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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD
IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,
9 MARCH, 2009.**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 9 MÁRTA, 2009.**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. M. McMahon, Director of Planning	Mr. J.D. Flynn, Director of Corp. Servs.
Mr. O. Ring, Director of Water Servs	Mr. J. Breen, Director of Hsg & C&E
Ms. A. Haugh, Dir. of Env'l Servs.	Mr. C. O'Sullivan, Dir. of Roads
Mr. G. O'Brien, A/SEO Corp. Affairs	Mr. P. Corkery, Press & Comm.
Ms. D. Griffin, SO Corporate Affairs	Ms. M. Galvin, CO Corporate Affairs
Ms. O. O'Shea, CO Corporate Affairs	Mr. D. O'Brien, SSO Environment
Mr. M. Harkin, Project Leader, I.T.	Ms. N. O'Mahony, Economic Plng. Offr.
Ms. S. Dowling, Exec. Librarian	Ms. N. Doyle, Senior Library Assistant

The meeting commenced at 10.45 a.m.

Mayor T. Fleming took the Chair.

Vote of Condemnation

Cllr. M. Gleeson PROPOSED a vote of condemnation of the murder of British Soldiers in Antrim over the weekend. He said this is an unforgivable crime against the peace process and humanity. He expressed the hope that there would be no reaction to these atrocities that would in any way derail the peace process.

Cllr. B. Cronin SECONDED this proposal.

Cllr. L. Purtill supported this proposal.

Cllr. R. Beasley supported this proposal and called for the support of the Good Friday Agreement.

Mayor T. Fleming supported this proposal.

Vote of Congratulations

Cllr. L. Purtill PROPOSED a vote of congratulations to the Grúpaí Ceoil (Under 16's) from the Ballylongford Youth Club who won the All-Ireland in Maynooth on Saturday, 7th March 2009. The members of the winning team were (Names withheld for Data Protection purposes). He also expressed congratulations to the group's teacher, (Name withheld for Data Protection purposes). This was a wonderful achievement from a small community and the youth of Ballylongford.

Cllr. J. Brassil PROPOSED a vote of congratulations to Causeway Comprehensive Hurling Team who won the first All Ireland 'A' hurling title in Kerry for 118 years. This is a significant win for this team and school.

Cutbacks in the April 2009 Budget

Cllr. B. Cronin referred to an article in the Ireland on Sunday newspaper of 8th March, 2009, in which the Political Editor, Mr. John Lee, said severe cutbacks will be included in the April Budget. Mr. Lee stated that all roads projects which are not already under construction will not proceed. Cllr. Cronin expressed concern that the Castleisland By-Pass project may be in jeopardy because of this budget and asked the Director of Roads & Transportation if the allocation of €10m for Castleisland By-Pass has been received and if Kerry County Council is in a position to award the contract for this project.

Mr. C. O'Sullivan, Director of Roads & Transportation, said following receipt of tenders a pre-tender meeting was held with the lowest tenderer following which a tender report was submitted to the NRA. The NRA are seeking Department of Finance approval for this project. It is understood that the Department of Finance will consider the Tender Report this week. Correspondence has been received from the Department indicating that no contractual commitments should be entered into without prior approval of the Department of Finance. Kerry County Council requires NRA approval to proceed with the Castleisland By-Pass Contract.

Cllr. B. Cronin said this is a very worrying report, particularly if it transpires to be true. He called on all politicians to make every effort to ensure that funding for the Castleisland By-Pass is secured.

Cllr. T. Fitzgerald also expressed concern regarding the Castleisland By-Pass project which is very important for the county. Access to the county would be improved with the provision of Castleisland By-Pass.

Cllr. D. Healy-Rae said his understanding from Deputy Jackie Healy-Rae is that Deputy Healy-Rae has received assurances from Minister Noel Dempsey and the Tánaiste that this project will proceed. Deputy Healy-Rae expects that commitments given on this project will be honoured. He said Deputy Healy-Rae along with himself and Cllr. M. Healy-Rae were disappointed to hear the opposition leader asking that any deals with Independent TDs be abandoned as this would mean the Castleisland By-Pass and other projects on which Deputy Healy-Rae had received commitments would not proceed.

Cllr. B. O'Connell said he does not understand how Deputy Healy-Rae made a deal on the Castleisland By-Pass when this project is proposed for North Kerry.

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Cllr. D. Healy-Rae said the deal on the Castleisland By-Pass was made as it would provide improved access to the County of Kerry.

Cllr. P. McCarthy said the article in "Ireland on Sunday" as outlined by Cllr. Cronin is very serious. Irrespective of what deal may have been done by Deputy Healy-Rae, there is a major difficulty with finance and it is possible that many projects will not commence. It is very important that Kerry County Council agree that a letter issue to TDs and Senators calling on them to put maximum pressure on the Department and Minister to ensure the Castleisland By-Pass project is approved as it would provide improved access to the county. He PROPOSED that a letter issue to the Oireachtas Members on this matter.

Cllr. M. Healy-Rae said the Castleisland By-Pass was included in the original deal between Deputy Healy-Rae and the Government. It was included because it is within County Kerry and it is a major gateway. He said it was foresight by Deputy Healy-Rae to include this project in the deal with Government.

Cllr. B. Cronin said until finance has been sanctioned for this project, there are no assurances. He requested that a letter issue to the Minister for Transport calling on him to ensure funding is provided for the Castleisland By-Pass.

Cllr. M. Gleeson SECONDED this proposal.

Vote of Congratulations

Mayor T. Fleming PROPOSED a Vote of Congratulations to Ms. Margaret Culloty, the recipient of the Kerry Person of the Year Award 2009. Ms. Culloty is Secretary of the Kerry Community Games and has been to the forefront of Community Games for many years. He thanked the Head of Finance for providing vital funds to the Community Games Association each year. The Community Games Association performs excellent work through every parish in the county.

Cllr. M. Gleeson SECONDED this proposal of congratulations.

09.03.09.01 Mayor's Report on CPG Meeting held on 3rd March, 2009

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

Item 1 Agenda for the March Council Meeting

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

With regard to Agenda Item No. 4, Mr. M. McMahon, Director of Planning, said the report being presented to Council recommends that roadways in six housing estates be declared as public roadways. While the estates are being taken in charge, no commitment is being given to carry out works as no source of funding is available. If the roadways are declared public roadways works could be financed by County Councillors' Allocations.

Item 2 County Development Board

Mr. J. Breen, Director of Housing and Community & Enterprise, said a report on the rollout of the Broadband scheme is being dealt with under Agenda Item No. 7.

Item 3 Update from Chairs of SPCs

The meeting noted that meetings of the Planning SPC and Housing SPC will be held within the next two weeks.

09.03.09.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Gleeson, it was resolved that the Minutes of the Special Planning Meeting of Kerry County Council held on 12th January, 2009, be confirmed.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson, it was resolved that the Minutes of the Special Planning Meeting of Kerry County Council held on 26th January, 2009, be confirmed.
- (c) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. C. Miller, it was resolved that the Minutes of the February Ordinary Meeting of Kerry County Council held on 16th February, 2009, be confirmed.

09.03.09.03 Material Contraventions

On the PROPOSAL of Mayor T. Fleming, SECONDED by Cllr. P. McCarthy, it was agreed to defer consideration of this item until 11.30 a.m.

09.03.09.04 Taking in Charge of Estates

Mr. M. McMahon, Director of Planning, referred elected members to report dated 26th February, 2009, which had been circulated. Notice of Kerry County Council's intention to declare the roadways listed in the report was published and no written objection or submission was received in relation to the proposed declaration. It is recommended that the Council make an order in accordance with Section 11 of the Roads Act 1993 to declare as a public roadway, the roadways outlined in the report.

- (a) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. N. Foley, it was agreed to make an order declaring the road in Doire Loin Estate, Clogherbrien, Tralee, from its junction with the main road (R-558-0) to all terminal points within the estate, serving houses 1 to 18 in Doire Loin Estate, Clogherbrien, Tralee, to be a public road pursuant to Section 11 of the Roads Act, 1993.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson, it was agreed to make an order declaring the road in Gortnacarriga Estate, Gortnacarriga, Killarney, from its junction with the main road (L-2033-131) to all terminal points within the estate, serving houses 1 to 6 in Gortnacarriga Estate, Gortnacarriga, Killarney, to be a public road pursuant to Section 11 of the Roads Act, 1993.
- (c) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. D. Healy-Rae, it was agreed to make an order declaring the road in Lake View Park Estate, Killeentierna, Currow, Killarney, from its junction with the main road (L-3007-0) to all terminal points within the estate, serving houses 1 to 10 in Lake View Park Estate, Killeentierna, Currow, Killarney, to be a public road pursuant to Section 11 of the Roads Act, 1993.
- (d) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. T. Fitzgerald, it was agreed to make an order declaring the road in Cahir Aide Estate, Ballygarron, The Spa, Tralee, from its junction with the main road (L-3007-0) to all terminal points

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within the estate, serving houses 1 to 13 in Cahir Aide Estate, Ballygarron, The Spa, Tralee, to be a public road pursuant to Section 11 of the Roads Act, 1993.

- (e) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. A. McEllistrim, it was agreed to make an order declaring the road in Clashaphuca Estate, Clashaphuca, Ballyroe, Tralee, from its junction with the main road (R-551-638) to all terminal points within the estate, serving houses 1 to 9 in Clashaphuca Estate, Clashaphuca, Ballyroe, Tralee, to be a public road pursuant to Section 11 of the Roads Act, 1993.
- (f) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. D. Healy-Rae, it was agreed to make an order declaring the road in Birchfield Estate, Scartlea, Killarney, from its junction with the main road (L-3017-16) to all terminal points within the estate, serving houses 1 to 27 in Birchfield Estate, Scartlea, Killarney, to be a public road pursuant to Section 11 of the Roads Act, 1993.

09.03.09.05 Date for Special Planning Meeting

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. B. O'Connell, it was agreed to hold a Special Planning Meeting on Monday, 6th April, 2009, at 10.30 a.m.

- (a) To consider the Manager's Report on submissions and observations received on the proposed amendments to the Draft County Development Plan 2009-2015.
- (b) Pursuant to Section 12(10) of the Planning & Development Act, 2000, to consider making the Kerry County Development Plan 2009-2015 with or without amendments, or subject to modification of the amendments.

09.03.09.06 Report on the Operation of the Litter Pollution Acts 1997-2003

Ms. A. Haugh, Director of Environmental Services, referred elected members to report dated March, 2009, which had been circulated and briefed the members in detail on this report. She highlighted the challenges to the Environment Department in prosecuting people for illegally dumping their rubbish. Kerry County Council is endeavouring to implement the strengthened provisions of the Litter Pollution Acts and it is the Council's policy to pursue payment of litter fines in all cases. Under the Litter Pollution Acts, 1997-2003, Kerry County Council can only be certain of where the rubbish has originated from if documentary evidence is found with the culprit's name and address in the rubbish. Kerry County Council has found, over the past year, an increase in instances where no documentary evidence has been found in the dumped waste, therefore, Kerry County Council was not in a position to prosecute in these cases. All illegal dumping incidents reported are investigated and pursued.

Cllr. M. Gleeson thanked Director of Environmental Services for the detailed report. He said there must be greater emphasis on programmes that schools are involved in. He complimented Mr. Micheál Ó Coileáin who has a great rapport with the schools and getting them involved in working for the environment. He said the increase in wanton dumping in the environs of Killarney is terrible and it is contemptuous dumping. Everyone involved in Tidy Towns has brought great change to the country and our towns. He referred to approach roads to towns and said for at least 1km outside the speed limit, these roads will be assessed as part of the Tidy Towns Competition. For the towns of Killarney, Tralee and Listowel, he asked that Councillors would be allowed use County Councillor's Allocations to fund

works on approach roads as it is in the overall interest of the appearance of the county and for the benefit of the economy of the area. He said while recycling centres are important he hoped the charges at An Daingean Civic Amenity Centre will not become an overall policy in the county. The Coolcashlagh Transfer Station is a credit to the staff operating the facility. The use of recycling centres must be encouraged as it discourages dumping. He asked if the Litter Warden has authority to enter a property to remove rubbish. He said he had previously proposed that Kerry County Council use a refuse bag with the Kerry County Council logo on it. The use of this bag should be given consideration. He said many initiatives are decided upon in Dublin with disregard to the rest of the country, for example, holding the Spring Clean Campaign in April is too late because grass is growing over the rubbish. These clean-ups should be undertaken in March. Take-away outlets are a great source of litter. Proprietors of take-aways should be encouraged to display signs discouraging littering.

Cllr. B. O'Connell said he had previously proposed that Kerry County Council establish a database in relation to how people dispose of their rubbish and what service they are using. People without a service are dumping indiscriminately. Every household should be accountable for how they are disposing of their rubbish. Rent Collectors could compile this information and a database could be established, particularly in the towns.

Cllr. T. O'Brien referred to the Bring Bank located at Garvey's Carpark, Tralee. He sought clarification as to whether Kerry County Council have taken this Bring Bank in charge and if it is being policed and monitored. He said it appears that this Bring Bank is not being monitored as dumping of rubbish occurs at this site at weekends. This behaviour will prevent this type of facility being provided in other locations. Prosecutions are required with fines imposed and offenders reported in the press.

Cllr. D. Healy-Rae agreed with Cllr. Gleeson regarding the operation of Coolcashlagh Transfer Station which is a valuable facility for people in Killarney and surrounding areas. He said people use street bins to dispose of bags of rubbish and he asked if a bin could be sourced which would prevent the use of street bins for the disposal of bulk rubbish. He said Kerry County Council's refuse collection service must be retained as it would be a hardship on people relying on the waiver system if Kerry County Council was not involved in refuse collection. Kerry County Council should be more active in incorporating new refuse collection routes and opening Transfer Stations at weekends.

Cllr. J. Brassil agreed with the sentiments expressed by Cllr. Gleeson on roadside littering. There is a continuing problem with roadside litter despite the tremendous work being done by Kerry County Council's Environment Department. Along with educational programmes Kerry County Council should consider the provision of a hotline for people to report indiscriminate dumping. Only when prosecutions are taken will people stop illegally dumping rubbish. He said street bins in Ballyheigue are being used by people to dispose of domestic refuse and if he witnessed such an incidence or was made aware of someone doing this, he would report them for prosecution. Ballyheigue Tidy Towns Committee purchased a solar powered litter bin for the playground and with agreement of the Listowel Area Engineer and A/SEE Environment this bin will be in place in the playground shortly. This is a fantastic initiative from a community group. This bin will hold at least three times more than a standard bin as the bin compacts litter as it is being used. Kerry County Council should consider the use of this type of litter bin as the number of

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collections would be reduced and there would be a saving in labour. Community groups could provide these bins in conjunction with the Council. He asked that Kerry County Council would support the Ballyheigue group by providing a second bin and start to roll out this initiative in the county. With regard to Bring Banks, when they are full, people leave recyclables by the side of the bins and think this is acceptable behaviour. He appealed to the public to take home their recyclables if the Bring Banks are full. People must be made aware that this behaviour is not acceptable and such littering will be prosecuted, fines imposed and offenders named.

Cllr. J. O'Connor referred to fines issued as a direct result of the video surveillance cameras at Bring Banks. He asked if the offenders in these cases will be named in the press and asked that the locations, at least, be named. He welcomed the use of surveillance cameras at a number of locations around the county. He said when he was Chair of the Environment SPC, he suggested setting up a yard for recycling, i.e. people have things they want to get rid of and other people take them. An income is generated from storage of items in this yard. He asked that a report be presented to the Environment SPC on this concept. He asked that people who bring their recyclables to Bring Banks would take home the cardboard boxes they use to bring the recyclables to the Bring Banks. Leaving these boxes by the Bring Banks is illegal dumping and fines will be issued. He requested that signs be erected at Bring Banks to make people aware of this. He asked if the Environment Community Awards will proceed in 2009. He agreed with Cllr. Gleeson's comments regarding the Spring Clean campaign being held earlier in the year and asked if the Environment Department would facilitate the disposal of rubbish collected by community groups in March. He referred to Notice of Motion No. 22 on the Agenda and moved this Motion.

22 CONNEX Camera System at Bring Banks

Pursuant to Notice duly given, Cllrs. J. O'Connor and T. Ferris PROPOSED:-

"That the Council's Environment Department would use the CONNEX camera system at our bring banks in order to prevent illegal dumping that goes on there".

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

Surveillance cameras have been installed at five of the busiest Bring Bank Sites in Kerry, namely Listowel, Killorglin, Killarney, Tralee and An Daingean. During 2008 there were 26 fines issued as a direct result of video surveillance at these Bottle Banks.

We are currently considering the option of expanding the CCTV system, and in this regard we have had preliminary discussions with a service provider who would install and manage a security camera system. This would be financed by any income generated from fines, etc. However, this would obviously need to proceed in accordance with the required procurement practices. In this regard, it would be inappropriate at this time to select one company over any others without the necessary assessment having being carried out.

The Environmental Services Department has not, to date, used mobile CCTV at its bottle banks, however we will consider the possibility of installing such cameras at suitable sites in the future.

Cllr. J. O'Connor said this Motion was tabled following a viewing of the operation of the Connex System at a conference. It would provide more flexibility if the surveillance cameras in a town could be moved from one Bring Bank location to another. He asked that consideration be given to this mobile camera system.

Cllr. T. Ferris said this is an innovative mobile camera system. The camera is not fixed at any one location so the public will not be aware where the camera is located. This system is used successfully by Wexford County Council. Connex have offered to undertake a pilot scheme which would cost a few hundred Euro with the Local Authority paying installation costs. This system is manned 24 hours and the system operator can zoom in on car registrations. The system operator can also speak via the camera. The reply to the Notice of Motion mentions cameras installed in some locations but these are fixed cameras. This system could be rotated among the bring bank sites.

Cllr. P. McCarthy said litter control is very important, particularly in a tourist county like Kerry. He thanked the Director of Environmental Services for the report and said Kerry County Council is providing a great service in this area and it is a service that is continually improving. Unfortunately, any service provided can be abused. He agreed with the points made by other members, particularly those regarding surveillance cameras at Bring Banks. He requested that the Environment Department ensure that Bring Banks are emptied regularly. With regard to the database suggested by Cllr. O'Connell, Kerry County Council staff visit areas on a regular basis and, if negotiated with them, they could undertake the survey of houses on the refuse collection service being availed of. He asked if Kerry County Council would have any objection to a group locating a collection service, e.g. the All-Ireland Air Ambulance textiles collection service, at a site where Kerry County Council has collection facilities, e.g. a GAA Club. The All-Ireland Air Ambulance provides a great service and raises vital funds.

Cllr. A. McEllistram referred to Bring Banks which are often full and asked could the Environment Department provide a freephone number that people could contact when the collection facilities are full.

Cllr. T. Fitzgerald supported the comments of other members on this issue and said everybody must play a part in eliminating the litter problem in County Kerry. The general public must help to keep the county clean and ensure people are not indiscriminately dumping.

Cllr. R. Beasley welcomed the report on the operation of the Litter Pollution Acts. He said bulky packaging from takeaway outlets creates a lot of litter which pollutes the streets of towns at weekends. Plastic glasses used by night clubs also creates litter. There is an onus on the owners of these premises to clean up this litter. Dog fouling on streets is a problem in towns in the county. He said he has contacted the Environment Department on a number of occasions regarding the provision of pooper scoopers in a number of outlets on a countywide basis. There are only two Litter Wardens in the county and while more Litter Wardens are required the current economic climate will not provide for these appointments. He said a lot of rubbish has been washed up on beaches and he requested that summer staff be employed as early as possible to undertake clean ups at the beaches.

Mayor T. Fleming commended the Director of Environmental Services and staff of the Environment Department on their work on waste disposal services and litter

awareness. He condemned the indiscriminate dumping of rubbish around the county. Litter is a blight on the countryside and tourist towns and there is a culture at present that rubbish and littering is somebody else's problem. He **SECONDED** Cllr. Gleeson's proposal regarding signs to be erected in takeaway outlets. These businesses can not be compelled to erect a sign but the Council should devise this sign giving a strong message to the public to take home their rubbish if they are not leaving it on the takeaway premises. This notice should also include a request that chewing gum be disposed of properly. Kerry County Council should provide these signs for takeaway outlets. He agreed with the provision of mobile surveillance cameras at Brink Banks. This is a proposal which should be considered. He encouraged community groups to participate in the Spring Clean Campaign.

Cllr. M. Gleeson commended the National Parks & Wildlife Service on their proposal to stop horses entering the National Park without the use of horse bags.

Cllr. D. Kiely supported Cllr. Gleeson's commendation.

Cllr. P. McCarthy suggested that Kerry County Council consider a radio advertising campaign advising people how to use and respect Brink Banks.

Ms. A. Haugh, Director of Environmental Services, thanked the elected members for their contributions on this report. There are many worthwhile suggestions which the Environment Department will pursue. In response to issues raised, she said:

- Authority of the Litter Warden to clean up property off the roadway: There is power under the Waste Management Acts for the Litter Warden to enter into property and carry out an investigation. Generally the permission of the landowner is sought prior to the investigation.
- The Spring Clean Campaign is a nationally promoted scheme. Kerry County Council cannot influence the dates for this campaign.
- Database of the public use of the refuse service: Presentation of Waste Bye-Laws are being drafted at regional level. Each Local Authority will discuss, debate and roll-out these Bye-Laws. Within these Bye-Laws it is intended to incorporate a requirement that a person indicate if they are signed up to a refuse service or provide evidence of how they dispose of their rubbish. These Bye-Laws will initially be brought to the Environment SPC for consideration.
- Yard for recycling/exchanging goods: A trade waste website has been established nationally. This facility is located in Limerick, however, it does encourage scavenging. Some Local Authorities are considering such an initiative.

Cllr. J. O'Connor asked that Kerry County Council consider the establishment of this type of facility on a pilot basis. Consideration should be given to what other counties are doing as it is quite a successful facility.

- Brink Banks at Garveys Car Park, Tralee: Kerry County Council has taken over management of this facility. Surveillance cameras are located in this area but they are not effective as this is such a large area. There are difficulties in this area and further consideration will be given to this site.
- Surveillance cameras: Kerry County Council has been approached by many companies regarding the provision of surveillance cameras. Many surveillance camera systems are based on observing sites from a remote location and "speaking cameras". An assessment will be undertaken of what system is best

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for each location. The system referred to by elected members will be considered. All options will be considered in terms of procuring a system

- Freephone number: There is a hotline which has been in place for a number of years. An EPA hotline is also available.
- Consideration will be given to the erection of signage asking the public to bring recyclables home or to alert Kerry County Council if the Bring Banks are full.
- Street bins to prevent dumping of household litter: While new products are on the market to assist with the prevention of dumping the availability of resources to replace the bins that are in place at present is an issue.
- Kerry County Council is in negotiations with the Community Group in Ballyheigue regarding solar bins. This initiative will be considered as a pilot scheme for solar bins.
- The All-Ireland Air Ambulance Textile Collection Facility: Kerry County Council has been approached by a number of groups including the All-Ireland Air Ambulance regarding the provision of textile banks. Procurement procedures must be followed in considering the provision of textile banks. Such groups should liaise with Kerry County Council regarding sites owned by Kerry County Council and liaise with the property owner regarding privately owned sites. The provision of textile recycling facilities is a policy issue for consideration by the Environment SPC. Ms. Haugh undertook to discuss this matter with Cllr. McCarthy in more detail.

Cllr. M. Healy-Rae said the All-Ireland Air Ambulance is very important to the people of the County of Kerry and a positive response should issue to any request received from them.

Cllr. R. Beasley asked how it is proposed to deal with dog fouling.

Ms. A. Haugh said pooper scoopers are distributed to vets offices, supermarkets and public buildings. The Litter Wardens also monitor the situation and fines can be imposed.

Cllr. J. O'Connor asked if "The Kerryman" newspaper will sponsor the Community Awards in 2009.

Ms. A. Haugh said it is her understanding that "The Kerryman" newspaper has withdrawn sponsorship from these awards.

Cllr. J. O'Connor asked if another sponsor will be sought.

Ms. A. Haugh said alternatives are being considered, e.g. a seminar for Tidy Towns groups.

09.03.09.03 Material Contraventions

Material Contravention of the County Development Plan 2003-2009 and the Caherciveen Local Area Plan 2006-2012

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

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"Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 in relation to application for permission for change of use from factory to use of the premises as a depot for the storage of equipment and material, temporary parking of vehicles with the ancillary use of offices at No. 9 IDA Industrial Estate, Garranearagh, Cahersiveen per planning reg. no. 08/2531.

Planning Register No. 08/2531

Name of Applicant: Name withheld for Data Protection purposes

Address of Applicant: Address withheld for Data Protection Purposes.

Agent: Name and Address withheld for Data Protection purposes.

Date application lodged: 14/11/2008

Date further information received: 16/01/2009

Material Contravention procedure initiated with publication of prescribed notice in the Irish Examiner newspaper on 23rd January, 2009.

Decision due date: 19/03/2009

Site Location Maps



Applicant consulted with Area Planner on telephone.

The proposal is for the change of use of part of unit formerly used for industrial purposes to use as a storage depot by the ESB for their vehicles, cabling and tools.

The site is located at the southern end of Cahersiveen. There is a large industrial-type building on the site which is located at the rear of an industrial estate. The application relates to a portion of this disused industrial building.

The proposed development is located in an area zoned Office/Business/Enterprise Area in the Cahersiveen Local Area Plan 2006–2012.

Relevant Planning History

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Planning Register No. 93/849: Permission granted to Sports Socks Ireland Ltd to extend Factory Unit No. 9 and extend parking facilities.

Planning Register No. 01/2102: Permission granted to Sports Socks Ireland Ltd to construct a free standing portacabin to use as smoking area and retain bicycle shed adjacent to the factory and amend.

Reports

(1) Roads and Transportation Dept, Kerry County Council

- (a) No details have been provided for the provision of car parking for this depot within the site. The applicant should submit a revised site layout plan including proposals for car parking specifically for this depot.*
- (b) I would request the site area to be extended on the layout plan to incorporate the site entrance to the development.*
- (a) The application relates to the change of use of part of existing disused factory to a storage depot. Communal car parking is provided around the building to cater for industrial use in the whole of the building. As the parking requirements for warehousing are the same as for manufacturing industry, it is considered that the existing car parking around the building is more than adequate to cater for the proposed development. The whole of the building and the associated car parking are in the ownership of the applicant.
- (b) No works are proposed at the site entrance. Therefore, it is not necessary for applicant to submit any drawings of the entrance.

Submissions/Observations

(1) (Name and Address withheld for Data Protection Purposes.) – received on 05/12/2008.

Concerns raised about the nature of equipment and materials proposed to be stored on the site as no details were submitted with the application.

The Planning Authority requested applicant to submit full details of all proposed equipment and materials to be stored by way of request for further information. Applicants reply received on 16/01/2009 states that the proposed use of the premises is by the ESB and will be used by the ESB for the storage of their vehicles, cabling and tools.

No further submission was made following receipt of the further information.

Assessment

(1) There are no construction works proposed and no modifications to the external appearance of the building are proposed.

Therefore, the main issue for consideration is the proposed use of part of the existing disused industrial building on the site for storage purposes.

Given the following factors:

- (a) The building was formerly used for industrial purposes,
 - (b) The building is located to the rear of an existing industrial estate,
 - (c) The site is located in an area zoned Office/Business/Enterprise,
- it is considered that the proposed use of part of the existing structure by the ESB as a depot for the storage of their vehicles, cabling and tools would not be incompatible with:

- (a) the former industrial use,
- (b) the current use of existing structures in the vicinity and
- (c) the office, business and enterprise uses that would be open to consideration in the area in accordance with the Local Area Plan zoning of the lands.

Recommendation

Grant planning permission subject to the following condition:

- (1) Permission is granted for change of use from factory to use of the premises as a depot for the storage of equipment and material, temporary parking of vehicles with the ancillary use of offices in accordance with drawings and details received by the Planning Authority on 14/11/2008 and 16/01/2009.

Reason: To regulate and control the use of the development.”

Cllr. J. O'Connor PROPOSED, in accordance with the provisions of Section 34(6)(a) of the Planning & Development Act 2000 that permission be granted to, (Name and Address is being withheld for Data Protection Purposes) for change of use from factory to use of the premises as a depot for the storage of equipment and material, temporary parking of vehicles with the ancillary use of offices at No. 9 IDA Industrial Estate, Garranearagh, Cahersiveen, in accordance with plans submitted on Planning Register No. 08/2531 which development would materially contravene the Kerry County Development Plan 2003-2009 and the Cahersiveen Local Area Plan 2006-2012.

Cllr. M. Cahill SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Ferris, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, M. Healy-Rae, Kiely, Leahy, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Shea, Purtill, Fleming **(23)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. S. Fitzgerald, MacGearailt, O'Donoghue, Sheahan **(4)**

Mayor T. Fleming declared the resolution CARRIED.

Mobile Phones

Cllr. J. Brassil PROPOSED that elected members turn their mobile phones to silent.

Cllr. J. O'Connor SECONDED this proposal.

Mayor T. Fleming requested elected members to adhere to Standing Orders in respect of mobile phones.

Material Contravention of the County Development Plan 2003-2009 and the Ballyunion Local Area Plan 2007

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

“Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, in respect of planning application reg. no. 08-2585, for permission to construct a one and a half storey style dwelling and connect to the public sewer at New Road, Ballyunion.

Name of Applicant:

Name withheld for Data Protection purposes

Address of Applicant:

Address withheld for Data Protection Purposes.

Agent:

Name and Address withheld for Data Protection Purposes.

Location of Proposed Development:

Kit Ahern Road, Ballybunion

Nature/Description of Proposed Development:

Permission to construct a one and a half storey style dwelling and connect to the public sewer

Planning Reg. No:

08-2585

Date Application Lodged:

- 21-11-08
- Material Contravention procedure initiated with publication of prescribed notice in the Irish Examiner newspaper on 19th Jan 2009.

Decision Due Date:

12th March, 2009

Planning History

98-1748; Name withheld for Data Protection purposes; Outline permission refused for the erection of one dwelling.
00-3912;; Name withheld for Data Protection purposes
Permission granted for the erection of one dwelling.
05-1962; Name withheld for Data Protection purposes; Permission refused for
2 semi detached dwellings

Zoning

The site is on lands zoned for car park in the Ballybunion LAP 2007-13

Assessment of Current Application:

Location of Site:

The site is located on the Kit Ahern Road. The site is predominantly residential in nature. The site forms part of a larger parcel of undeveloped land.

Proposal:

Permission to construct a one and a half storey style dwelling and connect to the public sewer.

Appraisal:

The proposal is for a traditional style storey and a half dwelling. The structure will face onto the main public road. There are first floor front windows and roof lights to the rear. There are no gable windows therefore there will be minimal overlooking of adjacent properties. There is a variety of dwelling style and sizes along the road and the Sandhill Road. The Planning Authority consider that this modest scale and design will integrate into the area. The proposal includes the provision of 2 number on site car parking spaces and an adequate amount of private open space located to the side and rear of the dwelling.

Objections/Submissions:

Submission from Name and Address withheld for Data Protection Purposes. Received 26-1-09.

Concern regarding the one and a half storey nature of the dwelling.

Submission noted.

Recommendation:

Grant subject to conditions;

In accordance with Schedules attached

FIRST SCHEDULE

Having regard to the infill nature of the development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE :

1. The development shall be carried out entirely in accordance with the plans and particulars received by the Planning Authority on 21-11-08 except for any alterations or modifications specified in this decision.

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

2. (a) The use of the proposed dwelling shall be as a primary permanent all year round private residence

Reason: In the interest of the proper planning and sustainable development of the area

3. No part of any garage or other exempted structure shall be erected within 1.5 metres of the centre of any divisional boundary or adjoining property on either side of the proposed dwelling house.

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

4. (a) Proposed dwelling house shall be in accordance with the design drawing received on 21-11-08
(b) Roof shall be covered with slates or tiles which shall be either black, dark-grey or blue-black. The colour of the ridge tile shall match the colour of the roof.
(c) All external finishes shall be neutral in colour, tone and texture. Prior to commencement of construction of the house, details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to the planning authority for written agreement.
(d) Stone work to the external walls shall be constructed of natural stone which shall be sourced locally.

Reason: To integrate the structure into the surrounding area.

5. Within one month of the grant of permission, the applicant shall submit cross-sections through the site indicating the existing and proposed ground levels, public road level and the proposed finished floor level.

The levels shall be referenced to a clearly identifiable and easily located benchmark on public roadway. The location and value of this benchmark shall be shown on drawing.

Reason: To integrate the structure into the surrounding area.

6. The dwelling house shall be connected to the public water supply network.

Reason: In the interest of public health

7. Under no circumstances shall the applicant\developer cut or otherwise interfere with the public road for the purposes of connection to public services without a road opening licence.

Reason: In order to protect public property.

8. The proposed development shall be connected to the public sewer at the applicant's expense to the satisfaction of the Water Services Section of Kerry County Council.

Full details of the sewer connection (including longitudinal sections and invert levels) shall be submitted to the Planning Authority within one month of the date of this decision.

Reason: In the interest of public health and to prevent pollution.

9. (a) Vehicular access to the site shall be located as shown on the Site Layout Map received on 21-11-08
- (b) The new wing walls shall be constructed in native stone. Wing walls forming the entrance shall be erected to a height of not more than 1.2 metre over existing road level,
- (c) a 2m high capped and plastered wall shall be provided to the rear and sides

Reason: In the interest of visual amenity and traffic safety

10. Formation of the entrance shall not cause surface water or seepage water to flow onto the public footpath and road surface. No water from the proposed development shall be allowed to flow onto the public road surface, but shall be collected and diverted to discharge to existing watercourse or to a soak pit within the site.

Reason: To avoid a traffic hazard and protect public property.

11. The site shall be landscaped with suitable indigenous trees, shrubs and hedges to the satisfaction of the Planning Authority.
All landscaping and screening shall be carried out within the first growing season following occupation of the dwelling house.

Reason: In order to integrate the development into its setting and in the interests of biodiversity and the proper planning and sustainable development of the area

12. Prior to the commencement of development the developer shall pay a contribution of **EUR 9549.00** to Kerry County Council (Planning Authority) in respect of public water and sewerage infrastructure and facilities benefiting the development.
The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2008 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

13. Prior to the commencement of development the developer shall pay a contribution of **EUR 515** to Kerry County Council (Planning Authority) in respect of community infrastructure, environmental amenities and facilities benefiting the development.
The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2008 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme."

Cllr. R. Beasley sought clarification on the need for a Material Contravention in this case and also raised concerns regarding the lack of parking in Ballybunion.

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Mr. M. McMahon, Director of Planning, said this area is zoned for car parking purposes in the Ballybunion Local Area Plan 2007 and to allow permission for a house to be built on this site would require a material contravention because of its zoning.

Cllr. L. Purtill said car parking is required in Ballybunion as there is a great shortage of spaces.

Mr. M. McMahon, Director of Planning, said this area was zoned for car parking as it is adjacent to the existing car park beside the library in Ballybunion. Car parks are provided in Ballybunion beside the library and also beside the swimming pool. Permission was granted on this site previously and the general area around this site is residential. The Planning Authority is recommending the grant of permission subject to conditions as per the schedule attached to the report circulated.

Mayor T. Fleming PROPOSED, in accordance with the provisions of Section 34(6)(a) of the Planning & Development Act 2000, that permission be granted to (Name and Address withheld for Data Protection Purposes.), to construct a one and a half storey style dwelling and connect to the public sewer at New Road, Ballybunion, in accordance with plans submitted on Planning Register No. 08/2585 which development would materially contravene the Kerry County Development Plan 2003-2009 and the Ballybunion Local Area Plan 2007.

Cllr. D. Healy-Rae SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Brassil, Cahill, Connor-Scarteen, Cronin, Ferris, T. Fitzgerald, Foley, Gleeson, D. Healy-Rae, M. Healy-Rae, Kiely, McCarthy, McEllistrim, Miller, O'Brien, O'Connell, O'Connor, O'Shea, Fleming **(19)**

Against: None **(0)**

Not Voting: Cllrs. Beasley, Buckley, Leahy, Purtill **(4)**

Absent: Cllrs. S. Fitzgerald, MacGearailt, O'Donoghue, Sheahan **(4)**

As the number of votes required to support the resolution (20) was not achieved Mayor T. Fleming declared the resolution DEFEATED.

09.03.09.07 Update on National Broadband Scheme in respect of Kerry

Mr. T. Curran, County Manager, referred elected members to report dated 9th March, 2009, regarding the National Broadband Scheme and outlined his report in detail. The company, "3", which has been awarded the contract for the implementation of the National Broadband Scheme has identified a total of 28 high sites in Kerry for masts needed to provide the service: 17 existing sites and 11 new sites. Planning permission will be required for the 11 new sites. Due to the 1km rule in the Kerry County Development Plan, delays in the provision of the mast infrastructure are likely in Kerry which would see Kerry being one of the last counties to get broadband facilities to its rural areas. This puts residences and businesses at a disadvantage. The deadline for "3" to provide broadband to rural areas is September 2010.

Cllr. T. Fitzgerald asked if the material contravention process can be applied to planning applications for the 11 new sites required by "3".

Mr. T. Curran, County Manager, said as these applications would contravene the County Development Plan, the use of the material contravention process would be an option for consideration of these applications.

Cllr. B. Cronin welcomed the statement that it is intended to deliver Broadband services to rural areas in the county as Broadband is of vital importance in today's industry and business climate. He disagreed with the statement in the Manager's report that the plan to roll-out Broadband will be hindered by the County Development Plan. He said it is his understanding that the 1km rule was introduced to protect the health and welfare of the people of the county. Obtaining planning permission for the new masts will be problematic and there will be delays, but it is not right to suggest that the 1km rule is the sole item that will delay the delivery of the National Broadband Scheme. Local communities will object and appeal the grant of planning permission for the 11 new masts to An Bord Pleanála. He thanked the County Manager for the maps provided with the report and referred to DEDs that are not covered by the National Broadband Scheme: Ballyhar, Aglish, Killeentierna, Kilbonane, Lahard and Molahiffe. He referred to two businesses in Flintfield and Faha where Broadband cannot be provided. These businesses need Broadband and are losing out as these DEDs are not covered by the scheme. The DEDs referred to should be covered by the scheme.

Cllr. B. O'Connell sought clarification on areas on the map which are shaded in white.

Cllr. B. Cronin said areas shaded in white are Electoral Divisions which are excluded from this proposal under the National Broadband Scheme.

Mr. T. Curran, County Manager, said when Government issued the contract tender for the roll-out of Broadband services, it was issued on the basis of areas that the Government considered, based on information available to them at the time, did not have Broadband services available. The areas shaded in white had Broadband services available at the time. These areas have been discussed with "3" and they have indicated that, while it is outside their contract, they will try to include these areas if they can be facilitated by the lines they will be providing. The areas listed by Cllr. Cronin will be brought to the attention of "3" indicating that they are areas which are not adequately covered by Broadband. These areas are outside the Government contract which has been awarded to "3".

Cllr. M. Cahill thanked the County Manager for the report presented. He welcomed the announcement that over €223m will be spent on the National Broadband Scheme over the next five years to provide Broadband services throughout the country. He referred to a presentation at a recent South West Regional Authority meeting where he sought clarification regarding the service that will be provided to areas with poor coverage at present. It was indicated at that meeting that the National Broadband Scheme will cover all areas. This scheme is welcome in the current climate as it will help save jobs and create jobs. Many people are working from home and this scheme will enhance the services available to them. He said he believes that the 1 km rule can be accommodated with the selection of the right sites. He asked that "3" would be requested to ensure that all of County Kerry is included in the scheme. Kerry is a peripheral county and needs this scheme more than most other counties.

Cllr. J. O'Connor welcomed the National Broadband Scheme. While factories will not locate in Kerry, businesses using the internet and broadband will locate here. Many businesses need broadband coverage and unless issues regarding the grant of planning are addressed, Kerry will be at the end of the queue in the delivery of broadband services under the scheme. He said that he had suggested removing the 1km rule from the County Development Plan. The material contravention process should be considered for sites affected by the 1km rule. He requested that the map included in the County Manager's report would be issued to elected members as a separate document. He sought clarification of the cost of this broadband service compared with other providers. He said there are many areas where mobile phone coverage is not available and asked if there will be areas that will not have coverage for broadband, e.g. Glencar, Black Valley, Caragh Lake and Dooks. He asked if it is assured that these areas will have coverage if the masts are erected.

Cllr. T. Ferris said the situation regarding broadband could be considered as an advantage for the County. At present, New Generation networks are being rolled out. The Government, who have delayed the delivery of broadband, could be petitioned to allow Kerry to pilot New Generation networks. This network would be of benefit of many businesses. A proposal could be presented to the Department to use the monies being provided for broadband to pilot the New Generation networks.

Cllr. M. O'Shea supported the call to have broadband rolled out in rural areas. 40% of households in the county have broadband services available. Only through the National Broadband Scheme can other areas be provided with broadband services. Many people are working from home but cannot get broadband services. He asked that "3" would be requested to include the areas shaded in white on the map circulated by the County Manager as part of the National Broadband Scheme. With regard to the selection of sites for masts, he said broadband service providers should be funding Local Authorities to undertake surveys to select specific areas which would be agreed with Council for the provision of masts.

Cllr. J. Brassil supported the roll-out of broadband across Kerry. Broadband is a necessity for businesses in the county. It is contradictory to say the roll-out of the broadband scheme is supported while the 1km rule is retained in the County Development Plan. This defies the promotion of business and small enterprise. Kerry County Council should remove the obstacles in the County Development Plan and let planning applications be refused or granted on their merits.

Cllr. D. Healy-Rae thanked the County Manager for his report on the National Broadband Scheme and applauded the intention to supply broadband to all rural areas. He expressed concern regarding the areas that are excluded from the scheme and said there will be problems in a number of areas around Killarney. He said when broadband service providers are seeking planning permission they should go through the pre-planning process. There are many vantage areas in the mountains of Kerry and these areas should be considered initially as sites for masts. The masts should not be located close to houses, schools or public buildings. The inclusion of the 1km rule in the County Development Plan does not signify that Kerry County Council is against the provision of broadband.

Cllr. P. Connor-Scarteen welcomed the proposal to provide broadband throughout the country by 2010. He asked that a quarterly status report be presented to Council on the broadband scheme. He also requested that a report be obtained from the World Health Organisation that the proposed technology to be used is safe.

Cllr. T. Fitzgerald said County Kerry, as a peripheral county, is disadvantaged and must progress with the provision of broadband. He said while he was not familiar with the network mentioned by Cllr. Ferris any advantage that Kerry could gain in the progression of technological services would be desirable. Technology of the highest standard must be made available in the county and the New Generation network should be considered.

Cllr. R. Beasley supported Cllr. Ferris's proposal to pilot a scheme using New Generation network technology.

Mayor T. Fleming expressed concern that exchanges being upgraded by Eircom for the provision of broadband will only provide broadband connectivity within a 5km radius of the exchange. This is inadequate and consideration must be given to extending the catchment area from the exchanges.

Mr. T. Curran, County Manager, said this report was presented to elected members to update them on the roll-out of the National Broadband Scheme and highlight concerns regarding the roll-out of the scheme. The masts to be provided by "3" must be located on high sites as the masts must be able to "see" each other. Only 28 masts in total are required to provide the broadband service. 11 new sites for masts will be required. It will be difficult to identify 11 sites which do not have "any habitable dwelling" within 1km. As a county trying to promote broadband and rural development the 1km rule is contrary to national policy. An Bord Pleanála has overturned planning decisions made by Kerry County Council on the basis of the 1km rule. International advice says this type of broadband service is not detrimental to health. The further apart masts are from each other the bigger they have to be. "3" are expected to have the scheme rolled out nationally by September, 2010. It will be difficult to meet this deadline in Kerry. "3" will have pre-planning meetings with the Planning Authority. Before making a planning application "3" will revert to the Planning Authority regarding the 11 new sites identified. While the material contravention process could be utilised there is a cost in terms of advertising and a clear direction would be required from the elected members if this option were to be pursued. The areas of the county included in the proposal under the National Broadband Scheme are based on the contract awarded by Government. "3" will be requested to consider providing a service in areas which have inadequate coverage at present. The cost of the service is €19.99 per month which is in line with other service providers. The website www.getbroadband.ie provides further information. Broadband with speeds equal to EU speeds can not be provided in rural Kerry without masts. The broadband speed being provided by "3" is adequate for small businesses. The roll out of broadband services to rural parts of the country is welcome. "3" have indicated that they are providing the best technology available at present. Advanced technology would require the availability of fibre ducting. The Government is supporting the broadband service being provided by "3" at present. He requested that Cllr. Ferris submit any further information on the New Generation network service.

Cllr. M. Healy-Rae thanked the County Manager for his report. He expressed concern that Sneem is excluded from the DEDs proposed under the scheme and requested that "3" consider providing the necessary infrastructure to Sneem and its environs, including Lauragh and Tuosist. He said support for the 1km rule in the County Development Plan should not be seen as an obstruction to the provision of broadband in the county. He asked that "3" would make every effort to identify locations for their masts that would adhere to the 1km rule.

Mr. T. Curran, County Manager, said "3" had hoped to operate the 11 new masts that are required from existing sites and link back to Tralee or Killarney to run the backhaul. As this is not possible "3" now hope to identify sites on which planning permission can be granted which will not be appealed. He said it is incumbent on him to indicate that there is a doubt about providing broadband services in rural Kerry by 2010 as irrespective of the 1km rule, there is a fear about health issues and planning applications are open to the public to appeal.

Cllr. J. O'Connor asked what type of coverage will be provided through this scheme.

Mr. T. Curran, County Manager, said "3" are guaranteeing that initial broadband download speeds to a guaranteed minimum of 1.2 mbps will be available at all times.

09.03.09.10 Presentation from Acquired Brain Injury Ireland

Mayor T. Fleming welcomed Ms. Lucia Power and Ms. Lisa Spogler to the Council Chamber to make a presentation to the members on Acquired Brain Injury. He noted that this week is Acquired Brain Injury Awareness Week.

Ms. L. Power, Regional Manager, ABI Ireland, Midwest & Southern Area, made a presentation to the elected members which included the following:

- ABI Ireland Mission is "To enable people with Acquired Brain Injury to live an independent life in the community, by providing and maintaining a supportive living environment".
- 13,000 people have Acquired Brain Injury every year. 10,000 are admitted with significant injuries.
- 3 out of 4 are men. 75% are between the ages of 18 to 35
- Those affected have a normal lifespan
- Trauma:

- RTAs	40-50%	- Domestic/industrial	20/30%
- Sports	10-15%	- Assaults	10%
- Impact on Quality of Life
 - People with ABI often achieve independence (ADL).
 - 50% have limited or no social contacts/leisure activities one year or more after injury (Tate et al, 1989).
 - 64%-68% have to rely more on their partner or parents for emotional support (Pondsford, 1995)
 - 30% or less find full time employment (Pondsford et al, 1995).
 - The cognitive aspects of ABI that are most strongly related to poor social outcome (Tate, 1991).
- Effects of ABI are Physical, Psychological, Social, Behavioural, Cognitive, Financial
- One of the most important things to say about ABI is that it is unique to each individual
- Effect on families
 - Head Injury happens to the whole family
 - Different families have different coping strategies (De Pompeii).
 - Over time professionals disappear from the family's life and they may be left to cope alone
 - The role of the family is crucial and should be seen as partnership

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- Phillips Report TBI 2008 (Ireland) Summary:
 - Men were three times more likely to be injured than women. One in six patients was aged between 6-24 years in this study. The median age has increased over the past two decades.
 - The incidence of TBI amongst road users has decreased in the past decade.
 - Falls were responsible for 3 of every 5 TBI in Ireland.
 - Half of the females and a third of the males in this report were injured at home.
 - 88% were unintentional; 1% was self-harm; 11% were assaults. There was a strong association between assault and alcohol consumption. The number of assaults causing TBI is increasing.
 - 2 in 5 patients with a severe TBI were treated in a NSU in Ireland; 3 of 5 did not gain access.
 - Two-thirds of patients required inter-hospital transfer; 40% travelled > 100km, 45% were intubated.
 - 40% of patients admitted to the NSU required surgery, irrespective of the severity of injury.
 - Severely injured patients required a combination of both operative and non-operative care.
 - The mortality rate within the NSU was 12%. The mortality rate after discharge from the NSU and the mortality rate for patients not admitted to the NSU were unknown.
 - Alcohol use was reported for 1 in 4 TBI in Ireland. Four in every five assaults involved alcohol. Alcohol was associated with a greater incidence of severe injury.
 - One in 7 patients injured in the home was using aspirin and 1 in 10 was taking warfarin. They were at greater risk of complication.
 - Protective devices:
 - 50% of patients in MVC were not wearing a seat belt,
 - 50% pedal cyclists
 - 33% of motorcyclists were not wearing helmets
- ABI Ireland Philosophy:
 - The Individual
 - Social / community model
 - Maximise ability/Minimise disability
 - Community based services
 - Integration and Rehabilitation
- The Challenges ahead
 - Resources
 - Infrastructure
 - Social Policy/legislation: an integrated approach, bringing together health, housing, social welfare, education and employment
 - Decisions as a society
 - Care pathway – Rehab strategy
 - Inappropriate placements
 - Attitudes/Education
 - Rural/urban
 - Prevention
 - Community supports/Interagency work
 - Advocacy

Mayor T. Fleming thanked Ms. Power for the presentation to the elected members. ABI is a subject that people must be informed about. Levelling statistics were outlined in the presentation. ABI is a national association which should be supported. He wished Ms. Power well and said Kerry County Council will endeavour to provide whatever support possible.

Cllr. B. Cronin welcomed Ms. Power and Ms. Spogler and thanked them for their presentation on Acquired Brain Injury. The facts were presented simply and it is startling to see how people who have acquired brain injury were hospitalised for years. Kerry County Council and the elected members will endeavour to highlight

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the issues, e.g. wearing safety helmets and motorbike helmets. He said ABI Ireland are doing great work locally to expand services and wished the association well.

Cllr. J. Brassil complimented Ms. Power and Ms. Spogler on the presentation. He said he would be interested in viewing figures from a cost benefit analysis on the costs associated with a person living in a hospital for years and now living in the community. While it would involve a lot of work identifying the savings would be useful and it would strengthen the case of ABI.

Cllr. C. Miller said he found the presentation very informative. He wished the ABI association continued success in the future and commended them for the great work they are doing.

Cllr. T. Ferris supported the comments of the previous speakers.

Cllr. T. Fitzgerald thanked Ms. Power for the informative presentation and asked for clarification on the argument that is being made by some organisations that safety helmets will not prevent acquired brain injury.

Ms. L. Power said further research is required to determine that wearing a helmet will prevent acquired brain injury.

Cllr. D. Healy-Rae thanked Ms. Power for the presentation and said Kerry County Council will offer any support it can as a Council. He said Deputy Healy-Rae tabled a parliamentary question asking that it be a legal requirement that helmets be worn and that ABI care be granted national recognition.

Cllr. M. Gleeson thanked Ms. Power and Ms. Spogler for their presentation which promotes the importance of the community.

Mayor T. Fleming thanked Ms. Power and Ms. Spogler for their presentation to the elected members.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 3.00pm.

Suspension of Standing Orders

The Mayor informed the meeting that it would be necessary to suspend Standing Orders in order to consider the remaining Agenda items before the Notices of Motion.

On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. B. Cronin, it was unanimously agreed to suspend Standing Orders to consider the remaining Agenda items prior to consideration of the Notices of Motion.

09.03.09.08 Nominee to attend the 83rd Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd

On the PROPOSAL of Cllr. C. Miller, SECONDED by Cllr. P. O'Donoghue, it was unanimously agreed to nominate Cllr. M. O'Shea to attend the 83rd Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd. to be held in Dublin on Wednesday, 13th May, 2009.

09.03.09.09 Update on Removal of Eircom Telephone Kiosks in Co. Kerry

Mr. G. O'Brien, A/SEO, referred elected members to report dated 3rd March, 2009, regarding an update on the removal of Eircom telephone kiosks in County Kerry. Following a letter issued to Eircom, Mr. Donal Kerr, Head of Payphone Services, has agreed to meet with members of Kerry County Council to discuss this issue. It is suggested that a deputation of members would meet with Mr. Kerr and report back to the full Council. This meeting will be facilitated by the Corporate Affairs Section. The suggested date for this meeting is Monday, 16th March, 2009. It is proposed that one or two members per Electoral Area would form this deputation with Mr. Kerr.

Cllr. B. Cronin expressed disappointment that Firies and Currow are not included in the list of locations in which telephone kiosks will be retained in the county.

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. T. Ferris, it was agreed that at the upcoming round of Roads Area Meetings, a nominee will be selected from each Electoral Area (five nominees to be selected) to attend a meeting to be held on Monday, 16th March, 2009, in the Council Chamber.

09.03.09.11 Electoral Area Meeting Dates

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

Area	Date	Location	Time
Tralee	Monday, 23 rd March, 09	Council Chambers	2.30 p.m.
Killarney	Tuesday, 7 th April, 09	Town Hall, Killarney	10.00 a.m.
Killorglin	Friday, 17 th April, 09	Killorglin	10.00 a.m.
An Daingean	Wednesday, 22 nd April, 09	Killorglin Golf Club	10.30 a.m.
Listowel	Monday, 27 th April, 09	Áras an Phiarsaigh	10.00 a.m.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Gleeson, it was agreed that the An Daingean Electoral Area Meeting would be held in Killorglin Golf Club, subject to refurbishment of this venue being completed. If this venue is not available the An Daingean Electoral Area Meeting will be held in Farranakilla House, An Daingean.

09.03.09.12 Report on the Operations and Activities of Kerry Airport

In accordance with Section 141 of the Local Government Act, 2001, Cllr. B. Cronin presented the following report on the operations and activities of the Kerry Airport.

"The Airport's overall 2008 passenger numbers are up on the 2007 figures, which is positive news. The introduction of the new Luton service has had a positive impact and progress will be monitored carefully.

We have seen Ryanair reduce from four flights to three flights a day using a larger plane with greater capacity and much shorter flight times. The current position with passenger numbers show that more people are travelling on the three current flights than were on the previous four flights per day, which is also positive news and hopefully can be maintained for the future.

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The 9 o'clock Dublin Flight is still a major issue for the board who wrote directly to Michael O'Leary requesting Ryanair to return this important service. Mr O'Leary's response to the board was a definite no, but every effort will be made to try and have this service returned.

The loss of Aer Arann's Manchester route was disappointing and the airport board are working to encourage one of the three National carriers to re-introduce this route. The current climate which has seen many international carriers closing down is making it difficult to attract interest in reopening this route.

The current status of the overall development plan for Kerry Airport is that the plan has not been turned down - more put on the long finger. The Airport have been requested to prioritise a number of items, but of critical importance is that the proposed large terminal building has been shelved for the time being which is disappointing for the airport and Kerry as a major tourist destination.

On a positive note the Kerry/Dublin service currently available is quite attractive in that one can fly from Farranfore to Dublin, with no luggage, for €45 return and be in Dublin in 30 minutes approx."

Cllr. Cronin said the deferral of the terminal building proposal is of serious concern.

09.03.09.13 Summary of Proceedings at Conferences

(a) Irish Association of Suicidology 12th Annual Conference

Cllr. P. O'Donoghue said this conference was opened by Mr. John Maloney, TD, Junior Minister for Equality, Disability and Mental Health. The opening session was Chaired by Ms. Mary Hutchinson and held a debate on the "Michael Kelliher Memorial Lecture" which pioneered research into suicide in this country. The afternoon sessions dealt with "Harnessing the Internet for Positive Mental Health and Suicide Prevention" and "Changing Suicide in a Youth Society: The Internet as an Instrument for Good". The final session was Chaired by Ms. Joan Freeman and dealt with areas of "Identity Development and Youth Suicide". This session was concluded by Mr. Keith Holmes who dealt with "Youth Suicide - What Can We Do?".

(b) Antrim Tourism Conference

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

(c) The Local Government Planning Service Seminar for Councillors

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

(d) AMAI Spring Seminar

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

09.03.09.14 Opening of Tenders

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. P. Leahy, it was agreed to approve the opening of tenders for N21 Castleisland By-Pass Road Improvement Scheme Engineering Consultancy Services Stages (iv) and (v).

- (b) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. T. Buckley, it was agreed to approve the opening of tenders for LAN Speed Connectivity #1 - Kerry Local Authorities 2009.
- (c) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. P. Leahy, it was agreed to approve the opening of tenders for LAN Speed Connectivity #2 – Kerry Local Authorities 2009.
- (d) Survey of Bats in Non-National Road Bridges in the Mid-Kerry and Barraduff Catchments (Laune and Flesk).

Cllr. M. Healy-Rae queried the need for this survey and said many bridges are in need of repair and require these funds as a priority over the survey of bats on these bridges.

Mr. M. McMahon said bats are a protected species under the EU Habitats Directive and no works can be carried out on these bridges without this survey.

Cllr. Healy-Rae asked if works can be carried out on the Brackloon Bridge without this survey and asked how much it is anticipated that these surveys will cost.

Mr. M. McMahon, Director of Planning, said there are specific locations which have bats which are a protected species.

Cllr. M. Gleeson said while he understands Cllr. M. Healy-Rae's position on this issue, as a Trustee of Muckross House, he outlined that if a bat colony is in place, works cannot be carried out. He supported Cllr. Healy-Rae with regard to works required on bridges.

Cllr. T. Ferris said in the current economic climate, consideration must be given to the cost of such surveys to the Local Authority and asked what are the consequences if these surveys are not conducted.

Mr. M. McMahon, Director of Planning said there is case law on this issue. A case could be taken against the Irish Government in EU Courts without this survey.

Cllr. B. Cronin referred to a case previously regarding the trees in Ballyseedy Wood.

Cllr. J. O'Connor said he has been involved with SACs and where there is a bat colony in place, there is legislation which must be adhered to as bats are a protected species. In order to progress works on these bridges, this survey will have to be undertaken.

Mr. T. Curran, County Manager, requested that the members approve the opening of these tenders and that a report would be presented to the April Council meeting prior to the engagement of a consultant for the survey.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. O'Connor, it was agreed to approve the opening of tenders for a Survey of Bats in Non-National Road Bridges in the Mid-Kerry and Barraduff Catchment (Laune and Flesk), subject to a report being presented to the elected members at the April Council Meeting prior to the engagement of consultants for this survey.

- (e) Hedgerow Survey of North Kerry
Cllr. B. Cronin requested that a report would also be presented to the April Council Meeting on these tenders.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. O'Connor, it was agreed to approve the opening of tenders for the hedgerow survey of North Kerry, subject to a report being presented to the elected members at the April Council Meeting prior to the engagement of a consultant for this survey.

- (f) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. T. Ferris, it was agreed to approve the opening of tenders for Desludging Sewerage Plants in North Kerry.

Civic Reception

Mayor T. Fleming referred to a request received from Cllr. P. O'Donoghue to hold a Joint Civic Reception for St. Michael's Foilmore and Skellig Rangers.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. J. O'Connor, it was agreed to host a Joint Civic Reception for St. Michael's Foilmore and Skellig at the April Council Meeting at 1.00 p.m.

09.03.09.15 Reception of Deputations

(a) Residents Association of Cloverhill, Killorglin

Cllr. M. Healy-Rae requested that a deputation be received from the Residents Association of Cloverhill, Killorglin, regarding the safety of cars entering and existing Cloverhill Estate. On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. P. Connor-Scarteen, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

(b) Residents of An Daingean

Cllr. M. O'Shea requested that a deputation be received from the residents of An Daingean regarding An Daingean Town Park. On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. T. Ferris, it was agreed that this deputation would be received at the next An Daingean Electoral Area Meeting.

(c) Brandon Fishermen

Cllr. M. O'Shea requested that a deputation be received from the Brandon Fishermen regarding Brandon Pier. On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue, it was agreed that this deputation would be received at the next An Daingean Electoral Area Meeting.

(d) Iveragh Park Residents Association

Cllr. M. Cahill requested that a deputation be received from the Iveragh Park Residents Association regarding issues in the Housing Estate. On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. O'Shea, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

(e) Abbeydorney Residents Association

Cllr. T. Fitzgerald requested that a deputation be received from Abbeydorney Residents Association regarding the junction at the Village. On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Cahill, it was agreed that this deputation be received at the next Tralee Electoral Area Meeting.

09.03.09.16 Notices of Motion

1 Single Gauge Railway Line from Farranfore to Caherciveen

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

"That the Council would undertake a feasibility study of the possibility of developing, with the help of European Funding, a Single Gauge Railway line from Farranfore to Caherciveen. Such a facility would be of enormous economic benefit to the Iveragh Peninsula and to the economy of the entire South Kerry area."

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

Kerry County Council will explore the possibility of undertaking a Feasibility Study with the Local Development Company or Academic Interests. Kerry County Council is aware that acquisition of land along the original course of the line would be an issue.

Cllr. M. Gleeson said as a peripheral county Kerry must seek to maximise its beauty. He said he has long believed and frequently stated that a single gauge railway line from Farranfore to Caherciveen would be a great tourist attraction. The Government has subsidised bus travel in cities for years. The time may be right to use Kerry's peripherality and support Kerry's efforts to advance the re-development of this railway line which would have economic benefits. He said it is his understanding that a survey was carried out in the recent past and its findings were presented to Council.

Cllr. J. O'Connor SECONDED this motion. Every avenue should be explored to source funding. If a study has not been done, one should be undertaken. The scenery in this area is fabulous and it would develop tourism in South Kerry.

Cllr. P. O'Donoghue supported the motion and said it was a mistake to close the railway line. In order to develop this railway line again the purchase of much land would be required. The loss of the railway line was compounded with the sale of the land.

2 Relief Road in Kenmare

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

"That Kerry County Council request Mr. Noel Dempsey, Minister for Transport, to allocate €4m this year for the relief road in Kenmare, Co Kerry."

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

The relief road project that is proposed for the eastern side of Kenmare is most likely to be constructed via a combination of the road being integrated into proposed developments and by land acquisition and direct construction by Kerry County Council.

The total length of the proposed eastern relief road is approximately 1.4 km and an alignment design is in place for the entire scheme. The construction of a 400m section of this route is to be constructed as part of a grant of permission for a private development. Negotiations remain ongoing with the other landowners to secure land for the remainder of the scheme however to date no further agreements have been reached.

The Department of Transport grant that would be applicable to this project is the Regional and Local Road Specific Improvement Grant. An allocation of €5m was received this year from the Department of Transport for fourteen different projects. It is unlikely that any further funding will be received from the Department under this grant heading in 2009.

The Council has also commenced the design process for a western relief road in the town. When a provisional route has been identified, a cost estimate will be prepared for all the roads infrastructure identified in the Kenmare Local Area Plan. A report will be brought to Council on the funding of this infrastructure, through a Supplementary Development Contribution Scheme, for consideration. The Council will also continue to seek funding for such infrastructure from the Department of Transport.

Cllr. P. Connor-Scarteen said a relief road is required in Kenmare in the interest of road safety. Kenmare town gets congested with traffic. He acknowledged the situation regarding funding availability. A roundabout is proposed as part of the design for the relief road. Development of this roundabout should proceed immediately and not be delayed until funding is granted for a relief road.

Cllr. D. Healy-Rae supported this motion and said he considers it will be difficult to provide a roundabout at this junction. However, this is a very dangerous junction which needs to be addressed.

3 Fertha Bridge, Caherciveen

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

"That Kerry County Council outlines as to what immediate works it proposes to carry out with a view to ensuring the safety of the Fertha Bridge, Caherciveen, Co Kerry."

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

In 2002, the Council engaged Malachy Walsh and Partners, Consulting Engineers, to carry out a Principal Inspection and Feasibility Report on the bridge. This report identified that the structure while in a fair overall condition, had long-term structural integrity and public safety issues.

The public safety issues identified were that there was no provision for pedestrians crossing the bridge, except for the four pedestrian refuges, and there were gaps in the parapet. The Council sealed these gaps and introduced lane restrictions for traffic to improve safety for pedestrians.

One of the recommendations at that time was to carry out further Principal Inspections over time. The latest such inspection was carried out in 2007.

The conclusion from the 2007 inspection remains the same as in the 2002 report; that the structure is in a fair overall condition but the long term structural integrity needs to be monitored, as there are signs of the bridge parapets deteriorating.

It is intended to arrange another in-depth inspection this year and any works recommended in the report will be submitted to the Department of Transport for their consideration and funding.

Cllr. P. O'Donoghue said the Fertha Bridge is in need of structural repair works. This bridge is the main artery to Caherciveen. Local people have indicated that the columns on the bridge are stressed and there is a worry that the bridge could collapse. A survey is required immediately as this is a serious safety issue. The replacement of this bridge could cost a fortune if the bridge collapses.

Cllr. M. Cahill **SECONDED** this Motion.

Mr. C. O'Sullivan, Director of Roads & Transportation, said the Roads & Transportation Department are aware of the condition of the bridge and he undertook to carry out a survey of the bridge and revert to the elected members with a report.

4 Communal Composting Facility in Killorglin

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

"That Kerry County Council consider the provision of a communal composting facility in Killorglin to serve the needs of the Killorglin and Mid-Kerry area."

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

Kerry County Council is very proactive in encouraging home composting with the Environmental Services Department selling composters at cost price to householders. The Environmental Awareness Officer intends to run home composting workshops at all the scheduled towns in the County with a view to increasing the level of home composting from 17% to 35% by December 2010. The Environmental Services website will have a dedicated web page on home composting offering advice, solutions etc as an additional support to these workshops.

The Environmental Services Department also made a submission to the Draft County Development Plan 2009-2015 which is detailed in Section 13.5.2 and reads "Individual dwellings shall incorporate a home composting unit, capable of composting uncooked organic waste."

The National Strategy on Biodegradable Waste Circular, which was published during 2008, deals in a comprehensive way with composting. Section 6 addresses the issue of community composting and the opening paragraph states "it is appropriate that community-composting schemes should be encouraged as an important means of involving the general public in the management of their own waste". The Waste Management Plan 2006-2011 includes similar targets.

If a suitable scheme for community composting is identified, which would entail considerable commitment from the group in question, Kerry County Council will offer all possible advice and support necessary to make it a successful community project.

Cllr. M. Cahill thanked the Director of Environmental Services for the report. He welcomed that the Environmental Awareness Officer will be running workshops in the county. He said there is a need for a communal composting facility in the Killorglin area and called on the Council to consider the Killorglin Area for this purpose as there is a demand for such a scheme.

As the Mayor needed to leave the Council Chamber it was agreed on the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. M. Gleeson, Cllr. T. Fitzgerald took the Chair.

5 Election Posters

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

"Will the County Manager outline in detail the date when candidates for the June Elections can erect posters. Will it be possible to clarify the details of where they can be erected."

The following reply issued:

The erection of election posters is dealt with in the Litter Pollution Act 1997 and The Protection of the Environment Act 2003. The primary piece of legislation is section 19(7) of the Litter Pollution Act 1997 which confirms that the placing of election posters is exempt from prosecution subject to the poster being removed within seven days of polling day. It is the view of Kerry County Council that election posters for the Local Elections cannot be erected until the Minister for the Environment signs the Official Order confirming the date of the election.

In recent times, the Environmental Services Department has written to all candidates, once the Election has been called, outlining their obligations in relation to election posters and seeking their co-operation in relation to such material. In the majority of cases, candidates comply with the Regulations, however there is an issue with the non-removal and proper disposal of plastic ties.

The Roads Department also restrict the placing of posters at certain junctions, roundabouts etc.

Cllr. S. Fitzgerald thanked the Executive for the report and asked if there is an anticipated date on which the Minister will sign the Official Order confirming the date of the election.

Mr. G. O'Brien, A/SEO, said it is expected the Minister will sign the Official Order confirming the date of the election within a couple of weeks. Election posters cannot be erected until the Ministerial Order is signed. There is also a traffic safety issue regarding the placing of the posters at certain junctions, roundabouts, etc.

Mr. C. O'Sullivan, Director of Roads & Transportation, said any posters erected on road warning signs will be removed.

Cllr. M. Cahill said candidates entering the election process late must be made aware of these requirements. He said he is agreeable to not erecting election posters in his own area, Glenbeigh Village.

Cllr. P. Connor-Scarteen said the erection of election posters should be restricted to areas outside town and village speed limits.

Cllr. M. Gleeson said there has been a successful agreement in Killarney for 12 years not to erect election posters within the town limits. This agreement has been honoured.

6 Social Welfare Payments

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

"That this Council call on the Government to ensure that they do not reduce Social Welfare payments."

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

Cllr. R. Beasley expressed concern that in recent times it has been muted that there may be a reduction in the level of social welfare payments. People on social welfare payments rely on this income. The Government must ensure these payments are not reduced. He called on the Government not to alter social welfare payments or the minimum wage.

Cllr. M. Gleeson said anybody approved for social welfare payments is in great need and it would be wrong to reduce their weekly income.

Cllr. T. Buckley supported this motion.

Cllr. T. Ferris supported the motion and said rather than targeting the low income earners, the high earners should be targeted for taxes. Anyone in receipt of a social welfare payment is reliant on this source of income. If there is any reduction in these payments the children in those families will suffer.

8 Provision of a Burial Ground in Aghadoe

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

"I am calling on Kerry County Council and Killarney Town Council to make every effort possible to avail of the current opportunity to provide land for a new public burial ground in Aghadoe for the population of Killarney Town and its hinterland."

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

A site was recently investigated in Aghadoe but it was found to be unsuitable, because of its geology, for use as a cemetery.

The hinterlands of Killarney town are served by the existing graveyards at Aghadoe Old and New, Holy Cross in Kilcummin, Dooneen in Kilcummin, Killaha and The New Cemetery at Coolcorcoran. There are sufficient plots (more than 1,200) available to meet the medium term demand. The facility is also there to develop further burial space on publicly owned land beside the existing cemetery at Killaha.

There is no Burial Ground in charge of Killarney Town Council.

The Development Plan for Killarney Town Council includes an Objective to endeavour to find a site for a new Burial Ground in the vicinity of the town. Discussions in recent years between Kerry County Council and Dúchas, and also between Killarney Town Council and Dúchas, toward the possible acquisition of a suitable burial ground in the Muckross area have been unsuccessful. A particular site in Muckross was also identified in 2006, but agreement was not reached between the Town Council and the owner.

Cllr. B. Cronin expressed disappointment that the site which was being investigated is unsuitable as a burial ground. Aghadoe would be the most favoured location because of the existing public cemetery. With regard to the

availability of 1,200 plots mentioned in the report he said there is very limited availability in Aghadoe Old Burial Ground. Holy Cross, Dooneen, Killaha and Coolcorcoran Burial Grounds have a number of plots available, but the majority of available plots are in the private cemetery in Aghadoe. It is important for people to have a plot in the area where they live. He requested that Kerry County Council and Killarney Town Council make every effort to find a site at Aghadoe. He asked if the site identified in Muckross in 2006 was suitable for a burial ground.

Cllr. M. Gleeson said the provision of adequate burial plots is a challenge for Killarney. People are of a parish and they want to be buried in that parish with their relations. The Aghadoe Burial Ground has been in existence for years and it would be most desirable if some land could be sourced in that area. Land prices have reduced considerably and it should be a good time to negotiate. Killarney Town Council owns land in Killarney National Park under the Bourne Vincent Memorial Act, 1932. Searches are ongoing to identify the exact areas of land in question. He said he hoped the National Parks & Wildlife Service would be prepared to exchange land on the periphery of the town with Killarney Town Council.

Cllr. D. Healy-Rae said the provision of a Burial Ground in Killarney is a very important matter as Killarney is a vastly growing town. The burial grounds mentioned in the report are required for the people of those communities. He asked that Kerry County Council work with Killarney Town Council to finalise this issue.

Mr. J. Breen said the primary issue with the Muckross site was the price of the site but there was an issue also regarding access. Discussions are ongoing with the National Parks & Wildlife Service. All options will be pursued to provide a burial ground.

9 Non-Payment of Farm Grants

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

"Where farmers are under severe financial difficulties as a result of the non-payment of the full grant for the Farm Waste Management Scheme, the reduction in the Disadvantaged Payment Scheme, the Suckler Cow Scheme, the ceasing of the Installation Aid Scheme and the Early Retirement Scheme, that a special case be accepted for these people to be allowed to sell a site for planning".

Mr. G. O'Brien said as the same report applies for Notice of Motion No. 14 on the agenda this motion could also be moved.

14 Planning Permission for One-Off Houses

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

"In view of the fact that there is a deep recession and in view of the fact that there is an ever increasing number of people signing on the live Register and in view of the fact that there is a significant drop in the number of planning applications being submitted, I propose that Kerry County Council play its part by giving more favourable consideration to landowners' sons and daughters and local people who apply for planning permission to build one-off houses thereby assisting the local economy."

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

This issue has been discussed at length at a number of meetings.

While the Planning Authority understands the financial difficulties presently being experienced by individuals and various sectorised groups around the county, financial considerations cannot form part of the assessment process associated with a planning application.

All applications can only be assessed in the context of the County Development Plan, Local Area Plans, Regional & National Plans and various National Guidelines & Circulars and in the context of proper planning & sustainable development of the area.

Cllr. J. O'Connor said this Notice of Motion is based on the ability of people to survive in the farming community. Many people have invested in the Farm Waste Management Scheme Grants with the expectation of a grant which is now not forthcoming. It will be very difficult for these people to continue operating this year. In the current economic climate due consideration should be given, in cases like this, to allow the sale of sites. Bio-diversity looks after the environment and the people looking after the environment should be able to live and survive in the environment they are living in.

Cllr. M. Cahill said everywhere you go there is huge unemployment and no progress in the building sector. The grant of planning permission would create jobs and sustain small businesses and communities. The most genuine of applications are being considered now as planning applications are no longer being made by the speculator. Kerry County Council would also benefit from the receipt of fees and levies. As a rural county this would help the economy. He urged the Planning Department to facilitate locals and family members.

Cllr. R. Beasley supported both Notices of Motion. He said farmers may have to sell a lot of sites in the current climate and this may not be a viable option. With regard to Notice of Motion No. 14 from Cllr. Cahill, the Council should give this favourable consideration.

Cllr. M. O'Shea supported both Notices of Motion. He said a pre-planning structure was put in place some time ago for one-off houses, however, in the current climate this structure is not working. Excellent work was done with that structure, however, when there is no co-operation with the system it will collapse. The pre-planning structure must be revisited again as people have tried many times to get planning permission without success.

Cllr. D. Healy-Rae said a lot is being done for family members. Where a local young person wants to buy a site from a local landowner, it is difficult for them to get planning permission in this situation. Effort must be made to accommodate these applicants.

Cllr. T. Fitzgerald said, as the biggest employer in the county, there is an onus on Kerry County Council to create employment.

10 Castleisland Sewerage System

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

"To ask the Department of Environment, Heritage and Local Government to

prioritise the upgrading of Castleisland Sewerage System and to include the areas of College Road, Tullig, Black Road and Brosna Road. It is totally unacceptable that residents have to empty their septic tanks once a month."

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

This scheme has already been prioritised by the DoEHLG, insofar as the scheme has been included in the Water Services Investment Programme 2007-2009. A Preliminary Report was prepared for the scheme and submitted to the Department, who responded, requesting additional information in the form of an addendum to the report. Consultants have been appointed to prepare this information which includes completing various surveys and investigations. It is expected that the addendum to the report will be completed by the end of the year, at which time it will be submitted to the DoEHLG for approval to proceed to the preparation of contract document stage. The areas of Castleisland mentioned in the motion will be considered in the PR review also.

Cllr. D. Healy-Rae said this is a serious issue for Castleisland in terms of pollution and health and safety. People must employ a vacuum tank to empty their septic tanks on a monthly basis. He called on the Water Services Department to rectify the issues in this area of Castleisland.

Cllr. B. Cronin **SECONDED** this Motion. The situation in Castleisland is urgent as there is a critical problem with soakage which is causing difficulty with septic tanks. This is a built up area with a concentration of septic tanks and it should be included as an addendum to the Preliminary Report for the Castleisland Sewerage Scheme. He asked that the situation in this area of Castleisland be rectified as soon as possible.

11 Safety Measures at Fybough and Derryquay National Schools

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

"To ask the County Engineer to make funding available so that extra safety measures can be put in place at both Fybough and Derryquay National Schools."

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

In response to a notice of motion moved at the last An Daingean Electoral Area meeting, the Roads Engineer agreed to meet with the Board of Management of the School with regard to safety on the approach to the school. The school is located west of Boolteens on the R561, which has a speed limit of 80km/hr. At present, there are the school flashing lights on both approaches to highlight the presence of the school during drop-off/pick-up times. These measures are supplemented with additional road markings "Slow School Ahead" and yellow rumble transverse bar markings on both approaches. At present, these measures are considered adequate but the situation will be monitored.

Derryquay National School is located on the N86, East of Derrymore Bridge. The road outside the school was widened in 2005/2006, and a buffer zone was created between the school and the westbound traffic lane. Significant road markings were placed, with the approval of the NRA, to highlight the presence of the school. Furthermore a special

speed limit of 60km/hr was imposed for certain times of the day corresponding with school opening and closing times. This special speed limit is part of a pilot project by the NRA to determine its suitability/effectiveness. This review of this pilot project will be completed this year and a report will be brought to the Transport SPC on its effectiveness.

Cllr. M. O'Shea said while investments have been made regarding safety measures at schools vehicles are still speeding past Fybough and Derryquay National Schools. He asked is there any other system in place to forewarn drivers that they are approaching a school. The Principal in Derryquay School has suggested that speed cameras be installed to slow down traffic. Fybough National School is requesting that a 60 km/h speed limit be put in place. These areas must be made safer for children and parents.

Cllr. T. Fitzgerald supported the motion. Work on safety measures has been done at Derryquay, but further measures are required. Vehicles speeding past schools is extremely dangerous. There should be a national effort to get motorists to slow down.

Cllr. P. O'Donoghue said an excellent system is in place at Foilmore national school. A speed limit of 60 km/h applies before the school opens and families are very appreciative of this system. This system could be considered for other schools.

Cllr. M. Cahill supported this motion. Curraheen National School have requested that the system in place at Foilmore national school be applied at Curraheen National School. He requested that a letter issue to the NRA requesting that the system at Foilmore national school be applied at schools adjoining national and secondary routes.

Cllr. S. Fitzgerald supported the Motion. He asked that a letter issue to the Gardaí to monitor traffic at Derryquay national school.

12 Derelict Sites Act

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

"That the Council would outline the powers which it has under the Derelict Sites Act to compel house and building owners to maintain the exterior of their premises and attached properties to a standard which accords with that which generally prevails."

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

The Derelict Sites Act, 1990 empowers a Local Authority to deal with derelict sites in their functional area. Derelict sites in the towns of Tralee, Killarney and Listowel are dealt with by the relevant Town Councils.

In accordance with the Act, if a property detracts to a material degree from the neighbouring properties it may be considered derelict. Initially, the Derelict Sites office will write to the owner and request their co-operation in carrying out whatever works are required to render the property non-derelict. If the owner does not co-operate, a notice in accordance with Section 8 of the Derelict Sites Act, 1990 is served, formally notifying the

owner that specific works are required within a specified time-frame, and if this is not complied with, the property will be entered on the Derelict Sites Register. If the Section 8 notice is not complied with, as Section 11 notice is served, informing the owner that the property is now entered on the Derelict Sites Register.

If the property is in an area specified as an urban area by the Minister of the Environment, Heritage and Local Government, (this includes most villages and all towns in Kerry) a levy of 3% of the market value per annum is charged, and interest is applicable for the period it remains unpaid.

The Local Authority may also purchase the site, under Compulsory Purchase Order and use it for any of its functions, or sell the site. The Local Authority also have the power to enter the site and carry out necessary works directly, and pursue the owner through the courts for recovery of the costs. These last two options are used only in exceptional circumstances, as there are cost implications to the local authority.

There is generally quite a high level of co-operation from property owners. At the end of last year, there were 140 sites entered on Kerry County Council's Derelict Sites Register, an increase of 20 on the previous year. 82 Section 8 Notices were served, and there were 30 sites removed from the Register.

Cllr. M. Gleeson said he observed a number of derelict unoccupied houses in housing estates during the election campaign in 2004. It is unfair on residents who strive to maintain their properties to a high standard to have derelict properties nearby. The Town Councils receive a number of complaints about houses falling into dereliction. With people leaving the country the number of unoccupied houses in estates must be monitored in the interest of people living nearby. Dereliction devalues properties in the vicinity. He asked that Councils take pre-emptive action against dereliction.

13 Submissions to the NRA for 2009 Allocation

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

"That Kerry County Council make available to the Members, copies of all submissions made by the Council to the National Roads Authority prior to the 2009 National Roads Allocation and likewise in relation to the 2009 Regional and Local Roads Grant Allocation. In particular, copies of any Priority Lists submitted should be furnished."

The following report issued:

In 2008, Kerry County Council made submissions to both the NRA and the Department of Transport for funding in 2009. These submissions are summarised as follows:-

- 1. NRA – Kerry County Council received a letter dated 10/07/2008 requesting submission of Pavement and Minor Improvement Works Allocations 2009. This list of schemes was submitted by 15th August 2008 and is hereby enclosed. The list of schemes is in Route Number order and is subdivided into North Kerry (An Daingean, Listowel,**

Tralee East and Tralee West Engineering Areas) and South Kerry (Killarney, Kenmare, Killorglin and Caherciveen Engineering Areas) Roads.

2. Department of Transport – Kerry County Council received Circular RLR 17/2008 from the Department of Transport requesting “Scheme of Grants for Specific Improvement Works on Regional and Local Roads – Proposals for Funding in 2009”, in which the Department directed that the total cost of our submission should not be greater than 25% above our previous years allocation. These application forms were returned on 26th September 2008. Kerry County Council were contacted in late December 2008 by the Department of Transport to revise our submission so that the total cost of the application was not greater than €4.372 million. The final list submitted to the Department of Transport on 22nd December 2008 is now attached.

N.R.A. – KERRY COUNTY COUNCIL SUBMISSION 2009
Pavement and Minor Works

National Primary - Improvement

<i>Route</i>	<i>Description</i>	<i>Length (km)</i>	<i>Cost/€</i>
N22	Lawlors Cross to Killarney	1.9	850,000
N22	Lissyvigeen Junction	-	250,000
N23	Farranfore to Gortshanavogh via Airport	1.7	630,000
Total:			€1,730,000

National Secondary - Improvement
Kerry North

<i>Route</i>	<i>Description</i>	<i>Length (km)</i>	<i>Cost/€</i>
N67	Tarbert Ferry Road	2.3	850,000
N69	Half-Way House to Banemore	1.5	700,000
N86	Lispole West	1.2	480,000
N86	Ballinclar to Annascaul	1.8	720,000
Total:			€2,750,000

Kerry South

<i>Route</i>	<i>Description</i>	<i>Length (km)</i>	<i>Cost/€</i>
N70	Castlemaine to Milltown	1.5	575,000
N70	Caragh Bridge to Killorglin	1.5	450,000
N70	Mountain Stage to Coolroe Lr. (Design)	3.1	30,000
N70	Kells Post Office to Kells Station	1.0	1,000,000
N70	Coom a Ciste to Caherdaniel	1.4	400,000
N70	Caherdaniel to Castlecove	1.3	600,000
N70	Sneem to Castlecove	2.0	500,000
N70	Blackwater Bridge to Tahilla	1.7	700,000
N70	Blackwater Bridge to Sneem (Design)	3.1	30,000
N71	Molls Gap to Ladies View	1.3	700,000
N71	Kenmare to Molls Gap (Carhoomeengar)	1.0	450,000
N71	Bonane to Kenmare	1.3	375,000
N71	Bonane Safety Measures	1.6	600,000
N72	Ballymallis	1.3	400,000
N72	Barraduff Bridge	0.6	750,000
N72	Gortanahaneboy, Rathmore	1.4	400,000
N72	Shinnagh Cross Junction	-	200,000
Total:			€8,160,000

SUBMISSION 2009 SUMMARY		
National Primary Improvement		€
	Total	1,730,000
National Secondary Improvement		€
<i>Kerry North</i>	Total	2,750,000
<i>Kerry South</i>	Total	8,160,000

APPENDIX 4

FORM NO: RLR 2/2009

Proposals for Improvement Works on Regional & Local Roads – 2009

Summary of Applications for Individual Road Grants

(Projects which began in previous years should be identified with an “”).*

LOCAL AUTHORITY: KERRY COUNTY COUNCIL

		PROJECTED EXPENDITURE - €000		
PROJECTS		2009	Post 2009	Total Est.
To be listed in order of priority		€	€	Cost €
09/01	*Tarbert Road Widening	47,000	3,453,000	3,500,000
09/02	*Ballinagar Bridge	600,000	547,075	1,234,075
09/03	*Gaddagh Bridge, Beaufort	500,000	0	1,805,000
09/04	*R555 Listowel to Abbeyfeale	300,000	500,000	4,916,062
09/05	*R556 Tralee to Ballybunion	850,000	1,650,000	6,516,508
09/06	*Castlemaine to Annascaul [Ardroe Cross – Red Cliff (East)]	600,000	750,000	5,127,669
09/07	*R563 Fossa/Milltown	400,000	500,000	2,438,619
09/08	*R565 Valentia Bridge	250,000	350,000	600,000
09/09	*R569 Poulgorm to Kilgarvan	300,000	3,000,000	3,700,000
09/10	*R874 Strand Road Roundabout	100,000	600,000	800,000
09/11	*L7001 Meanus Bridge	72,000	0	694,697
09/12	R577 Castleisland to Ballydesmond	300,000	2,969,812	3,269,812
09/13	L3024 Droichead na Gabhair, Kilgarvan	53,000	97,000	150,000
09/14	Shinnagh Cross, Rathmore	25,000	200,000	225,000
TOTAL		4,372,000		

Cllr. P. O'Donoghue asked if the list of roads submitted is a priority list.

Mr. C. O'Sullivan, Director of Roads & Transportation, said this is not a priority list. The roads on the list have been submitted in road number order.

Cllr. P. O'Donoghue said he would raise further issues at the upcoming Special Roads Meeting.

15 Storage Costs for Electronic Voting Machines

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

"Where are the electronic voting machines stored in Kerry and at what cost to the taxpayer?"

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

Kerry County Council does not have a role in the storage or payment for storage of electronic voting machines in the County. If the Members so wish, we can refer this matter for a response to the County Registrar who has responsibility for same.

Cllr. R. Beasley requested that the cost of storing the electronic voting machines be sought from the County Registrar.

16 Kerry County Council Housing Waiting List

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

"To clarify how many people are on Kerry County Council's housing waiting list and to request the details and addresses of currently vacant or boarded up Council houses in each Electoral area."

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

There are currently 1,085 qualified applicants for Local Authority housing in Kerry County Council's administrative area. A further 403 applicants have been deferred pending the receipt of additional information or have only applied for the purpose of securing rent allowance. A further 260 applications are waiting to be assessed.

At the end of February there were 11 group scheme vacant dwellings under repair or awaiting repair broken down as follows per electoral area:-

Killorglin Electoral Area - Caherciveen - Fertha Drive (1), Killorglin - An Bainseach (2), Iveragh Park (1), Waterville - Beenbane (1), Sneem - Seaview(1) Total 6

Killarney Electoral Area - Pinewood Est (1) Total 1

Listowel Electoral Area - Causeway - St Martins Close (1), Ballyheigue - Marian Tce (1) Total 2

An Daingean Electoral Area - An Daingean - Emlagh (1) Total 1

Tralee Electoral Area - Knocknagoshel - Churchview (1) Total 1

There were a further 18 dwellings which have recently been repaired and are awaiting allocation. A further 18 dwellings were recently allocated and awaiting the tenants to take up occupation. A further 14 dwellings which were recently purchased are shortly due to be allocated.

Cllr. B. Cronin said the number of qualified applicants and those pending and waiting assessment totals 1,748 applicants for housing. This is a vast number of people seeking accommodation and a huge task for the Housing Department. He said there is no breakdown per Electoral Area for the 18 dwellings awaiting allocation nor the 14 dwellings which were purchased. He said Kerry County Council is in a dire situation trying to address the housing list and asked if Local Authorities intend purchasing houses which are available from the private sector.

Cllr. T. Ferris said some information is missing from the response to this Notice of Motion. Within the Tralee Electoral Area 28 new build houses are not listed for allocation in Ardfer. The Housing Department has indicated that these houses will be allocated. The Ballyheigue housing scheme is due to be finished this week and those houses are also awaiting allocations. While Kerry County Council has only one Housing Investing Officer, the housing investigation report was submitted 2/3 weeks ago and no allocations have been made. People waiting to be allocated a house are in private accommodation and in receipt of a state subsidy. This subsidy accounts for a substantial amount of money and this is not acceptable in the current economic climate. She urged management in the Housing Department to allocate houses that become available almost immediately.

Cllr. B. Cronin said people on the waiting list are frustrated when a house is vacant and boarded up for 4-6 weeks before it is even allocated.

Cllr. T. O'Brien supported the motion and said people are frustrated when they see houses boarded up. The longer houses are boarded up, the more it will cost to repair them. Repair work should be done sooner rather than later.

Cllr. J. O'Connor asked how long it takes to prepare a house for rent and said Kerry County Council should be in a position to prepare a house in a week.

Cllr. M. O'Shea requested that a full debate be held on the proposal regarding long-term leasing arrangements.

Cllr. M. Cahill said referred to the long-term leasing of private properties and said while he welcomed the scheme his understanding is a person must have a minimum of five properties available to lease. This requirement makes this scheme applicable only for big developers. He requested that a letter issue to the Department outlining that this requirement does not suit the housing situation in Kerry. Very few people own five houses. Owners of one or two houses should be eligible to participate in this scheme.

Mayor T. Fleming returned to the Council Chamber and took the Chair.

17 Water Meter Charges

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

"That people who do not exceed the domestic allowance in the usage of water, would not have the extra burden of a meter charge."

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

The Council does not levy a meter charge.

The Council incurs considerable costs in maintaining a network for the reliable supply of water more or less irrespective of the actual volume of water delivered to the end consumers. For the purposes of recovering some contribution towards that expenditure, the Council imposes a small fixed charge on any connection that is not solely a domestic connection, in accordance with the National Water Pricing Policy Framework. That charge is known as a "network management charge" and amounts to €26.25 per quarter billing period for 2009. Consuming a volume of water within the given domestic allowance of 12,500 gallons per quarter does not of itself signify a solely domestic connection. Whether a connection is solely a domestic connection or not falls to be determined by the evidence of the actual property on the ground. In accordance with the National Water Pricing Policy Framework mentioned earlier, the only connections excluded from charge are those for solely domestic purposes. The Council is open to reviewing the classification of any connection on the basis of an evaluation on the ground and the user consumption profile.

Cllr. J. O'Connor said other counties do not have the same fees for meters. This is an unjust charge by Kerry County Council as consumers are not using the amount allowed for the domestic charge.

Mr. J. O'Connor, Head of Finance, said Kerry County Council does not levy a meter charge. The network management charge is levied on any connection that is not solely as domestic connection. If consumers do not wish to stay connected, they can be disconnected from the network.

Cllr. P. McCarthy asked if a farmer has his own supply and does not use public water supply would the network management charge not be charged.

Mr. J. O'Connor, Head of Finance, said there are a limited number of cases where this applies and these relate particularly to elderly people living on a small farm and when the case is investigated the meter readings show a miniscule use of water. With regard to those case the charges will be written off. However, there are users, many who are farmers, who have a County Council water supply and while they manage their usage to stay within 50,000 gallons per use, there is more than domestic use being made of that water. On that basis, those people are charged the network management charge. If there are people who do not wish to continue to get water from the County Council water supply under any circumstances and are not agreeable to pay network charges they can be disconnected.

Cllr. D. Healy-Rae asked if it is possible for a farmer who installs his own water supply to be disconnected from the meter.

Mr. J. O'Connor, Head of Finance, said if there is a connection to a property serving a house and farm which is an active farm, irrespective of whether that person uses the 50,000 gallons or less, that person has the benefit of the connection and Kerry County Council will charge the network management charge. This is a different case to an elderly or sick person who is not making use of their farm.

18 Prices paid to Farmers

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

"That the Members of Kerry County Council call on the Government to ensure that farmers get 60% of what consumers pay for their products over the shop counter. Meat factories, processors and multi-national supermarket companies are at present getting more than their fair share and control unfairly what farmers now receive, i.e. when the price of milk paid to farmers is reduced, it never goes down in the supermarkets. This also applies with beef when factories reduce the price, the consumer never benefits and the farmer is penalised further".

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

Cllr. D. Healy-Rae said this is a serious matter and asked for the support of the members. The farmer should get his rightful share of what consumers pay. They are getting 30%-35% or less at present. Supermarkets and processors are deriving a fair share from what the farmer produces. Farmers must be paid properly for their produce. Kerry Co-op and all co-ops can reduce the price of milk whenever they like yet the price is not reduced in the supermarket. This must be regulated. He asked for the support of the members to write to the Minister and ensure farmers get fair consideration.

Cllr. M. Cahill SECONDED this motion.

Cllr. B. Cronin supported this motion and said a valid argument has been made regarding the producer. The middle man in the different sectors is reaping the profits. He supported the issuing of a letter to the Minister on this issue.

Cllr. R. Beasley supported the motion and said farming incomes have dropped by 40%-45% in the last 18 months.

19 Advertising Campaign for Cork/Swansea Ferry

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

"That Kerry County Council liaise with Fáilte Ireland as soon as possible to ensure that an advertising campaign is in place and ready to go for the proposed Cork/Swansea Ferry".

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

Kerry County Council is supportive of the reintroduction of the Cork-Swansea ferry route and is currently examining how best the Council can assist a marketing initiative.

Cllr. P. Connor-Scarteen said the tourist season is fast approaching and it appears that the Cork-Swansea Car Ferry will be operational for the new season. It is hoped to get confirmation of this shortly. There is concern that the ferry service will not be advertised early enough. A strategy should be in place and be ready to be run. The database of former clients should also be contacted.

Cllr. T. Ferris SECONDED this motion.

Cllr. R. Beasley supported the sentiments expressed and said it does appear that the ferry will be operational for the tourist season. The ferry service is very important to tourism in Kerry, West Cork and the South West Region.

Cllr. M. Cahill supported this motion. He said it appears that the ferry service will be operational for the summer season. This is more important now than ever as the tourism industry is under pressure with bookings down and premises receiving many cancellations.

Cllr. D. Healy-Rae supported the motion and said the reinstatement of the Cork-Swansea Car Ferry is vital for the county.

20 Reduction in Representational Payment

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

"That we the Members of Kerry County Council consider taking a 10% cut on our representational payment in the current financial climate for the duration of this Council."

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

Cllr. M. O'Shea said this is his own personal point of view and there is no pressure on members to support this motion. He said he believes that people in politics should lead from the top and that members of national Government should also lead with a substantial cut in salary. As a member of Kerry County Council and a small business person, he said he has experienced that small businesses are under pressure. People who have lost their jobs are experiencing a cut of between 60%-70%. He said when he tabled this motion there was no indication that elected members would be affected by the Pension Levy Scheme. It is now understood that the elected members are included in the Pension Levy Scheme. Members do not get a pension but the discretionary lump sum would be affected. He said he has instructed Corporate Affairs to deduct 10% from his representational payment, even with the application of the Pension Levy Scheme. It is for other members to decide what they want to do.

Cllr. R. Beasley asked if Cllr. O'Shea would intend continuing with the cut in his representational payment if he is re-elected in June.

Cllr. M. O'Shea said the reason the motion reads "until June" is that the result of the election in June cannot be pre-empted. He said if he is re-elected in June he will continue with the 10% cut in his representational payment.

Cllr. B. Cronin said it has been stated the levy is being applied to elected members and he has no difficulty with that. He said it is his view that this Notice of Motion appears to be a political stunt on the run into an election campaign. He said that he is accepting the cut being imposed by the Department and no more. He said that he does not support the motion.

Cllr. T. O'Brien said the leaders of Fianna Fáil have led the country to this situation. He said he admired the sentiment of the motion but unfortunately it has been tabled at a bad time and reeks of politics before the election. He said that he will not support the motion.

Cllr. T. Ferris SECONDED the motion subject to an amendment. She said she would like to believe this motion is put forward with genuine emotion, but it reeks of political opportunism at its greatest. It would be more helpful for those who are relying on the representational payment, without a further income, to forego an amount in relation to conference expenses rather than taking a 10%

cut from representational payment. It is the least members can do in the current economic climate. She supported elected members leading by example.

Cllr. P. O'Donoghue said it is unfair to say this is political opportunism on behalf of Cllr. O'Shea. Some Members in the Seanad and Dáil have taken this cut. It is disappointing that more Seanad and Dáil Members have not taken the cut. The reality of the situation is that people are suffering and expect elected members to lead by example. Increased Income Tax rates and more people in the income tax net is expected after the Mini Budget in April. He said he intends to follow Cllr. O'Shea's lead. Elected members should take cuts also. The Seanad is costing the country money, it does not seem relevant in this day and age and should be abolished. He said he suggested a cut in conference fees during consideration of Budget 2009 but it was not supported.

Cllr. J. Brassil said he could not understand that when Cllr. Ferris calls for a cut in the conference expenses it is not considered political opportunism but Cllr. O'Shea's proposal is. He asked what is the difference in these proposals. Three or four years ago the economic climate was very different. Cllr. O'Shea has offered something in the current climate and believes in this proposal.

Cllr. T. Ferris said when she proposed reducing expenses some years ago it referred to wastage.

Cllr. M. Cahill said he considered this should be a matter for each individual member as everyone has different circumstances. He said he considered that Oireachtas members should be leading by example and 25%-30% reductions should be applied to them.

Cllr. M. O'Shea said if he is re-elected after June, 2009, he will again be instructing that 10% be deducted from his representational payment along with the Pension Levy.

Mr. G. O'Brien, A/SEO, said two suggestions have been presented. In either case he said he will require a letter from individual members if they wish to make a deduction from their representational payment or their expense fees. The letter should also outline the date from which the reduction should be effective. No reductions can be made without a letter from the members.

Cllr. S. Fitzgerald said the Minister for the Environment suggested a 5% reduction in representational payment.

Mr. G. O'Brien said no correspondence has been received on that matter.

23 Funding for Piers and Harbours in 2009

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

"To ask the County Engineer what funding will be made available in the current year for piers and harbours in Kerry."

The following report issued:

To date we have not received any indication from the Department of Agriculture, Fisheries and Food (DAFF) on the likely level of funding towards piers and harbours in 2009. Likewise the Department of

Community, Rural and Gaeltacht Affairs (DCRGA), who fund the Gaeltacht piers infrastructure, has made no announcement of allocations for 2009. Given the state of the central government finances it is highly unlikely that there will be significant funding from either Department towards our Piers & Harbours infrastructure in 2009. No indication has been forthcoming on when our 2009 allocations from either Department will be announced.

The Councillors will be aware that a sum of €197,000 was provided in the 2009 Budget by Council for piers and harbours. This budget will be used to fund the day to day running of the section, statutory obligations and minor repairs as necessary.

Cllr. M. O'Shea referred to Laghtacallow pier in Castlemaine and asked if there are any proposals regarding that area. At a recent meeting in Brandon questions were raised regarding what money was spent so far and was money left over from the last repairs to that pier. There was also a query as to whether money is still in hand from the DCRAGA for Bunareer, Dromavalla and Brandon.

Mr. C. O'Sullivan, Director of Roads & Transportation, said allocations received for piers and harbours are spent in the year received. With regard to Brandon, the allocation was not sufficient and Kerry County Council did not proceed at the time. No indication of an allocation for piers and harbours in 2009 has been received. There is a shortfall of funding for piers and harbours which must first be recovered before works proceed on piers and harbours.

Cllr. M. O'Shea asked if funds were made available to repair Brandon Pier in 2008 and if so were these funds spent.

Mr. C. O'Sullivan said no money was allocated in 2008 for Brandon Pier.

Cllr. S. Fitzgerald asked if €1m was allocated in 2000/2001. He said he believes the Minister announced he was giving €1m to Kerry County Council as opposed to allocating it. €60,000 was spent on the Brandon Pier. Kerry County Council could not acquire land for an access road. He asked what is the position regarding Brandon Pier and the funding from the Minister at DCRAGA. He said there is a feeling that Kerry County Council is not pursuing the construction of Brandon pier and asked for clarification on this issue. There is also the question regarding 25% which would be required to be raised locally.

Mr. C. O'Sullivan said that around 1999 Kerry County Council, at the request of Minister Éamonn Ó Cúiv, carried out feasibility studies on four strategic Gaeltacht piers. Arising out of those studies Minister Ó Cúiv agreed to fund four piers at Baile na nGall, Baile an Sceilg, Bun a'Bhaile and An Bhréanainn based upon £1m from Roinn Na Gaeltachta and £150,000 per pier from KCC. The projects at Baile Na nGall, Baile an Sceilg, and Bun a'Bhaile were all completed. It was not possible to complete the project at An Bhréanainn with the funding available. Subsequently Minister Ó Cúiv agreed to fund a pier with a capped overall cost of €2m but KCC were now being asked to cover 25% of the cost (€500k). He said that Kerry County Council had grave reservations on the value for money that would be achieved on spending what is requested by the people in An Bhréanainn. An Bhréanainn needs a larger investment than is proposed to address the problems there.

Mr. O'Sullivan said in 2006 a structural problem with the pier at Brandon was identified. KCC prepared an estimate to carry out the urgent repairs to the pier. The works were funded by Roinn na Gaeltachta and approx €56,000 was spent on these repairs. It was proposed and agreed that the balance of the funding made available would be used to fund a widening of the access road to the pier to improve access and to facilitate subsequent construction works. Unfortunately we were not able to agree the scheme with local landowners and as a result the entire allocation was not spent

Cllr. S. Fitzgerald asked if the Minister announced that funding was available would Kerry County Council raise a loan locally.

Mr. T. Curran, County Manager, said in the current economic climate approval will not be granted for a loan.

Cllr. B. MacGearailt said the Minister has indicated that he has been in contact with the County Manager regarding Brandon.

Mr. C. O'Sullivan, Director of Roads & Transportation, said if funding is announced a design and a foreshore licence would have to be sought. Funding was not paid in 2008 for some pier projects because a foreshore licence was not in place. The priority in 2009 is to recover the current shortfall in funding. Kerry County Council will not be investing significant funding in piers and harbours in 2009.

Cllr. S. Fitzgerald PROPOSED that Kerry County Council make an application to the Minister for the additional 25% funding for piers and harbours.

Cllr. M. O'Shea SECONDED this proposal.

09.03.09.17 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue, it was agreed to authorise the attendance of Cllrs. C. Miller, D. Kiely, T. Fitzgerald, P. O'Donoghue, M. O'Shea, M. Cahill and T. Fleming at the Westport Experience - '20 Bliain ag Fás' - The National Tidy Towns Conference to be held in Westport on 27th March, 2009.

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

- (b) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. B. O'Connell, B. Cronin, P. O'Donoghue, J. Brassil, M. O'Shea and J. O'Connor at the Mitchelstown Forum Annual Conference 2009 on the theme "Sustaining Rural Development - Optimising Resources in a Pessimistic Climate" to be held in Mitchelstown, Co. Cork, on 27th & 28th March, 2009.

Cllr. B. O'Connell was nominated to report to Council on this conference.

- (c) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue, it was agreed to authorise the attendance of Cllrs. D. Kiely, T. Fitzgerald, P. Leahy, J. O'Connor, M. Cahill and T. Fleming at the Border, Midland and Western Regional Assembly Annual Conference on the theme 'The National

Spatial Strategy: Is It Delivering Balanced Regional Development?' to be held in Roscommon on 2nd April 2009.

Cllr. P. Leahy was nominated to report to Council on this conference.

- (d) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. J. Brassil, it was agreed to authorise the attendance of Cllrs. B. O'Connell, B. Cronin, C. Miller, D. Kiely, T. Fitzgerald, P. Leahy, P. O'Donoghue, M. O'Shea, J. O'Connor, M. Cahill, T. Fleming and J. Brassil at the LAMA Annual Spring Seminar 2009 to be held in Portlaoise, Co Laois, on 16th & 17th April, 2009.

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

- (e) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. O'Donoghue, it was agreed to authorise the attendance of Cllrs. C. Miller, D. Kiely, P. Leahy, J. Brassil, M. Cahill and T. Fleming at the Respond! Housing Association National Conference on the theme "Is Combatting Poverty a Dead Agenda?" to be held in Naas, Co Kildare, on 7th May, 2009.

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

- (f) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. C. Miller, T. Ferris, M. O'Shea, D. Kiely, P. O'Donoghue, M. Cahill and S. Fitzgerald at the Planning and Development Control Seminar to be held in The Glenlo Abbey Hotel, Bushypark, Co. Galway, from 20th - 22nd March, 2009.

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

- (g) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. M. Cahill, it was agreed to approve the attendance of Cllrs. M. O'Shea and P. O'Donoghue at the Building and Energy Regulations Seminar for Councillors to be held in The Glenlo Abbey Hotel, Bushypark, Co. Galway, from 13th - 15th March, 2009.

Cllr. M. O'Shea was nominated to report to Council on this conference.

- (h) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. J. Brassil, it was agreed to approve the attendance of Cllr. L. Purtill at the ACCC Conference to be held in Kilkenny on 2nd & 3rd April, 2009.

09.03.09.18 Correspondence General

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

1. Letter dated 4th February, 2009, from the Minister for the Environment, Heritage and Local Government regarding mussel farming in Castlemaine Harbour.
2. Letter dated 9th February, 2009, from Údarás na Gaeltachta regarding Clochán Bhréanainn.
3. Letter dated 19th February, 2009, from the Minister for Finance regarding air travel tax.
4. Letter dated 6th February, 2009, from Dún Laoghaire-Rathdown County Council regarding a resolution adopted by that authority supporting the important role played by County and City Councillors and workers on Harbour Boards and condemning the Government proposals to remove or reduce numbers as outlined in the Harbours (Amendment) Bill 2008.

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5. E-mail dated 13th February, 2009, from Carlow County Council regarding a resolution adopted by that authority opposing the closure of Bethany House and calling upon the HSE to upgrade Bethany House to the proposed HIQA standards.

Vote of Sympathy

Mr. G. O'Brien, A/SEO, read the following Vote of Sympathy from the Vote of Sympathy book. Vote of Sympathy to be expressed to the family of Crohan O'Grady.

The meeting concluded at 5.30 p.m.

Gerard O'Brien
A/SEO Corporate Affairs

Mayor of Kerry