surrounding area.**

(15) The proposed dwelling house and proposed garage shall remain as one integral unit under one ownership and neither properties shall be disposed of as a separate entity.

**Reason: To regulate and control the density of development on this site in the interest of orderly development.**

(16) The garage shall be used for private domestic storage purposes only and not for any commercial, residential or agricultural uses.

**Reason: To regulate the use of the site.**

Cllr. P. O'Donoghue PROPOSED that permission be granted to Mary O'Driscoll, The Parsonage, Caherciveen, Co. Kerry to construct a dwelling house and garage at The Parsonage, Caherciveen, Co. Kerry, in accordance with plans submitted on Planning Register Number 08/355.

Cllr. M. Cahill SECONDED this proposal.

Mr. G. O'Brien, A/SEO, informed the meeting that a vote would be taken on the PROPOSAL by Cllr. P. O'Donoghue, SECONDED by Cllr. M. Cahill, that a resolution be made that permission be granted to Mary O'Driscoll, The Parsonage, Caherciveen, Co. Kerry to construct a dwelling house and garage at The Parsonage, Caherciveen, Co. Kerry, in accordance with plans submitted on Planning Register Number 08/355.

The vote resulted as follows:

**For:** Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, D. Healy-Rae, Kiely, Leahy, MacGearailt, McEllistrim, O'Brien, O'Connell, O'Connor, O'Donoghue, Sheahan, M. Healy-Rae (21)

**Against:** None (0)

**Not Voting:** None (0)

**Absent:** Cllrs. Fleming, Gleeson, McCarthy, Miller, O'Shea, Purtill (6)

The Mayor declared the proposal CARRIED.

**(b) Material Contravention of the Kerry County Development Plan 2003 – 2009 and the Tralee & Killarney Environs Local Area Plan 2007 to grant permission to TJ and Gertrude Barry, Lisloose, Tralee, Co. Kerry.**

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Cllr. A. McEllistrim PROPOSED that a resolution be made that permission be granted to TJ and Gertrude Barry, Lisloose, Tralee, Co. Kerry, in respect of (a) Outline Permission to erect four dwelling houses, (b) Permission for a new entrance, access road and all associated works and services, (c) retention of existing dwelling house within revised boundaries, complete with all associated services, site works and miscellaneous works including connections to water main and mains sewer in accordance with plans submitted on Planning Register No. 07/4153.

Cllr. T. O'Brien SECONDED this proposal.

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

Implementation of the Material Contravention Procedure, under and in accordance with Section 34 of the Planning & Development Act, 2000, in respect of Outline permission to: (a) erect four dwelling houses, (b) Permission for a new entrance, access road and all associated works and services, (c) Retention of existing dwelling house with revised site boundaries, complete with all associated services, site works and miscellaneous works including connections to water main and mains sewer per planning application register no. 07-4153.

<b><u>Name of Applicant:</u></b>	TJ and Gertrude Barry
<b><u>Address of Applicant:</u></b>	Lisloose, Tralee
<b><u>Agent:</u></b>	John Phelan
<b><u>Location of Proposed Development</u></b>	Lisloose, Tralee
<b><u>Nature/Description of Proposed Development:</u></b>	Outline permission to (a) erect four dwelling houses (b)Permission for a new entrance, access road and all associated works and services, (c) Retention of existing dwelling house with revised site boundaries, complete with all associated services, site works and miscellaneous works including connections to water main and mains sewer.
<b><u>Planning Reg. No:</u></b>	07/4153
<b><u>Decision Due Date:</u></b>	21 May 2008 consequent on the initiation of the Material Contravention procedure with publication of the statutory notice in the Irish Examiner newspaper on 31 <sup>st</sup> March, 2008.
<b><u>Planning History</u></b>	07/2447: the applicant sought outline permission to (a) erect four dwelling houses, (b) permission for a new entrance, access road and all associated services. This application was subject to a request for further information and was subsequently withdrawn by the applicant. 99/2836: Outline permission was granted to the applicant for two dwellings.
<b><u>Development Plan/policies</u></b>	The subject site is zoned "passive open space" in the Tralee & Killarney Environs Local Area Plan .
<b><u>Appraisal:</u></b>	<ul style="list-style-type: none"><li>• Having regard to the zoning of the proposed lands, for passive open space in the Tralee Environs Local Area Plan 2007, the residential development as proposed would materially contravene this zoning. It is,</li></ul>

therefore, necessary to implement the material contravention procedure prior to recommending a grant of permission.

- The application site abuts the Tralee Town Development Boundary at its southern end where there is existing established residential development. Lands have been zoned in the Tralee Environs Plan 2007 for R1 – residential, low density development to the north and west of the site. Due to the location of the site in close proximity to existing and proposed residential development sites and the town development boundary, it is considered that the granting of outline permission/ permission/retention is considered appropriate.
- Having regard to the plans and particulars submitted on the 07/11/07 and on the 06/03/08, it is considered that the proposed development would not impact on the visual and residential amenity of the town nor create a traffic hazard at the junction onto the public road to the north-east, subject to specific conditions.

***Objections/Submissions:***

None received

***Recommendation:***

A decision to grant outline permission/permission/retention permission is recommended subject to the following conditions as listed in Schedules 2(2) and 2(b) hereto:

***SCHEDULE 1***

**Having regard to the existing pattern of development in the area and to any submissions received in relation to the application, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be visually obtrusive or out of character with the existing pattern of development in the vicinity, would not seriously injure the amenities of properties in the vicinity or be otherwise contrary to the proper planning and sustainable development of the area.**

**Schedule 2(a) Permission for a new entrance, access road and all associated works and services. Retention of existing dwelling house with revised site boundaries, complete with all associated services, site works and miscellaneous works including connections to water main and mains sewer.**

1. The development shall be carried out in accordance with plans and particulars received on 07/11/07 and as amended by the further information received on the 06/03/08 except for where altered herein. All site development works and services shall be carried out in accordance with the Department of the Environment publication 'Recommendations for Site Development Works for Housing Areas.'

**Reason: In the interests of orderly development.**

2. (a) The management and maintenance of the proposed development following its completion shall be the function and responsibility of a properly constituted management company.

- (b) Prior to the commencement of any development on this site, the developer shall enter into an agreement with the Planning Authority under Section 47 of the Planning and Development Act 2000 to deal with the ongoing management and maintenance of the development, including responsibility for maintenance of roads and footpaths, water supply, storm and foul drainage, public lighting, electrical, telephone and other underground services and public open spaces.
- (c) The Section 47 agreement shall provide for the establishment of a management company whose legal status shall be proven to be adequate to provide for the ongoing management and maintenance in perpetuity of the facilities within the development.

**Reason: In the interest of orderly development and to provide for the ongoing management and maintenance of the proposed development which will not be taken in charge by the Local Authority.**

Before the development is commenced the developer shall lodge with the Planning Authority a Bond in the sum of **EUR 53,550** coupled with an agreement to empower the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. Such Bond will be increased from 1<sup>st</sup> January, 2009 and annually thereafter in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office to the value pertaining at the time of payment and shall be from an approved Financial Institution as may be acceptable to the Planning Authority to secure the provision and satisfactory completion and maintenance of roads, footpaths, water supply, foul sewer, and drainage required in connection with the proposed development. The Bond shall remain in place for a period of 12 years from the date of grant of permission or until such time as the development has been completed to the satisfaction of the Planning Authority in accordance with the conditions of the planning permission granted (whichever is the sooner).

**Reason: In order to secure the satisfactory completion of the development.**

- 3. The developer shall engage the services of a qualified archaeologist to monitor all ground disturbance aspects of the proposed development at the time of construction. The developer shall be prepared to facilitate the archaeologist in the recording and recovery of any archaeological material encountered. The archaeologist will be empowered to halt development work, if necessary, for the purpose of recording and recovering any archaeological material encountered. A report on the archaeological monitoring shall be forwarded to the Planning Authority and to Dept of the Environment, Heritage and local government, upon completion.

**Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.**

- 4. Prior to the commencement of development, the developer shall pay a contribution of **EUR 18,640.00** to Kerry County Council (Planning Authority) in respect of public water and sewerage infrastructure and facilities benefiting the proposed development. A separate charge will also be required when a new connection is made to the public watermain/sewer. The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1<sup>st</sup> 2009 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.**

5. Prior to the commencement of development the developer shall pay a contribution of **EUR 2,060.00** to Kerry County Council (Planning Authority) in respect of community infrastructure, environmental amenities and facilities benefiting the proposed development. The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1<sup>st</sup> 2009 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.**

6. The development shall be named in Irish and English. The name shall have an association to the area, i.e it shall reflect some geographical, historical, social etc characteristic of the area. A name plate shall be erected at the entrance to the access road in a location clearly visible to drivers. Houses shall be numbered in a logical sequence which shall be agreed with the Planning Authority prior to the commencement of construction.

**Reason: For easy identification and to facilitate personnel servicing site.**

7. **(a) Prior to the occupation of each dwelling house**, all site development works shall be substantially completed in accordance with the conditions attached to this decision in order to ensure an adequate means of access and the provision of all services to facilitate the development.

(b) On completion of the development, the developer shall submit a certificate from an approved person stating that all the works carried out to-date on the development are in accordance with:

- The 'Recommendations for Site Development Works for Housing Areas' as issued by the Dept. of the Environment and Local Government
- Any other condition which may have been imposed as a condition of planning.

(c) On completion of the works the developer shall submit a set of as-constructed drawings indicating the on-site position of all structures and services. These drawings shall include the location of all sewers, watermain, ESB and Telecom ducting. Details of all pipes sizes, inverts, manholes, cover levels, hydrants and stopcock locations as well as records of all pipe tests shall be included as a minimum.

(d) The proposed service roads and paths shall be maintained to allow for the easy passage of pedestrians and vehicles throughout all stages of the development and building construction.

**Reason: In the interest of orderly development**



8. Prior to the commencement of any works on site, the developer shall carry out an evaluation and quantification of all construction, demolition and excavation waste (including hazardous waste) likely to arise during all phases of development/construction and shall develop a waste management and disposal plan for all such wastes arising. A copy of this plan shall be submitted to the Planning Authority for agreement and approval prior to Commencement Notice stage.

**Reason: In the interests of orderly development.**

9. (a) Adequate sight distances shall be provided at the junction of the proposed service road with the private and at the junction of the private road with the public road in accordance with the Site Layout Map, received on 07/11/07. The applicant shall be responsible for all works (road widening, provision of public footpath, public lighting etc) on the public road associated with the proposed access junction and public infrastructure serving the development.
- (b) Any new wing walls at the junction of the service road with the private road shall be constructed in sod and stone or native stone. Wing walls forming the entrance shall be erected to a height of not more than 1 metre over existing road level, and shall be splayed at an angle of 45° to the line of the front fence.
- (c) Details of all works on the public road shall be agreed in advance with Kerry County Council.
- (d) Formation of the junction of the service road with the private and the upgrading of the junction of the private road with the public road shall not cause surface water or seepage water to flow onto the public road surface.
- (e) Formation of the junction of the service road with the private road shall not interfere with roadside drainage which shall be maintained, repaired or made good to the satisfaction of the Roads Authority.

**Reason: In the interests of traffic safety and to protect public property.**

10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason: In the interest of orderly development and the visual amenities of the area.**

11. (a) Any works involving the cutting of a public road shall be carried out by Kerry County Council at the applicant's expense on foot of a road opening licence.
- (b) Under no circumstances shall the applicant/developer cut the public road.

**Reason: In order to protect public property.**

12. (a) Existing boundary screening including mature trees shall be retained in full as per details received 07/11/07. All tree planting shall be carried out in public and private areas in accordance in the landscaping plan received on 07/11/07.
- (b) All new site boundaries shall be provided with thick native hedges. These hedgerows shall include such native species as holly, whitethorn and furze.
- (c) Any failure of plant/shrubs/tree through disease, damage or removal within the first three years after planting shall be replaced by such similar species.
- (d) All hard surfacing, kerbing, paving shall be carried out in accordance with plans and particulars received on 07/11/07.

**Reason: In the interests of visual amenity.**

13. Site construction working hours shall be confined to between 0730 hours and 1900 hours on Monday to Friday and 0800 hours to 1830 hours on Saturdays. No on-site works shall be permitted on Sundays or Public Holidays without the prior written agreement of the planning authority.

**Reason: In the interest of protecting residential amenity.**

14. (a) The proposed development shall be connected to the public water supply network.  
(b) Each dwelling shall be separately connected to the public water supply network and provided with a stop cock to the approval of the Planning Authority to be located in the footpath outside the curtilage of individual sites  
(c) The applicants shall provide an adequate number of fire hydrants. Full details shall be agreed with the Fire Services Authority prior to commencement of development.  
(d) The proposed development shall be connected to Tralee Town Council's Sewer through an existing private estate at the applicant's expense in accordance with the plans and sections received on 07/11/07, 06/03/08, to the satisfaction of the Water Services Section of Kerry County Council.  
(e) Storm water shall be disposed of in accordance with the proposals received on the 07/11/07, to the satisfaction of the Water services department. No surface water shall be permitted to enter the public foul sewer network.

**Reason: In the interests of orderly development.**

15. A river side walk shall be provided along the entire length of the southern site boundary connecting into the proposed internal footpath serving the development. The path shall be finished in a material to be agreed with the planning dept. All planting and hard/soft landscaping shall be completed prior to the occupation of any of the dwellings.

**Reason: In the interests of visual amenity.**

**Schedule 2(b) Outline Permission for permission to construct 4 dwelling houses.**

16. The proposed development shall be located and constructed in accordance with plans and particulars received on 07/11/07 and as amended by the further information received 06/03/08 except for where altered herein.

**Reason: To regulate and control the layout of the development.**

17. The scheme shall comprise of 4 detached dwellings.

**Reason: In the interest of orderly development.**

18. The exact location of the proposed dwelling houses shall be determined at permission consequent stage.

**Reason: To regulate and control the layout of the development.**

19. No part of the proposed dwelling house or other structure to be erected on this site shall be located within 4.5 metres of the centre of any divisional boundary on either side of the proposed dwelling house.

**Reason: To regulate and control the layout of the development.**

20. (a) Proposed dwelling house to be erected on this site shall be single-storey/single-storey with attic accommodation lit by roof lights only/dormer of traditional design and construction with external walls of concrete finished in smooth or dashed plaster or finished in native stone.

- (b) The roof shall be pitched A-type, gable ended, not less than 30° and not more than

45° pitch covered with slates or tiles which shall be either black, dark-grey or blue-black in colour. The colour of the ridge tile shall match the colour of the roof.

(c) The windows in the front elevation of the proposed structure shall have a vertical emphasis.

(d) Finished floor level shall not be more than 200mm above existing ground level measured at the lowest point along the external walls of the dwelling house.

(e) The roof ridge height shall not exceed 6.5 metres over finished floor level.

(f) At Permission consequent stage, the applicant shall submit cross-sections through the site indicating the existing and proposed ground levels and the proposed finished floor level and the road level to comply with the above.

**Reason: In order to integrate the structure into the landscape**

21. A landscaping proposal for each dwelling shall be submitted at permission consequent stage.

**Reason: In the interest of visual amenity**

22. Notwithstanding the provisions of the Local Government (Planning and Development) Regulations, 2001, as amended, no part of any dwelling house or apartment shall be used for the purpose of provision of overnight commercial guest accommodation without a prior grant of permission for such development.

**Reason: To ensure the preservation of a good standard of amenity.**

Mr. G. O'Brien, A/SEO, informed the meeting that a vote would be taken on the PROPOSAL by Cllr. A. McEllistrim, SECONDED by Cllr. T. O'Brien, that a resolution be made that permission be granted to TJ and Gertrude Barry, Lisloose, Tralee, Co. Kerry, in respect of (a) Outline Permission to erect four dwelling houses, (b) Permission for a new entrance, access road and all associated works and services, (c) retention of existing dwelling house within revised boundaries, complete with all associated services, site works and miscellaneous works including connections to water main and mains sewer in accordance with plans submitted on Planning Register No. 07/4153.

The vote resulted as follows:

**For:** Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, D. Healy-Rae, Kiely, Leahy, MacGearailt, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Sheahan, M. Healy-Rae (23)

**Against:** None (0)

**Not Voting:** None (0)

**Absent:** Cllrs. Fleming, Gleeson, McCarthy, Purtill (4)

The Mayor declared the proposal CARRIED.

### ***Material Contravention in Duagh***

Cllr. R. Beasley said he had approached the Planning Department regarding a similar Material Contravention for a planning applicant in Duagh whose land was omitted from the Duagh Local Area Plan in error by an agent. Cllr. Beasley provided the applicants name and address to the Director of Planning and asked him to consider initiating the material contravention procedure in respect of this application.

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Cllr. T. Ferris said the land in question is surrounded by zoned land and the applicant's agent omitted to submit it for consideration. The Planning Department has not been amenable to the application.

Mayor M. Healy Rae requested that a report be prepared for the next Council Meeting on this issue.

#### **08.05.19.03 Report 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 Rossbeigh Sewerage Scheme.**

Cllr. M. Cahill declared that in accordance with Section 177 of the Local Government Act 2001 he has a beneficial interest in this property as he is the owner of part of the site.

Cllr. M. Cahill then left the meeting.

Mr. O. Ring, Director of Water Services, referred members to his report dated 25<sup>th</sup> April 2008 on this item which was circulated. He briefed the members on the report.

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Connor-Scarteen, it was agreed to note the report on the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning & Development Act 2000 and Part VIII of the Local Government (Planning and Development) Regulations 2001 in respect of Rossbeigh Sewerage Scheme/development of a Constructed Wetlands System and associated works in the townland of Faha (ED Glanbehy), Rossbeigh, Co. Kerry.

Cllr. J. O'Connor asked if this type of system can be used by individual planning applicants in rural areas.

Mr. O. Ring said this type of system is part of the EPA Guidelines and similar systems are also accepted by the EPA. This is the first time Kerry County Council is using this system.

Cllr. J. O'Connor said he was involved in this on the Environment Committee with the ICMSA. It would be beneficial to the Council if a presentation was made on the benefits of this system and how it could be used in the future. He PROPOSED that a presentation be made at a future meeting.

Cllr. D. Kiely complimented the Director of Water Services on the use of the Constructed Wetlands System. He said that he hoped it would be successful. There are so many problems with percolation in the county the onus is on Management to show applicants how to deal with this issue.

Mayor M. Healy Rae said the presentation requested by Cllr. J. O'Connor will be considered by the Environment SPC.

Cllr. M. Cahill returned to the Council Chamber.

#### **08.05.19.04 Manager's Report on submissions/observations received on the Draft Development Contribution Scheme 2008 and the making of the Development Contribution Scheme 2008 pursuant to Section 48 of the Planning & Development Act, 2000.**

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Mr. M. McMahon, Director of Planning, referred members to a report dated 12<sup>th</sup> May 2008 on this item which was circulated and he briefed the members on the report as follows:

*“The Draft Development Contribution Scheme 2008, which was prepared in accordance with Section 48 of the Planning and Development Act 2000, and in accordance with the guidance document issued to planning authorities in May, 2007 by the Department of the Environment Heritage and Local Government per Circular Letter PD 5/2007, was considered by the members at the March 2008 meeting of the Council held on 10 March 2008.*

*The Draft Scheme represents an amendment to the current scheme in that it incorporates an increased contribution for sewerage facilities to enable the Council to undertake a programme of works to upgrade sewerage facilities in many towns and villages in the county. The scheme also includes for the first time a levy on communication masts.*

*It was agreed, by resolution of the Council at the March 2008 Council Meeting, that the Draft Scheme go on public display for the statutory period and accordingly notice of the preparation of the Draft Scheme was published in the Kerryman and the Kerry’s Eye newspapers dated 12<sup>th</sup> March 2008 and on the Council’s website.*

*Copies of the Draft Scheme were made available for public inspection from 13<sup>th</sup> March 2008 to 28<sup>th</sup> April 2008 at the offices of the Planning Department, County Buildings and on the Council’s website. In accordance with the statutory requirements, a copy of the Draft Scheme was also forwarded to the Minister for the Environment, Heritage and Local Government. The Draft Scheme was also forwarded to the County Development Board.*

*The closing date for receipt of submissions on the Draft Scheme was Monday 28<sup>th</sup> April 2008. Submissions and/or observations were received from the following (i.e. five no. submissions in total):*

- (a) Department of the Environment, Heritage and Local Government (Planning Section), received 04<sup>th</sup> April 2008,*
- (b) Kerry County Development board, 18<sup>th</sup> April, 2008,*
- (c) Department of the Environment, Heritage and Local Government (Private Secretary), received 29<sup>th</sup> April 2008,*
- (d) Irish Concrete Federation, received 25<sup>th</sup> April 2008,*
- (e) John A. Wood Ltd, received 25<sup>th</sup> April 2008.*

*The issues raised in the submissions received, together with the Planning Authority’s response to these issues, having regard to the proper planning and sustainable development of the County, is outlined in the report circulated.*

*The recommendations incorporated in the submissions received from the Department of the Environment, Heritage and Local Government and from the Kerry County Development Board have been taken on board in finalising the draft scheme now presented for adoption. In considering the submissions received from both the Irish Concrete Federation and John A. Wood Ltd, cognisance of the following facts must, however, be taken:*

- *The enabling provisions of the Planning and Development Acts 2000 to 2007 which relate to the making of Development Contribution Schemes do not make specific provision whereby an existing scheme may be amended. In any instance where a planning authority may wish to make changes to an existing scheme, it is, therefore, necessary to make a new scheme.*

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- *The 2008 Draft Scheme was prepared to make changes to the existing scheme only in so far as*
  - (a) *an increased sewerage contribution is proposed to be levied,*
  - (b) *a contribution on communication masts is proposed to be levied for the first time.*
- *It is not, therefore, proposed to revisit the principle of levying development contributions generally within any of the established categories of development that the existing scheme now applies to. The issues pertaining to the levying of contributions within the terms and conditions of the existing scheme were debated and considered at length with the making of the first scheme in 2004. In making the existing scheme in 2005, consideration was confined to the sole principle of amending the 2004 scheme to provide for the levying of an amenity contribution.*
- *It is now proposed to confine consideration of the 2008 draft scheme to the proposed changes incorporated therein, i.e. the principle of applying an increased sewerage contribution and the levying of a contribution on communication masts.*
- *The specific issues incorporated in both the submission received from the Irish Concrete Federation and John A Wood Ltd are summarised in the report together with the Planning Authority's response.*

*It will be noted that the issues raised do not relate to the changes represented in the draft scheme but rather relate primarily to the principle of levying a roads contribution on quarrying activities as part of a General Contribution Scheme. The principle of levying such a contribution is now established within the area of this planning authority since the adoption of the first contribution scheme in 2004. The contributions collected under this category of development are ring-fenced to be expended on improvements to the road network on which the quarrying industry is dependent not just in the immediate vicinity of the quarry site but on a county-wide basis."*

Cllr. T. Ferris said, with regard to telecommunication masts, the scheme indicates it is a one-off charge and any subsequent applications would not be charged. She intended that service providers would be charged this fee on new applications and applications for renewals which are due every five years. She PROPOSED that Class 13 be amended to delete the provision that the proposed charge would only apply on a once-off basis, but would apply to all applications for telecommunications masts, whether initial or repeat. She sought clarification as to whether other Local Authorities charge telecommunications companies every five years.

Mr. M. McMahon said, as far as he was aware, the same situation applies in other Local Authorities. It is the norm that the development levy would apply on a once off basis only. Telecommunication masts are unique as they have a rolling temporary condition for five years. It would be inequitable to levy again and again every five years. Having examined Development Contribution Schemes adopted by other local authorities this levy is a once off charge for telecommunications masts.

Cllr. T. Ferris said most telecommunications masts go up contrary to the wishes of the local community. An Bord Pleanála are over-ruling our 1 km rule. Planning permission is granted for many telecommunications masts each year. Multinational companies should be subject to this charge each time they get planning permission. She PROPOSED that €10,000 be charged each time planning is renewed for telecommunications masts.

Cllr. R. Beasley SECONDED Cllr. Ferris's proposal.

Cllr. J. Sheahan supported the motion and said that service providers should be liable for this levy. It is a good means of raising money rather than going to the taxpayers.

Cllr. T. Fitzgerald supported the motion also.

Cllr. D. Healy Rae asked if the levies on quarries are being increased.

Mr. M. McMahon said there are only two changes to the existing scheme as follows: (i) an increase in the charge for sewerage facilities and (ii) Telecommunications Masts charges. All other levies remain unchanged.

Cllr. T. Fitzgerald asked for detail of the submission received from John A. Woods.

Mr. M. McMahon said they object in principle to having a levy at all. They feel the levy should be applied on a quarry by quarry basis rather than as a development contribution. A number of meetings were held with the Irish Concrete Federation. It was agreed there would be a levy. There is no proposal to increase the rate that currently applies for quarries.

Cllr. J. Brassil sought clarification on the levy on telecommunications masts. He supported Cllr. Ferris's proposal that every time service providers apply for permission, the levy should apply. At present permission for telecommunication masts is being refused by Kerry County Council because of the 1km rule in the County Development Plan. He asked if An Bord Pleanála, who subsequently grant permission for masts, must have regard to the Kerry County Development Plan and the Kerry County Council Development Contribution Scheme and will permissions granted by the Board be subject to the €10,000 levy proposed.

Cllr. D. Kiely welcomed the Draft Development Contribution Scheme even though he felt it was too late. Developers of major housing developments in the recent past should also be liable for this levy as their developments are responsible for the overloading of our water/wastewater schemes. These schemes must now be upgraded and the developers should be contributing to this. This would help alleviate our costs.

Mr. M. McMahon, in response to Cllr. J. Brassil's query, said that once the Development Contribution Scheme is adopted a copy will be forwarded to An Bord Pleanála and they must have regard to the Scheme. We cannot guarantee what conditions An Bord Pleanála will impose. Normally, An Bord Pleanála, in their decisions, includes a condition that levies shall be paid. The Local Authority must then apply the levy. The figure being suggested, €10,000 per repeat application will be the highest in the country. He cautioned members against including the repeat application charge. The concept of a community charge was introduced, and it was included as a condition in the Shannon LNG decision. It takes account of the affects the development will have on the community. The Draft Scheme under consideration incorporates the two changes outlined earlier. A supplementary scheme can be adopted in instances like the Relief Road in An Daingean. Special levies can be applied on an individual scheme by scheme basis or on a planning application by planning application basis.

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Cllr. B. Cronin called for a vote to be taken on the proposed increase in the sewer connection levy. As former Chair of the Planning SPC, he was given a commitment that there would be no further changes to the Development Contribution Scheme. On that occasion members were considering imposing a levy of €300 per house. There were pickets against that charge at the time. He said he would be opposing the proposed increase on a point of principle. He supported Cllr. Ferris's proposal. He referred to the John A. Woods submission made on the Development Contribution Scheme. They feel the charge is expensive and the highest in the country. He asked if that was a valid argument? He supported No. 5 in John A. Woods submission which states that *'it is unfair that illegal operators continue to operate within the county without making any planning related contributions to the county.'* Kerry County Council get no compensation for damage to roads by these quarry operators and there is no control of working times or volume. He sought clarity on the charges and asked if it will put operations in the county at a disadvantage.

Mr. M. McMahon said it is correct to say the quarry charge is higher than most other counties. The principle of this charge and the amount of the levy was debated in 2004 and applies since then. It is not possible to say if it is a disadvantage to quarries in the county and the levy does not appear to be a disincentive. The appendix attached to the report circulated shows the total amount collected in 2004 was only €124,000 which is not a substantial sum.

Cllr. T. Fitzgerald referred to the commitment that was given that there would not be an increase in the Development Levies. He asked that the Executive would explain again why this charge is being increased.

Mr. O. Ring said circumstances have changed. Legislation was introduced last year regarding authorisation and licensing of all sewerage schemes. Works to the value of a minimum of €16m must be carried out. A levy of €9,000 to €10,000 is required, but we can do works with the levy of €8,000 being agreed. Adequate infrastructure must be provided to allow the county to develop and without funding these works cannot be undertaken. The Department will only contribute 60-70% of the funding and the balance must be raised locally. €8,000 is the minimum levy required.

Cllr. T. O'Brien said if this levy is not passed the smaller schemes will not be upgraded and the Council will be fined by the EPA.

Cllr. B. Cronin asked if there will be more contribution schemes proposed by management in the lifetime of this Council.

Mr. T. Curran, County Manager, said the reasons for the proposed increase in sewerage scheme charges was explained, and while a commitment was given circumstances have changed. Schemes must be upgraded to meet EPA requirements.

Cllr. D. Kiely referred to large developers and asked if they would be charged an extra levy for the developments they have carried out which has resulted in the overloading of sewerage schemes.

Mr. T. Curran, County Manager, said developers will be charged in accordance with the Scheme for all new planning applications.



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Cllr. M. O'Shea referred to Phase II of the Village Sewerage Schemes and he asked if the County Council would work with a group of developers to advance a scheme where required. A cluster of developers would be required to assist with this development.

Mr. O. Ring said the Local Authority will talk to any developers with a proposal to advance any of these schemes but their proposals must tie in with our priorities.

Cllr. J. O'Connor said the proposed levy would cause hardship to young people building a home. He acknowledged that consultants must be employed for small schemes and he asked could a generic design be used for all small schemes.

Cllr. B. Cronin said, at the moment, in villages around the county when a planning application is made by a developer it is deemed to be premature because of the lack of a sewerage scheme. What the County Council does not recognise is that the problems are created because permissions were granted without the sewerage schemes in place. Developers are being told the houses shall not be occupied until the sewerage scheme is completed.

Cllr. J. Brassil said that in the past members were given the opportunity to increase levies substantially but did not do so. However, EPA requirements now require all local authorities to upgrade water/wastewater schemes. Members should take the opportunity to put this right.

Cllr. J. O'Connor asked if there is any hope that Central Government will provide the necessary funding. There is a lot of tax leaving this county, and we are being asked to fund the development and infrastructure in this county. As the premier tourist county, we do not have mechanisms to collect funds. Central Government is reneging on responsibility to this county. He stated that if a person wants to build in the proximity of a small town or village in a rural area it may not cost €8,000 to install an individual treatment facility but if a connection is made to the sewerage scheme payment of €8,000 will have to be made to the Local Authority.

Cllr. T. O'Brien agreed with Cllr. J. O'Connor and added that the development levy for connection to the sewer should have been increased a number of years ago prior to the economic boom. If members do not adopt the proposed levies Kerry County Council will be fined.

Cllr. T. Fitzgerald said that, while he is against the proposed levy, members must vote for it as it is the right thing to do.

Mr. G. O'Brien, A/SEO, informed the meeting that a vote would be taken on the PROPOSAL by Cllr. T. Ferris, SECONDED by Cllr. R. Beasley, "That Kerry County Council resolve to make the Development Contribution Scheme 2008 pursuant to Section 48 of the Planning and Development Act 2000 with the following amendment "Amend Class 13 to delete the provision that the proposed charge only apply on a once-off basis, but would apply to all applications for telecommunications masts, whether initial or repeat"."

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

**For:** Cllrs. Beasley, Brassil, Cahill, Cronin, Ferris, S. Fitzgerald, T. Fitzgerald, Foley, Kiely, MacGearailt, McEllistrim, Miller, O'Brien, O'Donoghue, O'Shea, Sheahan, M. Healy Rae (17)

**Against:** None (0)

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

**Absent:** Cllrs. Buckley, Conor-Scarteen, Fleming, Gleeson, D. Healy-Rae, Leahy, McCarthy, O'Connell, Purtill (9)

The Mayor declared the resolution CARRIED.

Cllr. D. Kiely said certain people got planning permission for a scheme of houses but cannot commence as sewerage schemes are not in place. He asked if the Local Authority would consider allowing these developers to go ahead with groundworks while the sewerage schemes are being put in place in the small towns and villages.

Mr. O. Ring said developers have been allowed this in some cases but we must be sure the scheme is going ahead and there will be no impediment. The Council must be satisfied that the scheme will progress. Once the scheme is at contract stage there should not be a problem.

**08.05.19.06                      Disposal of Property**

- (a) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the disposal, by way of long term lease, of a plot of land and three properties measuring 0.214 acres approximately at Iveragh Park, Killorglin, to Killorglin Family Resource Centre in accordance with the terms of notice issued 7<sup>th</sup> May, 2008, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.
- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the disposal of an Affordable House with its plot of land at 29 Beech Grove, Listowel, to Kevin McCarron, 30 Clieveragh Park, Listowel, Co. Kerry, in accordance with the terms of notice issued 7<sup>th</sup> May, 2008 pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.
- (c) On the PROPOSAL of Mayor M. Healy Rae, SECONDED by Cllr. C. Miller, it was agreed to approve the disposal of a plot of land comprising 1.958 hectares (4.839 acres) at Curraglass, Glenflesk, to Mr. John Gleeson, Curraglass, Glenflesk, in accordance with the terms of notice issued 7<sup>th</sup> May, 2008 pursuant to Section 183 of the Local Government Act, 2001.

**08.05.19.07      County Buildings Extension - Approval to the raising of a loan of €26.25m for the new complex**

Cllr. T. Fitzgerald PROPOSED that the raising of a loan of €26.25million for the proposed extension to County Buildings be approved.

Cllr. C. Miller SECONDED this proposal.

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Mr. K. Parrott, Acting SEE, Facilities Management Unit, outlined a presentation to the members on the proposed extension to County Buildings. He outlined the extent of the site. The whole site is in the ownership of Kerry County Council. No land acquisition is required. Proposals for the extension to County Buildings have been worked on for a few years now.

Mr. J.D. Flynn, Director of Corporate Services, outlined the following report to the meeting:

*“This matter came before the April Council Meeting. This latest report arises from the discussions and the debate on the new complex that took place at the April Meeting.*

*The current complex at Rathass, Tralee has grounds of 14 acres and is the headquarters of Kerry County Council. The current County Building was purchased and upgraded in the mid 1980's and opened in 1989. It has served the County well and is strategically located in the main town in the County. It would at this stage be extremely difficult to find a greenfield site of similar size as accessible as the current location. The current complex is a building of historical and social significance dating back to 1844. The grounds of the building have within them a protected famine graveyard. It has proved a very shrewd investment in the future of Kerry. The current proposal before the members seeks to build on this success.*

*At the outset, it is important to note that the cost of developing the new complex will be dictated by the construction market. The estimate of €26.25m before the members may, when all the prices for the construction are submitted by formal tender, be lower. The loan being sought is subject to the sanction of the Minister for Environment, Heritage & Local Government and in such circumstances it is prudent to ensure that the amount sought is sufficient to cover the cost.*

*The breakdown of the estimates of the costs involved is as follows:*

### **Site Development Works**

- Car parking (460 no. total with 108 no. dedicated to the public)
- Drainage
- Roads Servicing Complex
- Demolitions
- Geothermal Heating System
- Services, Relocation & Upgrading
- Landscaping
- Walls & Forecourt Development

**TOTAL** **€5.64m**

*The site development work will allow for a totally new layout and provide a template for any future work that may be required.*

### **Office Development**

- New Offices 51,700ft<sup>2</sup> @ €269.25/ft<sup>2</sup> **€13.92m**
- Customer Service Areas
- Improvements to Existing Offices
- Upgrading Pharmacy Building
- Green Energy

**€1.96m**

**TOTAL** **€15.88m**

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### *Other Buildings*

<i>File Store 6,890ft<sup>2</sup> @ €113/ft<sup>2</sup></i>	<i>€0.78m</i>
<i>Laboratory 12,380ft<sup>2</sup> @ €292.4/ft<sup>2</sup></i>	<i>€3.62m</i>
<i>Workshop 2,745ft<sup>2</sup> @ €122/ft<sup>2</sup></i>	<i>€0.33m</i>
<b><i>TOTAL</i></b>	<b><i>€4.73m</i></b>

*My previous report to the members details the efficiencies and improvements in our service to the public, that the new complex will bring. The office extension will allow Kerry County Council to address the current less than satisfactory temporary offices and over crowding that exist currently at Rathass. It will also bring back to one central location various services spread around the town of Tralee. This will greatly increase our efficiency and service to the public and the members. There is an estimated direct saving of €400,000/annum in rent, energy costs, parking costs and services duplication etc from building these new offices.*

*In addition, having our own file store, will save an estimated €50,000/annum, which is the cost of having specialist off site file storage, this does not include the additional cost of file retrieval from an off site facility.*

*Members will also recall from the Budget 2008 Report that the Kerry County Council Laboratory which in 2007 analysed some 7,000 samples, is estimated to save this Council some €300,000 per annum, by our in-house management of our statutory monitoring programme. There will be an increase requirement for testing and monitoring arising from EU National and EPA requirements, which make it essential that we now invest in a new laboratory. In addition, there are health and safety issues with our existing laboratory and they are such that we will not be able to continue there in the medium term.*

*Accordingly, I again seek approval from the Members to the raising of a loan of €26.25m with estimated annual repayments of €1.435m over 50 years at current interest rates.*

*This matter was discussed in some detail at the CPG Meeting held on the 13th May 2008 and it was unanimously agreed to recommend approval by the Elected Council to the proposed development and the raising of the necessary loan."*

Cllr. R. Beasley said prior to the CPG Meeting held on 13<sup>th</sup> May 2008 he had occasion to go to the Roads Drawing Room. The conditions the staff are working in are not acceptable. On that particular day the windows were open but the heat was unbearable in the offices. To heat and ventilate the offices in extreme conditions is not feasible. Members have no choice but to proceed with the proposed extension.

Cllr. T. Fitzgerald said this is a major development for Kerry County Council. Some members served in the Ashe Memorial Hall and moving to the current County Buildings was a huge decision. It was the right decision at the time. He expressed strong support for what is being proposed. There are massive savings in bringing all services to one site. Parking would also be improved. He PROPOSED that the raising of a loan of €26.25million for the development be approved.

Cllr. J. Brassil said he also very much supported the proposal to upgrade services and offices of Kerry County Council. A concern he raised at the last meeting was around the cost of what is being proposed. There must be very clear distinction regarding

having a concern on the cost of something and being in support of the principle. The concern is that the amount of €26.25m is expensive in the current market. The breakdown presented did not alleviate his concerns. He asked if the estimate has been prepared from detailed drawings by a Quantity Surveyor. All the research he did suggests the estimate of €269 per sq ft. is in excess of current market prices. The cost of a recent development in Limerick was much less than this. Site development works are estimated at €5.64m. He asked what was the estimated cost of the Geothermal Heating System.

Mr. J.D. Flynn said the cost of the new Geothermal Heating System is estimated at €650,000 and it is also necessary to upgrade the existing system. The total cost will be €800,000.

Cllr. J. Brassil referred to car parking spaces and said it is proposed to provide 460 spaces. On the advice of Quantity Surveying companies and building companies the average cost of providing a car parking space is €1,500. Based on this estimate it will cost approximately €20,000 to provide 460 spaces. Even allowing for difficult circumstances, it would be less than €1m, including drainage. If this sum is added to the cost of the Geothermal Heating System, it will total €1.6m. The figure of €5.64m does not seem realistic. If a loan of €26.25m is sanctioned he believed that it what would be spent. If a tender in the sum of €20m is accepted and there is an over expenditure the Executive will not have to come back to the elected members for approval for the over expenditure. He expressed his concern about the amount of the loan the elected members are being asked to sanction as he believed it was excessive. He said sanction for a €20m loan would be more appropriate. He said he would be far happier to sanction an amount of €20m and if in the lifetime of the project the Executive have to come back, the elected members can sanction the balance. He said he was not comfortable approving the raising of a loan of €26.25m loan for works he believes will not cost this amount.

Cllr. T. O'Brien said at the CPG Meeting on 13<sup>th</sup> May, 2008, he welcomed the proposal to extend County Buildings and suggested that it proceed. He said he appreciated the reservations of his colleague but he also accepted the figures presented by the Head of Finance and Director of Corporate Services. He felt the Council should move as quickly as possible with this project. Developers are crying out for work and no additional land is required to proceed with this project. He supported Cllr. T. Fitzgerald and SECONDED his proposal. Some of the conditions staff are working in, and the parking, must be addressed. He said he would put his trust in the Executive on this matter.

Cllr. M. O'Shea asked if the present site is the most suitable for the extension as parking is very limited. He said that more and more demands are being put on local Government and additional staff will be needed over the coming years. He asked if it would be more appropriate to consider a greenfield site and to build a purpose built structure catering for future growth. Killarney is the second largest town in the county and he said he could not understand why the services in Killarney are not being upgraded. He asked if some departments could be moved to Killarney. .

Cllr. P. O'Donoghue expressed reservations on the proposals to extend County Buildings. The estimated annual payment of €1.435m will be over a substantial period of time. There will be up €75m paid over the term of the loan. He agreed with the principle that we should not have offices all over Tralee town, but he could not

understand why every department must be located in Tralee. There are state of the art offices in Killorglin, new offices in Castleisland and proposed offices in Caherciveen. He asked why did all services have to be located in Tralee. Why can the laboratory not be located in Killorglin? The Government is decentralizing yet the Council is putting everything into a confined site. With regard to the design, he asked if it was designed in-house and if not, was it designed by consultants and at what cost. In conclusion he added that he was not in favour of the design presented..

Cllr. D. Healy Rae said he has serious concerns about this proposal at a time when there are cut backs in other sectors. He questioned how figures presented were arrived at and asked if tenders should be invited prior to seeking loan approval. He considered that a sum of €15m to €20m would fund the proposed extension. Ultimately, the ratepayers of Kerry will pay the interest on this loan. To proceed with this matter, he asked that it be put out to tender prior to approving the raising of the loan.

Cllr. M. Cahill said he is in favor of this development as he likes the concept of having all services on one site. Car parking at County Buildings has been chronic for years. Overcrowding of offices and the need for a new laboratory must also be addressed. It is important to retain all services in main town in the county. He said that while the annual repayment will have to be made over 50 years, savings will be made as were outlined.

Mr. J.D. Flynn said we are currently saving €300,000 through in-house management of our statutory monitoring programme through the laboratory. Having our own file store will save an estimated €50,000 per annum. The provision of the proposed new offices would result in an estimated saving of €400,000.

Cllr. B. Cronin complimented Mr. Parrott and Mr. Flynn on the presentation on the proposed extension to County Buildings. He thanked them for giving the elected members more detail which was sought at the last meeting. He expressed total confidence in the Head of Finance to run the finances of this Council and the county. Notwithstanding that, he had concerns. Specifically, staff are in rented accommodation all over the town which must be rectified and parking is also an issue. He said he is in favor of centralising services. However, it is important to be prudent financially. Tenders for works can vary and ultimately the ratepayers will have to meet the cost. He asked if consultants were engaged on this project and if so at what cost. In conclusion he sought clarification regarding the provision of new offices in Killarney.

Cllr. M. Connor-Scarteen asked if the raising of this loan would impact on other borrowings in the future. He asked if a number of financial institutions were contacted regarding the best rate for a 50 year loan?

Cllr. N. Foley said there is agreement that the present facilities are too small and too fragmented and not appropriate as a centre for the administrative capital of the county. The one-stop-shop concept is not available at County Buildings. There is also a duty of care to the staff. With regard to costings she asked would it be possible to review the figures and could consideration be given to approving tranches of loans. She acknowledged that approving the raising of this loan is a difficult decision but members have no choice if an improved service is to be provided.

Cllr. B. MacGearailt said the cost is high but it is a vote of confidence in the staff and the future to go ahead with this. For a long time the Council has had offices all over the town. It is in the interest of the community and the public that they have access to the

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services and personnel of the Council when they need it. The Laboratory is a facility that will be used more and more in the future. The public will have better services and better access if the proposed extension proceeds. He added that he fully supported the proposed extension.

Cllr. D. Kiely said he welcomed the debate on this issue. He said when he was in the Ashe Memorial Hall there was a huge debate about the cost of the current building. He complimented Mr. Tom Collins, former County Manager, for his foresight in moving to the current premises. Members thought that the investment in County Buildings was substantial at that time. Over the years it will be seen as a similar investment. He asked could the costings be reviewed with a view to reducing the overall cost. He said he was in favour of all services being provided at one location. In 50 years time members will be complimented for this.

Cllr. S. Fitzgerald said that additional office space, car parking and a new laboratory are required. It is important that all services are provided at one location. Tralee is the administrative town of the area. Tender prices will determine the actual costs. As the project progresses additional costs may be incurred. If a loan of €20m is approved as suggested by Cllr. Brassil progress could be monitored and addition loan approval given as required.

Cllr. J. O'Connor thanked management and Mr. K. Parrott for his detailed presentation. He acknowledged the proposal to include alternative energy in the project. He added that it is important to plan for the future and he asked that decentralization of services be considered. There are excellent facilities in Killorglin, Castleisland and Listowel which could be used. Members must trust Management on this issue. It is proposed to approve the raising of a loan of €26.25m. Following receipt of tenders the actual amount to be borrowed will be determined. He questioned the cost of €269.25 per sq. ft. as there are competitive prices available in the market now. He said he had full confidence in the Director of Corporate Services that the project will be monitored.

Cllr. T. Ferris said it is some time ago that members approved the proposed extension in principle. She PROPOSED that the raising of the loan be approved. The resolution could be worded "a loan not exceeding €26.25m". She asked if a room would be provided for use by the Press in the proposed extension.

Cllr. J. Brassil said, having listened to the debate, all members support the project. He PROPOSED an amendment that a loan of €20m only be raised. If, during construction, costs exceed this, the Executive can revert with detailed reasons on the over expenditure and request approval for further loan sanction.

Cllr. T. Fitzgerald said he had made a proposal at the start of discussion on this item. The tender price will determine what the costs will be. There will be a competitive tender in the current market. The Council will borrow only what is required to construct the development.

Cllr. T. O'Brien SECONDED Cllr. Fitzgerald's proposal.

Cllr. D. Kiely said some members had indicated that the repayments of the loan will be borne by the ratepayers and he requested clarification on this issue.

Cllr. D. Healy Rae asked if the ratepayers will, ultimately, be paying back the loan.

Mayor M. Healy Rae said that a loan repayment of €1.43m per year would not be undertaken lightly. There is a potential saving of €685,000 per year. The organisation will have to grow and expand. Borrowing for this project will be limited to the actual cost. In the past members made the prudent decision to move from the Ashe Memorial Hall to County Buildings at a time when the economy was challenged. Members must now make a decision to allow the organization to expand. It would be prudent to proceed with this proposal. He called on the Head of Finance to get the best deal possible from financial institutions.

Mr. J.D. Flynn said members must be realistic regarding the cost of the proposed extension. Detailed drawings have been provided by the Quantity Surveyors. The last two offices built, Killorglin (which was a Public Private Partnership Development) and Castleisland, cost €300 per sq. ft. The cost of the site development works for County Buildings is high and demolition is included. All ducting and electrical works must be dealt with as part of the site development. The site development works undertaken now will provide for future development and will allow us to build on at reasonable costs in the future. There are issues with limestone on the site also and a passive type of ventilation system is also involved. The savings in the long term are outlined in the report. This proposed extension will cater for expansion over the next 50 years. There can only be one application to the Department for loan approval. While we may receive a tender for €20m we must cover all eventualities before going to the Department for loan approval. The proposed extension will allow all core services to be provided in one location. Customer Meeting Rooms and improved Customer Service will also be provided. The existing building will also be modernised.

Mr. J. O'Connor, Head of Finance, said the critical questions asked were asked by Cllr. M. Connor Scarteen regarding borrowing and would this borrowing have an affect on other borrowings, e.g. other small projects. There can only be one application to the Department for loan approval. That was not the case in the past but it is now, given the control by Government of borrowing. For the purposes of borrowing, we are part of the Government. For office development, including libraries, there are strict limitations. It is essential that we apply for what we reasonably believe to be the limit of what we require. This is one of the few projects which has had very close examination over the years. It has been appraised and reappraised. The site development works required a lot of consideration and planning and the executive are satisfied with the final proposals. This is required to protect future generations. It is the view of the Senior Management Team that this is what is required. If the Council sought Departmental approval for a sum of €20m and the tender price was €25m there would be a shortfall and it would be necessary to seek further Departmental approval. It is essential for this Council that we keep our cash flow tight. There will not be capacity to carry cash flow delays on the draw down of loans.

The answer to Cllr. Connor Scarteen's query is that provided we get loan approval and we stick rigidly to the costs we put into the loan then the repayments should not have an adverse impact on our finances. It is in all our interests that we keep all our costs to a minimum. The tender price will be the determining factor. In accordance with established practice we can only draw down a loan for the purposes for which we require it and for the amount required. If €22m is all that is required then only that amount can be drawn down.



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In relation to the raising of the loan Mr. O'Connor added that all borrowing is subject to intensive competition. On many occasions we use a number of sources for the one loan. Subject to getting Council and Departmental approval, the fact that we would have a reasonable lead-in period, there would be an opportunity to fully test the market and wait for opportunities from the EU Investment Bank. Estimated costs were based on the interest rates at the time.

With regard to savings, we have been making some small provision for loan charges in our budget towards this project. Loan charges are paid out of the general fund. It is not true to say that any one sector will pay for this entirely. We need to go for Departmental approval for what we finally believe will be the cost of the project. Regular updates on progress of the project can be brought to Council.

Mr. T. Curran, County Manager, said the Head of Finance has given the Management perspective to the elected members. Senior Management has given a lot of time to preparing this proposal. There is no ideal time to look for a loan. He assured members that if the cost of the project is less than €26.25m then that is what will be sought from the Department. A Steering Group will be set up to monitor the investment. When tenders come in a report will be brought to the Council outlining what they are and what is involved. If possible savings will be made and we will negotiate with the successful tenderer. Council and Departmental approval will determine the loan amount that can be raised. He welcomed the concerns of the members in terms of the cost and its impact.

Cllr. J. Brassil said he was concerned that if members approved the raising of a loan of €26.25m and the tender sum was less, i.e. €20m and there was an over expenditure the Executive would not have to come back to the elected Council for approval. He referred to the monies set aside each year in the budget for loan charges and asked where this money is now.

Mr. J. O'Connor, Head of Finance, said that these monies are sitting to the credit of this account for the delivery of the extension of the County Buildings project. Some of these monies will be required for the detailed fit out. The balance will be available to support the loan charges over the introductory number of years. This is similar to Development Levies being available to support capital drawdown on water and waste water charges.

Cllr. P. O'Donoghue asked how much are we paying on interest per annum and what costs have been incurred on investigations on this project?

Mr. J.D. Flynn said he would revert to Council with this figure.

Cllr. T. Ferris asked could a condition be included on the approval for the raising of the loan that if the tender price is less than €26.25m Management would revert to the elected members.

Mr. J. O'Connor, Head of Finance, said that he mentioned that where the total cost of the project is concerned there is no problem having a regular report on this to Council. It is in all our interests that we keep our borrowings to the bare minimum. Of the overall borrowings by the Council, half are for housing.

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Cllr. J. Brassil said if it is built in that if any monies spent over the tender price are subject to Council approval then this would be acceptable to him.

Cllr. T. Fitzgerald said a Quantity Surveyor will examine this and we will have to pay any over expenditure.

Mr. J. O'Connor, Head of Finance, in reply to a query from Cllr. P. O'Donoghue said the total borrowings at the 31<sup>st</sup> December, 2007, for Kerry County Council totaled €44m. Approximately half is for housing and he undertook to provide a breakdown of capital and interest.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. T. O'Brien, it was unanimously agreed to approve the raising of a loan of €26.25million for the County Buildings extension.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 2.40pm.

### **08.05.19.08 Incurring of Overdraft Accommodation not exceeding €12.5m for the six months ending 31st December, 2008**

Mr. J. O'Connor, Head of Finance, referred members to his report dated 13<sup>th</sup> May, 2008, on this item, which was circulated, and he briefed them in detail on the report. He added that a lot of effort is being put into controlling cash flow, recoupments, etc.

On the PROPOSAL of Mayor Mr. Healy Rae, SECONDED by Cllr. B. Cronin, it was agreed to approve the incurring of overdraft accommodation not exceeding €12.5m for the six months ending 31st December, 2008.

### **08.05.19.09 Submission to the Taxation Commission on Local Government Funding**

Mr. J. O'Connor, Head of Finance, outlined details of the report circulated to the members.

#### **“1.0 Introduction**

*1.1 In March, the Government established the Commission on Taxation to review the structure, efficiency and appropriateness of the Irish Taxation system. The Commission is specifically requested in its terms of reference to consider options for the future financing of local government – a copy of the full terms of reference is attached as appendix A. The Commission has requested submissions from interested parties. This item is placed on the May Agenda so as to give Councillors an opportunity to make a submission to the Commission, if they wish to do so. Many complex factors impact on the level and sources of funding for Irish Local Government and these, in turn, inter-relate with the general Irish Taxation System. In order to assist the Council with the consideration of the Agenda item, I outline in this document some of the more critical issues in the Kerry County Council context, in particular.*

#### **2.0 Background**

*2.1 Over the past two decades or so many reports have been produced on the reform of the financing structure for the sector. A key principle put forward by most of the reports was that there should be some link between spending and raising*

*money in order to promote democratic accountability at local level. A further common thread was that there should be an explicit link between the consumption of a service provided (e.g. water) and the payment for it.*

*Most of the reports commented, as well, that Ireland was almost unique in Western Europe and, indeed, the developed world in the absence of a significant level of local property taxation.*

*The most recent review of local government financing was completed by Indecon International Economic Consultants and published in March 2006. The Indecon Report recognised the scale and impact of local authority activity in the community and the key role local authorities have played in underpinning Ireland's economic success. Among its findings, the report confirmed that the necessary efficiencies at local authority level "cannot be realised within existing financing structures". In order to address the widening funding gap, the study made a number of recommendations to increase income and some expenditure recommendations to increase efficiency and effectiveness of local authorities. To date, very few of the recommendations have been approved for implementation.*

### **3.0 Major limitations of Current System**

- 3.1** *In reality, Kerry County Council has full control over the raising of only 13% of its income (i.e. commercial rates) and even here the Minister for the Environment, Heritage and Local Government retains power to limit the increase in the rates multiplier from year-to-year, though this power has not been exercised in recent years. There are only approx. 2,600 ratepayers in the County Council administrative area. Quite obviously this is a very narrow base on which to build income for a developing county with ever-increasing demands and expectations. In addition, even within that small base, there is very limited buoyancy – the Council's nett effective valuation, on which rates are levied, increased by just 4% per year on average in the period 2000/2008, one of the lowest increases in the Country at a time of substantial growth in the economy. In that case, unfortunately, there must be reliance on increasing the rates multiplier to yield any reasonable additional income to fund the key essential services/improvements. Allowing for the size of this County, this Council's valuation base is relatively particularly limited due in essence to the two large Town Council areas, viz. Tralee and Killarney. It is noteworthy that the three Town Councils have an aggregated effective rateable valuation greater than that of the County Council, at this stage.*

*The extension of rates to premises used for Government purposes is suggested in accordance with recommendations in previous reports on Local Government funding.*

*A key objective for Kerry County Council from any reform of local government funding should be the widening of the base of local income, from whatever source, over which it has control.*

- 3.2** *The cost of the Water and Waste Water Programme, an essential service, has grown substantially in recent years and is set to increase further as the planned investment programme is delivered and water quality issues are addressed. Under the Government's Water Pricing Framework water and waste water are to be charged at the average operational cost plus the*

*marginal capital cost for non-domestic usage. Domestic usage is to be funded by State Grants for the capital element and the Local Government Fund for the maintenance costs. However, the Local Government Fund Grant is a general local income support grant with no specific breakdown.*

*In the interests of transparency and so that the Government takes the responsibility for fully funding the domestic sector in accordance with its pricing framework, the cost of the domestic usage should be fully identified and fully recouped to the local authorities distinct from the Local Government Fund Grant.*

- 3.3 *At a time when the local authority core services are ever-extending and expectations increasing, only top priorities can be funded from available finances and this is clearly evident each year when the Council's Budget is being considered. Any significant funding simply cannot be provided to support other desirable programmes like "quality of life" improvement measures, such as, recreational/cultural facilities/activities, improved streetscapes, additional facilities at beaches, extended library services, community centres, amenities such as walk-ways, town parks, playgrounds, etc. In the absence of any other source of funding, a case exists, in my view, for the introduction of an annual contribution scheme, funded by the local householders, for such services to be determined locally and applied to a programme of measures as determined by the Elected Council. In a submission to Indecon Consulting in November 2004, the Council supported the concept of a modest local charge on households for such purposes.*

*Additionally, the introduction of a scheme for tax relief on any contributions made to local authorities for the purposes of the "Quality of Life"/"Community Betterment" initiatives such as those mentioned above, is recommended. Tax Relief Schemes have been used to good effect in the past as, for example, in urban renewal/regeneration, modernised hotel accommodation, improved student accommodation and multi-story car-parks. This type of programme would support the development of the sense of community as identified in the report of the Task Force on Citizenship established by An Taoiseach.*

- 3.4 *There have been many examples where local authorities have taken on additional functions and where there was no exchequer funding for such services, or where recoupment was delayed or much less than the cost, or where the future costs were expected to be borne by the local authorities. Examples of such instances include the Housing Adaptation Grants for Older People and People with a Disability, Heritage Activities, Phosphorus/Nitrates Regulations, the Official Language Act, Benchmarking Pay Increase costs, and the closure of old dump sites in accordance with E.P.A. requirements. Local Authorities are well organised and structured to deliver many services on behalf of the state and state-agencies and welcome the opportunity to do so, but a proper source of funding needs to be identified and put in place at the same time as when the services are being assigned to the Local Authorities. A reasonable contribution to the local authority overheads should be included, as well.*

- 3.5 *The Needs and Resources Model for the distribution of the Local Government Fund has achieved improved equity, from a Kerry County Council viewpoint, in the distribution of the Local Government Fund.*

*However, there is as yet no explicit mechanism within the Model for taking into account significant local factors, such as, for example, impact of high rainfall on roads maintenance, additional demands of tourism on service delivery, e.g. water and sewerage services, geographic configuration of an area, length of coastline and maritime nature of territory. Adjustment of the Model to take into account significant local cost-drivers would be welcomed. In addition, whereas, at present, expenditure is taken as proxy for needs, the Model should be developed so as to be based on an actual assessment of needs across all the significant services at local level on an on-going annual basis.*

- 3.6 *The costs of this Council's development management service is estimated at €4.060m for 2008 and income from planning application fees is estimated at €0.810m or just 20% of the total costs. The Council has resolved on previous occasions to request the Minister for the Environment, Heritage and Local Government to increase the planning fees payable by 100% and it is suggested that there is an ever-increasing requirement to increase fees to better match the costs of the service.*

*From time-to-time decisions of An Bórd Pleanála on planning applications may give rise to the requirement by the local authority to pay compensation to the landowner in accordance with the Planning and Development Acts. As the pursuit of good planning and sustainable development is in the overall national interest, it is suggested that a national fund should be made available by the exchequer for the payment of compensation arising from planning decisions. Nowadays, such compensation could be quite sizeable, given present land values.*

- 3.7 *All investment through state grant-aid in the County is welcome. However, in the preparation for and execution of the major capital development and grant-aided projects, the Council incurs administrative, engineering, legal and support costs. Not all engineering design costs are covered by the grant-aid in all projects and, generally, the costs of the administrative, legal and office support requirements are not covered. Nowadays, considerable expenditure can accumulate in bringing projects to implementation stage. It is estimated that the Council expends close on €1.0m per year from its own resources on implementing the Government's Social Housing Policies. Likewise, further sizeable sums are spent from the Council's own resources in support of the execution of the Department of Transport Road Grants Programmes, NRA Maintenance Grants and Water Services Capital Investment Programme. It is suggested that the grant-aid made available should be extended to cover the true overhead costs of the projects involved.*

- 3.8 *Any charges for services provided, e.g. refuse, rents, etc., should be levied at the full economic cost and inability to pay should be dealt with as part of the social welfare structure administered by the Department of Social, Community and Family Affairs, with no loss accruing to the local authority as, for example, in the case of the telephones through Eircom, energy through the E.S.B., travel with C.I.E.*

- 3.9 *On the income side, local authorities are dependent on an annual cycle that determines the total revenue base. Notification of the Local Government Fund (LGF) is issued by DoEHLG usually quite late in the time-frame prescribed for adopting the local authority annual budget. Also, allocation of some national grants for projects such as piers, marine works, coastal protection, can be made quite late in the financial year with a requirement for expenditure before year's end and this militates against value for money and efficient work programming. It is suggested that there is a need for a multi-annual methodology for grant allocation with a provision for the carry-over of unexpended grant-aid from one year to the next, and that more timely allocation of the LGF be notified to local authorities in the interests of improved financial planning.*

#### **4.0 Conclusion**

- 4.1 *Finance is the lifeblood of any organisation. How that is sourced can be subject to much debate. Over the years, local authorities have taken on additional functions, are engaged on a modernisation programme, provide a democratic forum for responding to the needs of local communities and acting in the common good. However, if local authorities are to continue to be relevant and responsive to the future development of their areas and people, an equitable and adequate basis for funding must be devised and implemented.*

### **Appendix A**

#### **Commission on Taxation**

##### **Terms of Reference**

*“Having regard to the commitments on economic competitiveness and on taxation contained in the Programme for Government, in particular, the commitments*

- to keep the overall tax burden low and implement further changes to enhance the rewards of work while increasing the fairness of the tax system,*
- to ensure that our regulatory framework remains flexible, proportionate and up to date,*
- to introduce measures to further lower carbon emissions and to phase in on a revenue neutral basis appropriate fiscal measures including a carbon levy over the lifetime of the Government, and*
- the guarantee that the 12.5% rate of corporation tax will remain,*

*the Commission is invited, in the context of maintaining an equitable incidence of taxation and a strong economy, to consider the structure of the taxation system and specifically to*

- consider how best the tax system can support economic activity and promote increased employment and prosperity while providing the resources necessary to meet the cost of public services and other Government outlays in the medium and longer term;*
- consider how best the tax system can encourage long term savings to meet the needs of retirement;*
- examine the balance achieved between taxes collected on income, capital and spending;*

- *review all tax expenditures with a view to assessing the economic and social benefits they deliver and to recommend the discontinuation of those that are unjustifiable on cost/benefit grounds;*
- *consider options for the future financing of local government, and*
- *Investigate fiscal measures to protect and enhance the environment including the introduction of a carbon tax.*

*As the introduction of a carbon tax requires a completely new tax charge and structure, the Commission is asked to commence work in this area immediately. The Commission is requested to report on the results of its examination and consideration and to make such recommendations as, and when, it thinks fit to the Minister for Finance but not later than 30 September 2009."*

Cllr. M. Connor Scarteen congratulated the Finance Officer on the excellent report presented to Council.

Cllr. J. O'Connor expressed his disappointment that all members were not present for the presentation by the Head of Finance. Members have been complaining for a long time that Local Authorities are not properly funded. He referred to his Notice of Motion No. 9, on the agenda and said that he wished to move it.

#### **9. Improved funding for Local Authorities**

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

That the members of Kerry County Council call on the Government to improve funding for Local Authorities by allowing a percentage of the VAT collected in each county to be refunded to that county (without an increase in the VAT rate nationally) to ensure the proper funding of Local Authorities who are under extreme pressure at present.

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

Cllr. J. O'Connor said that if his motion was implemented it would allow VAT spent in Kerry to stay in the county. The population in the county increases during the summer but there is no mechanism to retain VAT collected in the county. Kerry County Council must provide roads, wastewater, etc. and Central Government does not acknowledge this. Kerry is the premier tourist county and we must look to Fáilte Ireland to promote that. If we had funding we could promote the county ourselves. If we could retain VAT the more tourists we get the more we could retain in the county.

Cllr. O'Connor referred to the submission to the Commission on Taxation and said it is difficult to analyse the derogation regarding water from the EU. He welcomed the proposal in the submission that the cost of domestic usage should be fully identified and fully recouped to the local authorities distinct from the Local Government Fund Grant. He asked that consideration be given to models that are used in other countries in relation to how they actually fund local authorities. One of the Chief Officers of the Department spoke at a seminar recently and said Local Authorities are being given additional functions without being given extra funding and resources.

Cllr. T. Fitzgerald said there should be a portion of VAT spent in the county allocated for Local Government. He said he had called on the Minister to address this issue previously. It is an area that could be considered.

**Suspension of Standing Orders**

The Mayor informed the meeting that it was 3.00 pm, and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Gleeson, it was unanimously agreed to suspend Standing Orders to allow the remaining agenda items to be considered.

Cllr. M. Gleeson said there was a failure in 2000/2001 regarding properly allowing Local Authorities to finance themselves. There was a call on the Tánaiste to allow the introduction of special tax rates for Donegal. Peripheral counties suffer greatly because of their inability to generate finance and the great demands on finance from Central Government. It is the stated desire of Central Government that it would remain so. The ability to generate and retain finance should be the essence of what Local Government is about. Problems confronting us on a yearly basis will continue to do so. We are not allowed to retain monies generated within the county. There has to be a multi-annual rollover period for finance - at least a 3 year rollover period. Three years within which that money can be wisely spent.

Mayor M. Healy Rae referred to Paragraph 3.2 of the report which refers to the limits of the current scheme. Members do not want schools to be burdened with water charges as is the case at present.

Cllr. D. Healy Rae SECONDED this proposal.

Cllr. M. Gleeson said a Directive is now being issued from the Department of Education to schools to investigate, pursue and install water saving methods in the schools.

Cllr. J. O'Connor asked how much VAT does the Council pay.

Mr. J. O'Connor, Head of Finance, said when grants are being calculated, VAT is included. Paragraph 3.2 of the report was aimed at seeking clarity in the Local Government Fund and getting a breakdown of the Fund into water and wastewater compensation to the Local Authorities.

Mayor M. Healy Rae said all members supported not charging schools.

It was agreed to submit the report to the Commission on Taxation with regard to financing of Local Government.

**08.05.19.10    Dates for Meetings**

**(i)    Annual Meeting**

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. D. Kiely, it was agreed that the Annual Meeting would be held on Wednesday 25<sup>th</sup> June, 2008, at 12.00 noon.

**(ii)    Special Planning Meeting**

Cllr. D. Healy Rae PROPOSED that the meeting be held at 6.00 p.m.

Mayor M. Healy Rae asked for members opinion on holding meetings in the afternoon.



### **May Ordinary Meeting 2008**

Cllrs. J. Brassil, T. O'Brien and P. O'Donoghue agreed that meetings should be held in the afternoon.

Mayor M. Healy Rae said that a special meeting could start at 3.00 p.m. or 4.00 p.m.

Mr. T. Curran, County Manager said, while there is no difficulty having an occasional meeting in the evening, staff put in long hours during the day and it could not be the norm to have meetings regularly in the evenings. It would be possible to facilitate an occasional evening meeting.

Mr. M. McMahon said it should be noted that the last couple of Special Planning Meetings that were held ran late into the evening.

Mr. J.D. Flynn said the resolutions and procedures are important when dealing with planning. It is important that we get the resolutions and legal side correct.

Cllr. M. Gleeson said the important function we are dealing with at the moment is the review of the County Development Plan. We must be fresh when dealing with this. He PROPOSED that the meeting start at 2.30 p.m.

Cllr. R. Beasley SECONDED this proposal.

Cllr. T. Fitzgerald PROPOSED that the meeting start at 10.30 a.m.

Cllr. D. Kiely SECONDED this proposal.

Mayor M. Healy Rae PROPOSED that the meeting start at 12.30 p.m. on Monday, 23<sup>rd</sup> June, 2008.

Cllr. S. Fitzgerald SECONDED this proposal.

It was agreed that the Special Planning Meeting to consider the Manager's Report on submissions/observations received in relation to amendments to:

- a. Draft North Iveragh Settlements Local Area Plan
- b. Dréachphlean Ceantair Áitiúil Lonnaíochta d'Oirthear Dhuibhneach  
Draft East Dingle Settlements Local Area Plan

be held on Monday 23<sup>rd</sup> June, 2008, at 12.30 p.m.

#### **(iii) Dates for the Next round of Electoral Area Meetings:**

It was agreed that the next round of Electoral Area Meetings would be held as follows:

<b>Area</b>	<b>Date</b>	<b>Venue</b>	<b>Time</b>
Tralee	Fri. 13 <sup>th</sup> June	Council Chambers	10.30 am
Killarney	Thurs 26 <sup>th</sup> June	Town Hall, Killarney	10.00 am
Killorglin	Fri. 18 <sup>th</sup> July	Killorglin	10.00 am
An Daingean	Wed. 2 <sup>nd</sup> July	Milltown	10.30 am
Listowel	Mon. 7 <sup>th</sup> July	Áras an Phiarsaigh	10.00 am

## **May Ordinary Meeting 2008**

### **Retirement of Mr. Pat Daly, EE Water Services Department**

Mayor M. Healy Rae referred to the forthcoming retirement of Mr. Pat Daly, Executive Engineer, Water Services Section after 40 years service. Anybody working in the Water Services Section is committed and hard working. He wished Mr. Daly and his family good luck and health in the future. He expressed genuine thanks to him for all his assistance over the years.

Cllr. S. Fitzgerald said he wished to be associated with these good wishes to Mr. Daly. Mr. Daly is fluent in Irish, always had a great interest in his work and enjoyed his work.

### **08.05.19.11 Report on the operations and activities of the Association of County and City Councils**

Mayor M. Healy Rae requested that this item be deferred to the June Meeting.

This was agreed.

### **08.05.19.12 Summary of proceedings at Conferences**

#### ***(a) Inclusion Ireland AGM and Conference 2008***

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

#### ***(b) National Greener Ireland Exhibition***

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

#### ***(c) TJK Conference on Planning***

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

#### ***(d) BMW Conference***

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

Mayor M. Healy Rae thanked the members for submitting their reports on conferences in this manner as it is an efficient way to do business.

### **08.05.19.13 Requests for the Reception of Deputations**

#### ***(a) Residents of Ballydonoghue***

Cllr. L. Purtill requested that a deputation be received from the residents of Ballydonoghue regarding improving the sight distance from Gloura to Lyre Cross. It was agreed that this deputation would be received at the next Listowel Electoral Area Meeting.

#### ***(b) Residents of Kilmoyley***

Cllr. J. Brassil requested that a deputation be received from the residents of Kilmoyley regarding flooding. It was agreed that this deputation would be received at the next Listowel Electoral Area Meeting.

**08.05.19.14 Opening of Tenders**

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. O'Brien, it was agreed to approve the Opening of Tenders for National Roads Fixed Price Overlay Contracts.

**08.05.19.15 Notices of Motion**

**1. Lead Piping in Council Water Schemes**

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

“That the Council would, in a general sense, outline the extent of the continued use of Lead piping in Council water schemes. That it would further outline the degree of progress towards the removal of said Lead pipes.”

The following report was issued:

**The current maximum allowable level of lead in drinking water is 25ug/l, as set by the European Communities (Drinking Water) Regulations, and the limit will reduce to 10ug/l in 2013. It should be noted that the limit was previously 100ug/litre.**

**Lead piping has never been used in the public water trunk mains, but has been used in some distribution mains, mainly to the older public housing estates.**

**Lead piping was traditionally used for the service pipes from the mains to the individual houses, in water schemes for many years but this material has not been used in any new works for more than 40 years.**

**Lead can more commonly be found in the internal domestic plumbing of older houses.**

**The Council in 2007 agreed a strategy on lead in relation to public water supplies with the Health Service Executive.**

- **The Council is now testing for the presence of lead in all routine water sampling, and corrective action is taken where lead is detected.**
- **A survey to measure the extent of the lead piping in the county's water supplies network is currently underway. When this is completed a plan to replace these pipes will be put in operation.**

**Lead service pipes have been replaced during 2007 in Ballyheigue, Ballybunion, Castleisland, Fossa and in Railway Terrace, Tralee. Further similar works are programmed to take place in Ballybunnion, Ballyheigue, Ballylongford, Castleisland and Killarney in 2008.**

**A Local Liaison Committee which includes the Council and the HSE has been set up to consider various issues relating to drinking water quality, including lead.**

Cllr. M. Gleeson complimented the Council in the way they acted quickly in an area in Fossa and replaced pipes. Exceptional levels of lead in the body are dangerous. Killarney Town Council has determined a Programme of Remedial Works in the town to replace water pipes where appropriate. He said he hoped that Kerry County Council, where appropriate, will adopt the same policy. He asked if there is any area within the county where exceptional levels of lead have been identified.

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Mr. O. Ring said standards have been changed dramatically. What was acceptable years ago is no longer acceptable. Water samples are routinely measured. Lead can be found in the internal domestic plumbing of older houses. The Water Services Department can advise the occupants on what to do in this case.

Cllr. M. Gleeson said householders should be made aware that the responsibility within their property is theirs rather than the Council's. It is very bad for the development of children for physical and mental growth to have excessive levels of lead in drinking water.

## **2. Floods Study for Sneem**

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

**"That Kerry County Council confirm that it will fund the costs of the Floods Study for Sneem as it is of the utmost importance that this would proceed without delay."**

The following report was issued:

**In September 2004, the Government confirmed the Office of Public Works as the States' lead agency in flooding, to be tasked with delivering an integrated multifaceted programme aimed at mitigating future flood risk and impact. The statutory responsibility for the preparation of flood study reports is vested in the OPW who have the appropriate expertise and resources.**

**There has been some incidence of flooding at Inchinaleega East, Sneem, near the football pitch. Kerry County Council has been in correspondence with the OPW requesting them to carry out a flood study at this location. We are awaiting their response. The Council does not have resources within our budget allocation to fund a study.**

Cllr. P. O'Donoghue said it is a disappointing reply. The community is asking that the Council give assistance in the cost of having a flood study carried out in Sneem. Enormous damage was caused to infrastructure as a result of flooding. Kerry County Council's own property, the road, is being damaged. It would be in the Council's interest to involve itself in this study. He said that he was not too hopeful of a positive response from the OPW. The study will cost just €30,000. He suggested that Kerry County Council provide half of this amount, €15,000, and that the OPW be requested to fund the balance.

Cllr. M. Cahill **SECONDED** this motion.

Mr. C. O'Sullivan said Kerry County Council is in discussions with the OPW on this issue and they are hopeful that funding will be provided. The difficulty with this study is that the flooding is due to catchment upstream rather than anything done by the Local Authority. The responsibility rests with the OPW. While a study can be carried out, the question is who is responsible for the carrying out of the remedial works. Any works required would be outside the control of Kerry County Council. He undertook to follow up the matter with the OPW and discuss the suggestion of Kerry County Council paying €15,000 and the OPW paying the balance.

**3. Scheme for Community & Voluntary Forum members for compilation of their annual audit**

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

“That this Council ask the Director of Service Community & Enterprise to examine the feasibility of setting up a scheme similar to the Insurance cover scheme for Community & Voluntary Forum members for compilation of their annual audit. The annual audit is now a legal requirement for the vast majority of Community and Voluntary forum members, who themselves would be companies limited by guarantee. The annual audit is now fast becoming a financial burden on the Community & Voluntary sector.”

The following report was issued:

**This matter has been put on the agenda of the Kerry Community & Voluntary Forum meeting to be held in June. In the meantime work is being done on a proposal outlining the terms and parameters of a scheme relating to an audit facility. This will be presented to the Forum for consideration.**

Mayor M. Healy Rae said all these development groups are paying for an audit every year. They have to comply with rules set out for them. Such a scheme would be of benefit to these groups. He requested that members be informed of the outcome of the deliberations by the Forum on this issue.

**4. Discretionary Medical Card for Patients diagnosed with Cancer**

**Pursuant to notice duly given, Cllr. J. Brassil PROPOSED:-**

“That Kerry County Council would request the HSE to issue a discretionary medical card to all patients diagnosed with cancer regardless of income.”

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

Cllr. J. Brassil said this motion is based around the fact that when patients are diagnosed with cancer the process of applying for a medical card is not an appropriate time to expect a patient to make an application. It would be of great ease to people if this system was in place. He reminded members of the Regional Health Forum that the cost of medication to the State, without a medical card, is treble what it would be if there was a medical card. It is to the financial benefit of the pharmacist. With a medical card there is a saving to the Health Board, State and the patient. It makes financial and social sense. He asked that this Notice of Motion be referred to the HSE outlining that the members support it unanimously.

Cllr. D. Kiely SECONDED the motion.

Cllr. M. Cahill said the HSE and the Health Board usually facilitate cancer patients and he was not aware of a change in policy.

**5. Halting Site at Breannan’s Glen, Ballyhar**

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

“As the Elected Members of Kerry County Council voted to close the halting site at Breannan’s Glen, Ballyhar, why have the Council over ruled that decision and re-opened the site.”

The following report was issued:

**This matter has previously been discussed by the Members, most recently on 18<sup>th</sup> November, 2006. At that time the Council did not vote to close the facility at Brennan's Glen as it was indicated by the County Manager that closure could not be considered without an alternative site being available for the continued provision of emergency accommodation. The Council as Housing Authority has a standing obligation to provide all accommodation needs, including short term emergency accommodation. Brennan's Glen provides the Council with facilities to meet this standing obligation. The site at Brennan's Glen has not been re-opened as it has been in continuous use to provide much needed short term emergency accommodation. In recent weeks an additional traffic barrier has been provided for added security.**

Cllr. B. Cronin said that he thought the elected members had voted on this issue. He said he has concerns and he considers this an unacceptable halting site. It was brought to his attention that this site was empty for some time this year and recently occupied. There are concerns by families living nearby. He said he is fairly certain the members did vote on this and voted to close this facility as it was not fit for human habitation. He expressed concern for the residents in the area with regard to continuing to operate an unsuitable site. He asked if this site has been occupied and what is the position with regard to the sewerage treatment.

Mr. J. Breen said the site is supported by chemical toilets. Caretaking arrangements are in place every second day. There has been an individual on the site and he/she has been housed. It is important to bear in mind, as the reply outlines, that the Housing authority must provide emergency accommodation. The closure of this site cannot be considered unless an alternative is identified.

Cllr. B. Cronin said he is not happy with this. He asked what was the view regarding vehicular access, particularly when someone is trying to leave another property.

Mr. J. Breen said, when considering the question of exiting or entering, it is unfair to compare. The Council added an additional traffic barrier for added security. There can be, at times, some difficulty there. However, emergency accommodation is needed and it is a statutory obligation on this Authority. The Council cannot consider closing this facility without an alternative being available.

Cllr. T. Fleming supported the motion. There was a strong deputation when this was raised last. There was great concern particularly due to health and safety reasons. He said that he does not think that, even for the people that are accommodated there, it is satisfactory. He asked could temporary hostel accommodation be considered as an alternative.

Mr. J. Breen said the services on the site are water, electricity, toilets and refuse. The Council cannot house somebody without the services being in place.

## **6. Parking in Ballybunion Town**

**Pursuant to notice duly given, Cllr. R. Beasley PROPOSED:-**

“That Kerry County Council identify some lands adjacent to Ballybunion Town to be used as a parking facility, and in the meantime try to negotiate to have the lands where the Old Atlantic Hotel was to be opened as a temporary car park for the summer months.”

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The following report was issued:

**The Council is actively pursuing public parking facilities in a number of locations in the town of Ballybunion. Negotiations are ongoing to secure temporary leasing arrangements at two locations which will provide 120 and 50 spaces respectively. It is hoped to conclude these agreements shortly.**

**In relation to the Old Atlantic Hotel site, Kerry County Council are currently in discussions with the landowner.**

Cllr. R. Beasley welcomed the reply. Kerry County Council has carried out major restoration of the streets in Ballybunion that would be the envy of any town in Munster. A few situations have arisen regarding parking on the Doon Road where land has been identified for parking. The landowner has submitted a planning application for 34 houses. There is no difficulty with giving the land earmarked for parking. He asked Kerry County Council to move rapidly in eliminating the traffic problem on the Doon Road. He said it is intended to put double yellow lines at Church Road. These lines should be staggered. He asked that the Engineers take into consideration the residents of Church Road who will be left without parking spaces. With regard to private parking, he requested that the Area Engineer meet with the residents regarding this matter and that they be aware of the entrances to housing estates on Church Road.

Mr. C. O'Sullivan said these issues will be considered but they cannot be guaranteed.

Cllr. R. Beasley said there has been a good common sense approach to this by the staff in the area. Hopefully what they are doing will rectify the problem in the short term.

### **7. Occupancy Clause in relation to Rural Planning**

**Pursuant to notice duly given, Cllr. Danny Healy Rae PROPOSED:-**

“(a) To ask the Planning Section of Kerry County Council in relation to rural planning how many seven year clause and two year clause conditions were attached to planning granted in 2006 & 2007. (b) Is Kerry County Council leaving itself exposed by attaching seven year clause as two year is what is agreed and inserted in our Co. Development Plan. (c) When a family member who had been granted planning as such on their parents landholding - circumstances change and they need to sell - what guidelines do Kerry County Council Planning Section require from the new purchaser to satisfy rural settlement conditions.”

The following report was issued:

- (a) **Members will recall that during the Planning debate between the former County Manager and full Council in November, 2004, Mr. Martin Riordan indicated that following representations from all Council Members, it was agreed that genuine family members are to be facilitated on landholdings if at all possible subject only to road safety and public health issues. However, he also stated that such permissions would be conditioned with a strict occupancy clause. In April 2005, the Sustainable Rural Housing Guidelines were issued by the Department of Environment. It is legally required (S28 of Planning & Development Act, 2000) that Kerry County Council take regard to the policies as set out in the guidelines, in the performance of our functions. The Minister at that time advised that immediate steps be taken**

to review Development Plans and incorporate any changes necessary to ensure consistency with the policies as set out. The guidelines included indicative occupancy conditions which referred to an occupancy of seven years. Hence, since the introduction of the guidelines, the seven year occupancy clause has been included in all permissions, unless it is a permission consequent application, where a two year period would have been conditioned in an outline permission. However, it is not possible, to identify the exact number of permissions, where the two-year and seven-year occupancy clause has been inserted.

- (b) As stated previously, the Planning Authority has had regard to the guidelines issued by the Department of the Environment, Heritage & Local Government in relation to imposition of the occupancy clause. This is also in line with the agreement with the Council to facilitate genuine family members.
- (c) Every application for a dwelling in a rural area is assessed having regard to the Rural Planning Guidelines 2005 and the County Development Plan. The applicants need to reside in an area is determined, having regard to the intrinsic links/family ties to the area.

Once a decision is issued on a planning application, the Planning Authority is precluded from amending the terms of the decision.

However, when a genuine need to sell a dwelling house arises, an intended purchaser may with the consent of the owner, make an application to modify the relevant condition of the permission granted. The intended purchaser will then be assessed on the need criteria.

Cllr. D. Healy Rae said he was not happy with the reply issued. This is a very serious matter. A seven year occupancy clause is being imposed by the Planning Authority. He outlined a case where 2 or 3 family members wanted to sell their houses, and had local people wishing to buy the house from them, but they were refused by Kerry County Council. The banks/lending institutions will have to sell the houses in question. He said he cannot understand this. The proposed purchasers in two cases were local people. Their jobs were also very close by. The guidelines which Kerry County Council Planning Section require from the new purchaser to satisfy rural settlement conditions was not addressed in the reply. He questioned the legality of the seven-year clause. The reply states "it is legally required (S28 of the Planning & Development Act 2000) that Kerry County Council take regard to the policies as set out in the guidelines in the performance of our functions". Members agreed to have a two-year occupancy clause. It is very hard to believe the Planning Department cannot identify the numbers of seven and two-year occupancy clause cases. It is only fair that if families cannot keep the house, they should be allowed to sell the house. The Planning Authority will have no control over who the lending institution sells it to.

Mr. M. McMahon said there are a few issues with this notice of motion. The reply says the seven-year occupancy clause applies unless the application is for approval consequent on outline permission. We would have to check every decision to identify the two and seven-year occupancy clause cases. Where a genuine householder wishes to sell the house we consider this on its merits. The new purchaser applies to modify



the relevant condition of the permission granted and the occupancy clause is then applied to their application. They must meet the same need criteria as the original owner. There are other circumstances involved in relation to the cases the Councillor is referring to.

Cllr. D. Healy Rae asked if someone is from the same parish as the original applicant, if the job of the purchaser is within 10 miles of the house and they have a need for the house, would that not be sufficient.

Mr. M. McMahon said this is a serious issue. He outlined a recent case where three permissions were granted – for a father and two sons. This was granted after a long process. This case was appealed to An Bord Pleanála. Before the An Bord Pleanála decision was finalised, one of the sons sold his house. An Bord Pleanála issued a refusal on the basis that there was a house available on the landholding. An application to purchase that house was then received by the Planning Department. These are the type of cases that are being dealt with. Every application must be dealt with on its merits.

Cllr. D. Healy Rae said the fact of the matter is you cannot make any one brother sell. The second brother could not afford the house. The lender will have to sell it now. He outlined that there is another case where the owner has three prospective buyers. They were told if someone local requires the house they would be considered. The lending institution will have to sell the house now.

Mr. M. McMahon said the Planning Department is dealing with a whole series of such cases.

Cllr. D. Healy Rae said our County Development Plan says a two-year occupancy clause should be applied. How can we stand over that? Does it not matter what we put in the plan but what Management will decide after is what will pertain?

Mayor M. Healy Rae said issues raised in this notice of motion will be considered when discussing the review of the County Development Plan and particularly the Rural Planning Guidelines. On that day every Councillor should have their submissions ready. What will be very helpful would be to bring any submission in writing and propose it. That is the way he would like to see that meeting going ahead. It is members opportunity to get amendments made to the County Development Plan.

Cllr. D. Healy Rae said for people in dire financial difficulty every day is a week to them. There are families whose dignity will be gone because the bank will be selling their house. It is regretful this is the way it is going.

## **9. Funding for Local Authorities**

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

“That the members of Kerry County Council call on the Government to improve funding for local authorities by allowing a percentage of the VAT collected in each county to be refunded to that county (without an increase in the VAT rate nationally) to ensure the proper funding of local authorities who are under extreme pressure at present”

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

Cllr. J. O'Connor said this matter was dealt with when the submission to the Commission on Taxation was considered. He requested that the motion be forwarded to other Local Authorities also.

**10. Flights from Cork Airport to Warsaw**

**Cllr. J. O'Connor moved this motion on behalf of Cllr. M. Connor Scarteen.**

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

“That we the members of Kerry County Council urgently request the management of Cork Airport Authority, Aer Lingus and Ryan Air to introduce flights from Cork Airport to Warsaw on a regular basis as passengers from Kerry, Cork, Tipperary and Waterford travelling to Poland have to go to Dublin or Shannon Airports.”

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

It was agreed that a letter would issue to the Management of Cork Airport Authority, Aer Lingus and Ryanair regarding flights from Cork Airport to Warsaw.

**11. Lights at Holy Cross, Firies**

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

“That Kerry County Council call on the ESB to prioritise erecting lights at Holy Cross, Firies, as they have been paid for from my allocation, since January 2008.”

The following report was issued:

**The order has been sent to the ESB for lights since mid April. Arrangements for the required civil works by the local Area Engineer have been agreed and it is proposed to start these works in early June, when the area has completed its current road programme. Kerry County Council will liaise with the ESB to follow on after the civil works.**

Cllr. J. Sheahan said he noted the report circulated. Cllrs. M. Gleeson and M. O'Shea also contributed to the provision of lights at Holy Cross, Firies. He asked that pressure be brought to bear on the ESB to install these lights.

Mr. C. O'Sullivan said when members allocate funds towards work it must feed into the works programme at the time. It is intention of the Roads Department to have this matter resolved as soon as possible.

**12. Cromane Pier**

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

“That the County Manager give a detailed report in relation to the Cromane Pier project now that the CPO is well under way and make a statement as to when this long overdue significant project for the mid Kerry area is to commence”

The following report was issued:

**As the Councillors are aware Kerry County Council has secured planning permission for the proposed pier and access road at Cromane. We were, however, unable to secure the agreement of all the landowners for purchasing the lands required to construct the project. Following prolonged attempts to secure the necessary agreement it was decided to pursue the lands by means of a**

**CPO.** The CPO documentation was lodged with An Bord Pleanála on 14<sup>th</sup> February, 2008. The Board received two submissions from landowners on the route of the proposed access road to the CPO.

An Bord Pleanála has indicated that they intend to adjudicate on the CPO by July 31<sup>st</sup> 2008. We have received a copy of the objections lodged and are currently working on a response document to these objections. We have also engaged in discussions with one of the objectors to see if the issues identified in that objection can be resolved.

In the event that the CPO is confirmed by An Bord Pleanála there is a grant in place for 2008 that may allow for a commencement of works on the project in 2008. The initial works would see the fencing of the access route as well as the preparation of a site access road to the pier location. Following works on the pier construction would be dependant on the necessary resources being made available. The plan for the construction works is that these would be project managed by the local Engineering office of the Department of Agriculture Food & Fisheries.

If An Bord Pleanála were to decide to reject the proposed CPO it is highly unlikely that the project would proceed. The costs of any alternative access routes to the pier would likely be too expensive and would not be funded.

Cllr. M. Cahill expressed his concern with regard to the last paragraph of the reply to the notice of motion. He said he hopes this does not arise. This has serious consequences for this area. It is a long overdue project which is greatly needed. He asked that every effort be made to resolve issues with the landowners. He encouraged all concerned to ensure the project goes ahead.

Mayor M. Healy Rae supported this motion.

### **13. Funding to improve Access to Sayers Homestead, east of the Derrymore Bridge**

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

“That this Council calls on the NRA to provide funding to improve, in the name of safety, access to Sayers Homestead east of the Derrymore Bridge.”

The following report was issued:

Kerry County Council received funding in 2006 and 2007 for the improvement of approximately 3km of the N86 National Secondary Road between Derryquay School and Derrymore West. This also involved the widening of Derrymore Bridge. The Sayers property is located east of this Bridge. Prior to the improvement works the Sayers access to the N86 was completely substandard – there was approximately 20m sight distance in both directions. Kerry County Council entered into agreement with the Sayers family for the purchase of land in order to widen both the road and the bridge – this greatly increased the safety at their access point. Because the bridge was being widened, as opposed to being replaced, the road level at the crown of the bridge remained the same. To improve sightlines for the Sayers, Kerry County Council relocated their access point further east and realigned the road vertically from the crown of the bridge to their new access point. The result is there is now over 100 metres sight

distance looking west from their access point. Though less than the required sight distance if a new planning application was being sought, nevertheless, it is a significant improvement on the old access point.

In carrying out such widening works, there is no onus on Kerry County Council to improve each and every individual access point to full Design Manual for Roads and Bridges standard. It is, however, our policy to improve access points whenever possible.

The NRA inspectors for Kerry have also examined the access point for the Sayers family in the last few weeks and are satisfied with the improvements to sight lines within the constraints of the scheme.

The NRA Safety Engineer will carry out an additional safety audit of the scheme, but has already indicated that she is satisfied in principle with the improvement works carried out to the Sayers entrance.

Cllr. B. MacGearailt said this is a hump-backed bridge. He said he cannot understand why it has not been removed. It would be safer for everyone. He said that, while he understands the NRA is to carry out an additional audit, it still remains dangerous.

#### **14. Tidy Towns Competition - Approach Roads**

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

“That in the light of the changed criteria whereby the neatness/tidiness of approach road-sides i.e. road-sides outside the actual urban/village speed-limit sign, will henceforth be part of the overall assessment of the Towns/Villages in the Tidy Towns/Villages competition, that the Council would outline its proposals towards ensuring that the appropriately high standards of neatness and tidiness are achieved during 2008.”

The following report was issued:

**In the adopted Budget, Council provided €100,000 to the Roads Department towards the operation of the street cleaning service and €50,000 to support exceptionally worthwhile tidy towns initiatives. The balance of €1.4m that is required for street cleaning is charged against road maintenance.**

**The Council is aware of the changes in the criteria for judging towns and villages in the Tidy Towns Competition. We will continue to work closely with local Tidy Town committees and the Town Councils in ensuring that that appropriately high standards of neatness and tidiness are achieved, within available resources.**

Cllr. M. Gleeson said everybody is aware of the enormous contribution Tidy Towns Committees make to the county. It is wonderful to note how much Rathmore has improved because of the people's commitment to their town. This is of singular importance. Killarney Town Council and the voluntary base in the town have made enormous efforts. It is of importance that the approach roads to the towns be maintained. It would be deplorable if Killarney, Tralee or Listowel do not advance because the maintenance of approach roads was not carried out. Please ensure the standard is achieved.

**15. Consultants Hired by Kerry County Council in 2007**

**Cllr. M. Gleeson moved this motion on behalf of Cllr. B. Cronin.**

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

“To request Kerry County Council to provide the elected members with the full details of all projects consultants were hired for and the full amounts paid to each individual firm for the period January 1<sup>st</sup> 2007 to December 31<sup>st</sup> 2007.”

The following report was issued:

**The attached schedule gives the details of the sums paid to Consultants engaged by Kerry County Council on County Council projects and the jobs for which the Consultants were retained for the period from 1 January 2007 to 31 December 2007. Details of Consultants paid in excess of €5,000 in the year in the period are included.**

Consulting Firms are engaged normally only where the County Council does not have the overall level of staffing resources required, the diverse range of disciplines needed, or the particular expertise necessary for the specific job. Generally, they are engaged in connection with major infrastructural projects, such as, water schemes, waste water schemes, structural design, quantity surveying and, otherwise, where specialist input is required beyond the normal activities of the Council. In most of the major projects, the appointment of Consultants is subject to the approval of the National Grant-Aiding Body. E.U. Public Procurement Directives apply to the major contracts, as well. The National Public Procurement Guidelines apply to the award of all public sector contracts. The policy is that in all cases, both major and otherwise, the fee proposal is agreed in advance of any appointment.

**The Expenditure on consultancies during 2007 may be summarised by major service, as follows:-**

<b>Service</b>	<b>Total Expenditure €</b>	<b>Recoupable €</b>
Housing	0.313m	0.313m
Roads	0.874m	0.701m
Water Services	1.573m	1.163m
Environment	0.310m	0.004m
Council Buildings Development Projects	0.884m	0.308m
Miscellaneous Minor Projects, e.g. Broadband, Piers & Harbours, Planning Studies	0.502m	0.240m
<b>Total</b>	<b>4.456m</b>	<b>2.729m</b>

As is evident from the table above, the vast majority of the expenditure incurred is in relation to the major investment programmes. Of the €4.456m paid to Consultants during 2007, approx. 61% is recoupable from various Government Departments and State Agencies, in respect of grant-aided projects. 35% of the overall sum was spent on support to Water Services where we are advancing a very substantial investment programme.

As every effort is made to undertake the maximum amount of work from within our own staffing resources, the Council engages Consultants on an exceptional

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basis only in the circumstances, as mentioned earlier. Consequently, then, the possibility of the Council undertaking the work through internal means had been exhausted before engaging the Consultants in the first instance.

**Consultancy Fees Paid - January to December, 2007**

<b>Supplier Name</b>	<b>Total Paid to Supplier €</b>	<b>Nature Of Service</b>	<b>Job Description</b>	<b>Summary paid by Job €</b>
Ryan Hanley & Company The Villa, The Crescent, Galway.	<b>150,837.33</b>	Consulting Engineers	B Heigue Sew Improve.. Barraduff Sewerage Scheme Kilcummin Sewerage Scheme North Ardfert Source Protection	<b>61,342.35</b> <b>32,152.78</b> <b>50,099.24</b> <b>7,242.96</b>
Mott Macdonald Pettit Ltd Little Island, Cork	<b>18,185.05</b>	Consulting Engineers	Firies Scartaglin Sth Sect	<b>18,185.05</b>
Malachy Walsh & Partners Floraville, Boreenmanna Road, Cork	<b>403,062.75</b>	Consulting Engineers	NS Caherciveen Bridge Mtce  Regional Road Bridge Mtc Kenmare WS Improvement S.I.G. L4007 Owroe Bridge N70 Kells Realignment FEXCO Devp, Killorglin PL3309/03	<b>605.00</b>  <b>3,025.00</b> <b>316,094.37</b> <b>68,757.88</b> <b>10,224.50</b> <b>4,356.00</b>
Brendan Williams & Assoc Market Place, Maine Street, Tralee	<b>118,548.71</b>	Architectural Consultant	Fire Station Kenmare  Kenmare Carnegie Library	<b>93,395.08</b> <b>25,153.63</b>
Fehily Timoney & Co	<b>34,008.49</b>	<b>Consulting Engineers</b>	Closure - Ballyvirrane, Milltown.	<b>20,020.60</b>
Core House, Pouladuff, Cork.			Closure - Coolcaslagh, Killarney	<b>11,684.97</b>
			Hydro Electric Hags Glen Feas. Study	<b>2,302.92</b>

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<b>Supplier Name</b>	<b>Total Paid to Supplier</b>	<b>Nature Of Service</b>	<b>Job Description</b>	<b>Summary paid by Job</b>
Jack Coughlan Associates 21 Sunday's Well Road, Cork	<b>41,363.50</b>	Conservation Consultants	Forward Planning	<b>41,363.50</b>
Atkins  Swords, Co Dublin	<b>170,671.28</b>	Consulting Engineers	N72 Barraduff Bridge (Design) Tralee By-Pass - Bealagrellagh N72 Barraduff Bridge (Design)	<b>15,550.48</b> <b>138,686.58</b> <b>16,434.22</b>
Arup Consulting Engineers Hartstonge Street, Limerick	<b>140,393.22</b>	Consulting Engineers	Aras an Chontae Castleisland Library / Service Centre N72 Lissy. Rathmore Junction Design	<b>96,225.86</b> <b>15,454.06</b> <b>28,713.30</b>
KCK Kane Crowe Kavanagh  4 Princes Street, Tralee	<b>167,471.87</b>	Quantity Surveyors	N8/2/448 - Ardfert Housing Scheme N8/2/467 Gortamullen Kenmare Ph2 Castleisland Moanmore Phase 3 2007 10 Affordable Hses@Farranwilliam Farranwilliam Ardfert Phase 4 Killorglin Town centre Project Castleisland Library / Service Centre	<b>40,240.38</b>   <b>16,636.05</b>   <b>27,912.69</b>  <b>4,015.99</b>  <b>52,784.25</b>  <b>10,889.62</b> <b>14,992.89</b>
RPS Mc Hugh Planning & Environment Curraheen Road, Cork	<b>5,324.00</b>	Consulting Engineers	Forward Planning	<b>5,324.00</b>
RPS MCOS Ltd  Ballincollig, Cork	<b>72,656.71</b>	<b>Consulting Engineers</b>	<b>Caherciveen WS</b>	<b>72,656.71</b>

<b>Supplier Name</b>	<b>Total Paid to Supplier</b>	<b>Nature Of Service</b>	<b>Job Description</b>	<b>Summary paid by Job</b>
RPS Ireland Ltd T/A RPS Consulting Engineers Belfast, Northern Ireland	<b>67,409.10</b>	Consulting Engineers	Piers and Harbours Knightstown	<b>67,409.10</b>
RPS Group  Ballincollig, Cork	<b>284,722.54</b>	Consulting Engineers	Traffic Management Ballybunion Tralee By-Pass - Bealagrellagh N23 Castleisland- Farranfore N69 Listowel Bypass Scartaglin Sew Sch Tralee Sew. Scheme (Nutrient Reduction) Abbeydorney Sewerage Scheme Fenit Sewerage Scheme Kilflynn Sewerage Scheme Spa Sewerage Scheme Currow Sew Ardfert Sew Imp Work	<b>9,431.95</b>  <b>9,021.49</b>  <b>22,220.16</b>  <b>12,084.88</b> <b>30,336.56</b>  <b>1,458.27</b>  <b>34,874.04</b>  <b>44,651.75</b>  <b>34,874.04</b>  <b>20,558.83</b> <b>30,336.53</b>  <b>34,874.04</b>
Staveley & Partners Dun Laoghaire, Co Dublin	<b>53,817.18</b>	Consulting Engineers	Listowel RWS Stg 4 B Heigue Sew Improve.. N21 Ballycarty – Tralee	<b>38,493.13</b>  <b>762.30</b>  <b>14,561.75</b>
Eachtra Archaeological Projects Kinsale Road, Cork	<b>25,000.01</b>	Archaeologists	Burial Grounds	<b>25,000.01</b>



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<b>Supplier Name</b>	<b>Total Paid to Supplier</b>	<b>Nature Of Service</b>	<b>Job Description</b>	<b>Summary paid by Job</b>
Malone O Regan McGillcuddy  7 Day Place, Tralee	<b>207,768.22</b>	Consulting Engineers	SG L7001 Meanus Bridge S.I.G. L7512 Gaddagh Bridge, Beaufort Safety Works at Killarney Rd K'glin Gortatlea Farranfore Castleisland Library / Service Centre	<b>85,429.48</b>  <b>91,605.25</b>  <b>1,635.19</b> <b>14,926.56</b> <b>14,171.74</b>
Malachy Walsh & Partners Denny Street, Tralee.	<b>34,908.50</b>	Consulting Engineers	Lixnaw DM  Brandon Pier Listowel Civic Amenity Area Rossbeigh Caravan Park	<b>302.50</b>  <b>1,936.00</b> <b>4,840.00</b> <b>27,830.00</b>
O Sullivan Campbell Architects Killarney, Co Kerry	<b>29,513.87</b>	Architects	Caherciveen Area Services Centre	<b>29,513.87</b>
Richard Walshe Associates  Tralee, Co Kerry	<b>101,977.74</b>	Construction Cost  Consultants	Ballygologue Phase 5 N8/2/429 Causeway 2006 N/8/2/427 - Ballyferriter [2003] N8/2/449 Ballylongford Phase 1 N8/2/406 - Lixnaw Phase 11 [2000] N8/2/463 Ballygologue Listowel Ph 4 N8/2/454 Ballyg. Listowel Ph 3 ( LTC ) Lixnaw Phase 3 2006	<b>54,429.54</b> <b>-</b> <b>5,889.52</b> <b>2,212.57</b> <b>2,494.51</b> <b>20,264.72</b> <b>521.40</b> <b>5,921.32</b> <b>22,023.20</b>
Conservation Services Glenflesk, Killarney, Co Kerry	<b>13,773.43</b>	Environmental Consultants	Biological Monitoring	<b>13,773.43</b>

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<b>Supplier Name</b>	<b>Total Paid to Supplier</b>	<b>Nature Of Service</b>	<b>Job Description</b>	<b>Summary paid by Job</b>
Southern Advertising Limerick	<b>19,723.00</b>	Art Consultant	Library Rebrand	<b>19,723.00</b>
White Young Green Ireland Ltd Lock Quay, Limerick	<b>230,901.92</b>	Consulting Engineers	Firies Sew Imp Work Kenmare Sewerage Scheme - Upgrade	<b>60,843.74</b> <b>170,058.18</b>
Declan O Sullivan Princes Street, Tralee, Co. Kerry	<b>28,788.21</b>	Quantity Surveyors	Part V Affordable Fees & Expenses	<b>28,788.21</b>
Declan Naughton Blessington, Co Wicklow	<b>22,297.13</b>	HR Consultant	Recruitment	<b>22,297.13</b>
Loss Control Services Ltd T/A Nifast	<b>47,593.33</b>	Health & Safety	N71 Pavt Kenmare-Molls G	<b>3,569.50</b>
Douglas, Cork		Consultants	N71 Bonane	<b>3,569.50</b>
			LIS Administration / BUDGET	<b>11,898.33</b>
			SG Listowel - Abbeyfeale R555	<b>3,569.50</b>
			S.I.G. L7512 Gaddagh Bridge, Beaufort	<b>3,569.50</b>
			N70 Kells Realignment	<b>3,569.50</b>
			N70 Caherciveen to Waterville	<b>3,569.50</b>
			S.I.G. L4007 Owroe Bridge	<b>3,569.50</b>
			SG L7001 Meanus Bridge	<b>3,569.50</b>
			N69 Leith X, Realignment	<b>3,569.50</b>
			S.I.G. R563 Milltown- Fossa	<b>3,569.50</b>
O Reilly Hyland Tierney 14 Clanwilliam Terrace, Dublin 2	<b>43,076.00</b>	Architects	Aras an Chontae	<b>43,076.00</b>

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<b>Supplier Name</b>	<b>Total Paid to Supplier</b>	<b>Nature Of Service</b>	<b>Job Description</b>	<b>Summary paid by Job</b>
ADCO Archaeological Diving Company Ltd Castlecomer, Co Kilkenny.	<b>5,082.00</b>	Archaeological Diving	Knightstown Pier ( Design )	<b>5,082.00</b>
Polaris Human Resources Swords, Co Dublin	<b>14,999.05</b>	HR Consultants	Staff Welfare	<b>14,999.05</b>
McCullough Mulvin Architects Ltd	<b>140,366.75</b>	Architects	Caherciveen Library	<b>140,366.75</b>
Piconsult Ltd t/a Kavanagh Mansfield & Partners Ballsbridge, Dub 4	<b>69,834.23</b>	Consulting Engineers	Caherciveen Library	<b>69,834.23</b>
Mulcahy McDonagh & Partners Ltd Ballsbridge, Dub 4	<b>111,091.21</b>	Surveyors	Caherciveen Library	<b>111,091.21</b>
Tobin & Co Ltd  Galway	<b>236,683.54</b>	Consulting Engineers	Beaufort Sew Sch Muingnaminnane - Ext. - Design	<b>81,498.67</b> <b>155,184.87</b>
Aidan Walsh BA FMA Castkepollard, Co Westmeath.	<b>14,251.81</b>	Museum and Heritage Consultancy Services	Library Tralee	<b>14,251.81</b>
Wm Moyles Ltd, T/A Senith Land Surveys The Basin, Tralee, Co Kerry	<b>8,470.00</b>	Surveyors	N70 Mountain Stage/ Curraheen KTC-CRDO work @N22 Roundabout  North Kerry Landfill	<b>5,445.00</b> <b>1,815.00</b> <b>1,210.00</b>
River Monitoring Technologies Ltd Blackrock, Co Dublin	<b>6,507.18</b>	Surveyors	KY CRWS Treatment	<b>6,507.18</b>
A&L Goodbody North Wall Quay, Dublin 1	<b>8,784.78</b>	Consultants	Gortatlea Farranfore N21 Castleisland Bypass	<b>4,887.49</b> <b>3,897.29</b>
John O Connor Grange, Co Lmk	<b>13,310.00</b>	Web Design Consultant	Heritage Activities	<b>13,310.00</b>

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<b>Supplier Name</b>	<b>Total Paid to Supplier</b>	<b>Nature Of Service</b>	<b>Job Description</b>	<b>Summary paid by Job</b>
TJ O Connor & Associates LTD Sandyford, Dubin 18	<b>121,000.00</b>	Consulting Engineers	Waterville Ws  Waterville Sew	<b>60,500.00</b>  <b>60,500.00</b>
Street Play Leisure ltd Bangor, Co Down	<b>14,923.15</b>	Consultants	Comm & Enter Ballybunion Playground	<b>14,923.15</b>
BMA Geoservices Ltd Athy Road, Carlow	<b>21,503.51</b>	Environmental Consultants	N21 Castleisland Bypass	<b>21,503.51</b>
McPolin & Associates Ltd Basin Road, Tralee, Co Kerry.	<b>11,686.43</b>	Construction Cost Consultants	N8/2/442 C'civeen Site Market Street	<b>11,686.43</b>
Donal Mangan Killorglin, Co Kerry	<b>8,100.00</b>	Consulting Engineer	Muingnaminnane Phase 8	<b>8,100.00</b>
Nicholas O Dwyer Consulting Engineers Nutgrove Avenue, Dublin	<b>190,906.47</b>	Consulting Engineers	Traffic Management Dingle KY CRWS Treatment Asdee Sew Sch Finuge Major Sewerage Sch 03 Cashen Sewerage Scheme Adv Study Kerry WW & Sludge Project Abbeydorney Sewerage Scheme Ballyduff Sewerage Scheme Ballylongford Sewerage Scheme Tarbert Sewerage Scheme Lixnaw Sewerage Scheme	<b>24,563.00</b>  <b>1,763.71</b> <b>14,273.27</b>  <b>14,236.67</b> <b>14,254.90</b>  <b>1,385.63</b>  <b>1,110.68</b> <b>29,790.69</b>  <b>30,285.87</b> <b>29,310.32</b> <b>29,931.73</b>
University College Cork Finance Dept Cork	<b>10,285.00</b>	Consultants	Tralee By-Pass - Bealagrellagh	<b>10,285.00</b>
McMahon Design & Management Ltd Clontarf Rd, Dub 3	<b>225,191.77</b>	Consulting Engineers	Broadband Project 2007	<b>225,191.77</b>

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<b>Supplier Name</b>	<b>Total Paid to Supplier</b>	<b>Nature Of Service</b>	<b>Job Description</b>	<b>Summary paid by Job</b>
Layng Ross Surrey, England	<b>7,830.90</b>	Consultant	N21 Ballycarty - Tralee	<b>7,830.90</b>
Maurice Power MP Strandhill Road, Sligo	<b>15,427.50</b>	Theatre Consultants	Caherciveen Library	<b>15,427.50</b>
J B Barry & Partner Cons Engineers Little Island, Cork	<b>87,446.29</b>	Consulting Engineers	Glenflesk Glen Sew Sch 2002 Sneem Sewerage Scheme SLI Adv Study Kerry WW & Sludge Project Glenbeigh Sewerage Scheme C Daniel Sew Kilgarvan Sew Sch Chapeltown Sew	<b>518.56</b> <b>518.56</b> <b>6,179.93</b> <b>63,685.63</b> <b>10,952.22</b> <b>2,656.14</b> <b>2,416.69</b> <b>518.56</b>
Joe Hanley HR Management Consultancy Ltd Leixlip, Co Kildare	<b>24,690.05</b>	HR Consultant	PMDS	<b>24,690.05</b>
Merrion Stockbrokers Montenotte, Cork.	<b>7,865.00</b>	Financial Consultants	Sneem Water Impr 2007	<b>7,865.00</b>
Applied Ground Engineering Consultants(AGEC) Bagenalstown, Co Carlow	<b>15,929.65</b>	Consulting Engineers	N22 Farranfore - Killarney	<b>15,929.65</b>
Homan O'Brien & Co. Ltd. Blackrock, Co Dublin	<b>76,512.03</b>	Consulting Engineers	Caherciveen Library	<b>76,512.03</b>
Clearview Environmental Services Ltd Headford, Killarney	<b>14,520.00</b>	Environmental Consultants	Fenit Junction - B'ville Relief Rd (Design)	<b>14,520.00</b>
First Derivatives Plc Newry, Co Down APEX Geoservices Limited Gorey, Co Wexford	<b>26,012.85</b> <b>12,995.75</b>	I.T. Consultants Surveyors	E Procurement Tralee By-Pass - Bealagrellagh	<b>26,012.85</b> <b>12,995.75</b>

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<b>Supplier Name</b>	<b>Total Paid to Supplier</b>	<b>Nature Of Service</b>	<b>Job Description</b>	<b>Summary paid by Job</b>
Fitzpatrick Associates 122 Ranelagh Village, Dublin 6	<b>7,865.00</b>	Economic Consultants	Community And Enterprise	<b>7,865.00</b>
Farm Management Cons Ltd t/a Edward J Bolger & Associates Listowel, Co Kerry	<b>22,191.61</b>	Consultants	Gortatlea Farranfore N21 Ballycarty - Tralee	<b>1,952.23</b> <b>20,239.38</b>
Barry Murphy Newcastle West, Limerick	<b>7,411.25</b>	Safety Consultant	Tralee Library	<b>7,411.25</b>
Murray O Laoire Architects LTD Cork	<b>180,749.05</b>	Architects	Killorglin Town Centre Project Aras an Chontae Phase 3	<b>6,231.50</b> <b>174,517.55</b>
National Building Agency Ltd Milltown, Dublin 6.	<b>160,134.12</b>	Consultants	Hub / Economic Development Fund	<b>160,134.12</b>
Padraig Mac Fhearghusa Tralee, Co Kerry	<b>12,648.84</b>	Translation	Various	<b>12,648.84</b>
Bard na nGleann Teoranta TA Bard Beal Atha nGhaortaigh, Co Chorcaí	<b>8,952.94</b>	Translation	Forward Planning	<b>8,952.94</b>
<b>Total</b>	<b>4,455,952.80</b>			<b>4,455,952.80</b>

**16. Authenticity of an Objector to a Planning Application**

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

“What is the current legal position regarding the authenticity of an objector to a planning application. If there is no verification system of an objectors identity in place at present that changes be made to ensure that a simple system is put in place to ensure that an objector’s identity can be verified.”

The following report was issued:

**The Planning & Development Regulations 2001 sets out the procedures involved in making a submission or observation in relation to a planning application. This law states that any person or body on payment of a prescribed fee (currently €20), may make a submission or observation in writing to a Planning Authority in relation to a planning application, within the period of five weeks, beginning on the date of receipt by the authority of the application.**

Any submission or observation received must state the name and address, telephone no. and e-mail address if any of the person or body, making the submission or observation and also indicate the address to which any correspondence relating to the application should be sent.

The Planning Authority must then acknowledge in writing the receipt of the submission.

If an appeal is then made to An Bord Pleanála, this acknowledgement from the Planning Authority is required to be included with the appeal to the Board. The law does not require the authenticity of an objector to be verified.

However, where the Planning Authority becomes aware of a possible fraudulent submission, the matter will be investigated and if necessary referred to the Garda Síochána, who have appointed a Liaison Officer for this purpose.

Cllr. J. O'Connor said there is a situation where names have been put to objections that have not actually signed. The reply is comprehensive but there is no way of discovering the authenticity of the objector. People should get the objection stamped by either the Gardaí or a Peace Commissioner. It is a serious thing objecting to planning. People should not be fictitious.

Mr. M. McMahon said the planning process is the most open and transparent system we have in that everybody has access to it. The law permits everyone to have access to planning cases. All objections/observations are acknowledged and if the acknowledgement comes back it may raise concerns, but we have no way of proving such an individual exists or that it was written by the person purporting to have written it. There is a proposal to provide electronic planning. Submissions would be e-mailed and payment would be made by credit card. Any matters drawn to our attention are followed up. The Gardaí have appointed a Liaison Officer to deal with these matters with Kerry County Council.

#### **17. Bus service at Portmagee and Valentia**

**Pursuant to notice duly given, Mayor M. Healy Rae PROPOSED:-**

“That the members and management of Kerry County Council write to Bus Éireann asking them to provide a proper bus service to service the people of Portmagee and Valentia. I believe that this would bring much needed visitors into the locality and provide a good, sound service for the locals also.”

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

Mayor M. Healy Rae requested that a letter issue to Bus Éireann on this motion.

#### **18. Management Plan/Development Plan for Rossbeigh Beach**

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

“That Kerry County Council prepare a Management Plan/Development Plan for Rossbeigh Beach inclusive of a Feasibility Study for a Marina on the back beach and protection works for the Spit which is in County Council ownership.”

The following report was issued:

Following the decision to proceed with the development of a caravan Park at Rossbeigh, Kerry County Council commissioned consultants Environment Resources Management Ltd in 2004 to prepare a Management Plan for Rossbeigh Spit. Rossbeigh Spit is part of the wider Castlemaine candidate Special Area of Conservation (SAC) and Special Protection Area (SPA) and the Plans overall goal was to sustainably manage the site. This Plan addressed a variety of issues, including sand dune management, erosion, visitor facilities, car parking and access, and other activities which take place at the Spit.

The final report was published in 2004 and it listed a number of objectives and Actions to address the following

- Conservation: management of sand dunes, mudflats and sand flats etc
- Access: introduction of bye laws to prohibit vehicular access to dunes, reduce pedestrian access to the dunes etc
- Recreational issues: swimming, fishing, sports, horse riding, playground area
- Grazing Issues: develop grazing strategy, create a number of wet scrapes in slack areas to encourage natterjack toad breeding
- Caravan Park development: Environmental implications of caravan park

In 2005 consultants were appointed to prepare an EIS for the development of a caravan park and, as you are aware, An Bord Pleanála rejected this proposal. Significant resources were expended at that time both in the preparation of the planning application and commissioning of the various reports in support of the application.

KCC has applied for Rossbeigh to retain its Blue Flag status for 2008 and, in addition to the services that have to be provided to meet this stringent criteria, KCC commenced a programme of beach improvement works during 2007. This programme was grant aided by Fáilte Ireland and included provision of disabled access, water safety equipment, signage etc. In anticipation of similar funding being available for 2008 KCC is planning a further schedule of works at our beaches throughout the county, including Rossbeigh. Proposed works to the value of €35,000 will include some coastal protection of the toilets, carpark and road through rock armouring as well as provision of picnic tables, seating, signage etc. It is anticipated that this grant scheme will be made available in future years and KCC intend to use this funding to continue to improve facilities at all our Blue Flag Beaches.

Further investment by Kerry County Council at Rossbeigh includes the allocation of €105,000 towards the recently developed playground at the Spit.

The proposal to develop a marina at Rossbeigh while desirable would require significant investment even at the scoping/project appraisal stage and Kerry County Council currently has no allocation for such work.

In relation to the issue of protection works it is acknowledged that Rossbeigh Spit is a highly sensitive ecosystem. The dune structures and beach, as can be readily seen recently, are prone to erosion. The processes involved in this natural cycle are quite complex and not easily managed.



While it would be possible to put in place a protection scheme that would prevent any significant erosion it is highly likely that the required system would require rock armouring on a significant scale and would alter the very nature of the spit. It would also disturb a natural cycle in a way that could have significant impacts on other areas of natural beauty and importance such as the nearby Inch Spit.

The balance that exists locally between areas of erosion and areas of accretion is a natural balance and any interference in this natural balance would be very costly, may have unforeseen consequences and would have a high probability of failure.

Kerry County Council receives a totally inadequate allocation from the Department of Agriculture, Food and Fisheries to carry out coastal protection works countywide.

Therefore while a Management Plan has been developed for this area the focus of such Plan was very much directed towards addressing the environmental issues which would likely arise in the event of a development of such nature as the proposed caravan park at the Spit. The type of development and protection works now being proposed would have enormous resource implications and in the context of the current economic climate it is unlikely that an adequate source of funding for such works would be made available.

Indeed, in the face of competing demands on scarce resources, priority has to be afforded to the much needed investment required in the water and wastewater infrastructure required throughout the county to meet recent legislative change and increased standards in this area.

Cllr. M. Cahill said he would like to focus on the protection of the sand dune area in Rossbeigh. He pointed out that there used to be an acre of land for every day of the year. Now there is approximately 130 acres. Erosion is happening at the beach. He pleaded with the Council to get involved, to prioritise these works. He asked the County Manager to get involved in this project and ensure the Spit is saved. Works took place some years ago but high tides are causing erosion. This also has implications for Glenbeigh Village and Cromane. He asked that the Council would get all the relevant Departments involved. Ultimately Kerry County Council own the property.

Cllr. M. Gleeson SECONDED this motion

All members supported the motion.

Mr. C. O'Sullivan, Director of Roads & Transportation, referred to the issue of Coastal Protection Works funding. Despite repeat requests for funding, Kerry County Council is not receiving funding.

Cllr. M. Cahill said there are ways we can do some works with small amount of money. Previous works did help. By saying we are not getting money it is not helping either. The beach will be gone before we know it.

Cllr. J. O'Connor asked if a survey had been carried out on the bay.

Mr. C. O'Sullivan said this can be considered in the light of available resources. He undertook to revert to the members on this.

Cllr. M. Cahill said Rossbeigh Spit is a tremendous amenity for the county and tourism. Two thirds of it is now gone.

## **19. Tralee General Hospital**

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

"That Kerry County Council ask the HSE what services does the Authority envisage being removed from Tralee General Hospital in the foreseeable future"

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

Cllr. B. MacGearailt said he had spoken previously about patients appointments being staggered. Nothing has been heard on this issue. He said he is asking the HSE, when, if any, why and where to, will services be removed. Either there is a problem or there is not. Are services going to be removed? Why and when? It will settle some concerns of the people if the HSE clarify this matter. He asked that we would seek clarification on this issue.

Cllr. J. O'Connor SECONDED the motion.

## **20. System for Unemployment Payments**

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

"That Kerry County Council call on the Department of Social Welfare to change the present system of unemployment payments from the EFP Payment System and return to the local Post Offices for more payment control"

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

Cllr. M. O'Shea said Post Offices are the lifeline of the local communities and rural life. Since the introduction of EFT this service has been removed from the Post Offices. With the down turn in the economy many non-nationals have returned to their countries. Monies from Social Welfare are being paid into a bank account with only once per three months sign on. There is no check on child welfare and this scheme is open to abuse. There is no equality since it is gone from the Post Office. A survey was carried out recently which found that of the people on the employment list which are non-nationals 60% had returned to their home countries. Under the present system they were still being paid. This must be corrected and passed on to our Minister for Social Welfare. He asked that the motion be forwarded to the Minister for consideration and reply.

## **21. Ban on Brazilian Beef**

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

"That Kerry County Council ask the Dept of Agriculture to insist that the ban on Brazilian beef be left in place - it is now a recognised fact that since the imposing of this ban that the quality of beef in our Hotels & Restaurants has improved 100% which indicates that large quantities of foreign beef were used prior to the ban.

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

Cllr. D. Healy Rae said it is widely recognized that since Brazilian Beef has been banned the quality of our beef has improved. Much Brazilian Beef must have been used up to now. He asked that the ban remain in place. He asked for support from the members present that the Minister for Agriculture be requested to ensure that this ban remains in place. This will have beneficial effects for our country and county and for Kerry farmers also. The quality of beef has improved.

Mayor M. Healy Rae said all members support the motion.

## **22. Funding for Coastal Erosion**

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

“That Kerry County Council write to the Department of Agriculture, Fisheries and Food asking the Minister to provide a supplementary estimate of €10 million for coastal erosion.”

The following report was issued:

**Kerry has approximately 12% of the entire countries coastline and has the 4<sup>th</sup> highest length of coastline after Mayo, Cork and Galway. However, nationally we have the 2<sup>nd</sup> highest “soft” coastline. The soft coastline is normally the area subject to erosion and includes areas of sand dunes, glacial cliffs, marine wetlands and estuarine zones and over ½ of the coastline in the county is soft.**

**In 2003, it was estimated that 29% of the soft coastline was at risk of erosion and approximately 41 km of this was considered to be in need of urgent attention. The approximate cost of protection of this 41km was conservatively estimated at €26 million in 2003. A prioritised programme of works to be undertaken at vulnerable locations was submitted to the Department of Communications, Marine and Natural Resources for funding under the 2003 – 2006 Coastal Protection Programme. The list outlined the 10 top priority locations, (including Ballyheighue, Inch, Rossbeigh, Knightstown, Kenmare, Maharees, Portmagee, Kilfenora, Ballinrannig and Baile an Sceilg) but it is by no means exhaustive of areas where protection works are necessary. This submission was costed at €10.8 million in 2003.**

**In early 2007, the Council had to proceed with the rock revetment works at Inch, in the interest of public safety. The total cost of these emergency works was €3.94 million of which we received grant aid of €900,000, as announced by Mr. John Browne, T.D., Minister of State at the Department of Agriculture, Food and Fisheries, on the 30<sup>th</sup> April 2008. The Department of Environment Heritage and Local Government allocated €50,000 towards the cost of the works. However, there is an outstanding balance of over €2 million and having regard to the commitments of this Council towards the Water Services Infrastructure programme, we are not in a position to carry out any further coastal protection works until the balance of the funding is provided by the Department of Agriculture Fisheries and Food, who are now responsible for the funding of coastal protection measures.**

Cllr. J. Sheahan said sands are being displaced. Funding is required to tackle this problem. He called on the Minister to provide funding to put protective measures in place that will help this movement of sands. We must protect this for this generation and the next generation.

Mayor M. Healy Rae said all members supported this motion.

**23. Sewerage Scheme in Boolteens, Castlemaine**

**Pursuant to notice duly given, Mayor M. Healy Rae and Cllr. D. Healy Rae**

**PROPOSED:-**

“Direct Department funding has to be made available to commence the sewerage scheme in Boolteens, Castlemaine. It is over 80 years ago since the community in Boolteens first requested a sewerage scheme and renewed efforts have been made over the last 25 years. When can we have a commencement date?”

The following report was issued:

**At the Council Meeting in July, 2007 the Programme for the provision of Village Sewerage Schemes was considered by the members and it was agreed that schemes would be progressed in a number of Phases under a prioritised programme.**

**It was agreed that sixteen villages identified as most urgent for environmental and developmental reasons, and which are likely to be more economic to fund, would be included in Phase 1 of the programme. Kerry County Council is currently progressing Schemes included in this Phase of the Programme.**

**It was agreed that 13 schemes be included in Phase 2 of the programme and that some of these schemes could advance rapidly to construction in partnership with suitable developers.**

**Boolteens Sewerage Scheme is included in Phase 2 of the Programme. Funding from the Department of the Environment, Heritage and Local Government will amount to less than 30% of the estimated cost of the proposed scheme.**

**Kerry County Council is amenable to working in partnership with suitable developers in this case to establish whether our combined resources would be sufficient to progress the scheme.**

Mayor M. Healy Rae said developers in the area may be able to come together and provide resources to fund this sewerage scheme.

**24. Community Centre for the residents of An Bhainseagh, Killorglin**

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

“That Kerry County Council provide a Community Centre for the residents of An Bhainseagh, Killorglin”

The following report was issued:

The Housing Department has identified a suitable site within the estate for the construction of a community building suitable to the needs of the residents following consultation through our tenant liaison officer. The design of the building is ongoing and it is hoped to bring through the Part 8 planning process shortly.

Cllr. M. Cahill welcomed the report.

## **25. Urban and Village Renewal Scheme**

**Pursuant to notice duly given, Cllrs. J. O'Connor and J. Sheahan**

### **PROPOSED:-**

“That the Dept of Environment, Heritage & Local Government put in place a new Urban & Village Renewal Scheme that has been extremely beneficial to the towns & villages that have received this funding. It has allowed these towns & villages to put in necessary infrastructure and environmental improvements that would never have happened otherwise. This enhancement of these towns & villages is important in the context of Tourism in Kerry.”

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

Cllr. J. Sheahan said he is fully supportive of this scheme. It helped to bring villages up to a reasonable standard. It helped to fund infrastructure ie, public lights etc. If we never had the scheme, these facilities would not have been put in place. He said he hoped this scheme can be recommenced and this great work finalised.

## **26. Funding for the R563 Killarney Road**

**Pursuant to notice duly given, Cllrs. M. O'Shea and C. Miller PROPOSED:-**

“Any updates from County Engineer on funding for the R563 Killarney Road.”

The following report was issued:

**A sum of €336,000 has been allocated by the Department of Transport for the R563 Regional Road between Fossa and Milltown, 200,000 of which has been spent in 2007 on this road. It is proposed that the balance of this funding will facilitate the commencement of the road realignment works at Crohane. It is intended to make an application to the Department for approval of further expenditure to allow the safe completion of a phase of works. If approval for sufficient further expenditure is granted, it is intended that the works at Crohane will be substantially completed in 2008 and that surfacing works will also be undertaken between Farran Cross and Milltown Village.**

Cllr. M. O'Shea requested immediate action on this issue. He said he has spoken on this issue at Area Meetings previously. It is very serious now. People in Milltown are losing patience with this. The Director of Roads & Transportation and the Director of Water Services are trying to work this out. He said that he has spoken with the Director of Roads and Transportation on this matter and it is hoped to sort it out next week. Reinstatement work carried out by the contractors is disgraceful. He requested that action be taken immediately to recoup funds from the contractors to reinstate these roads properly. This must be carried out immediately. Kerry County Council, who has done some great work in the past, should not accept this standard of work. He asked that the Directors follow up on this matter and that the roads be restored.

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Cllr. C. Miller said he supported Cllr. O'Shea on this issue. He welcomed the allocation of funding for Crohane. He said he hopes that sufficient funding will be acquired to finance it. The road into Milltown is in need of repair as a matter of urgency.

#### **08.05.19.16 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Mayor M. Healy Rae, SECONDED by Cllr. C. Miller, it was agreed to authorise the attendance of Cllrs D. Healy Rae, J. Sheahan and P. O'Donoghue at the National Hub/Town Conference to be held in Mallow on 29<sup>th</sup> May 2008.

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

- (b) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. C. Miller, it was agreed to authorise the attendance of Cllrs. M. Healy Rae, D. Healy Rae, J. Sheahan, P. McCarthy, T. Fleming, A. McEllistrim, and P. O'Donoghue at the Respond Housing Association National Conference 2008 on the theme "Is ASBO a four letter word in responding to Anti-Social Behaviour?" to be held in Portlaoise, Co. Laois, on 5<sup>th</sup> June, 2008.

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

- (c) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. J. O'Connor, it was agreed to authorise the attendance of Cllrs. T. Ferris, M. Healy Rae, D. Healy Rae, M. O'Shea and J. O'Connor at the NASC Annual Conference 2008 on the theme "Sustainable Development on the Edge of Europe – Options, Opportunities and Opinions" to be held in Tuam, Co. Galway, on 5<sup>th</sup> June, 2008.

Cllr. J. O'Connor was nominated to report back to the Council on this conference.

- (d) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. C. Miller, it was agreed to authorise the attendance of Cllrs. T. Fitzgerald, C. Miller, M. Healy Rae, P. Leahy, R. Beasley, B. Cronin, S. Fitzgerald, L. Purtill, D. Healy Rae, J. Sheahan, P. McCarthy, A. McEllistrim, T. Fleming, B. MacGearailt, J. O'Connor and M. O'Shea at the Seminar on "The Local Government Housing Service" to be held in Castlebellingham, Co. Louth, from 6<sup>th</sup> to 8<sup>th</sup> June, 2008.

Cllr. M. O'Shea was nominated to report back to the Council on this conference.

- (e) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. D. Healy Rae, it was agreed to authorise the attendance of Cllrs. T. O'Brien, M. Healy Rae, D. Kiely, B. O'Connell, P. Leahy, L. Purtill, T. Buckley, R. Beasley, B. Cronin, D. Healy Rae, J. Sheahan, A. McEllistrim, T. Fleming, J. Brassil and M. O'Shea at the Synge Summer School to be held in Rathdrum, Co. Wicklow, from 29<sup>th</sup> June to 5<sup>th</sup> July, 2008

Cllr. D. Kiely was nominated to report back to the Council on this conference.

- (f) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Mayor M. Healy-Rae at the BIM "Fish Ireland 2008" Conference on Innovation and Sustainability – Driving the Industry Forward to be held in Donegal on 26<sup>th</sup> June, 2008.

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- (g) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Mayor M. Healy Rae at the launch of the Carers of the Year Awards 2008 to be held in Dublin on 22<sup>nd</sup> May 2008.
- (h) On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. J. O'Connor, it was agreed to authorise the attendance of Mayor M. Healy Rae at the Opening Ceremony of the 2008 May National Finals of the Community Games to be held in Co. Meath on 23<sup>rd</sup> May 2008.
- (i) On the PROPOSAL of Mayor M. Healy Rae, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllr. J. Sheahan at the Regional Waste Management Office Seminar on Waste and Energy Minimisation to be held on 20<sup>th</sup> May 2008 in Castletroy, Limerick.

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

### **08.05.19.17 Correspondence General**

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

1. Letter dated 25<sup>th</sup> April, 2008, from Cork County Council regarding the Cork Swansea Ferry.
2. Letter dated 30<sup>th</sup> April, 2008, from the Office of the Minister for the Environment, Heritage and Local Government regarding zoning of land in Kenmare.
3. Letter dated 7<sup>th</sup> May, 2008, from the Office of the Minister for the Environment, Heritage and Local Government regarding Kerry County Council's application to change the name of An Daingean to Dingle Daingean Uí Chúis.
4. Letter dated 10<sup>th</sup> April, 2008, from South Tipperary County Council regarding a resolution adopted by that authority calling for tenants in voluntary housing to be permitted purchase their homes.
5. Letter dated 18<sup>th</sup> April, 2008, from Clonmel Borough Council regarding a resolution adopted by that authority calling on the Minister for Environment to overhaul the driving test.
6. Letter dated 22<sup>nd</sup> April, 2008, from Passage West Town Council regarding a resolution adopted by that authority regarding the completion of road works to a high standard.
7. E-mail dated 25<sup>th</sup> April, 2008, from North Tipperary County Council regarding a resolution adopted by that authority expressing their opposition to the EU Trade Commissioner Peter Mandelson's position at the World Trade Talks.
8. E-mail dated 6<sup>th</sup> May, 2008, from Limerick County Council regarding a resolution adopted by that authority opposing any attempt by the Minister for the Environment, Heritage and Local Government to restrict, impede or prevent housing development in towns and villages that do not have Local Area Plans.

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9. E-mail dated 9<sup>th</sup> May, 2008, from Limerick County Council regarding a resolution adopted by that authority expressing their opposition to the EU Trade Commissioner Peter Mandelson's position at the World Trade Talks.
10. Letter from The Rehab Group inviting nominations for the People of the Year Awards 2008.

#### **08.05.19.19 Any other business**

Mr. J. Breen, Director of Housing and Community & Enterprise referred to a query from Cllr. J. O'Connor regarding four affordable houses which have been referred to An Bord Pleanála. There was a technical difficulty with these houses. It is expected over the next four weeks to have a reply. The developers did not comply with the conditions of Part V. We must wait for the outcome of the An Bord Pleanála decision. These cases have no proposals whatsoever submitted regarding Part V by the developers.

Cllr. B. MacGearailt asked where a bond was not renewed when it has run out, what can the developer do. It was supposed to be renewed after 5 years but the developer did not do this.

Mr. T. Curran, County Manager, requested that Cllr. MacGearailt submit the details to the Planning Department to be followed up. The policy on the Taking in Charge of Estates will be coming before the Council in June.

Cllr. D. Healy Rae said he wanted to get support from the members that a letter be sent to the appropriate Minister to see what can be done to control the price of fertiliser. It is increasing from day to day. He asked that a letter be forwarded to the Minister for Agriculture to see if anything can be done to stop these price increases.

Mayor M. Healy Rae said all the members supported this motion and added that the increasing cost of diesel is also causing hardship for farmers.

The meeting concluded at 4.45pm

**Gerard O'Brien**  
**Acting SEO**  
**Corporate Affairs**

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**Mayor of Kerry**