

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 15 SEPTEMBER, 2008.**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 15 MÉAN FÓMHAIR, 2008.**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

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 Servs	Mr. J. Breen, Director of Hsg & C&E
Ms. A. Haugh, Dir. of Environment	Mr. C. O'Sullivan, Dir. of Roads
Mr. G. O'Brien, A/SEO Corp. Affairs	Mr. P. Corkery, Press & Comm. Officer
Ms. B. Reidy, SSO Corporate Affaris	Ms. D. Griffin, SO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. K. Felle, CO Corporate Affairs
Ms. C. Nagle, CO Corporate Affairs	Mr. L. Brosnan, AO Environment
Mr. M. Boyce, SEE Environment	Mr. T. O'Connor, County Librarian
Ms. N. O'Keeffe, Senr. Exec. Librn.	Mr. D. O'Connor, Grad. Engr. Roads

The meeting commenced at 10.40 a.m.

Mayor T. Fleming took the Chair.

Standing Orders

Mayor Fleming referred to a letter he issued regarding the conduct of meetings and Standing Orders. This letter was issued to ensure that meetings would be expedited in a timely fashion. He requested members to co-operate with the conduct of meetings in accordance with the meeting agenda and in the spirit of the letter issued. Items regarding Votes of Sympathy and Votes of Congratulations will be accepted prior to addressing agenda items. There is a mechanism at 3.00 p.m. where Emergency Motions can be dealt with. Agenda items will allow elected members to raise matters of interest under a particular area, for example, housing issues can be raised when considering a report from the Director for Housing.

Votes of Sympathy

- (a) Cllr. D. Healy-Rae proposed a vote of sympathy to the family of Denis Ger O'Donoghue, Creal, Glenflesk. Mr. O'Donoghue was a community man and a great supporter of GAA.

Cllr. M. Healy-Rae supported this vote of sympathy.

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

- (b) Cllr. M. Gleeson proposed a vote of sympathy to the Mr. & Mrs. Tom Carey and family Tarbert on the death of their son, Mr Fergus Carey.

Cllr. R. Beasley supported this vote of sympathy.

- (c) Cllr. R. Beasley proposed a vote of sympathy to Mr. Tommy O'Connor, County Librarian, and the O'Connor family on the death of Mr. Jeremiah O'Connor.

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

- (d) Cllr. L. Purtill proposed a vote of sympathy to Maurice & Noreen O'Connor on the death of their son, Mr. Donal O'Connor. Cllr. Purtill said that Donal was gifted in the use of technology.

Cllr. D. Kiely supported this vote of sympathy.

- (e) Cllr. L. Purtill proposed a vote of sympathy to Eamonn & Siobhán Barry on the death of their son, Mr. Enda Barry.

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

- (f) Cllr. L. Purtill proposed a vote of sympathy to the O'Donoghue Family on the death of Mr. Paudie O'Donoghue. Paudie was a very popular person in Ballylongford.

Cllr. M. Gleeson supported this vote of sympathy.

Cllr. T. Fitzgerald said he wished to be associated with this vote of sympathy.

Vote of Congratulations

Cllr M. Gleeson proposed a vote of congratulations to Reverend Trevor Williams, Bishop elect of Limerick, Ardfert and Aghadoe.

Civic Reception

Cllr. D. Healy-Rae PROPOSED that a Civic Reception be held for the Members of Muckross Rowing Club (Mr. Sean Casey, Mr. Paul Griffin and Mr. Cathal Moynihan) who participated in the Beijing Olympic Games. He thanked the Mayor for getting approval for this Civic Reception at the CPG

September Ordinary Meeting 2008

Meeting. Approval of Full Council is also required. He asked elected members to support this Civic Reception as the Members of the Muckross Rowing Club did us proud at the Olympics.

Cllr. M. Healy-Rae SECONDED this proposal.

Mayor Fleming said it was agreed at the CPG Meeting that this Civic Reception would also honour Mr. Roy Guerin who is participating in the Paralympics in Beijing.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. M. Healy-Rae, it was agreed to host a Civic Reception at the October 2008 Council Meeting to honour the Members of the Muckross Rowing Club that participated in the Olympic Games in Beijing and Mr. Roy Guerin who participated in the Paralympics in Beijing.

This was unanimously agreed.

08.09.15.01 Mayor's Report on CPG Meeting held on 9th September, 2008

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

Item 1 Agenda for the July Council Meeting

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

In response to a query on Item No. 7, "Report on the Preparation and Making of River Basin Management Plans under the EC Water Framework Directive", the County Manager confirmed that this item relates to the revision of the timeframe and adoption of the Plans for the South Western RBD and Shannon RBD. It was noted that there will be cost implications for improving water quality and implementing these plans. Further details will be available for the full council meeting.

In response to a query on Item No. 8, "To consider the making of a Traffic Management Plan for An Daingean", Director of Roads & Transportation said this report provides a detailed presentation on the Traffic Management Plan and further details would be available for the full council meeting.

With regard to Item No. 11, "To note The Harbours (Amendment) Bill, 2008", CPG members agreed that in the event of Fenit Harbour being transferred to Shannon Foynes Company Kerry County Council should have a representative on the board of that company.

Item 2 Update on Review of County Development Plan

In response to a query regarding the timeframe for the Review of the County Development Plan, Director of Planning outlined the following:

September Ordinary Meeting 2008

- a. Draft County Development Plan 2009-2015 went on public display on 18th June, 2008

September Ordinary Meeting 2008

- b. Closing date for submissions was 29th August, 2008. 261 submissions have been received.
- c. The latest date for presentation of the Manager's Report to elected members is 18th November, 2008.
- d. Dates for Special Planning Meetings, to be held in November, will be agreed at the October Council meeting.

Item 3 Bog Slide at Maghanknockane

Director of Roads & Transportation outlined the Council's response to the bogslide at Ballincollig Hill in the Stacks Mountains, having been informed by Tralee Garda Station, on Saturday, 23rd August, 2008.

CPG members expressed appreciation to the staff of Kerry County Council for the swift action taken to deal with the bog slide.

Full report from Director of Roads & Transportation attached.

Item 4 Shannon LNG

Director of Planning informed the members of the CPG that An Bord Pleanála has received an application from Shannon LNG for the gas pipe line from the importation terminal to the existing national grid at Askeaton. Kerry County Council and Limerick County Council have been informed of the application. The application is on display in both Local Authorities. The Planning Authorities have been requested to make submissions not later than 7th October, 2008. Unlike the application for the importation terminal, this application is under a different section of the Strategic Infrastructure Act and does not require that the Manager's Report be brought before the elected members. The report will be forwarded directly to An Bord Pleanála.

In response to a query from Cllr. Kiely, County Manager advised that he has been in discussions with Bord Gáis and the Energy Regulator regarding the placement of a spur connection to the pipeline with a view to providing gas in the county. Bord Gáis are giving this matter consideration.

Item 5 County Development Board

At its meeting held on 5th September, 2008, the Board reviewed its sixteen point Priority Action Plan including:

- 1) Reports on the implementation of strategies adopted in 2007/08 and comments on strategies being/to be prepared.
- 2) The Parenting & Learning Strategy developed by the Family Learning Task Group was adopted at this meeting. This strategy provides for the running and co-ordination of courses.
- 3) The Board considered a draft document entitled CDB Submission to the Joint Oireachtas Committee on Agriculture, Fisheries and Food, prepared by the Agricultural Task Group.

Full discussion took place on employment and the economy and the need to have a strong voice for Kerry at national level. It was agreed that the KEAT sub-group of the Board would consider the Kerry County Council motion on a jobs-targeted initiative.

The Board heard a presentation from the County Childcare Sub-committee and noted:

- Department Circulars on the Review of the County Strategy;
- Plans for Options for Adults Exhibition being organised by the Education and Training Sub-group.

At this meeting Terms of Reference for the County Development Board Executive were considered and adopted. Other developments considered included an update on;

the Cohesion of area based companies (including employment of consultants to assist with HR issues)
National Road Bypass Routes and
interagency work of the Kerry Community Mental Health Alliance

Item 6 Update from Chairs of SPCs

The meeting noted that no SPC meetings have been held since the last CPG meeting.

Item 7 Civic Reception

CPG members approved a request to host a Civic Reception for Mr. Sean Casey, Mr. Paul Griffin and Mr. Cathal Moynihan of Muckcross Rowing Club in Killarney who participated in the 2008 Olympic Games, and Mr. Roy Guerin, Housing Department of Kerry County Council, who participated in the 2008 Paralympics.

Attachment to CPG Report: Report from Director of Roads & Transportation on Bogslide at Maghanknockane

The bogslide blocked two local roads, a local tertiary road at Harris' Bridge, which is a cul-de sac serving one occupied dwelling and the Kielduff to Maghanknockane local primary road at Scanlon's Bridge, with in excess of 1.0m of wet peat flowing over the deck of both bridges. There was one house in close proximity to Scanlon's Bridge, where the flood waters from the bogslide encroached on their yard. Both roads were immediately closed to traffic for safety reasons.

It also affected the quality of the water supply intake to the Lyre Water Treatment Plant, which had to be shut down temporarily and a boil notice was issued as a precautionary measure when supply was restored.

The Tralee Roads Area staff were immediately mobilized to implement emergency works, to protect the safety of local residents and road users, minimize damage to the road network and protect against contamination of

the river. Mr. Frank Hartnett, SEE controlled operations on site. Staff from Water Services and the Environment Department, as well as the Shannon Regional Fisheries Board and the National Parks and Wildlife were contacted and also attended to the scene.

The road adjacent to Scanlan's Bridge was excavated to relieve pressure on the bridge and to reduce the backup of wet peat on to the adjoining property

A dam was constructed on the Glashoreag River at Knocknacura, approximately 2 km downstream of Scanlans Bridge to contain the flow from the bog.

The Kielduff to Maghanknockane road was blocked off to pedestrians and traffic, until a full assessment of the site could be completed and contact was maintained with the occupants of both properties affected by the bog slide to advise them of the situation and the hazards on the site.

When these measures had been implemented, around midnight on the Saturday evening and the situation was deemed safe to the public, the crews were stood down. No further work was permitted until a risk assessment of the site, on health & safety grounds, could be undertaken.

The Council engaged the consultancy services of BMA Geotechnical Services Ltd., who are specialists in this field. They assessed the situation and on their advice, full road access was restored to the public by the following Friday. The Consultants also advised that whilst there appeared to be no further movement at the site of the failure, on the date of their site visit, there was a potential risk of a further landslide in the event of further heavy rainfall and particularly due to the water being retained on site.

A temporary source of supply to the Lyre Water Treatment Plant was established by Thursday 28th August and the Boil notice was lifted the following day, with both the Dromin and Lyre plants operating to full capacity.

Mr. O'Sullivan outlined that the Council has been in consultation with the Shannon Regional Fisheries Board, and the Developers of the site with regard to any other measures required to protect the water quality in the river, and to mitigate against a further landslide.

Two stilling ponds have now been constructed on the Glashoreag and Smerlagh Rivers, to allow any peat in the Rivers settle.

At approximately 1 pm on Wednesday 3rd September 2008, Scanlon's Bridge was blocked again by a substantial mass of peat, which resulted in flooding and a further blockage of the Kielduff to Maghanknockane local primary road. This also caused some flooding of the adjoining property. The road was immediately closed to traffic and the road was again excavated to relieve the flood waters.

The Developers commenced construction of a rock dam on their site, upstream of Harris' Bridge, on Friday 4th September, to mitigate against any further landslide and these works are on-going.

The Director of Roads also outlined that the Kielduff to Maghanknockane Road will remain closed until further notice and a decision on the re-opening of the road will only be made when we are satisfied that it is safe for road users. In association with the Shannon Regional Fisheries Board, the Council will be carrying out a survey of the river bank downstream of Harris' Bridge to determine what remedial works will be necessary."

Cllr. P. McCarthy referred to the update on the bogslide at Maghanknockane outlined in the CPG report. A number of people were displaced by the bogslide and are still suffering. Staff of the Kerry County Council Roads Department and contractors involved with this incident did great work. They were faced with a situation they had not faced before. A dam was constructed which contained the bogslide. The damage to houses and the rivers would have been much greater only for this work. He expressed thanks to the Kerry County Council staff involved with the work on the bogslide.

Cllr. J. Brassil complimented the staff on the work undertaken to deal with the bogslide

All elected members said they wished to be associated with this expression of thanks to Kerry County Council staff.

Cllr. D. Kiely asked that the bogslide be discussed in more detail at today's meeting.

Mayor Fleming said the bogslide will be discussed in detail at 3.00pm. He commended the work by the staff of Kerry County Council in dealing with the bogslide.

Allegation under Ethics Legislation

Cllr. D. Kiely said allegations have been made against a member of Kerry County Council by Kilcolgan Residents Association who are opposing the Shannon LNG Project. He said these are unfair allegations and asked if it is appropriate to discuss this matter at Council.

Mayor Fleming said this matter will be discussed at 3.00pm.

08.09.15.02 Confirmation of Minutes

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. R. Beasley, it was resolved that the minutes of the July Ordinary Meeting of Kerry County Council held on 21st July, 2008, be confirmed.

Cork Swansea Ferry

Mayor Fleming referred to a Notice of Motion dealt with at the July Meeting regarding the Cork/Swansea Ferry. A meeting was held with the Mayors of Cork County Council and Cork City Council on 22nd July. A further meeting was held on 29th July where a number of issues were considered. Cork Port Authority undertook to contact Fáilte Ireland for further discussions. A meeting

was held on 9th September where issues were progressed. He informed the meeting that progress has been made on this issue. Cork Port Authority is liaising with Swansea Port Authority. The first requirement is that an operator to provide a ship is identified. Cork Port Authority has been very pro-active and contact has been made with three boat operators regarding the provision of a ship. Monies will have to be provided for marketing.

Cllr. R. Beasley complimented the Mayor on the progress made with this matter in recent months. He said he had raised this matter in November and December 2007 and he hoped with the progress being made to date that the Cork/Swansea Ferry service will be running in 2009. The absence of the Cork/Swansea Ferry service has been a major loss to the Cork/Kerry region.

Cllr. T. Fitzgerald complimented the Mayor for leading the Council pro-actively on this issue. Kerry County Council has always been pro-active in supporting the ferry service. He asked if the Cork/Swansea service will be in place in 2009.

Mayor Fleming said progress is being made and there is a positive reaction from the providers of the ship. A plan of action is to be in place by the end of the year, followed by a programme of marketing and advertising. The Spring/Summer season 2009 is being targeted. There will be obstacles which it is hoped can be overcome. A large financial investment is required. Cork Port Authority has prepared a Business Plan which will be helpful in securing an operator. There is a very competitive market and the ferry service must compete with all transport services available.

Cllr. P. O'Donoghue complimented the Mayor and Kerry County Council for pursuing this initiative and he said that promoting accessibility to the county is very important. Kerry Airport is also of crucial importance to the county. RyanAir are scheduling less flights between Kerry and Dublin. He asked that a letter would issue to RyanAir requesting that flights be re-instated in line with the timetable that was in place in the past.

Mayor Fleming said there is a Notice of Motion on today's Agenda which will deal with this issue.

Cllr. M. Healy-Rae said with regard to the Cork/Swansea Ferry service Kerry County Council elected members support the reinstatement of this service. It is one of the most important projects to progress for 2009 as accessibility to the county must be improved.

Cllr. B. MacGearailt said there was a drop in tourism from Britain with the cessation of the Cork/Swansea Ferry service. He commended Mayor Fleming and everyone involved in progressing this matter.

Cllr. M. Gleeson said in support of the Cork/Swansea Ferry service Kerry County Council should call on the National Roads Authority to expedite road improvements between Kerry and Cork.

Mayor Fleming **SECONDED** this proposal.

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

(a) Abbey Island Burial Ground, Derrynane

Mr. O. Ring, Director of Water Services, referred members to the report which was circulated. No submissions or observations have been received on this proposed development. It is recommended to proceed with the proposed development of a lawn style burial ground at Abbey Island, Derrynane.

Cllr. P. O'Donoghue said he supported the development as proposed and requested that the development be progressed as quickly as possible.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Healy-Rae, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning and Developments Regulations 2006 in respect of the provision of a lawn style burial ground at Abbey Island, Derrynane.

(b) Construction of 14 semi-detached houses at Spunkane, Waterville

Mr. J. Breen, Director of Housing and Community & Enterprise, referred the members to report which was circulated on the proposed development of 14 semi-detached houses at Spunkane, Waterville. No submissions or observations were received. It is recommended to proceed with the construction of 14 semi-detached houses consisting of 4 no. single storey houses and 10 two storey houses and associated site works at Spunkane, Waterville.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Healy-Rae, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning and Developments Regulations 2006 in respect of the construction of 14 semi-detached houses at Spunkane, Waterville.

(c) Construction of 2 No. Single Rural Cottages

Mr. J. Breen, Director of Housing and Community & Enterprise, referred the members to report which was circulated on the proposed development of 2 No. Single Rural Cottages. No submissions or observations were received. It is recommended to proceed with the construction of 2 No. Single Rural Cottages.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. D. Healy-Rae, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning and

Developments Regulations 2006 in respect of the construction of 2 no. single rural cottages with appropriate effluent treatment facilities at:

- (i) Rusheenbeg, Glenflesk, Killarney
- (ii) Furies, Killarney

08.09.15.04 Disposal of Property

(a) The Sands, Ballybunion

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. D. Kiely, it was agreed to approve the disposal of the following Affordable Houses in accordance with the terms of notice issued 29th August, 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. 3, The Sands, Ballybunion, together with its plot of land, situate in the townland of Ballybunion to Ian Blake & Stephanie Walsh, 6 Doon Road, Ballybunion, Co. Kerry.
- (ii) House No. 7, The Sands, Ballybunion, together with its plot of land, situate in the townland of Ballybunion to Colm & Teresa O'Halloran, 9 The Scallops, Ballybunion, Co. Kerry.

(b) Cois Chnoic, An Daingean & Beech Grove, Listowel

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. D. Kiely, it was agreed to approve the disposal of the following Affordable Houses in accordance with the terms of notice issued 1st September, 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. 27, Cois Chnoic, An Daingean, together with its plot of land, situate in the townland of Monacappa to Maurice & Fionnula Donegan, 131 The Wood, An Daingean, Co. Kerry.
- (ii) House No. 31, Beech Grove, Listowel, together with its plot of land, situate in the townland of Dromin Upper to Patsy Canty & James Templeton, 16 Beech Grove, Listowel, Co. Kerry.
- (iii) House No. 32, Beech Grove, Listowel, together with its plot of land, situate in the townland of Dromin Upper to Ryan O'Connor & Sarah Hennessy, 13 Gurtinard, Listowel, Co. Kerry.

(c) Pairc an Fhearainn, Ardfert

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. D. Kiely, it was agreed to approve the disposal of the following Affordable Houses in accordance with the terms of notice issued 4th September, 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. 2, Pairc an Fhearainn, Ardfert, together with its plot of land, situate in the townland of Farranwilliam to Alison Roche & Jerry Lyne, 15 Casement Avenue, Tralee, Co. Kerry.
- (ii) House No. 3, Pairc an Fhearainn, Ardfert, together with its plot of land, situate in the townland of Farranwilliam to Mary O'Connell, 12 Castlemaine Bridge, Cloghers, Tralee, Co. Kerry.
- (iii) House No. 5, Pairc an Fhearainn, Ardfert, together with its plot of land, situate in the townland of Farranwilliam to Karen Sinnott & Bernard Griffin, 23 An Fearann, Ardfert, Co. Kerry.
- (iv) House No. 7, Pairc an Fhearainn, Ardfert, together with its plot of land, situate in the townland of Farranwilliam to Ann O'Mahony, 2 St. Brendan's Terrace, Station Road, Ardfert, Co. Kerry.

Cllr. T. Ferris referred to a mobile home parked in a Local Authority housing estate (details with Director of Housing). She expressed concern that the occupants of this mobile home are the same tenants that left a new Council house after a number of months with a backlog of rent and damages to the house to the sum of €9,000. By not moving this mobile home, these tenants are forcing the Council to house them. She requested the Director of Housing and Community and Enterprise to revert with a report to outline what will be done to rectify this matter.

Mr. J. Breen, Director of Housing and Community & Enterprise, undertook to contact Cllr. Ferris directly on this matter.

08.09.15.05 Nominations to the Board of South Kerry Development Partnership Limited

On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. P. McCarthy, it was unanimously agreed to nominate Cllr. J. O'Connor to the Board of South Kerry Development Partnership Limited.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Healy-Rae, it was unanimously agreed to nominate Cllr. C. Miller to the Board of South Kerry Development Partnership Limited.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. McCarthy, it was unanimously agreed to nominate Cllr. M. Connor-Scarteen to the Board of South Kerry Development Partnership Limited.

08.09.15.06 Briefing on Remedial Action List (RAL) for Public Drinking Water Supplies

Mayor Fleming referred to the programme of works under the RAL Programme which is important in providing a potable drinking water supply. He commended management of the Water Services section on achievements to date under the RAL programme. From a country-wide national fund of approximately €20m, Kerry County Council has been successful in receiving approval for €9.863m of works because an advance submission had been made in 2005 based on a survey and examination of water supplies in the county. Kerry County Council has secured approximately 50% of the total sum

available for the country and this was achieved through the pro-active work done by the Water Services Department.

Mr. O. Ring, Director of Water Services, outlined the report which was circulated to the elected members on the Remedial Action List (RAL) for public drinking water supplies.

Cllr. T. Ferris said the 2008 Budget for drinking water was agreed, yet updates have been received from the Water Services Department that the water softening programme for Ardfert, piping work in Sneem and works in Dromin are being put on hold. She asked when funding is expected for these works and when these works will proceed.

Mr. O. Ring said a timescale is not available at present for these works. Resources available must be committed to priority works under the RAL Programme. Funding for works referred to by Cllr. Ferris is dependent on the financial situation in the county. These works remain on the works programme, however, works under the RAL Programme are being prioritised.

Mr. J. O'Connor, Head of Finance, welcomed the funding received under the RAL Programme. It is essential that Kerry County Council take on board, from a public health point of view and prudent financial management point of view, the expenditure of these funds as required by the Department. Other work programmes are not being discredited, rather a re-prioritisation is being undertaken. It is hoped to fund the local requirement of €2.47m from development levies. Progress on other works will depend on the level of development contributions collected over the next 12–18 months. If collections are reasonable and will fund both the RAL Programme and other works, then these works will be delivered however, delivery of the RAL list of schemes is a priority.

Cllr. T. Ferris said she was informed that water softening works at Ardfert would be tendered in July, 2008. Now it appears these works will be delayed by 12-18 months. She requested a timeframe as to when this work will be carried out.

Mr. J. O'Connor, Head of Finance, said the timeframe for delivery of RAL schemes is 12-18 months over which time the local contribution of €2.47m will be spent. The RAL programme of works is the first priority. If further monies are collected through development levies it will enable further work to be carried out. The economic situation in the county will impact on the availability of this funding.

Cllr. T. Fitzgerald welcomed that water quality must be the first priority for the county. People of the county can be satisfied that top quality water is being supplied. He expressed concern that Kerry County Council received half the total fund of almost €20m which was available for RAL Schemes under the Small Schemes Programme. He asked if this is an indication that Kerry water schemes are in a poor state. He requested that the water softening programme for Ardfert remain on the Water Services Programme of Works.

Cllr. J. Sheahan asked if the RAL Works Programme includes Shrone water supply. Residents of Shrone are disappointed with the water supply and wish to be connected to Rathmore water supply.

Cllr. M. Connor-Scarteen said Kerry County Council must fund €2.47m to carry out the works under the RAL Works Programme. He asked if the allocation of €9.863m from the Department to carry out these works is guaranteed.

Mr. O. Ring said the allocation of €9.863m has been made by the Department and will be paid on the basis of work done. Kerry County Council is progressing work on schemes that started in the last month. There is no delay in these works. Approximately €1m of the allocation must be spent by the end of 2008.

Mr. J. O'Connor, Head of Finance, said €2.47m will be allocated from the development levy funds for the RAL Programme.

Cllr. D. Healy-Rae expressed his thanks to Kerry County Council for work being undertaken at Lough Guitane. He said he has concerns about upgrading pipe works through Brewsterfield and on to Knockanes. Residents in these areas have poor water pressure. Following a deputation and Notices of Motion, members were advised that works would begin in June/July, 2008. It is now understood that these works have been suspended. He requested clarification as to when these works will commence.

Cllr. N. Foley welcomed the briefing report on the Remedial Action List for Public Drinking Water Supplies. She acknowledged that the works must be completed in 2009 and that a local contribution of €2.47m must be raised. With regard to the water softening works, she said a firm commitment was given to the residents of Ardfert that these works would be undertaken in 2008. Kerry County Council is now backtracking on this commitment. She asked for the costings to progress the Ardfert project. She asked if Kerry County Council has a reserve fund for use in a situation like this. If a reserve fund is not in place, she asked if Kerry County Council would make a commitment that after the €2.47m has been used for the RAL Works Programme, that the next tranche of development levies would be ring-fenced for the Ardfert water softening project.

Cllr. T. Ferris said the cost of the water softening works for Ardfert is €450,000.

Cllr. B. MacGearailt thanked the Water Services staff for works on the water supply in the county. He said there was a proposal to add dioxin to the water supply. He said he raised a matter regarding the addition of fluorine to the public water supply at the July Meeting. Fluorine is very dangerous to health. He questioned the decisions at management level dealing with water and the addition of materials to water to save lives or make water safer. For a long time, it was insisted there was no harm to the public from the addition of fluorine to the public water supply. Irish authorities continue to add fluorine when most of Europe has stopped the addition of fluorine.

Cllr. M. Gleeson queried the safety of using asbestos pipes to carry water.

Cllr. P. McCarthy referred to the water softening works due to be carried out in Ardfert and said he wished to be associated with the comments of previous speakers on this matter. He acknowledged the foresight and work of the Water Services Department which led to the allocation of funds to Kerry County Council under the RAL Programme.

Cllr. M. Cahill agreed with Cllr. McCarthy's comments and said but for the Advance Water Quality Needs Report being submitted in 2005 Kerry County Council would not have received this allocation under the RAL Programme. He commended the Water Services staff for their foresight in this area.

Mr. O. Ring responded to issues raised by elected members as follows:

- Regarding the addition of dioxin to the water supply, he clarified that the material being considered is chlorine dioxide which is a version of chlorination. This matter relates to pre-cautionary work being undertaken as part of advance works at Lough Guitane.
- With regard to asbestos, he said there is no issue regarding asbestos pipes and health. The health issue with asbestos pipes arises when they are being cut and they generate dust which is dangerous when inhaled. The World Health Organisation has no difficulties with water being carried by asbestos pipes. It has not been proven that ingesting water carried in asbestos pipes is dangerous to health.
- Shrone water supply is included in the RAL Works Programme.
- With regard to Brewsterfield, this scheme is being reviewed. All monies must be committed to the RAL Works Programme initially. Projects are not being removed from the priority list, priorities are being rescheduled.

Cllr. J. Sheahan said if residents of Shrone could connect to Rathmore which has a consistent water supply, rather than Shrone, it would resolve many problems.

Mayor Fleming **SECONDED** the motion that Shrone residents connecting to Rathmore water supply be considered by management.

Mr. O. Ring said the RAL Works Programme will improve 38 schemes around the county. The allocation under the RAL Programme allows Kerry County Council to do works which would otherwise have taken 4-5 years.

08.09.15.07 Preparation and Making of River Basin Management Plans under the EC Water Framework Directive

Ms. A. Haugh referred elected members to her report dated 8th September, 2008, which was circulated. In accordance with the requirements of the EC Water Framework Directive, River Basin Management Plans (RBDMP) are to be developed for each River Basin District within the island of Ireland. These plans, when adopted, will form the blue-print for achieving the water

quality targets (essentially “good quality” status for all waters by 2015), as set out in the Framework Directive, within each River Basin District.

Guidance on the content and format of the plans was recently issued by the DoEHLG and a revised timeframe for their development and adoption was also introduced by way of amending legislation.

Development of the River Basin Management plans is being co-ordinated at River Basin District (RBD) level by the River Basin District Project Offices. County Kerry is included in two RBDs, namely the South Western RBD (South Kerry) and the Shannon RBD (North Kerry). Draft versions of the River Basin District Management Plans are being developed and written by consultants who have been appointed to each RBD. These Draft Plans must be published by 22nd December, 2008. The period of public consultation on the content of the Plans will run for a minimum period of six months. Formal adoption and making of the Plans by the elected members of the County Council is required by 16th October, 2009 (In the event of failure by the elected members to adopt the Plans, making of Plans by the County Manager is required by 30th October, 2009). The Plans, and associated Programmes of Measures, must come into full effect by 22nd December, 2009. The timeframe is set out in the European Communities (Water Policy) Regulations (and subsequent amendment) and, accordingly, there is a legal obligation on Local Authorities to ensure full compliance. It is proposed that a detailed presentation on the proposed Draft Plans for both River Basin Districts, in advance of their publication, will be made to elected members at a meeting of the Council in November.

Cllr. J. O'Connor said he was the Chairperson at the last meeting of the South West RBD Group. The Group were notified that as a pre-cautionary measure, the EPA is proposing to downgrade the waters and rivers in Kerry, e.g. the Caragh River. There are five types of classification for water quality - High, Good, Moderate, Poor and Bad. Waters in the classifications of moderate/poor/bad are considered as polluted waters. The EPA wants to downgrade waters because of the presence of the freshwater pearl mussel which is protected in the Habitats Directive. The pearl mussel exists only in the lower rivers. If the pearl mussel did not exist in these rivers a status of 'high' would be applied. The proposed downgrading in classification will have an effect on tourism, agriculture and food. The EPA has not researched this matter and this is a precautionary measure. The EPA has been invited to attend a South Western RBD meeting and explain this proposal. This proposal must be resisted and addressed when Kerry is promotion a 'green image'. He said he would be raising this issue at the Water Quality Conference to be held in Kilkenny later that week. The EPA recommendation was rejected by the South Western RBD Committee at their last meeting. A letter issued to this effect to Mr. Martin McArgle, EPA.

Cllr. M. Gleeson said he sits on the Lough Leane Committee and is aware of the worries people have about the water quality at Lough Leane and other lakes. It has been taken for granted that water is plentiful and freely available at the turn of the tap. Water is precious. There is an obligation on Kerry County Council to take corrective and preventative action. There is an obligation on the Planning Section to ensure that septic tanks built for new

houses are built to the highest standard. Much of the pollution of streams and rivers originates from septic tanks. He asked that the Planning Authority would conduct spot-checks on standards of septic tanks.

Cllr. J. O'Connor said there is a monitoring process whereby water is being monitored as a result of the Water Framework Directive and data will be available in due course. He said that he agreed with the preparation and making of the River Basin Management Plan. He PROPOSED that elected members register their rejection of the pre-cautionary measures proposed by the EPA.

Mayor Fleming SECONDED this proposal.

Cllr. T. Fitzgerald said it is important that elected members are involved in making the River Basin Management Plans. The rivers of the county are a major asset. It is expected that Kerry County Council officials will examine proposed plans and ensure their contents are an advantage to our county. The plans must not include anything that will adversely affect the county in the future.

Cllr. J. Brassil said he agreed with the sentiments expressed by Cllr. Gleeson. Kerry County Council has a responsibility regarding its effluent treatment and water treatment facilities to ensure that they are upgraded. House owners have a responsibility regarding septic tanks. Agricultural users and forestry associations also have responsibilities. Everyone who has an impact on water quality must take responsibility for their individual area. The Planning Authority, because of the reduction in the number of applications, has an opportunity to take an active role in pursuing compliance issues regarding the quality of septic tanks and bio-cycle units being installed. Many of these units are not being maintained. As a Local Authority and as elected members of the Local Authority, we cannot demand proper quality water without taking responsibility for our own role.

Ms. A. Haugh, Director of Environmental Services, said the situation outlined by Cllr. O'Connor is correct. This issue has arisen since information on proposed classification was released by the EPA. The impact of the pearl mussel in terms of what the classification of waters will be is not yet known. No waters in Kerry have been classified as "bad".

Ms. Haugh said with regard to septic tanks, there will be wide-ranging implications from the measures that will be proposed in the River Basin Management Plans. Proposed measures will be discussed with the elected members. The measures will have implications across Planning and Water Services. There will also be implications for development control in areas where certain classifications apply.

**08.09.15.08 Phlean Bainistiú Tráchtá don Daingean de réir mír 38
do Acht um Thrácht ar Bhóithre 1994
Traffic Management Plan for An Daingean in
accordance with Section 38 of the Road Traffic Act 1994**

September Ordinary Meeting 2008

Mr. C. O'Sullivan, Director of Roads and Transportation referred to report dated 8th September, 2008, which was circulated regarding the An Daingean Draft Traffic Management Plan.

At its meeting on 10th March, 2008, Kerry County 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 2nd April to 2nd May, 2008, and submissions were invited from members of the public.

The Plan primarily deals with satisfying demand for parking over the next 10 years by:

- The provision of a new relief road with an additional link to John Street.
- The provision of off-street car parking.
- The introduction of a one-way traffic system on John Street, between the intersection with the new link road and The Mall junction and Spa Road from The Mall to the new junction with the proposed relief road.
- Introduction of a weight restriction on John Street, following the construction of the new relief road, on grounds of road safety and improved traffic.

The provision of the relief road and the construction of off-street car parks is an objective of the An Daingean Local Area Plan.

The Traffic Management Plan sets out the overall strategy for the management of traffic through the town, taking into consideration projected growth in traffic over the next 10 years.

Prior to implementing most of the measures proposed in the Traffic Management Plan, the Council will have to go through a separate statutory consultative process, and these will have to be approved by Council. It is recognised that no on-street parking spaces can be removed until alternative off-street car parks, as identified in the Traffic Management Plan, are provided.

Having considered the submissions received from the public and the response of the Garda Commissioner, it is recommended that in accordance with the provisions of Section 38 of the Road Traffic Act, 1994, that the Traffic Management Plan, as outlined to Council at its meeting of 10th March, 2008, and as presented to the public for consultation, be adopted by the Council subject to amendments and Conditions 1 - 10 as outlined in report dated 8th September, 2008, circulated to today's meeting.

Cllr. S. Fitzgerald said the An Daingean Traffic Management Plan as circulated is premature according to submissions received. The relief road must be constructed first and no timeframe is provided for that. Phase I of the relief road is being constructed but we are not aware when Phase II works will progress. When the relief road is constructed, parking issues in An Daingean can be addressed. Traffic congestion will be relieved once the relief road is complete. He thanked the Council for the progress made on Phase I of the

relief road. However, congestion of traffic will not be relieved until Phase II of the relief road is constructed. He said Kerry County Council purchased land at Goat Street for the relief road. There is an agreement on Phase II of the relief road with the landowner, but the developer is not closing the deal. He requested that Kerry County Council work with the developer to close the deal with the landowner to construct the relief road onto Goat Street. The developer is in breach of his planning permission. He PROPOSED that the Traffic Management Plan for An Daingean be put on hold until the relief road is constructed. In the interim, the Area Engineer should discuss the provision of loading bays with the Chamber of Commerce. Loading could be facilitated in the mornings and the loading bays could revert to parking spaces after loading times.

Cllr. J. Brassil said the majority of submissions made oppose the Traffic Management Plan. He commended Kerry County Council for efforts made to address traffic congestion in An Daingean. He said there is merit in the suggestion to defer the Traffic Management Plan until the relief road is in place and thereafter to have surveys carried out. If locals are not in agreement with the Traffic Management Plan, it will be difficult to proceed.

Cllr. M. Healy-Rae thanked the Director of Roads & Transportation for the report presented. However, he expressed disappointment with the report, even with the amendments made since it was last presented in March. He said he could not support the report as presented. Comments made in submissions relate to businesses which would be affected by the proposed plan. Businesses and residents of An Daingean do not support the proposed amendments. One submission alone is signed by 120 people who would be affected on a daily basis by the proposals outlined.

Mayor Fleming asked for an indication as to when the relief road will be constructed.

Mr. C. O'Sullivan said the construction of the relief road is dependent on available funding. The Council has raised a loan of €6m for construction. He said Kerry County Council cannot get involved in negotiations between a landowner and a developer. Kerry County Council has no statutory process available to it to deal with this matter. Kerry County Council would have to undertake the Part VIII process for the construction of Phase II of the relief road. Kerry County Council can CPO land if the need arises. If this matter is referred to An Bord Pleanála it could be viewed negatively that the Traffic Management Plan has been deferred. He expressed disappointment that the members wish to defer the Traffic Management Plan as this Plan is a strategic overview for the next 10 years.

Cllr. B. MacGearailt SECONDED the proposal to defer the An Daingean Traffic Management Plan. A number of issues can be addressed in conjunction with the community, e.g. a 2 hour parking directive could be imposed for the summer months. The relief road must be in place to implement this Traffic Management Plan. Kerry County Council cannot impose a plan on the residents of An Daingean which is not acceptable to them.

Cllr. S. Fitzgerald said the An Daingean Traffic Management Plan is premature until the relief road is in place. Once off-street parking is provided, on-street parking can then be considered to address congestion. A number of issues can be addressed with the Chamber of Commerce over the winter months. He thanked the Council for preparing the Plan, but the relief road and off-street car parking must be addressed first.

Mr. C. O'Sullivan said the An Daingean Traffic Management Plan can be deferred if that is the express wish of the elected members.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. MacGearailt, it was agreed to defer the implementation of the An Daingean Traffic Management Plan.

08.09.15.09 Traffic Management Plan for Mill Road, Killorglin, in accordance with Section 38 of the Road Traffic Act 1994

Mr. C. O'Sullivan, Director of Roads and Transportation referred elected members to report dated 5th September, 2008, regarding a proposed Traffic Management Plan for Mill Road, Killorglin. He outlined the measures involved in implementing the Traffic Management Plan. The proposed Traffic Management Plan was on public display and no objection or representation was received in relation to the proposed measures by the closing date of 3rd September, 2008. It is recommended that the Council proceed with the proposal as outlined.

Cllr. M. Cahill referred to Notice of Motion No. 7 on the Agenda and said he wished to move it.

7. Traffic Delays in Killorglin Town

Pursuant to Notice duly given, Cllr. M. Cahill PROPOSED:

"That Kerry County Council immediately address the major traffic delays being experienced by motorists going through Killorglin town which are increasing on a daily basis."

The following report issued:

The traffic flow through Killorglin has been improved over the years with the introduction of measures such as one way systems, resulting from the implementation of recommendations arising out of Traffic Management Plans. These have largely been successful.

In recent times there appears to be a build up of traffic incoming on the Iveragh Road. The Roads Department has investigated this problem. It was clear that the traffic was not able to exit the roundabout onto the Mill Road quickly due to the road geometry and the presence of an un-regulated pedestrian crossing.

A solution was devised, put on public display and is presented to the members today for approval. If adopted by the elected members it will be implemented and it is felt that this will greatly reduce the delays experienced.

Killorglin has one major bridge over the Laune River. This can cause some delays to through traffic, particularly during the peak tourist season. It is an objective of the Killorglin Local Area Plan to develop a by-pass for the town and the Council is progressing the development of sections of this route from the Iveragh Road to the L4038, Beaufort Road, with the development of adjoining lands and as funding permits.

However, it is recognised that the greatest constraint is a second crossing of the River Laune and the Council has begun work on carrying out a Constraints Study to determine the optimum location for such a crossing. The provision of a second bridge and by-pass would completely eliminate any delays in the future, but will be subject to funding from the NRA.

Cllr. M. Cahill said traffic congestion in Killorglin has been particularly bad this summer, with lines of traffic extending out the Glenbeigh Road from Killorglin town. Problems are experienced in the mornings and evenings. It must also be borne in mind that a builder's supplies yard is relocating to Iveragh Road. While this relocation will remove traffic from the Town Centre, it will generate traffic on the Iveragh Road. He noted that a roundabout must be provided as part of planning permission for this development. The addition of push-button pedestrian crossings at Mill Road will also ease traffic congestion. He asked that management consider a feasibility study for a new bridge at Killorglin. A by-pass will also have to be considered for Killorglin in the future. He welcomed the report presented. While it is not welcome that car parking spaces must be reduced, it is necessary to address the traffic congestion problem in the town.

Cllr. J. O'Connor welcomed the proposed Traffic Management Plan for the Mill Road, Killorglin. A controlled pedestrian crossing has been sought by residents for some time. He thanked the Area Engineer for his work in this area. He noted that parking spaces will be removed but no objections were received to this when the proposals were on public display. Residents of Killorglin town have requested a review of the parking system in the Fairfield car park. He said it is his understanding that the Killorglin Area Manager will be meeting with the traders in the Fairfield. Traffic congestion is a problem in Killorglin at school times and in the morning. CIE were requested to drop children at their schools, however, this has not been implemented. If children were not walking through roundabouts, etc, this would help reduce traffic congestion. Build outs were also to be considered on Iveragh Road as cars pulling in are causing an obstruction to sight lines for drivers exiting from estates on the left hand side of Iveragh Road. The addition of the builder's supplies yard on the Iveragh Road will contribute to traffic congestion. He also referred to the footpaths on Laune Bridge which are deteriorating.

Cllr. M. Healy-Rae **SECONDED** Cllr. Cahill's Notice of Motion and said any actions to alleviate traffic congestion in Killorglin are welcome. He agreed that the relocation of the builder's supplies yard will add to congestion on the Iveragh Road. He requested that the proposed changes to traffic management be implemented as quickly as possible. He agreed with comments made by Cllr. J. O'Connor regarding Laune Bridge.

Mr. C. O'Sullivan, Director of Roads & Transportation, thanked the elected members for their support for the proposed Traffic Management Plan for the Mill Road, Killorglin. While it is recommended that parking spaces be removed, it should be noted that the underground car park at the Area Services Centre which is underutilised. Adequate car parking spaces are provided in Killorglin.

Mr. G. O'Brien, A/SEO Corporate Affairs, informed the meeting that a vote would be taken on the PROPOSAL by Cllr. M. Cahill, **SECONDED** by Cllr. J. O'Connor, that a resolution be made to make the Traffic Management Plan for Mill Road, Killorglin in accordance with Section 38 of the Road Traffic Act, 1994.

The vote resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Ferris, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, M. Healy-Rae, Kiely, MacGearailt, McCarthy, McEllistrim, O'Brien, O'Connor, O'Shea, Sheahan, Fleming **(19)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Connor-Scarteen, Cronin, S. Fitzgerald, Leahy, Miller, O'Connell, O'Donoghue, Purtill **(8)**

The Mayor declared the proposal **CARRIED**.

08.09.15.10 Draft Noise Action Plan for major roads in County Kerry in accordance with the statutory provisions of EU Directive 2002/49/EC

Mr. C. O'Sullivan, Director of Roads and Transportation referred elected members to report dated 8th September, 2008, which had been circulated.

In accordance with the provisions of EU Directive 2002/49/EC (known as the Environmental Noise Directive) Kerry County Council has prepared Strategic Noise Maps and a Noise Action Plan to address the environmental noise from major roads in the county with traffic volumes greater than 6 million vehicles per annum, which is equivalent to an annual average daily traffic flow of 16,438 vehicles, and based on 2006 traffic counts.

In Kerry the only sections of roads identified as exceeding this threshold are the N21 between Ballycarthy Roundabout and Tralee town centre and the N22 Killarney By-Pass.

Lands adjacent to these sections of the N21 and N22 were mapped by the NRA to indicate the noise decibels. The aim of the Noise Action Plan is to prevent and reduce environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health and to preserve environmental noise quality where it is good.

The Plan also outlines measures for the effective management of future road noise through the planning process (acoustical planning) and recommends that developers address the impact of road noise in the assessment of new developments and design developments to minimise noise nuisance. For acoustical planning to be a useful tool, it can only be incorporated as a series of objectives into the Kerry County Development Plan and Local Area Plans. However, changes to supporting legislation will be required in order to effectively implement acoustical planning into the planning process.

In accordance with statutory provisions, the Plan has been put on public display and the closing date for receipt of submissions is 6th November, 2008. All submissions received will be considered prior to compiling the final report, which must be submitted to the EPA, prior to 30th November, 2008. The making of the Noise Action Plan is an executive Function.

Cllr. T. Fitzgerald said it has been identified that 6m vehicles travel on the road between Ballycarthy to Tralee per annum. This was the reason a dual carriageway into Tralee was sought. He welcomed that the design of the Tralee By-Pass will reduce the number of cars travelling from Ballycarthy to the Tralee Town Centre. He requested that further representations would be made to progress the Tralee By-Pass. The Environmental Noise Directive has implications for planning and asked for clarification on this.

Cllr. J. Sheahan referred to the Whitebridge Manor Estate beside Pike Hill in Killarney. Residents in this area have complained about excessive noise levels on this route. He said it would be appreciated if this problem could be addressed and steps taken to reduce the noise levels in this area.

Cllr. M. Gleeson said noise levels on roads affect residents of housing estates. Houses being built near roads should have double glazing windows and planting around them. Noise from rumble strips is a great source of annoyance to people. As trucks go over these strips, the noise levels are excessive. He asked that Kerry County Council management would try to avoid the use of rumble strips in the future.

Cllr. D. Healy-Rae welcomed the Noise Action Plan for Major Roads in County Kerry. He expressed concern that the Planning Authority may cite noise levels as a reason for refusal of a planning application for a house being located too close to the National Primary or Secondary route.

Mr. C. O'Sullivan, Director of Roads and Transportation, said a lot of the controls are currently in place through Building Regulations. Specific set-back distances are set out in Local Area Plans and the County Development Plan to mitigate noise. New housing schemes go through an EIS where noise is taken into account. Going forward, noise threshold levels will be reduced. This area is governed by an EU Directive.

Cllr. M. Cahill said noise problem being experienced from exhausts of cars being driven by boy racers is a problem which should be addressed.

Cllr. M. Gleeson supported Cllr. Cahill and said he believes this matter is being considered by the Oireachtas. He requested that the Director of Roads and Transportation seek clarification on this.

Mr. C. O'Sullivan undertook to seek clarification on this matter which does not come under the remit of the Noise Action Plan. This Noise Action Plan was prepared in accordance with statutory procedures under the EPA.

08.09.15.11 Harbours (Amendment) Bill 2008

Cllr. T. Ferris declared that as she is a member of the Fenit Harbour Board she is required under Ethics legislation to leave the Council Chamber while this matter is being discussed. She asked that Kerry County Council management would seek guidance on requirements under Ethics Legislation that elected members must leave the Council Chamber. She said she considered that the appointee to such boards is the person best placed to advise elected members on issues affecting the board.

Cllr. N. Foley declared that as she is a member of the Fenit Harbour Board she is required under Ethics legislation to leave the Council Chamber while this matter is being discussed.

Cllr. T. Ferris and Cllr. N. Foley left the Council Chamber.

Cllr. T. Fitzgerald said he objected to the requirement that these two elected members must leave the Chamber when there is no material gain from discussing this agenda item. Councillors should have separate legal advice when they have been advised by management that they must leave the Chamber. These members have no material gain but have a contribution to make because they are on the Fenit Harbour Board.

Cllr. T. O'Brien said he supported Cllr. Fitzgerald's comments. It is disappointing that the members representing Kerry County Council on the Fenit Harbour Board cannot inform Council on this issue. These members have a contribution to make to the discussion. He expressed his disappointment regarding the proposal to transfer Tralee and Fenit Pier and Harbour Commissioners to the Shannon Foynes Company. He requested that Kerry County Council, in association with Tralee Town Council, would oppose the transfer of Fenit to the Shannon Foynes Company.

Cllr. T. Fitzgerald **SECONDED** the proposal to work with Tralee Town Council.

Cllr. M. Healy-Rae supported the request that clarification be sought regarding the requirement under Ethics legislation that elected members leave Council meetings. Elected members acting as voluntary Directors on a board should be allowed discuss matters relating to the board.

Cllr. M. Gleeson, on behalf of Killarney Town Council, expressed support for the views being expressed regarding the opposition to transferring Fenit Harbour to Shannon Foynes Company. Fenit Harbour has supported industry in Kerry for many years.

Cllr. D. Kiely expressed concern regarding the structure of the Foynes Harbour Authority. Limerick City, Limerick County and Clare are represented on Foynes Harbour Authority. Kerry is not represented on Foynes Harbour Authority. At the moment, Shannon Foynes Company is collecting dues from the power station in Tarbert and will collect dues from Shannon LNG when the terminal is built. He proposed that a letter issue to the Minister for Transport objecting to the transfer of the management of Tralee and Fenit Harbour to the Shannon Foynes Port Company under the Harbours (Amendment) Bill 2008. Should the decision of Government be to proceed with this transfer, he requested that Kerry County Council be represented on the Board of Shannon Foynes Port Company.

Mayor Fleming said he agreed with the sentiments expressed by Councillors regarding the transfer of the management of Fenit Harbour to Shannon Foynes Port Company. It would be detrimental for Fenit Harbour to be absorbed into Shannon Foynes Company. If management is transferred Kerry County Council must be represented on the Shannon Foynes Company. Tralee and Fenit Harbour has served the county very well.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. Fitzgerald, it was agreed that the following resolution would issue to the Minister for Transport:

"That Kerry County Council request the Minister for Transport not to transfer the Management of Tralee and Fenit Harbour to the Shannon Foynes Port Company under the Harbours (Amendment) Bill, 2008".

It was agreed that the letter should also outline that should the decision of Government be to proceed with this transfer, the elected members have requested that Kerry County Council be represented on the Board of Shannon Foynes Port Company.

Cllr. N. Foley and Cllr. T. Ferris then returned to the Meeting.

08.09.15.12 Revised date for Tralee Electoral Area Meeting

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. A. McEllistrim, it was agreed that the next Tralee Electoral Area Meeting would be held in the Council Chamber, County Buildings on Monday, 29th September, 2008, at 2.30 p.m.

08.09.15.18 Presentation on Kerry Community Transport Ltd.

Mayor Fleming welcomed Ms. Carmel Walsh and Mr. Alan O'Connell to the Council Meeting. He invited Ms. Walsh to make the presentation to the Elected members.

Ms. Carmel Walsh, Manager of Kerry Community Transport Ltd., with the aid of a Powerpoint presentation, briefed the elected members on the service provided by Kerry Community Transport Ltd. The briefing included the following:

September Ordinary Meeting 2008

- Achievements to date - in 2003, KCT provided 34,018 passenger trips over 67 routes. In 2008, it is estimated that KCT will provide 150,000 passenger trips over 130 routes.
- KCT works with communities in the development and delivery of community routes and services.
- KCT hosted an international conference on community transport in May 2008.
- Plans for the future include the implementation of the 2008 - 2010 Business Plan and continuing to focus on the development of community routes and services as well as working at local and national level to support the development of a national rural transport policy.

Mayor Fleming thanked Ms. Walsh for the detailed presentation on the Kerry Community Transport Service. This is an invaluable service to the community as has been demonstrated through the presentation today. This service started as a pilot scheme and has grown from providing a service to approximately 30,000 people in 2003 to providing a service for an estimated 150,000 people in 2008.

Cllr. D. Healy-Rae thanked Ms. Walsh for the presentation. Kerry Community Transport is a service which must be supported. This service makes a difference to people living in rural areas. It allows people to connect with others and provides them with access to facilities in towns and villages.

Suspension of Standing Orders

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

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. A. McEllistrim, it was unanimously agreed to suspend Standing Orders in order to finalise consideration of the presentation on Kerry Community Transport Ltd.

08.09.15.18 Presentation on Kerry Community Transport Ltd.(Contd.)

Cllr. M. Gleeson said management of the Kerry Community Transport service must be thanked on behalf of everyone who is enriched by the service, particularly people living in isolation. This service ensures the richness of our traditions remains alive and well in the rural community. This service also saves the Government money in the area of state care. Government funding for this service should remain in place and be increased. People on the west coast of Ireland need support to continue to live in rural Ireland.

Cllr. A. McEllistrim complimented Ms. Walsh on the presentation. She said that people using the Kerry Community Transport service are highly complimentary of Ms. Walsh and the staff. It is a great service for the elderly, people who cannot drive and people using after school care. Elected members have a role to play in ensuring funding is not decreased.

Cllr. T. Ferris said Kerry Community Transport is a successful project and an invaluable service is provided. She asked if a route can be extended to facilitate a person living near a village that is being serviced.

Ms. C. Walsh said Kerry Community Transport deviate from routes, up to four miles, to provide a service to people. Where there are four to five people in an area a new route could be introduced. Ms. Walsh said with regard to difficulties being experienced with roads, the elected members have been very supportive in requesting repairs to roads and getting hedges cut back.

Cllr. M. Connor Scarteen complimented the service. This is a great service for people in rural areas. It gives people accessibility to facilities in towns. People using this service look forward to the trip every week.

Cllr. M. Cahill congratulated everyone involved with Kerry Community Transport. He wished the company continued success. The service is going from strength to strength, having started by providing a service for 30,000 people and increasing to 150,000 people in 2008. This service gives the elderly without access to transport a new lease of life.

Cllr. B. Cronin complimented Ms. Walsh on the presentation which shows how this service provides community assistance to people in rural areas. He complimented Kerry Community Transport staff, drivers and care staff. This service is vital for the elderly to build links and it also provides a social outing and an element of independence. The continuation of funding for this service is critical. He said Kerry County Council should call on the Minister to ensure that funding continues for this excellent service.

Cllr. P. McCarthy said Kerry Community Transport is an excellent and invaluable service. Based on the need for the service provided by Kerry Community Transport and that Kerry is a peripheral county, Kerry County Council must call on the Minister to increase funding.

Cllr. A. McEllistrim **SECONDED** this proposal.

Cllr. J. O'Connor said society is judged by the way it looks after the elderly and people that are in difficulty. Kerry Community Transport is a very worthwhile service.

Ethics

Mr. J.D. Flynn, Director of Corporate Services, said requirements under Ethics legislation are prescribed by the Local Government Act, 2001, and the Code of Conduct for Councillors. It is self-regulating legislation. He said he has and will continue to advise elected members on the legislation, but it is a decision for each member of Kerry County Council to interpret the advice and legislation and to decide when it is appropriate to leave the Chamber.

Cllr. T. Fitzgerald said the elected members are not being critical of the Director of Corporate Services. The advice is being provided and the elected members consider that all they can do is leave the Council Chamber. The members should have legal advice to say that they could stay even though they have been advised by the Director of Corporate Services regarding Ethics legislation.

Cllr. D. Healy-Rae asked if legal advice would be provided by Kerry County Council or would the elected member have to provide their own legal advice at a cost. If legal advice is required, it should be provided by the County Solicitor.

Mayor Fleming said a letter will issue to the Minister for the Environment in connection with concerns raised by elected members.

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. P. McCarthy, it was agreed to issue the following resolution to the Minister for the Environment:

"To seek clarity from the Minister for Environment regarding Elected members remaining in the Council Chamber when an issue is being discussed regarding a company on which they are a Board Member where they have no beneficial interest."

The meeting adjourned for lunch at 1:45p.m.

The meeting resumed at 2:40p.m.

08.09.15.13 Report on meeting of County Kerry Joint Policing Committee

It was unanimously agreed to note report from Cllr. A. McEllistrim on this item which was circulated.

08.09.15.14 Report on the operations and activities of the Regional Health Forum-South

Cllr. M. Cahill said the Regional Health Forum-South is made up of 39 Members. The members are elected cross party from their respective Local Authorities. The current structure is very different to the old Health Board which covered Cork and Kerry. The Regional Health Forum-South covers Cork, Kerry, Waterford, Tipperary, Carlow and Kilkenny. Six meetings are held per year. Each Member is also on a Sub-Committee. Each Member can table one Motion and one question at each meeting. Experts in the health areas attend meetings from time to time. Professor Tom Keane attended a recent meeting and made a presentation on cancer services and the setting up of Centres of Excellence. Professor Brendan Drumm will address the next Forum meeting and will make a presentation on health services locally and nationally and take questions from Members. As a Member of the old Health Board he said he considered the old system worked better, however, members must now work within the new system.

Cllr. T. Ferris asked the elected members of Kerry County Council on the Health Forum to table the following questions:

- (1) To ask the HSE is it proposed to eliminate dual roles at road traffic accidents.

Cllr. Ferris asked that the Forum members seek clarification on this matter and that the strongest case possible would be made to ensure there is always a dual call out when there is a road traffic accident in the county.

- (2) That the budget figure for 2007 be sought as well as an estimation of what services will be cut back in 2009.

Cllr. Ferris said she has been informed that the HSE budget is to be reduced to what it was in 2007 + 2%.

08.09.15.15 Summary of Proceedings at Conferences

(a) Local Government Planning Service Conference

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

(b) Bio Energy Conference

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

(c) National Hub/Town Conference

Cllr. D Healy-Rae said this was a well attended conference. There was a lot of interest in the National Hub designated towns in the Spatial Strategy for 2002-2020. There was strong support among the delegates for such hub town designations. The need for proper access to these towns was highlighted as being of primary importance.

(d) Respond Housing Association National Conference

It was agreed to defer this item to the October Council Meeting.

(e) NASC Annual Conference

Cllr. J. O'Connor said the 2008 Annual NASC Conference was held in the Ard Rí House Hotel, Tuam, Co. Galway on Thursday, 5th June. The theme of this conference was "Sustainable Development on the Edge of Europe – Options, Opportunities, Opinions". He highlighted presentations by Mr. Harry O'Connor from the European Commission Representation in Ireland on the Future Challenges for Irish Regions as part of Europe and Mr. Declan Meally on the Dundalk Sustainable Energy Zone Project. Cllr. O'Connor said there is a wind turbine in Dundalk to which there was no objection. Consideration is now being given to the erection of a second wind turbine in the same area. In Kerry there are problems with developing wind farms and erecting wind turbines. The Dundalk situation should be considered.

(f) Seminar on the Local Government Housing Service

Cllr. M. O'Shea said the seminar on the Local Government Housing Service was held from 6th-8th June at Castlebellingham Co. Louth. It was a very interesting conference which was based on helping Councillors respond to society and the provision of housing services. It dealt with issues in the current economic climate. It was a very well attended conference with a strong panel of speakers. This conference should be listed on the agenda again in 2009. It provided good advice for elected members.

08.09.15.16 Opening of Tenders - approved at the July Meeting

It was agreed to note the opening of the following Tenders which were approved at the July Meeting:

- (a) National Roads Fixed Price Overlay Contract – N69 Tarbert to Dooncaha.
- (b) Design and Development of a DVD aimed at promoting the county from a business perspective.

08.09.15.17 Opening of Tenders

- (a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders (Expressions of Interest) for Engineering Consultancy Services Stages (iv) and (v) N21 Castleisland Bypass Road Improvement Scheme.
- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders for Chlorine Dosing Pumps.
- (c) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of Tenders for Flow Meters.
- (d) On the PROPOSAL of S. Fitzgerald, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders for Turbidity Meters.
- (e) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of tenders for Chlorine Analysers.
- (f) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for Recorder and Alarms.
- (g) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for the Supply and Installation of a Microfiltration and Disinfection Unit for the Tuosist GWS.
- (h) On the PROPOSAL OF Cllr. M. Gleeson, SECONDED by Cllr. R. Beasley, it was agreed to approve the opening of Tenders for the supply of a Standard Class B Water Tender.

Emergency Motion

Cllr. J. O'Connor moved the following Emergency Motion:

"That Kerry County Council calls on the Government to immediately set out a clear timetable for carrying out the baseline study in Cromane making available the results in order that authorisation can be given to enable mussel seed harvesting to resume and that the Council deplores the lack of action by the Government and for its failure to apply for available EU funding to carry out the necessary research."

Cllr. O'Connor said Castlemaine Harbour is designated a Special Area of Conservation. A management plan was to be prepared by the Department of the Environment for the management of this SPA. €5m was allocated from the EU to prepare management plans for areas with shellfish. Funding was given back in 2002. The EU will not grant licences for these areas because management plans are not in place. Fishermen in Cromane want this management plan to be put in place in order for them to be allowed to farm the sea. He requested that funding and derogation be sought from the EU while the management plan is being prepared.

Cllr. M. Cahill said he had an Emergency Motion at the June Council Meeting and a Notice of Motion at the July Council Meeting regarding this issue. Funding was provided to prepare coastal management plans. Cromane is suffering the consequences as these plans were not prepared and the fishing industry has been closed down. Fishing is the main source of income in Cromane. The income of those still involved in salmon fishing, which is limited by quotas, is also affected. Fishing boats had to be upgraded because of Regulations regarding health and safety. B.I.M checked the extent of the mussel seed in the Harbour but it is being eaten by starfish and crabs. In the current climate, where jobs are precious, this village is faced with huge difficulties. The Government must overturn this decision.

Cllr. J. Sheahan **SECONDED** the Emergency Motion.

Cllr. M. Healy-Rae said it is within the remit of the Government to solve this issue. This fishing industry has been in place for generations. People in Cromane are supplementing their incomes through fishing and they must be allowed to continue working in this traditional industry.

Cllr. J. O'Connor requested Mayor Fleming to arrange a meeting with Department officials in order to solve this issue.

Mayor Fleming said a letter will issue to the Minister for Environment and the Minister for Agriculture calling on them to meet with a deputation from Kerry County Council and calling on them to make efforts to resolve the problems in Castlemaine Harbour.

County Manager said he wrote to the Minister for the Environment and the Minister for Agriculture, who can advise the Minister for Environment that everything is in order. He said a meeting on this issue has been requested.

Cllr. M. Healy-Rae requested that the Killorglin Electoral Area Members be notified of any deputation being arranged.

Allegation under Ethics Legislation

Mayor Fleming said as agreed at the outset of the meeting this matter would now be discussed.

Cllr. D. Kiely referred to allegations under ethics legislation made against Cllr. John Brassil and Senator Ned O'Sullivan and requested clarification. He said the Kilcolgan Residents Associations are trying to stop the development proceeding. Unfair allegations are being made against Cllr. Brassil and Senator O'Sullivan.

Cllr. T. Buckley supported Cllr. Kiely's motion.

Mayor Fleming said it has been said at today's meeting where public representatives are acting in the common good there is no beneficial interest for them. Elected members act in accordance with legislation. He criticised the allegations being made by the Kilcolgan Residents Association. He said Cllr. Brassil has been in consultation with Kerry County Council management and the Ethics Registrar regarding this matter.

Cllr. M. Healy-Rae supported Cllr. Kiely motion. He criticised the use of ethics legislation to make such allegations.

Cllr. M. O'Shea supported Cllr. Kiely's motion. He said Cllr. Brassil and Senator O'Sullivan are outstanding politicians who are trying to create employment for their area and something that would be of benefit for the entire area.

Cllr. D Healy-Rae supported Senator O'Sullivan and Cllr. Brassil. He said they are working for the greater common good and well being of North Kerry and the area they represent.

Cllr. J. Brassil asked that the Manager would make a comment on the matter.

Mr. T. Curran, County Manager, said this issue has been referred to the Mayor and County Manager in accordance with the Part 15 of the Local Government Act, 2001. The allegation regarding Cllr. Brassil has been reviewed and while a formal written report on our findings and decision has yet to be completed, we are satisfied that Cllr. Brassil has no case to answer here.

Cllr. J. Brassil thanked the Manager and executive for dealing with the matter swiftly. He said there is a lack of substance or truth in the allegation and it is an unpleasant experience. He thanked the members for their words of support for himself and for Senator Ned O'Sullivan. He thanked the Local Development Association of Tarbert and Ballylongford and the people who contacted him with supportive messages. The vast majority of people support the Shannon LNG Project. He said that since he was elected to Kerry County Council he has worked for the people he represents. In North Kerry it is his duty and the duty of other elected representatives to address the employment situation and he will continue to work to address the employment situation. He said he agreed with the sentiments expressed by members in saying it is difficult to be in the public light and to have such allegations made against you and be put through an investigation.

08.09.15.19 Notices of Motion

1. Placement of Road Speed Signs

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

“That Kerry County Council contact the NRA with a view to the placement of road speed signs. 100 km speed signs are positioned on secondary roads that are not safe for 80 km speed signs.”

The following reply issued:

The default speed limit on all National Roads is 100 km/hr. Reducing this speed limit to 80 km/hr on sections of National Secondary Roads would require the express approval of the National Roads Authority.

Notwithstanding the speed limit on any roadway, there is a responsibility on every driver to drive in a safe manner, bearing in mind the road conditions and the general environment, and the speed of travel should be adjusted accordingly.

Kerry County Council has adopted the Road Traffic (Speed Limits and Special Speed Limits)(County of Kerry Bye-Laws) 2006 which specifies the speed limits applying on the road network in the County. These bye-laws came into operation on the 1st January 2007 and last for 3 years. Usual practice dictates that these bye-laws are reviewed during that period and as such it is proposed to initiate this review in January 2009, at which stage any proposals relating to the National Road Network will be forwarded to the NRA.

Cllr. J. Sheahan said inappropriate speed limits are being applied on National Secondary Roads. It encourages drivers to abuse speed and travel too fast. 100 km/hr signs are often placed in bad locations, e.g. before bad bends. He congratulated Meath County Council on placing speed restrictions on all approaches to schools in the county. Kerry County Council should consider implementing this policy.

Cllr. M. Gleeson supported the motion. He said he had previously called on the Minister to delegate authority to the Local Authority to define speed limits. This authority was not delegated. More appropriate limits should be assigned to bohereens and Cul de Sacs roads.

2. Health Services Management Structure

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

“I welcome the admission by the Government that the HSE is not working, by their current proposals to bring back more regional based managers. Could we, as a local authority, ask by means of resolution that in the interest of the better management, health and well being of people in our region that the old style Southern Health Board be re-instated as a matter of urgency as I earnestly believe that this was the best way of dealing with health issues in our region.”

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

Cllr. M. Healy-Rae said members of the old Health Board will recall the work ethic at those meetings. Elected members had an input at budget time and answers to queries were provided. Input by elected members has been removed from the new Health Forum structure. Regional Fora were established and it is now proposed to have more regional-based managers. It is unfortunate that the current HSE structure is not working. He requested that a resolution be passed calling for the re-introduction of the former Health service structure.

Cllr. B. Cronin said he is a member of the current Health Forum. He said he cannot comment on the old health board meetings as he was not a representative on that board. While there are five elected members from Kerry we are in the minority and do not have enough voting strength on the Regional Forum. Any proposals are sent to Professor Drumm for final decision. Such decisions should be made by the members of the Forum. Management of health affairs in Kerry should be removed from the regional structure. He acknowledged that he has received a detailed replies to any queries he has put to Professor Keane.

Mayor Fleming said he supported both speakers on this matter. The availability of the budget and its distribution is the major issue. Elected members are not involved in the preparation of the draft or finalising of the budget. He agreed with the suggestion that the Forum revert to methods used by the old Health Board system. The latest suggestion for regional-based managers adds another management layer. He acknowledged that comprehensive replies are being provided. He said the motion will be forwarded to the HSE and the Minister for Health.

4. Design for junction of the N22 with the road to Upper Lissivigeen/Coolcaslagh

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

"That the Council would outline the degree of progress made by the Council in conjunction with the N.R.A. towards the provision of a road design at the junction of the N22 with the road to Upper Lissivigeen/Coolcaslagh which would improve safety at what is at present a very dangerous location. [Frequently on agenda of Area meetings]."

The following reply issued:

The Road Design Office commenced preliminary examination of options for the improvement of this junction towards the end of 2007. The National Roads Authority has indicated that the N72/N22 Lissyvigeen Junction is the immediate priority of the Authority at present as regards funding junction improvements on the National Primary network in Kerry and work has recently commenced at this location. When the Lissivigeen project is substantially advanced then a further submission will be made to the N.R.A. with regard to provision of funding for the junction at Coolcaslagh.

Cllr. M. Gleeson welcomed the works being carried out at the Lissivigeen Junction. There is great risk at this location and delays are being experienced. The delays force large trucks to use the Ryan's Nursery road which is unsuitable for use by these vehicles. As the works on the Lissivigeen road have commenced, he requested that a solution for the Lissivigeen/Coolcaslagh Junction be identified as speedily as possible.

Cllr. B. Cronin **SECONDED** the motion. He said this is a dangerous junction for vehicle exiting and it urgently needs attention.

Cllr. M. Healy-Rae and Cllr. D. Healy-Rae supported this motion.

5. Community Smoke Alarm Scheme

Pursuant to Notice duly given, Cllr. N. Foley PROPOSED:-

"Kerry County Council calls on the Department to increase the roll out of the Community Smoke Alarm Scheme to cover the entire county both rural and urban."

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

Cllr. N. Foley said, on average, 46 people die from fire each year. Many people die from burns and suffocation. Huge effort is being made to shift from responding from fires, to preventing fires. People are detached from protecting themselves from fire. They take necessary measures to prevent crime but are slow to prevent fire. People must be conscious of the need to focus on fire prevention in their homes. Most fires occur in homes without fire alarms. County Leitrim received an allocation which is the equivalent of the size of Tralee. An independent assessment should be made within each county. 500 smoke alarms is not enough for the county of Kerry nor is it cost effective. At a minimum each county should receive in excess of 1,500 smoke alarms under this scheme. The size of the county should also be taken into account. The allocation should be spread through urban and rural areas. She requested that a letter issue to the Department to reconsider the allocation and distribution of the smoke alarms under the Community Smoke Alarm Scheme.

Cllr. R. Beasley **SECONDED** the proposal.

Cllr. J. O'Connor supported the Motion.

Cllr. D. Healy-Rae referred to Notice of Motion No. 25 on the Agenda and said he wished to move it.

25. Fire Alarms

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

"To ask: (a) the planning authority of Kerry County Council to ensure that fire alarms and basic fire extinguishing equipment be included in the plans of every new house application,
(b) that all Kerry County Council housing stock be checked to ensure all have fire alarms in working order before the onset of Winter."

The following reply issued:

- (a) The provision of adequate Fire Detection and Alarm Systems for new dwelling houses is required under Part B of the Second Schedule to the Building Regulations, 1997. Failure to meet the requirements of the Building Regulations is an offence.

The provision of basic fire extinguishing equipment in houses is a matter for the householder and not the planning authority.

- (b) All tenants have been advised in our Tenants Handbook, which was recently updated and distributed to all our tenants, that where Smoke Alarms are installed, it is the responsibility of the tenant to ensure that they are, and remain in proper working order and it is of critical importance that individual tenants assume this responsibility by carrying out frequent checks to ensure that this is the case. We will undertake to explore further ways in which to continue to communicate the fire safety message including the need for proper working fire alarms to our tenants in consultation with the Fire Prevention Officer and our Tenant Liaison Officer.

Cllr. D. Healy-Rae said the reply to the Notice of Motion states it is the responsibility of the tenants to maintain the smoke alarms. He asked if it would be possible for the rent collector to check the smoke alarm in houses of the elderly when they call to collect rent.

Cllr. M. Gleeson support this motion.

6. Re-instatement of flights on Kerry/Dublin route

Pursuant to Notice duly given, Cllr. S. Fitzgerald PROPOSED:-

"Will Kerry County Council ask Ryanair to re-instate the 9.00 a.m. route from Farranfore to Dublin and the 5.30 p.m. route from Dublin to Farranfore."

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

Cllr. S. Fitzgerald said AerArann previously provided flights at these times. Ryanair have reduced the number of flights from Kerry to Dublin. There is a demand for the flight times that were provided by AerArann. He asked that a letter issue to Ryanair requesting the re-introduction of these routes.

Cllr. B. Cronin said he attended a meeting of the Kerry Airport Board last week. He assured elected members that the issue regarding the reinstatement of the 9.00 a.m. route to Dublin is a matter of serious concern for the Board. The Board are actively pursuing this matter with Ryanair with a view to reinstating this flight as it is of vital importance to the county.

Cllr. S. Fitzgerald thanked Cllr. B. Cronin and the County Manager for supporting this issue at the Kerry Airport Board Meeting.

Cllr. M. O'Shea said the Transport SPC will also pursue this matter. He requested that a letter issue to Mr. M. O'Leary, CEO, Ryanair regarding his commitment to provide flights from Kerry Airport at a competitive price.

Cllr. N. Foley supported Cllr. O'Shea's comments. With regard to the campaign to reinstate the 9.00 a.m. flights, Kerry County Council should show leadership and invite the Irish Hotels Federation and Chambers of Commerce, who are suffering because of the absence of these flights, to make contact with Ryanair.

Cllr. D. Kiely said Kerry Airport is one of the most viable regional airports.

8. Ballinagar Bridge

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

"What is the up to date position with Ballinagar Bridge?"

The following reply issued:

The Consultants for the project are preparing the Contract Documents and detailed design drawings to allow us seek tenders from suitable contractors for the construction of this bridge as a fixed price contract. It is intended to submit these documents to the Department of Transport in the coming weeks to seek their approval to go to tender for the construction.

Cllr. R. Beasley asked if funding has been secured for the construction of Ballinagar Bridge and how soon is it expected that works will begin. He said this matter is ongoing for 20 months. It is an inconvenience for many people in the area. He asked the members to support this issue and ensure the reconstruction of the bridge starts without further delay. He asked the members to request TDs to pursue a resolution to this matter.

Cllr. T. Buckley asked when the contract documents will be available.

Mr. C. O'Sullivan said the meeting held with consultants this morning will have determined when the contract documents will be available and how soon the matter will be progressed.

Cllr. D. Kiely supported this motion. People on both sides of the river are inconvenienced by the absence of this bridge. He asked that the matter be progressed as speedily as possible once the contract documents have been finalised. He asked for costings for the construction of the bridge and for an update on how the insurance claim for this bridge is progressing.

Mr. C. O'Sullivan said consultancy work and ground site investigation works cost €100,000. Until the consultants revert with detailed designs construction costs are not available, however, an approximate cost is €500,000. He undertook to write to each of the Listowel Electoral Area members with an update on costings. Approval from the Department of Transport is required to commence the construction of the bridge. He said the claim is being progressed by Kerry County Council.

Cllr. D. Healy-Rae said this matter should be resolved as a matter of urgency.

9. Assessment Panel for Percolation Tests

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

"When can we hope to see a list drawn up of people who will qualify to do percolation tests?"

The following reply issued:

As previously outlined to Councillors, it has been decided to form a panel of approved Site Assessors who will undertake appropriate assessments on sites requiring on-site Effluent Treatment and who will then submit reports and recommendations to an in-house Assessment team based in the Environment Section of Kerry County Council.

Interviews in relation to the formation of this Assessment Panel have now been completed and the Panel will consequently be formed shortly.

It is then proposed to hold a meeting between members of this Panel and the staff from the Environment Section reviewing the assessments to coordinate and streamline the process going forward.

Meanwhile the in-house review team are presently being appointed and trained in relation to site assessments and when this process is completed the new assessment system will commence.

Cllr. D. Kiely welcomed the Reply and the establishment of a Panel of Assessors. He asked when the panel will be operational. There is a need for this Panel of Assessors as applications are being turned down because of percolation.

Mr. M. McMahon said the Panel of Assessors will be operational before the end of the year.

Mayor Fleming asked how many assessors will be included on the panel.

Mr. M. McMahon said everyone that passed the interview process will be placed on the Panel of Assessors. 80 people were interviewed. An indication of how many people have passed the interview has not been received. Anybody that can satisfy the Planning Authority that they are competent can be included on the Panel of Assessors.

Cllr. J. O'Connor asked if Members could be given a presentation on how assessments of sites for percolation are undertaken. The more information elected members have the better they can advise applicants.

Mr. McMahon said the Panel of Assessors being established will bring more clarity to applicants. While a presentation could be made to elected members, members are not in a position to advise applicants on percolation issues.

10. Water Meter Charges

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

"To request the Revenue Department of Kerry County Council to immediately stop the practice of attempting to double charge landowners for water by charging for the water meter from January 08 and at the same time charging a yearly fixed rate, e.g. (a) 2008 Fixed Charge €910 plus €26.25 per quarter for meter, (b) 2008 Fixed Charge €636 plus €26.25 per quarter for meter (Account details supplied). I am requesting that this unacceptable double charging of Council customers end immediately."

The following reply issued:

Kerry County Council has neither a policy nor a practice of charging non-domestic water users a fixed charge and a metered charge for the same water supply connection.

The Council has installed, to-date, approx. 17,000 new meters on water supply connections across the county under the current Water Metering Project. A key step in the process is to identify all non-domestic connections, to log the name of the user of each particular connection and to link that user and the new meter to an existing user on our existing data-base, wherever possible. Significant effort has been and will continue to be applied in securing as accurate reconciliation as possible between the data from the metering details on the ground and our existing user data-base so as to avoid customer account difficulties.

Given the scale of the Metering Project, it was inevitable that a small number of errors would arise in the reconciliation of our existing fixed water database with the newly installed metered connection database.

These errors would arise mainly where a difference occurred in the customer name shown in the existing fixed water account and that identified in the course of the project or where a customer's billing address was different from the location of the connection. Experience to-date indicates that only a very small number of such errors has occurred. As soon as any of these errors is identified, it is immediately rectified and the necessary adjustment carried out to the customer account. The two accounts mentioned in the notice of motion have already been rectified.

Cllr. B. Cronin said he received a number of queries on this issue. He said the first paragraph of the reply to the Notice of Motion is incorrect. He said he had received copies of bills from people experiencing double charging for water. The figures quoted in the Notice of Motion are from two separate accounts. Following EU legislation the Department of the Environment instructed Local Authorities to install meters to all non-domestic customers. The vast majority of meters went live (being charged by the meter only) from January, 2008. Unfortunately, the Revenue Department have charged some customers the fixed meter charge as

well as the Operational Management cost of €26.25 per quarter. This practice is illegal. Elected members were advised, in adopting the budget for the water metering contract, that from January, 2008, all meters installed prior to that would be charged only by meter from that date. The explanation given by the Revenue Department in relation to these two specific accounts was that meter readings were very low. The Revenue Department do not know that farmers have upgraded old wells or bored new wells, but continue to maintain the meter. He acknowledged at the end of the reply to the Notice of Motion that the charging on the two cases identified has been rectified. He said the second paragraph of the reply to the Notice of Motion states that there will be accurate reconciliation of names and addresses. Meters were installed where the valve had been located. He called for a cessation of the double charge (fixed meter charge and operational management charge). He outlined that a person has received a letter from the Revenue Department asking them to pay the charge or disconnect from the water supply. The person in question does not have a meter. This is not acceptable. This person should not be receiving a bill and threats of legal proceedings. He said he has been told that officials representing Kerry County Council have enquired of people as to whether other neighbours could be getting a water supply in some other way. He requested that this practice would stop.

Cllr. M. Healy-Rae referred to Notice of Motion Number 29 and said he wished to move it.

29. Water Connections to Private Houses

Pursuant to Notice duly given, Cllr. M. Healy Rae and Cllr. D. Healy-Rae PROPOSED:-

"That Kerry County Council changes its policy when dealing with people who have water connections to their private house and who have land and farms but are not using the council supply. There is no good reason why these people should have to pay a fee every year as if they have their own supply they will not be using the council's water."

The following reply issued:

Kerry County Council does not levy water charges on connections to solely private domestic dwellings; however, all other connections are liable for charges in accordance with the E.U. Water Framework Directive and the National Water Pricing Policy Framework. Having regard to the nationally determined position, it would not be valid for the Council to have a policy exempting users such as the category mentioned in this notice of motion from charges. In mixed purpose cases, such as the category mentioned, a Domestic Allowance is granted in respect of the domestic house (57cm³ per quarter). Customers who have their own supply and who do not wish to avail of the Kerry County Council water supply may request to have the supply disconnected and a charge will therefore not apply. The Council is open to review individual cases in exceptional circumstances having regard to financial means and use profile.

Cllr. M. Healy-Rae said people have land on which their connection is not being used. He said he appreciated when individual cases are considered. However, when a case is clarified one year it goes back to the same situation the next year. The system is clogged up by these cases. He asked this system could be reviewed.

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

Mr. J. O'Connor, Head of Finance, said Kerry County Council has a substantial number of metered consumers. The vast majority of meter connections and consumers were traced and logged accurately and there was no problem in identifying them. However, there are categories that pose some difficulties:

- (1) The category dealt referred to in Notice of Motion No. 10 whereby incorrect details were obtained and when brought to the attention of Kerry County Council they were resolved.
- (2) There are several dozen connections where the owner cannot be located. The person identified as the owner is denying ownership of the connection. There is a problem with this category.
- (3) Unofficial connections were taken and Kerry County Council is following up these cases. In such cases the person identified as the owner of the meter connection experiences dramatic usage. Locating the unofficial connection identifies the cause of the high usage.

With regard to Notice of Motion No. 29 National and E.U. policy applies to this matter. Kerry County Council must bill people. There are cases where there is, nor is there likely to be, none other than domestic use. After a number of years usages a profile will be built up and these customers will be readily identifiable. A policy of automatically exempting the categories mentioned in the Notice of Motion cannot be applied.

Cllr. M. Healy-Rae asked why a person must pay for the installation of the meter and its maintenance if the public supply is only for domestic use and not for use on the land.

Mr. J. O'Connor, Head of Finance, said the law of the land sets down this requirement. There are cases where elderly people have a water supply which is for domestic usage only. When a profile of customers has been established this category of customer can be removed from the database. In genuine cases Kerry County Council is reviewing the charge.

11. Junction for Camp/Castleisland off the Tralee to Castleisland Road

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

"That Kerry County Council ask the N.R.A. to provide a right hand turning off lane or ghost island at the junction for Camp/Castleisland off the Tralee to Castleisland Road."

The following reply issued:

The National Road Design Office in Castleisland carried out a Traffic Survey of turning movements on the N21 at the Camp road junction. A review of the Road Traffic Collision data for this junction was also carried out at that time.

The turning movements were considerably low and there were no recorded road traffic collisions. Having regard to this information it was decided that this junction did not warrant a right turning lane.

Cllr. D. Healy-Rae said this is a relatively new stretch of roadway and a right hand turning off lane or ghost lane was not provided. He said he could not accept that turning numbers are low at this junction. Many people are using this road as a bypass road to avoid Castleisland. While the NRA is spending money on advertising how best to avoid accidents, newly built roadways are omitting right hand turning off lanes or ghost lanes to get onto a link/by road. He said he was asked to highlight the issue which he understood had been raised previously. He asked for the support of the elected member on this issue.

Cllr. T. Ferris **SECONDED** Cllr. D. Healy-Rae's motion.

Cllr. T. Ferris asked for clarification as to how this Notice of Motion has been included on the list of motions when it could have been considered at an Electoral Area meeting.

Mr. G. O'Brien, A/SEO, said the motion is calling on the NRA to provide the turn off lane. The policy on Notices of Motion is that if the motion is calling on a Minister or Statutory Body it can be included for the full Council meeting. The preference is to keep area relation motions at area level. Standing Orders put in place regarding issues being raised at Area Meetings prior to being considered at full Council.

Cllr. T. Ferris said it is frustrating to see this happening when other members try to comply with the Standing Orders.

Cllr. M. Gleeson said that if a matter is being dealt with regularly at Area Meetings it can be brought to the full Council.

Cllr. B. Cronin said he agreed with Cllr. T. Ferris's comments. He said he had put submitted a motion for the full Council meeting regarding a playground issue for the Castleisland Area and was told that because it had not been discussed at area level that he had to transfer it to an Electoral Area meeting. He said that he had co-operated on this issue.

Mr. Ger O'Brien said for future Council meetings he would apply the rule that if an issue had not been dealt with at area level, even if the motion is calling on a Minister or Statutory Body, it will not be accepted.

12. Milltown Sewerage Scheme

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

"To ask the County Engineer the exact time set out on the contracts for the completion of the Milltown Sewerage Scheme and when will the

proper restoration programme of streets, footpaths, roads, green areas, all damaged severely by the current contractors commence."

The following reply issued:

The contract for Milltown Sewerage Scheme was originally planned to commence in April 2007 and be completed in April 2008. Following the necessity to suspend the contract for two periods during 2007 the contract was resumed in January 2008 with an expected completion date of July 2008. Due to on-going difficulties this completion date has been further extended to Nov. 2008. Pending this completion date, measures are being put in place to have all of the restoration works referred to in the NOM, carried out by the end of September.

Cllr. M. O'Shea said this matter has been dealt with at Area Meetings. Some restoration works are now taking place. He welcomed the sewerage scheme in Milltown and thanked Kerry County Council for putting it in place. However, the process of putting the sewerage scheme in place has been appalling, particularly the restoration works to access roads. He thanked the Director of Water Services and the Director of Roads and Transportation for pursuing the contractors regarding restoration works. The current restoration works are long overdue. He asked the Director of Roads and Transportation to put a financial package in place for a full re-alignment programme for access routes to Milltown.

Cllr. B. McGearailt **SECONDED** this Motion.

Cllr. S. Fitzgerald supported the Motion.

Mr. O. Ring, Director of Water Service, said legal facilities are in place to finalise the work by the end of September.

13. Council Housing in Kenmare

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

"That Kerry County Council urgently seek funding from Mr. Michael Finneran, Minister for Housing, to build 40 Council houses in Kenmare in 2009."

The following reply issued:

The Council completed the construction of the second phase of its social housing scheme in Gortamullen at the start of the year consisting of 24 dwellings. This brings the total number of local authority dwellings provided within the last two years in this estate to 46. We have also been very successful in obtaining dwellings to be let as social housing within existing private housing estates in the town under Part V of the Planning & Development Act 2000(as amended). Since the coming into effect of this legislation a total of 23 social housing units have either been purchased or agreements are in place to purchase from developers in compliance with their

Part V requirements in Kenmare town. In addition the Cara voluntary sheltered housing scheme in Dromneavane which is nearing completion will deliver 38 one and two bed units primarily intended for the elderly. This brings the total number of social housing dwellings constructed in the town over the last 3 years or so to 107 units which combined with the filling of casual vacancies has significantly helped to meet housing demand in the town.

As the Members are aware the Part 8 process is completed for the construction of an additional 50 dwellings on our remaining lands in Gortamullen. Originally it was intended that a significant number of these dwellings would be built and sold as affordable housing however it appears that the 17 affordable dwellings being made available for sale to affordable housing applicants under 'Part V' within various private estates in the town will largely meet this affordable housing demand. Therefore we will consider the construction of a further number of social housing dwellings on these lands with a planned commencement in late 2009. The exact number of social housing units will be determined based on both existing demand and the need to ensure against an over concentration of social housing in this location.

Our housing programme is totally dependent on the annual Housing Capital Allocation received from the DoEHLG and in this regard we will be shortly meeting with their senior officials to discuss our housing programme planned starts in all the county, including Kenmare and we will be seeking to maximise our housing capital allocation in order to continue to meet social housing demand in the county.

Cllr. M. Connor Scarteen said there are over 100 applicants for Social Housing in Kenmare. Some applicants are on the list for 8-9 years. There is a need for two bedrooms units. These applicants cannot be included in any of the categories outlined. 8-10 two bedroom units should be built in the next allocation of houses. Land is available in Kenmare. No new houses have started in 2008. There is a need in Kenmare for this housing. He requested that this matter be referred to the Minister.

Cllr. M. Cahill SECODED this Motion.

14. Survey of Fire Hydrants

Pursuant to Notice duly given, Cllr. T. Fleming PROPOSED:-

"That Kerry County Council carry out a survey of fire hydrants in the County identifying the specific location of each hydrant cataloguing all locations in appropriate maps and that these be made available for public inspection. Comprehensive information of this survey be made available to fire brigade personnel in the county and fire brigades in the border areas of adjoining counties of Cork and Limerick. Also consideration be given to setting up a 24 hour fire brigade control centre in County Kerry similar to the existing ambulance control centre."

The following reply issued:

In the last year Water Services and Fire Services Personnel have been carrying out comprehensive joint inspections of fire hydrants throughout the County verifying locations and functionality. Water Services have comprehensive maps which are on the Kerry County Council Intranet. It is intended in the future to have this available for ready access in the front line appliances.

Kerry County Council Fire Service currently has a 24 hour call out system operated through the Munster Regional Communications Centre which services the entire Munster Region and is capable of mobilising all the resources within the region in an efficient and effective manner to all fire calls in the County.

Mayor Fleming said this Motion was tabled following a recent fire near Furies. Fortunately there were no fatalities or injuries. The fire brigade attended quickly with a reserve of water but it appears that while there was a fire hydrant in the locality this was unknown to the fire brigade personnel and they had to leave the incident to restock the water supply. It is unfortunate that fire personnel do not have proper maps with the location of fire hydrants. If additional fire hydrants are installed fire personnel and management should have this logged. He requested a detailed report on this matter

Cllr. B. Cronin **SECONDED** the Motion. At a recent Area Meeting he said he had called for fire hydrants adjacent to schools to be identified. Fire hydrants should be visible wherever they are located.

Cllr. T. Ferris asked if management have considered using the system whereby each house in a rural area is numbered. This practice is used in Northern Ireland.

Mr. O. Ring, Director of Water Services, said a proposal to number rural houses is being considered. With regard to fire hydrants, maps are in place identifying the location of all fire hydrants. Local Station Officers attend with local Caretakers to identify the location of fire hydrants and ensure they are in working order. A programme of repair and remediation for hydrants that are deficient is in place. There is a demand for hydrants in rural areas and in some cases the water mains cannot deliver water pressure for a fire flow. Fire personnel would be aware of this and may go to another water source. He undertook to provide a detailed report for the Killarney Area Meeting.

Mayor Fleming expressed concern that some new housing developments have hydrants installed but the fire personnel may not be aware of their location.

Mr. O. Ring said this matter would be followed up. This may be the case in housing estates that have not been taken over by the Local Authority.

15. Establishment of State Bodies

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

"That Kerry County Council ask the Government to desist from setting up

any more independent State bodies and in the meantime to examine the effectiveness of Boards such as the National Roads Authority, the Health Service Executive, etc. (in the name of democracy)."

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

Cllr. B. MacGearailt said authority is being assigned to bodies comprising of people not elected by the electorate. These bodies are not accountable. There is a need for openness and transparency from these bodies. He called on the Government to address this matter. Decisions on behalf of the public should be made by people elected by them or by people they have consulted with.

Cllr. M. Gleeson supported the motion. Many of these bodies were developed at the cost of other services, such as the Kerry Community Transport service which was presented to us today. Accountability belongs with elected members.

Mayor Fleming supported the motion and said the motion should be referred to the Taoiseach.

16. Solar Powered Public Lighting Pilot Project

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

"That Kerry County Council calls on the Department of the Environment to fund a pilot project at the Cromane shore with a view to providing solar powered public lighting in the area."

The following reply issued:

At present public lighting is provided in the general vicinity of the junction around the Church, Post Office and Community Centre in Cromane. The provision of additional public lighting at Cromane Shore does not fall within the Lighting Policy adopted by Kerry Co. Co. and cannot therefore be considered.

The installation of solar powered lights in a rural area such as Cromane Shore would not prove to be cost effective, as the size of the solar panel needed to provide the required luminance would be excessive.

Having regard to the resources provided by Council in recent years in the development of Local Area Plans and the commitment by the Members in considering these Plan for adoption, it is recognised that significant investment is required to promote the future development of these settlements. Public Lighting is funded totally from the Council's own resources and priority should be targeted at these settlements, in association with the development of new footpaths.

I am not aware of any pilot funding available from the Department of Environment, Heritage & Local Government for such an initiative.

Cllr. J. O'Connor said residents have requested public lighting in Cromane. The church is seen as the centre of the village. The reply to the motion states that "...not aware of any pilot funding available from the Department of the Environment, Heritage & Local Government for such an initiative." He asked that a letter issue to the Department requesting that pilot scheme be put in place.

Cllr. M. Cahill supported the concept of providing additional public lighting in Cromane. Lower Cromane is a built up area and there is a need to extending public lighting to this area. He called on the Council to provide funding in 2009 for this purpose.

Cllr. J. O'Connor asked for details on the cost of this lighting.

Mr. C. O'Sullivan said a USA system for the light alone is €2,500. The whole issue of public lighting was considered by the transport SPC and it was agreed a full inventory of public lighting would be undertaken. The supply and maintenance of public lighting is being considered nationally by the regulator. Tralee Town Council are carrying out a pilot project in the square using low wattage lighting.

Cllr. J. O'Connor requested that Kerry County Council would seek funding for a pilot project for Cromane.

17. Dust Emissions from Quarries

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

"That the Council would outline the powers which it has to control dust emissions from quarries during normal use and during recreational activity."

The following reply issued:

Dust emission from quarries are controlled by the implementation of relevant Planning Conditions – such conditions may include the use of mobile bowzers and/or fixed spray nozzles around the site to suppress any air borne dust particles.

It is common practice to specify as a planning condition the maximum level of airborne dust which is acceptable at the quarry boundary – this involves the placing of Dust Gauges at appropriate locations which usually are specified in the planning permission.

Where a nuisance or breach of Planning Conditions is (created) scientifically proven due to dust fallout, a prosecution can be taken against the perpetrator under the terms of the Air Pollution Act

Cllr. M. Gleeson said this motion relates to the proliferation of quarries in the Lissivigeen area. In some quarries people indulge in autocross/car rallying. This causes dust and severe stress to people who may have breathing problems. It is an inconvenience to people that it enters their houses. He asked the following questions:

1. Are dust gauges in place in all major quarries?
2. Are mobile bowzers/fixed spray nozzels in place in quarries?
3. Who takes the prosecution regarding dust?

Mr. M. McMahon said regarding quarries generally, in the last twelve months Section 261 of the Planning and Development Act, 2000, introduced a registration system for quarries. Following the registration process, Kerry County Council imposed conditions on those quarries. Some of these decisions were appealed to An Bord Pleanála. A lot of these licences required works to be carried out within a 9-12 month period. A system of inspecting these quarries, to ensure that environmental controls are being undertaken, has now commenced. Section 261 was introduced to deal with Environmental issues only.

19. Boatyard Site in Dingle

Pursuant to Notice duly given, Cllr. S. Fitzgerald PROPOSED:-

"To ask the County Manager to liaise with the Office of Public Works immediately with the view to developing the Old Boatyard site in Dingle."

The following reply issued:

A Vesting Order for the site was made on the 25th June 2008 and notice was given by registered post to all known persons, with any estate in or right in respect of the derelict site, of the making of the Order. The order prescribed that the Council shall on the 30th day of July 2008 vest the site in the Local Authority in fee simple free from encumbrances and all estates, rights, titles and interests of whatsoever kind.

Having regard to the provisions of Section 18(4) of the Derelict Sites Act, 1990, the County Solicitor is now proceeding with having the Council registered as owner of the lands in accordance with the provisions of the Order.

Any person with any estate in, interest or right in respect of the Derelict Site may apply to the Council not later than 12 months after the making of the Order for compensation (i.e. before the 25th June 2009).

Further meetings will be arranged with the Office of Public Works to progress the future development of this site, having regard to the objectives of the An Daingean Local Area Plan. The issue of funding the acquisition and development of the site will have to be considered by Council when the above issues have been progressed.

Cllr. S. Fitzgerald thanked the executive for the reply issued. A lot of positive work has been done with the Boatyard site to date. He asked if plans for this site are available to view. He said the former Minister for Arts, Sports & Tourism, Mr. John O'Donoghue, announced a €1.7m grant towards this project. He asked if this grant has been drawn down and spent. He also asked what timeframe the OPW have regarding this site and if the economic downturn effect this development.

County Manager said plans have not been finalised for this site. There was a lot of discussion regarding the provision of a theatre on the site and the size of such a development. Agreement on this was reached earlier this year. Staffing changes have taken place at senior level in the Department of the Marine and there are proposed changes in the OPW. Over the last 6-12

months there was a concentration on resolving the legalities of the site. A meeting between Kerry County Council, the OPW and the Department of Communications, Marine and Natural Resources is being arranged to finalise the drawings. With regard to the grant that was allocated, this development has a potential investment of €10m. The allocation of €1.7m was a contribution towards the Arts aspect of the development. That funding will not be available unless the whole project proceeds.

Cllr. S. Fitzgerald asked for a progress report on the meeting with the OPW.

Cllr. B. McGearailt supported the motion. He thanked the County Manager and Kerry County Council for the constructive progress on this matter and said he hoped funding will be made available in order that the project proceed.

20. Shared Ownership Scheme

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

"That Kerry County Council Housing Department should have a flexible attitude when dealing with separated couples who may still have a shared ownership interest in the original family home, but however cannot use this or derive any financial gain from it as their husband/wife and perhaps family would be occupying it. Their genuine need to be considered for local authority housing should be of course considered in a positive way. At present I have many cases who are on the list but are being overlooked all the time when it comes to giving out local authority accommodation."

The following reply issued:

This was a matter which was considered by our Housing SPC early last year. It is recognised that an increasing share of qualified applicants are either separated or divorced which is reflective of recent changes in society in general. All households applying for local authority housing on financial grounds, including separated and divorced persons, will be approved on the basis of the housing authority being satisfied that a long term housing need exists which they are unable to meet from their own resources. It would appear only reasonable that before housing applications from divorced or separated persons can be approved the issue of co-ownership in what may be substantial family assets needs first to be resolved. The offer of local authority accommodation is an offer of a life long tenancy, assuming rent is paid and other tenancy conditions are complied with. Tenants also have an option to purchase their dwelling with substantial discounts applying.

All housing applications, including those from separated or divorced persons are dealt with on their individual merits and the family circumstances are investigated fully by our investigation officers and a flexible and pragmatic approach is and will continue to be taken. Specifically in the case of separated applicants who have an entitlement to a share in the family home or other assets, in assessing their long term housing needs, it is generally a

requirement that that they are separated for a period of at least twelve months and that their share in the disposal these assets would be insufficient for them to source alternative permanent accommodation suitable to their needs. However when the housing authority becomes satisfied that a long term housing need exists and qualifies an individual separated or divorced applicant on that basis, the period from which they first applied is taken into account when being considered for an offer of actual housing. In other instances it may be more apparent that their share in the net proceeds from the disposal may be insufficient to set them up with permanent alternative accommodation or indeed the sale of the family home and the division of the proceeds may not be a practical proposition for a number of reasons. Therefore in certain instances it may be possible to approve certain separated applicants for local authority housing sooner than others for which a decision may have to be deferred for a period. In any event, whether approved or pending approval, divorced and separated applicants may have an entitlement to more short term rent assistance towards their private rented accommodation administered through the local Community Welfare Service and for the purpose of availing of this entitlement the Housing Authority will certify if it is satisfied that a present housing need exists (as opposed to a long term housing need for the purpose of qualifying for local authority housing which may not as of yet been determined).

Cllr. M. Healy-Rae thanked the Housing Department for this reply and asked that a copy of the reply issue to the Housing Investigation Officers.

21. Directional Signs

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

"That Kerry County Council immediately invest in a programme of works whereby new non-removable directional signs be erected at all junctions throughout the county thus ensuring that they cannot be moved or stolen."

The following reply issued:

The unauthorised removal of signs by persons unknown is a problem that is encountered in some areas of the County more than others. The Roads Department is in contact with the sign suppliers to see if they manufacture a locking device that could be installed to hinder removal.

Any sign replacement is funded from the maintenance budget of the Local Area Engineer. Unfortunately there is no other funding mechanism to undertake the replacement of all directional signs around the County

Cllr. M. Cahill said this is a problem for quite a while as well as the issue of signs being turned the wrong way at junctions. At many junctions only the pole remains. It is important to have proper signage and ensure that signs erected cannot be moved. He welcomed that the Roads

Department are in contact with manufacturers regarding a locking device. An amount of complaints are received regarding the lack of signs throughout the county, particularly routes off main roads. He asked Kerry County Council to invest in a programme of works to address this matter.

Cllr. M. Gleeson SECONDED this motion.

Cllr. J. O'Connor referred to the spelling of townlands on signs and said in some cases an incorrect spelling is used.

Cllr. D. Kiely complimented Kerry County Council on the amount of signage in the county.

22. Gaming Machines in Betting Shops

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

"That Betting Shops would not be permitted to install gaming machines on their premises."

The following reply issued:

Kerry County Council does not have a role in regulating the installation of gaming machines in betting shops. We will refer this motion to the Department of Justice, Equality and Law Reform who are the appropriate regulatory body.

Cllr. R. Beasley said there has been an expansion of betting shops in the county and they are installing gaming machines which will attract teenagers and children. It is proposed to use money from these machines to sponsor the racing industry. He requested that a letter issue to the Department of Justice on this matter.

Cllr. B. Cronin referred to the damage caused by the unseen addiction to gambling. These gaming machines attract youngsters and teenagers to spend what they have and increases the addiction. Gambling has caused immense problems in homes. He supported the motion.

23. Planning Applications

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

"When a planning application is live has the agent, the applicant and the public representative the right to discuss the application with the Planner."

The following reply issued:

For many years Planning Authorities have encouraged applicants for planning permission to engage with the authority in pre-planning consultations at which time advice on any proposal is given. This process was given statutory recognition by Section 247 of the Planning & Development Act 2000.

Details of any such consultation is recorded and associated with the planning file once an application is submitted. This ensures that the process is open and transparent.

Once the application is submitted a formal process is commenced which is regulated by legislation and regulation. It is therefore inappropriate at that stage to hold meetings with applicants or agents to discuss the application. However, if a request for further information is issued, the Planning Authority will meet an agent to clarify what is required in the request if relevant. Indeed in many cases, agents are advised to consult with the planner or some other section of the authority e.g. Water Services, Environment etc as required.

Councillors in their representative capacity, are entitled to make submissions and are kept informed on particular applications through area meetings and the provision of a liaison officer. A public representative does not have to pay the fee when making an enquiry as to the position of an application or simply supporting the application in general terms without clarifying on the grounds of the application or on a submission by an observer. However, where a public representative makes a formal submission, the submission cannot be considered by the planning authority unless it is accompanied by the appropriate fee. Accordingly where a public representative wishes to comment in detail on an application, this has to follow the formal process and he/she should make a written submission and pay the appropriate fee.

Cllr. D. Kiely acknowledged the report that issued on this motion.

Cllr. M. Cahill said there is a proposal that an applicant nominate one member to represent them regarding their planning application.

24. Public Lighting in Housing Estates

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

"What action has Kerry County Council's Planning Department taken to prevent a repeat in Kerry of the appalling situation in Firies where newly built developments still have no public lighting which is a basic requirement and a huge safety issue facing another winter. Also please clarify in detail the current position in Ashgrove, The Village Green, Rosehill Avenue, Coil an Bharraig and Ard Aoibhinn."

The following reply issued:

As the members are aware, a policy for the taking in charge of estates was adopted by the Council in June of this year. As part of that policy, a regular inspection of housing developments was introduced. These inspections will take place by Local Authority staff as construction progresses and particularly when construction nears completion, in order to determine at an early stage if enforcement is needed. It is the intention of the Planning Authority to track the progress of all infrastructural development in an estate,

from the date of receipt of the statutory commencement notice, received from the Developer. An insurance bond will be secured, at the time of commencement to ensure adequate financial resources are in place to complete an estate where a Developer fails to complete the development in compliance with the permission granted.

A dedicated in-house housing estates team, including technical and admin staff, will have full responsibility for monitoring all aspects of compliance and will liaise with our enforcement section at an early stage if it becomes apparent that standards are not being met. Any bond or security lodged with the Planning Authority will not be released until the satisfactory completion of the work and applications for taking in charge will not be considered.

Ashgrove Estate - PIng Reg. No. 99/2874 - Enforcement No. U301/06: Following a night time site inspection on the 5/9/08, it can be confirmed that although the light standards have been put in place, the public lighting has not been switched on, at the above development. An Enforcement Notice was served on the developer on the 2nd July, 2008.

The service road and footpaths have been completed to standard at this development.

An application form to take this development in charge was forwarded to a resident of the estate on the 14th May, 2007 to complete same. To date this application form has not been submitted.

Notwithstanding this request, this file will now be forwarded to our legal Department.

Village Green Estate - PIng Reg. No. 99/1434 - Enforcement No. U301/06: Following a night time site inspection on the 5/9/08, it can be confirmed that although the light standards have been put in place, the public lighting has not been switched on at the above development despite the serving of an Enforcement Notice on the 2nd July, 2008. The developers by way of a letter dated the 17th July, 2008 stated that "the matter is being dealt with at the moment". They went on to state that relevant forms have been sent to the ESB.

The bond for this development expired on the 21/2/2004.

An application form to take this development in charge was submitted by the residents of this housing development and is currently being assessed.

Rosehill Avenue Estate - PIng Reg. No. 00/3436 - Enforcement No. U126/06: Following a night time site inspection on the 5/9/08, it can be confirmed that although the light standards have been put in place,

the public lighting has not been switched on at the above development despite the serving of an Enforcement Notice.

An application form to take this development in charge was also submitted by the residents of the housing development which is being processed at present.

As with the Village Green Development, the matter will now be forwarded to our Legal Department.

Coil An Bharraig Estate - Plng reg. no. 00/1371 - Enforcement No. U342/05: Following a night time site inspection on the 5/9/08, it can be confirmed that 2 no. of the 3 no. lights have been switched on at the above development following the serving of an Enforcement Notice on the 2nd July, 2008.

On the 22nd July, 2008 the Killarney Area Engineer and Water Services Department were requested to inspect the site to ascertain if there is any outstanding works on site.

A bond in the sum of €3,350.00 with an expiry date of the 13th February, 2009 could be used to complete any outstanding works.

Note an application form to take this development in charge was also submitted by the residents of this housing development which is being dealt with at present.

We await receipt of the reports as requested.

Ard Aoibhinn:

This is a relatively new estate which has not been the subject of any complaint to the Planning Authority regarding non-compliance with planning conditions. At present this development is being investigated further by the Planning Department with regard to the issue of public lighting being switched on at this housing development. This site report when completed will also indicate the general condition of this housing development.

Cllr. B. Cronin said this matter was raised at Area Meetings previously. As a result of the Taking in Charge Policy adopted in June, he said he recommended that an inspection team be put in place to inspect developments as they are constructed and he highlighted the importance of not releasing the Bond to the developer until all works are certified and properly completed. He asked the Planning Authority to follow up an issue on public lighting not working at Coil an Bharraig Estate. House numbers are not visible unless the front lights of the house are turned on. It is critically important that public lighting be switched on in these estates. He said he has never heard of developer being prosecuted in court because of non-compliance with planning conditions. He welcomed the Taking in Charge Policy and said he will continue to pursue the provision of public lighting in estates. Public lighting is a condition of planning. He asked the Planning Department to pursue these developers to Court.

Cllr. M. Gleeson SECONDED this motion.

Cllr. J. O'Connor supported the motion.

Suspension of Standing Orders

The Mayor informed the meeting that it was 5.00 p.m. and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Mayor T. Fleming, SECONDED by Cllr. J. O'Connor, it was unanimously agreed to suspend Standing Orders to finish consideration of the Agenda items.

08.09.15.19 Notices of Motion, Contd.

27. Coolnagulagh Pier, Tuosist

Pursuant to Notice duly given, Cllr. M. Connor-Scarteen PROPOSED:-
"That the Members of Kerry County Council seek urgent funding from the Department of the Marine to improve the Coolnagulagh Pier Tuosist."

The following reply issued:

Kerry County Council, with funding assistance from the Dept. of Communications, Energy and Natural Resources, (now the Department of Agriculture, Fisheries and Food) has funded a number of Pier Projects in recent times in the South Kerry Area.

Cornagillagh Pier, Tuosist was surveyed for Kerry County Council's Piers and Harbours Asset Management Database in 2002.

This report established Cornagillagh Pier as a Category 3 facility and as being low in priority. The report recommended some minor safety works be carried out. In 2006 the pier was included in the South Kerry Pier Safety Improvement Scheme, but no funding was received for the project.

While it is aspirational to improve any assets and facilities under the jurisdiction of Kerry County Council, the limited resources available must be prioritized, and low usage piers such as Cornagillagh are deemed adequate for present usage.

Cllr. M. Connor-Scarteen said this matter is affecting fishermen in the area. A small amount of funding is required for this pier. He requested that contact be made with the Department of the Marine.

Mr. T. Curran, County Manager, said Cornagillagh Pier is not high on the priority list and works will not be undertaken in 2009. Priorities for Kerry County Council lie with Water, Roads and Housing for 2009. Kerry County Council must find a 3% cut in wages in 2009. While there are a lot of works which require small amounts of money, Kerry County Council cannot fund them. Until piers on the priority list are funded, further funding should not be sought from the Department.

Cllr. M. Healy-Rae supported Cllr. Connor-Scarteen's motion. He said while this pier is not being used by many people, it is the livelihood for some people and they are anxious that it be developed.

28. Laune Bridge, Killorglin

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

"Could we be informed as to when the NRA intend to use the €200,000 allocated for the Laune Bridge in the first few months of this year which I believe will not be sufficient as the Bridge has I believe deteriorated dramatically in the last year. This bridge needs immediate attention as many people feel that it is potentially dangerous at present."

The following reply issued:

The administration of this grant to carry out improvement works to the Laune Bridge is managed exclusively by the NRA and not by Kerry County Council.

Exploratory work has been carried out on behalf of the NRA at the bridge to facilitate a design and a solution to the current settlement problem. The Council has been in correspondence with the bridge section of the NRA expressing our concern about the condition of the bridge and seeking a proposed start date for the works. To date we have not received any indication when works might start.

The National Roads Design Office in Castleisland has begun work on carrying out a Constraints Study for a second crossing of the River Laune adjacent to Killorglin. This body of work should lead to the preparation of a Route Selection process which will be forwarded to the NRA for their consideration.

Cllr. J. O'Connor said monies were provided in January, 2008. As of yet, no works have been undertaken. Physical deterioration of the bridge is visible. He welcomed work being done by the Roads Design Office. Laune Bridge is the county bridge and the gateway to the Ring of Kerry.

Cllr. M. Healy-Rae supported the motion.

Mr. C. O'Sullivan, Director of Roads & Transportation, said since the reply to the Notice of Motion was prepared, he had been in contact with the NRA who have advised that they are preparing contract documents to go to contract for this work. This work will be carried out in 2009.

Cllr. J. O'Connor asked who is responsible if something happens to Laune Bridge.

Mr. T. Curran, County Manager, said this would be a matter for the courts to decide. This bridge is a public structure under the authority of the Local Authority but funded by the National Roads Authority.

30. Glenbeigh Sewerage Scheme and Road through Glenbeigh Village

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

"Kerry County Council immediately proceed with the new public sewer scheme for Glenbeigh Village and surface dress the road through the village which is now in a shocking condition for a road that goes through a village on the Ring of Kerry. Funding was previously allocated for this work two years ago which to date has not been carried out."

The following reply issued:

The current design of the Sewerage Scheme in Glenbeigh indicates that when the scheme proceeds there will be minimum incursion on to the N70, Ring of Kerry Road. This means that the level of funding available from the scheme for road improvement works through the village will be greatly diminished.

Over the years upgrading works have been carried out on the main road through the village. A distance of one kilometre through the village has been overlaid and is in very good condition. There remains approximately 400 metres which requires attention. In light of the changed design status of the Sewerage Scheme, the Roads Department will discuss this section of road with the NRA and will outline the requirement to include this section of road in the surfacing programme with the Inspector when next in the Area.

Cllr. M. Cahill said two years ago funding was available to finish the road through the village. While some work was done, the remaining roadway is in a terrible condition. Improvements to the roadway were not carried out as the sewerage scheme was to proceed. He asked if the sewerage scheme for Glenbeigh will go ahead and if it will be carried out in 2009.

Cllr. J. O'Connor **SECONDED** the Motion.

Mr. O. Ring said the Glenbeigh Sewerage Scheme is being reviewed and it is hoped it will proceed.

Mr. C. O'Sullivan said he would raise the roads issue with the NRA Inspector.

31. Health System

Pursuant to Notice duly given, Cllr. R. Beasley and Cllr. T. Ferris PROPOSED:-

"That this Council calls on the Government to eliminate our two tier health system where private patients get preference over public patients."

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

Cllr. T. Ferris asked that a letter issue to Government as requested in the Notice of Motion.

Cllr. T. Ferris requested that a letter issue to Minister Smith requesting that the period for construction of farm buildings under the Farm Waste Management Scheme be extended.

08.09.15.20 Correspondence – Conferences and Seminars

Retrospective Approval for Conferences held in 2007

- a) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Connor-Scarteen, it was agreed to authorise the attendance of Cllr. M. O'Shea at the Effective Communications for Councillors Conference held in Letterkenny, Co. Donegal, from 16th-18th November, 2007.
- b) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Cllr. M. O'Shea at the LAMA Annual Spring Conference held in Killarney on 12th and 13th April, 2007.

Approval for Conferences - 2008

- a) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Connor-Scarteen, it was agreed to authorise the attendance of Cllr. J. O'Connor at the National Advisory Council Conference on the theme "Valuing our Waters" to be held in Kilkenny on 18th September, 2008.
- b) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Connor-Scarteen, it was agreed to authorise the attendance of Cllrs. P. O'Donoghue, N. Foley and T. Fleming at the Irish Association of Suicidology 12th Annual Conference to be held in Athlone, Co. Westmeath, on 19th & 20th September, 2008.

Cllr. P. O'Donoghue was nominated to report to Council on this conference.

- c) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllrs. B. MacGearailt, J. O'Connor, T. O'Brien and B. Cronin at the Mid West Regional Authority - CitizenFirst International Conference to be held in Ennis, Co. Clare on 25th & 26th September, 2008.

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

- d) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. J. O'Connor, it was agreed to authorise the attendance of Cllrs. A. McEllistrim, P. O'Donoghue, J. Sheahan, T. Fleming, M. Cahill and J. O'Connor at the Kerry Life Education Ltd. Conference - Getting a Grip 2008 on the theme "Addiction Proofing our Communities" to be held in Killarney on 2nd & 3rd October, 2008.

Cllr. A. McEllistrim was nominated to report to Council on this conference.

- e) On the PROPOSAL of Cllr. M. Connor-Scarteen, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllrs. A. McEllistrim, P. O'Donoghue, T. O'Brien, J. Brassil and T. Fleming at the T.J.K. Conferences Ltd. Freedom of Information Seminar for Councillors to be held in Limerick on the 10th & 11th October, 2008.

Cllr. J. Brassil was nominated to report to Council on this conference.

- f) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllrs. T. Fleming and M. Gleeson at the Climate Change Conference on the theme "The Way Forward for Local Authorities" to be held in Croke Park Conference Centre on the 16th October, 2008.

Cllr. M. Gleeson was nominated to report to Council on this conference.

- g) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. O'Connor, it was agreed to authorise the attendance of Cllrs. P. O'Donoghue and J. Sheahan at the Third Sector Forum Seminar on the theme "Local Authority Financing - A crisis brewing, the challenge for Councillors" to be held in Killarney from 16th-18th October, 2008.

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

- h) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllrs. T. Fitzgerald, P. O'Donoghue, P. McCarthy, R. Beasley, B. MacGearailt, B. Cronin and T. Fleming at the Douglas Hyde Conference 2008 to be held in Ballaghaderreen, Co. Roscommon from 17th-19th October, 2008.

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

- i) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. O'Connor, it was agreed to authorise the attendance of Mayor T. Fleming at the Merriman Summer School held in Ennis, Co. Clare, from 17th-23rd August, 2008.

- j) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Connor-Scarteen, it was agreed to authorise the attendance of Mayor T. Fleming at the Tidy Towns Awards Ceremony held in Dublin on 8th September, 2008.

- k) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllr. T. Ferris at conference on the theme "Human Rights Education for a sustainable Future – Celebrating 60 years of the UDHR" to be held in Drumcondra, Dublin, from 19th-20th September, 2008.

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

- l) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. T. Ferris and R. Beasley at conference on the theme "The Relationship between Local Authorities and the Business Sector" to be held in Greystones, Co. Wicklow, from 3rd-5th October, 2008.

Cllr. R. Beasley was nominated to report to Council on this conference.

- m) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllr. B. MacGearailt at conference on the theme "Energy Efficiency – heat recovery and energy recycling for the domestic dwelling" to be held in Ballyconneely, Co. Galway, from 19th-21st September, 2008.

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

- n) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Mayor T. Fleming at the Local Government and Sustainable Development Conference to be held in Carlow from 23rd-25th September, 2008.

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

Cllr. J. O'Connor asked how conferences are selected for inclusion on the agenda.

Mr. G. O'Brien, A/SEO, said an effort is made to balance the conferences listed on the agenda. Organisers are now sending notifications directly to elected members. It is preferable that conferences details would be submitted to Corporate Affairs Section to be considered for inclusion on the agenda.

08.09.15.21 Correspondence General

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

1. Letter dated 7th July, 2008, from Department of the Environment, Heritage & Local Government regarding proposed Special Protection Area (pSPA) 004154 known as Iveragh Peninsula SPA.
2. Letter dated 18th July, 2008, from Mr. Michael O'Leary, Ryanair, regarding flights from Cork to Warsaw.
3. Letter dated 22nd July, 2008, from Cork Airport regarding flights from Cork Airport to Warsaw.
4. Letter dated 22nd July, 2008, from Social Welfare Services Office regarding the National Fuel Scheme.
5. Letter dated 23rd July, 2008, from Bus Éireann regarding a bus service for the people of Valentia and Portmagee.
6. Letter dated 24th July, 2008, from Mr. Colm Burke, MEP, regarding WTO and Irish Agriculture.
7. Letter dated 30th July, 2008, from Minister for Education and Science regarding Blennerville National School.
8. Letter dated 30th July, 2008, from Mr. Brian Crowley, MEP, regarding WTO and Irish Agriculture.
9. Letter dated 1st August, 2008, from Minister for Housing, Urban Renewal and Developing Areas regarding Sheltered Housing Project in Kenmare.
10. Letter dated 5th August, 2008, from Health Service Executive – South regarding services being removed from Kerry General Hospital and the establishment of a dedicated Stroke Treatment Unit in Kerry General Hospital.
11. Letter dated 6th August, 2008, from Minister for the Environment, Heritage & Local Government regarding a new urban and village renewal scheme.

12. Letter dated 6th August, 2008, from Minister for Transport regarding introduction of a local licence for drivers wishing to only drive locally.
13. Letter dated 12th August, 2008, from Minister for Environment, Heritage and Local Government regarding the removal of Castlemaine Harbour from designation as SAC or SPA as well as concerns about the closure of the mussels seed fishery.
14. Letter dated 14th August, 2008, from Dr. Seamus O'Hickey, Chairman, The Irish Expert Body on Fluorides and Health regarding addition of fluorine to the public water supply.
15. Letter dated 15th August, 2008, from Prof. Tom Keane, Interim Director, National Cancer Control Programme, regarding plan for the Cancer Programme and its impact for patients in Kerry.
16. Letter dated 20th August, 2008, from Minister for Transport regarding funding for the road from Fossa Cross to the Gap Cross, Beaufort.
17. Letter dated 21st August, 2008, from Minister for Community, Rural & Gaeltacht Affairs regarding the Summer Jobs Scheme.
18. Letter dated 22nd August, 2008, from Tánaiste and Minister for Enterprise, Trade and Employment regarding the introduction of price control on the price of fertiliser.
19. Letter dated 28th August, 2008, from Minister for Agriculture, Fisheries and Food regarding funding for marinas along the Kerry coastline.
20. Letter dated 28th August, 2008, from Minister for Agriculture, Fisheries and Food regarding request for a supplementary estimate of €10 million for coastal erosion.
21. Letter dated 29th August, 2008, from Minister for Transport regarding funding for a cattle underpass.
22. Letter dated 31st August, 2008, from Minister for Communications, Energy and Natural Resources regarding the possibility of controlling the price of diesel oil.
23. Letter dated 1st September, 2008, from Ms. Kathy Sinnott MEP regarding the WTO talks.
24. Letter dated 3rd September, 2008, from Mr. Brian Crowley, MEP regarding the Farm Waste Management Scheme.
25. Letter dated 17th July, 2008, from Killarney Town Council regarding a resolution adopted by that authority calling on the Minister for Social and Family Affairs to change the rules governing the Back to Education Allowance.

September Ordinary Meeting 2008

26. Letter dated 21st July, 2008, from Leitrim County Council regarding a resolution adopted by that authority calling on each Local Authority to use fair-trade products in their canteen where possible.
27. Letter dated 21st July, 2008, from Leitrim County Council regarding a resolution adopted by that authority regarding the provision of additional funding and additional advisors for MABS (Money Advice & Budgeting Service).
28. Letter dated 6th August, 2008, from Kildare County Council regarding a resolution adopted by that authority calling on each Local Authority to insist that road works be finished to a high standard for all road users and adequate warning of road works be monitored on a daily basis.
29. Letter dated 18th August, 2008, from Fermoy Town Council regarding a resolution adopted by that authority calling on the Government to enact legislation whereby any individual who pays rates or service charges to a Local Authority be entitled to vote in that Local Authority's elections.

The meeting concluded at 5.25 p.m.

Gerard O'Brien
Acting SEO
Corporate Affairs

Mayor of Kerry