

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY, 17 NOVEMBER, 2008.**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN  
CHONTAE, TRÁ LÍ, AR AN LUAN , 17 SAMHAIN, 2008.**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

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	

**Apologies**

R. Beasley

**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 Affairs	Ms. D. Griffin, SO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs

The meeting commenced at 10.45 a.m.

Mayor T. Fleming took the Chair.

**Votes of Sympathy**

- (a) Cllr. B. Cronin PROPOSED a vote of sympathy to Ms. Anne Lucey, Kilcummin, on the death of her husband, Jackie Lucey.

Cllr. M. Gleeson supported this vote of sympathy.

Cllr. D. Healy-Rae said he wished to be associated with the vote of sympathy to the Lucey family. Jackie was the pillar of society in the community and his death is a tragic loss.

Mayor Fleming said he wished to be associated with the vote of sympathy to the Lucey family.

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- (b) Cllr. B. Cronin PROPOSED a vote of sympathy to Mr. Michael Murphy, Inchcumer, on the death of his mother, Maureen Murphy.
- (c) Cllr. B. Cronin PROPOSED a vote of sympathy to Mr. Peter Scott, Furies, on the death of Mr. Michael (Neily) O'Sullivan. Mike died suddenly and it is a tragic loss to the family.
- (d) Cllr. M. Gleeson PROPOSED a vote of sympathy to the family of Shane Geoghan, Limerick.
- (e) Cllr. M. Gleeson PROPOSED a vote of sympathy to Mrs. Lily O'Donoghue and the O'Donoghue family, Knockeenduff, Killarney, on the death of Mr. James O'Donoghue. James was the Honorary President of the South Kerry Independent Alliance. He was an active trade union person and an active member of the Labour Party. He joined South Kerry Independent Alliance and was indispensable.
- (f) Cllr. M. O'Shea PROPOSED a vote of sympathy to the Mrs. Catherine Giles and the Giles family, Castlemaine, on the death of Mr. John Giles. May he rest in peace.

Cllr. M. Gleeson said he wished to be associated with this vote of sympathy.

- (g) Cllr. P. Leahy PROPOSED a vote of sympathy to the Lucid family, Castleisland, and Fr. John Lucid, Moyvane, on the death of Michael Lucid. Michael was also an employee of Kerry County Council.
- (h) Cllr. M. Connor-Scarteen PROPOSED a vote of sympathy to Dr. Kieran O'Shea and the O'Shea family, Caherciveen, on the death of Ms. Mary O'Shea.

Cllr. P. O'Donoghue said he wished to be associated with this vote of sympathy. Ms. O'Shea worked for the Fine Gael party for thirty years in Dublin and facilitated Kerry people no matter what their political belief. She will be sadly missed.

Cllr. J. Sheahan said he wished to be associated with this vote of sympathy.

- (i) Mayor T. Fleming PROPOSED a vote of sympathy to the Fuller family, Killarney, on the death of Dr. Paddy Fuller.

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

- (j) Mayor T. Fleming PROPOSED a vote of sympathy to Mrs. Marie Fitzgerald and the Fitzgerald family, Scartaglen, on the death of Mr. Timothy Fitzgerald.

**Vote of Congratulations**

- (a) Cllr. D. Kiely complimented Cllr. M. Healy-Rae on his performance on TV over the past weekend.

Cllr. T. Fitzgerald supported this vote of congratulations.

- (b) Cllr. M. Connor-Scarteen PROPOSED a vote of congratulations to the Kilgarvan Hurling team who have qualified for the Munster Hurling Club Final.
- (c) Cllr. M. Healy-Rae PROPOSED a vote of congratulations to the community of Bonane on their achievements in the Pride of Place All-Ireland competition. There is an excellent working committee in Bonane with great community spirit.

Cllr. M. Connor-Scarteen SECONDED this proposal.

- (d) Cllr. P.O'Donoghue PROPOSED a vote of congratulations to Skellig Rangers on their win in the Castleisland Co-op Junior Football Championship Final on Sunday last. He complimented the Beale team on their match play on the day.
- (e) Cllr. P. O'Donoghue PROPOSED a vote of congratulations to St. Michaels/Foilmore on their success in the Munster Intermediate Club Football Championship Semi-Final and Kilgarvan Hurling Club on their success in the Munster Hurling Club Semi-Final.
- (f) Cllr. P. O'Donoghue PROPOSED a vote of congratulations to the community sector in Valentia Island who won the Island Award in the Pride of Place All-Ireland competition.
- (g) Mayor T. Fleming PROPOSED a vote of congratulations to Ms. Anne Haugh, Director of Environmental Services, and the Environment Department, on their success in the Chambers Ireland Excellence in Local Government Awards (Energy Award).

**08.11.17.01 Mayor's Report on CPG Meeting held on 11<sup>th</sup> November, 2008**

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

**Item 1 Agenda for the November Council Meeting**

Mr. J. Flynn, Director of Corporate Services, briefed members on the agenda for the November Council meeting.

It was noted that Circular Letter F.21/08 dated 16<sup>th</sup> September, 2008, has been received from the Department of the Environment, Heritage & Local Government regarding dates for the European Parliament Elections 2009 (copy enclosed with General Correspondence)

## **Item 2 County Development Board**

Mr. J. Breen, Director of Housing and Community & Enterprise, outlined the following issues arising from the County Development Board meeting held on 7<sup>th</sup> November, 2008:

- County Development Board Executive reported to the Board. Agencies are becoming more involved in development of the agenda for board meetings.
- A Circular Letter has been received from the DoEHLG requesting County Development Boards to undertake a review of County Development Board Strategies and that County Development Boards concentrate on a limited number of key priorities over the next three years. It was agreed that the following areas would be progressed by the Kerry County Development Board:
  - Economic - Development of small enterprise parks and promotion of indigenous industry
  - Social - Rural Isolation
  - Culture - Promotion and investment in the Irish language
- The County Development Board expressed abhorrence at the national decision to put a hold on Castleisland By-Pass and proposed that the board seek a deputation with the NRA regarding this matter.
- There was a collective view regarding the need to progress the development of Kerry Airport as it is vital to economic and tourism development of the county.
- Current economic climate – A presentation was made by FÁS on available live register figures. At present 10,300 people are on the live register. It was agreed that a special meeting of the County Development Board will be held in January, 2009, on this issue.
- Indecon Report on Review of County Development Boards – Most recommendations from the Indecon report are in place or being put in place by the Kerry County Development Board.
- It was noted that the Tralee Killarney Hub Social Strategy recommendations require greater co-operation of agencies.
- Mr. Eamonn O'Reilly, formerly of Sliabh Luachra Local Development, has been appointed CEO to the newly formed North and East Kerry Development Company.
- Minister Eamonn Ó Cuív recently announced details of Leader Funding for the various Local Development Agencies in Kerry.

The funding allocations are as follows:

• South Kerry Development Partnership	€12,370,667
• North and East Kerry Development Co.	€10,558,882
• IRD Duhallow	€10,315,943
• All Gaeltacht Areas (National Allocation)	€17,278,889

The funding is in respect of the period 2009-2013 in accordance with Development Programmes submitted by the companies.

**Item 3 Election of Chair of County Development Board**

Corporate Policy Group agreed that Mayor Tom Fleming would take over as Chair of the County Development Board.

**Item 4 Update from Chairs of SPCs**

Cllr. C. Miller outlined a number of items arising from a recent meeting of the Housing and Social Support SPC and informed the meeting that he would give a full update at the November Council meeting:

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

**Item 5 Civic Reception**

CPG members approved a request to host a Civic Reception for Ms. Antoinette O'Sullivan, Ballybunion, who participated in the Empire Games in Long Island, New York.

**Item 6 Any Other Business**

**Budget 2009**

Mr. J. O'Connor, Head of Finance, outlined that work is progressing on Budget 2009. The Local Authority is working in a very difficult financial climate. The Local Government Fund, which is a major part of the Local Authority's general support grant, has been reduced by 6.2% (€1.8 m). This is a significant reduction. In addition Local Authorities are required, by direction of Government, to reduce pay roll costs by 3%. Lack of economic activity is leading to a lack of buoyancy in local income, for example, income is down from planning fees, commencement notices and other income. Finance will not be available to continue to fund general community support projects which have been funded in recent years. Budget 2009 will give priority to supporting core statutory functions, e.g. drinking water and waste water.

**Votes of Sympathy**

Corporate Policy Group proposed that Votes of Sympathy be restricted to votes of sympathy for former elected members or staff of the council and their close family members."

Cllr. M. Healy-Rae thanked Cllr. Kiely for the report from the CPG Meeting. He complimented the Mayor on his election as Chair of the County Development Board and wished him well with that role. He said striking a rate for Budget 2009 will be a difficult task for the elected members. He called on management to make every effort not to increase rates on the small number of business people paying rates in the county. Small pubs, shops and hairdressers are experiencing difficulties at present to keep businesses going. These businesses are providing employment in our villages and towns.

Cllr. T. Fitzgerald said a reduction of €1.8m in the Local Government Fund will have an effect on Kerry County Council' Budget. He said while the members have confidence in the Head of Finance in the current economic climate rates should not be increased. If rates must be increased it should be by a minor

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Percentage only. Kerry has high rates and many businesses cannot afford these costs. Economic and business life of the county must be sustained. Kerry County Council must focus on provision of core services of the Local Authority in this economic climate.

Cllr. D. Healy-Rae expressed concern regarding the rates in Budget 2009. Year after year the rate is increased and local traders and small businesses in towns and villages are affected. He said rates should be reduced and an alternative way of securing funding for services should be sourced. Multi-national supermarkets are taking over in the county's towns with the resulting effect that small local shops and businesses are doing less business. He asked if higher rates could be applied to bigger supermarkets and outlets.

Cllr. D. Kiely supported Cllr. D. Healy-Rae's comments. He asked if the national €200 levy on holiday homes would provide additional finance for the county.

Mayor Fleming said issues regarding the Budget will be dealt with at forthcoming Budget meetings.

### **Votes of Sympathy**

Cllr. M. Healy-Rae referred to the proposal in the CPG report regarding restrictions on votes of sympathy. He said elected members should be able to express a vote of sympathy as a mark of respect for the family and friends of the deceased. He PROPOSED that the right to propose votes of sympathy be retained.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. D. Kiely said this matter arose from the October Council meeting where a large number of votes of sympathy were proposed. Consideration must be given to dealing with a large number of votes of sympathy.

Cllr. T. Ferris PROPOSED that members submit a list of names of the deceased on the morning of the Council meeting. The Mayor could then read the list of names at the Council meeting and members could support the votes of sympathy.

Cllr. A. McEllistrim SECONDED this proposal.

Mr. G. O'Brien, A/SEO, asked if there was agreement on this proposal.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. A. McEllistrim, it was unanimously agreed that at future Council meetings a notebook will be provided for elected members to list names of deceased and the list of names be read by the Mayor.

### **Civic Reception**

On behalf of Cllr. R. Beasley, Cllr. T. Ferris PROPOSED that a Civic Reception be held for Ms. Antoinette O'Sullivan, Ballybunion who participated in the British Empire Games in Long Island, New York.

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Mayor T. Fleming SECONDED this proposal.

Mr. G. O'Brien, A/SEO, advised that the Civic Reception will be held at lunch time during the January 2009 Council Meeting.

This was unanimously agreed.

### **Mayoral Reception**

Mr. G. O'Brien, A/SEO, said invitations will issue in the next few days for the Mayoral Reception to honour the 30<sup>th</sup> Anniversary of the Institute of Technology Tralee, to be held on Monday, 1<sup>st</sup> December, 2008, at 6.00 p.m. in the Council Chambers, County Buildings.

### **EU Elections**

Mayor Fleming issued a reminder to elected members that correspondence had been received from the Department of Environment, Heritage and Local Government notifying that the 2009 European Parliament Elections will take place between 4<sup>th</sup> and 7<sup>th</sup> June, 2009.

### **08.11.17.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. P. O'Donoghue SECONDED by Cllr. T. O'Brien, it was resolved that the minutes of the October Ordinary Meeting of Kerry County Council held on 20<sup>th</sup> October, 2008, be confirmed.
- (b) Cllr. M. Gleeson requested that an amendment be made to page 7 of the Special Planning Meeting Minutes held on 12<sup>th</sup> of May. Sentence reading "The message was conveyed and a lifelong friendship was ruptured as the planning was granted above the line" to be amended to read as follows "The message was conveyed and a lifelong friendship was ruptured. The planning was granted above the line."

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. M. O'Shea, it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on 12<sup>th</sup> May, 2008, be confirmed.

- (c) On the Proposal of Cllr. A. McEllistrim, SECONDED by Cllr. M. Gleeson, it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on 26<sup>th</sup> May, 2008 be confirmed.
- (d) On the PROPOSAL of Cllr. M. Connor-Scarteen, SECONDED by Cllr. A. McEllistrim it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on 4<sup>th</sup> June, 2008, be confirmed.
- (e) On the PROPOSAL of Cllr. B. O'Connell SECONDED by Cllr. A. McEllistrim, it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on 23<sup>rd</sup> June, 2008, be confirmed.

### **08.11.17.03 Disposal of Property**

#### **(a) Castleconway, Killorglin**

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. O'Shea it was agreed to approve the disposal of a plot of land comprising of 0.056 acres at Castleconway, Killorglin, County Kerry, to Mr. Michael O'Neill, 15 Carrig, Duin, Milltown, County Kerry, in accordance with the terms of notice issued on 3<sup>rd</sup> November, 2008, pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning and Development Act 2000.

Cllr. J. O'Connor asked if Kerry County Council pays the same amount of money for lands as a person would pay if they were buying land from Kerry County Council.

Mr. J. Breen said Kerry County Council undertakes an evaluation of the land and market value is paid. Kerry County Council is not at liberty to know what the owner paid for the land. The value placed on the land is a value agreed with the landowners.

#### **(b) Sráid, Thaidhg, Ballyheigue**

Cllr. J. Brassil said this development was the first PPP housing development between Kerry County Council Housing Department and a private developer. A separate community facility has been provided as part of the 31 unit development. The provision of community facilities is welcome for housing developments in Kerry. He requested that tenancies for this development be offered within a reasonable period of time. He also requested that elected members be given a presentation on the development or go on a site visit to the development. He said great credit is due to the developer and the Housing Department of Kerry County Council on this very high quality development.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. T. Ferris, it was agreed to approve the disposal of a plot of land measuring 0.03 hectares approximately in total, and the building thereon, by way of lease at Sráid Thaidhg, Ballyheigue, Co. Kerry, to Kerryhead/Ballyheigue Family Resource Centre in accordance with the terms of notice issued 6<sup>th</sup> November, 2008, pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act, 2000 and Article 206 of the Planning and Development Regulations, 2001.

#### **(c) Aughacasla North, Castlegregory**

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. D. Healy-Rae, it was agreed to approve the disposal of a plot of land measuring 0.217 acres approximately in total at Aughacasla North, Castlegregory, Tralee, Co. Kerry, to Mr. Brendan McElduff, Aughacasla North, Castlegregory, Co. Kerry, in accordance with the terms of notice issued 6<sup>th</sup> November, 2008, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning and Development Act, 2000 and Article 206 of the Planning and Development Regulations, 2001.



#### **08.11.17.04 Take over of the Derrindaffe Group Water Supply Scheme**

Report dated 4<sup>th</sup> November, 2008, confirming that all requirements regarding the takeover of the Derrindaffe Group Water Supply Scheme have been met was noted.

On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. T. Buckley, it was unanimously agreed to approve the takeover the Derrindaffe Group Water Supply Scheme in accordance with Section 95 of the Water Services Act, 2007.

#### **08.11.17.05 Agreement in accordance with Section 85 of the Local Government Act 2001 – Tralee Western Relief Road (Phase III)**

Report dated 11<sup>th</sup> November, 2008, regarding the Tralee Western Ring Road Phase III, Section 85 Agreement between the Tralee Town Council and the Kerry County Council was noted.

Cllr. T. Fitzgerald said it is important that the Tralee Western Ring Road is progressed and completed as speedily as possible.

Cllr. J. Brassil supported Cllr. Fitzgerald's comment. He asked if responsibility for Phase III of the Tralee Western Ring Road, when complete, will lie with Tralee Town Council. He said responsibility for the entire route should lie with Kerry County Council.

Mr. C. O'Sullivan, Director of Roads and Transportation, said the western link of the Tralee Ring Road will be within the Tralee Town Council boundary. The northern links are outside the Tralee Town Council boundary. It is proposed that the road be designated as a regional road. This classification must be made by the Minister. If the road is classified as a regional road it will become the responsibility of Kerry County Council. At present, without classification determined, the agreement must take cognisance of the fact that the road is being constructed within the Tralee Town Council boundary. He said the cost of delivering this infrastructure is approximately €39m. Funding proposals will be presented to the elected members at a future date. It is unlikely funding for this project will be made available from the national exchequer.

Cllr. T. O'Brien said this road must be progressed as quickly as possible as it is a necessity to the town of Tralee.

Mr. G. O'Brien, A/SEO Corporate Affairs, informed the meeting that a vote would be taken on the PROPOSAL by Cllr. T. Fitzgerald, SECONDED by Cllr. J. Brassil "That we the members of Kerry County Council hereby resolve to make an agreement between Kerry County Council and Tralee Town Council for the construction of the Tralee Western Relief Road (Phase III) in accordance with the provisions of Section 85 of the Local Government Act 2001."

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The vote resulted as follows:

**For:** Cllrs. Brassil, Buckley, Connor-Scarteen, Ferris, T. Fitzgerald, Gleeson, Kiely, McCarthy, McEllistrim, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Purtill, Sheahan, Fleming **(17)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Beasley, Cahill, Cronin, S. Fitzgerald, Foley, D. Healy-Rae, M. Healy-Rae, Leahy, MacGearailt, Miller **(10)**

Mr. G. O'Brien declared the proposal CARRIED.

### **08.11.17.06 Incurring of Overdraft Accommodation not exceeding €12.5m for the six months ending 30th June, 2009**

Mr. J. O'Connor, Head of Finance, referred members to his report dated 10<sup>th</sup> November, 2008, on this item which was circulated and he briefed them on the detail on the report.

Cllr. T. Fitzgerald asked if Kerry County Council will be granted approval for overdraft accommodation.

Mr. J. O'Connor, Head of Finance, said as outlined in the report the availability of cash to fund Kerry County Council activities on a day-to-day basis is likely to be a key challenge to enable continuation of works programmes in view of the Government restrictions on borrowing including overdraft.

Cllr. J. Brassil asked how much did Kerry County Council pay in interest in a year.

Mr. J. O'Connor, Head of Finance, said the Finance Department tightly control payment of interest. To date in 2008 just over €20,000 has been paid in interest on the overdraft. Funds are moved between the current and deposit account and when there is a surplus on account interest is gained. This also offsets some of the overdraft.

Cllr. T. Fitzgerald said banks are guaranteed by Government for two years. He asked what will happen money on deposit after that two year period. He also asked if capital project funds are on deposit.

Mr. J. O'Connor, Head of Finance, said Kerry County Council deposits are short term. No long term deposits or investments are held because the cash flow situation is volatile. With regard to a lot of capital projects Kerry County Council draws down grants after monies are spent on the project. Kerry County Council does not place funds with small financial institutions because of risk. If funds are placed they are placed in Irish institutions with good ratings.

Cllr. M. Gleeson said it is important that at government level adequate funding would be made available to Local Authorities to maintain progress that has been made to date with roads, etc. Infrastructure cannot be allowed deteriorate as this would cost more in the long term.

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Cllr. J. O'Connor asked if Kerry County Council has assurances that funds will be provided by Central Government.

Cllr. J. Brassil asked if monies on deposit are in the form of cash deposit.

Mr. J. O'Connor, Head of Finance, said Kerry County Council has guaranteed commercial paper for a week at a time.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. T. O'Brien, it was agreed to approve the incurring of overdraft accommodation not exceeding €12.5 m for the six months ending 30<sup>th</sup> June, 2009.

### **08.11.17.07 To note County Manager's report on submissions/observations received on Draft County Development Plan 2009-2015 and to agree dates for Special Planning Meetings to deal with Manager's Report on Submissions received on Review of the County Development Plan 2009-2015**

The County Manager's report on submissions/observations received on the Draft County Development Plan 2009-2015 was noted. Special Planning Meetings to deal with the Manager's report will be held in December, 2008 and January, 2009.

Mr. M. McMahon said the Special Planning Meeting in December, 2008, will deal with the protected structures element of the Draft County Development Plan 2009-2015.

As a number of Elected Members were unable to attend a Special Planning Meeting on the proposed date of 12<sup>th</sup> December, 2008, Mayor Fleming PROPOSED that the Special Planning Meeting be held on Friday, 19<sup>th</sup> December, 2008, starting at 2.30 p.m.

Cllr. J. Brassil SECONDED this proposal.

On the PROPOSAL of Mayor Fleming, SECONDED by Cllr. J. Brassil, it was agreed that the Special Planning Meetings would be held on:

Friday, 19<sup>th</sup> December, 2008 (Meeting to commence at 2.30 p.m.)  
Monday, 12<sup>th</sup> January, 2009 (Meeting to commence at 10.30 a.m.)  
Monday, 26<sup>th</sup> January, 2009 (Meeting to commence at 10.30 a.m.)

### **08.11.17.08 Holding of the December Ordinary Meeting at Scartaglen Community Centre**

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. D. Kiely, it was unanimously agreed to hold the December Ordinary Meeting at Scartaglen Community Centre commencing at 11.00 a.m.

### **08.11.17.09 Report on Housing and Social Support SPC**

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

### **08.11.17.10 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.

Cllr. J. Sheahan requested that a letter issue to the Department of Justice requesting that the anti-social behaviour in housing estates in Killarney be addressed. The property of one resident has been damaged and while this person was not harmed, they now feel they are living in fear and that they may be targeted again. The Department must provide extra Gardaí and provide Local Authorities more power to deal with such cases. Young children are running around estates late at night. Their parents must be approached and asked to supervise their children. It has been said that drugs and alcohol are being sold in these estates from the boots of cars. This must be tackled. He called on the authorities to investigate these allegations.

Mr. J. Breen, Director of Housing and Community & Enterprise, said complaints from residents in Local Authority estates are dealt with under the Anti-Social Behaviour Policy. There is also a requirement on tenants to comply with their Tenancy Agreement. A complaint within a Local Authority estate will be fully investigated. It is unacceptable that tenants have to tolerate such anti-social behaviour, however, Kerry County Council cannot deal with these issues unless details of the issue are submitted to the Housing Department. Complaints will be dealt with in the strictest of confidence.

Cllr. M. Gleeson **SECONDED** the proposal to call on the Department to address anti-social behaviour in housing estates. He also supported the comments from Mr. Breen. Ireland's Constitution gives primacy to the family unit. The family must be safeguarded by parents/guardians. The vast majority of parents do a great job, but there are small percentages who neglect their duty to their children and to greater society. Decency of most people is superb. There must be a common understanding that decency prevails.

Cllr. P. McCarthy said he agreed with sentiments expressed by Cllr. Gleeson. The majority of parents are doing great work. The majority of housing estates in our towns do not have a major problem but there are a number which seem to have problems on an ongoing basis. He suggested that the Local Authority seek assistance from the Gardaí and that cameras be installed in these estates. It is unreasonable to expect a Garda presence in estates 24 hours a day. He suggested that members of Killarney Town Council raise the issue of installing cameras in estates.

Cllr. D. Healy-Rae asked if a person is convicted of drug dealing will they be allowed remain in a Local Authority house.

Cllr. M. Cahill said the responsibility for 12/13 year old children lies with the parent/guardian. The Gardaí are not responsible for these children. The issue of drugs is a matter to be dealt with by the Gardaí. He suggested that drugs awareness campaigns be undertaken through schools.

Cllr. T. O'Brien said anti-social behaviour affects private housing estates as well as Local Authority housing estates. This is a widespread problem in every town and village. This must be acknowledged. The installation of CCTV cameras moves the problem from one place to another. This will not completely address the problem. Amenities must be provided for young people. It must also be stated that not all young people are involved in this anti-social behaviour.

Cllr. M. Gleeson agreed with comments made by Cllr. T. O'Brien.

Cllr. T. Fitzgerald said the Tralee Town Council Joint Policing Committee is in place for some time. Anti-social behaviour in today's society must be tamed. People with families have a responsibility to know what their children are involved in. All members of society must make an effort to behave properly. Many people in voluntary bodies throughout the county are doing great work on the ground and are familiar with what is happening. All agencies should work together to right and alleviate anti-social behaviour in society. The Gardaí and communities must be supported to alleviate the unacceptable level of violence. These issues will be discussed by the JPC and consideration given to solutions.

Cllr. M. O'Shea asked if a more detailed approach is taken to investigations conducted on applications for rent allowance if the applicants are known to have a history of crime. He also referred to zoning and said high density zoning in towns and villages leads to a breeding ground for anti-social behaviour in large estates. Density of Local Authority and private estates must be reduced. This has been echoed in the Council Chamber and at Area Meetings.

Cllr. B. Cronin said he agreed with the sentiments expressed by speakers. There is a small element of society causing these difficulties, they have no respect for life or property and they do tremendous damage. There is a responsibility on parents to know where their teenagers are and be responsible for them. He said not all young people are involved in such anti-social behaviour. In modern society there are very few outlets for teenagers and young people to go to with the exception of sporting organisations. He complimented groups that organise alcohol-free discos. Years ago there was a network of youth clubs and they held various events and discos. This facility is no longer available. Insurance difficulties prevent these facilities being provided. Young people must be directed from anti-social behaviour. There is also an element of responsibility on the Local Authority in dealing with this issue.

Mr. J. Breen, Director of Housing and Community & Enterprise, said anti-social behaviour is a difficulty in private housing estates as well as Local Authority housing estates. The Local Authority can act only within legislative provisions. As possession of illegal drugs is not anti-social behaviour, he suggested that this matter be referred to the Oireachtas for consideration. Personal responsibility is a huge issue. Behaviour is a function of the person first and foremost. The Anti-Social Behaviour policies of Kerry County Council provides that when a person applies for and is allocated a Local Authority house that they behave in a proper manner. Anti-social behaviour is not

acceptable. The Local Authority is dependent on communities to oppose anti-social behaviour and report such behaviour to the Local Authority. A Tenancy Compliance Officer calls to all tenants to ensure they are complying with the Tenancy Agreement. The Local Authority must act within the law which requires evidence and proof of a case of anti-social behaviour. Only a District Court Judge can withdraw tenancy once it is allocated. Once a complaint is received it will be fully investigated and the Local Authority will exercise every opportunity to deal with the complaint. Complaints are dealt with in the strictest of confidence. Pride in estates must be established and maintained. The establishment of residents associations is helping establish this pride. He said Kerry County Council recently introduced changes to the Anti-Social Behaviour Policy, through the Housing SPC, that all applicants be vetted by the Gardaí. If a person has a criminal record the allocation of a tenancy is withheld for two years. Applicants for Local Authority rent allowance are investigated. He advised elected members that future JPC meetings will be moved from Council meetings dates.

Cllr. J. O'Connor said when building housing estates Kerry County Council employs an archaeologist to ensure artefacts found are protected. The employment of a social anthropologist would help address issues with anti-social behaviour. Lessons could be learned from pilots undertaken in other countries. Social anthropologists study how society behaves in groups and this would be advantageous going forward.

Cllr. J. O'Connor referred to the Joint Policing Committee and asked if representatives from youth groups could attend meetings when discussing issues regarding drugs. Young people should be involved and given the opportunity to discuss their issues at this excellent forum.

Cllr. T. Ferris expressed abhorrence that this discussion commenced with a JPC report regarding crime and has developed to a discussion on behaviour of social housing tenants. A person's social economic background does not mean they will behave in an anti-social way. She asked if the Housing SPC should consider the termination of a tenancy agreement. In Northern Ireland the first two years of tenancy is a probationary period. She said the majority of social housing tenants are model tenants and difficulties can be experienced in all estates.

Cllr. J. O'Connor undertook to provide Cllr. Ferris with the Anthropologist's brief to which he referred. He said he was not referring to a specific estate. The structure of future housing estates could be assisted by social and cultural anthropology. Expertise and recommendations of an Anthropologist could be considered.

Cllr. M. Healy-Rae said he supported Cllr. Ferris's comments regarding the direction of the discussion on this issue. While there will be problems from time to time in housing estates, private or public, it is the exception rather than the rule.

Cllr. T. O'Brien said it has been stated by a number of members that anti-social behaviour can be experience in Local Authority estates and private estates.

Mr. J. Breen said the Housing Department of Kerry County Council has vast experience through its staff which have an input to all estates. There is extensive consultation with the Crime Prevention Officer of the Gardaí in developing estates.

**08.11.17.11 Report on the operations and activities of the South West Regional Authority**

It was unanimously agreed to note report from Cllr. M. O'Shea on this item which was circulated.

**08.11.17.12 Summary of Proceedings at Conferences**

**(a) Respond Housing Association National Conference 2008**

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

**(b) Carlow Tourism National Conference**

Cllr. T. Fitzgerald said he attended this conference which was opened by Minister Cullen. Presentations at the conference included "Opportunities for Tourism and the Environment" from Failte Ireland and a presentation on "Cultural Tourism". Kerry should give consideration to items from this Conference. Kerry County Council could develop the use of the environment as a means of promoting tourism. Kerry is doing a lot to promote tourism trails and the cultural aspect.

**(c) IPA Regional Seminar on the Green Paper**

It was unanimously agreed to note Cllr. T. Ferris's written report on this item which was circulated.

**(d) Parnell Summer School 2008**

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

**(e) Humbert Summer School 2008**

It was unanimously agreed to note Cllr. T. Ferris's written report on this item which was circulated.

**(f) Annual Conference of the society for folklore studies**

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

**(g) Social Inclusion/Mid West Conference**

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

**(h) Kerry Life Education Ltd Conference – Getting a Grip 2008**

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

**(i) Climate Change Conference**

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

### **08.11.17.13 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for Ballingar Bridge Replacement – Pre-qualification Questionnaire.
- (b) On the PROPOSAL of Cllr. T. Ferris SECONDED by Cllr. T. Fitzgerald, it was agreed to approve the opening of Tenders for Single Rural Cottage at Tooreengarriv, Ballydesmond.

### **08.11.17.14 Reception of Deputations**

- (a) Residents of Balladigue Road, Listowel  
Cllr. T. Buckley requested that a deputation be received from the residents of Balladigue Road, Listowel, regarding roads. On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. L. Purtill, it was agreed that this deputation would be received at the next Listowel Electoral Area Meeting.
- (b) Residents of Gurrane, Killorglin  
Cllr. M. Cahill requested that a deputation be received from the residents of Gurrane, Killorglin regarding roads. On the proposal of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue, it was agreed that this deputation would be received at the next Killorglin Area Meeting.

### **08.11.17.15 Notices of Motion**

#### **1 Placement of Long Stay Hospital Patients on Register of Electors**

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

"That Kerry County Council request the Health Service Executive to ensure that all long stay patients in hospitals throughout the county are put on the Register of Electors and that the HSE ensure that the applications for registration are submitted to the Council each year."

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

**The Franchise Office of Kerry County Council ensures that our Enumerators visit each hospital and nursing home within their area. This is done on an annual basis during June to September in preparing the Draft Register of Electors. We also make contact with each hospital and nursing home in relation to the Special Voters List. A supply of application forms for Special Voters are also sent directly to the hospitals and nursing homes in August of each year. Following on from the motion, we will write again to the HSE advising them of the issues raised in the motion.**

Cllr. P. O'Donoghue welcomed the reply and said this motion was tabled as during the last election the Register of Electors was deficient with regard to long-term stay patients in hospitals. The HSE are required to be vigilant in this area and people should not be disenfranchised because they are in hospital. He requested that Kerry County Council remain in regular contact with HSE and individual hospitals regarding this matter.



## **2 Maintenance of Hedges**

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

“Owing to the disgraceful state of the hedges over-growing out onto the roads in our County, that we the Members of Kerry County Council, by means of a resolution, direct our County Manager and our Director of Services for Roads, Transportation and Safety to cut, as part of general road maintenance, all of the hedges in County Kerry. With this motion I also want to be presented with the information as to how much this would actually cost and to have management seriously consider the proposal that I made in the past which was that each engineering area would have its own machinery to do this work.”

### **The following report was issued:**

**The issue of hedge cutting and the responsibility for same has been debated at length at previous Council Meetings.**

**The responsibility for hedge cutting along the public road, under Part 6, Section 70 of the Roads Act, 1993, rests completely with the land owner.**

**In 2008, the Roads Enforcement Officer issued letters to approximately 7,000 known landowners requesting them to cut their hedges. This was followed up by the issuing of a further 96 notices which were acted upon by the landowners. It is clear from these figures that the majority of landowners take their responsibilities seriously and comply with the law. However, if Members are aware of roads where the absence of hedge cutting is an issue, they should bring it to the attention of the Roads/Transportation Section who will follow up the matter.**

**There are 4,713 kms of road network in County Kerry. This figure equates to an estimated length of 9000 kms of hedgerow. At today's hire prices and under current Health and Safety requirements it is estimated that to cut this length of hedgerow would be in excess of €750,000. The current Road Maintenance allocation is inadequate at present to deal with the required standard of maintenance on our road network. Increasing the demand on this limited allocation for hedge cutting works, for which the County Council is not responsible, could not be considered and could be subject to audit review. Some limited hedge cutting is carried out by the Council at junctions in the interest of safety. It would be unwise, even if legal, to carry out even a limited hedge cutting programme as this would make it impossible to pursue those whose hedges are not being cut through the legal process.**

**As Kerry County Council is not responsible for the activity of hedge cutting, the proposal to investigate each Engineering Area having its own machinery to do this work has not been considered.**

Cllr. M. Healy-Rae said he does not have a conflict of interest in discussing this matter and as the Notice of Motion outlines it is his preference that each engineering area would have its own machinery to carry out hedge cutting work.

Cllr. M. Gleeson asked is in order to deal with this Notice of Motion which appears to ask the County Manager to undertake works which are against the law of the land.

Mr. G. O'Brien said the understanding of the executive is that the Elected Member is entitled to table the motion.

Mr. J. D. Flynn, Director of Corporate Services, said the Notice of Motion does not seek to direct the Manager by way of Section 140.

Cllr. M. Healy-Rae moved the Notice of Motion as it had been presented on the agenda. He said Cork County Council carries out hedge cutting work and other counties have a different hedge cutting policy to Kerry County Council. Roadways in County Kerry are affected by uncut hedges. The Roads and Transportation Department are doing excellent work improving roads but hedge cutting maintenance is not carried out on the roads. Cutting hedges would stop drains being blocked by debris falling from the hedges and the roads would be much wider. It would be economical if each Area Engineer had their own hedge cutting machinery. It is incorrect for the Notice of Motion reply to say all farmers are complaint with hedge cutting. An amount of staff time is taken up with monitoring this matter. It can arise that hedge cutting notices issue and the landowners are not resident in Ireland. He expressed his disappointment with the reply and asked why Kerry County Council can not make hedge cutting part of its ordinary roads maintenance policy.

Cllr. P. McCarthy said the reply outlines that there is an increasing number of people who do comply with cutting hedges and this is visible in driving the roadways. When hedges are cut it is safer to drive and there is less damage to the roadways. When roads are overshadowed by hedges they do not dry out and in frosty weather they are a source of danger. Road safety, road maintenance and car maintenance must be considered. Area Engineers could control the hedge cutting or the landowners not cutting hedges should be given notification to cut the hedges and if it is not done the Council should cut the hedges and charge the landowner. Uncut hedgerows must be addressed.

Cllr. B. Cronin said Cllr. Gleeson made a point of information request and is entitled to the clarification sought. He expressed concern regarding the legal aspect of this Notice of Motion. Some time ago Cllr. D. Healy-Rae, proposed a motion regarding hedge cutting while he had a live and active tender with Kerry County Council. He said he does not accept that the Chairman at the time, Cllr. Ned O'Sullivan, County Manager and Ethics Officer said there was no conflict in that case. He said many farmers and landowners cut their hedges and roadsides before legislation required them to do so. He supported farmers who maintain their property and said it is good farming practice. He said he could not accept that an owner for land cannot be identified. The issue of hedge cutting continues to be raised. He said he accepts that roads in some areas are deplorable and asked that hedges at junctions be cut back 50-100 metres. He asked who would pay the cost of €750,000 and if it would be borne by rate payers. Part of the criteria to be paid money under the Rural Environment

Protection Scheme (REPS) is maintaining the hedgerow of lands. He said he has requested a map identifying lands which have received REPS payments and this could be overlaid on a map of the county to identify land owners who are not cutting hedges. He said he would not support this Notice of Motion and imposing €750,000 on the rate payers to compensate for people who will cut their hedges. The legislative requirements have been outlined previously on this matter. He complimented landowners who maintain their hedges. He asked management to bring this issue to a conclusion.

Cllr. M. Gleeson said the appearance and safety of roads is of vital importance to the county. He said he would support the proper actions that will ensure that these objectives be realised. He said he would support the Notice of Motion if it is amended to call on the Minister to amend Section 76 to give authority back to the Local Authority to cut hedges but he could not support the motion as it is presented.

Cllr. M. Connor-Scarteen said a number of private contractors do this work and employ local people. There are roads where the hedges are almost meeting. Kerry County Council should take a stronger stance with landowners who do not comply with hedge cutting requirements.

Cllr. J. O'Connor said farmers should be responsible for cutting their side of the hedge and the Local Authority should be responsible for cutting the road side of the hedge. If a farmer wants to remove a hedge he must locate the fence on the middle of the hedge, not on the parameter. Under the Wildlife Act hedges cannot be cut during growing season, except where there is an issue for health and safety and hedges are encroaching on the road. In this case the land owner must cut the hedge. The landowner should not be put to the expense of cutting hedges twice a year.

Cllr. M. Cahill supported the Notice of Motion. He said some years ago he called on the Local Authority to buy hedge cutting equipment and if this investment had been made it would now be paid off. While many landowners are cutting hedges the vast majority of land owners are not. Road safety is a huge issue and is one of the main reasons for planning refusals. With investment in hedge cutting equipment the hedgerows on the county's roads would be cut back on Kerry County Council's terms.

Cllr. M. Healy-Rae said he did not say there were no owners for land, rather that Hedge cutting Notices are issued and the landowners may be away and not resident in the county. In this case those hedges are not cut. He said it is incorrect to state the majority of hedges are cut in the county. The cost of €750,000 would not be imposed on the taxpayers. There would be a once-off investment in equipment and there are staff on the payroll capable of carrying out this work. An investment in hedge cutting equipment would keep the county's hedgerows tidy and provide a proper service.

County Manager said an elected member can table a Notice of Motion asking a question. A legal issue arises if the Notice of Motion is passed

and the County Manager is directed, by means of Section 140 of the Local Government Act, to act against the law.

County Manager said the Roads Act places the onus on the landowner to cut hedges and this has been established in law. He said he will not spend public money incorrectly and will not authorise this Council to spend money where it does not need to be spent. He said he could not comment on the Hedge cutting Policy of other Local Authorities. He said the Roads Department was once accused of carrying out hedge cutting on particular roads and it was found that the private land owners had engaged the same hedge cutting contractor as Kerry County Council. Each year an increasing number of Hedge cutting notices are issued by the Roads Department. He said he has had meetings with the IFA and ICSMA and they have accepted the responsibility lies with the land owner and have agreed to work with Kerry County Council to ensure their members will comply with the law regarding hedge cutting. The Roads Department issued over 5,500 Hedge cutting Notices in 2008 and the vast majority have been complied with. To say very few landowners cut their hedges is contrary to the information available from the Roads Department. He said the responsibility for hedge cutting lies solely with the landowner and he will not spend public money on hedge cutting. Any future Notices of Motion on this issue will be given the same reply.

Cllr. M. Healy-Rae said the Manager has said public money would not be spent on cutting hedges. Hedge cutting was undertaken by Kerry County Council previously and the Roads Act was in place. He asked why the hedge cutting policy changed. The same law applies then as it does now. County Councillors allocations were allocated for cutting hedges. Management changed the policy regarding hedge cutting. The hedge cutting notices are not being complied with. The hedges are a disgrace and cars are being scraped and torn. He said it would be prudent to progress and purchase this equipment. He PROPOSED that Kerry County Council proceed to purchase this equipment.

Mayor Fleming expressed concern that the cost of making his investment in hedge cutting equipment would be imposed on ratepayers. This is a resource of money Kerry County Council does not have. There is a need to surface dress roads which have not been worked on for many years. The Roads Act should be enforced and hedge cutting notices that are issued should be pursued. In many cases land owners are waiting for hedge cutting contractors to do the hedge cutting.

Cllr. J. Brassil said it was extremely difficult to implement the hedge cutting notices initially but gradually landowners are complying. To purchase hedge cutting equipment would be a step backwards and would cost the Local Authority in the long term. He requested that the Roads Department continue to take road safety responsibility into consideration regarding overgrown junctions.

Cllr. J. O'Connor asked where the obligation to cut hedges lies in the case where the landowner has cut hedges under the safety requirements of the Wildlife Act and they have grown out.

County Manager said if hedges are cut properly at the right time of the year further growth would not be a difficulty.

Cllr. P. McCarthy said he accepted the legal position on this issue and that Kerry County Council does not have €750,000 available to provide this service. Members should provide the Roads Enforcement Officer with a list of hedges that have not been cut.

Mr. C. O'Sullivan, Director of Roads and Transportation, said the obligations on land owners regarding hedge cutting are highlighted in a highly publicised campaign. Representations from elected members in 2007 were followed up and a second notice issued to the land owners. Landowners have 21 days to comply with the hedge cutting notice. Hedge cutting notices to 90 land owners based on these representations were fully complied with and did not go to Court. One case was brought to Court in 2007 and the Judge ruled in favour of Kerry County Council that it was the responsibility of the landowner to cut the hedge.

### **3 Reduction of Speed Limits at Schools**

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

"Will Kerry County Council bring forward a plan to reduce speed limits outside of all schools in the County."

**The following report was issued:**

**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. The bye-laws made provision for the introduction of Temporary Special Speed Limits at 2 schools on the N86, Foilmore and Derryquay. The erection of flashing speed limit signs, and the application of road markings at these locations was provided under a special pilot project funded by the NRA. These locations are currently being monitored to the effectiveness of the safety measures, and the expansion of this scheme to other schools will depend on the feedback from the NRA Safety Officer and funding being provided. It is hoped to complete this review in 2009 and bring the report to the Transport SPC.**

**Members will be aware that considerable funding has been invested in the provision of advanced warning signs and school flashing lights for all schools outside of the special speed limit areas over the past 8 years. In recent times the programme has been extended to schools within the special speed limit areas and it is our intention to continue with the programme, subject to the availability of funding.**

**Notwithstanding the speed limit on any roadway, the responsibility of a driver extends much further than simply obeying a speed limit. The driver is required to ensure that the speed at which his or her vehicle is being driven is appropriate for the prevailing circumstances, bearing in mind the road conditions and the general environment.**

Cllr. S Fitzgerald thanked the Executive for the report. It is important that the review of temporary measure put in place be brought to the Transport SPC. For years people have complained about the speed at schools but since the signs were erected traffic has slowed down. This system should be rolled out to the rest of the county as the present flashing lights system is not working.

Cllr. M. Gleeson supported the Motion. There is an obligation on the NRA to address this matter on major roads. There is a need to impose a reduced speed limit at national schools.

#### **4 Proposed Gas Line from Foynes to Tarbert**

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

“Has the Manager any up-to-date news on the proposed gas line from Foynes to Tarbert bringing back gas into Kerry.”

**The following report was issued:**

**An Bord Pleanála received the application under the Planning and Development (Strategic Infrastructure) Act 2006 for permission to construct the pipeline to connect the proposed importation terminal at Ballylongford to the National Grid near Foynes in County Limerick on 14 August 2008 and the application was referred to Kerry County Council for comment on 19 August. The final date for submissions was 7 October. We sent back our response on 3 October together with a suggested schedule of conditions to be attached to any grant of permission.**

**Under the Act the Board has an objective to determine this application within 18 weeks of the latest date for making observations to the Board. A decision on the application is therefore expected by 18 Feb 2009.**

**A contemporaneous application has been made to the Board under the Gas Act, 1976 for the making of a compulsory acquisition order in relation to the lands on which the pipeline will be constructed. The Planning Authority has been informed recently that an oral hearing in relation to the application for the pipeline and the application for confirmation of the CPO will open in the Listowel Arms Hotel on Monday, 1<sup>st</sup> December.**

**It is premature, at this stage, for any decision on possible spur connection off this new gas pipeline to towns in Kerry. However, the matter will be kept under review.**

Cllr. D. Kiely said the union at Tarbert ESB plant have accepted a package from the ESB. He thanked the ESB for their contribution to the county. A new company will take over this plant at the start of December. This company has made an application to Bord Gáis to bring gas from Foynes to Tarbert. He requested that the County Manager follow up this matter. If gas is piped to Tarbert a spur should be provided to bring gas to the rest of the county.

Cllr. M. Gleeson supported this Motion. To provision of natural gas in Kerry would allow equality of opportunity with other parts of the country. The protection of our environment is of such great importance that natural gas will help protect and preserve our environment.

## **5 Refuse Collection Schedule during Tourist Season**

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

“That collection of refuse during the tourist season in various towns in the County be carried out either very early or late by both the Council and the private sector.”

**The following report was issued:**

**Kerry County Council Refuse Collection Service sets out Refuse Collection Routes in the main towns to ensure that there is minimum disruption to traffic at peak times. Please find listed below the times by which the main commercial areas of each town are completed by the Refuse Collection Crews:**

<b>Town</b>	<b>Time by which Town Centre Collection is Completed</b>
<b>Ballybunion</b>	<b>8.30 am</b>
<b>Killorglin</b>	<b>8.30 am</b>
<b>Caherciveen</b>	<b>8.45 am (Every 2<sup>nd</sup> Tuesday the brown bin collection run through the middle of the town is completed mid afternoon)</b>
<b>An Daingean</b>	<b>8.15 am</b>
<b>Castleisland</b>	<b>9.00 am</b>
<b>Kenmare</b>	<b>8.30 am</b>

**Where it has been brought to our attention that Refuse Collection Operations are systematically causing congestion Kerry County Council will make every effort to amend the collection run to minimise the disruption.**

**The setting of collection times for the Private Collectors would be an issue for their Collection Permits which are administered by the Regional Authority and the matter will be highlighted at the next Regional meeting.**

Cllr. B. MacGearailt said it is important that the streets are litter free during the Summer. He welcomed the initiative by the Council and said an earlier start time, especially in tourist areas should be introduced. He welcomed collection times in An Daingean commencing at 8.15 a.m. Early collection times should also be a condition on permits granted to private collectors. He requested that this matter be raised at the SWRA Meeting.

## **6 Farm Waste Management Programme**

### **Pursuant to Notice duly given, Cllr. T. Buckley PROPOSED:-**

"That Kerry County Council calls on the Minister for Agriculture to extend the completion date for projects under the Farm Waste Management Programme until July 2009 in view of the large number of projects that will not go ahead before the closing date of 31st December."

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

Cllr. T. Buckley requested that a letter issue to the Minister for Agriculture requesting an extension to the deadline for projects under the Farm Waste Management Programme. This is a very serious matter for farmers and farming organisations are requesting an extension to the deadline. The weather affected work being undertaken this year and building contractors were not available to do the work. The deadline should be extended by 3-6 months.

Cllr. B. Cronin said he supported this Motion. He said at the July Council Meeting he had tabled the same Motion requesting that the MEPs and Minister for Agriculture contact the EU to extend the deadline date on this programme. Work under this programme is being done to protect the environment. He said asked that Kerry County Council issue a letter to the IFA and ICSMA to upgrade the urgency of the calls they have made to extend the deadline. He said it is his understanding that application was not made to the EU Parliament by the Irish Government to extend the deadline. He expressed concern for the safety of farmers and employees who are rushing to complete works under this programme.

Cllr. T. Ferris said this matter has been raised over the last number of months and it is her understanding that the Department of Agriculture has not reacted to calls made to seek an extension to the deadline for this programme. There is also the element that hundreds of construction workers have no work. An extension to the deadline of this programme would ensure employment for an additional period and take strain off the social insurance fund.

Cllr. J. O'Connor said he also supported the Motion. He said it is also his understanding that no application has been made for an extension to the deadline for this programme. There are a number of elements involved now, i.e. health and safety, extra construction work and works undertaken under this programme will have a positive effect on the environment.

## **7 Mortgage Security Guarantee**

**Cllr. T. Ferris moved this Motion on behalf of Cllr. R. Beasley.**

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

"That Kerry County Council calls on the Government, in light of their recent guarantee for the banking institutions, to now introduce a mortgage security package that will protect home owners including a moratorium on home reposessions while this guarantee stands."



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

## **8 Signposting Local Roads**

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

"That the Council would make financial provision for the erection of appropriate signage indicating the Ordnance Map number of each local road [L-\*\*\*\*]. Such signage is of singular importance in a county so dependent on tourism."

**The following report was issued:**

**Ordnance Survey maps do not indicate local road numbers, only National and Regional Road numbers. The numbering of local roads is done by local authorities primarily for the benefit of recording works. It is most unlikely to be of benefit to tourists and the estimated cost of providing such signage is estimated at €250,000, which would place an additional burden on the limited resources available for local road maintenance.**

Cllr. M. Gleeson said that minor roads in County Offaly are numbered on a small sign and suggested that such signage be introduced in Kerry when finance becomes available.

## **9 Expansion of Kerry Airport**

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

"That Kerry County Council request a meeting with the Board of Kerry County Airport to explain the failure to draw down government funding for the expansion of the airport."

Cllr. M. Cahill referred to his Notice of Motion, No. 10 on the agenda, and said he wished to move it.

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

"In view of the importance of Kerry Airport to the county, tourism and businesses, I propose that Kerry County Council immediately enter into discussions with the Board of Kerry Airport and the Department of Transport with a view to exploring all options so as to ensure that the much needed expansion of the airport goes ahead as planned."

Cllr. B. Cronin referred to his Notice of Motion, No. 25 on the agenda, and said he wished to move it.

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

"That this Council urgently calls on the Government to honour their previous commitment and proceed with the financial investment required for the crucial expansion and development of Kerry Airport as this work is vital for the future growth of our tourism and business sectors and for the future growth of our county."

**The following report was issued:**

**In 2007, over 389,000 passengers passed through Kerry Airport. Overall the numbers passing through the Airport is increasing year on year and the Board is actively working with service providers to increase the number of destinations served from Kerry Airport.**

**In order to cater for the numbers of passengers, from a safety, security, efficiency and comfort viewpoint the Board is of the view that the terminal building needs to be enlarged. A number of options were examined and it was agreed that a new building at a different location within the airport site was the best option. Proposals were drawn up and submitted to the Department of Transport for approval and support.**

**The Department have appointed Consultants to carry out an appraisal of the project. As far as we are aware this application is still under consideration by the Department and no formal reply has been received.**

**It would be detrimental to the long-term sustainability of Kerry Airport if the enhancement of the terminal building is not advanced in the foreseeable future.**

Mayor Fleming said in February, 2007, there was an announcement from the Minister of Transport and from the office of the then Minister for Arts, Sport and Tourism, Mr. John O'Donoghue, welcoming funding of €19 m for Kerry Airport. Recently there has been a negative announcement that this funding has been withdrawn. He sought clarification as to whether contact between the Department of Transport and Kerry Airport Board was prior to or after the announcement of the funding. He said he could not understand how his allocation could be withdrawn. He asked how advanced discussions were between the Department and the Airport Board. Recently congestion was experienced at the terminal of the airport in accommodating the large number of flights. There is a particular need for infrastructural development. It is unfair on the customers using the airport and it is uncomfortable for the staff. It gives a bad impression to the visitor to the county. Kerry Airport is a welcome success for the county and as it is important for the development of tourism and the economy of the county this matter should be pursued.

Cllr. B. Cronin said he is the Council's representative on the board of Kerry Airport, unpaid, for the last three months. He read the wording of his Motion as follows: "That this Council urgently call on the Government to honour their previous commitment and proceed with the financial investment required for the crucial expansion and development of Kerry Airport as this work is vital for the future growth of our tourism and business sectors and for the future growth of our county".

Cllr. Cronin said long term members on the Kerry Airport Board may be able to clarify the previous situation, but he would outline the last three months. There is huge difficulty dealing with capacity at the airport and the arrivals and departures lounges are under pressure to accommodate people. He said it is his understanding that most of the funding was

withdrawn due to financial cutbacks being experienced by Government. Kerry Airport is important for tourism growth and maintaining passenger numbers to the county. It is also important for business development and in particular for the industrial zoning in the Farranfore area. While discussions are ongoing there is a clear indication that funding will not be forthcoming. The Chairman of the Kerry Airport Board and senior members of the Board have had communications but in order to assist this project a delegation from Kerry County Council should meet with the Minister for Transport to convey how important the development of Kerry Airport is for the county. In excess of 60 people are employed by the Airport. It is an outlet and an inlet that is required for the county. It was requested at a previous Council meeting that a letter issue to Ryanair to reinstate the 9.00 a.m. flight to Dublin. A letter to this effect issued to Ryanair from Kerry County Council and Kerry Airport. At the last meeting a response from Michael O'Leary was noted in which he refused this request. Kerry Airport will contact Mr. O'Leary again to make a case on the reinstatement of this flight.

Cllr. J. O'Connor **SECONDED** Cllr. Cronin's proposal to seek a deputation with the Minister of Transport regarding the development of Kerry Airport.

Cllr. M. Cahill moved Motion Number 10 and said the proposed development is the most critical project for the future of the county. The proposed development involves a new terminal, bar and restaurant, modern arrival terminal and a new control tower. The airport will not be able to cater for passenger numbers by 2010. This will affect the general welfare of the county. He supported the proposal to meet with the Minister for Transport on this issue. The Manager should meet with the Kerry Airport Board, senior civil servants and the Minister to get this project back on track. Tourism generated through the Airport is worth €50m. Passenger numbers are projected to be at one million by 2010.

Cllr. P. O'Donoghue thanked Cllr. Cronin for the update on the reinstatement of the 9.00 a.m. flight from Kerry to Dublin. He expressed disappointment at the response from Ryanair as this was a very important business flight and connection flight. The withdrawal of funding for the development of the airport is a setback for tourism in the county. He welcomed that the Kerry Airport Board will pursue the issue. Kerry County Council should also pursue this issue. It was extremely difficult to get funding some years ago and it has been acknowledged in public that having a Minister in the Cabinet at the time helped to secure this funding. The fact this funding could now be at risk is regrettable. A strong case must be made to Government and while it is acknowledged that cuts must be made Kerry Airport must be a priority for funding. Even in recessionary times you must invest in the future. He called on Deputy Healy-Rae to make every effort to influence this matter at Government level as a priority for the county.

Cllr. J. Brassil supported the Motion and request that a letter also issue to the Minister regarding the levy on flights from Kerry to England of €10 which was introduced in the recent Budget. The levy on flights from

Dublin is only €2 which gives Dublin an unfair advantage. There should be an equitable charge for all airports in the country.

Cllr. M. Cahill supported the inclusion of this issue with the letter to the Minister.

County Manager welcomed the support of the elected members for Kerry Airport. The funding for national airports was set aside in the National Development Plan to be spent over the life of the plan. The finalisation of any proposal to spend in excess of €17m requires a lot of consultation and communication with various Governments Departments. While some money has been drawn down for minor works on safety requirements, the major spend was to be on redesign. As this funding is allegedly withdrawn (no formal notification has been received by the Airport) no further drawdown can be made. He supported the proposal to seek a deputation to the Minister.

Mayor Fleming said a deputation with the Minister for Transport would be sought.

Cllr. Kiely asked if the Board of Kerry Airport made every effort to progress this development.

County Manager said consideration was given to the issue of extending the existing building or a new build and there has been a lot of discussion on this. A new build was considered the best way forward in terms of value for money.

Cllr. D. Kiely said he would have expected that this would have been the first decision by the Board of Management.

County Manager said consensus had to be reached with the Board. Management had decided and the Board dealt with it in the most appropriate fashion. This has not had an impact in terms of funding available. At no stage was the airport authority in a position to draw down funds.

## **11 Grant Aid for Houses**

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

“That the Housing Section of Kerry County Council make a statement as to the availability of funding for grant aid for older people applying for grants to do essential repairs to their houses, (a) how much has been paid out of the 2008 allocation so far and (b) how much funding is available for the remainder of the year to meet applicants demands.”

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

**The combined original capital allocation for 2008 to Kerry County Council for the payment of the Disabled Persons and Essential Repairs Grant Schemes and the Housing Adaptation Grants for Older People and People with a Disability Schemes, for private dwellings, in 2008 was €2,590,770. Following a case being made to**

the DoEHLG for additional funds by the Council an additional exchequer funded allocation of €300,000 has recently been advised to us for which an additional €75,000 is to be added from the Councils own resources. This brings the overall available funding in the current year to €2,965,770. To date in the current year the total amount of grants paid out is €1.036m in respect of Essential Repairs/Housing Aid for Older People grants and €1.88m in respect of the Disabled Persons/Housing Adaptation Grant for Disabled Persons/Mobility Aid grants. The overall amount of grants paid out to date under all schemes is therefore €2.916m. We intend to fund the remainder of anticipated claims for payment between now and the end of the year from our internal capital receipts for which a once off provision of €300,000 has been made for that purpose. However as advised at the Council meeting held in July the Housing Department has had to introduce prioritisation measures in the allocation of grant funding based primarily on medical need as it has become clear that the level of funding received from the DoEHLG is insufficient to meet the overall increase in demand for the revised schemes. Recently an implementation policy was presented and agreed at our Housing SPC meeting in relation to the Housing Adaptation Grant for Older People scheme for which the number of applications has increased the greatest. Under this policy applications under this scheme will be prioritised on the basis of (i) medical needs of the applicant, and (ii) urgency and necessity of the identified works.

Cllr. D. Healy-Rae said this motion was tabled as a number of applicants are awaiting a response on their application. He acknowledged the constraints on the grant scheme and that not every applicant can be included for a grant. However, it appears that a lot of applications have not been processed and some applications have been refused where the application is for the replacement of old teak frames. It is impossible to heat a house with draughts coming through the frames of the windows. He expressed concern that a lot of people have not been considered for a grant this year. He said he hoped in Budget 2009 these applicants will get priority.

Cllr. D. Kiely supported this motion. Many people have applied for this grant. Applicants are being slotted into categories (A-C) and applicants in Category C, the replacement of windows, are not being dealt with. Applicants in this category were previously dealt with by the HSE. These applications are now with the Local Authority but it appears they are not being considered.

Cllr. A. McEllistrim said applications for replacement windows that have been investigated and approved should be dealt with before pursue new applications.

Cllr. M. Cahill said the Housing Aid Scheme for the Elderly administered by the HSE was an outstanding scheme. While this scheme is now incorporated into the Local Authority grant scheme additional funding has not been provided.

Cllr. D. Healy-Rae asked when the decision was made that applications for replacement of teak frames would not be dealt with. He said he did not agree with this policy.

**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. M. Gleeson, **SECONDED** by Cllr. A. McEllistrim, it was unanimously agreed to suspend Standing Orders to finalise consideration of this item.

**Notice of Motion No. 11 Grant Aid for Houses, Contd.**

Cllr. M. Cahill asked if there is a long waiting period for applications in Category C (replacement of windows).

Mr. J. Breen, Director of Housing and Community & Enterprise, said the situation was set out in the response to the Notice of Motion and in a report presented to the July Council Meeting when it was indicated that funding was not available to meet the level of applications received. At the July meeting it was indicated that applications totalling €2.12m had been approved and were ready to be allocated, however, no further funding was available. An additional allocation of €300,000 has been received. Many Local Authorities are not accepting or processing applications because resources are not available. Only resources that are available can be allocated. This was agreed at the July Council Meeting. Grants are being prioritised and prioritisation will continue in 2009. The Housing & Social Support Department is effected by the state of the economy. Demand on the department is increasing while the economy is declining. The works programme must be prioritised. The scheme of priorities agreed at the July Council meeting is being implemented. The grant scheme was assigned to the Local Authority from the HSE without funding or staff. If an applicant has a case of severe medical need priority consideration will be given to that application. The level of demand and number of applications is at an all time high.

Cllr. D. Kiely said it appears that people applying for replacement of windows are not being considered.

Mr. J. Breen said all applications are being investigated and prioritised. Some Local Authorities are not accepting applications. Applications for replacement of windows are assessed but are not a priority. As outlined in the reply to the Notice of Motion applications are being prioritised. Expectations cannot be created that work will be done when resources are not available. Payment of grants are now being processed. The level of applications has increased beyond all expectations.

Cllr. T. Ferris said the Government has cut funding for the Housing Aid for the Elderly scheme by transferring this scheme to the Local Authority without additional resources or staff which had been provided to the HSE. When a fixed amount of money is available applications must be prioritised.

Cllr. D. Healy-Rae said this Notice of Motion concerns elderly people whose applications for replacement windows are not being considered. There will be a medical need in these cases over the winter.

Cllr. D. Kiely said this scheme is in place to assist the elderly of the county and has been assigned to the Local Authority to administer. Additional funding should be sought to fund this scheme. The scheme for replacement of windows should be prioritised.

Mr. J. Breen said the scheme was with the HSE and transferred to the Local Authority. Additional funding of €300,000 has been received for the scheme. Nationally 72 staff were employed by the HSE on that scheme. These staff were not assigned to the Local Authority with the transfer of the scheme. A report was agreed by Council in July, 2008, regarding prioritisation of applications. This Council decided prioritisation of applications was required and the Housing Department are implementing that policy.

Cllr. T. Ferris said while applications are being prioritised in Kerry County Council, Louth County Council are facilitating applications only from the terminally ill.

Cllr. M. Cahill said he understood the need prioritise applications. He asked if it is possible to give an indication to an applicant in Category C as to how long they will be waiting.

Mr. J. Breen said waiting time is dependant on funding available and the level of applications. As outlined if there was a particular medical need such an application will take precedence over priorities.

Cllr. P. O'Donoghue said this issue was discussed by the Housing SPC and the Director of Housing and Community & Enterprise clearly stated that if an applicant has a medical need and if the doors and windows are having an adverse effect on a person's health the application will be dealt with.

## **12 Bus Lay-By in Farranfore Village**

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

"As it is now almost 2 years since I first requested the provision of a bus lay-by for traffic safety in Farranfore Village, why has no progress been made and will the Council have to C.P.O. the small section of land required to allow buses off the main road while stopping for passengers. Currently in the course of each day over thirty buses will make a stop in the village and totally block one lane of a National Primary Route."

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

**When Kerry County Council wish to acquire lands for improvement works, it endeavours to do so in agreement with the land owner. Negotiations can take time and agreement sometimes is not reached until the landowner and the Council is satisfied on all aspects of the**

**deal. In this particular case, negotiations are still ongoing with the valuer acting on behalf of the landowner.**

**From our experience of the CPO process, I am not satisfied that this is the appropriate course of action to acquire these lands. A more favourable outcome can be achieved through negotiations.**

Cllr. B. Cronin thanked the Executive for the report. This lay-by is critically important in Farranfore from a traffic management and road safety point of view. This has been discussed at Area Meetings and full Council previously. This Notice of Motion was tabled following discussions with Bus Éireann and locals. 32 buses stop on this road every day and obstruct traffic in the village of Farranfore. A small portion of land is in question. He said he asked the Local Authority to approach the landowner to purchase this strip of land. However, two years later no progress has been made. He PROPOSED, because of the importance of this facility so buses can move off the National Primary Route for passengers safety, that the Local Authority approach the landowner again and that proper and fair compensation be agreed for the land required. The common good must take priority in this case and there is an extreme urgency to sort this issue satisfactorily. He said following another motion he had tabled the results of a traffic count indicated that on average 10,000-12,000 vehicles pass through Farranfore every day. This emphasises the urgency and need for this bus lay-by. He requested that this matter be resolved within four months from today's meeting and if it has not been resolved satisfactorily by all sides, that he would propose a CPO Motion to take the strip of land in ownership. He requested everyone involved to agree a fair and reasonable solution. He urged the Killarney Electoral Areas Members to urge that this be brought to a satisfactory conclusion. He said a lay-by was put in place at Tralee Hospital following a request he had made and he complimented Kerry County Council on this.

Cllr. M. Gleeson SECONDED this motion and said it is not acceptable that this primary road is being impeded many times daily.

Mayor Fleming also supported this Motion.

Cllr. J. Sheahan supported this Motion and said buses should be able to pull off the main road and prevent congestion in the village. This traffic congestion is a traffic hazard.

The meeting adjourned for lunch at 1.50 p.m.

The meeting resumed at 2.45 p.m.

### **08.11.17.15 Notices of Motion, Contd.**

#### **13 Road Margins on the N22**

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

**"That Kerry County Council requests the NRA to complete the road margins on the N22 to the same high standard as the road itself. This is a highly populated road and should be made safe for pedestrians."**



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

**The funding received from the NRA for improvement works on the N22 was for the provision of an overlay on this section of carriage way only and did not allow for widening works or the construction of hard shoulders. The road is a National Primary Road in rural countryside with a speed limit of 100 km/hr. There is outstanding works to be carried out to raise the level of the existing verges and edge drainage, which will be completed shortly.**

Cllr. J. Sheahan said the NRA carried out works from Lawlor's Cross to within a mile of Killarney Town. While this work is welcome, the road margins are not complete. The provision of a margin would allow pedestrians to use the road safely and cars driving at a slower speed to pull over. Slow traffic on that road causes frustration for drivers. He said he hoped the NRA will accommodate this request.

Cllr. M. Gleeson supported the Motion. Work has started on the margins. There is a drop of 15-20 cm on parts of the side of the road. He said Rockfield Bridge is also very dangerous for people walking there. The side of the road should be levelled with the parapets. The parapets are in place to stabilise the bridge not to facilitate walkers. He requested that this would also be considered.

#### **14 Disadvantaged Area Payment**

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

"That Kerry County Council Members call on the Government to reverse the savage income cuts through the 14% disadvantage area payment in the budget."

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

Cllr. J. O'Connor said €9m was allocated for the whole country under Disadvantage Area Payments. Kerry is a large section of the designated "disadvantaged areas". He asked members to support the Motion.

Cllr. T. Buckley said he supported this motion. The Installation and Farm Retirement Scheme should also be re-introduced.

Cllr. M. O'Shea referred to his Notice of Motion, No. 15 on the agenda, and said he wished to move it.

#### **15 Budget Cuts**

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

"That we the Members of Kerry County Council pass a resolution asking the Minister for Agriculture, Mr. Brendan Smith for a full reversal on the serious cuts proposed by him in the Budget 2009 as these proposed cuts will have an adverse affect within the farming community."

Cllr. O'Shea said he is ashamed by the cuts in the recent Budget. Over 2,000 people attended a meeting regarding the affect of the Budget on the farming sector. Agricultural was cut by 14%. This will not keep young people working the land. Hill farmers are suffering even more. Kerry has mountain terrain which is not arable land. The Fianna Fail group are meeting the Minister next Saturday week and will raise these issues on behalf of constituents and attempt to have these cuts reversed.

Cllr. M. Cahill said the Disadvantaged Area Payment represents an important portion of income to farmers and by its classification it has a low production base. The suckler welfare scheme could be capped at 40 or 50 cows and the payment remain at €80 per cow. The Farm Installation and Retirement Schemes should be restored. Farmers should be accommodated by extending the Farm Waste Management Scheme. In relation to the 1% income levy, an allowance should be made for depreciation and vital investment that is crucial to the survival of the farming sector. Funding for the above could be achieved if changes are sought at administration level. He requested that a letter issue to the Minister for Agriculture, Fisheries and Food.

Cllr. M. O'Shea referred to his Notice of Motion, No. 20 on the agenda, and said he wished to move it.

Mayor Fleming supported the motion. The impact on rural Ireland is evident.

## **20 Creation of Advance Courses for Unemployed**

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

"That we, the Members of Kerry County Council pass a resolution calling on the Minister for Enterprise, Trade & Employment to create advance courses through the State Agencies (FÁS) for the many young people who have started apprenticeships and now find themselves unemployed and to extend this proposed scheme for those who have an interest in the trade."

Cllr. M. O'Shea said due to the economic downturn this motion was submitted. Many young people in trade work found themselves unemployed. Recently this was addressed by the Minister who has given direction to FÁS to establish a college type system to enable trade workers finish their trades within the FÁS structure. Kerry County Council should support the motion and forward it to the Minister.

Cllr. M. Gleeson SECONDED this Motion.

Mayor Fleming supported the Motion.

## **16 Protected Structures**

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

"That Kerry County Council refrain from issuing Notices for the purpose of adding properties to the record of Protected Structures where the Council do not give detailed particulars of their reasons for so wishing to add a

property and that the Council refrain from using general terms contending that a property has architectural, cultural and social interest but rather specify what these are."

**The following report was issued:**

**The preparation of Local Area Plans for the 87 settlements in the County Development Plan 2003-2009 identified 260 potential structures requiring protection. These potential protected structures were identified from visual inspections only based on the eight criteria listed on the Architectural Heritage Protection guidelines for Planning Authorities issued by the DoEHLG in 2004. These eight criteria are (a) Architectural, (b) Historical, (c) Archaeological, (d) Artistic, (e) Cultural, (f) Scientific, (g) Technical, (h) Social.**

**As part of the review of the County Development Plan, which gives statutory recognition to Protected Structures, the Planning Authority is obliged to serve a notice on the owner or occupier of a structure which is being added or deleted from the record of Protected Structures of the proposed addition or deletion. This notice advised the owner or occupier of the proposed addition or deletion and their right to make submissions or observations which will be taken into consideration before the making of the addition or deletion. 86 such submissions/observations have been received and are currently being assessed. The Planning Authorities views on the submissions will be included in the Managers Report which will be brought before Members for consideration in November.**

**As pointed out above, the identification of the structures were from visual inspection only. Due to the large number of structures it was not possible to give detailed reasons for the proposed addition or deletion. However, over the next few weeks the Planning Authority will be giving detailed consideration to the submissions received.**

Cllr. P. O'Donoghue said while protected structures will be dealt with at the Special Planning Meeting in December, this Notice of Motion relates to the list of protected structures which issued. Many people got notifications months ago that properties were being listed on the Protected Structures List and this meant none of those properties could be sold because their status was changed by Kerry County Council. The reply from Kerry County Council was that it was being listed because it was within one of the eight criteria: (a) Architectural, (b) Historical, (c) Archaeological, (d) Artistic, (e) Cultural, (f) Scientific, (g) Technical, (h) Social. The value of people's property was effected by being placed on this list. Kerry County Council did not properly explain why the property was listed. People are entitled to know why they were listed. He said he got the same reply to representations he made on this issue. This is not good enough from this Council. Some properties which are listed have no merit being on the Protected Structures List. In the Manager's Report on submissions received on the draft County Development Plan 2009-2015 many of these properties are excluded and yet these people have been effected. He sough an apology for these people.

Cllr. M. Gleeson said from experience in Killarney Town Council he would support some of the concerns expressed by Cllr. O'Donoghue. There is a need for more clarity as to why buildings are listed and the criteria used in the assessment of these buildings.

Cllr. J. Sheahan supported the motion and said it can be difficult to understand why some of the buildings are listed.

Mr. M. McMahon, Director of Planning, said as the reply to the Notice of Motion set out the Local Area Plan process identified potential structures requiring protection. All Members will be aware of the work programme for the Local Area Plan and that a detailed assessment of the structures proposed for designation could not be undertaken at that time. The structures were designated on the basis of visual inspection only. The Local Authority is obliged to serve a notice on the occupier of the structure to be listed. A substantial number of submissions were received regarding structures being permanently listed. The proposed listings have now been assessed. A member of staff, supported by the Council but on his own initiative, has done a considerable amount of additional study regarding the assessment of protected sites. A considerable amount of money has been spent over the years engaging consultants to advise on these structures being listed or de-listed. This member of staff is now fully qualified which obviates the necessity to engage a consultant in the future. The comments of the elected members will be taken on board, however, it was not possible to do a detailed assessment during the Local Area Plan process. Protected structure assessment results are outlined in the Manager's Report on the submissions on the draft County Development Plan.

Cllr. P. O'Donoghue asked if these structures will be vote on individually at the Special Planning Meeting.

Mr. M. McMahon said the normal process in the past is that elected members meet at Area Meetings and if there is agreement with the Manager's Report they will be taken in block at the full meeting.

Cllr. P. O'Donoghue PROPOSED that Mr. T. Sheehy, SE, Planning, meet people before their property is listed.

Mr. M. McMahon said every Local Area Plan was adopted by the Elected Members with those structures listed as proposed protected structures.

Cllr. P. O'Donoghue said a list of proposed protected structures was not included in the Killorglin Local Area Plan in 2004 or the Caherciveen Local Area Plan.

Mr. M. McMahon said all protected structures that have been listed in Local Area Plans since he has been Director of Planning were included.

Cllr. S. Fitzgerald referred to a property that was not listed previously but is now being listed in the Manager's Report.

Mr. M. McMahon said this property is proposed to be listed on the basis of submissions made by the public.

Cllr. J. Brassil said his recollection of the Local Area Plan process was that it focused on zoning issues. He said it was his understanding that all proposed structures would be considered again in reviewing the County Development Plan.

Cllr. J. Sheahan asked if structures listed can be withdrawn.

Mr. M. McMahon said structures are listed in the Manager's Report with Kerry County Councils assessment. While the Planning Authority may be recommending that a structure be listed ultimately the decision is with the elected members.

Cllr. M. Connor-Scarteen asked if structures can be considered even if a submission has not been made on them.

Mr. M. McMahon said structures can be discussed even if a submission has not been made on them.

## **17 Rates 2009**

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

In view of the current economic slowdown, I propose that Kerry County Council protect jobs and small businesses in the County by ensuring that there are no increases in rates for the coming year.

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

**Kerry County Council is a non-profit making body and spends all funds received in the provision of services, either revenue or capital. Each year every effort is made to minimise increases in charges in the context of providing a reasonable level and standard of services to the people and commercial life of the County together with the visitors to the County. The continuing aim is to provide the services as cost effectively as possible. In preparing the Draft Budget for 2009, we will be looking at all options available to keep rates/charge increases to a minimum, having regard to the level of customer demand and statutory obligations.**

Cllr. M. Cahill acknowledged the role of the Head of Finance, particularly this year with the economic climate, in balancing the budget. He said there are a lot of small businesses under pressure and Kerry County Council should be sensitive to the situation. An increase in rates could put these people out of business. He acknowledged that the Head of Finance will consider individual cases but these are difficult times for small businesses in the county.

Cllr. M. Gleeson **SECONDED** this Motion.

## **18 Exemption from Water Charges and Rates**

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

“That community buildings which are owned by voluntary organisations be exempt from water charges and rates.”

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

**The National Water Pricing Policy Framework requires the charging of non-domestic customers of water and waste water services according to usage and the recovery of the full costs of providing such services to their customers. The Department of Environment, Heritage and Local Government has set out that, in accordance with the EU Water Framework Directive, all non-domestic users must pay for water used.**

**Having regard to the nationally determined position, it would not be valid for the Council to exempt community buildings from water charges and, henceforth, the Council must charge according to metered usage. The Council is open to consider settlement in individual community centre instances having regard to financial circumstances and use profile, and where the user has water conservation measures in place.**

**The exemption of properties from Rates is a function of the Commissioner of Valuation, Dublin and Kerry County Council must levy rates on properties in accordance with his decision. However, the Council is open to review the amount of rates levied on any particular community centre having regard to the level of activities taking place, the financial circumstances of the organisation, and supporting documentation being received.**

Cllr. S. Fitzgerald said voluntary organisations are under extreme financial pressure and they do not have as much support as they used to. Kerry County Council should provide a waiver scheme for these organisations especially when they are voluntary and depend on the public to help them raise funds. These people do great work as voluntary organisations and do not get recognition for it. He asked that Kerry County Council would give this consideration.

Mr. J. O’Connor, Head of Finance, said effort is made to review these organisations favourably as the Local Authority cannot, under present national rules, have a general scheme. The Local Authority is conscious of the role voluntary organisations play in the local community. If there is water waste or leakage the voluntary organisation will need to address that issue. He asked Cllr. S. Fitzgerald to speak with him about this specific case.

## **19 Assessment of Planning Applications**

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

“Now that the planning applications are few, could the Manager not get the Planners to loosen up on planning applications to keep our builders and their employees in business?”

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

**The criteria used when assessing planning applications are based on Legislation, County & Local Development Plans along with Directives, Circulars & Guidelines issued by various Government Departments.**

**In that context, the present financial situation does not have a bearing on the way applications are assessed. However, it is the policy of the planning section to be pro-active and positive towards all applications, having regard to the proper planning and development of the County.**

Cllr. D. Kiely accepted the reply to the Notice of Motion. He referred to the last sentence of the reply and said it is his experience that this is not the reality. Priority should be given to recognised builders in the county who are employing people in the county. Planning should be positive to people.

Cllr. M. O’Shea supported the motion. Guidance is required for people seeking planning. He referred to a case where a person was awaiting a decision on an application for a building improvement on the farm yard. When the planner arrived it was found that the site notice was affixed to a gate which was slightly ajar and it was determined that the application was invalid. He said he has never been informed by the Planning Department that a site notice affixed to a gate would invalidate an application. When the applicant received his information pack from the Planning Department there was no indication that to affix the notice to a gate would invalidate the application. Guidance is required from the Executive on this issue.

Mr. M. McMahon, Director of Planning, said this is not a new regulation. The position regarding site notices is clear under the Planning & Development Regulations. The site notice must be maintained on site for a minimum period of five weeks and must be clearly capable of being read from the public road. The requirement that this is fulfilled is paramount. There is experience of this from the High Court where there were judicial reviews of cases in the county. There was a similar case with the Ombudsman Office. The site is inspected once only. On the date in question the site notice for this application was not clearly visibly.

Cllr. M. O’Shea asked if this meant any site notice affixed to a gate is invalid.

Mr. M. McMahon said any site notice not capable of being read from the public road when the planner inspects the site invalidates the application.

## **21 Planning Applications**

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

“That a more amenable approach be adopted by the Council regarding planning in the case of bona fide local applications and also in the case of locals returning from abroad.”

**The following report was issued:**

**National Planning Policy and associated Guidelines clearly outline the requirement to “Support” applications where there is a genuine “Local Need” element in the application and where the applicant is either a family member or a native of the area.**

**This “Support” however, is subject to integration, traffic safety and on-site effluent disposal issues being successfully addressed.**

**Where the first element of the application, i.e. Local Need is satisfactorily addressed, the planning staff make every effort, in conjunction with the applicant and agent, to deal with the other issues outlined.**

**Similarly, genuine “Locals” returning are catered for in the County Development Plan and are advised and guided at pre-planning meetings and through any subsequent planning application.**

**The issue of Rural Housing Policies and Local Need Criteria in Development Plans has been further clarified in a recent circular from the DoEHLG (Ref SP 5/08 of 30<sup>th</sup> September 2008). This circular clarifies how the Sustainable Rural Housing Guidelines should be applied to ensure compliance with Articles 43 & 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty.**

**The circular stresses that the persons who are an intrinsic part of the rural community, or persons working full-time in rural areas, should be favourably considered in relation to rural housing. Notwithstanding this, bone fide applicants who may not already live in the area or have family connections there or be engaged in a particular employment should be considered if:**

- (a) They satisfy the Planning Authority of their commitment to operate a full-time business from their proposed home.**
- (b) Outline how their business will contribute to and enhance the rural community.**
- (c) Satisfy the Planning Authority that the nature of the business or employment is compatible with specified local need criteria for rural areas so as to discourage applicants whose business is not location dependent (e.g. telesales or telemarketing).**

**The circular goes on to point out that an occupancy clause should also be attached to any permission and that Planning Authorities should adopt a seven year clause.**



Cllr. B. MacGearailt said he welcomed how planning applications are dealt with, particularly in the An Daingean Area.

## **22 Orthodontic Service in Kerry**

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

"That this Council calls on the Health Service Executive to establish a properly functioning orthodontic service for the young people of County Kerry. The present situation is totally unacceptable and condemns Kerry people to a lesser service than is available elsewhere in the country."

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

Cllr. M. Gleeson said an Orthodontist was appointed by the HSE last week. He referred to a letter he had received involving a case where a girl has been waiting five years and five months for Orthodontic treatment. It is vital that Orthodontic services are available from a personal appearance and self-confidence point of view. The delay in Orthodontic services in Kerry is unacceptable for young people and it compares unfavourably with much shorter waiting times in other parts of the country. Two Consultants have been appointed, one in January and one in May, and they have failed to provide any service for the people of Kerry in that length of time. The obligation to provide the Orthodontist has been fulfilled by the HSE. He asked members on the Regional Health Forum to continue to highlight the need for an Orthodontic service for the young people of Kerry.

Cllr. M. Cahill said for the past twenty years this has been one of the most difficult areas of the health service. This matter has been raised at number Health Forum meetings. The appointment of the second Orthodontist in the Cork/Kerry region is a significant development which is welcomed. Achieving this appointment was a key priority for the HSE South in 2008. This appointment will facilitate an enhanced service for the children of Kerry. It is long time over due.

## **24 Continuation of Public Building Programmes**

**Cllr. T. Ferris moved this Motion on behalf of Cllr. R. Beasley.**

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

"That Kerry County Council call on the Government to continue with the construction of public buildings such as schools, roads and bridges."

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

## **26 Killorglin Bridge Repairs**

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

"That the Members of Kerry County Council be informed as to who is responsible for the repair and maintenance of the County Bridge in Killorglin. Could we have an official declaration as to whether it is the NRA or Kerry County Council as I have been informed recently that the NRA are denying responsibility?"

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

**The routine day to day maintenance of this bridge and other bridges on the National Road Network is the responsibility of Kerry County Council. Funding is provided by the NRA for such maintenance. In 2008, the Council received €45,000 for the National Primary Road bridges and €130,000 for the National Secondary Road bridges.**

**The responsibility for the operation and management of Capital Improvement works on bridges on the National Road Network lies with the NRA. The Laune Bridge Underpinning works for which the NRA has allocated €200,000 will be procured, progressed and managed by the NRA.**

Cllr. J. O'Connor said €200,000 was allocated by the NRA in February, 2008. In the General Correspondence circulated for today's meeting a letter from the NRA states "the provision of funding for construction work will be considered when the 2009 allocations are being determined." This suggests the allocation of €200,000 being spent in 2009. Laune Bridge is known as the county bridge and people in Killorglin are concerned about this bridge. Footpaths on the bridge have dropped. A deputation from the Killorglin Electoral Area members should meet the NRA and determine when this money will be spent. This is one of the most crucial bridges in the county.

Cllr. M. O'Shea supported this Motion.

## **27 Roundabout at Shinnagh Cross, Rathmore**

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

**"That Kerry County Council requests the NRA to construct the much needed roundabout at Shinnagh Cross, Rathmore, on the N72."**

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

**The NRA allocated a grant of €25,000 in the current year for the investigation and design of a traffic management solution at this junction. The National Roads Design Office in Castleisland has been assigned this project and a Feasibility Study is being finalized for submission to the NRA for their consideration.**

**It is hoped that this will lead ultimately to the provision of funding for the optimum traffic solution at this location.**

Cllr. J. Sheahan said Shinnagh Cross at Rathmore is a very busy junction and has five roads leading into it. A roundabout at this location is long overdue. He asked how far the design of a traffic management solution has been progressed in the design office.

Mr. C. O'Sullivan, Director of Roads and Transportation, said an allocation of €25,000 has been received. This is a complex junction within the town of Rathmore. Pedestrian traffic as well as vehicular traffic must be considered. This report is almost finalised and will be submitted to the NRA shortly.

Cllr. M. Gleeson supported the Motion and said this is a very dangerous junction. He complimented the progress on works at Lissivygeen Cross. He requested that works at Shinnagh Cross and making Barraduff Bridge passable be progressed.

Mayor Fleming supported the motion and said it is positive to see the report is being finalised.

## **29 New Bridge & By-Pass for Killorglin Town**

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

“That Kerry County Council calls on the NRA to carry out a feasibility study and fund a new bridge and by-pass for Killorglin Town as a matter of urgency.”

**The following report was issued:**

**It is an objective of the Killorglin Local Area Plan to promote the development of a By-Pass (Objective TI.7) and to prohibit the development of land on a suggested by-pass route indicated on Map 7 of the Plan, pending the publication of a feasibility study (Objective TI.8).**

**It is also an objective of the Draft Kerry County Development Plan to construct a new National Secondary Route from the N70 to the N72 in Killorglin (Killorglin Relief Road) (Objective INF 8-15).**

**The funding for this route development will be contingent on either grant aid from the NRA and/or the adoption of a Development Contribution Scheme by Council. Given the level of funding provided by the NRA for National Secondary Road Realignments in recent years, it is most unlikely that the NRA will fund the entire cost and a Special Development Contribution Scheme may also be required by Council to fund this project.**

**The Roads Department have commenced a preliminary design on a preferred route, for a By-Pass of Killorglin Town including a new crossing of the River Laune. However the future progress of the scheme will be contingent on identifying a source of funding as outlined.**

Cllr. M. Cahill said providing a By-Pass for Killorglin will require a new crossing over the Laune River. Sourcing funding will be the key issue. This matter could be raised if a deputation on the Laune Bridge is arranged.

Cllr. M. O'Shea supported the motion.

Cllr. M. Connor-Scarteen supported the Motion.

Mr. C. O'Sullivan, Director of Roads and Transportation, referred to an update provided at the October Council meeting where he advised discussions were held with the NRA regarding repair works. The NRA

carried out a survey during the summer and investigative works. There are issues in terms of carrying out the works and tying in statutory time frames. These works will proceed to tender in 2009 and works will be carried out in 2009. With regard to providing an alternative bridge there is an objective within the Local Area Plan for the provision of a second structure over the Laune and providing a By-Pass for the town. It is unlikely funding will be made available for these works in the near future. A local contribution scheme would be required to fund it.

Cllr. M. O'Shea said this bridge should be a priority.

Cllr. J. O'Connor said €200,000 has been committed for structural work underneath the bridge. He said he had asked that members be informed who is responsible for repairs and maintenance of the bridge and it has been advised that it is the responsibility of the NRA. €200,000 will not be sufficient for the structural works required on the Laune Bridge. A deputation must be sought with the NRA on this matter. He thanked the Director of Roads and Transportation for commencing preparatory work on the bridge.

### **31 Kerry County Council Budget 2009**

**Pursuant to Notice duly given, Cllr. J. O'Connor and Cllr. P. McCarthy PROPOSED:-**

"Could we be informed as to what cuts are being proposed by Kerry County Council for 2009 having regard to the cut of 6.19% in the Local Government funding by the Department of Environment in their allocation for 2009. The increased cost of inflation will add to these cuts; and could we be also informed as to how much the tax on second homes, holiday homes and increased revenue from water metering charges on business will do to defray these cuts."

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

**Work is progressing on the preparation of the Council's Draft Budget for 2009 for presentation to the elected Council at its Budget Meeting fixed for 5<sup>th</sup> December. Pending the outcome of that work, it would be premature at this stage to try to deal with the issues raised in this motion. In any event, as Councillors are aware, a finance briefing is scheduled for 24 November.**

Cllr. J. O'Connor asked if any information has been received on the proposed tax on second homes and if there is any update on revenue that could be generated. Business people are suffering and should not have to deal with another increase in rates

Mr. J. O'Connor, Head of Finance, said this issue will be dealt with at the Budget Meeting on 24<sup>th</sup> November, 2008.

Cllr. M. Gleeson requested that a statement be made available on water metering in farms and private houses. People are confused about this.

Cllr. J. O'Connor supported this request.

## **32 Education Cuts in Budget 2009**

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

"That we the Members of Kerry County Council pass a resolution asking the Minister for Education Mr. Batt O'Keeffe to review some of the cuts recently announced by him in Budget 2009 (i.e. class sizes and teacher substitutes)."

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

Cllr. M. O'Shea said two schools in Milltown are concerned regarding the announcement on education cuts in the recent Budget. Cuts in class sizes and uncertified sick leave raised concerns. Education is vital for the future development of the country and must be invested in to attract industry to invest in the country. If a teacher is absent on uncertified leave their class must be accommodated within two other classes. If a teacher cannot attend due to illness they should be given the opportunity that on the next day they would have a cert to say they are fit to return to work. As announced this system will cause chaos in schools across the country and these issues will have to be addressed. Larger class groups will affect every student within a class; however it is the most vulnerable student who will suffer most under these cuts. Field trips, school tours and cultural events will be affected and children will be deprived of these extra curricular activities. It is accepted that there must be minor cuts in every department but common sense must prevail. Teachers in schools are doing a great job and education must be invested in.

Cllr. M. Cahill **SECONDED** this motion. He **PROPOSED** that a letter issue to the Minister for Education requesting a reversal of the decisions suspending paid substitution cover for uncertified sick leave and school business. Schools with four teachers or less should be exempt from the increase in pupil/teacher ratio as larger schools can be more flexible with numbers.

Mayor Fleming supported the motion. He said he had been given a letter from the parent's council of Tralee Community College. He read the letter into the record of the meeting and requested that the letter would be forwarded to the Minister's Office.

"As a representative from the Tralee Community College Parents Council, who represent the 184 parents of the students we would like to state that the proposed cuts in our children's education are a cause of major concern, and especially the Pupil/Teacher Ratio to be raised to 19:1.

The loss of 18 teachers, which is the same as losing a school in a time of increased intakes is also appalling as it will impact both on the provision of subjects and those students who rely on the assistance of Special Needs Facilitates. Larger classes will cut down the ability of teachers to assist those whom need the attention. Streaming may be hit, penalising those with the ability to progress further. Subject choices are under threat which may negatively impact the quality of education for those

who rely upon us as the leading generation to provide. These cuts are aimed at the very heart of our society and can only be regarded as undermining the future of our children. The restriction on language support will hit especially hard at Tralee Community College where 70% of all enrolled students do not have English as a first language. Short term gain cannot be justified against the long term damage.

We appeal to our elected representatives to give a voice to the students in an effort to influence a change in the Pupil/Teacher Ratio, and look forward to hearing and seeing urgent and direct action on this issue."

Mr. G. O'Brien said the letter will be acknowledged and it will be noted that it was raised at today's Council meeting.

### **33 Energy Awareness and Environment Ratings in House Design**

**Pursuant to Notice duly given, Cllr. B. Cronin, Cllr. T. Fleming, Cllr. M. Gleeson, Cllr. D. Healy-Rae, Cllr. C. Miller, and Cllr. J. Sheahan PROPOSED:-**

"In light of the current requirement for high energy awareness and environment ratings in house design, what training have Kerry County Council Planners undergone in house design requirements to meet these high energy and environment design standards."

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

**The administration of the Building Regulations (1997 – 2007) is a function of the Building Control Authority rather than the Planning Authority.**

**Energy ratings etc in relation to private dwelling houses are not therefore a consideration for planners when assessing a planning application but must be complied with in accordance with the relevant 2007 amendment to the 1997 Building Regulations (Conservation of Fuel & Energy).**

**The "*Kerry Rural House Design Guidelines*", which are about to be published by the Planning Authority, will however contain advice and guidance in relation to environmental aspects of house design such as orientation, location, insulation etc.**

### **08.11.17.16 Correspondence – Conferences and Seminars**

- a) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. T. Fleming, J. O'Connor and J. Sheahan at the Coastal Conference to be held in Castleward, Strangford, Co. Down on 27<sup>th</sup> November, 2008.

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

- b) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllr. B. Cronin, P. Leahy, and T. Fleming at the Training Seminar for Councillors on the theme

“Information and Communication Technologies for Councillors” to be held in Sligo from 21<sup>st</sup> to 23<sup>rd</sup> November, 2008.

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

- c) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllr. J. O'Connor at the Training Seminar for Councillors on the theme “Homelessness in Ireland” to be held in Dublin from 5<sup>th</sup> to 6<sup>th</sup> of December, 2008.

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

- d) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. T. Buckley, it was agreed to authorise the attendance of Cllrs. T. O'Brien, and Cllr. P. McCarthy at the Clare Tourist Council/Clare County Council National Tourism Conference on the theme “Co-operation and Integration - the key to successful Tourism” to be held in Ennistymon, Co. Clare from 27<sup>th</sup> to 29<sup>th</sup> November 2008.

- e) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. T. Buckley, it was agreed to authorise the attendance of Mayor T. Fleming at the Northern Ireland Policing Board Conference to be held on Tuesday 18<sup>th</sup>, November, 2008.

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

- f) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Mayor T. Fleming at the Irish Language course for Councillors held in Furbo, Co. Galway from 26<sup>th</sup> to 29<sup>th</sup> October 2008.

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

- g) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Mayor T. Fleming at the Local Government Budget 2009 conference held in Bunclody, Co. Wexford from 31<sup>st</sup> October to 1<sup>st</sup> November, 2008.

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

- h) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Mayor T. Fleming at Ireland's Electronic Waste Challenge Conference – The ERP Perspective to be held in Clontarf Castle, Dublin on 19<sup>th</sup> November 2008.

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

- i) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. M. Cahill and J. Sheahan, at the LAMA Annual Winter Conference to be held in Castlebar, Co. Mayo, on the 26<sup>th</sup> and 27<sup>th</sup> November 2008.

**08.11.17.17 Correspondence General**

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

1.	Circular Letter F.21/08 dated 16 <sup>th</sup> September, 2008, from the Department of the Environment, Heritage & Local Government regarding European Parliament Elections 2009.
2.	Letter dated 22 <sup>nd</sup> October, 2008, from the Minister for the Environment, Heritage and Local Government regarding the Community Smoke Alarm Scheme.
3.	Letter dated 28 <sup>th</sup> October, 2008, from the NRA regarding Laune Bridge, Killorglin.
4.	Letter dated 28 <sup>th</sup> October, 2008, from the Health Service Executive regarding a request to give consideration to an automatic Medical Card for cancer patients.
5.	Letter dated 6 <sup>th</sup> November, 2008, from the NRA regarding road improvements between Kerry and Cork.
6.	Letter dated 10 <sup>th</sup> October, 2008, from Kilrush Town Council enclosing letter issued by that authority to the Minister for Health and Children calling for Professor Tom Keane's directive to be withdrawn regarding mammography screening services.
7.	Letter dated 13 <sup>th</sup> October, 2008, from Clones Town Council regarding a resolution adopted by that authority calling on the Minister for Social and Family Affairs and the Taoiseach to double the Fuel Allowance and Living Alone Allowance.
8.	E-mail dated 28 <sup>th</sup> October, 2008, from Waterford City Council regarding a resolution adopted by that authority calling on the Minister for Health and the HSE to develop and implement a Stroke Strategy.
9.	E-mail dated 28 <sup>th</sup> October, 2008, from Waterford City Council regarding a resolution adopted by that authority calling on the Government to postpone the issuing of further taxi licences for a period of at least two years and at the end of that period a consultation process be entered into with representatives of the industry.
10.	Letter dated 28 <sup>th</sup> October, 2008, from Clones Town Council regarding a resolution adopted by that authority: (1) Supporting the objectives of the Irish Lobby for Immigration Reform in the U.S. (2) Calling on the Minister for Social and Family Affairs to relax the 'Habitual Residency conditions' for Irish citizens returning from the USA and other countries.
11.	Letter dated 29 <sup>th</sup> October, 2008, from Kilkenny County Council regarding a resolution adopted by that authority supporting the National Coalminers Group to establish a Statutory Compensations Tribunal for those who worked in the industry in Counties Kilkenny, Laois, Tipperary and Roscommon.
12.	E-mail dated 12 <sup>th</sup> November, 2008, from Limerick County Council regarding a resolution adopted by that authority calling for a complete reversal of the inequitable cuts on Agriculture in the Budget 2008.

The meeting concluded at 4.30 p.m.

**Gerard O'Brien**  
**A/SEO**  
**Corporate Affairs**

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**Mayor of Kerry**