

**MINUTES OF THE SPECIAL MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY 24 NOVEMBER 2008.**

**MIONTUAIRISCÍ NA CRUINNITHE SPEISIALTA PLEANÁLA DE  
COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA  
COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 24 SAMHAIN  
2008.**

***PRESENT/I LÁTHAIR***

***Councillors/Comhairleoirí***

<b>M. Cahill</b>	<b>M. Connor-Scarteen</b>	<b>B. Cronin</b>
<b>T. Ferris</b>	<b>S. Fitzgerald</b>	<b>T. Fitzgerald</b>
<b>T. Fleming</b>	<b>M. Gleeson</b>	<b>D. Healy-Rae</b>
<b>M. Healy-Rae</b>	<b>D. Kiely</b>	<b>P. Leahy</b>
<b>B. MacGearailt</b>	<b>P. McCarthy</b>	<b>A. McEllistrim</b>
<b>C. Miller</b>	<b>T. O'Brien</b>	<b>B. O'Connell</b>
<b>J. O'Connor</b>	<b>P. O'Donoghue</b>	<b>M. O'Shea</b>
<b>L. Purtill</b>	<b>J. Sheahan</b>	

***IN ATTENDANCE/I LÁTHAIR***

<b>Mr. T. Curran, Co. Manager</b>	<b>Mr. M. McMahon, Dir. of Planning</b>
<b>Mr. J.D. Flynn, Dir. of Corp. Services</b>	<b>Mr. J. O'Connor, Head of Finance</b>
<b>Ms. A. Haugh, Dir. of Environment</b>	<b>Mr. O. Ring, Dir. of Water Services</b>
<b>Mr. C. O'Sullivan, Dir. Of Roads</b>	<b>Mr. J. Breen, Director of Housing</b>
<b>Mr. G. MacNamara, SE Roads</b>	<b>Mr. M. Boyce, A/SE Environment</b>
<b>Mr. G. O'Brien, A/SEO Corp. Affairs</b>	<b>Ms. A. McAllen, Fin Mgt/Accountant</b>
<b>Mr. P. Corkery, Press &amp; Comm Officer</b>	<b>Ms. B. Reidy, SSO Corp. Affairs</b>

The Mayor, Cllr. T. Fleming, took the Chair.

**08.11.24.01 Presentation by Mr. Séan Ó Breasail on the Draft River  
Basin Management Plans for the South Western and  
Shannon River Basin Districts**

Ms. A. Haugh, Director of Environment, welcomed Mr. Ó Breasail, Project Manager with the South Western River Basin District, to the meeting and invited him to make a presentation.

Mr. Ó Breasail informed the meeting that he would be informing members on the work undertaken in accordance with the Water Framework Directive and how this impacts on County Kerry. The Water Framework Directive has the following objectives:-

- to ensure that water in protected areas meets requirements

- to maintain “high status” of waters where it exists, preventing any deterioration in the existing status of waters
- to achieve at least "good status" in all waters by 2015
- to progressively reduce chemical pollution.

In 2004, the information available was assessed and a monitoring programme was subsequently carried out in 2006. The results of this programme were published in 2007 in a booklet entitled "Water Matters". He then referred Members to a map which he displayed which indicated the current status of all rivers in Kerry. The Draft Plan must now be prepared and this will be handed over to the relevant Local Authorities who must then progress this work and in 2009, Members must adopt the Plan. He informed the meeting that Flood Risk Studies must be prepared by 2015. The planning objectives contained in the River Basin Management Plans must be taken into account at various planning levels. Regard must be had to the National Spatial Strategy, the Regional Planning Guidelines, Development Plans and Local Area Plans in arriving at decisions on development proposals. He informed the meeting that at the first stage, the main River Basin Management Plan must be adopted. Then, details of measures to be applied at water quality level must be considered and this must be accompanied by supporting technical documentation. Chapters 1 to 7 deal with the following issues:

- Causes of our water problems
- How healthy are our waters?
- What do we plan to achieve?
- What actions must we take?
- What will basic measures achieve?
- What further actions must we take?
- What will supplementary measures achieve?

Chapter 8 deals with the objectives of the South Western River Basin District while Chapter 9 deals with the plan for the South Western River Basin District. He then referred Members to a map of County Kerry where the areas shaded in pink are protected areas and this accounts for three-quarters of all water bodies. Basic measures must achieve certain objectives in all protected area cases by 2015 and there will be no derogations. He then displayed another map showing the areas impacted by the freshwater pearl mussel and said that there are 27 freshwater pearl locations in the country. The EPA has indicated that if the freshwater pearl is present in the water, the water is not of good quality. An example of this in Kerry is the Caragh River. It is an objective that if the ecological status of water is less than good it will be restored by 2015 using basic measures. It is also an objective of the Plan to prevent deterioration and, in particular, maintain high or good status quality of waters. Basic measures to be implemented to achieve this will entail existing/proposed prior authorisation or registration for point and diffuse source discharges, abstractions and morphology. It is also intended to identify high and good sites outside protected areas. It is also an objective of the Plan to improve waters where appropriate to achieve at least good standards. It is also intended to progressively reduce chemical pollution. He

added that there is one water body in Kerry failing on this and that is a river in North Kerry but further monitoring will be needed on this before any remedial measures can be agreed.

He advised Members that Ireland has got a derogation in relation to the charging for domestic water but in all other cases, the actual cost of production must be charged. At present, it is only a Local Authority that can apply for a licence to abstract waters but this must now be extended to private users. He then displayed a map which showed the discharges in Kerry and said that the areas highlighted in black are not affecting the waters. The areas highlighted in red could be putting receiving waters at risk. It is important to give consideration to these areas to ensure that this risk does not cause waters to fail.

Other issues to be addressed in the Plan include forestry and its impact on receiving waters and also unsewered properties. The biggest sources of pollution of fresh waters are coming from agriculture and sewer. He then displayed a chart showing the diffuse discharges which demonstrated the contribution by various sectors including septic tanks, agriculture and forestry. He said there needs to be greater enforcement of the Nitrate Directives by Local Authorities and that areas of limestone are more problematic together with areas with heavy soils. Mr. Ó Breasail said that it may require changes to the Rural Environment Protection Scheme to achieve the standards being set out in these Plans. The post-project arrangements will include the preparation of action plans by Local Authorities and there must be an emphasis on enforcement.

In conclusion, Mr. Ó Breasail informed the meeting that the Draft Plan will be prepared by 22 December 2008 and the Final Plan will include further technical and scientific work, an economic assessment, implementation plans and update interim status, SEA outputs and public participation findings. He added that there will be public consultation on the Draft Plan up to 22 June 2009 and Local Authorities must adopt the Plan by 13 October 2009. The Plan will then be referred to the EPA for a compliance check and the Minister may make changes to the Plan by 11 December 2009. The Plan will finally be published on 22 December 2009. He added that a National Implementation Group was established on the future management of River Basin Districts. The River Basin District Offices will continue to operate and will continue to have the Advisory Council. There will also be provision for ongoing public consultation and all work undertaken will be available on the web.

Cllr. M. Gleeson said that South Kerry, in particular, is very dependent on tourism and he asked to what extent must Local Authorities deal with fats and oils from commercial premises. He asked that sewage schemes would be maintained to a high standard to ensure they would not be a source of pollution.

In response, Mr. Ó Breasail said that it is intended that these premises will be licensed and it is hoped to deal with this through the Chambers of Commerce

as many commercial premises may volunteer to install fat or grease traps to ensure fats do not end in the public sewer.

Cllr. M. Gleeson asked if the licence would be legally binding.

In response, Mr. Ó Breasail said that it would and he said the licensing of all discharges would be the responsibility of the EPA.

Cllr. J. O'Connor referred to the map displayed by Mr. Ó Breasail indicating the presence of Pearl Mussel in Kerry and said that some of our best waters have been designated as "moderate" quality as a result of the presence of the Pearl Mussel. This is giving out a very bad message to tourists. He could not understand how these waters would be designated as "moderate" quality when the sources are mostly coming from the mountains which are largely unpolluted. Many of the rivers are designated as having "moderate" quality whilst Caragh Lake and the Lakes of Killarney, into which these rivers are flowing, are designated as having "good" water quality. This did not make sense. Many other countries do not grade waters in a similar way and an example of this would be Sweden. From the map previously displayed by Mr. Ó Breasail, it appears that many of the waters in Kerry are polluted. Much of the data available to the EPA is 3 years old and he asked that all these rivers would be classified as "good" and not "moderate" in quality. He asked what was the status of Lough Guitane.

Mr. Ó Breasail informed the meeting that the waters entering the Lakes of Killarney etc are classified as "moderate" while the water quality of the lake itself is classified as "good" and the waters coming out of the lake are again classified as "moderate". He added that the Pearl Mussel is just one standard used to determine the water quality. He added that the Pearl Mussel is not thriving in our rivers.

Cllr. J. O'Connor asked if the water quality of some of the rivers in Kerry was to be improved to "good", would this prove to be particularly difficult. The cost to the farming community for the implementation of the Nitrates Directive has been horrendous and he said that a huge number of buildings had been constructed in the current year under the Farm Waste Management Scheme yet this will have no financial gain for farmers. There is now an important health and safety issue that must be addressed as many farmers are under severe pressure to complete their buildings by the end of the year yet weather conditions have not been favourable for this and many farmers are taking risks to ensure the works are completed. He added that there should be an extension of the Farm Waste Management Scheme to allow for the bad weather conditions all year.

Cllr. M. Connor-Scarteen said if all these restrictions are imposed in the Plan, it will be virtually impossible to get planning permission in rural Kerry.

Mr. S. Ó Breasail referred to the Nitrates Directive and said that this is to be reviewed by Teagasc on behalf of the Government. Eight mini catchments

are to be established around the country and there will be extensive monitoring in these areas.

Cllr. J. O'Connor said these catchment areas have not yet been agreed at a national level.

Mr. S. Ó Breasail said that the Irish Government has given a commitment to the EU on the Nitrates Directive and the establishment of these catchments but monitoring has not yet commenced. In view of this, information must be sought from other sources. The Government must report back to the EU on compliance with the Nitrates Directive. The Draft Plan is stating that if the Nitrates Action Plan is implemented, it will help to achieve good status of many water bodies. A sum of €1.1bn is being spent on the Farm Waste Management Scheme and it is highly unlikely that this scheme will be extended. The take-up of the scheme was greater than expected but it will result in greater storage and control of slurry and other polluting matters. As a result of this, there should be a huge improvement in water quality. In future, more accurate information will be available to planning applicants before they apply for permission and they may need to carry out some tests on the site before submitting their planning application.

Cllr. D. Kiely asked about the current situation where many areas are flooded as a result of the continuous rainfall.

Mr. Ó Breasail said that this is posing very difficult questions. Septic tanks cannot work where the land is flooded and it will be important to consider each case over a period of years. If there is a high water table, treatment cannot take place and therefore septic tanks will not be effective.

Cllr. M. Cahill thanked Mr. Ó Breasail for his presentation and said that all Members believed that rivers should be of the highest quality. The Rural Environmental Protection Scheme has brought about great improvements in rural areas. He added that he was amazed that the Caragh River is designated as being of moderate quality as he always thought it was one of the cleanest rivers in the county. He understood there was no scientific basis for the presumption that where the Pearl Mussel does not thrive the water source is not of good quality. He said it is important that pollution sources would be identified. He asked Mr. Ó Breasail for his view on the preparation of Management Plans for areas such as Castlemaine Harbour as these were to be prepared some time ago but this has not happened. As a result, fishing in these areas was closed down. He asked what impact the Draft Management Plan would have on Castlemaine Harbour.

In response, Ó Breasail said that if improvements are effected in waters over a 2 - 3 year period, the impact of this will not be seen in the Pearl Mussel for 7 or 8 years. He then referred to Castlemaine Harbour and said that it was intended that certain areas would be dredged but this work was stopped by the National Parks and Wildlife Service. He added that the protection of waters takes precedence over any other use. The harvesting of the Pearl Mussel is a traditional way of fish farming and a solution must be found to

enable it continue. He believed this could be done through ongoing talks with the National Parks and Wildlife Service.

Cllr. J. O'Connor said that he was informed that no Management Plans would be prepared until 2010 as funding was not available. He asked why Castlemaine Harbour was designated when resources were not provided to prepare a Management Plan.

Cllr. M. Gleeson said that when he was young, the Pearl Mussel was in the River Flesk and also the cadis fly. The cadis fly disappeared and 2 or 3 years ago, it returned. He asked if this was an indication of the quality of the water.

In response, Mr. Ó Breasail said that biological indicators are very useful and the annual life cycle of the cadis fly can be a very valuable source of information.

Cllr. M. Gleeson asked if it would take precedence over the Pearl Mussel.

Mr. Ó Breasail said that it would not. If waters fail on any one criteria, it fails on all. He added that the Flesk River is not one of the 27 rivers designated for freshwater Pearl as it has not been found there in recent years.

The Mayor, Cllr. Tom Fleming thanked Mr. Ó Breasail for his presentation which was very informative.

The meeting concluded at 2.00pm.

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

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***Mayor of Kerry***