

June Ordinary Meeting 2008

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 16th June 2008.

MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 16th MEITHEAMH, 2008.

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	M. Connor-Scarteen	B. Cronin
T. Ferris	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	M. O'Shea	L. Purtill
J. Sheahan		

Absent:

S. Fitzgerald P. O'Donoghue

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	Ms. A. Haugh, Dir. of Environment
Mr. C. O'Sullivan, Director of Roads	Mr. G. O'Brien, A/SEO, Corp. Servs.
Mr. B. Looney, Head of IT	Mr. T. Sheehy, SE Planning
Mr. L. Quinlan, A/Dir. of Housing	Mr. P. Corkery, Press & Comm. Officer
Ms. M. Joy, SEE Water Services	Ms. B. Reidy, SSO Corporate Affairs
Ms. D. Griffin, SO, Corporate Affairs	Ms. M. Galvin, CO Corporate Affairs
Ms. K. Felle, CO Corporate Affairs	Ms. K. O'Donoghue, CO Corp. Affairs

The meeting commenced at 11.30am.

Mayor M. Healy Rae took the Chair.

The Mayor commenced the meeting with a prayer.

It was unanimously agreed to suspend Standing Orders to allow members to pay tributes to the late P.J. Cronin, former member of Kerry County Council.

Vote of Sympathy

Mayor M. Healy-Rae said a Mass was held that morning as a mark of respect to the late P.J. Cronin. He thanked Fr. Kennelly, the singers, musicians and organisers of the mass. Mayor Healy-Rae welcomed the Cronin family, their friends, relatives and former elected members who served with PJ who were in attendance at the meeting. He expressed his sincere sympathy to the Cronin family on the death of PJ. He added that P.J. was Chairman of Kerry County Council on three occasions and worked very hard on behalf of his constituents. On that occasion elected members wanted to pay tribute to P.J.

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Cllr. B. O'Connell said there was great sadness on hearing of the passing of P.J. He served with P.J. from 1991 to 1999 and P.J. was one of the greatest debaters in the Council Chambers. He had great determination and spoke fearlessly for the betterment of his area and his constituents.

Cllr. T. Fitzgerald said he wished to be associated with this vote of sympathy to Cllr. Brendan Cronin and the Cronin family. He said he had served with P.J. for many years. P.J. had very strong views on a variety of issues and worked well with his colleagues. P.J. was very active, even in his retirement, debating issues on Radio Kerry and he is a tremendous loss to his family and to the county. He added that P.J. will be fondly remembered and his son, Cllr. Brendan Cronin is carrying on the mantle for him.

Cllr. M. Connor-Scarteen welcomed the Cronin family, their friends and relations and the former members that served with P.J. during his 21 years as an Elected Member. P.J. was Chairman of the Council on three occasions and worked hard to represent his constituents and the rural community. He will be sadly missed by his family and friends.

Cllr. R. Beasley said on his own behalf and on behalf of Cllr. T. Ferris and the Sinn Féin organisation he welcomed the Cronin family and wished to be associated with the vote of sympathy. He said he had served with P.J. from 1979 to 1984 and P.J. always fought strongly on issues on behalf of his constituents.

Cllr. P. Leahy expressed his sympathies to the Cronin family and said that he served with P.J. who was an outstanding elected member. P.J. was a great worker on behalf of his constituents, he had a great knowledge of the workings of the Council and he had a great wit and sense of humour.

Cllr. T. Fleming extended his sympathies to the Cronin family on the death of P.J. P.J. was a committed elected member and he had given him great guidance when he was co-opted to the Council in 1984. P.J.'s main aim was to get things done. He was a man of the people and had great interest in progressing the aims of the Council.

Cllr. J. Brassil said he wished to be associated with the tributes to the late P.J. Cronin and expressed his sympathy to the Cronin family. He said that he did not know P.J. personally but he had heard him on Radio Kerry many times and P.J. had also worked with his father, Noel Brassil. The Cronin family bring good things to local politics and they stand up for what they believe in. This is something to be commended and shows great strength of character. Cllr. Brendan Cronin will carry forward the family tradition in the Chamber.

Cllr. N. Foley said she did not serve with P.J., however, her father, Denis Foley, had served with P.J. for many years. P.J. had been described to her as a people's champion and a people's Councillor and this is a very high accolade. It must be of immense pride to him that his son, Cllr. Brendan Cronin, now serves in this Chamber. The representation from his family today shows he was also a family man. His family will have fond memories of him. She expressed her sincere sympathies to the family.

Cllr. T. O'Brien expressed his apologies for being unable to attend the Mass that morning. He said he wished to be associated with the tributes to P.J. and extended his sympathies to the Cronin family. He welcomed the Cronin family and former elected

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members to the Chamber. He said he did not serve with P.J. but he heard P.J. debating many issues on Radio Kerry.

Cllr. P. McCarthy expressed his sympathies to the Cronin family and welcomed them to the Chamber. P.J. was a people's Councillor, a straight talker, he was genuine, honest and a man of the people. Cllr. Brendan Cronin is filling the role that P.J. held and is enhancing it. He welcomed the former members to the Chamber.

Cllr. D. Kiely welcomed the Cronin family to the Chamber. He said he wished to be associated with the vote of sympathy and the tributes paid to the late P.J. Cronin. He served with P.J. who pursued issues to the end, he was a hard worker and dedicated to the people of his area. He welcomed the former elected members to the Chamber.

Cllr. J. O'Connor said he wished to be associated with the vote of sympathy to the family of the late P.J. Cronin. He said that while he did not serve with P.J., he had met him in other fora. P.J. was a genuine and honest person.

Cllr. T. Buckley said he wished to be associated with the vote of sympathy. He said he served with P.J. who was a wonderful colleague. He was an outstanding elected member who always stood up for the people who elected him and Cllr. Brendan Cronin carries on this work.

Cllr. M. O'Shea welcomed the Cronin family and friends to the Chamber. P.J. is a tragic loss to his family and county. P.J. was an outstanding Councillor and great worker who was extremely passionate about his work. He extended his deepest sympathies to the Cronin family.

Cllr. L. Purtill extended his sympathies to the Cronin family. While he did not know P.J. personally, he heard of the huge contribution he made to the county. Cllr. Brendan Cronin is now carrying on that tradition.

Cllr. T. Sheahan expressed his sympathies to Cllr. Brendan Cronin and his family and said he wished to be associated with the tributes paid to P.J. by other Members. P.J. worked hard for the people of his area and what he believed in. Cllr. Brendan Cronin is carrying on that tradition.

Cllr. A. McEllistrim offered her sympathies to the Cronin family and said that while she did not know P.J. personally, she heard many stories which highlighted him as a great politician.

Cllr. C. Miller said he wished to be associated with the vote of sympathy and conveyed his sincere sympathies to Cllr. Brendan Cronin and the Cronin family. He said that he worked with P.J. early in his career and P.J. was very helpful to him. P.J. will be missed and it was a privilege to have been associated with him. Cllr. Brendan Cronin will carry on the strong tradition on behalf of the Cronin family.

Cllr. M. Cahill expressed his sympathies to the Cronin family. He said that P.J. was a great campaigner on behalf of the people of rural Kerry. He was a person of the highest integrity and stood up for issues he believed in. He welcomed the former elected members of the Council to the Chamber.

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Cllr. T. Ferris said she wished to be associated with the tributes paid to P.J. by other members. While she had not served with P.J., from what she has heard, he was a person to be admired. She expressed her deepest sympathies to the Cronin family.

Mayor M. Healy-Rae said he was asked to speak on behalf of the Press and Media. They have fond memories of P.J. and found him to be honest, co-operative and fair throughout his political and personal life. They expressed their sympathies to Cllr. Brendan Cronin and the Cronin family on his passing.

Mayor M. Healy-Rae welcomed the former elected members, Danny Kissane and his wife, Nora, Mick O'Connell and his wife, Rosaleen, John Blennerhassett and Eamon Barry to the meeting. He invited Mick O'Connell to speak on behalf of the former Elected Members.

Mr. M. O'Connell thanked the Mayor and management for organising the Mass in memory of the P.J. Cronin. He expressed thanks for the invitation to the former elected members to attend. He said they have many special and treasured memories of their time in the Chamber with P.J. who was an impressive elected member. When P.J. was a member of Fianna Fáil he was not held back by the Whip. No matter what conviction he had, he spoke out. This characteristic was unique to P.J. P.J. was Chairman of the Council on three occasions and he operated fearlessly and favourably with everyone. He showed courage and conviction in everything he did.

Mr. T. Curran, County Manager, offered his sympathy to Cllr. Brendan Cronin and the Cronin family on his own behalf and on behalf of the staff. He said he had fond memories of P.J. in the Council Chamber. P.J. had respect for all staff. He said he agreed with the Councillors when they said that P.J. was a local Councillor. He was a local person who dealt with local issues with passion and dedication. P.J. was Chairman of the Council on three occasions, which was a great mark of respect to him. He was a politician who made the difficult decisions and defended those decisions. P.J. had a great sense of humour and he was a family man who was proud when Brendan was elected as a Member of Kerry County Council.

Cllr. B. Cronin thanked the Mayor, County Manager, elected members, management, staff and former elected members for the tributes paid to his late father. He said it is great to see former colleagues of his father present at the meeting and P.J. would have been very proud. On behalf of the family and the late P.J., he expressed thanks to staff involved in organising the special Mass and tributes to P.J. He thanked Fr. Kennelly for celebrating the Mass and Olive O'Shea and Daithí Donegan for the music which added to the occasion. He said the family wanted to thank Mr. Ger O'Brien for organising and preparing for the Mass as well as the staff for providing refreshments in the canteen following the Mass. The Mass was a beautiful tribute to P.J. P.J. was totally devoted to his faith and the Church, which helped him on many occasions during his life. The Mass celebrated this morning was very special for the family. He said he wished to take the opportunity to thank all elected members, members of staff and former elected members who attended the removal and funeral mass and provided a Guard of Honour. The tributes paid to P.J. are sincere and honest comments made about the man that he loved, knew and grew up with. To the media he expressed sincere thanks for the tributes paid to P.J. P.J. did not retire from politics as he continued to follow up issues that were dealt with at Council meetings. The Cronin family are saddened and broken hearted at P.J.'s death but have many fond memories of him. P.J. was a man of enormous ability and courage gained from

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the school of life and he always looked at the positive side of a situation. To measure his character and lifetime in modern day symbolism or status, he would have had nothing but his house. To measure his character and what he stood for he had faith, honesty, dignity, principles, directness, friendship and loyalty in abundance. In the 21 years he served as an elected member, he served the people of Kerry with honour and dignity. He had three terms as Chairman of this Council and always represented the county, his people and his area with dedication and respect. His ideals were the common good and giving to the people of the county. P.J. would have been honoured to hear the wonderful remarks passed by Mick O'Connell as he was P.J.'s footballing hero. He said there is 30 years service between P.J. and himself as elected members and they made a great team. The family are very proud of his legacy and what he stood for. May Jesus look kindly on his soul this day, forgive him his earthly blemishes. May he rest in peace forever.

Vote of Sympathy

- (a) Cllr. M. Healy-Rae PROPOSED a vote of sympathy to the Mrs. Peggy O'Sullivan and family on the death of her husband Mr. Peter O'Sullivan, Riversdale House Hotel, Kenmare.

Cllr. M. Connor-Scarteen SECONDED this proposal.

Cllr. D. Healy-Rae said he wished to be associated with the vote of sympathy to Mrs. Peggy O'Sullivan and the family of the late Peter O'Sullivan.

Cllr. J. Sheahan expressed his sympathies to the O'Sullivan family on the death of Mr. Peter O'Sullivan.

- (b) Cllr. D. Kiely extended a vote of sympathy to the Limerick family on the death of their child in Ballybunion at the weekend.

All Members said they wished to be associated with this expression of sympathy.

Turas Adventure Sports Event

Cllr. J. O'Connor referred to the Turas Adventure Sports Event, which is currently taking place in the county and asked that the event be supported.

Vote of Congratulations

Cllr. J. O'Connor paid tribute and congratulations to the Under-13 Kerry Soccer Team who took part in the All-Ireland Championships. They played six games in five days and reached the Final against Dublin when they were defeated. He requested that a letter issue to them congratulating them on their success in the Championship.

08.06.16.01 Mayor's Report on CPG Meeting held on 10th June 2008

Mayor M. Healy-Rae read the following report into the record of the meeting.

"Item 1 Agenda for the June Council Meeting

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

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In relation to Item No. 5, Briefing on Wastewater and Sludge Strategic Study, County Manager, 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.

In relation to Item No. 7, Kerry County Council Policy on Taking in Charge of Housing Estates, County Manager, briefed members on this item and said that while this item would be dealt with at Item No. 7 on the agenda for the full council meeting, he stressed that the taking in charge of estates would have financial implications for the Council.

Item 2 County Development Board

Ms. C. Brosnan informed the meeting that no meeting of the County Development Board was held since the last CPG meeting.

Item 3 Update from Chairs of SPCs

The meeting noted that all updates will be given at the June meeting."

08.06.16.02 Confirmation of Minutes

On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. R. Beasley, it was resolved that the Minutes of the May Ordinary Meeting of Kerry County Council held on 19th May 2008 be confirmed.

08.06.16.01 Reports under Section 179(3) of the Planning & Development Act, 2000 and in accordance with Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning & Development Regulations 2006

(a) Ballylongford Sewerage Scheme

Cllr. D. Kiely asked if there are any outstanding problems to be resolved with regard to the Ballylongford Sewerage Scheme.

Cllr. L. Purtill said most residents support this proposal and any minor issues can be resolved.

Cllr. R. Beasley said it is very important that this sewerage scheme would proceed.

Mr. O. Ring, Director of Water Services, said three submissions were received on the Ballylongford Sewerage Scheme and these are included in the report, which was circulated together with the response to them. Only submissions made within the legal timeframe can be considered. One family requested a visit to a comparable facility which was arranged and they are satisfied with the outcome of that visit.

On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. R. Beasley, it was agreed to note the report on the proposed development and the Manager's report thereon under Section 179(3) of the Planning & Development Act, 2000 and in accordance with Part VIII of the Local Government (Planning & Development) Regulations, 2001 and Article 17 to 19 of the Planning & Development Regulations 2006 in respect of Ballylongford Sewerage Scheme - Construction of a Wastewater Treatment Plant and associated works and a pumping station and storm tank in the townland of Lislaughtin, Ballylongford, Co Kerry and the construction of a pumping station in the townland of Aghanagran Middle, Ballylongford, Co Kerry.

(b) Proposed Reconstruction of Ballinagar Bridge

Mr. C. O'Sullivan, Director of Roads & Transportation informed members that no objections or submissions were received with regard to the proposed reconstruction of Ballinagar Bridge and it is recommended to proceed with the proposed development.

Cllr. R. Beasley said the present position whereby Ballinagar Bridge has not been reconstructed is not acceptable to the local community. The people of the area have been without the bridge for a long period of time and this is causing hardship to the families with land on both sides of Ballyhorgan. It is of the utmost importance that the bridge is reconstructed and in place for 2009. He requested that Kerry County Council make a strong case to Government to provide funding to complete the reconstruction works.

Cllr. T. Buckley said he wished to be associated with the comments made by Cllr. Beasley. The loss of Ballinagar Bridge has been a huge inconvenience to the local community.

Cllr. D. Kiely said he also wished to be associated with the comments made by Cllr. Beasley. He welcomed the funding for the reconstruction of Ballinagar Bridge and said that the loss of the bridge has resulted in hardship for the families in the area. He asked for an update on the insurance case against the lorry driver who was responsible for the collapse of the bridge.

Mr. C. O'Sullivan, Director of Roads & Transportation, said the Council's insurers are dealing with this case. The priority is to reconstruct the bridge. Subject to the Part VIII being approved by Council, Kerry County Council will then proceed to negotiate with the Department of Transport for funding to reconstruct the bridge.

Cllr. D. Healy-Rae asked why the Part VIII procedure has to be undertaken when the bridge was previously in existence.

Mr. C. O'Sullivan, Director of Roads & Transportation, said a temporary structure had been in place for a number of years. There is a statutory obligation on the Local Authority to undertake the Part VIII process for the reconstruction of Ballinagar Bridge.

On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. R. Beasley, it was agreed to note the report on the proposed development and the Manager's report thereon under Section 179(3) of the Planning & Development Act, 2000 and in accordance with Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations, 2006 in respect of the proposed reconstruction of Ballinagar Bridge, Co. Kerry.

08.06.16.04 Disposal of Property

- (a) On the PROPOSAL of Mayor M. Healy-Rae, SECONDED by Cllr. M. Connor-Scarteen, it was agreed to approve the disposal of the following Affordable Houses in accordance with the terms of notice issued 20th 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:
- (i) House No. 10, Ardmullen, Kenmare together with its plot of land, situate in the townland of Gortamullen/Ardmullen to Evaldas Ivanovas and & Snaigliole Ivanoviene, 2 Ard na Greine, Kenmare.
 - (ii) House No. 11, Ardmullen, Kenmare, together with its plot of land, situate in the townland of Gortamullen/Ardmullen to Ted O'Shea, Gearah, Bonane, Kenmare.
- (b) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Mayor M. Healy-Rae, it was agreed to approve the disposal, by way of long term lease, of Cahersiveen Carnegie Library Building to Cahersiveen Community Resource Centre Limited in accordance with the terms issued 30th 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.

08.06.16.05 Wastewater & Sludge Strategic Study

Mr. O. Ring, Director of Water Services, read the Wastewater & Sludge Strategic Study into the record of the meeting:

"At the behest of the Department of the Environment, Heritage and Local Government Kerry County Council are carrying out a Strategic Study to determine the optimum process for delivering wastewater infrastructure for the County. The Study is being funded under the Water Services Investment Programme 2007 - 2009 as part of the National Development Plan.

Over the next number of years the Council will need to make a significant investment in the development of wastewater infrastructure, both for environmental reasons and to support sustainable development of towns and villages in accordance with the County Development Plan. The 2003-2009 County Development Plan proposes that the Council supports and facilitates the residential, economic and social development of 90 towns, villages and development nodes throughout the County.

Significant development has already taken place over recent years in towns and villages throughout the county resulting in the overloading of many existing wastewater treatment plants. The rollout of licensing of Kerry County Council Wastewater Treatment Plants by the EPA over the next 18 months will result in the imposition of strict legal limits on the quality of foul water discharges from these plants.

The Water Services Section of the Council has the task of delivering, on a phased basis, appropriate wastewater infrastructure for the County. Kerry County Council recognises that a planned and integrated approach needs to be adopted to the
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delivery and management of this infrastructure. The Council has therefore commissioned management consultants, EC Harris, to formulate an integrated strategy that will ensure that the required wastewater infrastructure is planned, financed, procured, delivered and subsequently operated through the most cost effective and appropriate methods and structures. They will bring their expertise and knowledge of projects in both Ireland and overseas to develop an overall Strategy that is best for Kerry over the full life of the infrastructure.

The approach to be taken to the development of the strategy will involve;

- *Examining each settlement location with a view to determining the required network, wastewater treatment and sludge management infrastructure required to meet demands over the next 20 yrs.*
- *Examining the options and recommend the optimum process for procuring the design, construction and operation of wastewater infrastructure in the County. A Public Private Partnership Assessment Report shall be used as the framework for deciding whether a project proceeds by means of conventional route, by means of PPP and the form that PPP should take (i.e. DB/DBO/DBOF) or by a combination of both.*
- *Recommending an appropriate model for sharing, with the private sector, the risks associated with undertaking of statutory processes with a view to achieving improvement in value for money.*
- *Recommending an appropriate Management Structure to ensure that the Council manage the increased number of projects and services in an effective and efficient manner taking account of the procurement option being recommended.*
- *Formulate a viable Financial Strategy which balances the costs of developing and operating the infrastructure with the various income sources.*
- *Carry out consultation and communications with all relevant stakeholders (such as employees, public representatives, statutory bodies, service users, etc) in order to fully inform the development of the Strategy and resolve stakeholder issues.*

The Consultants have already commenced the process of data collection by interviewing a selection of Council staff at various grades. The process of staff communication and consultation shall commence later this month through the Partnership Committees while the process of consultation with other stakeholders will commence in June. This briefing on the project has been presented to the Environment SPC at their May 2008 meeting

The technical assessments and other strands of the Strategy will continue over the summer months. The consultants will present a progress report to the SPC at its next meeting in Sept 08 where the overall direction of the Strategy will be discussed. It is intended that the final draft of the Strategy will be completed by the end of 2008.

This Strategy will also form a significant part of the Water Services Strategic Plan which Local Authorities will be obliged to prepare under the Water Services Act 2007 when that section of the Act is invoked."

Cllr. T. Fitzgerald thanked the Director of Water Services for his report on this issue, which is of great importance to the county. A Strategic Plan is required for the delivery of wastewater infrastructure for the county and large funds will be required to comply with licensing and authorisation, etc. He expressed concern that while this Plan is required, there may be other development projects, which are dependent on the

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delivery of the Wastewater Treatment Plants. These projects and the delivery of services should not be put on hold until the Strategy is finalised. He emphasised the need to prioritise and progress projects.

Cllr. D. Kiely welcomed the report and agreed with the sentiments expressed by Cllr. T. Fitzgerald. The provision of wastewater infrastructure for the county must be progressed. He asked how sludge is currently disposed of from treatment plants throughout the county.

Cllr. N. Foley welcomed the report.

Cllr. B. O'Connell welcomed the report and said this Strategy is very important for the county as a number of villages are without proper sewerage schemes. Development in the county will stagnate unless upgrading work on treatment plants is progressed.

Cllr. P. McCarthy asked if every local authority must produce a Wastewater and Sludge Strategic Strategy. He asked when the Strategy is finalised, would there be an extra financial burden on the Council in implementing the Strategy.

Cllr. D. Healy-Rae welcomed the report and said that upgrading works and new schemes are required in many towns and villages. At a previous meeting of the Council members agreed new development levies for sewerage connections. He said that he understood that these new development levies would apply only to applicants who made an application after the date the charges were set yet he was aware of a number of cases where the new fees were applied even though the planning application was made before the date the increased fees were agreed.

Cllr. J. O'Connor said development of sewerage schemes must proceed and is largely dependent on Government funding being secured. While a certain amount of finance must be raised locally, a commitment must be received on funding from Central Government. He requested clarification on the bullet point at the top of Page 2 which states "Recommending an appropriate model for sharing, with the private sector, the risks associated with undertaking statutory processes with a view to achieving improvement in value for money". He also asked who pays the Consultants and how much are they being paid.

Mr. O. Ring, Director of Water Services, said projects are not being put on hold while this Strategy is being developed. Six schemes are under construction at present. Twelve schemes are going ahead to Contract Document stage. This is a long-term Strategy to manage these schemes.

In reply to Cllr. Kiely's query regarding sludge disposal, Mr. Ring said that generally sludge is disposed of on land after treatment in accordance with Regulations.

With regard to Castleisland Stage II, the Department have requested an Addendum for this Scheme and this has been with the Department for a considerable time.

In response to Cllr. McCarthy's query, Mr. Ring said every county must prepare a Strategic Study for Water Services. Drinking water and wastewater must be covered in the Strategy which is a requirement under the Water Services Act, 2007.

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In reply to Cllr. O'Connor's query, Mr. Ring said this relates to how certain works are carried out, e.g. EIS, Foreshore Licences. Advice will be sought on how these works will be carried out. He informed the meeting that Consultants are paid by the Department and while he did not have the total sum paid to consultants to hand he would have this information available at the next meeting.

Cllr. P. McCarthy said that he understood that when all Local Authorities adopt the Strategy, higher standards and additional monitoring would be required. He asked if these additional costs will have to be financed locally or will the Department fund the cost.

Mr. O. Ring, Director of Water Services, said legislation and regulations are setting standards to be met and the funding to meet these standards is currently being debated. The Local Authority may have to fund some areas with the Department funding other areas.

In response to Cllr. D. Healy-Rae's query, Mr. M. McMahon, Director of Planning, said there was a long discussion and lead-in period to the implementation of the development levy for sewerage connections. The revised Development Contribution Scheme was put on public display. There was criticism from elected members at the May Council Meeting that the charge was being increased at a late stage. It was made clear at that meeting that the new charge would apply for all planning decisions issued after the Scheme was adopted and the Scheme was adopted on that basis.

Cllr. D. Healy-Rae said he understood that it would apply to applications received after the date the Scheme was adopted.

Mayor M. Healy-Rae asked if members wished to have the new levy applied as Cllr. D. Healy-Rae indicated would it be possible.

Mr. M. McMahon, Director of Planning, said it was stated clearly to the elected members on the day the Scheme was adopted that the charges would apply from the date of adoption of the Scheme. There was no resolution to the contrary on the day. The elected members are aware that Kerry County Council must raise approximately €125m to fund the Water Services Investment Programme. This proposal suggests that if an applicant had submitted an application prior to the adoption of the current scheme they could save money on the basis of the Scheme not applying to applications received prior to its adoption. It would fall to other parties to fund the investment even though the applicant is benefiting from the services provided.

Mayor M. Healy-Rae said the concern relates to applicants who may not have been aware that the charges were to be increased and if their permission is granted, a higher fee than expected will be applied.

Mr. M. McMahon, Director of Planning, said it might also be the case that the application could be refused because the capacity of the scheme could not facilitate the development.

Cllr. M. Connor-Scarteen asked how many applications were received prior to the decision being made to increase the development levy.

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Cllr. B. O'Connell asked for clarification on the financial implications if the Development Contribution Scheme was amended at that stage.

Cllr. R. Beasley said if a developer rushed in an application before the new Development Contribution Scheme was adopted they should be liable for the new levy. He expressed concern, however, for applicants for single houses.

Cllr. D. Healy-Rae said the cases he referred to were not large developments, rather two single applications. These cases relate to applications that were made earlier in the year and the applicants were asked to provide further information on the applications.

Cllr. T. Fitzgerald said a resolution has been passed and a new Development Contribution Scheme has been adopted.

Mr. J. O'Connor, Head of Finance, said the document circulated at the May Council Meeting specifically outlined the date from which the Development Contribution Scheme would be effective. Council adopted the Development Contribution Scheme and the new charges apply to decisions with effect from 19th May 2008.

Mr. M. McMahon, Director of Planning, said discrimination couldn't be made between an application for one house and an application for a development of 40 houses. All applicants are provided with the same service and should be paying the charges.

Cllr. D. Healy-Rae asked if applications were delayed so the new levy would be applied to them.

Mr. T. Curran, County Manager, said this was a scurrilous accusation to make. It is important to realise that Council made a difficult decision on this issue. There was much debate on the adoption of the revised Development Contribution Scheme but it was proposed, seconded and adopted by the Elected Members.

Cllr. M. Healy-Rae asked if the elected members are legally entitled to question the Development Contribution Scheme and revise it.

Mr. M. McMahon, Director of Planning said the only way the Development Contribution Scheme adopted on 19th May, 2008, can be changed is to commence the process of revising the Scheme again.

Mayor M. Healy-Rae said the current Development Contribution Scheme would stand as adopted at the May Council meeting.

08.06.16.06 Adoption of the Final Draft Kerry Local Authority Annual Report 2007

On the PROPOSAL of Cllr. T Fitzgerald, SECONDED by Cllr. B O'Connell, it was unanimously agreed to adopt the final Draft Kerry Local Authorities Annual Report for 2007.

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08.06.16.09 Report of the Local Government Auditor on the accounts of Kerry County Council for the year ended 31st December 2006.

Mr. J. O'Connor, Head of Finance, referred members to his report dated 9th June, 2008, on this item which was circulated together with the Report of the Local Government Auditor on the Annual Accounts of Kerry County Council for the year ended 31st December 2006. Mr O'Connor said the Local Government Auditor conducts a comprehensive assessment of Local Authority finances and the regulatory stewardship of management. He pointed out that the Council's global total financial activity (aggregated Revenue and Capital Expenditure and Income, and housing loans) amounted to approx. €500m for 2006. In addition, the Council managed an asset portfolio of €3,369m. The Principal Local Government Auditor has acknowledged at Paragraph 4 of his Report that "there were sound internal controls embedded in the (Council's) systems and procedures and that a strong financial management ethos existed within the Council." No invalid or unfounded payments or unaccounted for receipts or any other significant financial issue of material impact were found during the Audit and the Principal Auditor was satisfied with the Council's compliance with the required accounting regulations as per his Audit Opinion. Work is underway to address any matters mentioned by the Auditors in the course of their audit. This report is submitted to the elected members for noting.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. C. Miller it was agreed to note the Report of the Local Government Auditor on the Accounts of Kerry County Council for the year ended 31st December 2006.

The meeting adjourned for lunch at 1.00 p.m.

The meeting resumed at 2.20 p.m.

08.06.16.07 Kerry County Council Policy on Taking in Charge of Housing Estates

Cllr B. O'Connell welcomed the policy document on Taking in Charge of Housing Estates. He added that this policy was prepared at the direction of the Minister for the Environment who has directed that Local Authorities must take housing estates in charge. He asked what the projected financial implications would be for Kerry County Council in implementing this policy. Modern housing estates are very well finished and there should be no problem in taking those in charge. Estates, which have been completed for twenty years and were not finished properly in terms of road finishes, drainage etc. however, will result in a financial burden for the Council. He asked how the implement of this policy would be funded.

Cllr. T. O'Brien informed the meeting that the Planning SPC considered this policy. Historic estates are estates for which planning permission has expired and a further seven years has passed. There will be a high cost factor associated with taking these estates in charge. Currently fourteen estates have applied to be taken in charge, four of which are historic and it is estimated that it will cost €200,000 to bring these estates up to an acceptable standard. All members of the Planning SPC expressed concern at the financial burden being imposed on the Local Authority. He requested that Kerry County Council write to Central Government to seek funding to finance the implementation of the Taking in Charge of Estates policy. He added that this is a long term process with a certain allocation to be made at Budget time every year.

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Following the adoption of the policy, people will become aware that there is an onus on the Local Authority to take Estates in Charge, elected members will be contacted by residents with a view to having their estate taken over by the Council. In conclusion he concurred with the sentiments expressed by Cllr. B. O'Connell.

Cllr. D. Kiely welcomed the decision to take over estates, which have not been completed and acknowledged that there will be a cost factor involved for the Council. Many people are living in estates in houses, which they bought in good faith but the estates have not been completed. The Bond System should be pursued with regard to estates which have not been completed to an acceptable standard.

Cllr. M. Gleeson said he had raised this issue previously at Killarney Town Council meetings. He agreed with Cllr. O'Brien with regard to funding and said that the Department of the Environment must take responsibility for providing the funding for the implementation of this policy. He said ongoing inspections while planning is progressing and ensuring appropriate standards have been achieved at all stages of the planning and building processes is vital. If this is carried out it will prevent difficulties arising within these estates in the future. A Bond of a sufficiently high level must be imposed and must be cashed if standards are not met.

Cllr. J. O'Connor said he had spoken previously on Council Estates and Bonds and there are a number of estates, which residents will want to have taken in charge. He asked how much the implementation of this policy would cost the Local Authority. He added that in a few instances developers have not adhered to the conditions of Bonds and it is important that the conditions of Bonds are implemented. He welcomed the policy.

Cllr. M. Connor Scarteen said he welcomed the policy and said the Department of the Environment must provide funding to meet the cost implications for local authorities. Developers have Bonds imposed on developments but the Local Authority are not ensuring that the developer complies with the conditions or do not cash in the Bonds to complete estates where the developer fails to do so.

Cllr. B. Cronin said he supported this policy, which was considered by the Planning SPC on numerous occasions. The SPC had been made aware of a number of estates around the county, which were not finished to an acceptable standard. Former Minister, Mr. Dick Roche, made a statement that all Local Authorities were duty bound to take estates in charge following an application to the Local Authority. The current Minister, Mr. John Gormley, set a deadline for the introduction of this policy. People have invested in houses within developments but some estates are left without driveways or footpaths. Proper facilities must be provided as per the conditions of planning permission granted. There will be a cost implication in taking these estates in charge. He added that it is very important that inspections are carried out during the construction of estates and this will be the case following the adoption of this policy. He expressed concern with regard to the financing options and in particular the last paragraph of Item 5 in the report which states "*similarly in relation to roads the primary source of funding of upgrading and maintaining estates is the annual road maintenance fund along with the funding from County Councillors allocations and Community Involvement Schemes as the roads are mainly cul de sac local roads.*" The Community Involvement Scheme is an excellent scheme where the local community pays 25% of the cost of works with 75% of the cost being met by the Local Authority. He said while he had no difficulty setting aside monies from

Councillors Allocations, he would ask that agreement would be reached as to what percentage of Councillors Allocation could be used for this purpose. The Councillors Allocation must be protected as it is the only way elected members can directly finance works.

Cllr. D. Healy Rae said he welcomed the Policy on the Taking In Charge of Estates. There are a number of estates in the Killarney area, which must be taken in charge. This policy will place a financial burden on the Local Authority and elected members will be requested to provide assistance. If a community raises a percentage of the funds required to take the estate in charge the Local Authority should be in a position to assist them. He said he would also like to be in a position to provide assistance from Councillors Allocations for this purpose. In this regard he requested that the Councillors Allocations for 2009 be increased.

Suspension of Standing Orders

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

On the PROPOSAL of T. Fitzgerald, SECONDED by Cllr. D. Kiely it was unanimously agreed to suspend Standing Orders to allow the remaining agenda items to be considered.

08.06.16.07 Kerry County Council Policy on Taking in Charge of Housing Estates (Cont'd)

Mr. M. McMahon Director of Planning said the policy to date has been that estates would not be taken in charge because of the condition of the county roads. With the investment in and restoration of county roads it is now opportune to introduce this policy. He added that there will be financial implications for the Council in adopting this policy and sourcing funding for upgrade works on historical estates will be a difficulty. Mr. McMahon said there are also Human Resources implications and it is intended to establish a dedicated unit within the Planning Department for this purpose and staff for the unit are being identified at present. The condition of existing estates must be established and it must be determined if enforcement action can be taken. The policy proposes that one of the conditions for taking estates in charge would involve the Planning Authority arranging to carry out an inspection of the estate, for the purpose of taking it in charge, after the receipt of a formal application together with the appropriate drawings and particulars outlined. Regular inspections of the development by Local Authority staff will take place as construction progresses and particularly when construction is completed in order to determine, at an early stage, if enforcement action is required. It is important to stress that grass cutting or maintenance of grass verges will not be carried out by the Local Authority (or the developer once the estate is taken in charge). A cursory inspection of historic estates has been carried out to date but it is not possible at this point to quantify the financial implications. The Planning Authority is aware of a number of historic estates, which will require upgrading works of at least €50,000. It may be necessary for residents to provide finance for some of the upgrading works. It is unlikely any works will be undertaken in 2008 in these estates. Funding for the implementation of the Taking In Charge of Estates policy will be considered in the context of the 2009 Budget.

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Cllr. J. O'Connor said there is no difficulty putting a Management Committee in place in an estate. A difficulty arises where a Management Committee is in place and the Bond is called in by the Local Authority to do works but these works have not been carried out.

Mr. M. McMahon, Director of Planning, said substantial works have been carried out to the estate to which Cllr. O'Connor is referring.

Cllr. J. O'Connor asked why works are not proceeding on this estate.

In response Mr. M. McMahon said that the Bond is drawn down on the basis that the development works were not carried out. In this case the Bond was drawn down and the developer then carried out works. Substantial works have been carried out and minor works remain to be done.

Cllr. D. Kiely said it would be unfair with regard to older estates to ask residents to make a contribution.

Mr. M. McMahon said if the funds are not available through the Local Authority, the residents might want to pay for the works to progress the works themselves.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. T. O'Brien, it was agreed to adopt the Kerry County Council Taking in Charge of Estates policy.

08.06.16.08 Report on Issue raised by Cllr. Brendan Cronin at April Meeting concerning Notice of Motion Number 7 at the March Meeting held on 10th of March 2008

Cllr. D. Healy Rae said as he is the beneficiary owner of the plot of land in question legislation requires that he leave the Chamber while this matter is being debated. He expressed his frustration that he could not remain in the Chamber to defend himself and he said he was sorry that management has been put through this exercise. He said that he considered that he was doing no wrong on the land in question. He said that he was elected to represent the people of the Killarney Electoral Area and he did not and will not do any person harm or injury. He said that further works must be carried out on the plot of land in question and they will be carried out in an open and transparent way. *He said he was leaving the Chamber because of the 'bunkum' laws relating to ethics. He said "I am leaving under protest".¹*

Cllr. D. Healy Rae then left the meeting.

Mayor M. Healy Rae said Cllr. D. Healy Rae is required to leave the Chamber as he is the beneficiary owner of the plot of land in question. Mayor Healy-Rae said that as he was a connected person he must also leave the meeting. He declared he has a beneficiary interest in this matter and he is a connected person. Ethics Legislation requires that he must also leave the meeting. He nominated Cllr. T. Fitzgerald to take the Chair to deal with Item 8 in his absence.

Mayor M. Healy Rae then left the meeting.

Cllr. T. Fitzgerald took the Chair.

Cllr. T. Fitzgerald asked the County Manager to outline his report on this matter.

¹ Sentences in Italics inserted as requested by Cllr. B. Cronin and agreed by Council at meeting on 21st July, 2008.
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Mr. T. Curran, County Manager, referred members to his report dated 10th June, 2008 on this item which was circulated and read the report into the record of the meeting.

“Following an allegation at the May Council Meeting, held on 19th May 2008, by Cllr. Brendan Cronin, that information given pursuant to a notice of motion moved by him at the March Council Meeting, held on 10th March 2008, was inaccurate and misleading and that there appears to have been a cover-up to conceal information, I undertook, at the request of the Members, to investigate and furnish a full report on the matter to the June Council Meeting.

The following is a report on my findings:-

(a) Chronology of Events

1. *Kerry County Council received a complaint, anonymously by phone-call, on 8th January 2008 that an unauthorised development was taking place on lands at Gortanaboul, Kilgarvan, namely “Quarrying lands without planning permission”. A file was opened on the matter U011/08.*

An inspection and report must be completed within six weeks of receipt of complaint.

2. *The site was inspected by Mr. Chris Van Schoor, Executive Planner, on 11th February 2008. His report stated that, on the date of inspection, no work was taking place. However, it appears that material was excavated and removed from site and more was stockpiled. As it was unclear as to what was happening and the purpose of the excavations, he recommended the serving of an Enforcement Notice.*
3. *The Enforcement Notice was posted on 14th February 2008 requesting that all works should cease by 18th February 2008 and site reinstated to its original state by 14th March 2008. The owner of the site was established as Mr. Danny Healy-Rae.*
4. *Mr. Healy-Rae replied by letter, dated 26th February 2008, received on 28th February 2008 that he was only removing a small rock outcrop to make the area more amenable to grazing and mowing. He stated that it was his intention to replace the topsoil, reseed the ground and improve the strip for agricultural purposes.*
5. *Mr. Van Schoor accepted the explanation, deemed it to be exempted development, and recommended the withdrawing of the Enforcement Notice. This recommendation was handwritten on the letter from Mr. Healy-Rae and dated 29th February 2008.*
6. *Ms. Joan McCarthy S.E.O. having received the recommendation, discussed same with Mr. Michael Lynch S.E.E., who agreed with the recommendation. This was on 3rd March 2008. Ms. McCarthy also discussed this decision with Mr. McMahon, Director of Planning, who concurred with the decision.*
7. *Ms. McCarthy asked Mr. Van Schoor for a full report for clarity for the file.*
8. *Mr. Van Schoor provided this report on 14th March 2008.*

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9. A letter was issued to Mr. Danny Healy-Rae on 18th March 2008 stating that his explanation was accepted but that the site would be monitored to ensure compliance.

I spoke to Mr. Van Schoor, Ms. McCarthy, Mr. Lynch and Mr. McMahon on the matter and the procedure followed, I am satisfied that due process was followed in this case.

Returning to the issue of the Notice of Motion and the allegation that the Council was misled.

The motion asked as follows:-

“Can the Planning Department clarify are there still illegal or unauthorised quarries or excavations being opened or operated without planning in Kerry.

If so, please give details of –

- (a) where these quarries are*
- (b) who owns the property*
- (c) if enforcement proceedings have begun”*

The reply stated:-

“with regard to unauthorised quarries, the Enforcement Section are currently dealing with 8 cases. These were listed in reply. It also stated that a further 6 quarries had been brought to the attention of the Enforcement Section that are allegedly operating without permission. These were in the early stages of investigation and we did not have details of owners or operators and no Enforcement Proceedings had begun. (full copy of reply to Notice of Motion attached).

*In preparing to reply to this notice of motion, great care and attention was given to listing cases where **Enforcement Proceedings were ongoing.***

The file on the Danny Healy-Rae site was effectively closed prior to the Council Meeting of 10th March 2008. That decision was taken on 3rd March 2008, although the full report was not written until the 14th March 2008. This is not unusual and is as a result of pressure of other more important jobs.

Mr. McMahon, Director of Planning had briefed me personally prior to the finalisation of the reply to the Notice of Motion and I fully accepted his decision.

I am fully satisfied from my review of the file and interviewing staff involved that proper procedure was followed and that the reply to the Notice of Motion was factually correct.

Indeed, the Council investigate many similar cases and sometimes it is difficult to distinguish between bona fide land reclamation and commercial quarrying at the early stage. After the initial inspection on 11th February 2008, the Council decided to err on the side of caution and serve an Enforcement Notice. On receipt of a written response and explanation on 26th February 2008 and following follow up inspection, the Council is satisfied that the works, in question, were exempted agricultural development in accordance with Schedule 2, Part 3, Class 11 of the Planning & Development Regulations 2001.

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I trust that I have clarified the position for all the Elected Members and wish to assure the Members, most emphatically, that the Executive would never knowingly mislead this Council or attempt to conceal information from or be part of any cover-up.

It is most disappointing that such an allegation should have been made against me as Manager and any member of the Staff of Kerry County Council."

Notice of Motion No. 7 – 10th March, 2008, Council Meeting

7 Cllr. B. Cronin

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

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

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

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

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

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

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

Mr. T. Curran, County Manager said he had reviewed the file and the procedures relating to this file as requested and Staff were interviewed as part of the review. He said that he is satisfied that due process was followed and information supplied in the reply to the Notice of Motion was factually correct. He expressed his disappointment that he and the Executive would be accused of providing inaccurate information to the Elected Members. He said he could understand how Cllr. Cronin might have interpreted the information but he does not believe that the Executive provided any misleading information. The Elected Members are and will be dealt with in an honest and open manner.

Cllr. T. Fitzgerald said that any business transacted must be transparent.

Cllr. B. Cronin circulated the following documents at the meeting:

- a) Memo headed "Unauthorised Development Site Report" from Mr. C. Van Schoor, EP Planning, to SSO/ASO Planning dated 12th February, 2008, regarding Unauthorised Register Reference No. U011-08 and Planning Reg. No. 06/2309.
- b) Memo from Mr. C. Van Schoor, EP Planning Enforcement/Quarries to SSO/ASO Planning dated 14th March 2008, regarding Enforcement Register No. U011-08.
- c) Letter from SEO Planning to Cllr. Danny Healy Rae dated 18th March, 2008, regarding Planning and Development Act 2000-2001, Ref. U011-08.

Scanned copy of documents follow on pages 20-22.

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- a) Memo headed "Unauthorised Development Site Report" from Mr. C. Van Schoor, EP Planning, to SSO/ASO Planning dated 12th February, 2008, regarding Unauthorised Register Reference No. U011-08 and Planning Reg. No. 06/2309.

Unauthorised Development Site Report

MEMO

FROM: Chris van Schoor, E.P., Planning

TO: S. S. O. / A.S.O. Planning

Unauthorised Register No: U011-08

Planning Reg. No: 06/2309

Name and Address of person carrying out development:

Unknown – possibly:
Dan Healy
Main Street
Kilgarvan?

Unauthorised Development Address:

Gortnaboul
Kilgarvan
Co. Kerry

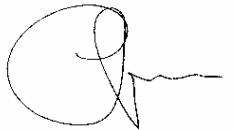
Site Inspection Date: 11 February 2008

Detailed Description of Development on Site:

Upon inspecting the site on the above date, I noticed that large-scale excavations have been carried out. A tracked digger was on site, but was not operating as at the time of my inspection. A quantity of rock was stock-piled to one side, by appearances, it was ready for loading and removal from the site. From the appearances of the excavations, it is clear that a large amount of substantial rock had already been removed from the site.

RECOMMENDATION:

Proceed with Enforcement action in accordance with Part VIII of the Planning and Development Act 2000-2006.



Signed: _____

Chris van Schoor E.P.,
Planning Enforcement/Quarries

Date: 12 February 2008

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- b) Memo from Mr. C. Van Schoor, EP Planning Enforcement/Quarries to SSO/ASO Planning dated 14th March 2008, regarding Enforcement Register No. U011-08.

Memo

FROM: Chris van Schoor, F.P., Planning Enforcement/Quarries **TO:** S.S.O./ A.S.O. Planning

Enforcement Register No: U011-08

Name of owner: Danny Healey-Rae

Address:

Gortnaboul
Kilgarvan

RECOMMENDATION

On the basis of the explanation given by the above in his letter dated 26 February 2008, I believe that we have no choice at this stage but to accept that the development is exempt development in terms of Class 11, Schedule 2, Part 1 of the regulations. Irrespective of the previous (refused) planning applications and zoning of the land, the fact remains that the use of the land prior to the works was agricultural, and the intention has been expressed that it remain so, after the excavations have been carried out.

Only if the use of the land changes from agricultural use can a case be made for unauthorised development.

The line between when land reclamation works become seen as a quarry is not defined in the regulations, and would have to be based upon a judgment call as to the extent and nature of the works. In order to remain exempt development, the works would have to be consistent with what would reasonably be necessary to render the land suitable and productive for agriculture. To date, it is my view that the works viewed on site still comply with that definition. If there is evidence of excessive and unnecessary removal of material, this would be seen as overstepping the line as to what can reasonably be called reclamation works. I recommend that the works be monitored to ensure that this situation does not arise.



Signed:

Chris van Schoor
Executive Planner
Planning Enforcement/Quarries

Date: 14 March 2008

from Mr. Conolly 14/3/08
I agree with the
above recommendation
that this is exempt
as long as the
reclamation

14/3/08

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- c) Letter from SEO Planning to Cllr. Danny Healy Rae dated 18th March, 2008, regarding Planning and Development Act 2000-2001, Ref. U011-08.

18th March, 2008

Cllr. Danny Healy-Rae,
Main Street,
Kilgarvan,
Co. Kerry.

**Planning & Development Act 2000 – 2001
Ref. U011-08**

Dear Cllr. Healy-Rae.

I wish to refer to your letter of the 26th February, 2008 and to ours of 14th February, 2008 enclosing Enforcement Notice and wish to advise that your proposals 'to put back the topsoil and reseed the ground and improve that strip for agricultural purposes' is acceptable to the Planning Authority.

On the basis of you carrying out this work in accordance with your proposals, the work on this site is considered 'Bona-fide' land reclamation and is therefore exempted agricultural development in accordance with Schedule 2, Part 3, Class 11 of the Planning & Development Regulations 2001.

I further wish to advise however, that a further inspection of the site will be undertaken within one month of the date of this letter to ensure that the site has been restored for use for agricultural purposes only.

I trust this clarifies the position.

Yours faithfully

pp 
S.E.O. PLANNING

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Cllr. Cronin referred to the documents which had been circulated and the Code of Conduct for Elected Members. Elected Members are legally bound to adhere to the Code of Conduct and he as an Elected Member will adhere to the Code of Conduct and he expects that all members will do the same. He said that when he raised this issue at the May meeting he did emphasise that he was not seeking an investigation to be carried out within Kerry County Council. It was recorded at the May meeting that he was not asking Kerry County Council to assess this matter and that it would be referred to a body outside the county. He confirmed that the matter has been referred to the Standards in Public Office Commission for consideration. The Code of Conduct was prepared for a reason, i.e. that elected members would not do anything that would benefit them. He said that he stood by the Planning Authority with regard to planning zonings and enforcement and he had defended the Council following irregularities in developments.

Cllr. Cronin said the Manager's Report circulated states at Item (a)2 *"As it was unclear as to what was happening and the purpose of the excavations, he recommended the serving of an Enforcement Notice."* He then referred to memo from Mr. C. Van Schoor, E.P. Planning, dated 12th February, 2008, which states *"From the appearances of the excavations, it is clear that a large amount of substantial rock had already been removed from the site."* Cllr. Cronin said that he had visited the site, which has also been photographed.

Cllr. Cronin referred to the Manager's Report, Item (a)8 which states *"Mr. Van Schoor provided this report on 14th March 2008."* This is an assertion that the enforcement file was closed on 14th March, 2008.

Cllr. Cronin referred to Item b) which he circulated - Memo from Mr. C. Van Schoor, EP Planning Enforcement/Quarries to SSO/ASO Planning dated 14th March 2008, regarding Enforcement Register No. U011-08 and read the following handwritten note: *"I agree with the above recommendation that this be regarded as bona fide land reclamation."* This handwritten note is signed and dated by the Director of Planning on 14th March, 2008. On foot of the recommendation by the Director of Planning a letter dated 18th March, 2008, was issued. He said the documents he circulated are Kerry County Council documents.

Cllr. Cronin said he had moved this Notice of Motion regarding unauthorised quarries at the meeting held on 10th March, 2008, which was chaired by Cllr. D. Healy Rae who, he believed, had a live and active enforcement notice served on him. Cllr. D. Healy Rae did not excuse himself from the meeting on the day. He said that he could not understand why the Director of Planning would seem to be denying his own handwriting and his own signature four days after the Council meeting took place. Kerry County Council has failed, in this particular case, to recognise that there was a 38 house planning application made which was refused by Kerry County Council. It was then appealed to An Bord Pleanála who upheld the Council's decision. An Bord Pleanála also refused the construction of an access road and ancillary site works on this site in 2007. Kerry County Council failed to recognise there is land zoned for residential development in the Kilgarvan Local Area Plan. An Bord Pleanála, in their report, stated their concern at the high elevated northern side of the site. This side of the site is no longer high. It has dropped 3 metres and he added that an engineer has viewed this site. At the March meeting while Council was discussing the prosecution of fourteen other cases, Cllr. D. Healy Rae was chairing the meeting. This accounts for double standards and it is not acceptable. He said that he also wanted to confirm

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that in light of the fact that the Director of Planning should chose to ignore his own signature he had asked the Standards in Public Office Commission to investigate the role the Director of Planning had played in this matter.

Cllr. T. Fitzgerald said any comments from Elected Members would not be helpful as this matter has been referred to the Standards in Public Office Commission for investigation.

Mr. T. Curran, County Manager, expressed his disappointment with Cllr. Cronin's response to the report presented. He said that he considered that his report set out the details satisfactorily. He acknowledged that Cllr. Cronin has the right to refer this matter to a higher board if he so desires. He expressed his disappointment that Cllr. Cronin would make accusations against a staff member. The file on this matter is open and transparent. He said there is also a letter on the file dated 26th February, 2008, from Councillor Healy-Rae regarding the enforcement notice on which there are hand-written comments (* *scanned copy on page 26*). Cllr. Cronin did not bring this letter to the attention of the Members. This letter has a hand written comment from Mr. C. Van Schoor which reads "*On the basis of this (details outlined in Cllr. Danny Healy-Rae's letter) I recommend withdrawing the E.N. (Enforcement Notice)*". This handwritten comment is dated 29th February, 2008. There is also a note from Ms. J. McCarthy, SEO Planning, dated 3rd March, 2008. He said that it is important that full facts are presented. He said he would welcome any assessment by the Standards in Public Office Commission on this matter.

Cllr. T. Fitzgerald said this matter will be investigated by the Standards in Public Office Commission.

Mayor M. Healy-Rae and Cllr. D. Healy-Rae then returned to the meeting.

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- * Letter from Cllr. Danny Healy Rae to Enforcement Planning Section dated 26th February, 2008, regarding Ref. U011-08

Danny Healy Rae,
Main St.,
Kilgarvan,
Co. Kerry.
U011-08

26th February, 08

Enforcement Planning Section,
Planning Department,
Kerry County Council,
County Buildings,
Tralee,
Co. Kerry.

Dear Sirs,

In relation to Enforcement Notice Ref. UO11/08 which I received on the 18th February and to support verbal assurance I have already given to account for what I am doing on my lands at Gortnaboul, as this portion of ground was very uneven and outcrop rock protruding which made it impossible to mow or utilise it properly ie. to get full value for grazing, I proceeded to strip back whatever topsoil and soil was necessary so that I could take out the rock which I needed on another landholding of my own, it is my intention to put back the topsoil and reseed the ground and improve that strip for agricultural purposes. I am sorry for any inconvenience caused to the Planning Authority but it was my belief that I was acting properly, if ye have any further queries please contact me.

Sincerely yours,

Danny Healy Rae
Danny Healy Rae.

On the basis of this
I recommend withdrawing
the E.N.

[Signature] 29/02/08.



08.06.16.10 Approval to the Raising of a Short-Term Loan of €10.5m for the Purchase of Land for Social and Affordable Housing

Cllr. D. Kiely asked from which agency this loan would be raised.

Mr. J. O'Connor, Head of Finance, said the loan would be raised through the Housing Finance Agency and he read his report on this matter, which was circulated as follows:

"In order to secure delivery of key objectives of the Council's Action Plan for Social & Affordable Housing 2004-2008, we have acquired 38 acres approx. of building land since the start of 2006 and we intend to continue to purchase at strategic locations as opportunities arise and if the price is acceptable. Short term borrowing of €10m was approved by the Council at its meeting in May 2007 for land purchases and that sum is almost fully committed at this stage. So, for the purpose of initially funding the ongoing land purchase programme for social & affordable housing provision over the next twelve months or thereabouts, further short term borrowing of €10.5m is required. In accordance with normal practice, the proposed borrowing will be obtained from the Housing Finance Agency, which has a special remit in this area.

The proposed borrowing will be paid off as the Council recovers the cost (including the interest charges up to a maximum period of 5 years) from the annual DoEHLG Housing Capital Grant accordingly as houses are being built on acquired lands.

In summary, the approval of the Council is sought to short term borrowing of €10.5m for land purchase for the provision of Social & Affordable Housing."

Cllr. D. Healy-Rae asked if Kerry County Council has resources to finance the amount of affordable housing available and coming on stream. He said there appears to be some delay in acquiring some of these houses.

Cllr. M. Cahill asked if Kerry County Council would be acquiring land for social and affordable housing in Killorglin.

Mr. L. Quinlan, A/Director of Housing, said there is an Affordable Housing Unit within the Housing Department. Like any purchaser, Kerry County Council must be satisfied that the units are completed to a satisfactory standard. There are no undue delays by Kerry County Council in processing purchases of affordable houses. Loans have previously been sanctioned by Council and drawn down from the Housing Finance Agency. Any houses purchased by Kerry County Council will be resold.

Cllr. M. O'Shea referred to his Notice of Motion No. 1, on the agenda and said that he wished to move it.

1. Lands for Social & Affordable Housing in Castlegregory

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

"To ask the Housing Director of Service to immediately source lands in Castlegregory for low cost sites and for social and affordable housing."

The following report was issued:

"The Housing Department has been relatively successful in sourcing land in the last couple of years and will continue to seek suitable lands in areas of greatest need. Construction of two local authority dwellings has recently been completed and will be allocated shortly. While the demand for social or affordable housing isn't particularly significant in Castlegregory based on the number of applications received, we will continue to examine all options to meet this demand including sourcing land for direct construction, utilising the rental accommodation scheme as well as acquiring units from developers in meeting their obligations under Part V of the Planning & Development Act."

Cllr. M. O'Shea said only one area, Dingle Town, is allocated for social & affordable houses and this is over-developed. He asked for a more balanced view with regard to social housing throughout West Kerry and areas such as Camp, Castlegregory and Brandon are not being facilitated. People cannot afford to build in these areas themselves. He asked that Kerry County Council would make every effort to provide land for social and affordable housing in Castlegregory. He asked for the support of the Members for this motion.

Cllr. D. Healy-Rae **SECONDED** this motion.

In reply to a query from Cllr. Cahill, Mr. L. Quinlan, A/Director of Housing, said that where there is a demand for social housing, there would be opportunities to purchase lands. The Part V process also provides opportunities to acquire housing. With regard to Killorglin, a scheme is to commence before the end of the year in Ardmoniel and this is the only landbank in Killorglin at present. The Housing Authority must be satisfied there is a demand for social housing in an area and subject to opportunities will purchase lands if it is available at the right price.

Cllr. M. Cahill said there is a demand and requirement for social and affordable housing in Killorglin and acknowledged the delays with regard to sourcing land. He **PROPOSED** that Kerry County Council acquire land in Killorglin as soon as possible for social and affordable housing.

Mayor M. Healy-Rae supported this motion.

Cllr. J. O'Connor asked if monies are available to purchase lands.

Mr. L. Quinlan, A/Director of Housing, said units proposed to commence in 2008 are subject to funding being available. The existing Part V agreements are committed to in 2008.

Mr. J. O'Connor, Head of Finance, said where agreements for a Part V are made, monies have been committed in 2008. In some instances the applicants buy the house directly and negotiate loans for themselves which can take some time.

Cllr. D. Healy-Rae asked if there would be a difficulty in financing a number of these houses if they came on stream. He asked if there is a limit on the amount of houses the Local Authority can buy in any one year under this Scheme.

Mr. T. Curran, County Manager, said the Local Authority is aware that there is an issue nationally where Local Authorities have entered agreements under Part V for social and affordable houses and cannot fund these commitments. Kerry County

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Council will be in a position to honour agreements under Part V from the 2008 Housing Allocation. However, there may be a difficulty with new starts in 2008. An allocation of approximately €19m was received for 2008 and Kerry County Council must work within that allocation.

Cllr. D. Healy-Rae asked if this would effect improvement works on estates.

Mr. T. Curran, County Manager, said improvement works on estates are funded from Internal Capital Receipts.

Mr. J. O'Connor, Head of Finance, said with regard to housing grants for the elderly and disabled, the Local Authority is dependant on an allocation from the Department. The Local Authority contributes a portion of these grants. Kerry County Council's allocations and resources must be managed to match the highest priorities.

Cllr. M. Connor-Scarteen asked how many houses Kerry County Council had bought from developers in 2008.

Mr. L. Quinlan, A/Director of Housing, said to date, Kerry County Council has acquired and entered into agreements under Part V for 56 houses.

In reply to a query from Cllr. M. O'Shea, Mr. Quinlan said two units are near completion in Castlegregory. Following the completion of these units the Housing Department will be in a position to identify additional demand as part of the process in allocating these houses. Where lands become available and there is a demand for social housing the Housing Authority will pursue the purchase of lands in an area.

Cllr. M. O'Shea requested that as a matter of urgency lands be sourced in Castlegregory for Social and Affordable Housing.

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. R. Beasley, it was agreed to approve the raising of a short-term loan of €10.5m for the purchase of land for social and affordable housing.

08.06.16.11 Approval to the Raising of a Loan of €1m in respect of the Council's Contribution towards the Inch Coastal Protection Works

Mr. J. O'Connor, Head of Finance, referred members to his report dated 9th June, 2008, on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. C. Miller, SECONDED by Mayor M. Healy-Rae, it was agreed to approve the raising of a loan of €1m in respect of the Council's contribution towards the Inch coastal protection works.

08.06.16.12 Approval to the Granting of Security by the Lartigue Monorail Restoration Limited, Listowel on the Property Leased to it by the Council by Resolution Dated 15th October, 2007

Mr. J. O'Connor, Head of Finance, referred members to his report on this item which was circulated.

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On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. R. Beasley, it was agreed to approve the granting of security by the Lartigue Monorail Restoration Limited, Listowel, on the property leased to it by the Council by resolution dated 15th October, 2007.

08.06.16.13 Electoral Area Meeting - Killarney

It was agreed that the next Killarney Electoral Area Meeting would be held in the Town Hall, Killarney on Thursday 3rd July at 10am.

08.06.16.14 Report on the Operations and Activities of the Association of County and City Councils

It was unanimously agreed to note Cllr. T. Buckley's written report on the activities of the Association of County and City Councils which was circulated.

08.06.16.15 Summary of Proceedings at Conferences

(a) *Seanchaí Kerry Literary and Cultural Centre Conference*

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

(b) *Southern and Eastern Regional Assembly Conference*

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

08.06.16.16 Report from Cllr. R. Beasley, Chair of the Community, Cultural and Tourism SPC

It was agreed to note the written report on this item which was circulated.

08.06.16.17 Report from Cllr. B. O'Connell, Chair of the Environment SPC

It was agreed to note the written report on this item which was circulated.

08.06.16.18 Report from Cllr. T. O'Brien, Chair of the Planning SPC

It was agreed to note the written report on this item which was circulated.

08.06.16.19 Report from Cllr. C. Miller, Chair of Housing SPC

It was agreed to note the written report on this item which was circulated.

08.06.16.20 Opening of Tenders

(a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Mayor M. Healy-Rae, it was agreed to approve the opening of Submissions of Expressions of Interest for the N21 Castleisland By-Pass - Design and Build Contract.

(b) On the PROPOSAL of Mayor M. Healy-Rae, SECONDED by Cllr. C. Miller, it was agreed to approve the opening of tenders for the Kenmare Peninsula Master Plan.

Cllr. M. Connor-Scarteen asked why consultants had been employed for the preparation of the Kenmare Peninsula Master Plan and what was the cost of preparing this Plan. He asked would other towns have a plan prepared in future and how much land in Kenmare does it include.

Mr. M. McMahon, Director of Planning, said the Local Area Plans process identified a number of towns with strategic sites where it was considered a further study was required in the form of a Master Plan. Such areas include Kenmare, Caherciveen and the Waterfront in An Daingean. This is a more detailed study over and above what was carried out in the Local Area Plan process. The Master Plan sets a framework for the area. It is a non-statutory framework for the development of a key site. This is a competitive tendering process and the cost will be dependent on who carries out the works. The tenders will be assessed once they have been opened on the basis of a number of criteria, including cost.

08.06.16.21 Notices of Motion

2. Pupil/Teacher Ratio in Primary Schools

Pursuant to Notice duly given, Cllr. M. Gleeson proposed:-

“That this Council calls on the Government to reverse its decision to renege on its pre-election commitment - P.42 of the Programme for Government - to reduce the pupil/teacher ratio in primary schools by one child per annum until achieving by 2010 its explicitly stated objective of average class sizes of twenty four people and include twenty for class size for children under the age of nine.”

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

Cllr. M. Gleeson said at the INTO Conference in 2007 the Minister for Education explicitly stated that if returned to Government class sizes would be reduced to 24:1 within three years. The Green Party committed to 20:1 within the same time frame. The Government also promised to reduce class sizes for children under 9 to a maximum of 20. Over 20% of all pupils are in classes of more than 30 pupils. Public meetings were held in 2007 to highlight large class sizes. Mayor Healy-Rae and Deputy Jackie Healy-Rae spoke at one such meeting. The budget, which has been introduced since, does not cater for reduced class size. Commitments made by Deputy Jackie Healy-Rae and central government with regard to reducing the pupil/teacher ratio in primary school have not been delivered.

Mayor M. Healy Rae said he took exception to comments made by Cllr. Gleeson with regard to Deputy Healy Rae. He said that he would debate this matter further at a future Council meeting.

Cllr. J. Brassil said on the general thrust of the Motion there are aspects, which he must challenge. The current government is still committed to reducing class sizes to the average size of twenty. Delivery of the programme depends on the circumstances of the day and the financial situation we find ourselves in. There are circumstances, which bring about economic changes that must be managed. There are children from non-national states with learning difficulties in our teaching system at the moment. It has been necessary to re-appropriate funds and re-appropriate the direction of the programme to facilitate the most disadvantaged. As a society we must facilitate the disadvantaged. It would be ideal to reduce class sizes but there are times when a

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choice must be made to help those disadvantaged or proceed with a programme. He said he rejected Cllr. Gleeson's statement that the Government are reneging on a promise.

Cllr. R. Beasley said it is not acceptable to excuse the Government's failure to carry out what was promised in the last election because of the need to facilitate the requirements of non-national children.

Cllr. J. Brassil said thousands of children have special requirements in education and they are being provided with this education.

Cllr. M. Gleeson said non-nationals have been in Irish schools for some years and the system has dealt with their needs as good as possible. He said that the INTO policy was supported by today's speakers at meetings throughout the country. Mayor M. Healy-Rae and Deputy Healy-Rae had supported the policy at the time and our representatives in the Dáil should speak out and call on the Government to honour that promise. He said that it was not his intention to attack Deputy Healy Rae as he has respect for him. He was speaking only on policy with regard to this issue.

19. Teachers Numbers in Scoil Mhuire, Killorglin

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

"That this Council would collectively approve that there would be no reduction in teacher numbers in Scoil Mhuire in Killorglin, especially due to the increase of the jobs there as of late."

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

Cllr. J. O'Connor said there should be flexibility in relation to the period during which the number of pupils attending a school is assessed as it will be September 2008 before a school will know how many children will be attending the school in that academic year.

Cllr. M. Cahill supported the Motion.

4. Funding for Marina along the Kerry Coastline

Pursuant to Notice duly given Cllr. M. Cahill proposed:-

"That Kerry County Council would enter into discussions with Brendan Smith, Minister for Agriculture, Fisheries and Food and his Officials at the Department of Agriculture, Fisheries and Food with a view to funding Marina along the Kerry coastline."

The following report was issued:

The Council would welcome the development of marinas in the county, as they would greatly enhance our tourism potential, promote the county as a centre for adventure tourism and provide sustainable support particularly to areas under threat with the current challenges facing the fishing industry. However, any financial assistance for the development of marinas cannot be contingent on matching funds by the local authority, as is currently the position with the development of piers and harbours and coastal infrastructure works.

Approximately €7.7 million was spent on improvement works to existing piers and new piers in the 6 year period from 2002 to 2007. In the 2008 Budget, the Capital programme identified a potential expenditure of over €27 million for piers and harbours over the next 3 years, with grant aid of almost €22 million required from Central Government.

The level of funding currently being provided and the mechanisms for funding do not allow for the most cost effective procurement of contractors in executing the necessary works on our piers and harbours.

Having regard to the grant aid allocated for 2007 by the Department of Agriculture, Fisheries and Food, for Fishery Harbours and Coastal Infrastructure Development, in the sum of €868,125, it is most unlikely that the proposed capital investment identified in our Capital report will be delivered.

The Council is required to provide co-funding to most of these projects and having regard to the financial constraints on the Council, any investment by the Council on marine projects will have to be focused on the projects identified in the Capital programme and adopted by Council.

Grant aid for the provision of marinas has generally been provided by the Department of Arts Sport and Tourism under the Sports Capital Programme, to established sporting organisations, and under Fáilte Ireland's Tourism Product Development Scheme. However any grant aid under Fáilte Ireland's Tourism Product Development Scheme, is also contingent on matching funding by the County Council. You will be aware that the Council's priority for funding is on the development of the necessary infrastructure identified in the local area plans, adopted by Council, and most notably for the provision of sewerage schemes under the Water Services Investment Programme.

Any proposed funding for marinas in the county will have to be either fully grant aided or developed through a public private partnership scheme.

Cllr. M. Cahill asked that the Government be requested to do what they can to invest in marinas and related infrastructure. The Kerry coastline is suitable for such facilities that are tourist attractions and would boost the local economy. He acknowledged the work of the County Manager with regard to Knightstown Harbour and similar projects in the past. He requested that similar works be pursued as a priority.

Cllr. J. O'Connor SECONDED this Motion.

5. Waste Water Treatment requirements for Local Authority Housing

Pursuant to Notice duly given, Cllr. J. Brassil proposed:-

"In light of the current difficulties with wastewater treatment across all the villages of Kerry, what contingency plans have Kerry County Council to deal with the Local Authority housing requirements in these villages."

The following report was issued:

New and upgraded waste water treatment facilities are being provided for 6 villages in Kerry (Sneem, Milltown, Fieries, Kilcummin, Barraduff, and Rossbeigh). Initial designs have been carried out for 28 others; 12 will have

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detailed designs carried out this year and a number will go to tender. In addition, the Strategy for Delivery study which has just commenced will provide guidance on how the needs of all the remaining smaller villages in the county can be met.

In the meantime, each situation where there is an immediate need for services for new Local Authority Housing will be examined and it is expected that a temporary solution can be found, if necessary, in most cases.

Cllr. J. Brassil said the capacity of sewerage schemes at present is resulting in refusals of planning permission. Because of the capacity of the sewerage schemes, any further building developments within the Local Authority Housing Programme will meet with the same difficulties. The same circumstance applies to the general public and Kerry County Council. This is a challenging problem for the Local Authority. The reply to the Notice of Motion says *“each situation where there is an immediate need for services for new Local Authority housing will be examined and it is expected that a temporary solution can be found, if necessary in most cases.”* He asked that the Director of Water Services would clarify what is meant by “temporary solution”. He said there are a number of developments, which are only partially complete, or they may be complete but the developers are finding it difficult to sell the houses. The Local Authority should be actively acquiring houses and developments already built, as it would be an opportunity for the Council to acquire housing stock at good value.

Mr. O. Ring, Director of Water Services, said it is difficult to say what temporary solution could be used without dealing with a specific case. In most cases the Local Authority will be able to deal with these difficulties on a temporary basis. A temporary solution would be under the control and management of the Local Authority.

Cllr. J. Brassil said a situation couldn't occur where housing becomes an issue because the Local Authority cannot build houses due to the capacity of the sewerage scheme.

Cllr. D. Kiely asked if monies for sewerage schemes could be requested from the Department immediately.

Mr. O. Ring, Director of Water Services, said that contract documents are being drawn up for schemes on the adopted priority list. Applications will then be made to Central Government for funding.

6. Planning Applications received in April and May 2008

Pursuant to Notice duly given, Cllr. D. Kiely Rae proposed:-

“How many planning applications were received for the months of April and May 2008 and how did it compare for the same months for the 3 years previous”.

The following report was issued:

The following are the statistics relating to valid planning applications received during the two month period 1st April, 2008 to 31st May, 2008 and during the comparable period in 2007, 2006 and 2005.

<i>Year</i>	<i>Planning Apps.</i>
2008	548
2007	827
2006	917
2005	851

Cllr. D. Kiely said there is a decline in the number of applications received and asked if it is possible to revert to on site visits rather than pre-planning meetings.

Mr. M. McMahon, Director of Planning, said the figures are somewhat misleading. In 2006/2007 there were unprecedented levels of planning applications. He said that he had indicated at the last council meeting that the current down turn in applications does give the Planning Authority the opportunity to revert to visiting sites in relation to difficult applications for sons and daughters of landowners.

7. Planning in the Killarney Environs Area

Pursuant to Notice duly given, Cllr. D. Healy Rae proposed:-

- "(a) To ask the Planning Section of Kerry County Council to initiate whatever process is required to remove the restriction in the Killarney environs on people from Killarney Town that forever prevents them from getting planning in the townlands of Aghadoe, Barleymount, Kilcummin, Tir na Boul and Muckcross as I believe it to be undemocratic - each applicant's case should be assessed on its own merits.
- (b) Will the people from Killarney also be prohibited from getting planning permission in the greater Gneeveguilla/Rathmore area under the proposals for the new County Development Plan."

The following report was issued:

- (a) **The issues raised in this Notice of Motion were debated at length at the recent Special Planning Meeting on the Draft County Development Plan 2009–2015 prior to the Draft being agreed for public display. The matter will be further considered by the Council in the autumn when the submissions/observations regarding the Draft Plan has been considered.**

The Environs Plan for Tralee and Killarney was adopted following the procedures laid down in the Planning and Development Act 2000. This involved two separate rounds of public consultation and considerable debate amongst the elected members. It is difficult to understand therefore how the adoption of this policy can be described as undemocratic.

- (b) **The draft County Development Plan 2009–2015 at paragraph 3.8.8 states as follows:-**
“nothing (in this plan) will prohibit an applicant in an urban area from applying for planning permission to relocate to a rural area.”

Cllr. D. Healy Rae said at a meeting to review the Draft County Development Plan 2009-2015 he had asked if a material contravention could be facilitated in the Killarney Environs Area. Mr. T. Sheehy, SE Planning, had indicated that there was a procedure to be followed for a material contravention. Cllr. Healy-Rae asked that Kerry County Council would use the material contravention procedure for planning
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applications in the Killarney Environs Area as the system is undemocratic. While some applications are granted it is wrong to put all planning applications in this area in the same category. He said that while a vote was taken on the Killarney Environs Plan he did not realise how serious it was and that it would deprive people in Killarney town from getting planning permission outside of the town in certain cases. Each case should be considered on its own merits. There will always be a cross flow of people wanting to move in and out of the town.

Mr. M. McMahon, Director of Planning, said the position regarding applications for the Killarney area was set out in the reply to the Notice of Motion. It was also clearly indicated at the meeting to review the Draft County Development Plan 2009-2015 that the Local Area Plans would not be reviewed. The Local Area Plans have been adopted on a rota basis for six years. The review of the County Development Plan is now underway and this process will take twelve months. The process to review Local Area Plans will commence as they come up for renewal.

Cllr. D. Healy Rae asked what is the legal process and can one aspect of the Killarney Environs plan be reviewed.

Mr. M. McMahon, Director of Planning, said review of one aspect of the Killarney Environs Plan is not possible.

8. Removal of Sand from the Foreshore of the Cashen River.

Pursuant to Notice duly given, Cllr. R. Beasley proposed:-

“That Kerry County Council take immediate action against the abusers who are removing sand on an ongoing basis from the foreshore of the Cashen River which is causing distress to the locals and the fishermen of the locality. I have been reporting this situation for 3 years approximately.”

The following report was issued:

The basic problem with respect to the enforcement of legislation such as that pertaining to the removal of sand from a beach/foreshore is that the perpetrator must be caught in the act. Given the variable and other facts which surround the case in point, it has been extremely difficult to catch the perpetrator(s) and thereby gather sufficient evidence to sustain a successful prosecution.

On Tuesday the 2nd June 2008, Listowel Gardaí alerted Environmental Services, Kerry County Council, that sand was being removed from the Cashen Estuary. Mr. Stuart Roche, Asst Environmental Officer, proceeded to the scene where he interviewed the individual involved - a file on the matter is currently under preparation.

Cllr. R. Beasley said a lorry was impounded over the June Bank Holiday weekend. The person carrying out these works said it related to works to build a Marina.

Ms. A. Haugh, Director of Environmental Services, said this matter might be the subject of a Court Case. There was a question of a licence being sought eight years ago. However, the Environment Section is not aware of this application. The matter is currently under investigation.

9. Córás Tráchtá sa Daingean/ Traffic Systems in An Daingean

Pursuant to Notice duly given, Cllr. B. MacGearailt proposed:-

"Tarann an Chomhairle go mbeidh dhá chóras tráchtá sa Daingean - ceann don tréimhse ciúin agus ceann don tréimhse turasoireachta agus molann an Chomhairle go mbeidh an coras parcála scaipithe ar fuad an bhaile le freastal caoí a dhéanamh ar an bpobal."

Eiseofar an turaisc ar leaniúnt:

Deineadh Dréachtphlean um Bhainistiú Tráchtá an Daingin a mheas ag cruinniú na Comhairle ar an 10ú lá Márta 2008. Tar éis é a chur fé bhráid na Comhairle, de réir forálacha Alt 38 Acht um Thrácht ar Bhóithre 1994, cuireadh an scéim ar taispeántas poiblí ón 2ú Aibreán go 16ú Bealtaine 2008 agus aighneachtaí á lorg ón bpobal.

Tháinig 17 aighneachtaí ar fad ón bpobal. Tá measúnú á dhéanamh ar na haighneachtaí fé láthair agus cuirfear tuairisc orthu ar fáil do na Comhaltaí Tofa in am trátha. Go praiticiúil, bheadh sé deacair dhá leagan amach tráchtá a chur i bhfeidhm, ceann sa séasúr turasoireachta agus ceann lasmuigh de, agus d'fhéadfaí ceisteanna sábháilteachta a bheith i gceist.

The following report was issued:

At its meeting on 10th March, 2008, Council considered the An Daingean Draft Traffic Management Plan Report. Following the presentation to Council, in accordance with the provisions of Section 38 of the Road Traffic Act, 1994, the Plan was put on public display from the 2nd April to the 16th May 2008 and submissions invited from members of the public.

In all there were 17 submissions received from members of the Public. These submissions are now being assessed and a report on the submissions will be brought before the Elected Members in due course. The practical implications of having two traffic layouts, for the tourist season and outside of the tourist season, would be difficult to implement and could present potential safety concerns.

Cllr. B. MacGearailt said different traffic systems should apply in the summer and winter. Local residents in a small town should have reasonable parking facilities made available to them.

Cllr. B. MacGearailt referred to a recent Motion, which was to be referred to the H.S.E. with regard to staggering appointments and clarification as to what services have been removed from the hospital. A reply has not yet been received to these Motions.

10. Specific Road Levies Conditioned on the Planning Application Approval

Pursuant to Notice duly given, Cllr. J. O'Connor proposed:-

"What systems are in place for recording the specific road levies conditioned on to planning application approvals and when are they collected. Could a breakdown of these levies be given to the Elected Members, especially for the Killorglin Electoral Area.

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Breakdown as follows:

1. Individual levies allocated to approvals
2. Individual levies collected to date
3. Levies spent to date"

The following report was issued:

Special Development Contributions are levied through conditions in planning permissions where particular works as set out have been carried out or are proposed to be carried out benefiting the development.

Special Roads Development Contributions may be divided into three broad categories and the details in respect of these as requested in the Notice of Motion for the period 2004-2007 are:

Category	Amount due per Commencement Notices	Amount Collected	Amount Expended
Road Improvements	€1.911 m	€1.792 m	€0.787 m
Public Lighting	€0.060 m	€0.060 m	€0.020 m
Footpaths	€0.422 m	€0.422 m	€0.085 m
Total	€2.393 m	€2.274 m	€0.892 m

All but €0.119m of the amounts recorded as due have been collected.

The details given are in respect of the Kenmare, Caherciveen and Killorglin Roads Engineering Areas which are broadly but not exactly similar to the Killorglin Electoral Area.

All planning contributions due are recorded on the Council's I.T. Planning System. Contributions become payable on the commencement of the works authorised by the planning permission. Commencement Notices as required by the Building Control Regulations activate the accrual of the development contributions. There is a regular follow-up of all contributions due.

Intense efforts are being made by the Roads engineering areas to undertake and complete at an early date all outstanding works.

Cllr. J. O'Connor asked when the balance of approximately €1.4 million would be spent.

Mr. C. O'Sullivan, Director of Roads and Transportation, said each engineering area carries out works as resources permit. Recent years have been very busy due to increased allocations. Efforts are being made by the roads engineering areas to undertake and complete outstanding works in 2008. Works cannot be carried out until the levies are received by the Local Authority.

11. Directional Signs to Dingle

Pursuant to Notice duly given, Cllr. M. Healy Rae proposed:-

“When are Kerry County Council going to replace and reinstate the proper name on the directional signs to Dingle. This should be done immediately to help promote the town for the tourist season.”

The following report was issued:

Under current legislation the Council is statutorily obliged to display the name of the town as “An Daingean” on directional signs, in accordance with the provisions of Section 32(2) of the Official Languages Act 2003 and the Placenames (Ceantair Ghaeltachta) Order 2004.

The Council received a response to its request to change the name of “An Daingean”, from the Office of the Minister for the Environment, Heritage and Local Government, dated the 7th May 2008, which was circulated to all members.

In the response, it was outlined that Minister Gormley proposes to introduce a number of legislative changes aimed at resolving the dispute concerning the name of An Daingean, while giving greater recognition to the Irish language where placename changes are proposed.

The legislation required to make these changes will be introduced as part of the general reforms of local government which are discussed in the Green Paper “Stronger Local Democracy”, published by the Minister on April 22nd.

Until the proposals outlined by the Minister are prescribed by legislation and an effective date prescribed by statutory order, the Council cannot amend the name of the town on directional road signs.

Mayor M. Healy-Rae noted the report.

12. Likely Effects of the Projected Rise in Ocean Levels

Pursuant to Notice duly given, Cllr. M. Gleeson proposed:-

“That the Council would outline what research it has undertaken to appraise itself of the likely effects the projected rise in ocean levels will have on (a) coastal areas and (b) the seaward journeying of the County's rivers and vital role of their floodplains.”

The following report was issued:

Kerry County Council is a partner with a number of other agencies on a study to examine the issue of global warming and sea rise. The research project is titled The Sea as Our Neighbour: Sustainable Adaptation to Climate Change in Coastal Communities and Habitats on Europe's Northern Peripheries (COAST-ADAPT)'

The research is to be carried out by the Coastal and Marine Resources Centre (CMRC) which is affiliated to UCC and will focus in the first instance on the Maharees peninsula. The intention of the project is to focus not alone on the physical effects of sea level rise but also to examine the Socio-economic effects on the communities affected. It is hoped that the results of this study will allow for a broader application to the entire county.

A significant amount of research has been carried out at national level under the aegis of the Department of the Environment, Heritage and Local Government. The most recent research was carried out by the Community Climate Change Consortium for Ireland (C4I) project supported and co-funded by the Environmental Protection Agency, Sustainable Energy Ireland and the Higher Education Authority with resources provided by the Irish Government's National Development Plan (NDP) 2000-2006. The work was also supported by Met Éireann and by the CosmoGrid project, the latter funded under the Programme for Research in Third Level Institutions (PRTLII) administered by the Higher Education Authority under the National Development Plan and with partial support from the European Regional Development Fund.

The following are the key findings of the report:-

- The climate will continue to warm, particularly in the summer and autumn seasons: possible increases of 3 to 4°C towards the end of the century. The greatest warming will occur in the south and east of the country.
- Autumn and winter seasons will become wetter: increases in the range 15-25% towards the end of the century. Summers will become drier: 10-18% decrease towards the end of the century. Regional details remain elusive, due to the large uncertainty in local projections.
- Mean windspeeds are not expected to change significantly over the coming decades, but there is likely to be an overall reduction in strengths towards the end of the century, particularly in summer (4-5%).
- The frequency of very intense cyclones affecting Ireland is likely to increase.
- The seas around Ireland have been warming at the rate of 0.3-0.4°C per decade since the 1980s; over the Irish Sea a greater warming has been observed (0.6-0.7°C per decade). The trends are consistent with what has been observed globally and are predicted to continue over the coming decades.
- Sea levels are rising on average about 3.5 cm per decade around Ireland.
- Ocean modelling results indicate an increase in the frequency of storm surge events around Irish coastal areas; in the northwest the increase in surge heights between 50 and 100 cm is around 30% by mid century. Extreme wave heights are also likely to increase in most regions.
- Changes in precipitation and temperature are likely to lead to a rise in winter stream flows (increasing the risk of flooding), and a reduction in summer flows.
- Changes in the climate may impede the recovery of the ozone layer; together with a warmer climate, there may be negative health consequences due to a greater exposure to UV radiation.
- Demand for heating energy is likely to reduce significantly as the climate warms.

Further information on this report is available from the Department of the Environment, Heritage and Local Government website.

Cllr. M. Gleeson said following recent reports with regard to the Antarctic there are concerns for the county's rivers. If the sea levels continue to rise and flood plains are not protected the rivers' progress could be slowed down. He asked if this is a possibility.

Mr. C. O'Sullivan, Director of Roads and Transportation, said that the responsibility for flood studies on rivers is rests with the OPW. Notwithstanding that it is widely recognised the implications of climate change will have an impact over the coming decades. Funding is being provided to UCC for research on this matter.

13. Proposed Eircom Mast for Annascaul Village

Pursuant to Notice duly given, Cllr. M. O'Shea proposed:-

"That the County Manager instruct Eircom to comply with the terms and conditions of Kerry County Council's County Development Plan in relation to their proposed Eircom mast for Annascaul Village Ref No 08-842".

The following report was issued:

This planning application (08/842) has recently been refused by Kerry County Council.

Cllr. M. O'Shea welcomed the report. He said that throughout the planning application process Eircom did not comply with the terms and conditions of Kerry County Council's County Development Plan. He asked that Eircom would seek an alternative means of providing such masts. It was proposed that this mast would be provided in the heart of a built up area in Annascaul. He requested that Kerry County Council work with Eircom to find an alternative site rather than appealing this application to An Bord Pleanála. On the basis of past cases Eircom could be successful should the case be appealed to An Bord Pleanála.

16. Density in a Rural Area

Pursuant to Notice duly given, Cllr. D. Kiely proposed:-

"How many houses constitute density in a rural area. Is there a set down number and does this rule out single rural cottages".

The following report was issued:

When considering the density of development in a rural area, the Planning Department makes an assessment of the level of existing and permitted development in that area. When recommending refusal of permission for excessive density, the Planning Department considers that the rural area in question has been developed to its potential and to permit further houses would give rise to over-development.

There are no density limits set out in order to control over-development of rural areas, primarily because areas differ in their capacity to absorb development, depending on such factors as landscape, topography, infrastructure and drainage.

Applications for single rural houses are assessed with density/over-development as one of the assessment criteria.

Cllr. D. Kiely said there is an inconsistency with regard to density in rural areas. There is a particular concern in relation to singular rural houses where a landowner has an acre site, which could be given to a son or daughter. He asked if rural density would prevent people building in the future. He expressed his disappointment with the reply to the Notice of Motion and requested that a further reply would issue at the July Council Meeting.

Cllr. D. Healy Rae **SECONDED** the Motion.

17. Provision of a Site for Public Toilets in Kilgarvan Village

Pursuant to Notice duly given, Cllr. D. Healy Rae Proposed:-

“To ask Kerry County Council what progress has been made in providing a site for public toilets in Kilgarvan Village.”

The following report was issued:

No suitable site has yet been found for a public convenience in Kilgarvan but efforts to get such a site are being intensified.

Cllr. D. Healy Rae requested that every effort be made to acquire a site for public toilets in Kilgarvan village.

18. WTO Position with regard to Agriculture in Ireland

Pursuant to Notice duly given, Cllr. B. MacGearailt proposed:-

"That Kerry County Council calls on all MEPs and on the Government to fight tooth and nail to reserve the negative thrust of the WTO as regards agriculture in Ireland and that no efforts be spared to tackle the draconian measures sought by Commissioner Mandelson".

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

Cllr. B. MacGearailt requested that a letter issue to the MEPs and Government with regard to this matter.

15. Establishment of a Committee with regard to the County's Fishing Industry

Pursuant to Notice duly given, Cllr. M. Cahill proposed:-

“In view of the increasing number of problems facing the County's fishing industry, the protection of our coastline and the provision of piers, harbours and marinas etc, I propose that Kerry County Council set up a committee with a view to representing Kerry's interests at national level.”

The following report was issued:

The establishment of Strategic Policy Committees under the Better Local Government (BLG) reforms in 2000/2001 removed all of the existing committees that were in place pre BLG. The SPCs were established to examine and develop strategic policy such as the impact of changes in the economic, social and cultural fabric on the future development of the county. The impact of the current challenges facing the protection of our coastline and the provision of piers, harbours and marina's can be considered by the Transport SPC.

Cllr. M. Cahill said a Fisheries Committee was in place previously and a similar committee should be established to take specific interest in the Kerry Coastline and its protection as well as protecting the fishing industry locally and nationally. Draft Net Fishermen are experiencing problems in Castlemaine Harbour as it was recently closed to harvesting. At local and national level a number of Departments are dealing with this issue.

Mr. C. O'Sullivan, Director of Roads and Transportation, said the Strategic Policy Committees were established under Better Local Government. He acknowledged that

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this issue crosses a number of Government Departments. The County Development Board is also a forum at which this issue can be raised. He suggested that the issue should be progressed through the Transport SPC.

Cllr. M. Cahill said fishing is an important issue for this county and a specific committee should be in place to deal with it. Representatives of the fishing interest and development interests and Piers and Harbours should be represented on this Committee.

Cllr. M. O'Shea supported the Motion. He asked if Kerry County Council would support a group of the Elected Members if they came together on this issue.

Cllr. B. MacGearailt said that there was a Coastal Management Committee in existence previously where coastal erosion, piers and harbours and fishing in general were discussed. Under new regulations this Committee has been abolished. He supported the Motion to have such a forum established. This forum would highlight the profile of the fishing community.

Mr. J.D. Flynn, Director of Corporate Services, said Better Local Government streamlined committees into Strategic Policy Committees. Funding and payments follows these SPCs. Any committee must be set up within the SPC framework. He suggested that through the Environment SPC sectors would be invited to make a presentation at a meeting and it could then be brought back to the full Council.

Cllr. D. Kiely said Councillors who have a concern with regard to this issue should be invited to attend such presentations to the Environment SPCs.

Mr. J.D. Flynn, Director of Corporate Services, said it would be open to the Chair of the Environment SPC to invite other Elected Members interested in this issue to such presentations.

20. Broadband in Kerry.

Pursuant to Notice duly given, Cllrs. M. Cahill and P. O'Donoghue proposed:-

"That Kerry County Council make a significant investment in broadband in Kerry so as to create new jobs and safeguard existing jobs in the County."

The following report was issued:

It is Government policy, as reiterated by the Minister for Communications Energy & Natural Resources, that Broadband is first and foremost a matter for the private sector.

Notwithstanding this, the Government has taken measures since 2003 to deal with deficits in infrastructure and services through a number of initiatives: most notably the Regional Broadband Programme (MANs project), Group Broadband Schemes and the National Broadband Scheme.

Under the first of these (Phase 2 MANs), we have constructed 3 Metropolitan Area Networks in Tralee (with a spur to Castleisland), Killarney and Listowel. Their handover to an interim operator is imminent. Indeed at least one telecommunications service provider has already agreed to "light" one of the MANs (i.e. provide services) as soon as possible.

Under the rules of the scheme Kerry County Council has invested 10% of the total infrastructure costs which are in excess of €6.5 million.

In Phase 2, proposals were also called for by the Department and designs agreed for MANs in Castleisland, Kenmare and Dingle. However their funding has been suspended pending a review of the MANs, which was expected in spring, but which has not yet been published.

Despite the funding freeze, the Department of Energy Marine & Natural Resources (DCENR) has recently called through the South West Regional Authority for proposals for Phase 3 MANs to be submitted. Killorglin and Cahersiveen are ranked 4th and 9th respectively in the Region's priorities. We have advised the DCENR that we expect that the 3 outstanding Phase 2 MANs would be commenced and that the backhaul deficit addressed prior to committing any further resources to Phase 3.

Given the peripheral nature of the County, its terrain and topology, it is clear that Wireless technology would be a critical component in advancing Broadband in the County, firstly to provide resilient Backhaul for towns outside of Tralee, Killarney & Listowel, and secondly to facilitate Wireless Broadband to houses, schools and business, particularly those in rural areas. Given that Wireless technology requires masts, the insertion of a 1km exclusion zone in the County Development Plan is likely to impact negatively on the provision of broadband infrastructure services within the County and perhaps, in the support of suitable broadband services for the County the Members may wish to reconsider this proposals when the 2009-2015 County Development Plan is being adopted.

Cllr. M. Cahill said that it is very important that Kerry County Council invest significantly in Broadband. He requested that Kerry County Council speak with Eircom and progress this matter.

21. Footpath between Manus Heights Housing Estate and Castlemaine Village

Pursuant to Notice duly given, Cllrs. M. O'Shea and C. Miller proposed:-

"To ask the Director of Service for Roads & Transportation to make funding available for Castlemaine Village so that the footpath between Manus Heights housing estate and Castlemaine Village can go ahead in the current year."

The following report was issued:

This motion has been moved previously on a number of occasions at Electoral Area meetings and at the December meeting of Council.

As previously outlined, the Council has been attempting for some time to purchase a 3m strip of land over a distance of 300m to facilitate the construction of this footpath. The negotiations with landowners have not been concluded to the satisfaction of the Council.

A sum of €14,000 has been allocated from National Secondary Ordinary Maintenance funding for footpath improvements in Castlemaine and this may be utilised to fund some of the land acquisition this year, if agreement can be

concluded with all the relevant landowners. Due to the difficulties in securing the necessary lands it is most unlikely that this project will proceed to construction this year, and will be considered for further funding in 2009.

Cllr. M. O'Shea said this footpath is urgently required as it is a matter of public safety. He welcomed the sum of money being provided to fund the improvements works. He requested that the works would proceed in 2008.

08.06.16.22 Correspondence – Conferences and Seminars.

- a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. T. Fitzgerald, M. Healy Rae, D. Healy Rae, B. Cronin and T. Fleming at the Carlow Tourism National Conference to be held in Carlow from 18th to 20th of June 2008.

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

- b) On the PROPOSAL of Mayor M. Healy Rae, SECONDED by Cllr. M. Gleeson, it was agreed to authorise the attendance of Cllrs. B. MacGearailt and J. O'Connor at the Bio Energy 2008 conference to be held in Athenry, Co. Galway on the 19th June 2008.

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

- c) On the PROPOSAL of Mayor M. Healy Rae, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. T. Ferris, T. Fitzgerald and T. Fleming at the IPA regional seminar on the green paper to be held in Ballincollig, Co. Cork on the 26th June 2008.

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

- d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. D. Kiely, it was agreed to authorise the attendance of Cllrs. C. Miller, T. Ferris, T. O'Brien, B. MacGearailt, D. Healy Rae and A. McEllistrim at the seminar on the theme "The Local Government Planning Service" to be held in Skibereen, West Cork from 4th to 6th of July 2008.

Cllr. C. Miller was nominated to report to the Council on this conference.

- e) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllrs. N. Foley, C. Miller, M. O'Shea, T. Ferris, M. Connor Scarteen, T. O'Brien, B. MacGearailt, P. Leahy, B. O'Connell, D. Kiely, D. Healy Rae, R. Beasley, A. McEllistrim, T. Fleming and J. O'Connor at the seminar on the theme "Alternative Enterprise, the key to sustaining the rural economy to be held in Clifden, Co. Galway from the 9th to 12th July 2008.

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

- f) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. R. Beasley, it was agreed to authorise the attendance of Mayor M. Healy Rae at the fourth annual Tourism and Hospitality research in Ireland conference held in Tralee on the 10th - 11th of June 2008.

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- g) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllr. N. Foley at the Synge Summer School to be held in Rathdrum, Co. Wicklow, from 29th June to 5th July 2008.

08.06.16.23 Correspondence General

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

1. Letter dated 22nd May, 2008 from Mr. C. O'Sullivan, Director of Roads, Transportation and Safety regarding the provision of a second lane on the Tralee Road approach to the Cleeney roundabout in Killarney.
2. Letter dated 29th May, 2008, from Mr. Brendan Smith, T.D., Minister for Agriculture, Fisheries and Food regarding the proposed publication of CAP beneficiary details.
3. Letter dated 15th May, 2008, from New Ross Town Council regarding a resolution adopted by that authority calling on the Minister for Environment to allow local authorities to decide housing policy in their respective areas and further call on the Minister to ensure that the acquisition of land banks for social housing continues as a central plank of housing policy at a local level.
4. Letter dated 16th May, 2008, from Dublin City Council regarding a resolution adopted by that authority that the Manager ends the trend of Dublin City Council failing to make use of the opportunities presented by International Women's Day to promote women's participation in the political, economic and social life of Dublin City.
5. Letter dated 28th May, 2008, from Macroom Town Council regarding a resolution adopted by that authority proposing that on an annual basis perhaps one of the Public Holiday Mondays be set aside as Famine Remembrance Day.
6. Letter dated 28th May, 2008, from Macroom Town Council regarding a resolution adopted by that authority calling on the Minister for Environment, Heritage and Local Government to change the law regarding the payment of refuse charges in private rented accommodation.
7. Letter dated 1st June 2008 from Fr. David Lupton thanking the Members for the Civic Reception.

Cllr. M. Gleeson requested that it be noted that the report on Cleeney Rounabout has been on the agenda for Area Meetings.

Cllr. D. Kiely requested clarification on what constitutes density in a rural area.

Mr. J. O'Connor, Head of Finance said a report would be prepared on this issue under General Correspondence for the July meeting.

The meeting concluded at 4.50 p.m.

Gerard O'Brien
Acting SEO
Corporate Affairs

Mayor of Kerry