

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY 18<sup>th</sup> FEBRUARY, 2008.**

***MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE  
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS  
AN CHONTAE, TRÁ LÍ, AR AN LUAN, 18 FEABHRA, 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

**Absent:**

None

**IN ATTENDANCE/I LÁTHAIR**

Mr. T. Curran, Co. Manager	Mr. J. O'Connor, Head of Finance
Mr. J.D. Flynn, Director of Corp. Serv.	Mr. O. Ring, Director of Water Services
Mr. C O'Sullivan, A/Dir. Roads & Transp.	Ms. A. Haugh, Dir. Of Environment
Mr. M. McMahon, Director of Planning	Mr. J. Breen, Director Housing
Mr. G. O'Brien, A/SEO	Mr. P. Corkery, Press & Comm. Officer
Ms. B. Reidy, S.S.O. Corp. Affairs	Ms. L. Sheehan, CO Corporate Affairs
Ms. K. Felle, C.O. Corporate Affairs	

The meeting commenced at 10.40am.

The Mayor, Cllr. M. Healy Rae, took the Chair.

The Mayor commenced the meeting with a prayer.

**Suspension of Standing Orders**

The Mayor informed the meeting that he wished to suspend Standing Orders to allow for a discussion on the proposed closure of the Valentia Coast Guard Station.

On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. D. Kiely it was unanimously agreed to suspend Standing Orders to allow a debate on this item.

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### **Valentia Coast Guard Station**

The Mayor welcomed representatives of the Valentia Coast Guard Station to the meeting and he thanked the media for the coverage given to the proposed closure of the Station. The people of Kerry are not prepared to accept this decision and will campaign against it. All political parties in the county are unanimous in their support for the retention of the Station. He thanked the Ceann Comhairle, Mr. John O'Donoghue, T.D., and Deputies Jackie Healy-Rae and Tom Sheahan for the support they have given to the campaign for the retention of the Coast Guard Station. The benefit for the local economy from the employment given at the Coast Guard Station is a huge boost to the local economy and the closure of the Station would have the same affect as the loss of 400 or 500 jobs in Limerick.

All members welcomed the representatives of the Coast Guard Station present to the meeting.

Cllr. P. McCarthy said this is just another example of where Kerry is suffering at the hands of bureaucracy and he deplored the decision to close this Station. Very few jobs were lost in the major cities in recent times and all members should support the campaign to ensure that the Coast Guard Station continues to operate in Valentia.

Cllr. T. Fitzgerald supported the Mayor and the County Manager in their efforts to retain the Valentia Coast Guard Station and said that it would be completely unacceptable if this Station was closed. If necessary a deputation should travel to Dublin to protest to the Minister and to picket the Dáil if necessary. The Valentia Coast Guard Station has given an excellent service down through the years.

Cllr. D. Kiely said that the proposal to close the Valentia Coast Guard Station is a disgrace. There is a lot of history attached to Valentia and the first telegraph was received on Valentia Island. All political parties should unite to exert pressure on the relevant Minister to ensure that this decision is reversed.

Cllr. D. Healy Rae said that efforts should be made to take people out of Dublin rather than centering all the employment there. It is very advantageous to have a Coast Guard Station located in Valentia and every effort must be made to retain it. It is also a source of valuable employment for the local economy.

Cllr. R. Beasley complimented the Mayor and Management on the stance taken by them on this issue. He deplored the audacity of Civil Servants who were trying to close this Station.

Cllr. T. O'Brien supported the campaign for the retention of the Coast Guard Station in Valentia.

Cllr. P. Leahy also supported this campaign and said that his party would be prepared to support whatever action was deemed necessary.

Cllr. N. Foley said that she wished to be associated with the remarks made by other councillors in support of the retention of the Valentia Coast Guard Station. She also welcomed the residents of Glebe Lodge, Castleisland, to the meeting.

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Cllr. T. Fleming said that the Valentia Coast Guard Station has provided a very important service down through the years. The closure of this Station would result in the erosion of the economy of this area. There is great credit due to the local vibrant community who are mounting a very active campaign to ensure that this service is retained. This service is vital for region. The members of the Council should support Oireachtas members who should seek a meeting with the Taoiseach on this matter as soon as possible.

Cllr. J. O'Connor commended the Mayor and County Manager for supporting the campaign and also commended Mr. John Pierce of South Kerry Development Partnership Ltd. He added that this appears to be a campaign to move jobs from the West Coast to the East Coast and he understood that this was contrary to adopted regional policy. He called on the Mayor to formulate a strategy to address this issue.

Cllr. M. Connor Scarteen supported the Mayor, County Manager and Oireachtas members in their efforts to prevent the closure of Valentia Coastguard Station. This would result in the loss of 18 jobs which would have very serious implications for the economy of this region. The role of the Coast Guard Station should be extended to monitor yachts and ships on the South Coast as a lot of drugs are being brought into the country by sea.

Cllr. Tim Buckley said that Valentia Coast Guard Station has provided an excellent service down through the years and it is important to ensure that it is retained for the people of the South West.

Mr. T. Curran, County Manager, thanked the Mayor for highlighting this very important issue. Job creation in the county cannot be over emphasized and Kerry County Council is working with the County Development Board and other agencies in an effort to create new jobs and sustain existing jobs. In this regard it is important to ensure that the necessary infrastructure is in place. He added that there does not appear to be any financial or other reason to support the proposed closure of the Coast Guard Station. These are highly skilled jobs and the removal of the Station from Kerry would be a vote of no confidence in the county and in particular in South Kerry. It is very difficult to meet with prospective investors when the Government is unnecessarily removing jobs from the county. The jobs at the Valentia Coast Guard Station are in effect IT jobs. This is the type of employment we will be seeking to create in the future. Almost 50% of people employed in Kerry at present are employed in the construction industry and tourism sector. When we start losing the highly skilled jobs already created it is more difficult to replace them. Donegal has a similar problem and he recently spoke with his colleague and they discussed the possibility of going on a joint deputation to the Minister in the hope of having the decision to close these Stations reversed. He informed members that he was looking for direction from them on how he and the Mayor should approach this issue and should they work closely with Donegal County Council. There is a potential, not only to sustain the 17 jobs already in place in Valentia, but to increase this with very little expenditure as the equipment is already in place. He added that equipment needs to be changed regularly with modern technology, and regardless of where the station is located, this will have to happen. It is important that, as a county, we are strong and unified in our approach in pursuing this matter.

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Cllr. P. O'Donoghue thanked the County Manager for his interest in this issue and said that it is right and fitting that Kerry County Council would take a strong stance when there is an attempt to take jobs from the county. He understood that this proposal was made to facilitate a few high ranking Civil Servants. The Deloitte & Touch Report published a number of years ago suggested that Valentia Coast Guard Station should be enhanced and the numbers employed increased to 27. He added that no valid argument was put forward to support the proposed closure of Valentia and Malin Head Coast Guard Stations. The South West Regional Authority has also agreed to support the campaign for the retention of the Station. In conclusion he said that the Minister must eventually listen to the voice of the people and accede to their demands to have this service retained and enhanced.

The Mayor thanked the deputation from the Valentia who had earlier met with himself and the County Manager at which time it was agreed that they would proceed to co-ordinate a campaign on this issue with Donegal County Council. He also welcomed the residents from Glebe Lodge in Castleisland to the Chamber.

### **Provision of Road Signage at Muckcross Road, Killarney**

Cllr. D. Healy-Rae called on the Roads Department to provide 3 'Slow' signs on the Muckcross Road in Killarney to facilitate the jarvies. The speed limit on this road is 60mph and traffic should be slowed down to ensure the safety of all road users.

### **Grants for the Elderly**

Cllr. D. Healy-Rae referred to a letter received from Mr. J. Breen, Director of Housing, Community & Enterprise regarding the administration of the Housing Aid for the Elderly Scheme and he asked how long of a delay was anticipated before this Scheme would be given to local authorities to administer. He was concerned that there would be a delay in payments to applicants for grants under this Scheme.

In response Mr. J. Breen said that his Department received a circular stating that the transfer of the administration of the Housing Aid for the Elderly Scheme from the HSE to local authorities would be delayed indefinitely until a number of outstanding issues were addressed. The Housing Aid for the Elderly Scheme is still administered by the HSE and he understood there should be no delay in the processing of applications.

### **Presentation by the Peter Bradley Foundation**

Cllr. T. Fleming said that he had received a request from Lucille Power of the Peter Bradley Foundation to make a presentation to the full Council on the work of their organization in March. Mr. J. Breen said that this must go to the Area Committee Meeting first.

### **Vote of Sympathy**

Cllr. P. Leahy extended a vote of sympathy to Jim & Eileen McCarthy, Derrindaffe, Daugh, on the tragic loss of their son. All members said they wished to be associated with this expression of sympathy.

### **Reception of Deputation**

Cllr. T. Ferris requested that a deputation be received from the Residents of Glebe Lodge, Castleisland, regarding the provision of a footpath from the town to Glebe Lodge. It was agreed that this deputation would be received at the next Tralee Electoral Area Meeting.

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### **REPS Payments**

Cllr. J. O'Connor stated that REPS Payments were paid in advance to farmers and many farmers are very dependent on this arrangement. This is not now the case, and he called on the Department to reverse their decision in view of the hardship that it has caused. The contract originally entered into by farmers stated that the payment would be made in advance.

Cllrs. T. Buckley and D. Kiely supported the sentiments expressed by Cllr. O'Connor.

The Mayor also concurred with the views expressed by Cllr. O'Connor and said that farmers who signed up for the REPS Scheme were informed that they would get their payments at a particular time but this has now changed. No other sector would be treated in this way and farmers have other commitments to meet and are dependent on these payments. This is a cause for serious concern amongst the farming community.

### **08.02.18.01 Mayors Report on the CPG Meeting held on 12 February 2008**

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

#### ***Item 1 – Agenda for the February Council Meeting***

*Mr. G. O'Brien briefed the meeting on the agenda for the February Ordinary Meeting.*

*In relation to Item 5, "Report on funding requirements for the Sewerage Schemes Investment Programme and the revision of the Development Contribution Scheme" Mr. O. Ring briefed the meeting on his report. A discussion took place and this item will be considered further when Item 5 on the agenda is being dealt with.*

#### ***Item 2 – County Development Board***

*Mr. J. Breen informed the meeting that at the last CDB meeting held on Friday last Mr. Tadgh O'Donoghue formerly of the ESB made a presentation on wind energy. In the country there is a capacity to produce 10,000 mw but the maximum required is 5,000mw. He added that it costs €1m to deliver 1mw of energy and Mr. O'Donoghue's presentation will be circulated to members. A discussion also took place on the Macroom By-Pass and the Castleisland By-Pass. The Board agreed to establish a small board of major business people in the county with a view to progressing the Castleisland By-Pass.. Mr. Ogie Moran is leading this Board and it is intended to invite the Chief Executive of the NRA to a meeting.*

*The provision of Broadband was also considered and he stated that any Value for Money audit in the more remote areas will not satisfy the Value for Money criteria. However, there is a huge social benefit in providing Broadband.*

*There was also a discussion on the construction industry in Kerry and the most recent census figures show that the number of people employed in this industry is the highest ever recorded. The Board expressed concern for apprentices who may not be in a position to complete their training due to the down turn in the construction sector. FÁS have agreed to facilitate them in the completion of their training.*

#### ***Item 3 – Electoral Area Boundary Committee***

*Mr. J. Flynn informed members that the letter received from the Electoral Area Boundary Committee would be circulated to all members with the February agenda. The Committee has indicated that there will be no change in the membership of local authorities. They will review the ratio of population to elected members in*

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*each local electoral area and to ensure a reasonable relationship with a variance of +/- 10%. The electoral areas should have an urban or neighbourhood focal point where possible. The number of councillors per electoral areas should not be less than 4 or more than 7 except in exceptional circumstances. Where possible the Committee will align local electoral area boundaries with Dáil constituency boundaries.*

### **Item 4 – Replies to Notices of Motion for full Council Meetings**

*Mr. G. O'Brien informed the meeting that this issue was raised at the January Ordinary Meeting when a member requested that replies to motions would be issued at the start of the meeting. He said that unfortunately this request cannot be granted for the following reason. A motion can only be moved if the Councillor moving the motion is in the Chambers or has requested another member to move it on his/her behalf at the time the motion is being dealt with. If a motion is not moved at a meeting it falls. However, a member may resubmit it for the following meeting.*

### **Item 5 – Update from the Chairs of the SPC's**

*Cllrs. T. O'Brien, B. O'Connell, R. Beasley and D. Kiely all stated that there was no meeting of their SPC's since the January meeting. Cllr. C. Miller stated that he would give a report to the February meeting on the items considered by the Housing SPC at its meeting in December.*

### **Item 6 – Any other business**

*Mr. M. McMahon referred to the report in the Kerryman last week concerning the overcharging of planning applicants. This matter was brought to the attention of his Department a few weeks ago at which time an investigation was undertaken. Applicants who applied for permission consequent following the granting of outline permission were charged the full rate in error. The majority of refunds will be €31 and the overall sum involved is €60,000 approximately. He said that refunds will be arranged in the next few weeks.*

*Mr. C. O'Sullivan informed members that at the last meeting of the Transport SPC members endorsed the AXA Road Safety Roadshow. This Roadshow will be in the Brandon Hotel on Tuesday next and in excess of 1,300 young people between the ages of 15 and 19 would attend. He invited all members to attend the Roadshow.*

*The Tralee IT in conjunction with his Department have produced Valentine cards in an effort to get the road safety message across to young people and to reduce the number of fatalities on our roads.*

*Cllr. D. Kiely said that he would like to see a Designated Officer being appointed to address the problem of drugs in the county.'*

The Mayor commended Cllr. Kiely on suggesting that a Designated Officer would be employed to tackle the drugs issue which is becoming a major problem in the. This would allow the local authority to become more proactive in highlighting the drugs problem in the county.

## **08.02.18.02 Confirmation of Minutes**

### **(a) Minutes of the Ordinary Meeting of Kerry County Council held on the 21<sup>st</sup> January 2008**

Cllr. J. O'Connor referred to the last paragraph of Page 18 of these minutes. On that occasion he stated that *'the officials investigate how this system is operated in other EU countries'*. He requested that his comments be noted in the minutes.

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It was agreed that Cllr. O'Connor's comments would be noted in the minutes of the February meeting.

On the PROPOSAL of Cllr. D. Healy Rae, SECONDED by Cllr. D. Kiely, it was unanimously agreed that the Minutes of the Ordinary Meeting of Kerry County Council held on the 21<sup>st</sup> January 2008 be confirmed.

- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. P. O'Donoghue, it was unanimously agreed that the minutes of the Special Meeting of Kerry County Council held on 28<sup>th</sup> January 2008 to discuss the Health Service be confirmed.

### **08.02.18.03 Approval for the raising of a loan**

Mr. J.D. Flynn, Director of Corporate Services, referred members to his report dated 30<sup>th</sup> January 2008 on this item which was circulated and he brief them in detail on the report.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. T. Fleming, it was unanimously agreed to approve the raising of a loan of €1.2million for the new Area Offices for Killarney.

Cllr. T. Fleming asked how long these offices would take to complete.

In response Mr. J.D. Flynn stated that the Council is buying offices in this complex which is now substantially complete. He anticipated that the staff would move to the new offices at the end of the summer.

### **Upkeep of Courthouses**

Cllr. P. O'Donoghue asked if Kerry County Council was responsible for the upkeep of the Courthouse in Killarney. He called on the members of Kerry County Council to reject any proposals to change the Court Service in Kerry as it has been suggested that the Courthouses in Castleisland and Killorglin should be closed.

### **08.02.18.04 Soláthar nua reilige ag Baile Uí Bhaoithín, Baile an Fheirtéaraigh**

Mr. O. Ring, Director of Water Services, referred members to his report dated 15<sup>th</sup> January 2008 on this item which was circulated and he briefed them on the report.

Mholl Comhairleoir S.MacGearailt go mbeadh Tuarisc an Bhainisteora nóta.

Chuidigh Comhairleoir T. Ní Fhearaíosa an mholadh agus d'aontaigh gach comhairleoir leis.

**08.02.18.05            Report on funding requirements for the Sewerage Schemes  
Investment Programme and the revision of the Development  
Contribution Scheme.**

Mr. O. Ring, Director of Water Services, referred members to his report dated 14<sup>th</sup> February 2008 on this item which was circulated. He read his report into the record of the meeting.

**‘Introduction**

*A new Sewerage Scheme Investment Programme costing €125 million is required to upgrade or construct schemes for 57 towns and villages to meet new EPA licensing requirements and to provide the infrastructure necessary to allow Kerry to develop to its full potential.*

*The proposed Investment Programme will involve spending about €50 million in upgrading 46 existing schemes for licensing purposes and a further €75 million, in works on the existing schemes and on 11 new schemes, to cater for the next twenty or more years of development.*

**Priority Village Programme**

*In July 2007, the Council adopted a prioritised programme of works which proposed new and upgraded sewerage schemes for 34 villages in Kerry. Five of these projects (Milltown, Fieries, Barraduff, Kilcummin and Sneem), and Waterville, are under construction and design reports and costings have been completed for 28 villages. It was estimated that at least €70 million would be required to deliver the 34 schemes.*



### **New Licensing Situation**

*In September 2007, the Minister for Environment, Heritage and Local Government made the “Waste Water Discharge (Authorisation) Regulations 2007” which require Local Authorities to apply for licences and certification for all their existing sewerage schemes between December 2007 and December 2009. Kerry has a total of 46 town and village schemes in the county area which require licensing.*

*It is anticipated that the upgrading works which will be required to meet the EPA licensing conditions are likely to cost in the order of €50 million. It will be an offence not to comply with the conditions and failure to comply may result in fines of up to €500,000. Further works will be necessary in most towns and villages to allow for future sustainable development.*

### **Proposed Investment Programme**

*In view of the impending infrastructural and licensing requirements, it was decided to review Kerry’s likely sewerage investment needs up to 2020 and beyond. All the development nodes named in the County Development Plan were considered in the review.*

*The outcome of the review is an indicative list of 57 towns and villages where a new Sewerage Scheme Investment Programme should be rolled out by 2020. The locations are set out in Appendix 1 on an Electoral Area basis.*

*Clearly, all 46 town and village schemes which have existing schemes have to be included on the investment list in order to deal with the new licensing situation. A further 11 new village schemes are included which fit in with the priorities of the County Development Plan.*

*The list includes 6 schemes which are currently under construction or at contract stage, as well as 14 new schemes which it is planned to put out to tender in 2008 if funding allows. These proposed new schemes are: Ballyduff, Ballylongford, Lixnaw, Tarbert, Abbeydorney, Ardfer, Fenit, Kilgarvan, Castlegregory, Castlemaine, Caberdaniel, Beaufort, Glenbeigh, Kenmare at an estimated cost of €44.3 million.*

### **Costs and Funding**

*The total estimated cost of the proposed programme is €125 million. The schemes will have to appear on future National Water Services Investment Programmes to qualify for Department funding which will be limited by the parameters of the Polluter Pays Principle and the Department’s Water Pricing Policy. Based on current experience, this means that the Department will fund about 65% to 70% of the cost of the programme and the remainder (35% to 30%), equating to €40 million, will have to be raised locally. The loan repayments on this amount over 15 years at current interest rates would be €4 million a year.*

*A number of calculations have been carried out, making various assumptions about the locations and anticipated levels of future growth in Kerry. The calculations indicate that the amount per housing unit equivalent which would have to be raised locally is between €9,100 and €9,900.*

*The current development contribution of €3,111 is completely inadequate to fund the true cost to Kerry County Council of proceeding with the Sewerage Scheme Investment Programme set out in Appendix 1. Note that there is currently an additional Special Development Contribution of €1,967 for the “fast-track” schemes of Milltown, Fieries, Barraduff and Kilcummin and €4,120 for Tarbert.*

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*The Council has now to consider how to provide the sewerage infrastructure for the future development of Kerry and how that infrastructure can be funded. It is intended to bring a proposal to the March Council meeting for a Revised Planning Contribution Scheme with a new sewerage contribution of €9,500 to allow the proposed Sewerage Scheme Investment Programme to proceed."*

Mayor M. Healy Rae thanked Mr. Ring for his detailed report and said that this is an extremely important and difficult issue for the members of the Council.

Cllr. M. Connor Scarteen asked if the proposed charge of €9,500 included the development levy for water.

In response, Mr. O. Ring said that the charge of €9,500 only applies to the development levy for sewerage and a separate development levy applies for water.

Cllr. D. Healy Rae said that it is evident that satisfactory treatment facilities must be provided in towns and villages to ensure that development can continue. The proposed charge of €9,500 is very high and it is important to highlight that only those who connect to the public sewer are liable for this charge. He was concerned that this would impact on young couples and elderly people moving into towns and villages and he stated that VAT of 13.5% would be added to this by a developer. However, towns and villages will have to close to development if adequate schemes are not provided. He asked if this charge could be spread out over the next 2 or 3 generations rather than imposing it on the present generation. The existing sewerage treatment plants served the county for the past 40 or 50 years and any borrowings could be based on this. He asked if development levies collected so far are in a fund which now be used for these works.

Cllr. T. Fitzgerald said that all members want to see proper treatment facilities for both sewerage and water schemes. However, this requires a substantial investment with a local contribution of €40million. If Kerry County Council has a priority list which included schemes that are not included on the National Investment Programme, they would not be funded by the Government and this is a cause for concern. In conclusion he said that he had reservations about the proposed increase in charges but he was willing to listen to the debate on it.

Cllr. D. Kiely thanked Mr. Ring for bringing the report before the members and said that this issue was flagged for members a number of months previously. He expressed his disappointment that there is not a fund arising from Development Levies collected which could be used for the upgrading of schemes. He was concerned that it was now too late as large developments had already taken place and they were not levied with a suitable development levy resulting in a loss of income for the Council. He added that the income from development levies would be reduced as the number of planning permissions being granted is greatly reduced. He was aware of one village where no planning permission has been granted since last October. He called on the Department to provide 100% grant aid to allow schemes to be brought up to an acceptable standard.

Cllr. B. O'Connell said that this is a very serious matter but he appreciated why Mr. Ring had to bring his report to members. He asked if the figure of €9,500 was negotiable. It is

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important for members to face up to this situation and to adopt a charge to enable new schemes to be provided and existing schemes to be upgraded. He requested clarification on whether this development levy would apply to one off rural houses or not. In conclusion he said that it was ironic that Kerry has the third lowest development charge in the country while it has the highest commercial rates.

Cllr. R. Beasley concurred with the sentiments expressed by previous speakers and said that he was concerned that too much development had taken place prior to the introduction of this scheme. He pointed out that a lot of development had taken place in the Cashen and Kilmore and development levies were not charged. He requested an update on the provision of a Sewerage Scheme for Dirrha Cottages, Listowel.

Mr. O. Ring informed the meeting that it was not true to say that development levies were not charged and collected in the past. The present development levy is €3,111 and some developers paid in excess of this where schemes were fast tracked for those towns or villages. He pointed out that legislation now dictates that planning permission cannot be granted if adequate infrastructure is not in place.

Cllr. T. Ferris said that she understood the Council's position on this issue but the members of Kerry County Council are being blackmailed by Central Government. Progress is now being made on the provision of some village schemes including Ardferbt but an increase development levy of €9,500 is to be introduced. She said that she could not support this level of increase. She was concerned that a further increase could apply to the development levy for water in due course, in particular at a time when the construction industry is in decline.

Cllr. R. Beasley pointed out that the Development Levy Scheme was considered and adopted by members two years ago, at which time members were guaranteed that it would not be revisited in the lifetime of the Council, yet a proposal is now before the members to increase the development levy for sewerage from €3,000 to €9,500.

Cllr. M. Cahill said that this is a most important issue for Kerry County Council. The Council cannot grant planning permission if there is a risk of pollution. As a result existing schemes must be upgraded and new treatment facilities provided where necessary. He was concerned that the Council had missed an opportunity to raise substantial funding through the application of increased development levies during the time of economic boom. People applying for planning permission in rural areas are being advised to move to nearby towns and villages. Yet the sewerage schemes in many towns and villages are now operating to capacity and no further development will be permitted. This applies in Kenmare, Beaufort and a number of other areas. He agreed that a decision should be taken on this issue. However, €9,500 was a rather drastic increase and he felt it would be an unfair charge on somebody who had a site in a serviced area.

Cllr. M. Connor Scarteen said that the proposed increase is excessive and it would result in undue hardship on young people trying to provide a home. It was agreed three years ago that the Development Levy Scheme would not be revisited in the lifetime of the present Council, yet Management have now presented a report proposing that an increase of 300% be imposed and this is as a result of a shortfall in Government funding. He added that it

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was possible that a further increase in the development levy for water could be proposed in the near future and also a development levy for the provision of relief roads.

Cllr. P. O'Donoghue said that members could not have it both ways, they are constantly demanding the upgrade of existing schemes and the new provision of new sewerage schemes. If we want a clean environment, we must be willing to pay for it. He asked that consideration be given to ways of making savings on the €140million, e.g. the employment of consultants – he understood that their fee is in the region of 10% of the cost of schemes and he asked if this work could be carried out by staff. He understood that the employment of consultants may be a requirement by the Department, but they should be approached and requested that this work be done by our own staff. Kerry County Council has an excellent engineering staff and if necessary more engineers could be employed. The proposed increase from €3,000 to €9,500 is too much and he would suggest that a levy of €7,000 be agreed. Over the last number of years members have spent considerable time in adopting local area plans at which time they were not advised that further development would not be permitted until these schemes were upgraded or new schemes provided. Now the people of Kerry find themselves in a very difficult situation as they will not be granted planning permission until the infrastructure is provided yet planning permission will not be granted in rural areas. He called on the Planning Department to be more flexible and to grant planning permission in rural areas in an effort to overcome the present impasse. The countryside should be opened up to local people.

Cllr. J. O'Connor said that new directives are being issued by the EU and the Department and local authorities must carry the cost. As a result of Chapter VIII there is also a shortfall in funding for the Roads Programme and now, Kerry County Council is being asked to fund 35% of the cost of upgrading existing sewerage schemes and the provision of new schemes. He concurred with the sentiments expressed by Cllr. O'Donoghue in relation to the employment of consultants. He suggested that other means of funding these schemes should be considered and that Central Government should be lobbied to meet the entire cost of the schemes. He referred to the new Draft Planning Guidelines issued by the Minister for the Environment, Heritage and Local Government recently and said that if these guidelines are implemented just 9 houses will be permitted in Killorglin each year. As a result of this the Council will not generate the income required from Development Levies to support the repayment of a loan. He added that he could not support such a huge increase in the development levy and impose it on young people who are trying to build a house. It is virtually impossible to get planning permission in rural areas and every effort is being made by the Planning Authority to force people into towns and villages, but the sewerage schemes in these areas are now operating at full capacity and cannot sustain further development. In conclusion he said that he would not vote in favour of the revised levy and that more innovative ways should be considered for raising the funding required.

Cllr. T. O'Brien said that the Director's Report points out what needs to be done and members must make this hard decision. He asked would the Draft Development Contribution Scheme be put out for public consultation first or would it be presented to the elected members prior to public consultation.

Cllr. A. McEllistrim said that there is an urgent need for development and in the Tralee Electoral Area many sewerage schemes need upgrading. She asked if other local authorities

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were affected to the same extent and had the Director of Water Services approached the Department to point out the hardship that a 300% increase in development levies would bring on the people of Kerry.

Cllr. S. Fitzgerald stated that members had no choice but to make a decision on this issue. Untreated effluent is flowing directly into the sea from a number of existing schemes and it is only a matter of time before the EU initiate prosecutions because of this. He asked if there was a commitment by Central Government to provide 75% of the funding for the upgrading of existing schemes and the provision of new schemes. He was concerned that the local authority would have to bear a larger cost than 75%. He asked would the Government allow the Council to claim back VAT on these schemes which could result in a saving. He also suggested that a larger charge could be imposed on holiday homes. In conclusion he said that if members do not act now, no development will be permitted which will result in the loss of employment in the county.

Cllr. M. O'Shea asked, if a developer wants to develop a housing scheme of 30 or 40 houses and provides his own sewerage scheme, would that be acceptable. The position in Milltown was desperate a number of years ago but Kerry County Council increased the development charge for sewerage from €3,000 to €5,000 and the scheme has been improved and is working well. If they were waiting for the Department to fund improvements they would be waiting a long time. Many schemes are on the priority list but they will never be funded by the Department. The proposed increase in the development levy should be supported by members, however, members are entitled to know what Management's intentions are in relation to the development levy for water. It is important that members and the Executive would work collectively and positively to progress the county. He called on the County Manager to intervene in the current impasse regarding the assessment of planning applications for one off houses in rural areas. Applicants are employing the services of experts to carry out percolation tests yet their reports are being rejected by planners.

Cllr. T. Fleming asked what was the impact of this report on the hundreds of acres zoned for development in local area plans. He was concerned that some small villages were being put on hold and it was mentioned that some of these schemes would not be funded until 2020 and this is unacceptable. He could not support a proposal of that nature. He agreed that the Council should be more innovative in seeking ways to reduce the costs of the schemes and he concurred with the sentiments expressed by previous speakers regarding consultants. The Kilcummin, Barraduff and Milltown Sewerage Schemes are almost at a standstill and he asked how long it would be before they are completed. Cork County Council succeeded in having the Ballincollig By-Pass Road constructed at a reduced cost and in half the time originally proposed. The Council should aim to conclude these schemes by 2015. He added that Kerry County Council has a lot of property lying idle and these should be disposed of to fund the schemes.

Cllr. N. Foley said that what was emerging was an appalling vista for the development of the county. She acknowledged that the services must be provided but the figures presented to members are not acceptable. It would be impossible for an individual to pay €9,500 for a connection to the sewer. She called on the council to go back to Central Government seeking additional funding for these schemes. In conclusion she said she was not in favour of the proposed charge and the members need a better deal for the people of Kerry.

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Cllr. J. Sheahan said that it would be a disgrace to impose this cost on the young people of Kerry. Kerry County Council should be in a position to decide if they want to employ consultants or not and this would help to reduce the cost of schemes.

Cllr. B. Cronin said that he was Chair of the Planning SPC when the development levies were being debated a few years ago. With the support of the Planning SPC, the revised scheme was brought before the full Council and was passed on condition that the Development Contribution Scheme would not be revisited in the lifetime of the current Council. For this reason he was very surprised that the Development Contribution Scheme was being brought before the Council again. A number of members have been very supportive of rezoning proposals, yet they will not support the proposed Development Contribution Scheme. He added that he felt the proposed development levy of €9,500 was unacceptable. In the recent past Kerry County Council granted planning permission in a number of villages for large developments and that was the time to impose an increased development levy. The proposed increased levy is as a result of a lack of funding from Central Government and he could not support this increase in the light of the commitment given that the Scheme would not be revisited in the lifetime of the current Council.

Mr. J. O'Connor, Head of Finance, addressed a number of financial issues raised by members. The loan would be a composite loan to fund the pipe work and plant. The plant may need to be upgraded every few years, but the pipework would last longer. The loan is dependent on Departmental sanction and the period of the loan roughly coincides with the period of the plan before the members in the report circulated. If we go to tender and build the 14 schemes mentioned in the report, a loan will have to be raised and loan charges must be paid. These repayments could not be met if the development levy for sewerage is not increased in line with that outlined in the report. Development levies have been collected for sewer over the years and these have been expended on ongoing design, purchase of land, etc. Some funds are on hand to allow us to manage the cash flow until the increased development levies take effect. He stressed to members that there is a benefit accruing to anyone who gets a connection to a public sewer, otherwise they would have to provide their own treatment process and septic tank etc. He advised members that, under the Water Pricing Framework Policy, the Council is obliged to treat wastewater treatment as a separate charge to the development levy for water and for this reason it is not possible to legally apply other funding to it. If we sell an old office building we must apply that income to the provision of alternative accommodation.

Cllr. P. McCarthy said that he understood that it has become increasingly more expensive to deliver services yet Kerry has not increased its rate base as jobs have not been attracted into the county while there has been a lot of investment in the East Coast. Kerry is a peripheral county and there has been no investment in jobs in the County for a number of years. He asked if it would be possible to make a case for additional funding from the Department on the grounds of our peripherality.

Cllr. B. MacGearailt said that when Kerry was linked with Cork, we were no longer considered to be peripheral. He suggested that efforts should be made to secure additional funding under the CLÁR Programme for some of the schemes in Gaeltacht areas.

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Cllr. J. Brassil said that if members shirk this decision they may be more popular with the electorate, but it will stifle development. It is important that the necessary charges are imposed to ensure that schemes can be upgraded and new schemes provided.

In response to queries, Mr. O. Ring stated that if a scheme is on our priority list, and not on the Investment Programme by the Department, it not funded. It is essential that any scheme to be undertaken is on the Investment Programme as all plans are predicated on that. He informed members that there are 3 elements to the provision of schemes (1) the total estimated cost of the schemes (2) how much funding will the Department provide – it could be anywhere between 65% and 70%, or, in the likes of Kenmare, they may only provide 60% funding (3) the projected pattern of growth in towns and villages. There has been a huge boom in the construction industry and we have made assumptions on the proposed growth. It must be appreciated that all our larger towns have already been catered for and it is now just the small schemes that remain. The top ten highest development levies are in the Eastern side of the country and in some instances they charge 6 times more than Kerry. We have the third cheapest development levy for sewer in the country. If no infrastructure is provided, we cannot take advantage of the boom. In conclusion he said that new terms of engagement are being drawn up by the Department and this will ensure that the cost of hiring consultants becomes cheaper.

Cllr. P. O'Donoghue asked what the cost of hiring consultants.

In response, Mr. O. Ring said that the usual charge is 10% of the scheme and it would not be practical to use our own staff as it would take 3 or 4 years to get to the required 60 or 70 staff.

Mr. T. Curran, County Manager, said that this was a very difficult decision for the members and he welcomed the broad debate on it and he informed members that it has taken a lot of time and effort to come up with a realistic figure. Kerry has the third lowest development charge for a sewer in the country and Management are suggesting a substantial increase. It is important that the infrastructure is provided to facilitate existing development and to allow for future development. All the schemes which require improvements or indeed new schemes to be provided are listed in the report. In the past he had indicated that the new levy should be in the region of €10,000 and a proposed levy of €9,500 is now before members for consideration. This will allow management to progress schemes. The figure required can be reduced, but this will only be possible if the number of schemes to be provided/upgraded is reduced. The increased cost will only apply to those getting a connection to the public sewer as they will benefit from it.

He apologised to members for bringing the Development Contribution Scheme before them again as a commitment was given that it would not be brought before them in the lifetime of the current Council. However, circumstances have changed, EPA and EU legislation is driving this issue. A lesser figure would allow us to do some work but any work programme is dependant on the cash flow and the ability to meet repayments on loans. Kerry County Council was fortunate in having a number of schemes already provided in larger towns under the ENVIREG Programme. In conclusion, he

acknowledged that it was a difficult decision for the members to decide on what figure would be acceptable.

Cllr. D. Kiely said that he understood that the Draft Development Contribution Scheme would be brought before the members in March and he asked if it was intended to increase the development levy for water also.

In response, Mr. T. Curran, County Manager said that the only reason that the Development Contribution Scheme was being revisited was because of the licensing requirements by the EPA.

Cllr. P. McCarthy said that the biggest difficulty with this charge is that only a small number of people are being asked to pay.

Mr. T. Curran, County Manager, said that while it would be possible to seek a deputation with the Minister for the Environment, Heritage & Local Government, the Minister would simply say that this is EU Policy and it will not be possible for Kerry County Council to get derogation. Members can now make a decision and get on with the provision of the schemes, or they can put it off and do nothing. He was suggesting a revised development levy of €9,500 and he urged members to support this figure. A decision of the members is needed so that the Draft Scheme can be brought to the March meeting prior to public consultation.

Cllr. M. Cahill stated that a Planning Meeting was being held the following Friday, this matter could then be considered as it would afford the various political groupings the opportunity to meet and to agree a position on it.

Cllr. J. Brassil suggested that members could meet at lunch time.

The Mayor advised members that it was 1:30pm and the meeting would be adjourned for lunch until 2:30pm.

The meeting resumed at 2:45pm.

Cllr. P. O'Donoghue, said that members had agonised on a lot of difficult issues and they are being asked to vote in a significant increase in the development levy for sewerage. Members must balance this against the need to develop our towns and villages. He stated that a figure of €9,500 was excessive and he PROPOSED that a figure of €8,000 be agreed. He added that the County Manager must understand that the members are extremely unhappy with what is happening in rural planning. No development is being permitted in our villages and the Manager must take this is in hand.

The Mayor thanked Cllr. P. O'Donoghue and his colleagues for the strong leadership they were giving to the Council on this issue.



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Cllr. J. O'Connor informed the meeting that the Fine Gael group met but unfortunately they understood that a decision would not be taken until the March Meeting. For this reason, they did not reach a decision, as they were anxious to embrace all their colleagues, including Oireachtas Members and Town Councillors. He requested that they be granted additional time to do so and that a meeting would be convened the following week, at which time a decision could be made.

The Mayor called for a vote to be taken on the proposal by Cllr. P. O'Donoghue.

Cllr. P. O'Donoghue said that the Fianna Fail councillors did not need direction from their Oireachtas members and they were satisfied to make a decision themselves.

Cllr. D. Healy-Rae **SECONDED** the proposal made by Cllr. P. O'Donoghue and said that if an increased levy was not agree some towns and villages would be closed to development and the cost of development would sore in towns that have schemes. It is extremely difficult for family members to get planning permission, particularly in South Kerry and this is very unfair. Future generations should share the cost of providing these facilities.

Cllr. J. O'Connor said that the members of Fine Gael are alarmed at the rush to impose a revised development levy, as members were only informed of the figure that morning.

Mayor M. Healy-Rae stated that members were informed at the Killorglin Electoral Area meeting the previous Friday.

Cllr. M. Cahill pointed out that the figure was given to members a month ago.

Cllr. J. O'Connor requested sufficient time to discuss this matter further and said that he wanted the opportunity to meet with his colleagues and his party was not against progress.

Cllr. J. Brassil, said that the members were there to make a decision and this decision was flagged two months previously. It was time for members to decide whether they would make a decision or turn their backs on it. He added that it was not an easy decision for any member.

Cllr. J. O'Connor again requested additional time to allow members to make an informed decision. He indicated that the members of his party would be in a position to come to a decision within the next 2 weeks.

Cllr. J. O'Connor asked where were the directions coming from which was forcing this decision and added that the Minister for the Environment, Heritage and Local Government meet the full cost of these schemes.

Cllr. P. O'Donoghue asked Cllr. O'Connor which of the schemes mentioned in the report would not proceed if an increased charge was not imposed.

Cllr. M. Healy-Rae asked if the members of Fine Gael needed clarification on any issue on the report. At the Killorglin Area Meeting, Mr. Ring was asked to make a presentation to the members at the February Council Meeting regarding the regulations issued by the Department of the Environment, Heritage and Local Government and also the relevant EU Directives. This item was on the agenda for the meeting and a report was circulated. If the Fine Gael members wanted to discuss this issue with their Oireachtas representatives they had ample to do so. The County Manager had spoken very strongly on this matter and indicated that he needed a decision from the members immediately.

Cllr. P. McCarthy pointed out that Cllr. O'Connor was simply requested to give the decision of the combined Fine Gael group.

Cllr. B. Cronin stated that the item on the agenda said '*to consider report on funding requirements for the Sewerage Schemes Investment Programme and the revision of the Development Contribution Scheme*'. He had previously outlined his position, in that he was given a commitment by the Director of Water Services when the Development Levy Scheme was last considered, that it would not be revisited in the lifetime of the Council. Unfortunately, it is now proposed that a revised development levy of €8,000 would be adopted. Just because a member has a different view, it does not mean that they are anti-development and the commitment given, by the Director of Water Services in the past has been breached. He asked the Fianna Fail Party what was the figure of €8,000 based on.

Cllr. P. O'Donoghue said that he felt that a figure of €8,000 was fair and reasonable. He had spoken to management and indicated that his party would not be satisfied to support a figure of €9,500. Mr. Ring has yet to respond to his proposal. He pointed out that the Agenda also stated to consider the revision of the development contribution scheme.

Mayor M. Healy-Rae stated at that the Killorglin Area Meeting the previous Friday, this figure was debated and members had ample time over the weekend to come up with an alternative.

Cllr. T. Ferris this was a hugely difficult decision for all members and the executive are trying to do their best for the County, she appreciated the Fianna Fail proposal but she proposed an amendment, that this charge would apply to multi-house development only and those on the outskirts of towns and villages would not be faced with that exorbitant cost.

Mr. J. Flynn, Director of Corporate Services said that if anyone was getting a connection to the sewer, they would be liable for this charge and legally it would not be possible to exempt some people from the charge.

Cllr. T. Ferris said that she would have great difficulty supporting that proposal.

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Mr. J Flynn Director of Corporate Services said that the provision of suitable sewerage treatment facilities for one-off houses in the countryside would have to extend more than that to provide these facilities.

Cllr. J. O'Connor again requested that members be given a further 2 week period to consider this issue, as he was not anxious to see it rushed.

Cllr. J. Brassil PROPOSED that a decision would then be taken.

Cllr. J. O'Connor said that he was very conscious of the need for a decision but members required additional time to consider it.

Cllr. T. Fitzgerald said that it was only following a lot of debate that the members of his party agreed to propose a figure of €8,000.

In response Mr. T. Curran, County Manager said that the figure proposed by management of €9,500 was as low as they felt they could go. Reducing this figure to €8,000 delays the time it will take to fund some schemes. The new Licensing Regulations put Local Authorities under severer pressure, if there is no increase in the levies, just one or two schemes will be done with the loan which would be taken out over 15 year period. If the figure is set below €9,500 will have implications for the Council.

Cllr. T. Fitzgerald said that €8,000 is the proposal made by his party. He called for a recess for 2 or 3 minutes to allow members to consider this proposal.

Cllr. D. Healy-Rae asked if the loan could not be spread out over 30 year period rather than over 15 years, as the infrastructure will serve more than one generation.

In response Mr. J. O'Connor, Head of Finance said that it is proposed to take out a composite loan part of which will be used for the development of the networks, which will last longer than 15 years. The provision of plant will also be funded by the loan, and by its nature this would have to be renewed every 7 to 10 years. On balance the 15 year loan reflects a half-way position. The purchase and maintenance of plant always raises difficulties with long-term loans. In time to come, plants will have to be extended and upgraded etc. A longer term loan is usually taken out on concrete structures which have a longer life span. It would suit management if it was practical to go for a longer term loan which would ease the burden but unfortunately the Department would not sanction this.

Cllr. M. O'Shea said that this matter has been discussed at length. In the Dingle Electoral Area there are two towns where development will not be prohibited if improvements are not carried out, these are Dingle and Milltown. A large number of towns and villages have been zoned over the last few months but if the sewerage infrastructure cannot be provided, development will not be permitted. He pointed out that this development levy will not apply to one-off single houses in rural areas and will only apply to zoned towns and villages.

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Cllr. T. Ferris said that if this proposal was passed by the members, her party would propose that a development levy of €14,000 would be imposed for Telecommunication Masts. She PROPOSED this.

Cllr. R. Beasley SECONDED this proposal.

Cllr. J. Brassil also supported the proposal and said that it was intended that a figure would be agreed at that meeting and then a Draft Scheme would be put forward for public consultation. The proposed levy for telecommunication masts can also be include in the Draft Scheme. Following the public consultation, a report would be brought before the members for final decision. He added that members were not adopting the scheme at that time.

Cllr. J. O'Connor said that he could not understand what was the rush to adopt a revised levy at that meeting.

Cllr. P. McCarthy objected to the insults by Cllr. Brassil against Cllr. O'Connor who was simply relaying the views of his party.

The Mayor said that this item was included on the agenda and a report was circulated. Mr. Ring gave his presentation and Cllr. P. O'Donoghue has made a proposal which is seconded.

Mr. J. Flynn, Director of Corporate Services asked if members were also reviewing the levy for Telecommunication Masts and increasing it to €14,000.

In response, Cllr. T. Ferris said that this would be incorporated in the Draft Development Contribution Scheme to put out in public display.

Mr. G. O'Brien A/SEO Corporate Affairs informed the meeting that a vote would then be taken on the following resolution proposed by Cllr. P. O'Donoghue and seconded by Cllr. D. Healy-Rae. *That this Council propose a revised Development Contribution Scheme to provide for a levy of €9,500 for a connection to the public sewer.*

A vote was taken on this proposal, which resulted as follows:

**For:** Cllrs. Beasley, Brassil, Cahill, Ferris, T. Fitzgerald, Fleming, Foley, D. Healy-Rae, Kiely, McEllistram, Miller, O'Donoghue, O'Shea, M. Healy-Rae (14)

**Against:** Cllrs. Buckley, Connor-Scarteen, Cronin, S. Fitzgerald, Leahy, McCarthy, O'Connor (7)

**Not Voting:** None (0)

**Absent:** Cllrs. Gleeson, MacGearailt, O'Brien, O'Connell, Purtill, Sheahan. (6)

The Mayor declared the resolution carried.

**08.02.18.06 Electoral Area Boundary Committee Invitation for Submissions –**  
Mr. J. Flynn, Director of Corporate Services referred members to his report dated the 30<sup>th</sup> January 2008 on this item which was circulated. He informed the meeting that the Minister for the Environment, Heritage & Local Government has established two committees to review local electoral areas. He briefed members on the membership of the Committee. The Committee is mandated to review the ratio of population to Elected Members in each local electoral area and to ensure a reasonable relationship between the population as established by the 2006 Census and representations between each local authority within a variance of plus or minus 10%. The average population per councillor in Kerry is 5,179. The only Electoral Area within the 10% permitted is West Kerry. The number of councillors should not be less than 4 or more than 7 in each electoral area and only in exceptional circumstances would a 3 seater local electoral area be considered. The committee are seeking submissions and he advised members that he would review the figures with them individually. He then outlined the population figures for each of the electoral areas in the County.

Members requested that the figures for their individual electoral areas would be forwarded to them.

This was agreed.

**08.02.18.07 Dates for Meetings**

**(a) Electoral Area Meeting to discuss the Road Works Programme**

It was agreed that these Electoral Area Meetings would be held in the following dates –

<b>Area</b>	<b>Date</b>	<b>Time</b>	<b>Venue</b>
Listowel	Monday 3 <sup>rd</sup> March	2.30pm	Listowel
An Daingean	Wednesday, 5 <sup>th</sup> March	10:00am	An Daingean.
Killarney	Wednesday, 5 <sup>th</sup> March	3.00pm	Killarney
Killorglin	Thursday, 6 <sup>th</sup> March	9:30am	Killorglin
Tralee	Friday, 14 <sup>th</sup> March	3pm	Council Chambers

**(b) Special Roads Meeting**

It was agreed that the Special Roads Meeting to consider the 2008 Road Works Programme would be held on Monday the 31<sup>st</sup> March at 3:30pm.

### **Suspension of Standing Orders**

The Mayor informed the Meeting that it would be necessary to suspend Standing Orders to allow the remaining items on the Agenda to be considered prior to notices of motion.

On the proposal of Cllr. M. Healy-Rae seconded by Cllr. S. Fitzgerald it was unanimously agreed to suspend Standing Orders to allow the remaining agenda items to be considered.

### **08.02.18.08 Summary of Proceedings at Conferences**

**(a) IABI Conference 2008.**

It was agreed to note that Mayor M. Healy-Rae's written report on this which was circulated.

**(b) Marketing Institute of Ireland Conference.**

It was agreed to note that Mayor M. Healy-Rae's written report on this which was circulated.

**(c) Ireland of Ireland Partnership Path Finding Conference.**

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

**(d) Local Authority's Farmer's Market Forum.**

It was agreed to note Mayor M. Healy-Rae's written report on this forum which was circulated.

**(e) European Conference Strasberg.**

It was agreed to note Mayor M. Healy-Rae's written report on this conference which was circulated.

**(f) Local Government Reform Conference.**

It was agreed to note Mayor M. Healy-Rae's written report on this conference which was circulated.

**(g) Public Relations Institute of Ireland Seminar.**

It was agreed to note Mayor M. Healy-Rae's written report on this seminar which was circulated.

**(h) Reception in honour of his Eminence Sean Cardinal Brady.**

It was agreed to note Mayor M. Healy-Rae's written report which was circulated.

**(i) Clare Tourist Council and Clare County Council National Tourism Conference.**

Cllr. J. Brassil informed the meeting that this conference was held in Ennistymon, Co. Clare from the 22<sup>nd</sup> to the 24<sup>th</sup> November 2007. As Chair of the County Development Board, he opened the Conference and the first session was on the theme tourism and natural resource and the speaker was Mr. Ian Fraiser, Acting Chief Executive of Dungannon and South Tyrone Borough Council. The next

session was on the theme options and opportunities for changing lifestyle and this speaker was Michael O’Leary, Chief Executive of Ryanair. Other topics covered by the conference were education and training to support tourism for changing lifestyles. Lifestyle, matchmaking finding the perfect fit. Carraigfergus conversion of industrial docks to leisure and tourism, the challenge of change and business tourism the role of local authority. This was a well attended and successful conference.

**(j) Douglas Hyde Conference**

It was agreed to note that Cllr. Leahy’s written report which was circulated.

**(k) Local Government Conference**

Cllr. C. Miller informed the meeting that this was a one day seminar held in Bunclody. The first speaker was James Collins, Chartered Accountant and Lecturer in Financial Management in Limerick Institute of Technology and he spoke on the economic background to the 2008 Local Government Budget. This was followed by questions and answers session. The second session was on the theme “Understanding the Local Government Budget” and the speaker was Tom Moylan, Nenagh Town Council and Financial Controller. The final session was on the theme “The Councillor’s Role on the Local Government Budget” and the speaker was Cllr. Paula Desmond, Solicitor.

**08.02.18.09 Report on the Operations and Activities of the Governing Body of the National University of Ireland Cork.**

Cllr. B. MacGearailt requested that this item be deferred to the March Meeting.

This was agreed.

**08.02.18.10 Update from the Chair of the Housing SPC.**

Cllr. C. Miller briefed the meeting on the items considered by the Housing SPC at the last meeting held on the 6<sup>th</sup> December 2007, under the following headings:-

- Housing Adaptation Grant Scheme for older people and people with a disability
- Control of dogs in local authority estates
- Provision of community facilities in local authority estates
- Implementation of the 2005-2008 Traveller Accommodation Programme.

**08.02.18.11 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. B. MacGearailt, SECONDED Cllr. P. O’Donoghue it was agreed to approve the opening of tenders for the purchase of floor cleaning equipment.
- (b) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. P. O’Donoghue it was agreed to approve the opening of tenders for the supply of a totally organic carbon analyser.

- (c) On the PROPOSAL of Cllr. D. Kiely SECONDED by Cllr. C. Miller, it was agreed to approve the opening of tenders for the expression of interest/2008 bituminous road overlay projects.
- (d) On the PROPOSAL of Cllr. D. Kiely SECONDED by Cllr. C. Miller, it was agreed to approve the opening of tenders for the production of bound road making materials at monument quarry Lixnaw.
- (e) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the opening of tenders for the provision of internal building signage.
- (f) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the opening of tenders for the expression of interest for Ballyseedy Wood/Woodland Management Plan, Recreational Management Plan and Built Heritage Conservation Plan.
- (g) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. C. Miller, it was agreed to approve the opening of tenders for the Review of the Kerry County Development Plan 2009-2015 – Strategic Environmental Assessment.
- (h) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of tenders for the Maintenance of Lifts in Kerry County Council Buildings.

#### **08.02.18.12 Notice of Motion**

##### **1. Availability of beds at St. Columbanus Home Killarney.**

##### **Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:**

"That this Council calls on the H.S.E. to ensure that the maximum possible number of beds will be made available in Saint Columbanus Home, Killarney to facilitate the appropriate level of care for the maximum possible number of elderly persons and other persons in need of full time care. Any reduction in bed numbers must be deemed totally unacceptable"

##### **Mr. G. O'Brien A/S.E.O. said this was a matter for consideration by the members.**

Cllr. M. Gleeson said that on behalf of the residents in Columbanus Home over the last 40 years, he wished to thank most sincerely the Matrons & Staff who have given most wonderful care and attention. We live in an age where many families are for economic reasons unable to keep the grandparents at home. They are forced to as Fr. Harry Bohan recently said to outsource them. For many this creates an emotional dilemma and a financial challenge. Private nursing homes are very expensive. They may be the preferred option of the HSE and the Department of Health but they are beyond the reach of many of the elderly and many of their families. Excellently run public homes, such as St. Columbanus have a vitally important role to play in the world of geriatric care and every effort must be made to ensure not just their survival but their expansion. Yet, the last four years have seen a reduction of least 30 beds in St. Columbanus. That means that there are 30 less beds to serve and service the greater Killarney Area. An area which stretches from Scartaglin to Milltown and from Killorglin to Currow. It is not sufficient for the HSE to say that new facilities are about to be provided in Tralee & Dingle. The



reality is that demand continues to grow and will continue to do so. It is regularly said that vital hospital beds are being occupied by the elderly who have no where to go. It is important for this reason to ensure that those beds become available, by ensuring that the elderly have adequate beds in public homes. Older buildings can be adapted and modern technology can be very successfully deployed. A modern lift and ancillary facilities have been installed and are working supremely well and have integrated to perfection. He proposed to the HSE that a genuine effort should indeed be made to maximise the possibilities offered by the splendid building at St. Columbanus Home. The welfare of our older people is deserving of our fullest commitment and care.

## **2. Priority List Submitted to the NRA for 2008**

### **Pursuant to notice duly given Cllr. P. O'Donoghue PROPOSED:**

"That Kerry County Council furnish the members with a copy of the Priority List which they submitted to the NRA for their list of works for 2008 and also explain the criteria invoked when submitted a Priority List"

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

*"Following a request from Council at the last meeting, a copy of the submission made to the NRA was issued to the Mayor and councillors on the 4<sup>th</sup> February 2008.*

*Having regard to the level of funding received in 2006 and 2007 (€8.37m and €10.529m respectively for National Secondary Roads), Kerry County Council submitted 25 National Secondary Road Improvement schemes for funding with a total value of €13.22m for 2008.*

*The following schemes were put forward in October 2007 for consideration by the NRA :-*

<b>National Primary Improvement</b>			
<i>Scheme No.</i>	<i>Route</i>	<i>Description</i>	<i>Length (Km)</i>
No. 1	N22	Lawler's Cross to Killarney	1.7
No.2	N22	Lissyvigeen Junction	-
No.3	N23	Farranfore to Gortshanavogh via Airport	2.0
No.4	N21	Clash Roundabout	2.1
<b>National Secondary Improvement</b>			
<i>Scheme No.</i>	<i>Route</i>	<i>Description</i>	<i>Length (Km)</i>
	N70	Kells (Cappamore to Knockaneyouloo)	1.1

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No. 1	N69	Leith (Phase 2) Overlay	1.5
No.2	N70	Coom a Ciste to Caherdaniel	2.0
No.3	N69	Halfway House to Banemore	1.5
No.4	N67	Tarbert to Ferry Road	1.0
No. 4a	N70	Blackwater Bridge to Tahilla	2.4
No. 5	N69	Tarbert to Dooncaha Overlay	1.9
No. 6	N72	Gortanahaneboy, Rathmore	1.2
No.7	N86	Lougher Cross to Stage	1.6
No. 8	N70	Caragh Bridge to Killorglin	2.2
No. 9	N86	Annascaul to Lispole	2.0
No. 10	N86	Hairpins Bends Realignment (Design)	-
No. 10a	N71	Bonane to Kenmare (Dromanassig)	1.2
No. 11	N86	Lispole Village	1.7
No. 12	N71	Bonane Safety Measures	1.6
No. 13	N71	Molls Gap to Ladies View	1.8
No. 14	N70	Castlemaine to Milltown	2.0
No. 15	N70	Caherdaniel to Castlecove	1.2
No.16	N72	Shinnagh Cross R'about (Design)	-
No. 17	N71	Bend at Carhoomeengar (Design)	0.9
No. 18	N70	Mountain Stage to Coolroe Lr. (Design)	3.1
No. 19	N72	Ballymallis	1.5
No. 20	N70	Sneem to Castlecove	2.0
No. 21	N70	Kells Post Office to Kells Station	1.0
No. 22	N72	Barraduff Bridge	0.6
No. 23			

*Information in relation to the Carriageway width, Engineering condition, Geometric consistency over 2km in either direction, Safety records, Environmental constraints, Traffic counts, Structural constraints on the existing route and a cost breakdown for the proposed improvements, in a format specified by the NRA is submitted with the list of schemes.*

*The allocation received this year, from the NRA, is €6.095m, as was advised to all Councillors, on the 31<sup>st</sup> January 2008. Having regard to the allocation available, the NRA approved two National Primary Road Improvement Schemes and 15 of the 25 schemes submitted.*

*In relation to the National Secondary Roads no allocation was provided by the NRA for Scheme Numbers: 4, 4A, 10, 13, 15, 16, 20, 21, 22 and 23. The allocation for Scheme No. 3, 5, 6, 9, 10A and 14 was less than the funding sought”.*

Cllr. P. O'Donoghue asked what was the criteria used when submitting a priority list. He noted that Kell's Road is at 22 on the list and he was not satisfied that the reply to the Notice of Motion answered his query. He requested that this motion be deferred to the March Meeting when a more substantial reply should be provided.

In response, Mr. C. O'Sullivan, Director of Roads & Transportation said that the NRA set down the criteria for the allocation of funding for National Roads.

Cllr. M. Cahill asked if members could see the list submitted to the NRA and seek an emergency meeting with them regarding funding for the Ring of Kerry Road, which was omitted completely from the Road Works Programme in 2008.

**3. Pursuant to notice duly given Cllr. M. Healy-Rae PROPOSED:**

"That on all major roads leading into the county of Kerry that a massive sign be erected stating "Welcome to the County of Kerry the Kingdom, Home and Heartbeat of Tourism in Ireland"

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

*“Through the County Tourism Strategy Group, we initiated the implementation one of the marketing actions– which is to erect two road signs as a pilot test in 2008 on two major road gateways to Kerry – these being at the Kerry - Cork Boarder and at Limerick – Kerry Boarder (Abbeyfeale- Castleisland road) these signs will give tourists and business travellers a sense of arrival to a place that is unique and special, the signs will be accompanied with vegetation and lights. It is hoped that these signs will be erected in more areas in the following year.*

*Designs and slogans have been drafted; the final selection will be brought to the committee, before signs will be produced*

*Kerry County Council is presently considering the development of two ‘gateways’ up to the County on the N21 at Feales Bridge and on the N22 at the County Bounds to enhance the approach to our County from a visitor perspective. This initiative has been discussed by the Tourism Strategy Group and the provision of appropriate welcome signage along with landscaping will be installed subject to National Roads Authority and Planning Authority approval.”*

Mayor M. Healy-Rae stated that he thought that his suggestion was reasonable and it would be definite statement for visitors as they enter the county. He asked the County Manager if he was satisfied with the wording suggested in his motion as it would make Kerry unique.

In response the County Manager informed the meeting that he would bring the motion to the Tourism Committee to consider it further.

**4. Granting of permission to family members using existing entrances on national routes**

**Pursuant to notice duly given Cllr. Pat McCarthy PROPOSED:**

"That this Council calls on the NRA and the Minister for the Environment to amend the current law that exists, that family members using existing laneways or existing entrances will be allowed planning. As the existing law discriminates against family members who are unfortunate to be adjacent to new roads or existing National Primary Roads or National Secondary Roads"

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

*"The national policy concerning developments involving access to national roads and developments along such roads is set out in the publications "Development Control Advice and Guidelines" and "Policy and Planning Framework for Roads" which were issued respectively in 1982 and 1985 by the Department of the Environment. These policies are reiterated in the document "Sustainable Rural Housing – Guidelines for Planning Authorities", which was published by the Department of the Environment, Heritage and Local Government in April, 2005.*

*Planning Authorities must have regard to the Ministerial Guidelines on Sustainable Rural Housing in the performance of their functions in accordance with the provisions of Section 28 of the Planning and Development Act 2000.*

*At a recent meeting of the Mayor, Oireachtas members, Council officials and the NRA, this issue was raised and the NRA advised that the policy was being reviewed, particularly in relation to relatively low trafficked National Secondary routes.*

*This is primarily a matter for consideration by Council."*

Cllr. P. McCarthy welcomed the report and requested confirmation that this policy is being reviewed by the NRA.

In response Mr. C. O'Sullivan, Director of Roads, Transportation and Safety, informed the meeting that following the meeting with the NRA the Mayor, Oireachtas members and he all understood that this policy was being reviewed.

Cllr. P. McCarthy requested that the resolution be forwarded to the NRA for consideration and also to all local authorities in the country.

Cllr. J. Sheahan SECONDED the motion.

## **5. Implication of Chapter 8 on the Roadworks Programme for 2008**

### **Pursuant to notice duly given Cllr. S. Fitzgerald PROPOSED:**

"Can the Director of Services for Roads & Transportation outline to the Elected Members what are the practical implications the Chapter 8 Legislation will have on our Roadwork's Programme for 2008 and onwards if implemented? Will all roads have to be closed while roadworks are ongoing? Will road operatives be held legally responsible if an accident occurs during or after the road works?"

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

*"Kerry County Council has just been informed of its Non-National Roads Grants allocation last Friday. It is not possible, therefore, to determine at this time the implications that the implementation of Chapter 8 will have on this Roadworks Programme."*

*The Minister for Transport has given a Direction, under Section 95(16) of the Road Traffic Act, 1961, for the purpose of the provision and use of specified traffic signs as set out in Chapter 8 of the Traffic Signs Manual. This document outlines temporary traffic measures to be used at work sites on all public roads to warn, instruct and guide road users in the safe negotiation through the work site and describes the special signs to be used at roadworks. This manual has specific mandatory requirements in relation to the measures to be undertaken with regard to temporary traffic measures to be used at roadworks. The Minister for Transport has directed that the standards and measures specified in this manual be implemented after the 31<sup>st</sup> March 2008.*

*A number of issues will have to be considered as part of the temporary traffic management design process having regard to such factors as the width of the road, the volume of traffic and other road users. These measures include lane closures, use of temporary safety barriers, temporary speed limits, diversions and road closures, use of STOP and GO battens, temporary traffic signals and convoy working, to name but a few of the options.*

*Furthermore, the statutory requirements of the Safety, Health and Welfare at Work (Construction) Regulations, 2006 (S.I. No 504 of 2006) which comes into effect on the 6<sup>th</sup> May 2008, places an onus on all Contractors carrying out works on a public road to take the following measures:-*

- (a) adequate guarding and lighting is provided, and traffic signs are placed and maintained and where necessary operated, as reasonably required for the safe guidance or direction of persons, having regard, in particular, to the need of people with disabilities;*
- (b) the works are supervised by a competent person who has been issued with a valid construction skills registration card*

- (c) *there is on site, at all times when the works are in progress, at least one person who has been issued with a valid construction skills registration card*

*The training for the valid construction skills training card is a 3 day course, followed by an assessment. To date there have been difficulties in the roll out of the training due to the timescale involved in developing the course at national level, the availability of competent trainers and the limitations on the numbers that can be trained at any given time. A dedicated training programme is currently being rolled out, over the next 4 months to approximately 130 staff in the 4 Kerry local authorities on the requirements of this legislation and the Traffic Signs manual, to enable us meet our statutory requirements by the effective date of the 6<sup>th</sup> May 2008.*

*It is difficult at this point in time to be prescriptive on the implications of the Traffic Signs manual on all our operations but it will impact on all works carried out on our roads, including operations by other departments such as Water Services in the provision of water connections, sewer connections etc. Indeed the impact may be greater on smaller operations.*

*A meeting has been arranged with the NRA, to highlight difficulties we envisage on a number of projects on the National Secondary routes this year, where it is not physically possible to comply with the requirements of Chapter 8 and it is impractical and unsafe to divert traffic onto other routes.*

*We do envisage, when these requirements are fully implemented on the 6<sup>th</sup> May 2008, road users will experience inconvenience and significant delays. Smaller operations, such as water connections, will take longer, which will impact on customer service commitments and the cost of providing these services may need to be reviewed in due course. The full impact cannot be readily assessed until staff have been trained on the procedures involved and all operations are examined in much greater detail on specific routes.*

*With regard to the legal implications for staff, the statutory obligation on everyone (client, employers, designers, contractors and employees), so far as is reasonably practical, to ensure that safe work practices and procedures are in place and implemented to protect the safety of road workers and road users. Whilst there is provision in legislation, under the Safety Health and Welfare at Work Act, 1989 and the Safety Health and Welfare at Work Act, 2005, to prosecute for offences under the legislation, the only cases brought to court to date are against corporate bodies and its Directors. A staff member could only be exposed to prosecution where he/she acts in a criminal manner or is wilfully negligent in his/her duties.*

*The Council has a policy of ensuring that all staff are provided with the statutory and mandatory training for the necessary skills required to carry out their duties and has effective procedures in place to protect all our staff. Supervisory staff are also trained to monitor the implications of any safety requirements and provide the necessary support to*

*staff on the ground.”*

Cllr. S. Fitzgerald welcomed the report and said that the implementation of Chapter 8 will have serious implications for the motoring public and they are not aware of it. He called on the media to highlight it. In excess of €1m is to be spent on the N86 in 2008 and if road is closed the only other road to access An Daingean is the Conor Pass road. He understood that general operatives could be held responsible if an accident occurred on a road following road works. This is very serious for all staff.

Cllr. M. Gleeson **SECONDED** the motion and requested that a copy of the reply would be forwarded to all members.

Cllr. B. MacGearailt suggested that Kerry County Council should seek derogation from Chapter 8.

In response Mr. T. Curran, County Manager, informed members that if individual officers are not doing the job properly it will pose difficulties for the council as a body corporate. Chapter 8 arose from guidelines developed by a group set up by the County Manager's Association to ensure that local authorities meet HAS requirements. The implementation of Chapter 8 will result in longer delays for motorists where roadworks are being carried out. He pointed out that most local authorities close roads where works are being carried out.

Cllr. S. Fitzgerald said that he understood there was no protection for workers or indeed the local authority if a road is not closed while works are ongoing.

Mr. T. Curran, County Manager, said that this was not the case but all options must be considered. The new procedures take more time and there will be greater delays for traffic.

**6. Differences in planning decisions amongst planners**

**Pursuant to notice duly given Cllr. D. Kiely PROPOSED:**

"How come there are so many discrepancies between the various planners when granting or refusing planning permission or is it now impossible to get planning for a family member in a rural area"

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

*“Every effort is made to ensure consistency in relation to the assessment of Planning Applications which can at times be difficult with the County divided into 11 “Planning Areas” coupled with elements of the County Development Plan which are clearly open to interpretation.*

*Recent regular in-house meetings between the Technical Staff have taken place in an effort to introduce a greater degree of consistency and it is hoped that the new County Development Plan will help in the interpretation of critical issues such as “landholding” and “local need”.*

*Every effort is also made to facilitate a family member seeking to build a house on the family landholding as a permanent place of residence but issues such as effluent disposal and traffic safety must be addressed adequately.*

*In house pre-planning consultation along with on-site pre planning in the case of family members, is available to facilitate the planning process.”*

Cllr. D. Kiely informed the meeting that it was out of complete desperation that he submitted this motion. He welcomed the last two paragraphs in the report. Planning applicants are becoming very frustrated and one particular applicant when refused because of the percolation test engaged the services of an expert from Trinity College. He agreed with the original test results submitted with the application but the application was still refused. Since last October all planning applications he was involved with have been refused on the grounds of effluent treatment. Planners are not taking the word of agents who have an expertise and qualifications in this area. Planning applications are down by 50% and the planning department should be facilitating the genuine people of the county.

Cllr. R. Beasley supported the motion.

**7. Removal of the 80km/ph speed limit signs outside National Schools  
Pursuant to notice duly given Cllr. M. Cahill PROPOSED:**

“That Kerry County Council remove the 80km/ph speed limit signs outside National Schools throughout the County as a matter of urgency”.

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

*“The Road Traffic (Speed Limits & Special Speed Limits)(County of Kerry) Bye-Laws 2006 makes provision for the introduction of Temporary special Speed Limits at two schools on public roads in rural areas within the County. These are Foilmore and Derryquay Primary Schools.*

*The erection of flashing speed limit signs, and the application of road markings at these locations, was provided under a specific pilot project funded by the NRA.*

*These locations are currently being monitored as to the effectiveness of the safety measure, and the expansion of this scheme to other schools will depend on the feedback from the NRA Safety Officer and funding being provided.*

*It is proposed to review the Speed Limit and Special Speed Limits Bye-Laws in 2009, and the issues of amending speed limits can be addressed then.”*

Cllr. M. Cahill asked if the Council has the power to remove the 80km/ph speed limit signs outside schools on county roads as they encourage traffic to travel too fast outside schools and this results in a danger to children attending the schools. He acknowledged that work is being carried out at Foilmore School but said that something must be done to ensure the safety of all school children.



In response Mr. C. O'Sullivan informed the meeting that it is proposed to review the speed limits but this is a long process.

Cllr. M. Connor Scarteen asked if any measures could be carried out specifically for schools.

Mr. C. O'Sullivan undertook to review signage at schools.

Cllr. D. Healy-Rae requested that the existing speed limit sign at the school in Glenflesk be removed as it is sending out the wrong message.

Cllr. M. Cahill requested that a report be prepared on the speed limits at all schools in the county and that a prioritised programme of works be prepared to improve the current position.

**8. Publication of reply to the EU on provisions in County Development Plans adopted by 22 local authorities.**

**Pursuant to notice duly given Cllr. J. O'Connor PROPOSED:**

"That Kerry County Council call on the Government to publish the reply that they filed with the European Commission on the 28th September 2007 dealing with a complaint filed on the Planning Policy which exists in 22 Local Authorities in Ireland. The publication of this reply is necessary in order that County Development Plans can be drafted without being in conflict with Government Policy"

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

Cllr. J. O'Connor moved the motion.

Mayor M. Healy-Rae SECONDED the motion and it was agreed that it would be referred to the Department of Environment, Heritage and Local Government for consideration.

**9. Measures to address the energy crisis that is being forecast.**

**Pursuant to notice duly given Cllr. B. MacGearailt PROPOSED:**

"What progress is being made at national and local level to address the energy crisis that is being forecast"

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

*"At National level the Government published an Energy White Paper entitled "Delivering a Sustainable Energy Future for Ireland" on 12th March 2007. The White Paper describes the actions and target for the energy policy framework out to 2020, to support economic growth and meet the needs of all consumers. The Paper sets a clear path for meeting the Government's goals of ensuring safe and secure energy supplies, promoting a sustainable energy future, and supporting competitiveness. Sustainable Energy Ireland (SEI), which was set up by the government in 2002 as Ireland's national*

*energy agency, is responsible implementing significant aspects of this Energy White Paper at National level.*

*At local level an energy programme is ongoing throughout Kerry Local Authorities. Most of this work is taking place within the Water Services Area as it is the largest energy user with its large Pumping Stations and Treatment Plants. To date over fifteen plants have been upgraded with the installation of high efficiency plant and controls. This has brought about substantial savings in energy costs and also has improved the plant performance and reliability. The Lough Guitane Hydro Electric Scheme which was commissioned in 2001 generates the equivalent electricity consumption of 220 houses every year. This electricity is used in the adjacent Central Regional Water Supply Scheme Pumping Station. Feasibility studies are ongoing for more renewable energy projects including a Hydro Electric plant linked to a Water Supply Scheme, Wind Turbine in a Waste Water Treatment Plant and electricity generation from Landfill Gas.*

*The energy programme also includes all new Kerry Local Authority public buildings for example the new Killorglin and Castleisland Area Services Centres which have increased levels of insulation in the building fabrics and glazing, energy efficient lighting, ground source heat pumps linked to underfloor heating and a Building Controls and Energy Management System to control and monitor the energy consumption in each section of the facilities. Air Tightness Testing is now included to guarantee good quality standards in the building construction, especially in the area of air leakage.*

*The energy conservation is also taking place in the Housing Sections. Tralee Town Council started off with their "House of Tomorrow" project in Ráth Oraigh which includes insulation levels 40% above regulation requirements, Geothermal District Heat System, Solar Panels for hot water, High Efficiency Condensing Boilers, Ventilation Systems with Heat recovery. All these measures are considered and implemented where appropriate in all housing projects. The current housing development by Tralee Town Council for Moyderwell will include a 1MW Wood Chip boiler plant combined with Solar Panels and linked to a District Heat System for the forty two apartment development. The Biomass Plant will also supply heat to the Tralee Library. The wood chip will be provided from locally grown forests. A biomass plant was also fitted to Tralee Fire Station in 2006 to replace the existing oil fuelled heating system."*

Cllr. B. MacGearailt welcomed the work being done by Kerry County Council in this area. The recent statement by the Minister indicated that there would be large developments of wind farms on the east coast. The west coast has stronger winds than the east coast and would be more suitable for the development of wind farms. He acknowledged that they must be sensitively located but added that energy efficiency must also be considered. He stated that a more constructive attitude to this issue must be adopted nationally. He referred to the works being undertaken in Brandon and said access is a huge issue for this community because of these works. He called on the County Manager to intervene with a view to resolving this issue.

#### **10. Plant hire and haulage contractors employed by Kerry County Council in 2007**

**Pursuant to notice duly given Cllr. B. Cronin PROPOSED:**

"That the County Secretary provide the elected members of this Council with a full list of all plant hire and haulage contractors employed by Kerry County Council from January 1st to December 31st 2007 and the full amount paid to each contractor"

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

*"Attached is a schedule setting out the details of the total payments made and accrued to Contractors in respect of the hire of plant/equipment and haulage services in 2007 across the Council's services, as requested in the Notice of Motion as set out.*

*As heretofore, it continues to be the policy of the Council, of course, to endeavour to achieve value-for-money in the hire of plant and equipment and, indeed, in all our services. In achieving best value, the principal factors considered are:-*

- 1. Suitability of plan item for the job.*
- 2. Compliance with health and safety standards.*
- 3. Reliability of plant item.*
- 4. Plant Operator skill (where driver is required with machine).*
- 5. Available back-up service.*
- 6. Hire rate.*

*Council management, at all levels, continues to give particular attention to the outputs achieved by each machine/plant item hired and its reliability. The overall effectiveness of our works programmes and the achievement of best return on the sizeable level of expenditure incurred require that we carefully assess the continuation, or otherwise, of plant hire on an ongoing basis having regard to the criteria outlined and this is facilitated by the reporting tool of our Financial Management System.*

*As mentioned in previous years, the annual Plant Hire List is formed following public advertisement inviting quotations. Plant Hire Contractors are selected on the basis of the criteria outlined above, must satisfy the Council on insurances and the safety of their machines and must produce a current C2 Tax Clearance Certificate or other relevant tax clearance certification.*

**PRIVATE - PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2007**

<b>Supplier</b>				
<b>No.</b>	<b>Name</b>	<b>Name</b>	<b>Address</b>	<b>Euro 2007</b>
176733	Acorn Recycling Ltd		Thurles, Co Tipperary	107,065.26
79841	Adams of Tralee		Mile Height, Tralee	12,463.00
176987	Boyle Haulage	Tom	Scartaglin	30,614.12

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397236	Breen	John Paul	Shanacloon, Beaufort	67,406.86
1443	Brosnan	Timothy	Tralee Road, Castleisland	152,374.14
142759	Browne Farm Storeplant	Nicholas	Ballinskelligs	159,431.36
125370	Buckley & Pendergast		Killorglin	20,392.55
157233	Campion	Padraig	Bracklaun, Annascaul	73,809.09
125572	Casey	Patrick	Emlaghmore, Killarney	63,415.21
155167	Clancy Plant Hire Ltd		Knockanure, Listowel	784,352.06
315608	Cleary	Michael	Ballyquin, Brandon	159,869.99
176168	Condron T/A Trackcare Engineering	Michael	Templeglantine, Co Limerick	24,462.37
167517	Cork Builders Providers Ltd		Togher Industrial Est, Cork	9,945.47
219967	Counihan Plant Hire	Denis	Aghadoe, Killarney	66,919.50
176655	Counihan	Cornelius	Dunrine, Killarney	15,348.46
259745	Cronin	Eugene	Currow, Killarney	11,399.50
175658	Cronin & Sons Ltd	Michael	Currow, Farranfore	248,359.44
455297	Curran Plant Hire	Kevin	Ardagh, Limerick	45,859.68
107175/ 216268/ 176067	D & L Tool Hire ( Tralee & Dingle)		Clash, Tralee	62,510.70
387277	Dillon	Aidan	Church Street, Kilgarvan	120,517.33
3544	Dillon Waste Ltd		The Kerries, Tralee	438,238.27
148378	Doherty	John F	Headford, Killarney	88,138.46
176771	East Cork Crane Hire Ltd	Aidan Kelleher	Carrigtwohill, Co Cork	10,518.77
51306	Eastcrest Ltd T/A National Sweeper Sales		Dublin 10	27,605.56

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309289	Farran Plant Hire Ltd	Farran, Castleisland	400,549.08
61488	Feale Valley Plant Hire	Clash Road, Abbeyfeale	322,504.83

**PRIVATE - PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2007**

<b>Supplier No.</b>	<b>Name</b>	<b>Name</b>	<b>Address</b>	<b>Euro 2007</b>
176963	Fitzgerald	Damien	Waterville, Co Kerry	10,136.86
170022	Finn Pave Ltd		Cambridge, UK	37,071.11
89374	Fitzpatrick	Michael	Ballyrobert, Ardfert	39,012.95
173682	Fleming	Dermot	Kilcummin, Killarney	9,748.48
101668/ 138037	GPT Plant & Tool Hire		Cork / Galway	100,283.38
118555	Griffin	Gerard	Cool, Emlaghmore	7,327.60
310467	Hartnett	John M	The Square, Listowel	61,324.73
172129	Healy Plant Hire Ltd	Tim	Barraduff, Headford	209,734.52
110025	Healy Rae	Danny	Main Street, Kilgarvan	762,797.19
265502	Higgins Waste & Recycling Services		The Kerries, Tralee	2,262.74
176333	Hiravan Ltd		Ballysimon, Limerick	25,470.45
109666	Hobbins	Eamon & Seamus	Coolroe, Killorglin	92,746.68
7184	Keating & Sons Ltd	Joe C	Valentia Road, Caherciveen	158,493.92
166114	Kelliher Crane & Hoist Ltd		Spa Road, Tralee	2,151.05
175456	Kelly T/A Chris Sales & Repairs Services	Noel C	East End, Caherciveen	5,584.73

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130292	Kelly	Timothy	Shronedraugh, Headford	2,511.47
34273	Kelly Farm Mod Ltd		Ballydesmond, Mallow	49,433.45
119984	Kenmare Waste Disposal		Tuosist, Killarney	83,521.81
185393	Kenmare Plant Hire Ltd		Templenoe, Kenmare	53,617.97
174359	John Kerins & Sons Plant Hire		Blennerville, Tralee	7,407.12
484516	Kerry Drain Services		Milltown	7,715.73
423251	Kerry Plant & Tool Hire Ltd		Woodlands Ind. Est Killarney	18,861.71
491842	Killarney Waste Disposal		Aughacurreen, Killarney	391,025.03
107133	Kingdom Fast Hire Ltd		John Joe Sheehy Rd, Tralee	92,362.26
147872	Knightly Plant Hire	David	Annascaul	28,112.11
173310	Lawrence Cove Ferries Ltd		Bere Island, Cork	8,382.09

**PRIVATE - PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2007**

<b>Supplier No.</b>	<b>Name</b>	<b>Name</b>	<b>Address</b>	<b>Euro 2007</b>
197860	Leanes Tool Hire		Muckcross Road, Killarney	295,167.08
172382	Lixnaw Plant Hire	Thomas Mc Carthy	Garrynagore, Lixnaw	73,115.93
110167	Lynch's Plant Hire		Tullamore, Ballybunion	75,110.39
177245	Lynch Civil Engineering Ltd	Michael	Headford, Killarney	98,739.01
176679	Lyons	Thomas	Oakpark, Tralee	31,725.06

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174770	Manlift Hire Ltd		Kinsale Road, Cork	2,766.80
125163	McAuliffe Trucking		Fahaduff, Castleisland	22,576.14
175997	McGill Environmental Systems (Ire) Ltd		Castletownroche, Co Cork	17,491.91
117238	McGilycuddy	Brendan	Garahadoo, Killorglin	10,446.12
239856	McGilycuddy	John	Ardknockeen, Killorglin	390,417.75
30759	Moran Plant Hire	Sean	Dingle	100,797.82
121685	Mulvihill Plant Hire	Eamon	Asdee, Listowel	2,338.10
282506	Murphy Plant Hire	Donal	Headford, Killarney	163,473.06
174862	Murphy Tool Hire		Listellick North, Tralee	58,647.46
369237	North Kerry Tool Hire Ltd		Bridge Street, Listowel	9,949.96
264844	O'Brien Plant Hire Ltd	William	Bishopstown, Cork	39,702.54
117490	O'Connell Bros. Plant Hire		Bahags, Caherciveen	2,895.93
175473	O'Connor	Frank	Curraghlea, Tralee	21,419.22
110583	O'Connor Plant Hire	Hugh	Headford, Killarney	110,185.13
2227	O'Connor	Timothy	The Square, Kenmare	57,373.46
174580	O'Connor Kerry Haulage Ltd		Clonmore Cottages, Tralee	147,706.58
174467	O'Connor	Timothy	Ballygamboon, Castlemaine	61,843.19
173839	O'Connor Hedgecutting	Michael	Ardtully, Kilgarvan	19,532.48

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174692	O Donnell	Neil	Bahags, Caherciveen	53,335.76
4328	O Driscoll Plant Hire		Tinnies, Valentia	84,591.64
428489	O Dwyer Plant Hire T/A Sandmore Ltd	Joe	Camp Cross, Tralee	1,243,462.18
170061	O Grady	Pat	Glenbeigh	93,804.59

**PRIVATE - PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2007**

<b>Supplier No.</b>	<b>Name</b>	<b>Name</b>	<b>Address</b>	<b>Euro 2007</b>
245332	O Grainne Teo	Michael	Ballyguin, Brandon	73,624.24
155293	AOK Plant Ltd T/A O Keeffe Plant Hire		Abbeyfeale	99,197.24
175317	O Keeffe Ltd	Garry	Knocknacrohy, Abbeyfeale	12,338.38
8123	O Leary	Michael J	Castlecove	7,931.46
175938	O Mahony Road Paving Ltd	Dermot	Buttevant, Cork	10,287.65
174660	O Mahony Machinery Hire		Lissanore, Castleisland	20,956.76
176659	O Riordan	Michael	Glenflesk, Killarney	10,568.23
174589	O Shea	Paudie	Direen, Caherciveen	22,299.24
452848	O Shea (Parcest Ltd)	Sean	Glenbeg, Caherdaniel	84,009.17
234870	O Shea Plant Hire	Sean	Ventry Road, Tralee	73,551.95
110487	O Sullivan	Batt	Knocknaskeha, Killarney	4,545.92
102798	O Sullivan	Paudie	Kinard West, Lispole	66,683.08
10589	Poff	Peter	Beechmount, Kenmare	69,993.33
176561	Poff	William	Cahir East, Kenmare	60,336.02



# Minutes February Ordinary Meeting

445522	Power	Dave	Middleton, Cork	54,173.73
167356	Quinn	Padraig	Doonshean, Dingle	21,102.16
10870	Quirke & Sons Ltd	Michael F	Rangue, Killorglin	212,691.07
434808	Randals Ltd	T & A	Kilgarvan	8,283.92
172792	Border Toole Hire T/A Rathmore Tool Hire		West End, Rathmore	2,785.50
149333	Reidy Plant Hire	Patrick	Ballymacelligott	12,362.73
198489	Rennicks Sign Manufacturing		Mulhuddart, Dublin 15	77,179.98
272140	Riordan	James	Listry, Faha, Killarney	118,509.13
173962	Savage Transport	George	Tylough, Tralee	210,413.05
102190	Somers	Maurice	Headford, Killarney	403,524.21
173470	Stack Agri & Plant Hire	Eddie	Moyvane, Listowel	104,301.27
120903	Stack	Johnny	Moyvane, Listowel	41,987.67
173800	Supple Cutting Services Ltd		Ballyheigue, Tralee	6,605.13

## PRIVATE - PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2007

Supplier No.	Name	Name	Address	Euro 2007
177395	Swaine & Sons Ltd	Thomas	Enniscorthy, Co Wexford	2,992.63
177303	Teahan Haulier	John	Killorglin	16,930.98
155369	Waste Solutions Ltd		Ballincollig, Cork	15,890.33
	Miscellaneous Payments under €2,000 (18 Suppliers)			15,740.93
	<b>Total Payments 2007</b>			<b>11,021,580.58</b>

Cllr. B. Cronin welcomed the detailed report and stated that a sum of €1.421m was paid to plant hire and haulage contractors in 2007. He asked the Head of Finance what percentage of this figure was spent on the roads programme. He also asked if would be practical for the council to purchase its own machinery rather than hiring in machinery.

In response Mr. J. O'Connor, Head of Finance, said that approximately 80% to 85% of this expenditure is on roads. In addition the council has its own plant and this accounts for an additional expenditure of approximately €6 - €7m resulting in a total expenditure of approximately €18m for all plant hire. These figures reflect both revenue and capital expenditure.

Cllr. B. Cronin asked how would the Department of Transport view the purchase of plant machinery by the council.

In response Mr. C. O'Sullivan, Director of Roads, Transportation and Safety, informed the meeting that the plant owned by the council is in use most of the time. The machinery hired in is only used for short periods in different locations around the county. He added that his department are constantly reviewing the works programme to ensure efficiency. He said that he was satisfied with the balance between the use of own machinery and the hiring of additional machinery.

Cllr. Cronin expressed his disappointment that so much of the roads budget is spent on plant hire.

**11. Reduction of the speed limit from Lawlor's Cross to Killarney.**

**Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:**

"That Kerry County Council request the NRA to investigate with a view to reducing the speed limit from 100km to 80km on the Tralee Road from Lawlor's Cross to Killarney Town"

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

*"It is proposed to review the Speed Limit and Special Speed Limits Bye-Laws in 2009. The issue of reducing the speed limit from Lawlor's Cross to Killarney Town can be addressed at that time in consultation with the NRA and the Gardaí."*

Cllr. J. Sheahan expressed his dissatisfaction with the report and said that motorists accessing this road are risking their lives. It is vital that some measures are taken before there is a fatality on this section of road. There was a five car pile up on this road recently and motorists using this road cannot wait until 2009 until the speed limit is reviewed.

**12. Wind Energy Policy**

**Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:**

"To ask Kerry County Council to put a new Wind Power Policy in place. This should be fast tracked so that we could provide more of our own energy"

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

*"Kerry County Council has been very proactive in promoting the development of wind energy throughout the county. Kerry County Council was the first county in the country to adopt a Wind Energy Policy. This policy was subsequently incorporated into the current Kerry County Development Plan 2003-2009. The current policy is very proactive and this is reflected in the fact that the Council has granted planning permission far in excess of what has been constructed. This is a clear indication that the current policy is not a barrier or the limiting factor in the development of windfarms throughout the county. Grid connections and the capacity of the grid are a greater limiting factor at present."*

Cllr. D. Healy-Rae welcomed the report and said that many areas in South Kerry are ideal for the development of wind farms. The country is obliged to cut emissions and this would assist in achieving the targets set down. One applicant for a wind farm in South Kerry was informed that his application could not be considered unless the land was zoned for wind farm development. He called for a review of the Wind Energy Policy at the earliest possible date.

Cllr. M. Cahill said that Notice of Motion No. 16 also relates to this topic and he moved it.

**16. Development of wind farms in Kerry**

**Pursuant to notice duly given Cllr. M. Cahill PROPOSED:**

"I propose that Kerry County Council take a leadership role and ensure that County Kerry becomes more energy self efficient going forward by encouraging the development of wind farms in the County"

Mr. G. O'Brien, A/SEO, informed the meeting that the report on this motion is the same as the report for Notice of Motion No. 12.

Cllr. M. Cahill said that he would like the council to encourage the development of wind farms and also wind farms out on the sea. He believed that the Kerry landscape would lend itself to this type of development.

Cllr. P. O'Donoghue stated that when the Wind Energy Policy was originally considered he asked that it would be rejected and that additional areas would be zoned for wind energy. At that time he was informed that it could be revisited. He requested that this policy be reviewed sooner rather than later.

Mr. M. McMahon, Director of Planning, informed members that the review of the County Development Plan has commenced and it would not be appropriate to review the Wind Energy Policy outside of this process. He added that a substantial number of permissions have been granted for wind farm developments but they have not been taken up.

Cllr. M. Healy-Rae SECONDED the motions.

### **13. Provision of a bridge across the Gaddagh River**

#### **Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:**

"That the Council would outline the degree of progress, if any, it has made towards the provision of a Bridge across the Gaddagh River on the approach to base of Currán Tuathail and towards ensuring greater safety for climbers while on the mountain"

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

*"This footbridge was part of a planning application (Ref. No. 05471) by Beaufort Community Centre Ltd. which was refused because the development as proposed 'would seriously injure the visual and scenic amenities of the area'. To advance the matter, the Roads, Transportation and Safety Department will liaise with the Planning Department and Beaufort Community Centre Ltd. to determine if an alternative proposal can be developed which would satisfy all the relevant planning and safety criteria. If an alternative proposal is agreed and receives planning permission then an application may be submitted to Fáilte Ireland for project funding under the Tourism Development Supports for Investment in Infrastructure Projects which is part of the National Development Plan 2007-2013."*

Cllr. M. Gleeson said that tourism is the life blood of the county and one of the main attractions in the county is Carrauntoohill. The Cronin family have developed a nice café to facilitate climbers and walkers. When the Gaddagh River is in flood it is not possible to access Carrauntoohill from that point. He called on the council to enter into discussions with the Cronin family and adjoining landowners with a view to acquiring land for the provision of a foot bridge. He did not believe that a proper footbridge would scar the landscape. It is time that this matter was progressed.

Cllr. M. Healy-Rae supported the motion.

Mr. T. Curran, County Manager, said that there appears to be confusion between Beaufort Community Council and Cronin's on this issue and this should be clarified.

### **1.4 South West Counselling Centre**

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

"That this Local Authority unanimously supports the great work that is being done by the South West Counselling Centre despite the fact that it is grossly under funded and that we call on the Department to ensure that proper funding be provided to ensure that the service continues into the future"

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

Cllr. M. Healy-Rae said that all members respect the work of the South West Counselling Centre and early intervention saves the State in the long term. He asked that a letter would be forwarded to the relevant Minister requesting that additional funding be made

available for the South West Counselling Centre.

Cllr. T. Ferris supported the motion and said that this centre is getting less than 10% of their annual running costs from the State.

#### **14. Bye-Laws for Piers and Harbours**

##### **Pursuant to notice duly given Cllr. P. O'Donoghue PROPOSED:**

"That Kerry County Council report on the up to date position in relation to the drafting of Bye-Laws for Piers and Harbours in the County and in particular also advise as to when it can be hoped that a Harbour Master/Harbour Constable can be appointed for the South West Kerry Area."

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

*"Kerry County Council has prepared a comprehensive set of harbour byelaws and is working on the completion of the associated mapping that must accompany the byelaws. There are 57 facilities in Kerry from Tarbert down to Kilmackalgoue on the Beara peninsula. It is hoped to have the mapping completed and the draft Bye-Laws ready for consideration by Council by the June meeting, at the latest."*

*The issue of the enforcement of the Bye-Laws and the appointment of designated person(s), will be reviewed separately, having regard to a number of issues, including the requirements under the Bye-Laws, the role of the existing Harbour Constables and funding mechanisms etc. Until these issues are considered in greater detail, we will not appoint any one to the position in South West Kerry."*

Cllr. P. O'Donoghue stated that he received a similar report last year at which time he was informed that designated persons would be appointed prior to the summer last year. He sought a commitment that the Bye-Laws would be dealt with by June and also that a Harbour Master would be appointed by that time.

Cllr. M. Cahill supported the motion.

#### **17. Personal injury claims made in 2007**

##### **Pursuant to notice duly given Cllr. B. Cronin PROPOSED:**

"To ask were there any personal injury or compensation claims made against Kerry County Council in 2007 and if so please clarify the subject of each claim and amounts paid out"

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

##### **Public Liability**

*A total of 201 claims were received of a public liability nature in 2007. The position in relation to these at 31 December 2007 was:-*

*134 related to “pothole” type incidents. In the majority of these (75%) the Council did not have any legal liability and, accordingly, the claims were denied. The claims in the remaining cases, 35 number, were settled at a total cost of €9,000, which was funded by our insurers.*

*18 related to Road Traffic type incidents. Eight of these were settled at a total cost of €15,000 which was funded by our insurers. Liability was denied in another 8 and a further 2 were disputed.*

*38 related to personal injury type incidents. Twelve of these were settled at a cost of €30,000 which was funded by our insurers. Liability was disputed in a further 10 as it was felt third-parties were responsible and the remaining 16 were on-going at 31 December 2007.*

*11 related to miscellaneous incidents. All these have been disposed of or settled at a total cost of €5,000, which was funded by our insurers.*

*Separately, 80 incidents arose due to tar damage on a roads job and all these have been settled at the expense of the contractor who was responsible.*

### **Employer’s Liability**

*One significant claim was received and this was on-going at year’s end.*

### **Conclusion**

*It will be some time before the final cost of claims received in 2007 can be determined as a number of claims will inevitably fall to be adjudicated upon by the Courts or the Personal Injuries Assessment Board.*

Cllr. B. Cronin asked if the €30,000 for personal injury cases was the total paid.

Mr. J. O’Connor, Head of Finance, confirmed that it was the total paid out.

Cllr. B. Cronin said that he was aware of motorists who had a burst tyre as a result of a defect on the road but they were informed that ‘*the council has no legal liability*’. He asked if this was true.

Mr. J. O’Connor, Head of Finance, informed the meeting that in accordance with the Civil Liability Act 1961 the non feissance rule applies.

Cllr. P. O’Donoghue stated that if a defect on a road arises as a result of the use of poor material the council is responsible.

Cllr. B. Cronin asked if a motorist drives into a pothole and bursts a tyre is the Council liable.

Mr. J. O'Connor, Head of Finance, said that as is clearly stated in the reply in the vast majority of cases the Council is not liable. However, if work on the road surface is not properly carried out by the Council then it is possible that the Council could be liable.

Cllr. P. O'Donoghue stated that if the damage is as a result of ordinary wear and tear the Council is not liable. However, if the Council repair a pothole and the damage occurs following this the Council is liable.

### **18. Improvements to infrastructure**

#### **Pursuant to notice duly given Cllr. J. O'Connor PROPOSED:**

"In order to improve the necessary infrastructure needed in Kerry over the next few years, that Kerry County Council ensure that all works carried out are value for money, lobby the Government for the necessary finance to cover the financial demands of the Water Framework Directive & Chapter 8. These and other directives are given to us to be implemented without the necessary finance. In the event of there still being a deficit that Kerry County Council officials should examine models used in other Counties and Countries of funding local authorities other than getting the local inhabitants to make-up this financial deficit"

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

*"Kerry County Council adopts stringent procedures to ensure that all works carried out by it achieve value for money. These include need assessment, project appraisal, competitive tendering processes, best procurement practices and ongoing project management and supervision. The Council, also, implements annual operational planning, review process and a performance measurement system which ensures a continuous focus on the achievement of value-for-money across all our services.*

*Recent E.U. Directives, Irish Legislation and Regulations, together with ever increasing user expectations of service reliability and quality, have placed additional costs on all our services including water services, waste management, environmental controls, etc. Council Management, together with the Council Members, avail of all opportunities both at Government Department and Ministerial levels, to make our case for additional capital and revenue funding, and we will continue to do so.*

*As regards alternative funding options to the existing streams, local authorities are not free to introduce forms of funding outside those permitted by Irish Legislation. The present programme for government contains an objective to establish a new Commission for Taxation to consider a number of matters including "options for the future financing of local government". The Government announced last week the details of the establishment of the taxation commission. I would expect that the Council will be given an opportunity of making a submission to the Commission in due course."*

Cllr. J. O'Connor welcomed the latter part of the report and said that every effort should be made to ensure value for money where possible. This could be achieved by using

inhouse staff to design sewerage schemes rather than employing consultants to do this work.

**19. Provision of a climbing lane from Farranfore Village to the hill at Knockaderry.**

**Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:**

"That Kerry County Council request the NRA to investigate putting a climbing lane from Farranfore Village up the Hill at Knockaderry"

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

*"The funding being granted at present by the National Roads Authority on the existing N22 National Primary Route between Farranfore and Killarney is being allocated under the Pavement and Minor Improvement Programme. This funding is provided to overlay the existing road with bituminous surfacing and a €700,000 allocation was received this year. It is unlikely that the National Roads Authority would allocate funding towards the provision of a climbing lane at this location as the Authority is funding the design of the N22 Farranfore to Killarney Major Scheme and as part of this project Farranfore will be by-passed. A design grant of €250,000 has been allocated for this particular project this year."*

Cllr. J. Sheahan said that the many heavy vehicles and buses that use this road travel slowly up this hill and if a climbing lane was provided it would relieve delays on this section of the road. He requested that consideration be given to the provision of a climbing lane at this location.

**20. Provision of a site for a Day Care Centre for South West Kerry County Council Pursuant to notice duly given Cllrs. M. Cahill & P. O'Donoghue PROPOSED:**

"That Kerry County Council in conjunction with HSE South assist Cunamh Iveragh with the provision of a site and the construction of a Day Care Centre and residential units for people with special needs who wish to reside in their own community in South West Kerry."

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

*"A meeting with this voluntary group can be arranged with the Housing Depart in the near future to get more details of this proposal and to establish in what way Kerry County Council can be of assistance."*

Cllr. M. Cahill informed the meeting that Cunamh Iveragh is a newly formed group of parents with children and young adults with special needs and they want to provide a facility to accommodate them.

Cllr. P. O'Donoghue asked that the Council consider providing this land from our existing landbank. Alternatively the levies received under Part V could be used to assist this group in the purchase of the land.



Mr. J. Breen, Director of Housing, Community and Enterprise, said that officials would first meet with the group and establish their needs.

**20. Establishment of a Board of Management in each hospital.**

**Pursuant to notice duly given Cllrs. J. O'Connor & P. McCarthy PROPOSED:**

"That Kerry County Council call on the Government to set up a Board of Management in each hospital which would be made up of medical and non-medical persons outside the HSE system, all of who would play a constructive role in the Management and future development of the hospital in their area"

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

Cllr. J. O'Connor informed the meeting that Boards of Management have been established in two hospitals in Cork. He requested that the resolution be forwarded to the Minister for Health and Children for consideration.

Cllr. P. McCarthy supported the motion and said that it is important to have a local input. He requested that the resolution be forwarded to every local authority in the country.

**21. Funding under the Low Cost Accident Preventative Fund for works from Mick the Bridges to Kenmare.**

**Pursuant to notice duly given Cllrs. M. Healy-Rae & D. Healy-Rae PROPOSED:**

"That a specific grant be sought from the Department, in the interest of safety, under the Low Cost Accident Preventative Fund, to put cats eyes from Mick the Bridges all the way to Kenmare. This is very important and much needed in the interest of the safety of the users of the road"

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

*"This delineation and road studding project on the R569 Regional Road between Mick the Bridges and Kenmare will be submitted to the Department of Transport in due course for consideration of funding under the Non National Road Safety Improvement Grant."*

Cllr. M. Healy-Rae welcomed the report.

**08.02.18.13 Correspondence – Conferences and Seminars**

- a) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. R. Beasley, it was agreed to authorize the attendance of Cllrs. T. Fitzgerald, T. Buckley, P. Leahy, M. Healy-Rae, P. McCarthy, D. Healy-Rae and J. Sheahan at the Kerry Literary & Cultural Centre Conference on the theme "The Role of Local Government in Community & Rural Development" to be held in Listowel on the 6<sup>th</sup> and 7<sup>th</sup> March, 2008.

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

- b) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. M. Healy-Rae, it was agreed to authorize the attendance of Cllrs. J. Brassil, M. O'Shea, T. Buckley, M. Connor-Scarteen, D. Kiely, M. Cahill, P. Leahy, J. O'Connor, L. Purtill and T. Fleming at the ACCC Annual Conference to be held in the Roganstown Country Club, Swords, Co. Dublin from the 6<sup>th</sup> – 8<sup>th</sup> March, 2008.

Cllr. M. O'Shea was nominated to report back to the council on this conference.

- c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. A. McEllistrim, it was agreed to authorize the attendance of Cllrs. C. Miller, M. Healy-Rae, B. O'Connell, R. Beasley, M. Connor-Scarteen, M. O'Shea, M. Cahill, P. O'Donoghue, S. Fitzgerald, J. Brassil, P. McCarthy and P. Leahy; at the LAMA Annual Spring Conference to be held in Trim, Co. Meath on the 27<sup>th</sup> & 28<sup>th</sup> March, 2008.

Cllr. S. Fitzgerald was nominated to report back to the council on this conference.

- d) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Cahill, it was agreed to approve the attendance of Cllrs. T. Buckley, B. O'Connell, M. O'Shea, D. Kiely, P. O'Donoghue, M. Cahill, P. Leahy, S. Fitzgerald, M. Healy-Rae, A. McEllistrim, D. Healy-Rae and T. Fitzgerald at the 16<sup>th</sup> Annual Kerry Environmental Recognition Conference to be held in Ballybunion from 2<sup>nd</sup> – 6<sup>th</sup> April, 2008.

Cllr. A. McEllistrim was nominated to report back to the council on this conference.

- e) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. M. Healy-Rae it was agreed to authorize the attendance of Cllr. T. Ferris at the Kadenza Seminar for Councillors on the theme "Suicide Prevention: A Call to Action" to be held in Dublin on the 22<sup>nd</sup> & 23<sup>rd</sup> February, 2008.

- f) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the attendance of Cllrs. T. Fleming and M. O'Shea at the Neil T. Blaney Winter School held in Letterkenny, Co. Donegal on the 30<sup>th</sup> November and 1<sup>st</sup> December, 2007.

- g) On the PROPOSAL of Cllr. D. Kiely, SECONCED by Cllr. A. McEllistrim, it was agreed to approve the attendance of Mayor M. Healy-Rae at the Reception in honour of His Eminence Seán Cardinal Brady held in Dublin on the 4<sup>th</sup> February, 2008.

- h) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. A. McEllistrim it was agreed to authorize the attendance of Mayor M. Healy-Rae at the Conference on the theme “Management and Health Risks of Drug and Alcohol Use and Abuse” to be held in Limerick on the 21<sup>st</sup> February, 2008.
- i) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. A. McEllistrim it was agreed to authorize the attendance of Mayor M. Healy-Rae at the Fifth Alcohol and Society Annual Conference on the theme “Working Together to Reduce Alcohol Related Harm” to be held in Dublin on the 27<sup>th</sup> February, 2008.
- j) On the PROPOSAL of Cllr. K. Kiely, SECONDED by Cllr. P. McCarthy, it was agreed to authorise the attendance of Mayor M. Healy-Rae at the Irish Recycling & Waste Management 2008 to be held in Dublin on the 5<sup>th</sup> & 6<sup>th</sup> March, 2008.
- k) On the PROPOSAL of Cllr. D. Kiley, SECONDED by Cllr. A. McEllistrim it was agreed to authorize the attendance of Mayor M. Healy-Rae at the Seminar on the theme ‘The EU and Climate Change: Are we doing enough, soon enough?’ to be held in Dublin on Monday 18<sup>th</sup> February, 2008 at 7.30pm.
- l) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. A. McEllistrim, it was agreed to authorize the attendance of Cllrs. M. Connor-Scarteen and D. Healy-Rae at the Colmcille Winter School to be held in Colmcille, Letterkenny, Co. Donegal from 29<sup>th</sup> February, 2008 to 2<sup>nd</sup> March, 2008.
- m) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Mayor M. Healy-Rae at the a meeting with the Department of Sport and Tourism on the 20<sup>th</sup> February, 2008 re funding for projects in Kerry.
- n) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Mayor M. Healy-Rae at the EPA Conference to be held in Limerick on the 21<sup>st</sup> February, 2008.
- o) On the PROPOSAL of Cllr. D. Kiely, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Mayor M. Healy-Rae at the West Kerry Football Weekend launch to be held in Dublin on the 3<sup>rd</sup> March, 2008.

#### **08.02.18.14 Correspondence General**

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

1. Letter dated 14<sup>th</sup> January, 2008 from the ESB regarding response times to telephone queries.

2. Letter dated 15<sup>th</sup> January, 2008 from the Office of the Minister for Education and Science in relation to the provision of defibrillators in schools.
3. Letter dated 15<sup>th</sup> January, 2008 from the Tánaiste and Office of the Minister for Finance in relation to the provision of defibrillators in schools.
4. Letter dated 18<sup>th</sup> January, 2008 from Iarnród Éireann regarding assistance for disabled people on Iarnród Éireann stations and trains.
5. Letter dated 18<sup>th</sup> January, 2008 from Cllr. Patricia McCarthy, Mayor of Clare in relation to the Western regions efforts to reverse the Aer Lingus decision to cease the Shannon Heathrow air service.
6. Letter dated 28<sup>th</sup> January, 2008 from the Office of the Minister for Transport regarding funding for improvement works on the R561 Castlemaine Annascaul Road.
7. Letter dated 4<sup>th</sup> February, 2008 from the Office of the Minister for Transport regarding Valentia Marine Rescue Co-ordination Sub Centre.
8. Letter dated 6<sup>th</sup> February, 2008 from the Office of the Minister for Housing, Urban Renewal and Developing Areas regarding the new Housing Adaptation Grant Schemes for Older People and People with a Disability.
9. Letter dated 18<sup>th</sup> January, 2008 from the Donegal County Manager regarding the proposed closure of the Malin Head and Valentia Coastguard Stations.
10. Letter dated 16<sup>th</sup> January, 2008 from Balbriggan Town Council regarding a resolution adopted by that authority calling on the Minister for the Environment to close the loophole whereby drivers with foreign or otherwise invalid licences who break the road traffic laws are not being given penalty points.
11. E-mail dated 23<sup>rd</sup> January, 2008 from Waterford City Council regarding a resolution adopted by that authority calling on the Government to honour its commitment to implement new legislation regarding Agency Workers as promised.
12. E-mail dated 23<sup>rd</sup> January, 2008 from Offaly County Council regarding a resolution adopted by that authority calling on Brian Cowen Tainiste and Minister for Finance to request that adequate funding be put in place to continue to provide pre-school services.
13. E-mail dated 1<sup>st</sup> February, 2008 from Limerick County Council regarding a resolution adopted by that authority adopting a vote of no confidence in the Health Service Executive.
14. Letter dated 5<sup>th</sup> February, 2008 from Macroom Town Council regarding a resolution adopted by that authority calling for the introduction of a microchipping and neutering/spaying incentive scheme to curb unwanted dogs.

**08.02.18.15 Any other Business**

Cllr. R. Beasley PROPOSED that a Special Planning Meeting be held in the near future to discuss issues of concern to members regarding the refusal of planning permission.

Cllr. D. Kiely SECONDED this proposal.

**Civic Receptions**

Mayor M. Healy-Rae PROPOSED that a Civic Reception be held to honour Damian Foxall on winning the Barcelona World Race.

This was unanimously agreed.

Cllr. P. McCarthy PROPOSED that a Civic Reception be held to mark the 30<sup>th</sup> anniversary of the IT in Tralee.

Cllr. J. O'Connor SECONDED this proposal.

Mr. J.D. Flynn stated that Civic Receptions are held to honour individuals and not state institutions.

Cllr. P. McCarthy pointed out that a Civic Reception was held for the Kerry Team.

The Mayor stated that the CPG would consider this request.

**Vote of Sympathy**

Cllr. M. Cahill extended a vote of sympathy to the O'Shea Family of Carnahone on the death of their son.

The Mayor stated that a meeting of the Joint Policing Committee would then commence and he apologized to the Chief Superintendent of the Garda Siochana and others for the delay in commencing the meeting. He invited all the members of the JPC to go to the Conference Room where the meeting was about to commence.

The meeting concluded at 5.15pm.

*Gerard O'Brien*

**A/SEO Corporate Affairs**

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**Mayor of Kerry**

## Minutes February Ordinary Meeting