

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE SCARTAGLEN CULTURAL & HERITAGE CENTRE ON
MONDAY 15TH DECEMBER, 2008.**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH IN IONAD OIDHREACHTA AGUS CULTÚRTHA
SCAIRTEACH AN GHLINNE AR AN LUAN, 15 NOLLAG, 2008.**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. M. McMahon, Director of Planning	Mr. J.D. Flynn, Director of Corp. Servs.
Mr. O. Ring, Director of Water Servs	Mr. J. Breen, Director of Hsg & C&E
Ms. A. Haugh, Dir. of Environment	Mr. C. O'Sullivan, Dir. of Roads
Mr. G. O'Brien, A/SEO Corp. Affairs	Mr. P. Corkery, Press & Comm. Officer
Ms. B. Reidy, SSO Corporate Affairs	Ms. D. Griffin, SO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs

The meeting commenced at 12.20 p.m.

Mayor T. Fleming took the Chair.

Suspension of Standing Orders

On the PROPOSAL of Mayor T. Fleming, SECONDED by Cllr. J. Brassil, it was agreed to suspend Standing Orders to deal with Agenda Item No. 3.

08.12.15.03 Material Contravention of the County Development Plan

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

"Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning and Development Act, 2000 in relation to planning application register number **08/2186** for permission to make alterations to the planning permission granted under 06-4516, specifically, to construct a filling station and car wash on the forecourt of the convenience store, alter the entrance and access road to the development and submit revised proposals for the retail units previously granted per planning reg. no. 06-4516.

Name of Applicant
Address of Applicant

Pat Stakelum
c/o Jerry Fitzmaurice
Castlemorris Construction
Doon Rd
Tralee

Agent

Paul O'Dowd

Location of Proposed Development

Dromin Upper, Listowel

Nature/Description of Proposed Development

Permission to make alterations to the planning permission granted under 06-4516, specifically to construct a filling station and car wash on the forecourt of the convenience store, alter the entrance and access road to the development and submit revised proposals for the retail units previously granted per planning register no. 06/4516.

Decision Due Date:

18/12/2008:
Material contravention procedure initiated on the recommendation of Mr. Declan O'Malley, SEP, as approved by Mr. Michael McMahon, Director of Planning (and following consultation with the Listowel Electoral Area Councillors), with publication of the prescribed notice in the Irish Examiner newspaper on 24th October, 2008.

Planning History

Summary details in relation to the planning history of the site (i.e. relating to the development of the retail warehousing units and convenience store), are outlined hereunder:

Note: 4 no applications on site per planning register nos.: 06/1001, 06/1393, 06/2640, 06/2641 were withdrawn prior to a decision issuing.

06/3639: Permission granted on 05/01/07 to demolish the factory building known as Stag Cutlery.

06/3740: invalid application resubmitted per 06/4516

06-4516: Permission granted on 13/08/07 (*following implementation of the material contravention procedure*) to: build a warehouse/retail park on the site of the former Stag Cutlery Factory, to include:

- A HOMEVALUE HARDWARE STORE OF 15,300 SQ. FT;
- A CHANGE OF USE OF THE EXISTING WAREHOUSE ON THE SITE TO A RETAIL/WHOLESALE FURNITURE DISTRIBUTION WAREHOUSE,
- A 10,000 SQ. FT. EXTENSION TO THE EXISTING WAREHOUSE AND A NEW ENTRANCE PORCH.
- A CONVENIENCE STORE OF 4,000 SQ. FT.
- SEVEN RETAIL UNITS WITH FOUR APARTMENTS ON THE FIRST FLOOR.
- THE APPLICATION IS TO INCLUDE ALL OF THE ASSOCIATED SITE WORKS FOR THE ABOVE DEVELOPMENT INCLUDING ALL SEWERS, WATER SERVICES, FOOTPATHS, TARMACADAM, CAR PARKS AND ALL ASSOICATED LANDSCAPING AND SIGNAGE.

08-517: Application for permission to construct a filling station and car wash on the forecourt of the convenience store granted per planning reference no. 06/4516. The application was withdrawn on 17/09/08 prior to a decision issuing.

Appraisal

- The proposed development is located on the site of the former Stag Cutlery Factory in Dromin, Listowel.
- The lands the subject of this application are zoned for Housing in the Kerry County Development Plan 2003-09. As is indicated in the planning history pertaining to the site, the proposal is a revision of a previously permitted development granted per planning register no. 06/4516, the granting of which also necessitated implementation of the material contravention procedure.
- The revised proposal represents an amendment to the previously permitted development in so far as a building incorporating 3 no. retail units (194 square metres) and 2 no. apartments are now replaced by 2 no. offices (177 square metres) and petrol pumps and a car-wash are now incorporated.
- A detailed traffic impact assessment was submitted with the application and is considered acceptable.
- The Planning Authority has no objection in principle to the proposed development given the planning history of the site and its proximity to other mixed use development and existing residentially zoned lands.
- However, having regard to the current zoning of the site, in order to recommend a grant of planning permission, it is necessary to implement the statutory Material Contravention procedure under and in accordance with Section 34 (6) of the Planning and Development Act, 2000 prior to issuing a grant of permission.

Observations/Submissions

- No third party submission/observations received within the initial 5 week period within which submissions may be received following the receipt of an application.
- No third party submission/observation received following publication of the prescribed public notice to initiate the material contravention procedure, (this statutory 4 week period expired on 20/11/2008)

Reports Received following Referral to Internal Departments

- Report received from the Roads and Transportation Department dated 04/11/2008 recommending that certain conditions be attached in the event of a grant of permission, i.e. conditions no's 6, 8 and 9 listed in the schedule of conditions attached hereto.
- Report received from the Water Services Department dated 02/10/2008 recommending that certain conditions be attached in the event of a grant of permission, i.e. conditions nos. 12 & 13 as listed in the schedule of conditions attached hereto.
- Report received from the Fire Services Department dated 15/10/2008 confirming the requirement to obtain a Fire Safety Certificate. (Letter to be attached to notification of decision issuing to advise accordingly).

Recommendation:

It is considered that the proposed development will not impact on the visual and residential amenity of the town nor create a traffic hazard at the junction onto the access road to the south. A grant of permission is, therefore, recommended subject to the following conditions:

Note: Development Contributions are not levied on this permission given that the revisions on the previously granted permission per 06/4516 result in a net reduction on the development contributions payable (file records on 06/4516 to be amended accordingly).

1. The development shall be carried out in accordance with the plans and particulars received on 25/09/2008 except for where altered herein.

Reason: In the interests of orderly development.

2. All conditions attached to planning register no. 06-4516 shall still apply to this grant of permission except for where altered herein.

Reason: In the interests of orderly development.

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

(b) **Prior to the commencement of any development on this site,** the developer shall enter into an agreement with the Planning Authority under Section 47 of the Planning and Development Act 2000 to deal with the ongoing management and maintenance of the development including responsibility for maintenance of roads and footpaths, water supply, storm and foul drainage, public lighting, electrical, telephone and other underground services and public open spaces.

(c) The Section 47 agreement shall provide for the establishment of a management company whose legal status shall be proven to be adequate to provide for the ongoing management and maintenance of the facilities within the development.

Reason: In the interest of orderly development and to provide for the ongoing management and maintenance of the proposed development.

4. The developer shall engage the services of a qualified archaeologist to monitor all ground disturbance aspects of the proposed development at the time of construction. The developer shall be prepared to facilitate the archaeologist in the recording and recovery of any archaeological material encountered.

The archaeologist will be empowered to halt development work, if necessary, for the purpose of recording and recovering any archaeological material encountered. A report on the archaeological monitoring shall be forwarded to the Planning Authority and to Dept of the Environment, Heritage and local government, upon completion.

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

5. All the developments shall be carried out on a phased basis, which shall be agreed with the Planning Department prior to the commencement of works.

Notwithstanding this, all works along the link road shall be completed prior to the occupation of any of the units. The planning authority shall be notified in writing prior to the commencement of each phase of works.

Reason: In the interest of orderly development.

6. (a) Adequate sight distances shall be provided at the entrance and junction onto the service road and the N69 in accordance with the Site Layout Map, received on 25/09/2008.
- (b) Formation of the junction of the service road with the public road shall not cause surface water or seepage water to flow onto the public road surface. The junction area shall be at the level of the public road for a distance of not less than 6 metres from the edge of the public road.
- (c) Formation of the junction of the service road with the public road shall not interfere with roadside drainage which shall be maintained, repaired or made good to the satisfaction of the Roads Authority.

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

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

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

8. All site development works and services shall be carried out in accordance with the Department of the Environment publication 'Recommendations for Site Development Works for Housing Areas.'

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

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

Reason: In the interest of public property.

10. (a) All tree planting shall be carried out in public and private areas in accordance with the landscaping plan received on 25/09/08.
- (b) Any failure of plant/shrubs/tree through disease, damage or removal within the first three years after planting shall be replaced by such similar species.
- (c) All hard surfacing, kerbing, paving shall be carried out in accordance with plans and particulars received on 25/09/08.
- (d) All boundary treatment shall be carried out in accordance with plans and particulars received on 25/09/08.

Reason: In the interests of visual amenity.

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

Reason: In the interest of protecting residential amenity.

12. (a) The proposed development shall be connected to the public water supply network.
- (b) Each unit shall be separately connected to the public water supply network.
- (c) A combination meter shall be installed at the entrance to the site.
- (d) All commercial development shall be metered separately.
- (e) Scour valves shall be required at the end of each branch main and connected to a road gully.

- (f) The applicants shall provide an adequate number of fire hydrants. Full details shall be agreed with the Fire Services Department prior to commencement of development.

Reason: In the interests of orderly development.

- 13.(a) The proposed development shall be connected to the public foul sewer at the applicant's expense in accordance with the plans and sections received on 25/09/08 to the satisfaction of the Water Services Section of Kerry County Council.
- (b) Each commercial development shall have a grease trap installed prior to connecting to the main sewer line.
- (c) An oil and petrol interceptor shall be required on the foul sewer before it enters the public road.
- (d) Surface water shall be disposed of into the storm sewer. No surface water shall be permitted to enter the public foul sewer network.
- (f) Storm water attenuation shall be agreed with the Water Services Department prior to the commencement of development.

Reason: In the interests of orderly development.

- 14. All public lighting shall be located and erected to the satisfaction of the E.S.B.

Reason: In the interests of orderly development.

- 15. The location and layout of the development shall be in accordance with plans and particulars submitted on 25/09/08. All conditions relating to same as attached per 06-4516 shall still apply.

Reason: In the interests of orderly development.

- 16. A proposed colour scheme for the scheme shall be submitted for agreement to the Planning Authority prior to the commencement of development.

Reason: To integrate the development into the surrounding area.

- 17. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 to 2008, signs, symbols, emblems, nameplates or other advertising devices shall not be erected or displayed externally on the site/structures, save with a prior grant of planning permission.

Reason: To safeguard the amenities of the area."

Mr. M. McMahon, Director of Planning, said the full details of the case, along with the history of the site, are set out in the report which was circulated. There is no variation to the existing permission on the site. The Planning Authority is not permitted to grant planning permission without a Material Contravention of the County Development Plan 2003-2009 being agreed. No objections and no submissions have been received following publication of the Material Contravention process.

Cllr. J. Brassil PROPOSED, in accordance with the provisions of Section 34(6)(a) of the Planning & Development Act 2000, that permission be granted to Pat Stakelum to make alterations to the planning permission granted under 06/4516, specifically, to construct a filling station and car wash on the forecourt of the convenience store, alter the entrance and access road to the development and submit revised proposals for the retail units previously granted at Dromin Upper, Listowel, in accordance with plans submitted on Planning Register No. 08/2186 which development would materially contravene the Kerry County Development Plan 2003-2009 (in which the subject site is zoned for housing).

Cllr. D. Kiely SECONDED this proposal.

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A vote was taken which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, Kiely, Leahy, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Donoghue, O'Shea, Purtill, Sheahan, Fleming **(24)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. S. Fitzgerald, M. Healy-Rae, MacGearailt **(3)**

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

08.12.15.01 Mayor's Report on CPG Meeting held on 9th December, 2008

Mayor T. Fleming read the following report into the record of the meeting.

Item 1 "Agenda for the December Council Meeting"

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

With regard to Agenda Item No. 8, Mr. J. Breen, Director of Housing and Community & Enterprise, highlighted the Home Choice Loans product which is a mortgage provided through Local Authorities for First Time Buyers who cannot get sufficient finance from a bank or building society.

Item 2 County Development Board

Mr. J. Breen, Director of Housing and Community & Enterprise, outlined the following issues County Development Board issues:

Change in the Chairman of the CDB

- Mayor taking over as Chair
- Formal ratification at next CDB meeting

Review of Priorities for CDB

- All agencies and sub groups written to
- Special executive meeting in January to decide on limited actions

Audit of Community Facilities

- To be completed by end of December
- Looking at community cultural and sporting facilities

New Economic Development Sub-Committee

- Guidelines have now been issued
- Will be considered by board
- KEAT is performing this function already in Kerry.
- Guidelines reflect fully what KEAT is doing

Active Participation of all at CDB Level

- Intention to speak with each member in January
- Get direct relevant feedback
- Ensure the work of the CDB is relevant

December Ordinary Meeting 2008

Benchmarking with other CDBs

- Consistent benchmarking on regional basis
- Twice yearly benchmarking on national basis
- Kerry holding up well in any assessment

Constrained Budgets

- Resources available to C & E are limited
- Extra duties being imposed e.g. JPC
- Can only do what resources allow.

Item 3 Update from Chairs of SPCs

Cllr. T. O'Brien informed the meeting that he would give an update from the Planning SPC at the December Council meeting:

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

Item 4 Any Other Business

Expression of Best Wishes

CPG members requested that best wishes be sent to Ms. Kate Kennelly, Arts Officer, on the birth of her twin girls.

Electoral Area Boundaries

Mr. J. Flynn, Director of Corporate Services, advised the CPG members that the Minister for the Environment, Heritage and Local Government has signed the Order to give effect to the Electoral Area Boundaries for the local elections 2009.

Parking at County Buildings

Mr. J. Flynn, Director of Corporate Services, thanked elected members for their co-operation with revised parking arrangements around County Buildings."

Mr. G. O'Brien, A/SEO, issued a reminder to elected members that as two separate meetings are being held today, an Adjourned Budget meeting and the Ordinary December meeting, there is a requirement for members to sign in for both meetings.

08.12.15.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. T. Fitzgerald SECONDED by Cllr. N. Foley, it was resolved that the minutes of the November Ordinary Meeting of Kerry County Council held on 17th November, 2008, be confirmed.
- (b) On the Proposal of Cllr. T. Fitzgerald, SECONDED by Cllr. N. Foley, it was resolved that the minutes of the Special Meeting of Kerry County Council held on 24th November, 2008 be confirmed.

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

Construction of 2 No. Single Rural Cottages

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

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Gleeson, it was agreed to note the report on the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning & Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning & Development Regulations 2006 in respect of the construction of a Single Rural Cottage with appropriate effluent treatment facilities at Shannera Lower, Beaufort, Killarney.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Cahill, it was agreed to note the report on the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning & Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning & Development Regulations 2006 in respect of the construction of a Single Rural Cottage with appropriate effluent treatment facilities at Tullorum, Killarney.

08.12.15.05 Disposal of Property

(a) No. 8 Pairc an Fhearainn, Ardfert

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. N. Foley, it was agreed to approve the disposal of Affordable House No. 8 Pairc an Fhearainn, Ardfert, to Philip Crickard, C/O Kate Browne's, Ardfert, Co. Kerry, in accordance with the terms of notice issued 4th December, 2008, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act 2000 and Article 206 of the Planning & Development Regulations 2001.

Cllr. T. Ferris said delays are being experienced with signing contracts for Affordable Houses in Ardfert and requested that signing of contracts for affordable houses be expedited.

Mr. J. Breen said there was a delay with contracts being returned by clients' solicitors. As soon as the contract is signed and returned by the client's solicitor it is processed. If the client's solicitor does not sign off on the contract, the Housing Department cannot issue the keys for the house. The Housing Department are pursuing these cases with a view to finalising them before Christmas.

(b) Castlequin, Caherciveen

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. O'Connor, it was agreed to approve the disposal of a plot of land comprising of 0.365 acres approximately in total at Castlequin, Caherciveen, County Kerry, to South Kerry Sports Centre in accordance with the terms of notice issued on 3rd December, 2008, pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

(c) 9 Avenue Drive, Glenbeigh

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. O'Connor, it was agreed to approve the disposal of a plot of land comprising of 0.009 of an acre approximately in total at 9 Avenue Drive, Glenbeigh, County Kerry, in the townland of Kilnabrack Lower, Glenbeigh to Michael & Bernadette O'Connor, 9 Avenue Drive, Glenbeigh, in accordance with the terms of notice issued on 3rd December, 2008, pursuant to Section 183 of the Local Government Act 2001.

08.12.15.06 Kerry Local Authorities Noise Action Plan

Mr. C. O'Sullivan, Director of Roads & Transportation, referred elected members to report dated 8th December, 2008, regarding Environmental Noise Regulations 2006 (S.I. No. 140 of 2006) Noise Action Plan for Major Roads in County Kerry which had been circulated. The report outlines that in accordance with the provisions of EU Directive 2002/49/EC (known as the Environmental Noise Directive) the Council prepared Strategic Noise Maps and a Noise Action Plan to address the environmental noise from major roads in the county with traffic volumes greater than 6 million vehicles per annum. In Kerry the only sections of road identified as exceeding this threshold are the N21 between Ballycarthy Roundabout and Tralee Town Centre and the N22 Killarney By-Pass. The Draft Noise Action Plan was considered by Council at its September meeting and was put on public display from 11th September, 2008, to 23rd October, 2008. Two observations were received, from the EPA and the NRA, copies of which are included in the Plan. It is now proposed to submit the plan to the EPA in accordance with the provisions of Environmental Noise Regulations 2006(S.I. No. 140 of 2006).

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. O'Brien, it was agreed to note the Kerry Local Authorities Noise Action Plan prepared in accordance with the Environmental Noise Regulations 2006 (SI No. 140 of 2006).

08.12.15.07 Dedication of the Roundabout at John B. Keane Road, Listowel

Report dated 2nd December, 2008, regarding a recommendation of Listowel Town Council and the Listowel Electoral Area Committee in relation to the proposal to dedicate the roundabout, located at John B. Keane Road, Listowel, in honour of the late Mr. Tim Kennelly, was noted.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. N. Foley, it was agreed that the roundabout, located at John B. Keane Road, Listowel, be dedicated to the memory of the late Mr. Tim Kennelly.

08.12.15.08 Home Choice Loan Product

Mr. J. Breen, Director of Housing and Community & Enterprise, referred elected members to report dated 8th December, 2008, on this item which was circulated. A fact sheet and presentation on the Home Choice Loan Product are included with the report. The Home Choice Loan is a mortgage provided for first time buyers who cannot get sufficient finance from a Bank or Building Society. The Home Choice Loan will provide up to 92% of the market value of a property purchased, to a maximum of €285,000. The mortgage term will be for a maximum of 30 years. Home Choice Loan will only be available for newly built homes. Cork City Council is the leading Authority for this region. The Housing Department at Kerry County Council has information available on the Home Choice Loan product.

Cllr. J. Brassil said this is an innovative and welcome loan product. Due to the current economic climate many people with good income are being refused mortgages and this loan product is an option available to them. This loan product will stimulate the housing market, help to get people onto the property market and give them an affordable loan. As 92% of the market value of a property purchased will be provided through this product, sourcing 8% of the market value of the property will be achievable. Kerry County Council should actively promote and advertise this product.

Cllr. D. Healy-Rae welcomed the Home Choice Loan product. He referred to the element of the loan product whereby to qualify for a Home Choice Loan, applicants must earn more than €40,000 and said that he considered this to be quite high. Many people are in a difficult financial situation at present and cannot get a mortgage, as they do not have this level of income. He suggested that this figure be reduced to €30,000 and requested that a letter issue to the providers of this product to review the limit of €40,000.

08.12.15.09 Report on Planning SPC

It was unanimously agreed to note report from Cllr. T. O'Brien on this item which was circulated.

08.12.15.10 Electoral Area Meeting Dates

Dates for the next round of Electoral Area Meetings were agreed as follows:

Area	Date	Location	Time
Tralee	Monday 9 th Feb, 2009	Council Chambers	10.40 am
An Daingean	Wednesday 11 th Feb, 2009	Killorglin Golf Club	10.30 a.m.
Listowel	Monday 23 rd Feb, 2009	Áras an Phiarsaigh	10.00 am
Killarney	Tuesday 24 th Feb, 2009	Town Hall, Killarney	10.00am
Killorglin	Friday 27 th Feb, 2009	Killorglin	10.00am

08.12.15.11 Summary of Proceedings at Conference

Heritage Council's National Village Design Conference 2008

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

08.12.15.12 Opening of Tenders

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for 1 No. 6 x 4 tipper truck.
- (b) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for 1 No. panel van.
- (c) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. A. McEllistim, it was agreed to approve the opening of Tenders for a Single Rural Cottage at Kineigh, Emlagh, Caherciveen.
- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. Leahy, it was agreed to approve the opening of Tenders for supply of diesel fuels.

- (e) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders for Electricity Generation Facility at Muingnaminnane Landfill Site.
- (f) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. N. Foley, it was agreed to approve the opening of Tenders for N21 Castleisland By-Pass Design and Build Road Contract/Project.

Cllr. T. Fitzgerald asked if any further information has been received regarding the Castleisland By-Pass.

Mr. C. O'Sullivan, Director of Roads & Transportation said information received from the NRA is that the tender process is proceeding. The closing date for receipt of tenders is 15th January 2009. This tendering is for the Engineering Representative on site.

- (g) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. R. Beasley, it was agreed to approve the opening of Tenders for Pre-Qualification Questionnaire for the "Refurbishment of Maurice O'Neill Memorial Bridge, Valentia: Phase 1 Removal of the existing hydraulic and electrical system and corrosion protection of the steel".

08.12.15.13 Reception of Deputations

(a) Residents of Magha, Lyreacrompane

Cllr. P. McCarthy requested that a deputation be received from the residents of Magha, Lyreacrompane, regarding damage done by bog slide. On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. T. Buckley, it was agreed that this deputation would be received at the next Tralee Electoral Area Meeting.

(b) Residents of Scart, Gortatlea

Cllr. P. McCarthy requested that a deputation be received from the residents of Scart, Gortatlea, regarding the volume of heavy traffic travelling past the school at Scart, Gortatlea. On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. T. Fitzgerald, it was agreed that this deputation would be received at the next Tralee Electoral Area Meeting.

(c) Portmagee Development Group

Cllr. M. Healy-Rae requested that a deputation be received from Portmagee Development Group regarding the inadequate sewerage treatment in Portmagee. On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. D. Healy-Rae, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

(d) Residents of Sunhill, Killorglin

Cllr. J. O'Connor requested that a deputation be received from the residents of Sunhill, Killorglin, regarding roads. On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. O'Donoghue, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

Vote of Congratulations & Civic Reception

Cllr. M. O'Shea PROPOSED a vote of congratulations to Mid Kerry Football team who are the AIB County Champions 2008. He PROPOSED that a Civic Reception be held in 2009 for the Mid-Kerry Team.

Cllr. J. O'Connor SECONDED this PROPOSAL.

It was agreed that a Civic Reception would be held for the Mid-Kerry Football team at the February 2009 Council meeting.

Emergency Motion

Cllr. M. Cahill PROPOSED an Emergency Motion regarding coastal erosion at Rossbeigh. He said last weekend the sea breached the sand dune area at Rossbeigh and there is now an island off the spit at Rossbeigh and a gap of in excess of 1,200 ft at the sand dunes. He said he had previously predicted such erosion and unfortunately it has happened. This erosion is arising from a combination of high tides, a full moon, wind erosion and global warming. Rossbeigh Beach is a great amenity for the county and it is sad to see this erosion occur. Today there remains less than one third of the original sand dune acreage at Rossbeigh beach. He expressed concern for the greater Castlemaine Harbour area and townlands of Dooks, Cromane, Incheree and Faha. Rossbeigh spit is a protection barrier for these areas and If the sand dune is washed away these areas will be subject to high waves. This coastal erosion also has implications for the leaning tower at Rossbeigh which may fall this winter. Responsibility for this tower lies with the Commissioner for Irish Lights. He said he has raised the issue of coastal protection works previously and requested that a letter issue to the Minister for Agriculture, Fisheries & Food regarding the provision of funding for coastal protection works. Unfortunately, successive Governments have not prioritised coastal protection works. These works must be addressed as a matter of priority. He undertook to raise this matter at a South West Regional Authority Meeting scheduled for 16th December, 2008. Many local parties are willing to assist with these works. Any assistance available from Kerry County Council would be very welcome and local help which is available should be accommodated. He called on the Local Authority to give immediate priority to addressing this issue. He acknowledged that in the current economic climate this will be difficult but homes will be serious at risk if coastal protection works are not undertaken.

Cllr. M. Gleeson supported this motion. He said due warning was given by many members on this issue and action was not taken to prevent what is a disaster for not just Rossbeigh Spit but the entire communities within that catchment. These communities will be assaulted by sea levels which were never before a factor in their life. Tourism in this area must be saved. Fishing communities and farming communities will also suffer. He requested the Local Authority to undertake whatever works are necessary to ensure no further damage is caused to Rossbeigh spit.

Cllr. J. O'Connor said he had also spoken on the issue of coastal erosion previously. It is appalling that there is a lack of structures being put in place to prevent coastal erosion. Coastal erosion is inevitable without such structures. No coastal protection works have been undertaken at Rossbeigh. He said coastal protection is being transferred to be within the remit of the OPW and requested that Kerry County Council enquire as to the results of the OPW survey in Dingle Bay and invite the OPW to attend a Council meeting to outline what proposals they have to protect the

Kerry coastline. Erosion such as that experienced at Rossbeigh will continue unless coastal protection works are undertaken. Rossbeigh is a natural amenity which must be protected. As this area is designated an SAC he requested that a letter issue to the NPWS enquiring as to whether Kerry County Council can undertake works to protect this amenity.

Cllr. R. Beasley supported the Emergency Motion and said the need for funding for coastal protection works has been raised on numerous occasions. There is also a need for coastal protection works in Kilmorna and other areas in North Kerry. It is unfortunate that at any time coastal protection work is discussed no funding is available. There is an onus on the Government to provide this funding. The allocation of €4m per year for coastal protection works in the country is not adequate. He asked if EU funding could be sought for coastal protection works. Rossbeigh is a tourist attraction for the county. If that is eroded local people, fishing communities and farming communities will be affected. He requested that a letter issue to the relevant Minister requesting that funding be sought from the EU for coastal erosion works.

Cllr. T. Fitzgerald said in previous years the amount of money earmarked for coastal protection works at European level was very small. Coastal erosion is not a priority issue in the EU budget. He requested that a letter issue to MEPs asking that they ensure that a programme is put in place to give a high priority to coastal erosion issues. He requested that a letter issue to Government asking that the issue of funding being reserved at EU level for coastal protection works be pursued.

Mayor T. Fleming said this is a very urgent and serious matter. Kerry County Council must survey the area and prepare an urgent report.

Mr. C. O'Sullivan, Director of Roads & Transportation, said Kerry County Council is aware of the situation at Rossbeigh and staff are surveying the area. Technical advice will be provided regarding this situation and a report regarding measures that can be put in place is being prepared. Availability of national funding is a major factor in facilitating coastal protection works. €4m was available nationally in 2008 and Kerry County Council was allocated €900,000. A report was prepared previously on coastal protection works with the cost estimated at €26m. While Kerry County Council has provided funding, to secure matching funding from Government Departments, there is a lack of national commitment.

Cllr. M. Cahill requested that on finalisation of the report on Rossbeigh Spit that a staff member from the Roads & Transportation Department would meet with locals to determine if emergency works can be carried out.

Mr. C. O'Sullivan, Director of Roads & Transportation, said a staff member will meet with locals but it will be viewed in the context of the cost of the works as it is understood that the works to be carried out are extensive.

Irish Immigrants in USA

Cllr. T. Ferris PROPOSED that a letter issue to President elect, Mr. Barrack Obama, requesting that he lobby to give status to the thousands of Irish immigrants in the USA.

Mayor T. Fleming SECONDED this proposal.

Road at Ballydunlea, Ballyhar

Cllr. B. Cronin said works were carried out on a water main extension two months ago at Ballydunlea, Ballyhar, and as part of the works the road was to be re-instated. He said he has contacted Water Services regarding this matter as the road remains in an appalling condition. He requested, on behalf of the residents, that the Water Services Department ensure that the road is reinstated to the proper standard.

Cllr. M. Gleeson supported this motion.

Vote of Sympathy

Cllr. P. O'Donoghue PROPOSED a vote of sympathy to the O'Connell Family and Mr. Tim O'Connell, Housing Department, Kerry County Council, on the death of Ms. Eileen (Nellie) Mahony.

All members wished to be associated with this vote of sympathy.

Mayor Fleming issued a reminder to elected members of the agreement at the November Council Meeting, that votes of sympathy be recorded in the Vote of Sympathy Book and they would be dealt with by the Mayor at the start of the Council Meeting.

08.12.15.14 Notices of Motion

1 Provision of Playgrounds

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

"That the Council would detail the degree of progress it intends to achieve during 2009 in the matter of playground provision. Such provision must be urgently central to the development of healthy recreational facilities, particularly for the young."

The following report was issued:

Kerry County Council through its Play Appraisal Team continues to work with those community groups in the County wishing to develop playgrounds in their area in line with the Council's Play Policy.

The following gives an indication of the playground project activity countywide at present which will also give an indication of playground developments in 2009.

Playgrounds constructed or at construction stage

The playground in Ardfert has been constructed and has passed its safety inspection. Adverse weather conditions have delayed the construction of the playground in Valentia and it is now expected that construction will be completed in 2009. Listowel Town Council have also completed the refurbishment of its Town Park playground during 2008.

Playgrounds with planning permission or at planning permission stage

The proposed Lixnaw playground has full planning permission but is linked with a mixed retail development which will ultimately impact on its date of construction.

Planning permission has also been sought for a mixed retail development in Milltown which also includes a playground.

Playgrounds with sites identified

Sites for proposed playgrounds have been identified in Castleisland and Ballinskelligs and the Kerry Play Appraisal Team expects these applications to progress to the planning permission stage in 2009.

Playgrounds at preliminary stages

The following groups are at the preliminary stages of proposed playground developments namely, Rathmore, Cromane and Tarbert.

Financial Consideration

In 2008 a total of €207,263.33 was paid out, or due to be paid out to Playground Committees in Kenmare, Glenbeigh, Valentia and Ardfert. Obviously the discontinuation of the scheme of playground grants by the Department of the Environment, Heritage & Local Government has had major playground funding implications for Kerry County Council. All playground funding during 2007 and 2008 has come from Recreation & Amenity Development Levies. As economic activity in the construction sector has virtually come to a halt, this source of funding will be finite. The Kerry Play Appraisal Team continue to advise community groups to seek other funding opportunities such as Leader.

The Play Appraisal Team wishes to acknowledge the effort which community groups make to raise finances locally in order to progress playground projects in their areas.

Cllr. M. Gleeson noted the reply to the Notice of Motion and said he had spoken on this issue in the past. The importance of playground facilities cannot be over emphasised and there is a right to these facilities. Kerry County Council has a policy outlining plans to provide playground facilities. Involvement of children in physical activity and sport is fundamental and helps fight against anti-social behaviour particularly against drink and drugs. It is incumbent on Kerry County Council to progress the provision of playground facilities in the county. It is a disappointment that the €100,000 annual grant was withdrawn. He requested that a letter issue to the Government asking that this grant be reinstated. He said progress on the Rathmore playground is slow and requested that priority be given to finalising this playground.

Cllr. B. Cronin seconded this Notice of Motion. The provision of playgrounds in communities is extremely important socially. Large scale developments have been constructed with no playground facilities. Planning permissions should have included a condition for the provision of a playground for the size and scale of the development. This opportunity was missed in zoning villages. Rathmore and Castleisland playgrounds are progressing slowly and he requested that the completion of these playgrounds be expedited.

Cllr. T. Ferris said she wished to state her abhorrence that the Minister for the Environment, Heritage and Local Government has been misleading Playground Groups to believe that funding for playgrounds was imminent. People were led to believe that Local Authorities had not spent allocations which was causing the delay in reinstating the fund. The Government must reinstate this funding.

Cllr. R. Beasley supported the Notice of Motion. Playgrounds promised have not been provided. The playground in Ballybunion is a great facility for the children in the area. He asked that consideration be given to providing playground facilities in small villages.

2 Consultancy Fees

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

"That Kerry County Council furnish a report as to the total amount paid to consultants during the current year and to state, in particular, the names and addresses of such consultants, the purpose for which they were retained and the costs involved with each individual consultancy. The Council should also report as to how this year's payments reflect on those of the past three years."

Cllr. B. Cronin referred to his Notice of Motion, No. 17 on the agenda, and said he wished to move it.

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

"To request the full details of all consultants hired and the full amounts paid to each firm by Kerry County Council from December 2007 to December 2008."

The following report was issued:

The attached schedule gives the details of the sums paid to Consultants engaged by Kerry County Council on County Council projects and the jobs for which the Consultants were retained for the period from 1 January 2008 to 30 November 2008. Details of Consultants paid in excess of €5,000 in the period are included.

Before engaging or hiring any external services or support, the Council's first step in all sections is to review our internal capacity and determine whether or not the project can be delivered in-house. It is only after a decision that the project/service cannot be delivered in-house that the engagement of external assistance or support arises. In the case of Consulting Firms they are engaged normally only where the County Council does not have the overall level of staffing resources required, or the diverse range of disciplines needed, or the particular expertise necessary for the specific job. Generally, they are engaged in connection with major infrastructural projects, such as, water schemes, waste water schemes, structural design, quantity surveying and, otherwise, where specialist input is required beyond the normal activities of the Council. In most of the major projects, the appointment of Consultants is subject to the approval of the National Grant-Aiding Body. E.U. Public Procurement Directives apply to the major contracts, as well. The National Public Procurement Guidelines apply to the award of all public sector contracts. The policy is that in all cases, both major and otherwise, the fee proposal is agreed in advance of any appointment.

The Expenditure on consultancies during January to November 2008 may be summarised by major service, as follows:-

Service	Total Expenditure €	Recoupable €
Housing	93,171.24	93,171.24
Roads	705,461.35	702,460.75
Water Services	1,154,424.16	868,951.63
Environment	273,144.43	23,305.01
Council Buildings Development Projects	155,181.87	55,656.58
Miscellaneous Minor Projects, e.g. Broadband, Piers & Harbours, Planning Studies	611,700.56	262,221.49
Total	2,993,083.61	2,005,766.70

As is evident from the table above, the vast majority of the expenditure incurred is in relation to the major investment programmes. Of the €2.993m paid to Consultants during 2008, approx. 67% is recoupable from various Government Departments and State Agencies, in respect of grant-aided projects. 39% of the overall sum was spent on support to Water Services where we are advancing a very substantial investment programme, as discussed in the Council Chamber frequently.

As every effort is made to undertake the maximum amount of work from within our own staffing resources, the Council engages Consultants on an exceptional basis only in the circumstances, as mentioned earlier. Consequently, then, the possibility of the Council undertaking the work through internal means had been exhausted before engaging the Consultants in the first instance.

Total payments to Consulting Firms amounted to €1.869m in 2005, €4.348m in 2006 and €4.456m in 2007.

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Supplier Name	Total Paid to Supplier €	Nature Of Service	Job Description	Summary paid by Job €
Ryan Hanley & Company The Villa, The Crescent, Galway.	80,083.39	Consulting Engineers	Barraduff Sewerage Scheme	73,574.54
			Kilcummin Sewerage Scheme	850.94
			Brosna Knocknagoshel RWS	462.03
			North Ardfert Source Protection	477.73
			Cisland Sew S2	602.98
			Bheigue Sew Improvement	3,510.17
			Listowel RWS Stg4	605.00
Mott MacDonald Pettit Little Island, Cork	85,824.64	Consulting Engineers	Listowel RWS Stg4	82,305.26
			Firies Scartaglin Sth Sect	3,519.38
1 Spatial Ireland 1 Nore House, Riverview Business Park Mallow, Co Cork	26,680.50	Mapping Consultants	Tralee ByPass-Bealagrellagh	26,680.50
O Sullivan Campbell Architects Killarney, Co Kerry	59,938.16	Architects	Castleisland Library/Services Centre	59,938.16
Richard Walshe Associates Tralee, Co Kerry	12,135.99	Construction Cost Consultants	Ballygologue Phase 5	12,135.99
Malachy Walsh & Partners Tralee and Cork	127,288.41	Consulting Engineers	Fitzgerald's W/House Strand St Tralee	3,630.00
			Graveyard Biodiversity Survey	10,999.98
			Maurice O'Neill Bridge	4,235.00
			Traffic Management Budget Use B0601	2,904.00
			Fertha Bridge Caherciveen	2,420.00
			N22 Lissyvigeen Junction	5,021.50
			Milltown Sew Imp Work	69,183.13
			N21 Castleisland-Abbeyfeale	459.80
			Ballyseedy Wood River Walk Development	2,420.00
			Brandon Pier	14,520.00
			L8011 Cloghan, Brandon, Kilmore	6,655.00
			Dingle Civic Amenity Areas	4,840.00

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Supplier Name	Total Paid to Supplier €	Nature Of Service	Job Description	Summary paid by Job €
Brendan Williams & Assoc Market Place, Maine Street, Tralee	12,951.93	Architectural Consultant	Refurbishment Tralee Fire HQ Kenmare Carnegie Library	9,381.20 3,570.73
Fehily Timoney & Co Core House, Pouladuff, Cork.	231,424.82	Consulting Engineers	Forward Planning Hydro Electric Hags Glen Feas. Study Closure - Coolcaslagh, Killarney Closure-Ballyvrrane, Milltown Muingnaminnane- Extension	78,397.79 107,526.14 23,145.86 8,470.00 13,885.03
White Young Green Ireland Ltd Lock Quay, Limerick	17,247.54	Consulting Engineers	Firies Sew Imp Work	17,247.54
Environmental Laboratory Services Mahon Industrial Park, Blackrock, Cork.	15,478.94	Environmental Consultants	Tralee Waste Water Treatment Plant Killarney Waste Water Treat. Plant C Reg Ballintobeenig	10,067.81 5,324.61 86.52
Feileastram Teo Baile an Teampaill Dun Chaoin	5,978.64	Translation	Planning Control Housing/Roads/Arts/Community & Enterprise	4,739.60 1,239.04
Declan O Sullivan & Associates, Princes Quay, Tralee, Co Kerry	44,737.77	Quantity Surveyors	Construct 4 houses at Churchground, Kilgarvan Construction of 8 Hses for LTC at Feale Drive Part V Social Hsg Fees & Expenses No 8&9 Castle Gardens Castleconway Killorglin Dun Ard Doon Rd Ballybunion Prt V 03/3654 Pairc an Callan Kenmare Part V	2,242.35 9,883.49 21,835.67 3,024.52 4,726.74 3,025.00
Jack Coughlan Associates 21 Sunday's Well Road, Cork Loss Control Services Ltd T/A Nifast	44,943.03	Conservation Consultants	Planning Control/Enforcement, Forward Planning Conservation Services	41,382.00 3,561.03
Douglas, Cork	82,058.08	Health & Safety Consultants	Health & Safety Audits on Roadworks	82,058.08

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Supplier Name	Total Paid to Supplier €	Nature Of Service	Job Description	Summary paid by Job €
KCK Kane Crowe Kavanagh 4 Princes Street, Tralee	60,365.69	Quantity Surveyors	N8/2/467 Gortamullen Kenmare Ph2 10 Affordable Hses at Farranwilliam Castleisland Library / Service Centre Castleisland Moanmore Phase 3 2007 Kenmare Afford Hsg Gortamullin N8/2/484-Farranwilliam Ardfert Ph4 Part V - Social Hsg Ardmoniel (ID Development) Part V - Affordable Hsg Ardmoniel (ID Dev)	3,838.77 9,394.92 24,068.21 3,087.62 9,075.00 6,399.97 2,250.60 2,250.60
Polaris Human Resources Swords, Co Dublin	17,962.58	HR Consultants	Staff Welfare	17,962.58
Piconsult Ltd t/a Kavanagh Mansfield & Partners Ballsbridge, Dublin 4	18,031.98	Consulting Engineers	Caherciveen Library	18,031.98
Padraig Mac Fhearghusa Tralee, Co Kerry	7,710.90	Translation	Various Documents	7,710.90
Gerry O Sullivan Castlegregory, Co Kerry	8,500.00	HR Consultant	Community & Enterprise	8,500.00
Tobin & Co Ltd Galway	183,453.53	Consulting Engineers	Muingnaminnane -Extension North Kerry Landfill Muing Gas Field cells 1-12 Muingnaminnane Phase 9	95,390.35 22,505.25 18,300.09 47,257.84
Neil Foulkes Miskaun, Ballinamore, Co Leitrim	11,000.00	Environmental	Hedgerow Survey	11,000.00
Wm Moyles Ltd, T/A Senith Land Surveys The Basin, Tralee, Co Kerry	27,754.38	Surveyors	N21 Castleisland ByPass	27,754.38
Jacobs UK Ltd Glasgow, UK	8,954.00	Consulting Engineers	N21 Castleisland Bypass	8,954.00

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Supplier Name	Total Paid to Supplier €	Nature Of Service	Job Description	Summary paid by Job €
Bard na nGleann Teoranta TA Bard Beal Atha nGhaortaigh, Co Chorcaí	18,175.35	Translation	Forward Planning/Planning Control	18,175.35
Atkins, Swords, Co Dublin	96,516.26	Consulting Engineers	Tralee By-Pass - Bealagrellagh	96,516.26
A&L Goodbody North Wall Quay, Dublin 1	11,900.29	Specialist Legal Services	Gortalea Farranfore J81 Contract	9,693.07 2,207.22
John O Connor Grange, Co Limerick	7,139.00	Web Design Consultant	Heritage Services	7,139.00
TJ O Connor & Associates LTD Sandyford, Dublin 18	168,545.75	Consulting Engineers	Castlemaine Sewerage Scheme Brandon Sewerage Scheme Castlegregory Sewerage Scheme Aughacarla Sewerage Scheme Boolteens Sewerage Scheme Cromane Major Sewerage Scheme Annascaul Sewerage Scheme	39,762.15 17,804.28 39,762.17 17,804.28 17,804.29 17,804.29 17,804.29
Thomas Bernard Kennedy & Co 43 Ashe Street, Tralee	6,250.73	Consulting Engineers	Group TakeOver Refurbish Ballintarmon GWSS	6,250.73
BMA Geoservices Ltd Athy Road, Carlow.	16,800.37	Enviromental Consultants	Maghamknockane Bogslide	16,800.37
RPS Group Ballincollig, Cork	27,387.02	Consulting Engineers	Abbeydorney Sewerage Scheme Scartaglin Sewerage Scheme Kilflynn Sewerage Scheme Ardfert Sewerage Imp Works Fenit Sewerage Scheme Spa Sewerage Scheme Currow Sewerage Scheme Tralee By-Pass Bealagrellagh N23 Castleisland-Farranfore	1,038.29 1,038.30 1,038.29 1,038.29 1,038.29 1,038.29 1,038.29 16,342.79 3,776.19

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Supplier Name	Total Paid to Supplier €	Nature Of Service	Job Description	Summary paid by Job €
Nicholas O Dwyer Consulting Engineers Nutgrove Avenue, Dublin	69,833.20	Consulting Engineers	KY CRWS Treatment Tarbert Sewerage Scheme Asdee Sew Sch Finuge Major Sewerage Sch 03 Cashen Sewerage Scheme Ballylongford Sewerage Scheme Ballyduff Sewerage Scheme Lixnaw Sewerage Scheme	68,513.34 188.54 188.54 188.58 188.54 188.54 188.54 188.58
McMahon Design & Management Ltd Clontarf Road, Dublin 3	169,610.29	Consulting Engineers	Broadband Project 2007	169,610.29
Maxima Managed Services Ireland Ltd Blanchardstown Corporate Park Phase 2 Ballycoolin, Dublin 15	36,300.00	IT Consultants	Networks-Citrix Managed Services/Health Audits	36,300.00
Oisin Seirbhisi Comhairle Teanga Teoranta T/A Oisin, Maigh Chromtha, Co Chorcaí	10,256.34	Translation	Caherciveen WS Forward Planning	236.39 10,019.95
O'Leary & Associates Training & Consultancy Ardfert, Co. Kerry	15,518.08	Training Consultants	Community & Enterprise - Tralee/Killarney Hub Strategy	15,518.08
Aegis Archaeology Ltd	10,376.33	Archaeologists	Dingle Relief Road Reg Rds Footpaths-R569 Kilgarvan	8,400.40 1,975.93

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Supplier Name	Total Paid to Supplier €	Nature Of Service	Job Description	Summary paid by Job €
J B Barry & Partner Cons Engineers Little Island, Cork	246,463.65	Consulting Engineers	Glenflesk Major Sew Sch 02 Glen Sew Sch 2002 Sneem Sewerage Scheme SLI Chapelstown Sew Glenbeigh Sewerage Scheme C Daniel Sew Kilgarvan Sew Sch	7,459.62 7,459.63 17,414.90 7459.63 72,650.85 66,156.38 67,862.64
Tobar Archaeological Services Midleton, Co Cork	33,438.72	Archaeologists	Milltown Sew Imp Scheme N22 Woodlands Roundabout Killarney	29,685.92 3,752.80
Valuation & Agronomy Services Ltd 35 William Street, Listowel, Co Kerry	166,859.36	Valuation & Agronomy Consultants	N22 Farranfore-Killarney N21 Castleisland By Pass Tralee By-Pass - Bealagrellagh	16,501.38 130,701.65 19,656.33
Sylvan Consulting Ecologists 15 Manor Park, Mallow, Co Cork	12,463.00	Ecologists	Heritage - Ballyseedy Wood Recreational Plan	12,463.00
Sheridan Woods Architects 42 Aeran Street East, Dublin 7	15,609.00	Architects	Heritage - An Daingean Area Mapping & Design	15,609.00
Billy Moore Consulting Johns Hill, Waterford	12,465.97	Environmental Consultants	Forward Planning/Control	12,465.97
Jonathan Blackwell & Associates C/O Mackey & Co, Kiltegan, Co. Wicklow	9,135.50	Urban & Regional Planners	Forward Planning	9,135.50
EC Harris Ireland Ltd 36 Upper Fitzwillian Street, Dublin 2	235,950.00	Strategic Delivery Consultants	Co Kerry WW & Sludge Strategy for Delivery	235,950.00

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Supplier Name	Total Paid to Supplier €	Nature Of Service	Job Description	Summary paid by Job €
VESI Environmental Ltd Cobh, Co. Cork	6,195.20	Environmental	Rossbeigh SS Sm Sch 08	6,195.20
BEC Consultants 27 Upper Fitzwilliam Street, Dublin 2	18,394.42	Botanical	Heritage Ballyseedy Woodland Management Plan	18,394.42
Minerex Environmental Ltd Dundrum, Dublin 14	5,900.00	Environmental	Tralee By-Pass Bealagrellagh	5,900.00
Atlantic Sports Management & Training Kinsale, Cork	6,175.84	Sports Management	Local Sports partnership Review - ISC Core Function	6,175.84
Pavement Management Services Ltd 53 Main Street, Rathfarnham, Dublin 14	12,593.48	Consultants	RI L3013 Readrinagh X - Gullaun West X N69 Leith X Realignment N22 Lawlors X to Killarney N86 Lougher X to Stage Pavement 2008 N86 Lispole Village Pavement 2008 IRI Surveys N69 Tarbert to Dooncaha	3,630.00 897.52 1,649.77 889.70 889.71 3,630.00 1,006.78
Malone O Regan McGillcuddy 7 Day Place, Tralee	192,791.36	Consulting Engineers	S.I.G. L7512 Gaddagh Bridge, Beaufort Castleisland Library / Service Centre DI Moanmore Bridge Repairs N22 Lissyvigeen Junction Dromadda Bridge, Reenagown SIG L7512 Gaddagh Bridge Milltown Sew Imp Work	47,795.00 18,648.92 9,425.90 7,260.00 15,125.00 85,885.04 8,651.50
Eachtra Archaeological Projects Kinsale Road, Cork	62,258.58	Archaeologists	Broadband Project 2007 Archaeological Survey 28 Graveyards N86 Lougher X to Stage Pavement 2008	30,129.00 28,350.03 3,779.55

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Supplier Name	Total Paid to Supplier €	Nature Of Service	Job Description	Summary paid by Job €
Philip Lee Solicitors Wilton Place, Dublin 2	14,501.85	Legal	E-Procurement National Bitumen Tender	14,501.85
Arup Consulting Engineers Hartstonge Street, Limerick	29,238.27	Consulting Engineers	N22 Lissyvigeen Junction Castleisland Library/Services Centre	7,695.60 21,542.67
Dermot A Flanagan BL Arran Quay, Dublin 7	33,335.50	Legal	Tralee By-Pass-Bealagrellagh	33,335.50
National Building Agency Ltd Milltown, Dublin 6	24,200.00	Engineering/Planning	Planning Studies-local area plans Tralee & Killarney	24,200.00
Total	2,993,083.61			2,993,083.61

Cllr. P. O'Donoghue expressed concern regarding the level of expenditure on Consultancy fees. He acknowledged that there is an improvement in this area as €4.4m was spent on consultancy fees in 2007 and to end November, 2008, it is down to €2.9m. While this decrease in consultancy fees is welcome Kerry County Council should be engaging less consultants and in-house staff provide these services. He acknowledged that €2m of these fees paid to date in 2008 is recoupable, but €900,000 is being spent. Kerry County Council must continue to engage consultants only where it is absolutely essential.

Cllr. B. Cronin supported Cllr. P. O'Donoghue's comments. He questioned why some consultants were engaged, e.g. consultancy fees of €84,000 were paid to Architects and Quantity Surveyors on the Castleisland Library project. He requested further details on the following fees paid: (a) the Hydro-Electricity Study at Hags Glen, (b) broadband, (c) the Wastewater Sludge Delivery plan, and (d) the Hedgerow Survey. Substantial monies are being paid on consultancy fees and Kerry County Council has many in-house experts that could provide these services.

Cllr. D. Healy-Rae expressed concern regarding the high level of payments to consultants. He said his main concern is that Consultant Engineers, when determining the cost of the work that they do, are entitled to 10% of the cost of the project if it proceeds. Therefore, the larger the project the more they will benefit. He expressed concern regarding a consultant working on three sewerage schemes where the same contractor was awarded the three schemes. He also expressed concern regarding Furies/Scartaglen water scheme and said he understands that this scheme appears to have been under-estimated.

Cllr. J. Brassil said the reply to the Notice of Motion outlines that €2m is recoupable. He said it would be helpful if the non-recoupable monies would be listed separately and elected members would then know whether Kerry County Council got value for money. An addition to the debate is that consultants are small businesses and employ people whose salaries are spent in their own communities. People are providing legitimate consultancy services which are beneficial to the county.

Cllr. T. Fitzgerald said this is a legitimate motion and all costs must be considered. There is a substantial amount of money relating to major contracts and potential contracts. €180,000 relates to the Tralee Bypass. He said in as much as possible these services should be provided in-house. He suggested that the report would differentiate between major contracts and the non-recoupable expenditure in order to determine if more efficiencies can be gained in that area.

Cllr. T. Ferris agreed with Cllr. Brassil's comments regarding consultancy services contributing to employment. With regard to the non-recoupable expenditure, the taxpayer is paying for this work and Kerry County Council should be concerned that value for money is achieved. She sought confirmation and assurances that expenditure on consultancy fees was money well spent and was unavoidable expenditure.

Mayor T. Fleming sought clarification on the two stages of payments for the Gaddagh Bridge totalling €132,000.

Mr. J. O'Connor, Head of Finance, referred elected members to the last paragraph of the reply to the Notice of Motion which reads "As every effort is made to undertake the maximum amount of work from within our own staffing resources, the Council

engages Consultants on an exceptional basis only in the circumstances, as mentioned earlier. Consequently, then, the possibility of the Council undertaking the work through internal means had been exhausted before engaging the consultants in the first instance.” With regard to water and wastewater schemes, he said that Kerry County Council is advancing a Programme of Works in the order of €220m. It is not possible, or economical, for any Local Authority to engage the level of staffing on a limited period for the development of these schemes. Environmental legislation, legal and ecological requirements are so specialist that any organisation cannot employ the full range of services required. Regarding Hag’s Glen, Kerry County Council has a hydro-plant at Lough Guitane, which is delivering a substantial amount of electricity and it is hoped to implement the same system at Hag’s Glen. The engagement of consultants for the Wastewater Sludge Delivery plan is particularly important in delivering waste water structure in the county. The figure for non-recoupable expenditure is comprised of local contributions element required for water and wastewater schemes. If a scheme is approved it is conditional on between 30% to 50% being acquired locally. The figure for non-recoupable expenditure also includes substantial payments for developments at North Kerry Landfill again this is specialist work. EU procurement rules and national rules apply to the engagement of consultants. A National Framework Agreement is in place dealing with recruitment of consultants and rate of fees. Prior to the engagement of a consultant an in-house evaluation is undertaken and formal County Manager’s approval is also required.

Cllr. D. Healy-Rae asked if consultants have to tender for contracts.

Mr. J. O’Connor, Head of Finance, confirmed that consultants do have to tender for project contracts. Strict EU and national rules apply and consultants are engaged following a public advertisement.

Mr. O. Ring, Director of Water Services, referred to the engagement of consultants on the Wastewater Sludge Delivery Plan. This appointment is a reflection of the level of activity in progressing water and wastewater facility projects in the county. Hag’s Glen has potential to be developed as part of the water supply for the Mid-Kerry area. With regard to the Wastewater Sludge Delivery Plan, this is a unique project in Ireland and Kerry County Council is the first Local Authority to develop such a plan. An investment of €250m is required to deliver water and wastewater infrastructure over the next 25 years. Consultants are guiding Kerry County Council to get projects in place in the short-term, medium term and long-term. Kerry County Council does not have the capacity to deliver these projects without engaging consultants.

Cllr. B. Cronin said elected members, as representatives of the public, must monitor expenditure of public money and ensure value for money in the delivery of programmes for the county. He said he understands that a scheme will not be progressed for Glenflesk and said he appreciated the replies received from Director of Water Services on this matter. He sought further detail on the Hedgerow Study and the payment of €169,000 to consultants for the Broadband project.

Cllr. P. O’Donoghue said the legislative requirement for consultants to be engaged on some projects should be removed. He queried the need for a number of consultants listed in the report e.g. Archaeologists, H.R. consultants, Sports Management, Pavement Specialists and mapping consultants. He suggested that the SPCs be notified that consultants are being engaged and a report also submitted to the Audit Committee. While there may be justifiable reasons for the engagement of consultants elected members should be made aware of these reasons.

Mr. J. O'Connor, Head of Finance, said elected members are entitled to the information requested and a detailed report has been presented. The H.R. consultant was engaged to deal with a very specific difficulty. It is an unusual case and H.R. consultants are rarely engaged. With regard to Broadband, a major contract was delivered in the county in the region of €8m. The Department of Communications, Marine and Natural Resources funded 90% of the Broadband contract 90% and 10% had to be raised locally. Hedgerow fees listed in the report relate to the "Golden Mile Competition" which is substantially funded by the Heritage Council. Hag's Glen is an example of Kerry County Council taking initiatives to achieve value for money. It should also be noted that a Planner has qualified as a Conservation Specialist and in future, rather than contracting the conservation element for assessing protected structures, this work will be undertaken in-house.

Cllr. D. Healy-Rae expressed concern that the Kilgarvan Sewerage Scheme has been removed from the priority list. This is disappointing and people are very concerned.

Mr. O. Ring, Director of Water Services, said the priority list is still in place. Contract documents are ready for 12 schemes but funding is awaited. Kilgarvan is on the Sewerage Scheme priority list.

Mr. J. Breen, Director of Housing, Community & Enterprise, said the cost for Broadband refers to phase II of the Broadband MANS project. Kerry County Council is the only Local Authority with customers signed up to its Broadband MANS project.

3 Rates 2009

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

"That we the Members of Kerry County Council direct our County Manager and Head of Finance not to increase the rates on our hard pressed rate payers for 2009."

The following report was issued:

This is a matter to be dealt with in the context of consideration and adoption of the Council's Budget for 2009 by the Elected Council.

4 Roadside Poles

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

"What has Eircom's response been to Kerry County Council's request to remove poles which may cause serious accident(s). This request was made from a Notice of Motion I put forward at the July Meeting."

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

As a result of the previous discussion on this topic at the July Council Meeting, Kerry County Council wrote to the Chairman of Eircom Ltd on the 29th July expressing the views of the Elected Members in relation to the excessive costs to relocate poles and also that exposed poles could pose a danger to road users. The Chairman was asked to consider the resolution and to respond to Kerry County Council. To date no response has been received.

Cllr. J. O'Connor referred to his Notice of Motion, No. 7 on the agenda, and said he wished to move it.

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

"That Kerry County Council call on the relevant Minister to pass a law compelling the ESB and Eircom to relocate roadside poles free of charge where road widening and road realignment (the removal of bends etc) are/is necessary to improve safety on our roads."

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

Statutory Undertakers such as the ESB and Eircom are exempt under the Planning and Development Regulations 2001 from having to apply for planning permission when they want to erect poles along the roadside and therefore one cannot condition them to remove or relocate them at a future date as required. These companies now operate on a purely commercial basis and any requests to them to carry out alterations on their networks are dealt with in a commercial manner.

This is a matter for resolution by the Members.

Cllr. S. Fitzgerald thanked the Executive for writing to Eircom on this matter. He expressed disappointment that no response has been received from Eircom. Quotations for €10,000 are being received for the removal of poles. He said legislation should be introduced to regulate this matter. He requested that a letter issue to the relevant Minister as this is a serious health & safety matter.

Cllr. J. O'Connor said recently an Area Engineer could not provide an estimate for the removal of a pole. He said it is his understanding that quotes of up to €18,000 have been received from Eircom to remove a pole. Eircom should not be allowed profit from the removal/relocation of poles and have the power to charge what they like. While poles and dangerous bends on roads must be removed state bodies should not profit from this. Legislation should be enacted to deal with this.

Cllr. P. McCarthy supported the motions. The cost of the removal of poles is adding expense to our Roads Programme where an effort is being made to improve narrow roads. He requested that a letter issue to Oireachtas Members and asking them to raise this issue at Oireachtas level. This is not just an issue within Kerry it is also a national issue.

Cllr. T. Fitzgerald supported the motions. He said the cost of removing these poles is excessive and supported the proposal to write to the Oireachtas Members on this matter.

Cllr. M. Cahill supported the motions. He said he had raised the issue of an exposed roadside pole in a particular location at electoral area level on several occasions. Exposed roadside poles pose a safety risk. This issue must be addressed.

Cllr. B. Cronin supported the motions and said there is a lack of co-operation from Eircom and ESB. He asked for clarification on the legal implications and who is liable if a vehicle crashes into such a pole which is left exposed as a result of road-widening. He said a policy should be formulated whereby when bends are removed and poles are left exposed Eircom and ESB should remove such poles to make the road safe.

Cllr. D. Healy-Rae supported the motions. He said he had an emergency motion regarding roadside poles earlier this year. Estimates being provided to remove poles are excessive. The removal of poles is paramount to the safety of road users. A stronger stance must be taken with Eircom and ESB on this issue.

Cllr. T. Fitzgerald said all members have individual cases with regard to this matter. He asked that an invitation issue to representatives of Eircom and ESB to make a presentation to the elected members.

Cllr. B. Cronin **SECONDED** this proposal.

Mr. C. O'Sullivan, Director of Roads & Transportation, said estimates for the removal of roadside poles range between €7,000 and €10,000 and have been up to €20,000 in exceptional circumstances. With regard to liability, that would be determined by the Courts.

6 Appointment Times at Kerry General Hospital

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

"That we the Members of Kerry County Council ask the HSE and especially the consultants and doctors of Tralee General Hospital when they are arranging appointments for patients attending their clinics, to stagger the times they intend to meet their patients as many people find while waiting in the queue that all the people beside them have the same time on their appointment cards which means that many sick people have to wait for hours for their turn to be seen by doctors and consultants."

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

A Motion similar to this was moved at the March 2008 Monthly Meeting of Kerry County Council by Cllr. Breandán MacGearailt. I attach herewith copy reply from Ms. Margie Lynch, General Manager, Kerry General Hospital in respect of the Motion referred to her. It is likely that a similar response would issue should the matter be referred to Kerry General Hospital again.



teidhmcanacht na Seirbhíse Sláinte
Health Service Executive

HEALTH SERVICE EXECUTIVE - SOUTH
KERRY GENERAL HOSPITAL
TRALEE
CO. KERRY

Tel: 068 - 7166000
Fax: 068 - 7166244

17th June, 2008

*Mr. Gerard O'Brien,
A/Senior Executive Officer,
Corporate Affairs,
Kerry County Council,
County Buildings,
Tralee,
Co. Kerry.*

Dear Mr. O'Brien,

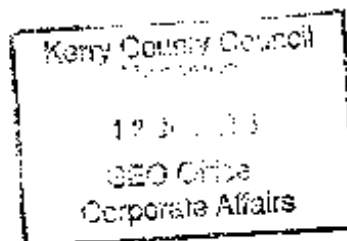
I wish to acknowledge receipt of your letter dated 10th June, 2008 with regard to appointments in Kerry General Hospital be staggered as is the practice in the private sector.

Patients at Kerry General Hospital are allocated appointments to match the availability of the Medical Staff and to take account of the normal level of non-attendees.

The booking system adopted in Kerry General Hospital works extremely effectively in ensuring that the number of patients seen is maximised and the waiting times are kept to a minimum.

Yours sincerely,


MARGIE LYNCH,
GENERAL MANAGER.



Cllr. D. Healy-Rae said the situation regarding appointment times at Kerry General Hospital is still on-going. It is difficult on people waiting for appointments as a number of patients are called at the same time for the same doctor. While the hospital may be taking cancellations into account it is unfair that patients have to wait for such a long a time. He asked that a letter issue to the HSE again to review and address this problem.

Cllr. M. Gleeson supported the motion and said this matter was raised with the Minister and commitment was given to address the matter. It has not been addressed and it is unfair for patients to have to wait for appointments in this manner.

Mayor Fleming supported the motion and said this system is inconvenient for people attending the hospital. It is unfair that patients have to wait for these appointments.

Cllr. T. Fitzgerald supported the motion. He acknowledged that the hospital must cater for cancellations, but often people are brought to the hospital for their appointment by someone else and that driver must wait also. There must be a balance available to satisfy the hospital and patients.

Mr. G. O'Brien, A/SEO, suggested that the matter be raised by elected members on the HSE Forum South.

Mayor Fleming said he raised this motion at the HSE Forum and the reply that issued was very similar to what was circulated in the reply to the Notice of Motion under consideration. He requested that a further letter would issue to the HSE Forum South members.

Cllr. T. Fitzgerald proposed that a letter issue to the elected members on the HSE South Forum along with a copy of the reply that was received from Ms. Margie Lynch, General Manager, Kerry General Hospital, in order that they can raise the matter at the next Forum meeting.

8 Provision of Burial Ground in Cromane

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

"That Kerry County Council provide a site for a burial ground in Cromane as a matter of urgency as it is long, long overdue."

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

Kerry County Council has been endeavouring for some time to identify and acquire a suitable site, at a reasonable cost, for the purpose of providing a burial ground in Cromane.

A two acre site was identified in 2007 and discussion between the landowner and the Council is ongoing. A second landowner has this year come forward but this site is no longer available. A third site has also been proffered but this has been found unsuitable.

If a suitable site can be identified, at a reasonable cost, the Council will proceed with its acquisition and the subsequent development of a burial ground.

Cllr. M. Cahill said he had raised this matter previously and expressed frustration that this continues to be the response on this issue. Cromane is the only parish with a Church and no burial ground. The main burial ground in Ardmoniel, Killorglin, is reaching capacity. He requested that this matter be progressed and a site sourced for a burial ground in Cromane. He called on Kerry County Council to make every effort to acquire a site.

Cllr. J. O'Connor said he received the same reply on this issue at a recent Electoral Area meeting. Killorglin burial ground is reaching capacity and an extension or new burial ground will be required shortly. He requested that Kerry County Council progress the purchase of the site in question.

Mr. O. Ring, Director of Water Services, said a site has been offered, but the terms of the offer are not acceptable. Finance will be available for the right site at the right price. At present the right site at the right price is not available. It is desired by Kerry County Council to provide a burial ground in Cromane.

Mr. T. Curran, County Manager, said the same reply issued a number of years ago, i.e. Kerry County Council will acquire a site for a burial ground in Cromane if the site is suitable and the price is reasonable.

Cllr. J. O'Connor said Kerry County Council have been trying to acquire a site for a long time and there is now an opportunity to purchase a site.

Mr. T. Curran, County Manager, said Kerry County Council has been buying lands for many years for burial grounds and if the price of land is reasonable Kerry County Council will not be found wanting.

Cllr. M. Cahill acknowledged the role of the Property Manager on this issue and everything possible is being done to acquire this land.

9 Taxi/Hackney Operators Licensed in Kerry

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

"How many taxi/hackney operators are currently licensed in Kerry and to individually clarify exactly how many taxi spaces are available and specifically allocated in each of the following towns - Killarney, Tralee, Castleisland, Killorglin, Listowel, Caherciveen, Dingle, Ballybunion and Kenmare."

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

The licensing of hackneys, taxis and limousines is no longer a function of Local Authorities. In 2006 this function transferred from Local Authorities to National Car Testing Service (NCTS) Ltd., who is operating on behalf of the Taxi Regulator.

In 2007 518 Small Public Service Vehicle (SPSV) Licences were issued in Kerry i.e. 217 Hackney Licences, 200 Taxi Licences, 84 Limousine Licences, and 17 Wheelchair Accessible Vehicles. The number of taxi spaces allocated in Tralee and Killarney is 30 and 19 respectively. There are no taxi spaces allocated in the other towns, as hackney licence holders operate in these areas.

Cllr. B. Cronin said it is his understanding that only two towns in Kerry have specifically allocated taxi ranks. In most towns there are identifiable taxi ranks and it is surprising that Kerry has only two towns with spaces allocated. Taxi ranks should be in a clearly identifiable location in each of the towns listed in the Notice of Motion. He asked that these spaces be provided in order that taxis are readily accessible. He said he has been liaising with the Irish Wheelchair Association, through Cllr. T. O'Brien, regarding Wheelchair accessible vehicles. He said it is his understanding that because of the cost of the adaptation of these vehicles that licences are available at a reduced rate. There is concern that even though there is a substantial number of wheelchair accessible taxis licenced in the county it is very difficult for a wheelchair user to avail of one when required. All licence plate holders who have gained their licence for a wheelchair accessible vehicle should be available when required.

Cllr. J. O'Connor **SECONDED** the proposal regarding the provision of taxi ranks in towns.

Mr. C. O'Sullivan, Director of Roads & Transportation, said it is his understanding that by Law Hackney licenced vehicles are prohibited from stopping at taxi ranks and collecting fares. Hackneys have to be called by the customer. Taxi licences are only issued in Tralee and Killarney. With regard to issues regarding availability of wheelchair accessible vehicles, this is a matter for the Taxi Regulator.

Cllr. B. Cronin requested that a letter issue to the Taxi Regulator to seek clarity on this issue and ensure that all licences sanctioned for wheelchair accessibility be available when required. The reply to the Notice of Motion outlines that spaces are provided in two towns only, but taxis are available in other areas.

Mr. C. O'Sullivan, Director of Roads & Transportation, said he was not aware of taxis licenced in other towns. If taxis are not licenced, there is no obligation on Kerry County Council to provide a taxi-rank. If there is a statutory need to provide taxi ranks it can be considered as part of the Car Parking Bye-laws.

Cllr. B. Cronin said thousands of tourists visit these towns throughout the year and seek taxi ranks. He requested that this matter be progressed, if possible, through the bye-laws. He requested that the Director of Roads and Transportation contact him directly regarding clarification on the taxis/hackneys and provision of taxi ranks in towns.

Cllr. M. Gleeson said he was also aware of the difficulties being experienced in Killarney regarding the availability of wheelchair accessible taxis.

10 Water Harvesting

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

"That the Council would detail its proposals for the advancement of water harvesting, in particular in relation to grants of planning for large developments."

The following report was issued:

Rainwater harvesting is the storage and collection of rain from rooftops and other surfaces. The water is usually stored in rainwater tanks and replaces mains water use in toilets, washing machines and gardens, for example. Harvested rainwater can also be used in agricultural situations for watering cattle and for washing yards and sheds. It can also be very suitable in industrial and commercial circumstances where there is a requirement for low grade process water.

Some of the main advantages of rainwater harvesting are the reduction in demand for expensively treated and distributed mains water and the reduction in the contribution of surface water run-off to flooding.

Rainwater was commonly harvested by traditional methods in Ireland before the advent of piped water supplies. A wide variety of modern techniques and approaches to rainwater harvesting are now available which can meet a wide range of quantity and quality demands.

The Dublin Institute of Technology (DIT) is currently completing a two-year study on rainwater harvesting for the National Rural Water Monitoring Committee and the final study report is expected to be influential in guiding future policy in this area. The subject is not yet covered by the Building Regulations.

Rainwater harvesting is complementary to the Sustainable Drainage Systems (SuDS) approach which is now a requirement of many planning approvals in Kerry. Applicants for large developments in urban areas, in particular, will be encouraged to consider rainwater harvesting as part of their SuDS plan.

In Section 13.17.3 of the Draft County Development Plan a reference to water harvesting has been included. This will be developed further as guidance is provided nationally.

Cllr M. Gleeson said this matter will also be raised under the County Development Plan Review. Rainwater was commonly harvested years ago. There would be less run-off of surface water if rainwater was harvested. The reply to the notice of motion says developers should be encouraged. He said he considered that it should be mandatory that developers consider rainwater harvesting as part of their sustainable drainage systems. The water could be used internally for non-domestic purposes. He asked that the Planning Department consider this matter.

Mayor T. Fleming **SECONDED** this motion. The value of water as a resource is only being recognised in this country. Other countries have recognised this many years ago. There has been mention of public buildings, e.g. schools, becoming involved in rainwater harvesting. This would be very welcome.

11 Proposed Library and Art Centre in Caherciveen

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

"That Kerry County Council report on the current status of the application for funding for the new proposed Library and Art Centre in Caherciveen."

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

Kerry County Council has developed plans for the provision of an integrated building on the site of the present Library in Caherciveen to include a new Library, Arts Centre and Area Offices.

The project has a total costing of €8.1m with the elements to be funded as follows. Library cost of €2.8m to be 75% funded by way of Capital Grant from the Libraries Capital Funding Programme. The Arts Centre has received grant funding commitment of €1.5m from the Department of Arts, Sport and Tourism and the balance of funds must be met by Kerry County Council. The funding for the library element had been advanced to Stage 2 Approval (Pre-Tender Approval) with the Department of Environment, Heritage and Local Government. However, by virtue of Circular Letter LSS 03/08 dated 3rd August last, all sanctions for Stage 2 approved projects were withdrawn and each Local Authority was requested to resubmit 4 priorities for capital investment under the Libraries Programme for the period 2008-2012. Kerry County Council has resubmitted the Caherciveen Library Project for funding as No. 1 priority for investment.

The costs to be borne by Kerry County Council for this integrated project are substantial and in the present economic climate it is doubtful with the financial constraints on the Local Authority and the need to maintain essential services that we will be in a position to provide the funding required in the short-term.

Cllr. P. O'Donoghue expressed disappointment with the reply issued. People of the Caherciveen area are concerned about this project and because this project was not progressed expeditiously funding has been lost. In December, 2005, the Department of Arts, Sport and Tourism allocated €1.6m. A commitment was received from the Library Council and the Department in March, 2006, for funding. Consultants were appointed to deal with the planning aspect of the project. Cllr. O'Donoghue said he indicated previously that the funding would be lost if this project was not expedited. In July, 2006, it was indicated that plans for the project were ready. €8.1m has been lost to south-west Kerry. It is unfortunate that Kerry County Council may have difficulty with its element of funding. If work on the drawings and planning had progressed simultaneously this difficulty would not have arisen. He called on Kerry County Council to find resources to ensure the project proceeds in 2009.

Cllr. M. Cahill supported this motion and said it is most disappointing that this project has not proceeded. He urged Kerry County Council to do everything possible to ensure this project proceeds in 2009.

Mr. J. Breen, Director of Housing and Community & Enterprise, said a Circular Letter was received on 3rd August, 2008, from the Department withdrawing all sanction for the project. In July, 2008, the Part 8 process was completed. At no stage was it indicated to Kerry County Council that there would be a difficulty with the project. It should also be borne in mind that this project is contingent on the availability of funding to Kerry County Council. Local funding would have to be addressed if library funding is reinstated.

Cllr. P. O'Donoghue referred to minutes of a meeting held on 23rd March, 2006, wherein Kerry County Council committed itself to the project as did all statutory bodies. This project proceeded to the appointment of consultants in July, 2006, but there was then a lapse of two years. He said he contacted the Director of Housing and Community & Enterprise several times requesting that the project be progressed or funding would be lost. It is now the case that funding has been lost. It is not right that Kerry County Council would now pull back from this project. It is not fair or reasonable that funding of €8.1m be lost. He sought a firm commitment that Kerry County Council will meet the local contribution if Department funding is made available.

Mr. J. O'Connor, Head of Finance, said local funding for this project would be by way of borrowing and Kerry County Council is dependant on receiving sanction at national level to borrow. Kerry County Council will support the project subject to Departmental sanction. Several other borrowing requests are on hold with the Department at present. Water and wastewater approvals are urgently required and approval for those has not yet been received.

Cllr. T. Fitzgerald asked if all loans sanctions were approved could Kerry County Council fund them locally.

Mr. J. O'Connor, Head of Finance, said funding the loan and the term of the loan would be considered if sanction were received.

12 Embankment at Rossbeigh/Incheragh/Faha

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

"That Kerry County Council, either through its own funds or through a special allocation of money from the Department, reimburses the affected property owners who, at their own expense, defended the embankment at Rossbeigh/Incheragh/Faha. This area should also be located and included on the annual list submitted for coastal protection funding as there will always be ongoing maintenance costs. The sum of money involved in this job is €40,000."

The following report was issued:

Kerry County Council is dependant on funding from the Department of Agriculture, Fisheries and Food for funding to protect its own strategic resources from damage due to the risk of flooding. The level of funding provided nationally for coastal protection works is totally inadequate and this has been highlighted in previous responses to Notices of Motions by this Council.

Kerry has approximately 12% of the entire country's coastline and has the 4th highest length of coastline after Mayo, Cork and Galway. However, nationally we have the second highest "soft" coastline. The soft coastline is normally the area subject to erosion and includes areas of sand dunes, glacial cliffs, marine wetlands and estuarine zones and over half of the coastline in the County is soft.

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

In early 2007, the Council had to proceed with the rock revetment works at Inch, in the interest of public safety. The total cost of these emergency works was €3.94m of which we received grant aid of €900,000, from the Department of Agriculture, Food and Fisheries, and €150,000 from the Department of Community Rural and Gaeltacht Affairs in 2008. The Department of Environment Heritage and Local Government allocated €950,000 towards the cost of the works. However, there is an outstanding balance of almost €2m and having regard to the commitments of this Council towards the Water Services Infrastructure programme, we are not in a position to carry out any further coastal protection works until the balance of the funding is provided by the Department of Agriculture Fisheries and Food, who are now responsible for the funding of coastal protection measures. Under the Coastal Protection Funding programme, the Council is required to provide 25% of the funding from our own limited resources.

The protection of private property against the risk of flooding is the responsibility of individual landowners. The Council has no statutory responsibility to provide funding for the protection of private property against coastal flooding and our priority, having regard to the inadequate level of funding available from Central Government, will be to protect our own infrastructure.

Cllr. M. Healy-Rae said he appreciated the good work done in Incheragh in 2007 but it seems Kerry County Council is unable to proceed with other coastal protection works. Coastal erosion at Rossbeigh/Incheragh/Faha was addressed locally because residents wanted to try and do the work themselves at the cheapest possible cost. He asked if a staff member from Kerry County Council has seen the situation on the ground. Kerry County Council should be able to reimburse these people. This is a genuine case and these property owners have a case to be reimbursed.

Cllr. M. Cahill said he brought a deputation from Incheragh/Faha to the Killorglin Electoral Area meeting a number of months ago and had an emergency motion when these residents' homes were flooded. On separate occasions Mr. Eamon Scanlon, SEE Roads & Transportation, and Mr. Brian Hickey, Killorglin Area Engineer, visited the site. The property owners did get good value for money for these works and the OPW contributed to the cost. He said on a once-off basis this funding should be provided. Every effort should be made to accommodate residents in this area. Significant works have been carried out this year. They spent more than €40,000. They will be spending more of their own monies over the next weeks. He called on the Head of Finance to consider a contribution to this work, on a once off basis if necessary. He requested that Rossbeigh/Incheragh/Faha be placed on a priority list for coastal protection works.

Mr. C. O'Sullivan, Director of Roads & Transportation, said this issue has been raised a number of times. Kerry County Council committed to providing technical advice regarding the situation and this commitment was honoured. Mr. E. Scanlon, SEE Roads & Transportation, met the local community representatives. Funding for coastal protection works is a major burden on the Local Authority. €4m was spent on an emergency basis in 2007 and to date only €2m has been received nationally. The national allocation for 2008 was €3m and Kerry County Council received an allocation of €900,000. In 2003, the approximate cost of coastal protection works was conservatively estimated at €26m. Kerry County Council's priority is infrastructure threatened by coastal erosion. Without national exchequer funding Kerry County Council is limited in the works it can undertake with regard to coastal protection.

Cllr. M. Healy-Rae said as a once-off Kerry County Council should assist the residents of Rossbeigh/Incheragh/Faha as this is a genuine case. Consideration could be given to phased funding which would alleviate the financial hardship on them.

13 Television Licence Payment Options

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

"That Kerry County Council request the Minister for Communications to allow people to pay their television licence on a quarterly or half-yearly basis if they so wish."

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

Cllr. S. Fitzgerald requested that a letter issue to the Minister for Communications to give consideration to this matter.

Cllr. T. Buckley supported this motion.

14 Provision of Multi-Storey Car Park in Killarney Town Centre

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

"That Kerry County Council and Killarney Town Council seek assistance from the Department to ensure a multi-storey car park is put in place in the Glebe Car Park or else a suitable site close to the Town Centre to assist with the chronic lack of parking in Killarney Town. If something is not done shortly, the traditional traders in the heart of the town will be financially ruined because they are at a disadvantage because customers cannot park close to their business."

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

Kerry County Council has no legal interest in the Glebe Car Park. The provision of car parking facilities in Killarney Town is the responsibility of Killarney Town Council. Should the members agree, this motion can be referred to Killarney Town Council for consideration.

Cllr. D. Healy-Rae asked that Kerry County Council and Killarney Town Council work together on this project on behalf of the traders in the town who are experiencing severe financial difficulty and facing possible ruin if parking in the town is not addressed. Most trading is done outside of the town centre and the traditional town centre is particularly affected by the absence of public parking. Adequate parking must be provided in Killarney town centre. He suggested that consideration be given to providing multi-storey car parking. He welcomed the reduced parking charges and lack of parking charges in Killarney town over the Christmas period but on a day to day basis parking spaces must be made available. He proposed that Kerry County Council write to Killarney Town Council on this issue.

Cllr. B. Cronin said at particular times there is difficulty with parking in Killarney town centre and acknowledged the responsibility of Killarney Town Council with regard to this matter. This matter should be proceeded with carefully and public consultation would be required if a multi-storey is being proposed. A multi-storey car park should only go ahead with co-operation and consultation with residents. While it is said there is no parking available, he questioned the provision of space in car parks to private operators to provide entertainment facilities at the peak time of the Summer and at Christmas.

Cllr. D. Healy-Rae said he was not insisting on a multi-storey car-park in the Glebe car park, but the provision of car parking spaces in the town centre must be addressed. The most suitable location for the provision of car parking spaces within Killarney town centre should be identified.

15 Community Policing Forum

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

"That Kerry County Council establishes a Community Policing Forum in accordance with Section 26 of Garda Síochána Act 2005 so that Killorglin can establish a Community Police Forum as soon as possible."

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

Section 36 of the Garda Síochána Act 2005 sets out the general powers for the establishment of Joint Policing Committees. Such a Joint Policing Committee has been established by Kerry County Council, chaired by Cllr. Anne McEllistrim, and has reported back to full Council as required by Statute.

The provisions for the establishment of local policing fora are contained in Section 36 (2)(d) of the Garda Síochána Act 2005 and guidance is also contained in the guidelines for the establishment of Joint Policing Committees issued by the Department of Justice. Both provide that such local policing forum are established:

- In consultation with the Local Garda Superintendent**
- By the Joint Policing Committee**
- Only where resources are available to do so and where they would not divert scarce resources from committees or subcommittees.**
- In accordance with supplemental guidelines for local policing fora – such guidelines have not yet issued.**

As it can be seen, it is not a matter for Kerry County Council to establish such Local Policing Fora but a function of the Joint Policing Committee. However it should be noted that Kerry County Council, through its Community and Enterprise Department, does not have the resources presently or projected to service such fora should they be established around the country.

Cllr. J. O'Connor said he had spoken with the Gardaí in Killorglin and the establishment of a Community Policing Forum would be welcomed. Local business people are willing to get involved with this Forum. Killorglin could be used as a pilot for the Community Policing Forum. The establishment of a Community Policing Fora must be considered by the Joint Policing Committee. He requested that the Director of Housing and Community & Enterprise issue a letter to the Department requesting the Guidelines for Local Policing Fora. With regard to resourcing the Community Policing Fora, this forum would meet only 3-4 times per year and would not require great resources. Directions are being issued by Government without supporting funding. He requested that this item be placed on the agenda for the next JPC Committee meeting. He requested that the Guidelines for the Local Policing Fora also be made available for the next meeting, to progress the matter of establishing a Community Policing Forum in Killorglin. Resources maybe available through the partnership companies or through the business community.

Cllr. M. Connor-Scarteen supported this motion.

Mr. J. Breen, Director of Housing and Community & Enterprise, said in addition to the reply issued on this Notice of Motion, it should be borne in mind that Guidelines have not been issued on the establishment of Local Policing Fora. The current guidelines consider "neighbourhoods". This would suggest that "neighbourhoods of fora" be established. Kerry County Council could not fund the establishment of such neighbourhoods. It is a matter for the JPC to establish this fora. A Kerry JPC is in place as well as a JPC for Tralee. JPCs are being established in Killarney and Listowel. The establishment of a Local Policing Forum for Killorglin would have huge resource implications for Kerry County Council.

Cllr. J. O'Connor said all towns must feed into the Kerry JPC. For this to work efficiently there should be a feed in from the community and this feed in is only available through a Local Policing Fora. He suggested Killorglin and mid-Kerry be involved in a pilot scheme.

Mr. J. Breen said it should be borne in mind that Kerry County Council is administering the JPC and policing fora cannot be rolled out without a substantial investment in resources.

16 Bridge at Listry

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

"That Kerry County Council prepare plans for a new bridge at Listry and submit same to the Department of the Environment, Heritage and Local Government as a matter of urgency."

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

This bridge is located on the Regional Road, the R563 from Fossa to Milltown. Funding in excess of €1,336,000 has been provided under the Specific Improvement Grants Scheme by the Department of Transport for both vertical alignment and pavement improvements on this road in the recent past at locations adjacent to Crohane and Barry's Hill, Listry and Knockreagh, Milltown. It was felt that these improvements were more critical to the overall safety of the road as the narrow bridge at Listry has had a safety improvement scheme incorporating signing, lining and anti-skid surfacing in place for a number of years. The signing measures at the bridge are being further enhanced by a Department of Transport Safety Measures allocation this year of €27,924 for the bridge and adjacent junction. These signing improvements will be similar to the scheme successfully implemented at Caragh Bridge on the Ring of Kerry and this work at Listry is ongoing at present. Also, there were constraints on what major improvements could be safely completed within the financial allocations received.

The Roads Department will outline the concerns of the Council in relation to narrow bridge with the Department's Inspector when next he visits the County.

Cllr. M. Cahill said he raised this matter at a recent Killarney Electoral Area meeting. He welcomed the money provided and said this is a

dangerous bridge. He said it is his understanding that a scheme similar to that in place at Caragh Bridge will be implemented at Listry Bridge, however, he considered that Listry Bridge should be widened or replaced. This is a very busy road carrying a large volume of traffic. If plans were prepared, it would be placed on a list of works to be attended to. He asked that a design be prepared and submitted to the Department for funding. He noted that discussions on this matter will take place with the Department Inspector.

Cllr. B. Cronin supported the motion and said since 1999 he has been raising an issue regarding Listry Bridge. The speed of vehicles approaching the bridge and the width of the bridge are issues. €1.3m has been spent over the last number of years on works in this area. The Killarney Electoral Area members voted in February, 2008, on the allocation of €27,000 for works on this bridge. If funding is not available to widen the Listry Bridge safety action should be taken and either the system at Caragh Bridge, where drivers give way to traffic on the bridge, be implemented or traffic lights be installed.

Cllr. J. O'Connor supported the motion.

18 Extension to Closing Date for Farm Pollution Grants

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

"That Kerry County Council ask the Minister for Agriculture to extend the deadline for the Farm Pollution Grants as the bad weather all this year has seriously hampered and delayed farmers in Kerry completing their buildings."

Cllr. J. O'Connor referred to Notice of Motion No. 20 on the agenda and said he wished to move it.

20 Pursuant to Notice duly given, Cllr. J. O'Connor and Cllr. S. Fitzgerald PROPOSED:-

"Now that Northern Ireland has extended the closing date for the Farm Waste Management Scheme, that our Department would follow suit and extend the closing date for same as this is very important for improving our environment."

Mr. G. O'Brien, A/SEO, said this matter arose previously and letters issued to the Department of Agriculture regarding this matter.

Cllr. D. Healy-Rae said Deputy Jackie Healy-Rae has been in contact with the Minister for Agriculture seeking an extension to the deadline for the Farm Waste Management Scheme. To date Deputy Healy-Rae has not received a satisfactory response from the Minister but he continues to pursue this matter with the Minister. The deadline date has been extended in Northern Ireland. He asked that a letter issue again to the Minister for Agriculture calling for an extension to the deadline for the Farm Waste Management Scheme.

Cllr. M. Healy-Rae said the farming community has experienced twelve months of extraordinarily bad weather. The deadline of 31st December,

2008, on the Farm Waste Management Scheme is a difficulty for many people. It would help if the deadline were extended by three months. People are working on sheds and in yards trying to complete work and meet the deadline. He called on all elected members to support this motion.

Cllr. M. Connor-Scarteen supported this motion.

Cllr. J. O'Connor said it has been stated that the EU did not allow this deadline extension, yet MEPs raised this matter with the EU commission and the commission stated they were surprised Ireland had not sought an extension and when an extension was sought, it would be considered. Over €1bn is being spent by farmers on this scheme. Many of them could not get contractors to do the work for them. He requested that a letter issue calling on the Minister to extend the deadline for the Farm Waste Management Scheme.

Cllr. S. Fitzgerald said farmers now have only 10 days to complete work under this scheme. Northern Ireland submitted a request to extend the deadline and it was granted. The Irish Government has failed to make a request to extend the deadline. Minister Smith must be asked to apply for the extension. Health & Safety is an issue at present and an extension to the deadline would be of great help.

Cllr. B. Cronin said Mr. G. O'Brien, A/SEO, identified that this motion was considered previously and he said he had raised this matter in July. The three month extension was requested in July under his motion. He said in September, 2008, he spoke on Radio Kerry and at that date no response had been received from the Department. A letter issued from the Department stating that the 31st December, 2008, was the deadline for completing paperwork and structures. Considering the investment involved and protection of the environment, as a result of the works being undertaken, it is unbelievable that an extension is not being sought. It is not acceptable that the Minister for Agriculture is not taking action. If an extension had been sought in July, the request would have been considered favourably by the EU Commission. This is an effort by Government not to pay out on this scheme. If the deadline was extended more farmers would be entitled to gain from the scheme. He said the Chairman of the IFA said Deputy Healy-Rae was not present when a vote was taken on this issue.

Cllr. D. Healy-Rae said he was disappointed that the Minister had not applied for an extension to the deadline and the farming community has been left down.

Mayor Fleming said the letter will issue again to the Minister for Agriculture on this issue.

Cllr. T. Buckley supported this motion. It is not right that this extension has not been applied for when farmers need to complete work.

Cllr. J. O'Connor said farmers who joined REPS 4 are waiting nearly two years for that payment. As this payment is due since last October, they should be paid prior to Christmas.

19 Provision of New Pier at Cromane

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

"That Kerry County Council give a detailed up-to-date report on the new pier at Cromane."

The following report was issued:

Kerry County Council has secured planning permission for the proposed pier and access road at Cromane. We were, however, unable to secure the agreement of all the landowners for purchasing the lands required to construct the project. Following prolonged attempts to secure the necessary agreement it was decided to pursue the lands by means of a CPO. The CPO documentation was lodged with An Bord Pleanála on 14th February 2008. The Board received two submissions from landowners on the route of the proposed access road to the CPO.

The Board held an oral hearing on the 13th August 2008 and one of the submissions was withdrawn in advance. The Council is still awaiting the decision of the Board in relation to this application.

In the event that the CPO is confirmed by An Bord Pleanála, Kerry County Council will endeavour to acquire the lands for the road within an 18 month timeframe, subject to grant aid being provided by the Department of Agriculture, Fisheries and Food.

The development of the pier will be subject to securing the necessary Foreshore licence/lease from the Department of Agriculture, Fisheries and Food and sufficient funding being made available, through grant aid from the Department as well as from the Council's own resources.

Cllr. M. Cahill said it is disappointing Kerry County Council are waiting five months for An Bord Pleanála to revert with a reply on the CPO for Cromane Pier. If there was agreement amongst the landowners regarding the access road this project would be further progressed. This is the reality of the matter. He referred to the reply to the Notice of Motion which states that in the event that the CPO is confirmed by An Bord Pleanála, Kerry County Council will endeavour to acquire the lands for the road within 18 month timeframe, subject to grant aid being provided by the Department of Agriculture, Fisheries and Food. He said that it was his understanding that funding had been received for the access road.

Mr. C. O'Sullivan, Director of Roads & Transportation, said funding must be spent in the year it is allocated or it must be returned to the Department. Funding is dependant on if and when the CPO is confirmed by An Bord Pleanála.

08.12.15.15 Correspondence – Conferences and Seminars

- a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. J. O'Connor, C. Miller, D. Kiely, J. Brassil, J. Sheahan, P. Leahy, R. Beasley, B. Cronin, P. O'Donoghue and T. Fleming at the UCC Business Conference 2009 to be held in Cork on 20th January, 2009.

On the proposal of Cllr. T. Fitzgerald, seconded by Cllr. T. Buckley, it was agreed to authorise the attendance of Cllrs. M. Healy-Rae and D. Healy-Rae at the UCC Business Conference 2009 to be held in Cork on 20th January, 2009.

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

- (b) On the proposal of Cllr. T. Fitzgerald, seconded by Cllr. S. Fitzgerald, it was agreed to authorise the attendance of Cllrs. T. Buckley, L. Purtill, J. O'Connor, N. Foley, D. Kiely, T. Fitzgerald, J. Brassil, P. Leahy, P. McCarthy, R. Beasley, T. Fleming, D. Healy-Rae, M. Healy-Rae, S. Fitzgerald, M. O'Shea and M. Cahill at the Antrim Tourism Conference to be held in Dunadry, Co. Antrim, on the 23rd and 24th January 2009.

Cllr. T. Buckley was nominated to report to Council on this Conference.

- (c) On the proposal of Cllr. B. Cronin, seconded by Cllr. J. O'Connor, it was agreed to authorise the attendance of Cllrs. C. Miller, J. Sheahan, B. Cronin and P. O'Donoghue at the Local Government Planning Service Seminar for Councillors to be held in Waterford from the 23rd to 25th January, 2009.

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

- (d) On the proposal of Cllr. M. Healy-Rae, seconded by Cllr. B. Cronin, it was agreed to authorise the attendance of Mayor T. Fleming at the Public Relations and Communications Skills for Councillors Seminar held in Letterkenny, Co. Donegal, from 14th to 16th November, 2008.
- (e) On the proposal of Cllr. M. Healy-Rae, seconded by Cllr. B. Cronin, it was agreed to authorise the attendance of Mayor T. Fleming at the 3rd National Infrastructure Summit held in Dublin on 10th December, 2008.
- (f) On the proposal of Cllr. B. Cronin, seconded by Cllr. J. O'Connor, it was agreed to authorise the attendance of Cllr. T. Ferris at the Rapid Conference to be held in Croke Park on 29th January, 2009.

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

08.12.15.16 Correspondence General

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

December Ordinary Meeting 2008

1. Letter dated 21st November, 2008, from the Minister for the Environment, Heritage and Local Government regarding the fishing industry in Castlemaine Harbour.
2. Letter dated 24th November, 2008, from the Minister for Transport regarding Kerry Community Transport Ltd.
3. Newsletter dated 26th November, 2008, from the EU Committee of the Regions
4. Letter dated 28th November, 2008, from the Minister for the Environment, Heritage and Local Government regarding funding for proposed housing project at Hawley Park Mitchell's Road, Boherbee, Tralee by Kingdom Voluntary Rural Housing Asscn.
5. Letter dated 2nd December, 2008, from Mr. Noel Brett, CEO, Road Safety Authority, regarding fitting speed limiters to vehicles for learner drivers.
6. Letter dated 3rd December, 2008, from the Irish Farmers' Association regarding the Farm Waste Management Scheme.
7. Letter dated 5th December, 2008, from Mr. Brian Crowley, MEP, enclosing replies from Minister for Agriculture, Fisheries and Food and Ms. Mariann Fischer Boel, Member of the European Commission, regarding Farm Waste Management Scheme.
8. Letter dated 10th November, 2008, from Macroom Town Council regarding a resolution adopted by that authority calling on the Government to reverse the education cut-backs as outlined in the Budget.
9. Letter dated 13th November, 2008, from South Dublin County Council regarding a resolution adopted by that authority regarding road mapping.
10. Letter dated 18th November, 2008, from Killarney Town Council regarding a resolution adopted by that authority regarding the availability of beds to the probation service in Kerry.
11. E-mail dated 19th November, 2008, from Limerick County Council regarding a resolution adopted by that authority:
 - (a) calling on the Minister for Education and Science not to introduce Third Level Fees for students, and
 - (b) calling on the Taoiseach to replace the Minister for Education following his refusal to reverse budget cutbacks in education.
12. E-mail dated 19th November, 2008, from Limerick County Council regarding a resolution adopted by that authority calling on supermarkets to curtail their opening hours and days during the Christmas period.
13. E-mail dated 25th November, 2008, from Tralee Town Council regarding a resolution adopted by that authority:
 - (a) Calling on the Taoiseach to reverse the medical card proposal in the recent budget.
 - (b) Calling for the withdrawal of the cuts in education.

08.12.15.17 Any Other Business

Cllr. J. O'Connor said Cllr. M. Connor-Scarteen will be ending his service with Kerry County Council in January, 2009. He asked that time would be set aside to pay tribute to Cllr. Connor-Scarteen on his service at the January Council Meeting.

Cllr. B. Cronin SECONDED this proposal.

Cllr. M. Healy-Rae also supported this proposal and said any elected member who gives such service must be recognised in a special way.

The meeting concluded at 4.20 p.m.

Gerard O'Brien

A/SEO
Corporate Affairs

Mayor of Kerry