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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 16 FEBRUARY, 2009.**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 16 FEABHRA, 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. J. O'Connor, Deputy Co. Manager	Mr. M. McMahon, Director of Planning
Mr. J.D. Flynn, Dir. of Corp. Servs.	Mr. O. Ring, Director of Water Servs.
Mr. J. Breen, Director of Hsg & C&E	Mr. C. O'Sullivan, Dir. of Roads
Mr. P. Stack, SE Planning	Mr. G. MacNamara, SE Roads
Mr. G. O'Brien, A/SEO Corp. Affairs	Ms. J. McCarthy, SEO Planning
Mr. P. Corkery, Press & Comm.	Ms. B. Reidy, SSO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	

The meeting commenced at 10.45 a.m.

Mayor T. Fleming took the Chair.

Vote of Congratulations

Cllr. P. O'Donoghue extended a vote of congratulations to St. Michael's Foilmore on winning the All Ireland Intermediate Club Championship and Skellig Rangers on winning the All Ireland Junior Club Championship last weekend. This was a very proud day for the people of South Kerry. The commitment shown by both teams all year was exceptional. He congratulated the clubs, management, players and their families on this marvellous achievement. He asked that a letter of congratulations be forwarded to both teams.

All members said they wished to be associated with these wishes of congratulations.

09.02.16.01 Mayor's Report on the CPG Meeting held on 10th February 2009

Cllr. C. Miller read the following report into the record of the meeting:

"Item 1 Agenda for the February Council Meeting

Mr. G. O'Brien, A/SEO, briefed members on the agenda for the February Council meeting.

With regard to Agenda Item No. 6, Mr. J. O'Connor, Head of Finance, said that this loan is required to fund the ongoing roll out of the Water and Wastewater Capital Programme. At a national level there are severe limitations on borrowings and it is important to get loan approval requests submitted to the Department. If loan approval is not forthcoming our programme will be delayed. Mr. O'Connor added that it is intended to fund loan charges from the Development Levy Fund.

With regard to Agenda Item No. 9 Cllr. R. Beasley asked what was the closing date for receipt of submissions to Éircom.

In response Mr. M. McMahon said that it was the 16th March and the Council could make a submission if it is the wishes of the members. Tralee Town Council have been notified of a further 12 to 14 telephone kiosks which Éircom intend to remove. He pointed out, however, that in the main towns other service providers also operate phone kiosks.

Members asked that if telephone kiosks are removed that footpaths would be properly restored.

Item 2 County Development Board

Mr. J. Breen, Director of Housing and Community & Enterprise, informed the meeting that the County Development Board met on Friday last and the following were the issues discussed:

- The Mayor, Cllr. Tom Fleming, was ratified as the new Chair of the County Development Board. Kerry is one of the few County Development Boards in the country where the Chair is changed regularly and this can cause problems from a continuity point of view.
- The CDB reviewed the County Strategy and Preparation of Action Plan 2009 – 2011. It is intended to focus on a number of priority areas.

- A report on the activities of the Joint Policing Committee was presented to the CDB and it is important to ensure that there is communication from the CDB to the Council and visa versa.
- A report was presented to the CDB on the current status of the County Development Plan and also Town Development Plans. This would allow the various agencies an opportunity to contribute to this process.
- The CDB considered a report on the National Development Plan Monitoring and an update was presented on the Castleisland By-Pass and the Tralee Ring Road. It emerged that some agencies are experiencing problems with the Capital Childcare supports and the release of Leader funds.
- There was a discussion on the current economic situation and it was decided to gather all available information on the numbers of unemployed in the county with a view to identifying the skills available.
- Fáilte Ireland gave a presentation to the meeting.
- The CDB was briefed on the application made by the HSE and supported by KES for funding for a Children's Services Committee.

In conclusion Mr. Breen asked members if it would be helpful to present a written report on the activities of the CDB as he could facilitate this.

Mr. T. Curran, County Manager, said that he wanted to ensure that all members are fully briefed on the activities of the CDB. He suggested that it may be appropriate if various agencies were invited to make presentations to council on a quarterly basis on the activities of their agencies. If members were agreeable he would arrange for a presentation at the March meeting by Mr. Tomás Hayes on the County Enterprise Board.

Following discussion members indicated that this would be informative only if new information was provided.

Item 3 Update from Chairs of SPCs

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

Item 4 Current position in relation to the holding of Civic Receptions

Mr. J.D. Flynn informed members that Civic Receptions are normally held on rare occasions to mark a very significant achievement. If Civic Receptions are held too frequently there is a real risk of diminishing their value. He acknowledged that the Civic Receptions held by the Council were very worthwhile but if they are held too often there is a real risk that their value and significance will be diluted. He said there was a need for a protocol for the holding of Civic Receptions.

Following a discussion members recommended that a small working group, comprising 2 or 3 elected members, Mr. John Flynn and Mr. Gerard O'Brien,

would be established to prepare a procedure for the holding of Civic Receptions which would then be presented to Council for consideration.

Item 5 Nominations for the Pádraig Pearse Award 2009

Mr. G. O'Brien informed members that correspondence was received inviting nominations for the annual Pádraig Pearse Award 2009. Members agreed that this could be considered by the full Council."

Cllr. M. Healy-Rae said that the Council should ensure that the same situation that arose in Cromane in 2008 would not reoccur in 2009. Many small fishermen are depending on fishing for a living and the effects of the ban on fishing last year were considerable for them. At a time when there is so much unemployment a Government Department should not take any action that would impact on the livelihoods on this sector. It is vital to safeguard the rights of these fishermen.

Cllr. M. Gleeson congratulated the Roads Department on the speed of progress on the roundabout at Lissivigeen and said that when it is completed it will greatly improve the delays being experienced by motorists.

Mr. G. O'Brien called for nominations to the Working Group who would prepare procedures for the holding of Civic Receptions.

Cllr. P. O'Donoghue PROPOSED that Cllr. C. Miller would be a member of this Working Group.

Cllr. M. Cahill SECONDED this proposal.

Cllr. M. Healy-Rae PROPOSED that Cllr. P. O'Donoghue would be a member of this Working Group.

Cllr. C. Miller SECONDED this proposal.

Cllr. B. O'Connell PROPOSED that Cllr. J. O'Connor would be a member of the Working Group.

Cllr. B. Cronin SECONDED this proposal.

Mr. G. O'Brien informed the meeting that Cllrs. Miller, O'Donoghue and O'Connor would be members of the Working Group.

09.02.16.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was unanimously agreed that the minutes of the January Ordinary Meeting of Kerry County Council held on 19th January, 2009 would be confirmed.
- (b) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed that the minutes of the Special Planning Meeting of Kerry County Council held on 19th December, 2008 be confirmed.

09.02.16.03 Filling of casual vacancy on South Kerry Development Partnership Ltd.

Cllr. P. O'Donoghue PROPOSED that Cllr. P. Connor-Scarteen be nominated to the Board of Directors of South Kerry Development Partnership Ltd.

Cllr. N. Foley SECONDED this proposal and it was unanimously agreed.

09.02.16.04 Reports in accordance with Section 179(3) of the Planning and Development Act 2000.

- (i) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was unanimously agreed to the note the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the Kerry Central Regional Water Supply Scheme Scart Reservoir.
- (ii) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was unanimously agreed to the note the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the Kerry Central Regional Water Supply Scheme Sheheree Reservoir.
- (iii) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. N. Foley it was unanimously agreed to the note the proposed development and the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in

respect of the Kerry Central Regional Water Supply Scheme Lissardboola Reservoir.

Cllr. Gleeson requested that in conjunction or on completion of the reservoirs that appropriate landscaping would be carried out immediately.

Mr. O. Ring confirmed that this work would be undertaken at that time and added that the three reservoirs are for the long term security of water supply.

09.02.16.05 Disposal of Property

- (a) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed to approve the leasing of a plot of land measuring 1260m² at Rossbehy to the Rainbows Pre-School Playgroup Ltd, Glenbeigh, Co. Kerry in accordance with the terms of notice issued 5th of February 2009 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

Cllr. M. Cahill requested clarification on the position relating to insurance and the maintenance for this facility.

In response Mr. J. Breen said that Kerry County Council is not in a position to insure or maintain this property. The Council will, however work with South Kerry Development Partnership and it is hoped that insurance could be secured through the Community and Voluntary Forum Scheme.

- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Ferris it was unanimously agreed to approve the disposal of house No. 7 The Sands, Ballybunion to (Name and address withheld for Data Protection purposes. A paper copy of these minutes can be requested) in accordance with the terms of notice issued 2nd February 2009 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

09.02.16.06 Approval to the Raising of a Loan for Capital Water Services Projects

Mr. J. O'Connor, Deputy County Manager referred Members to his report dated the 2nd February 2009 on this item which was circulated and he briefed them in detail on the report. He informed Members that on the 10th March 2008, Members approved the raising of a loan of €15.6m for the purpose of funding the Council's local contribution in accordance with the National Water Pricing Policy Framework towards a number of Water Services Schemes. The report sets out the funding requirements for a number of schemes, which are advancing, and as schemes progress the contribution requirement is more accurately assessed.

There is now a requirement to seek loan approval for €20.87m repayable over 20 years for the purpose of supporting the local contribution for capital schemes over the next two years subject to the approval of the Council to the borrowing requirements outlined in the report circulated. Quotations will be invited from a selection of the main lending institutions and the loans will be raised on the most economically advantageous terms. Loans will be drawn down only as required.

Mr. O'Connor said that as indicated during the meetings on the Budget for 2009 it is intended that the loan charges arising will be funded from the development contributions received for water/sewerage, as appropriate under the Council's Development Contribution Scheme. While there are some funds on hand it is hoped that the economy will pick up resulting in an increase in the income from development levies. The rate of progress on schemes will depend on Ministerial approval for borrowings. The loan approved by Members in March 2008 is still awaiting Ministerial sanction. He recommended that Members would approve the raising of this loan.

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. B. Cronin it was unanimously agreed to approve the raising of a loan of €20.87m for funding the local contribution, under the National Water Pricing Policy Framework, for a number of Capital Water Services Projects.

Cllr. T. Fitzgerald said that he supported all Water Services Capital Programmes and he approved the raising of this loan. He asked what the repayments on the loan would be as he was concerned that development levies would be depleted and the funding of the loan repayments would become a problem.

Mr. J. O'Connor, Deputy County Manager referred Members to Page 5 and the end of the table at the top of that page. He informed Members that in March of last year they approved the raising of a loan of €15.6m over a term of 15 years. The repayments on this will be €1.5m per annum. In relation to the loan now proposed of €20.87m, which he was recommended to Members the repayments on this over a 20 period would be €1.63m per annum. He did not envisage that the entire €20.8m would be drawn down in 2009. If schemes are to be advanced all these loans will be required and it will require careful management of our Development Levy Fund.

Cllr. M. Gleeson said that he hoped that the government would view the requests for loan approval favourably. Water quality is of extreme importance and if it is not of satisfactory standard it will impact on our tourist industry. The Minister for the Environment is a committed environmentalist and it is now time for him to prove that. He urged Mr. O'Connor, Head of Finance to keep in regular contact with the Minister with a view to securing loan approval for these schemes.

Cllr. B. Cronin said that he would give his full support to this core work of the Council. It is critical that an adequate water and waste water infrastructure is

provided by the Local Authority and the Council must ensure that the quality of drinking water is to the highest standard.

Cllr. M. Cahill welcomed the report, which was circulated. He referred to the Tulligmore water supply scheme and said that recently traces of cryptosporidium were again found in the water. A further 'Boil Notice' was issued following a meeting with the HSE. These houses are located at the end of the mains and he said it is very difficult to watch young children to ensure they do not drink water. He called on the Council to resolve this position as soon as possible.

Cllr. M. Healy-Rae said there is no way that Kerry County Council can allow a situation where families must boil water for twelve months from a health and safety point of view. He pleaded with the Director of Water Services to come up with a solution to this difficulty and to identify a solution over the next few weeks.

Cllr. J. O'Connor said that in the laying of the pipes for this water supply scheme there is only a half-inch pipe at the end of the line. He suggested that if a two inch pipe was installed it may resolve this difficulty. The residents are concerned for their children and he called on the Water Services Department to ensure that they hold regular meetings with the local people to keep them up to date with any new developments. In conclusion he said that practical, positive action must be taken as soon as possible to resolve this problem.

Cllr. D. Healy-Rae welcomed the inclusion of Kilgarvan Sewerage Scheme on the list. He extended his sympathies to the family of Margaret Beckett.

Cllr. R. Beasley welcomed the report but said that he had concerns in relation to the Kilcummin and Barraduff Sewerage Schemes and he did not want a similar situation as happened in Galway to happen there.

Cllr. P. O'Donoghue expressed concern at the annual repayments of €1.6m on a loan of €20.87m as the income from Development Levies will be down due to the reduction in development in the county. He asked if was realistic to meet this repayments from the Development Levy Fund. In the event of development levies not being sufficient, he asked how these repayments would be funded. He requested an update on the proposed levy on second homes. Cllr. O'Donoghue expressed his disappointment that Caherdaniel is not included on the list and said that this is an important tourist area where there is a serious situation with effluent being discharged to the river. He requested an update on this scheme.

Cllr. T. Ferris referred to the Ardfert Water Supply Scheme and the fact that there is €3m provided for the improvement of water quality in the County, but funding has not been provided to install water softeners in the Churchill and Ardfert area. A commitment was given that this would be provided last summer and she requested a time frame for the carrying out of these works.

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Cllr. J. Brassil welcomed the report and said that he was anxious that Tarbert Scheme would progress and he hoped that construction would commence before the end of 2009, in particular as the LNG project is about to commence. He added that Ballylongford is not included on the list but this work should be carried out in conjunction with the Tarbert Scheme. He welcomed the completion of the Ballyheigue Sewerage Scheme.

Cllr. R. Beasley supported the sentiments expressed by Cllr. Brassil in relation to the Tarbert Scheme.

Cllr. L. Purtill welcomed the fact that the Tarbert Scheme would progress but expressed his disappointment that Ballylongford was not included on the list, where 30 acres are zoned for residential development and he said that this accommodation will be required to facilitate those working in the Shannon LNG project.

Cllr. M. O'Shea welcomed the report and requested an update on villages such as Castlemaine and Castlegregory not mentioned on the list circulated.

Cllr. M. Healy-Rae welcomed the report and expressed concern that the source for additional water for the Kenmare Scheme has not yet been confirmed. The pipe work is progressing and in the past consideration was given to the taking of water from the River Sheen but he understood this was not now the case. Yet an alternative water source has not been identified. He called on the Council to identify a suitable source and not to consider using any of the rivers for this purpose. He added that the most appropriate place to get the water from would be the lakes. He said that he was very disappointed that this issue was not resolved and he requested a response on the current position relating to this issue and why it had gone on so long.

Cllr. D. Healy-Rae said that it is unfair on the people of Kenmare that the identification of the source for the augmentation of the Kenmare Water Scheme has taken so long. There is plenty of water in the lakes and he asked why were these not being considered.

Cllr. L. Purtill asked if there was any up-date on the Lenamore water situation.

Cllr. T. Fleming said that it is important to proceed with the raising of this loan to fund the schemes outlined in the report. He added that he hoped that Kilcummin Sewerage Scheme would go to tender as soon as possible. He congratulated the three staff members from the Water Services Department who are retiring shortly and he wished them well in their retirement.

Cllr. B. Cronin said he understood that the tender for Kilcummin Sewerage Scheme would be advertised shortly. He asked for an exact time frame on this tender as the roads in the area are in a reckless state.

Mr. J. O'Connor, Deputy County Manager said that he would deal with the financial queries and Mr. O. Ring would deal with the technical issues. The proposal for the raising of a loan relates to the schemes recently completed or where the design is at an advanced stage and work is on going on other schemes. He was satisfied with the costings of the schemes presented in the report and said that it is important to identify our loan requirements and to pursue these at national level. A lot of requests for loan approval are submitted to the Minister from local authorities all over the country and it is important that we are in line for loan approval. Progress on these schemes depends on the following three factors:

- (1) Grant approval being received from the Department.
- (2) The degree to which we will be able to fund these schemes through borrowings, including receiving sanction from the Department for this borrowing.
- (3) Our capacity to repay the loans.

He then referred to the Development Levy Fund and said that it is anticipated that a sum of €9m would be held for Water and Wastewater Schemes from the end of 2008. In 2009, it is anticipated that a sum of €1.5m to €1.7m will be collected. The Council has a range of commitments and loans of €5m, this will leave us with €6m to progress these schemes and meet our loan repayments. It will be a challenge to use the fund wisely. He informed Members that further loan approval would be sought from them in 2010. The Council needs to be able to manage the development contribution funds on hand carefully. He added that he was satisfied that over the next 2 years the Council will have the capacity to take on the loan charges as outlined in the report. The schemes identified in the report are priority schemes and we must protect our finances for these.

Mr. O. Ring, Director of Water Services informed Members that it is hoped to go to tender for Kilcummin Sewerage Scheme by the end of March. He undertook to meet with Cllr. Purtill to discuss the situation at Lenamore and he would discuss the funding of this with the Rural Water Section of the Department. He then referred to queries relating to Caherdaniel, Castlemaine etc and said in 2007 Preliminary Reports were prepared for 33 villages. However, it was subsequently decided that it would not be feasible to progress all 33 schemes. Eventually 12 were prioritised and Contract Documents were prepared for them. These included Ardfert, Tarbert and Lixnaw and now hopefully Kilgarvan. It is hoped to go to tender on these in the near future. Loan approval must be also got for other schemes. He referred to the Ardfert Sewerage Scheme and said that the EIS will be completed in April but the big unknown is how long An Bord Pleanála will take to consider the EIS. He anticipated this could take up to 6 months.

Mr. Ring informed members that all funding for water quality improvement works will be spent on the schemes included in the RAS programme. The solution to the water problem in Tulligmore and Kilgarvan is an upgrade of the treatment plant. He said that it was incorrect to say that people had to boil water to bath their children. Following consultation with the HSE a 'Boil Notice' was again issued recently. This was a judgement call and it is necessary to boil drinking water only. It was not feasible to carry out these works in 12 months as a new treatment plant would have to be provided. The Boil Notice is unfortunate but unavoidable if any possible risk is to be eliminated. He then referred to Kenmare Water Scheme and said the pipes being laid are necessary in any event. The next stage is to install a treatment plant. He added that the identification of an augmentation supply is not critical. Documents have been submitted to the Department for approval for the treatment plant for Kenmare. The augmentation of supply is a very technical issue and he anticipated that the Water Services Department would be applying to An Bord Pleanála shortly for a Water Abstraction Order, as he was sure there would be objections to the abstraction of water.

Cllr. M. Healy-Rae expressed his amazement and said that months ago a group of people from Bonane were told that the Council was moving away from the possibility of using water from the River Sheen and that they would be investigating other sources. He added that Mr. Ring was now suggesting that he would be going to An Bord Pleanála seeking a Water Abstraction Order in relation to the River Sheen.

In response, Mr. O. Ring said that he had never indicated that he was moving away from the possibility of using water from River Sheen. At that time he said that he would review every source available. No matter what source they identify there will be objections to it. If just one objection is received, they must go to An Bord Pleanála.

Cllr. M. Healy-Rae said that he had a clear memory of what Mr. Ring said and at the meeting in Kenmare a number of months ago, he had indicated that other sources would be considered. He asked why the Council waited so long for a report on the sources considered. It was ridiculous for Mr. Ring to say that he was getting ready to go to An Bord Pleanála as this means that he is considering taking water from the River Sheen or the Roughty River. He asked why the Water Services Department was not considering abstracting water from the lakes.

Mr. O. Ring said that there is adequate water at present for the needs of Kenmare and a treatment plant is required. At the present time, Kenmare needs water that is properly treated. When this matter was discussed previously he indicated that the Council would review all possible sources of water. This is very detailed technical work and it takes a considerable length of time.

Cllr. M. Healy-Rae said that when Bonane Residents Association outlined facts to the Council they decided to consider other sources. He PROPOSED that the Council would not go to An Bord Pleanála with a view to using the River Sheen or the Roughty River as a possible water source. In the months of July and August there would not be an adequate supply of water in the River Sheen and the Roughty River is not safe for children to bath in. For this reason it would be wrong to use it as a water source.

Cllr. P. Connor-Scarteen said that he was also opposed to using the Sheen River or the Roughty River as a water source and he added that consideration should be given to using the Garfinny Lake. If water is abstracted from the local rivers it will destroy the livelihoods of the local people.

Cllr. D. Healy-Rae said the Roughty River is not suitable for children to swim in and it is wrong to be considering the abstraction of water from it. He called on Mr. Ring to have water samples taken from the Roughty River immediately and to let Members know the outcome of the testing of this water.

Mr. O. Ring said that this is a technical issue and the Council wants to upgrade the Kilgarvan Sewerage Scheme. Unless these reports are carried out properly funding will not be forth-coming. The Water Services Department advertised the water abstraction proposals and a report on this would be brought back to Council for approval if there were no objections to it. However, if there are objections it automatically passes to An Bord Pleanála for consideration. He said no matter what source is identified he believed there would be some objections to it, in which case, it would have to be referred to An Bord Pleanála for decision.

Cllr. T. Fleming asked has the process been started for Kenmare.

Cllr. B. Cronin said that Kenmare needs an adequate water supply and it is the duty of the local authority to source the water. He acknowledged the concerns of the local people and said that Mr. Ring had outlined the process. He PROPOSED that the process would be allowed to proceed and if there are genuine objections they can be considered by An Bord Pleanála. Kenmare is a major tourist destination in Kerry and if there is a shortage of water it will have severe consequences for the town.

Cllr. M. Healy-Rae said that the local people are only objecting to the abstraction of water from the River Sheen and the Roughty River and not from the lakes. The residents of Bonane commissioned a proper report and study on the abstraction of water from the River Sheen. They also assessed the possibilities of using the lakes as a water source and went out on a boat to measure the depth of the lake. They were the only group to do so.

Cllr. J. Sheahan said that Kerry County Council should investigate the possibility of taking water from the lakes, as there would be local objections to using the rivers as a water source.

Cllr. J. O'Connor asked what would be the impact of the new sewerage scheme in Kilgarvan.

Mr. J. O'Connor, Deputy Manager said that there are a few fundamental issues in relation to Kenmare:

- (1) There is general agreement that for the future development of Kenmare, additional water augmentation is needed.
- (2) In this day and age, we must plan everything we do to ensure that it can stand up to analytical and scientific evidence.
- (3) The Water Services Department must plan that a decision will be required from An Bord Pleanála and they will require the highest standard of scientific evidence. This is a critical piece of infrastructure and the Water Services Department must be mindful of the need for scientific evidence.

Mr. O'Connor added that there are two elements to the Kenmare Water Supply Scheme: firstly, the network and secondly the treatment element which is also being provided. With proper water conservation, it should be possible to avoid critical water shortages pending the resolution of this problem. It is intended to arrive at an augmented source in the shortest time possible.

Cllr. T. Ferris again referred to the water softener for Ardfert and said that she was glad that the sewerage scheme would be proceeding. She had sought the provision of a water softener for this area for a number of years and she had got a guarantee that it would proceed in 2008. This did not happen and Mr. Ring is now saying that it will not proceed. One elderly couple have had to replace all their plumbing in the house because of damage from lime in the water. They will not get any grant and the damage to the pipe network and domestic appliances is proving to be very costly for the people of the area. She said that this is extremely frustrating and she called on Mr. Ring to ensure that this work is carried out as soon as possible.

Cllr. D. Kiely said that he wished to move Notice of Motion No 8 as it relates to this matter.

8 Commencement of new sewerage schemes for the North Kerry area

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

"When does Kerry County Council intend to start the new sewerage schemes for the North Kerry area and where do they intend to get the 30% shortfall."

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

"It is hoped to proceed to tender for construction of sewerage schemes in Tarbert and Lixnaw within 6 weeks, with a view to commencing construction in the third quarter of the year. This will be dependent on funding being available to the Council for its contribution by way of loans from financial institutions. Approval will be sought from the DoEHLG in the coming weeks to the raising of the necessary finance to enable the projects to proceed."

Cllr. D. Kiely referred to the Tarbert Sewerage Scheme which is included in the report circulated and said that Contract Documents have been prepared and it is expected that the scheme would go to tender in March 2009. He added, however, that there is no agreement with the landowner. A number of months ago Members were informed by Management that if sewerage schemes were not provided and upgraded where necessary the Council would be fined millions of euros. He was concerned that if the Council had to fund 30% of schemes and the number of planning applications have reduced there may be difficulties in meeting the repayments on the loans.

Cllr. T. Fitzgerald also stated that Members got a commitment that a water softener would be provided for the Ardfert area. This has been on the agenda for the Tralee Electoral Area for the past 20 years and he called on the Water Services Department to give a reasonable reply to the people of this area.

Cllr. N. Foley supported the comments made by previous speakers in relation to the provision of a water softener for Ardfert. Members were given guarantees that this would be provided and on foot of this guarantee they in turn gave a commitment to the residents of the area. There is a huge health and safety issue involved with this.

In response Mr. O. Ring said that the provision of a water softener for these areas was on the agenda for a number of years but now our priority is the upgrading of schemes where there is a health issue and where schemes are not meeting the requirements or regulations. A year ago he gave an assurance that this work would be carried out but following this there was a change in policy in his Department. It was intended that these works would be carried out under the Small Schemes Programme but grants were subsequently notified under the Remedial Action Programme from the EPA at which time 50% of national funding

was allocated to Kerry. A local contribution was required for these works and the funds provided for the Small Schemes Programme were used to meet this local contribution. All of the funding for small schemes for 2009 is committed. He added that in the present climate funding is not guaranteed and the provision of a water softener for the Ardfert area would cost approximately €½m.

Cllr. R. Beasley said that Ballylongford Sewerage Scheme is not included in list and this was a disgrace. He requested an update on this scheme.

Cllr. T. Ferris PROPOSED that the loan before the members for approval be increased to cover the cost of the water softener for the Ardfert area.

Mr. J. O'Connor, Deputy County Manager said it was not as simple as that. The schemes identified in the report circulated are those, which are on the National Investment Programme, and he could not see these minor works being supported for loan approval. The Water Services Department had every intention of carrying out the works to the Ardfert Scheme but a sizeable grant allocation was received for the Remedial Action Programme and it was necessary to channel all available funds to meet the local contribution for these works. The present global economic situation is also impacting on our ability to progress schemes as it impacts on the funding received from Central Government. He said that in fairness to Ardfert, as soon as is possible the water softener will be provided for this area.

Cllr. D. Kiely asked how the local contribution is being funded.

Mr. J. O'Connor, Deputy County Manager said that he had already explained this and it would be funded from the Development Levy Fund where there is approximately €9m on hand at present.

Cllr. T. Fitzgerald asked in light of the drop in interest rates would there be any savings on borrowings.

In response Mr. J. O'Connor, Deputy County Manager said that the inter bank rate has not reduced but his Department is monitoring it very closely. The Council is conscious of the need for the Ardfert water softener and a few other improvements works which were planned at that time, and the need to proceed with these works as funding allows. However we must manage our affairs closely if we are to deliver our programme. He added that there would be additional operation and maintenance costs involved when the new schemes are delivered.

Cllr. D. Kiely asked if Government funding was not forthcoming for schemes what about the fines that could be issued after 2010 and how would they be funded?

Mr. J. O'Connor, Deputy County Manager said that all schemes are being done in accordance with the highest standards and as funding permits.

Cllr. D. Kiely referred to the Tarbert and Lixnaw Schemes and said that Members were advised that if these schemes were not provided it would involve massive fines from the EU.

In response Mr. O. Ring said that the Council has applied for licences for all the major schemes but no licence has yet been issued. This process is taking longer than initially thought and this will give a longer period in which schemes will have to be upgraded.

Cllr. T. Ferris again referred to the water softener for Ardfert and said that she was extremely disappointed that during the economic boom funding was not provided for this scheme. Ratepayers in Ardfert and Fenit are paying the same rates as rate payers in all other parts of the county. She urged management to consider if there is any way these improvement works can be carried out. She requested an undertaking that funding permitting these works would be carried out in 2010.

Cllr. T. Fitzgerald said that he hoped that funding could be identified to provide a water softener in the Ardfert area even if these works had to be carried out over a few years. He requested a commitment that if other schemes could not proceed that the funding would be used for the water softener in Ardfert. He said that in the current economic climate our ability to comply with European legislation has changed and he called on the Department of the Environment to write to the EU to ensure that penalties will not be applied for non-compliance.

Cllr. M. Cahill referred to the Beaufort Scheme and said that he understood that a number of sites were considered and he was anxious that this scheme would progress. He requested an update on the Cromane Scheme and also on the Glenbeigh Sewerage Scheme, which is presently operating to capacity.

In response Mr. O. Ring said that a site is being investigated in Beaufort. The Water Services Department is ready to proceed with the Glenbeigh Sewerage Scheme but funding is the issue. Cromane is included in the Strategy for Delivery.

Cllr. M. Cahill again referred to the problem with the Tulligmore water supply and asked if there were any possibility that the new treatment plant for this area could be fast tracked. Families in the area are very annoyed to get a Boil Water Notice through Radio Kerry rather than directly from the Council.

Cllr. J. O'Connor said that Radio Kerry contacted the residents of Tulligmore and informed them of the Boil Notice. The residents were very annoyed and there

was a lot of scare mongering. The Water Services Department should keep up regular contact with the residents of this area.

Cllr. P. O'Donoghue referred to the repayments of €1.63m per annum on the proposed loan and said that in the current economic situation, development levies will be reduced substantially. He asked when other schemes would come on stream, how was it intended that they would be funded.

Mr. J. O'Connor, Deputy County Manager said that it is hoped that the economy will stabilise. If this does not materialise the programme will have to be reviewed. Before the County Manager signs any contract he asks how it will be funded and can the Council afford it.

Cllr. P. O'Donoghue said that it is anticipated that development levies will be reduced to €1.7m in 2009 and with the downturn in the global economy it would be better if Kerry County Council granted more planning permission to increase the income from development levies.

Cllr. R. Beasley said that the situation has deteriorated and he would be submitted a Notice of Motion for the next Council Meeting calling for the return of Section 140 Motions, as too many planning applications in rural areas have been refused.

Mr. J. O'Connor, Deputy County Manager said that Members were linking the absence of the granting of planning permissions with the worsening economy and this is not the case.

Cllr. P. O'Donoghue said that in times of economic boom, one third of planning applications were refused and that refusal rate is still the same. He said that the Council must grant more planning permissions.

Mr. J. O'Connor, Deputy County Manager said that more planning permissions were granted that will ever be built. It is not the absence of the granting of planning permission that has caused the economic downturn.

Cllr. P. O'Donoghue said that the Planning Department and Management are living in an ivory tower if they think that they can continue to refuse permissions at the current rate.

Mr. J. O'Connor, Deputy County Manager said that he was fully satisfied to recommend the raising of the loan for the purposes outlined in the report. He was satisfied that with the development contributions on hands, we can meet our repayments for the next few years.

09.02.16.07 Revised Electoral Area Boundaries and the holding of the Local Elections in 2009

Mr. J. D. Flynn, Director of Corporate Services advised members that the Minister has signed the Order in relation to the new Electoral Area Boundaries. A report was presented to Members on each of the Electoral Areas on the revised Polling Stations as a result of the Boundary Commission Report. A polling day for the Local Elections has now been set for the 5th of June 2009 and polling will be from 7am to 10pm. The closing date for receipt of applications for inclusion in the Supplementary Registrar is the 18th of May and the Minister has announced spending limits for candidates in the forthcoming Local Election. The Minister's Press Release was circulated to members.

Cllr. B. Cronin acknowledged what Minister Gormley was trying to achieve in introducing a spending limit for candidates in the Local Elections. The Minister said that the purpose of introducing spending limits is to create as level a playing field as possible to ensure that candidates of modest means are not put at a disadvantage in contesting an election. He asked how this would operate when Oireachtas envelopes are widely used in Kerry. He asked that a letter be forwarded to the Minister pointing this out and until such time as this is addressed there will not be a level playing field in Kerry. He referred to the Table attached to the Minister Press Release and the column, which reads "10% Allocated to Political Party" and he added that he would be giving any money to any political party.

Mr. J. D. Flynn, Director of Corporate Services pointed out that this applies where a candidate is a member of a political party and the first 10% of their expenditure is allocated to their political party.

Cllr. B. Cronin again requested that a letter be forwarded to the Minister for the Environment, Heritage and Local Government regarding the abuse of Oireachtas envelopes.

Cllr. D. Healy-Rae asked what the timeframe for expenditure was for the Local Elections as outlined in the Minister Press Release.

Cllr. M. O'Shea said that this applies to expenditure from the 5th of April.

Cllr. D. Healy-Rae asked if money spent prior to that would be taken into account.

Cllr. M. O'Shea said that it would not.

Cllr. D. Healy-Rae said that he is affected by the change in the boundary for Kilgarvan, which is now in the Killorglin Electoral Area. He thanked all those who

assisted in his election campaign in 2004. He said that he knew 'what the Boundary Commission was at'.

Mr. J. D. Flynn, Director of Corporate Services cautioned Cllr. D. Healy-Rae that members of Kerry County Council did not have Dáil privilege in the Council Chamber.

Cllr. J. Brassil asked from what date is spending taken into account for the Local Election and said that he would appreciate if Mr. John Flynn would give a 15 minute presentation on expenditure and what is included at a future meeting.

Mr. J. D. Flynn said that he was giving members advance notice of the Bill proposed by the Minister of the Environment, Heritage and Local Government and he would not be in a position to give a presentation as that is a matter for the Minister.

Cllr. J. Brassil said he would arrange the presentation through the ACCC.

Cllr. M. Gleeson said because of the economic downturn a number of people travel away to work and they do not qualify for a postal vote. They are not likely to be home on time to cast their vote on June 5th. These voters were normally domiciled here when the Registrar of Electors was compiled. He asked Cllr. D. Healy-Rae to clarify what he meant when he said he 'knew what the Boundary Commission was at'?

Cllr. D. Healy-Rae said he did not wish to comment further.

Cllr. M. Gleeson said that he had a copy of proceedings from the Dáil which he wanted to read into the record of the meeting.

Mr. J.D. Flynn, Director of Corporate Services advised Cllr. Gleeson that Oireachtas Members have privilege in the Dáil but that privilege does not apply to County Councillors.

Cllr. M. Gleeson then read the following extract from proceedings in Dáil Eireann into the record of the meeting:

"Deputy Jackie Healy-Rae: I seek the adjournment of the Dáil under Standing Order No. 32 to debate the following urgent matter, namely, that the Elected Area Boundary Committee did not adhere to the terms of reference set by the Minister in respect of County Kerry. The terms of reference clearly state that the committee is required to take into account a number of factors, including the desirability of having electorally preserved natural communities or hinterlands of population areas. However, in one example, the electoral division of Drummin has been transferred to the Dingle electoral area from Killorglin, even though Killorglin was under populated already - one has to drive through Drummin to get to Killorglin. I call on the Taoiseach to reinvestigate what happened in Kerry

South and to examine what this committee did because it is a well known fact that two councillors very much related to the people in the commission.”

Cllr. Gleeson said that the two councillors concerned were himself and Cllr. Michael O'Shea and they are related to one member of the commission who happened to be his first cousin and is also related to Cllr. O'Shea. He said that he had this script for a long time but did not raise it. It is a deplorable slur on the member of the commission, who has served as County Manager in Meath and Galway and he was deeply upset when Deputy Healy-Rae read this into the record of the Dáil as it casts a slur on his integrity. The member of the committee involved is (Name withheld for Data Protection purposes. A paper copy of these minutes can be requested) and he is a man of the highest integrity as anyone who served with him will testify to. On his own behalf and on behalf of Cllr. O'Shea he acknowledged the integrity of (Name withheld for Data Protection purposes. A paper copy of these minutes can be requested) who was selected to serve on this committee because of his integrity.

Cllr. O'Shea supported the statement made by Cllr. Gleeson and said that (Name withheld for Data Protection purposes. A paper copy of these minutes can be requested) is of the highest integrity and it was a shame that it was mentioned in Dáil Éireann.

Cllr. D. Healy-Rae said that at no time did he mention any name. He asked what is a connected person in the context of members leaving a meeting. He asked what a connected person is - is it a son, daughter, brother or sister?

Cllr. P. O'Donoghue said that he was outraged to hear what Cllr. Healy-Rae had just said and there is a clear innuendo in his statement. If Deputy Jackie Healy-Rae has something to say he should come out and say it. (Name withheld for Data Protection purposes. A paper copy of these minutes can be requested) is very highly regarded and he called on Cllr. D. Healy-Rae to withdraw his comments as his comments are casting aspersions on this man's character. He called on him to apologise for his statement.

Mr. J.D. Flynn, Director of Corporate Services said that in accordance with the Local Government Act 2001 a connected person means a brother, sister, parent or spouse of the person or a child of the person or of the spouse. He added that he had also referred members to the Code of Conduct for Councillors which applies and this was particularly relevant to planning matters like the County Development Plan and Local Area Plans at the time they were being discussed.

Cllr. P. O'Donoghue asked what was the purpose of Cllr D. Healy-Rae query as he could not leave accusations out there.

Cllr. M. O'Shea said that Cllr. D. Healy-Rae is saying that a favour was done and he called on him to stand up and admit it or withdraw his comments. He added

that neither he nor Cllr. Gleeson had anything to do with the revision of the boundaries.

Cllr. M. Gleeson said that he had this extract from the proceedings in Dáil Éireann and he did not intend to use it. However there was an innuendo and there was an implication that something was done. He asked that Cllr. Healy – Rae would do what Cllr. O'Donoghue requested.

Cllr. D. Healy-Rae said that he did not raise the issue but Cllr. Gleeson raised it.

Cllr. Gleeson said that Cllr. D. Healy-Rae had said "I know what they were at" when he referred to the Boundary Committee and there is an implication in this sentence.

Mr. J. O'Connor, Deputy County Manager said that over the next few months members need to be mindful of what Mr. Flynn has said to them. The Council Chamber does not have privilege and words said or implied in the Chamber need to be measured in that context having regard to the forthcoming Local Elections. The advice given by Mr. Flynn is managerial advice and he did not want to comment on the debate.

Cllr. P. O'Donoghue said that the query is out there regarding relations between Councillors and a member of the Boundary Committee and he called on Cllr. D. Healy-Rae to clarify his comments or to withdraw them unreservedly. He added that he had commented on a highly respected person.

Cllr. D. Healy-Rae said that he mentioned no name and that he had sought this clarification at the previous meeting.

09.02.16.08 Making of a Traffic Management Plan for Ardfert in accordance with Section 38 of the Road Traffic Act 1994.

Cllr. T. Fitzgerald said that this matter was discussed at a recent Tralee Electoral Area Meeting at which a deputation was received. Arising from that members were asked to allow further time to see how the present traffic management works out. He PROPOSED that consideration of the making of a Traffic Management Plan for Ardfert be deferred.

Cllr. P. McCarthy SECONDED this proposal.

Cllr. N. Foley said that members were asking that this would be deferred for a period of a few months.

Cllr. T. Fitzgerald requested that the Council would facilitate a public meeting in Ardfert.

This was agreed.

09.02.16.09 Proposed Removal of Telephone Kiosks in Co. Kerry

Mr. G. O'Brien, A/SEO referred members to letter dated the 10th February 2009 from Eircom regarding the proposed removal of public payphones in Co. Kerry.

Cllr. B. Cronin said that it is proposed to withdraw 129 public payphones in Co. Kerry and the date for receipt of submissions is the 16th March 2009. At the last Council meeting he objected to this proposal and said that this is an attack on an important service in the county and it is intended to remove public payphones from all over the county. Eircom made reference to the fact that just one phone call a day is made from some of these pay phones but Cllr. Cronin pointed out that this one phone call in an emergency could save lives. He added that his landline does not operate for at least five weeks each year because the cable from Killarney is of inferior quality and Eircom has no intention of upgrading it. He was aware of two people setting up business in Flintfield, Faha, and the line supplying this business is a split line which cannot deliver broadband. Eircom will not remove poles at the side of the road unless the customer pays an astronomical price. At Tullig, Castleisland there is an Eircom pole in the middle of the footpath and pedestrians, in particular those with buggies, have to move onto the road to avoid it. He said he was categorically objecting to the proposed removal of these public payphones and he would write personally to Eircom. He called on all members to contact Eircom before the closing date for receipt of submissions. In conclusion Cllr. Cronin said Eircom should provide proper broadband lines and landlines throughout the county.

Cllr. M. Healy-Rae said there is a genuine case for the retention of phone kiosks throughout the county especially in the Black Valley where the nearest public telephone is College Street, Killarney. He made representations on behalf of the people of the Black Valley and he got a favourable response. The mobile network can crash at any time and for this reason it is important to retain these public phones. It is not costing Eircom a lot of money to maintain them and if there are three payphones in one location they should at least allow one to remain. If a phone box is removed it will never again be restored and he said he was outraged at this proposal as it is penny pinching by Eircom, shortsighted and narrow minded.

Cllr. R. Beasley agreed with the sentiments expressed by previous speakers and he acknowledged that the usage is greatly reduced on some public pay phones. However they are used by the elderly and tourists, especially those from other European countries and for that reason the Council should make a case for their retention by Eircom. If Eircom removes any public pay phones they should ensure that footpaths are restored to a satisfactory standard.

Cllr. T. Ferris said that members must be sensible in relation to the removal of some public pay phones. In some locations the phones are not used and in her village the glass on the doors of the telephone kiosks have been replaced a number of times. Members should identify areas where it is a priority that the public pay phones would be retained.

Cllr. M. O'Shea said he believed that at least one public pay phone should be retained in every village in the county as they provide an important service. The mobile phone service breaks down regularly in Milltown and he called on Oireachtas Members in the county through the Dáil Committees to ensure that Eircom does not remove the pay phones. He PROPOSED that Donal Carr of Eircom be invited to attend the March meeting to hear the views of the members. The provision of Broadband is very important throughout the county and many small business require it urgently. He understood that Eircom will not provide Broadband in an area where another private operator has set up. He said that in his area unfortunately the broader area could not access Broadband if they are not facing the antenna on Slieve Mish.

Cllr. J. Brassil urged all members to be conscious of their own areas and the need for these services. Ballyheigue needs at least one public pay phone. It is proposed to remove all public pay phones from Listowel and he urged Eircom to at least leave one pay phone there. He concurred with the sentiments expressed by Cllr. T. Ferris when she advocated that members should lobby for the retention of the payphones they are most familiar with and believe are a priority.

Cllr. J. O'Connor said that a number of public phones are card phones and foreigners do not know where they can purchase these cards and for this reason they are not being utilised to their full potential. He added that isolated areas require the retention of public phones.

Cllr. D. Healy-Rae said that it is very frustrating when Eircom charge Kerry County Council €19,500 to remove a roadside pole. When he tried to contact Eircom on the Lo Call number he could not get the same person twice. It is important that public pay phones would be retained at strategic locations like Glenflesk or Kilgarvan and he did not believe it was that costly to maintain them. The public payphone at Blackwater Bridge should also be retained.

Cllr. M. Cahill said that the removal of public pay phones could have serious implications in particular in emergencies. It will also affect tourism as most tourists avail of public telephones. He added that there are still a number of people who do not have a mobile phone or a landline and they are dependant on the public phone. Every country in the world has public phones. He added that the Government announced that they would provide funding to ensure that Broadband is provided to all parts of the country and he said that this must be welcomed.

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Cllr. T. Fitzgerald said that times have changed and maybe all the public phones are not required. However some are in strategic locations and members should establish what is required and lobby to have these retained.

Cllr. B. Cronin thanked Management for the details provided to them and he asked the media to highlight the closing date for receipt of submissions. He added that the retention of at least one public phone in every village is critical.

Mr. G. O'Brien said he would write to Eircom inviting Mr. Kerr to attend the March meeting and he asked Councillors if they intended to make their own submissions.

Mayor T. Fleming said that members should identify the public pay phones that they wish to have retained.

Cllr. T. Ferris said that members could agree on the list of phones to be retained at the next round of Area Meetings.

Mr. G. O'Brien pointed out that the Area Meetings listed on the Agenda are Roads Area Meetings but members could submit their list of pay phones to be retained at the start of that meeting.

This was agreed.

09.02.16.10 Dates for Meetings

(a) Electoral Area Meetings to consider the 2009 Road Works Programme.

It was agreed that this round of Electoral Area Meetings would be held as follows:

Area	Date	Venue	Time
Tralee	Tues. 10 th March	Council Chambers	4.30 p.m.
Listowel	Wed. 11 th March	Áras an Phiarsaigh	9.30 a.m.
Killarney	Thurs. 12 th March	Town Hall, Killarney	10.00 a.m.
An Daingean	Fri. 13 th March	Dingle	10.30 a.m.
Killorglin	Fri. 13 th March	Killorglin	3.30 p.m.

(b) Date for a Special Roads Meeting

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed that a Special Roads Meeting to consider the 2009 Road Works Programme would be held on Monday 23rd March 2009 at 10.30am.

09.02.16.11 Report on the Operations and Activities of Tralee and Fenit Harbour Commissioners

Cllr. T. Ferris said that the majority of the activities of Tralee and Fenit Harbour Commissioners focus on the creation of employment opportunities in the region. The Marina in Fenit is one of the most successful areas and recently security measures at the Marina have been approved. She called on the Council to carry out coastal protection works to ensure that the road to the Pier remains passable. She added that the Harbour Commissioners would be applying for planning permission in the near future and she called on the Council to look favourably on this application.

The Mayor informed the meeting that it was 1.30 p.m. and the meeting would adjourn for lunch until 2.30 p.m.

The meeting resumed at 2.45 p.m.

Cllr. D. Healy-Rae referred to the debate earlier in the meeting in relation to the Boundary Committee and read the following statement into the record of the meeting:

"I did not make any reference to or against any individual. I never mentioned the Boundary Commission or any member of it. This was not my intention. All I asked was, what a connected person is. If any reference was taken to that I will withdraw it as it would never be my intention to hurt or interfere with anybody."

09.02.16.12 Summary of Proceedings at Conferences

- (a) It was unanimously agreed to note Cllr. M. Healy-Rae's written report on the Energy Ireland – Irish Renewable Energy Summit held in Dundalk on the 21st January 2009 which was circulated.
- (b) It was unanimously agreed to note Cllr. J. O'Connor written report on the Homelessness in Ireland Seminar held on Dublin on the 5th and 6th December 2008 which was circulated.
- (e) It was unanimously agreed to note Cllr. T. Buckley written report on the Open Door Network Annual Conference held in Tralee on the 21st November 2008 which was circulated.
- (f) Mr. G. O'Brien informed the meeting that Cllr. Foley did not attend the Clare Tourist Council/Clare County Council National Tourism Conference held in Ennistymon, Co. Clare.
- (g) It was unanimously agreed to note Mayor T. Fleming report on the All Ireland Multisectoral Conference on Obesity held in Belfast on the 13th November 2008.

09.02.16.13 Opening of Tenders

- (i) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was unanimously agreed to approve the opening of the National Bitumen Tender.
- (ii) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to approve the opening of tenders for the Supply, Installation and Commissioning of tanks at Shronbeg, Rathmore and Doocarraigmore, Headford to accommodate Slow Sand Filters.
- (iii) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Gleeson it was unanimously agreed to approve the opening of tenders for Suitability Assessment Questionnaire for Works Contractors and Specialist for the Kerry Central Regional Water Supply Scheme Scart Reservoir.

09.02.16.14 Reception of Deputations

- (a) Cllr. J. Brassil requested that a Deputation be received from the users of Dromatoor Pier, Ballyheigue regarding the entrance road and public light.

It was unanimously agreed that this Deputation would be received at the next Listowel Area Meeting.

- (b) Cllr. T. Buckley requested that a Deputation be received from Listowel Chamber of Commerce regarding the condition of the N69 through Listowel.

It was agreed that this Deputation would be received at the next Listowel Electoral Area Meeting.

- (c) Cllr. M. Healy-Rae requested that a Deputation be received from the Residents of Bonane Community Council regarding the proposed abstraction of water.

It was agreed that this Deputation would be received at the next Killorglin Electoral Area Meeting.

- (d) Cllr. D. Healy-Rae requested that a Deputation be received from the Residents of Kilgarvan regarding the proposed abstraction of water.

It was agreed that this Deputation would be received at the next Killarney Electoral Area Meeting.

- (e) Cllr. P. Connor-Scarteen requested that a Deputation be received from the Glenbeigh Residents Against Health Hazards regarding the erection of a mast.

It was agreed that this Deputation would be received at the next Killorglin Area Meeting.

Emergency Motion

The Mayor called on Cllr. J. O'Connor to move an Emergency Motion.

Cllr. J. O'Connor said that given the impact of reduced prices, in particular for milk, that the Minister for Agriculture, Fisheries and Food pay out the REPS 4 payments immediately. Up to and including REPS 3 participants were paid prior to the work being carried out but under REPS 4 payment is only made after the work has been completed. The difficulty is that applicants do not have the funding available to them to carry out these works. At present there are difficulties with 75 to 77 % of applications but farmers were never contacted about this. He added that nationally 60,000 people are in REPS.

It was unanimously agreed to write to the Minister of Agriculture, Fisheries and Food outlining these concerns to him.

09.02.16.15 Notices of Motion

1 Purchase of vacant houses by Local Authorities

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

"That this Council calls on Rialtas na h-Éireann to enter into discussion with the Builders' Federation with a view to purchasing, on behalf of Local Authorities at a reasonable rate, a considerable number of the houses and apartments which are lying empty throughout the country. Such a positive initiative would help to reduce the enormous waiting lists for Local Authority houses and help to reactivate the construction industry."

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

Cllr. M. Gleeson said that one of the fruits of the Celtic Tiger has been the proliferation of empty houses and apartments in the country. One of the terrible down sides of that same animal has been the endless list of people on Local Authority housing lists. He called on the Government to display a bit of vision and enter into discussions with the Builders Federation with a view to agreeing a purchase scheme on behalf of local authorities. Those same local authorities are

snowed under with the volume of applications and they are in an impossible situation, simply put they have no hope of ever eliminating the present lists. This is an opportunity to act in ways both pragmatic and visionary.

Cllr. D. Healy-Rae supported the motion and said there are a large number of vacant houses. He asked if it would be possible to lease these houses long term. There are almost 1,000 applicants on housing waiting lists in Kerry. This is an opportune time to purchase some of these houses.

Cllr. R. Beasley also supported the motion and said that these houses could be purchased at the right price and this would be of benefit to the Council and the builder.

Cllr. B. Cronin asked how many housing applicants refuse houses when they were offered to them. Many other applicants are in urgent need of housing and would gladly accept a house.

Mr. J. Breen, Director of Housing, said that no house has been refused in the County Council area. However, he was aware of one house being refused recently. The scheme provides that an applicant can refuse two houses before their application is deferred or they are taken off the list. There are normally genuine reasons for refusal.

2 Reduction in the cost of Affordable Houses

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

"That affordable house prices would be reduced by Kerry County Council in order to reflect the County's drop in house prices so that it would represent true value for money to purchasers."

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

"We currently have 19 Affordable Houses for sale in Killorglin, Ballybunion, Ballyheigue and Kenmare. These are all 3 bedroom houses and were advertised for sale in November 2008 with the indicative sale prices ranging from €160,000 to €190,000. The applications received in response to this advertisement, together with previous applications on hands, are currently being assessed with regard to eligibility and their ability to source the necessary finances. Following the completion of this exercise, we will be better placed to determine the appropriate actual sale prices taking full account of present market conditions. Going forward it is anticipated that the sale price of future affordable housing becoming available through the 'Part V' process will reflect the better value for money which can be achieved in our negotiations with developers which should have the effect of further reducing the cost of affordable housing for eligible applicants."

Cllr. J. O'Connor said that at present house prices are falling and affordable house prices should also be reduced. He asked if applicants for affordable housing are taking up these houses or are they too expensive. It is important to ensure that value for money is achieved. He asked was it envisaged that the price of affordable houses would reduce much further.

In response Mr. J. Breen said that to-date Kerry County Council has sold all affordable houses offered for sale. His Department must take account of the market. The Affordable Housing Scheme is more about the applicant's ability to meet the repayments. He added that members should bear in mind that the Affordable Housing Scheme was introduced at a time when the majority of houses were unaffordable for the ordinary person. Some applicants have encountered difficulties in accessing credit and all options are discussed with applicants for Affordable Housing.

Cllr. J. Sheahan said that he would welcome any assistance the Council can give to young couples trying to provide a home. When they purchase a home they carry out improvements and there is a benefit for local business.

Cllr. D. Healy-Rae said that at a price of €160,000 to €190,000 affordable houses are not very affordable to young couples. The cost of these houses should be reduced. Houses should now be available from developers at a reduced cost.

Cllr. R. Beasley said that affordable houses should cost €80,000 to €100,000. He believed that developers were responsible for the large increase in house prices.

Cllr. D. Healy-Rae said that he was referring to vacant houses and not developers.

Cllr. J. O'Connor said he understood that the Government were introducing a scheme where they would purchase 2,000 houses and lease them for 10 to 15 years.

Mr. J. Breen referred to the reply to the notice of motion and said that once the assessment of applications is complete the sale price will be determined on the basis of what the qualified applicants can afford. These houses were advertised in November and there has been a major change in the economy since then.

Cllr. B. Cronin asked if Kerry County Council would consider purchasing older houses.

In response Mr. J. Breen said that the Council must build some houses and the number will depend on the capital funds available. At present the Council does

not intend to purchase houses. He would revert to members with details of the new leasing programme when it became available.

The Mayor then welcomed the students of Tralee CBS and their teacher Ms. Ellen McGillicuddy to the meeting. He said that Cllr. Brassil had a notice of motion which related to a study undertaken by these students. For this reason notice of motion no. 12 would then be taken.

12 Introduction of Bye Laws to ban the parking of cars with 'For Sale' signs on their windows on roadsides.

Pursuant to notice duly given Cllr. J. Brassil PROPOSED:

That Kerry County Council would introduce a Bye-Law banning the parking of cars with "For Sale" signs on their windows on the roadsides of Kerry."

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

"There is no necessity to prepare Bye-Laws for such incidents as the Council uses the statutory powers under existing legislation to address the problem - namely Section 71(1)(a)(ii) of the Roads Act 1993. Our procedure, once we become aware of a vehicle for sale, is as follows:-

- A photograph is taken of the vehicle and details recorded.
- We ring the contact number and inform the seller that they are in breach of the Roads Act, that they have committed an offence under the Act and we instruct them to remove the vehicle.
- We re-check the location after 24 hours to verify if the vehicle has been removed.
- If the vehicle has not been removed, a notice is attached to the vehicle, giving the owner 24 hours to remove the vehicle and stating that if they fail to do so, Kerry County Council will remove the vehicle and recover from the owner all associated costs.

Last year we dealt with 56 cases of cars for sale on a public road in this manner and only had to remove vehicles in two instances.

Where vehicles are located on private lands adjoining the public road, this can be addressed using existing planning legislation."

Cllr. J. Brassil welcomed the students of CBS Tralee and their teacher Ms. Ellen McGillicuddy to the meeting. He welcomed the report on the motion in that it deals with a specific issue. The difficulty is that these For Sale signs are used to advertise boy racing. The campaign undertaken by the Transition years students at the CBS is on the theme "Race Kills" and their Mission Statement reads as follows:

“We believe ‘FOR SALE’ signs and numbers printed on modified cars and others are there to advertise a number for racing rather than selling. Often these races are for money or purely for reckless and fatal fun. We aim to highlight this problem facing teens particularly but all young drivers. The only way to alleviate this road safety issue is to ban the printing of such numbers.”

Cllr. Brassil informed the meeting that the findings of this report conclude that:

- An alarming 67% of the senior students surveyed recognised a “For Sale” sign printed on the car or they were advertising a race.
- 60% of parents and teachers were not aware that “For Sale” printed on a car was to advertise a race.
- There is a growing presence of this boy racing culture in our community. 41% always see boy racers in their area and 49% see them sometimes. 10% rarely see them and 0% never see them.

63.5% of all students surveyed were aware of illegal racing in their area. These students are using this opportunity to highlight this growing problem and their study concludes that “the “For Sale” and accompanying number printed on cars is facilitating the growth of this underground problem on our roads. It eases the communication between the boy racer cultures thereby increasing its growing existence. It is a source of peer pressure and has been suggested also facilitates drug dealing and prostitution. It is a prevalent problem facing our community and demands drastic and immediate action.” He said that this project speaks for itself and it highlights the need to address this problem. He called on Kerry County Council to pursue this matter further and to ban the practice of putting “For Sale” signs with phone numbers on cars parked on the roadsides in Kerry.

Mr. G. MacNamara requested Cllr. Brassil to provide a copy of the findings to the Roads Department and they would pass it on to the Road Safety Officer. He added that he did not realise that this was the practice and the Road Safety Officer can highlight this issue in schools.

Cllr. D. Kiely said that as Chair of the Roads and Transportation SPC, he would agree that this project should be taken a step further and he invited the students to present their findings at the Kerry Environmental Conference to be held in Ballybunion in March.

Cllr. B. Cronin complemented the students on their project and said that he had heard that this was the practice but the evidence has now been presented. By using this report and directing it through the appropriate channels he believed this problem could be addressed.

Cllr. T. Fleming complemented the students on their project and Cllr. Brassil for bringing it to the attention of the members of Kerry County Council. He also

complemented Ms. McGillicuddy and said that members would learn from it and make good use of the information.

Cllr. M. Cahill said that the Joint Policing Committee is presently discussing the issue of boy racers and he suggested that a copy of the report should be provided to that committee also. He received a lot of complaints from people who cannot sleep at night because of the noise from boy racers.

Cllr. J. Brassil undertook to provide a copy of the report as requested.

3 Development of a Burial Ground in Cromane

Pursuant to Notice duly given Cllr. M. Cahill PROPOSED

"That Kerry County Council develop the long-awaited burial ground in Cromane in the current year"

Mr. G. O'Brien Acting SEO read the following report.

"A two-acre site was identified in 2007 and discussion between the landowner and the Council is ongoing. Another landowner has come forward in recent days and this site is now also under consideration. Auctioneers have also been circulated on the subject.

When a suitable site at a reasonable price has been secured, a new burial ground will be developed as soon as possible, thereafter."

Cllr. M. Cahill called on the Council to close the deal on this land as soon as possible. He has been calling for the provision of a burial ground in Cromane for many years and the people of this area are entitled to their own burial ground. This is a big parish with its own Church but no burial ground. He added that the deal being offered to the Council represents good value.

Cllr. J. O'Connor said he hoped that a deal could be reached with the landowner. Ardmoniel Burial Ground is filling up and the population in the Killorglin area is growing. If land for a burial ground in Cromane is not acquired the Council will have to acquire land in Killorglin at a much higher cost.

Cllr. J. Sheahan supported the motion.

4 Reduction in Water Charges for Farmers

Pursuant to Notice duly given Cllr. J. Sheahan PROPOSED

"That Kerry County Council consider reducing water charges for farmers who are totally dependant on them for a water source. Farmers generally use large

amounts of water for daily farming activities."

Mr. G. O'Brien, Acting SEO read the following report.

"The National Water Pricing Policy Framework requires that the local authority charge non-domestic customers of water (and, indeed, waste water) services according to usage and that the local authority recover the full costs of providing such services to their non-domestic customers from them. Nowadays, the unit volumetric charge is calculated according to a national formula based on the local costs and the resultant rate must be applied equally to all sectoral classes of customers in the interests of equity. Kerry County Council has no option, therefore, but to levy water charges in accordance with this policy and, so, it is not possible to grant any special rate to one group of customers such as farmers as mentioned in this Notice of Motion.

Kerry County Council has over the past number of years, made every effort to minimise increases in the charges required. Customers can reduce their charges significantly through improved water usage practices and the elimination of wastage and leakage. The Council is open to review individual cases, in exceptional circumstances, having regard to their financial means and where the use profile indicates that water conservation measures are in place. Experience to date shows that the introduction of water metering has lead to substantial reductions in water consumption in many cases due to better water practices being employed by customers and this, of course, has resulted in lower bills."

Cllr. J. Sheahan said he wanted to represent farmers who depend on the Council for water. These farmers must use a certain amount of water and the present pricing structure is making life very difficult for them. He asked if there was any hope of giving farmers a cheaper rate for water charges.

Mr. J. O'Connor, Deputy County Manager said that this would be an impossibility. Experience has shown that if farmers look at how they are using water and reduce wastage they can achieve a substantial reduction in their water charges. The harvesting of rainwater should also be considered but unfortunately there is no prospect of the Council being in a position to reduce their water charges. However he would consider individual cases on their merits.

Cllr. J. Sheahan said he was specifically speaking about farmers who had no other option for a supply of water.

In response Mr. J. O'Connor, Deputy County Manager said that this could not be considered.

Cllr. J. O'Connor asked if a customer had a water supply from the Council but were not using it for animals would they still be charged?

In response Mr. J. O'Connor, Deputy County Manager said if there is a connection serving a house and a farm a grant of 12,500 gallons of water per quarter is allowed. If the customer uses less than that they are only charged the Network Management Charge.

Cllr. J. O'Connor felt that this was unfair that they would have to pay the Network Management Charge.

Mr. J. O'Connor, Deputy County Manager said that this is of major help to the customers business and water is available when it is required.

Cllr. J. O'Connor asked if individual cases could be made to the Council for a waving of this charge.

Mr. J. O'Connor, Deputy County Manager said that this would only be permitted in very exceptional cases and in particular for very old people. He added that the Council had found very significant abuse of water connections and they must be realistic in dealing with this issue.

The Mayor informed the meeting that Notices of Motion Nos. 5 and 17 would be taken together.

5 Mackerel Quota

Pursuant to notice duly proposed Cllr. S. Cosaí Fitzgerald PROPOSED:

"To ask Minister Tony Killeen, TD who has responsibility for Fisheries, to reverse his decision on the mackerel quota and to secure a 25% allocation for the fishermen of the South West of Ireland (technically known as the Polyvalent Sector)."

17 Meeting between Minister Killeen and representatives of the Fishing Industry

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

"That we the Members of Kerry County Council call on the Minister for Fisheries, Minister Tony Killeen to meet with representatives of the fishing industry who have been unfairly treated by the recent allocation of mackerel quota."

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

Cllr. S. Fitzgerald said that before Christmas the Minister secured an extra allocation of mackerel quota for Ireland. The vast majority of this was allocated to fishermen in the North West of the country where 23 super trawlers are based. The remaining 13% of the quota is divided between the fishermen from Galway

to the South. These fishermen fish locally and generate employment. Approximately 600 jobs could be created in fish factories if more quota was made available to these fishermen. He called on the Council to write to the Minister pointing out that this job creation opportunity is being lost and that 25% of the quota should be allocated to these fishermen.

Cllr. M. O'Shea said that in the 70's and 80's when the economy was struggling we had our natural resources to fall back on i.e. farming and fishing. He called on the Council to write to the Minister requesting that he receive a deputation including himself and Cllr. S. Fitzgerald and representatives of fishermen from these areas with a view to addressing this imbalance.

Cllr. B. MacGearailt said that up to 50% of tonnage and landings is in the hands of a power block in North Donegal. There is a huge question mark over these super trawlers as it is believed that they have done untold damage to our fishing grounds. This has been on going for the past 30 years. A large part of the tonnage is going to one corner of the country and this must be addressed.

Cllr. R. Beasley supported the motions and said that all members were aware of the damage to the fishing industry. If 600 jobs can be created by landing fish in local ports it should be supported.

6 Provision of public lights in private housing estates

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

"That this Council request the Minister for Environment and Local Government, John Gormley, TD to order his Department to ensure that developers concerned provide public lighting in the following housing developments in Furies - The Village Green, Ashgrove and Rosehill Avenue as both the Planning Department and Legal Department of Kerry County Council are unable to defend the rights of residents and enforce the conditions of planning they granted 9 years ago in these and other areas."

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

"The history of this overall development is complex. The development was originally granted under Planning Reg. No. 99/2874, in respect of permission to erect a 32 bed Nursing Home, 28 Retirement homes and site development works and outline permission to erect 16 semi-detached two storey houses and 15 detached two storey houses.

The Nursing Home was never developed and the remaining development was carried out by three developers.

Rosehill Estate which comprises of 28 dwelling houses was developed by Séan McCann.

Ashgrove Estate which comprises of 15 detached houses was developed by Michael Griffin.

The remaining part of the estate **Cúil an Bharraig** comprises of 16 semi-detached houses, was developed by Séan Doolan & Sons and has long been fully completed and the public lighting is operational.

The other development mentioned is **The Village Green** which comprises of 13 dwelling houses and was developed by Michael Sheehan & Sons Ltd.

In relation to **Rosehill**, the only remaining issue to be resolved is the public lighting. The Enforcement Section have confirmed with the ESB that all fees and application forms are now in order. The Agent for the developer, Mr. Johnny Swan has informed us that the company were of the opinion that the public lighting was fully operational at this stage. He confirmed that he would have the matter investigated immediately and resolved without further delay.

The only remaining issue in **Ashgrove Estate** is also the operation of the public lighting. The Developer has recently been informed by Planning Enforcement that in order to have the estate formally taken in charge, the matter will need to be satisfactorily resolved.

In relation to **The Village Green Estate**, Michael Sheehan, the developer recently informed the Planning Enforcement Section that there were three lighting standards in place and he had submitted the required documentation to the ESB. However, the ESB have confirmed that the application is not completed in full. Following full and frank discussion with Mr. Sheehan, he has agreed to have the matter resolved.

When the files in these cases were referred to our Legal Department in 2008, it became apparent that the matter could not be progressed further from a legal point of view as these files fall to be dealt with under the provision of the Local Government Planning & Development Act 1963 and not the updated provision from the Planning & Development Act 2000.

It should also be noted that the Minister for Environment & Local Government has no role or function in Planning Enforcement and all of these cases have to be resolved by the developers and the Planning Authority."

Cllr. B. Cronin said that he submitted this motion out of frustration on behalf of the residents and himself. For the past four or five years he had a motion on the agenda for the Killarney Electoral Area meetings calling for this issue to be addressed. When the residents purchased these houses it was a condition of

planning that the developer would provide public lighting. He said it was no reflection on the staff in the Enforcement Section of the Planning Department that there is a complete failure to enforce the conditions of planning in a number of these cases. He referred to Rosehill Avenue and said that the only time there is outdoor lights there is when the Christmas trees are put out on the lawns. As the Planning and Development Act 1963 has not been updated does it mean that these developers can get away with not complying with their conditions of planning? Members must stand by the residents. There appears to be a total inability to challenge these developers legally to make them comply with their conditions of planning. Even though the report indicates that the enforcement of planning conditions is not the remit of the Minister, he would be writing to him anyway as the Planning Authority does not appear to have the legal powers to take on these developers and this is unacceptable.

Cllr. M. Gleeson **SECONDED** the motion and said that these cases are bringing the planning system into disrepute.

Cllr. R. Beasley also supported the motion and the sentiments expressed by Cllr. Cronin.

Cllr. T. O'Brien called on the council to review this issue as people are confused as to what their rights are. He requested that the matter be considered by the Planning SPC and he added that recent legislation requires the council to take housing estates in charge. He asked that a briefing be provided for members of the Planning SPC outlining who is at fault when these developers renege on their conditions of planning. He also requested an update for members on management companies and asked that guidance be given to members on this issue.

Cllr. M. O'Shea supported the motion and said that while public lighting has been provided in some private developments the lights are no longer working and they are not repaired within a reasonable time frame. He called on the Enforcement Section to pursue these developers and said that the people who purchased these houses are entitled to expect that a normal service would be provided.

Cllr. T. Fleming supported the motion and said that it is shameful that the Council and residents are treated so badly by these developers.

Mr. M. McMahon, Director of Planning said that both himself and the staff in the Enforcement Section of the Planning Department share members' frustration on this issue. He welcomed the purpose of the motion and said that the Enforcement Section put in huge efforts in trying to bring these estates up to a proper standard of completion. A number of these estates have been improved. In 2007 a letter was sent one of the developers outlining that the road in his estate needed to be properly surfaced and that footpaths, water gullies etc. must be provided and discussions with the developer are ongoing. In another estate

he understood that the lighting is in place but it has not been turned on. The difference between the 1963 Planning Development Act and the 2000 Planning and Development Act is that under the 1963 Act, action can only be taken against a developer for a period of 5 years after the development has taken place. Under the 2000 Act this period has been changed to 7 years after the expiration of the planning permission after which point the local authority can apply to have the Bond extended to cover the works involved. It is intended that a report will be presented to Council in March on the taking in charge of a number of housing estates. At present the taking in charge of 6 estates has been advertised and a report will be presented to the members in March. In the 2009 Budget provision was made for the establishment of the unit to examine estates and to identify those, in particular historic estates, that need to be taken in charge and these older estates would be given priority.

Cllr. B. Cronin welcomed the commitment given in the response. He said that he hoped the issue of public lighting would be resolved over the next few weeks. It is important to clarify whose responsibility it is to provide the infrastructure in these estates and respect for residents is important. Public lighting is a necessity and he supported the suggestion by Cllr. T. O'Brien that members would be briefed on these issues.

Cllr. S. Fitzgerald asked if it would be possible to withhold planning permission for future development from these rogue developers.

Mr. M. McMahon, Director of Planning said that there was provision in the 2006 Planning and Development Act in relation to rogue developers but under that legislation the onus was on Planning Authority to go to the High Court. There was an amendment to the Planning and Development Act 2006 which states that a Planning Authority can indicate to a developer that they are not willing to grant planning permission and it is then up to the developer to go to the High Court to reverse this decision.

Cllr. B. Cronin said that company names can be changed but it is possible to track down the directors' names through the company's office.

Mr. M. McMahon said that the Planning Department have direct access to the company's office.

7 Maintenance of roadside drains

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

"That Kerry County Council would skirt both sides of all regional and secondary roads to alleviate water lodging at the sides. This is creating major damage to all roads."

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

"From a road maintenance perspective it is desirable that all classes of roads are skirted regularly. This action protects the road fabric and minimises the rate of pot holing and ravelling along the road edges.

Funding for the maintenance of the national road network is provided by the NRA. Funding for the upkeep of the non-national road network is provided from the Council's own resources, as adopted in the 2009 Estimates by Council, and the Discretionary Maintenance Grant from the Department of Transport.

From this budget provision, each Engineering Area is allocated an amount of money for essential drainage works for each road category, Local, Regional and National. The amount for each area is dependant on the length of each road category. As has been previously outlined to Council, Kerry County Council does not receive adequate funding to carry out all maintenance requirements on the extensive road network. However the Area Engineers make best use of their maintenance money and carries out as much skirting as can be achieved within these scarce resources."

Cllr. R. Beasley said that the amount of skirting done by the Council on non-national road is very small. If this work was carried out it would save the Council large sums of money in damage to roads from water ponding on the road sides. He called on the Council to carry out this work and to employ additional staff if necessary.

Cllr. P. Leahy SECONDED the motion.

Cllr. M. Healy-Rae also supported the motion and said there has been a substantial investment in the roads in the county and it is a shame that they are being damaged by water.

9 Communication Mast in Annascaul

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

"That we the Members of Kerry County Council call on Eircom not to proceed with erecting a communication mast in the heart of the village of Annascaul as this proposal is totally going against the wishes of the entire community. Will this Council take legal action against An Bord Pleanála due to their total disrespect for our 1 Kilometre exclusion zone for masts as clearly indicated in Kerry County Council's County Development Plan."

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

"A planning application was received from Eircom Ltd. on 10th April 2008 for planning permission to construct a 15m support pole to carry 3 No. radio aerials for use by the Emergency Services (Garda, Ambulance and Fire Brigade) together with associated equipment for a new National Digital Radio Service at the existing Eircom exchange in Annascaul.

Having assessed the application, the Planning Authority had no difficulty with it other than it contravened the County Development Plan. Planning permission was therefore refused on 3rd June 2008 for one reason, that it contravened Section 12.16.11 of the Plan, which provides that:-

"Telecommunications masts shall not be located within 1km of residential properties, schools, hospitals or any structure where there is 'human' occupancy for residential or daily work purposes."

This decision was appealed to An Bord Pleanála on 27th June 2008 and the Board by order dated 20th January 2009 granted planning permission subject to 3 conditions.

Section 37(2)(a) of the Planning & Development Act 2000 provides that An Bord Pleanála may, in determining an appeal, decide to grant a permission even if the proposed development contravenes materially the Development Plan for the area. Section 37(2)(b) provides further clarification as to when the Board can exercise its power. These include when:-

- (i) the proposed development is of a strategic or national importance.
- (ii) there are conflicting objectives in the Development Plan.
- (iii) permission should be granted having regard to guidelines issued to Planning Authorities under Section 28 of the Act.
- (iv) relevant policy objectives of the Government, The Minister or any Member of the Government.

Furthermore, Section 50 of the Planning & Development Act 2000 (as amended by Section 12 of the Planning & Development Act (amended) Act 2002) provides that the validity of a decision of a Planning Authority of the Board can only be questioned by way of an application for judicial review to the High Court. An application for leave to apply for judicial review must be made within 8 weeks commencing on the date of the decision (the Board in this case).

As you will note from the above, the Board is entitled by law to determine appeals and grant permission in material contravention of the County Development Plan. Furthermore, they are entitled to have regard to guidelines issued by Government and national policy. Guidelines relating to telecommunications antennae and support structures were issued by the Department of Environment, Heritage and Local Government to Planning Authorities in July 1996. There is also a national strategy to improve mobile communications services.

Consequently, the taking of legal action by the Council does not arise.”

Cllr. M. O’Shea said there was public meeting recently in Annascaul and over 60 people attended. They were very annoyed at Kerry County Council for refusing permission on the grounds of the 1km rule only as the proposed mast will have a visual impact on the area but this was not included in the reasons for refusal. It is intended to locate the mast in the heart of the village and local residents felt that the reasons for refusal should have been more persuasive in relation to the impact on the landscape. He requested that a letter would be sent to Eircom calling on them not to pursue the location of a mast at this site as it is against the wishes of the local community. Local residents are concerned about the potential health risks involved. In recent years 33 applications for masts were refused by Kerry County Council and were subsequently granted on appeal to An Bord Pleanála. The Council should challenge An Bord Pleanála on this issue. The scientific evidence is not conclusive on whether the radiation from these masts is harmful or not. He asked if the Council could take action against An Bord Pleanála.

Cllr. S. Fitzgerald **SECONDED** the motion.

Cllr. P. O’Donoghue also supported the motion and said there are plenty suitable sites that are not close to schools, houses etc. It is important to err on the side of caution as the masts could be detrimental to the health of the local community. He called on Eircom not to proceed with this application.

10 Kenmare Community Hospital

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

"That we the Members of Kerry County Council urgently request the Minister for Health, Ms. Mary Harney and Professor Drumm of the HSE to make Kenmare Community Hospital in Kenmare, Co Kerry a priority and to allocate funding of €8.5m this year so that a new 40 bedroom community hospital can proceed to planning permission stage with construction to start thereafter."

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

Cllr. P. Connor-Scarteen said that the proposed extension to Kenmare Community Hospital and more recently the construction of a new hospital in Kenmare has been ongoing for years. The project has been on a number of priority lists and a decision has been taken by the HSE to construct a new hospital. The people want to ensure that the funding for the new hospital is ring fenced. He requested that the motion be referred to the Minister for Health with a view to having the current position clarified.

Cllr. R. Beasley supported the motion.

Cllr. T. Fleming supported the motion and said it would cost €8.5m to provide the new hospital. He hoped that the response from the Minister would be positive.

11 Review of current system of payment of motor tax

Pursuant to notice duly given Cllr. T. Fleming PROPOSED:

"That Kerry County Council request the Minister for Environment, Heritage and Local Government, Mr. John Gormley, TD to review the current system of payment of motor tax whereby customers are penalised financially for taxing their vehicles on a quarterly or a half-year basis."

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

Cllr. T. Fleming said that was recently brought to his attention. In the current economic climate many motorists cannot afford to tax their vehicles for 12 months. The cost of taxing a 1.6l car for 12 months is €470 but when the tax is paid in 6 monthly payments it costs €522. He requested that the motion would be forwarded to the Department of the Environment with a view to addressing this anomaly.

Cllr. M. Gleeson supported the motion and said that many motorists tax their cars online.

13 Control of plants brought into the country

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

"That this Council calls on the Department of the Environment and Local Government to introduce much more stringent rules governing the type of plants, particularly ornamental, which may be introduced into Éire. The potential of some, such as Canadian Pond Weed and Nuttalls to enter into and colonise lakes is most worrying."

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

Cllr. M. Gleeson said that he had for years spoken of the imminent threat posed by the Zebra Mussel to the well being of our lakes and proper functioning of our treatment plants and water schemes. He was sure that he was not much heeded

on this issue. Now Killarney Lakes are being 'colonised' by both the Canadian Pond Weed and Nutall Weed. These will impact adversely on both fishing and boating and as consequence tourism. These invaders more than likely came from domestic ornamental gardens. Such plants should not ever have got into the country but proper precautions were not in place. Our rivers and lakes are of indispensable importance for our rivers, lakes and economy. He requested that the motion be referred to the Department of the Environment for urgent consideration.

This was agreed.

14 Provision of filter lanes on the N72 at the Shrone Junction and the Freemount Junction.

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

"That Kerry County Council contact the NRA with a view to providing filter lanes on the N72 at the Shrone Junction and at the Freemount Junction."

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

"The improvement works to the N72 at Gortanahaneboy East have been carried out in accordance with a design which has been submitted and approved by the NRA. This roadway has been designed as a reduced single carriageway. The overall traffic volume on the road and the turning volume at both these junctions do not give rise to the requirement for filter lanes at these locations. The improvement works have been inspected as recently as last week with the NRA Inspector.

A further €400,000 has been allocated in 2009 to complete the current works in accordance with the design approved by the NRA. The NRA will not fund additional works, which cannot be justified in accordance with design standards, having regard to current and projected traffic volumes at these junctions."

Cllr. J. Sheahan expressed his dissatisfaction with the report and said that the cones in the middle of the road are dangerous. Traffic is travelling at 100km per hour and it is difficult to turn off the road in safety. There is adequate space to provide a lane for traffic turning off this road. He asked that a filter lane be provided for 3 or 4 cars to allow them to turn off in safety.

Cllr. B. Cronin **SECONDED** the motion and asked that an engineer visit this location. The cones are knocked on the road and are a danger to motorists especially at night. He asked that 'cats eyes' would be placed on top of the cones to clearly define the lanes.

Cllr. T. Fleming supported the motion and said that Shrone Junction is very dangerous. There is a Church and school at this location and it should be

reviewed.

Mr. G. MacNamara said that the works at this location have been carried out to NRA standards which are used throughout the country. Unfortunately motorists are not taking due care. He acknowledged members comments regarding the cones on the road and said that temporary cones were provided pending completion of the works.

15 List of plant hire and haulage contractors employed by Kerry County Council.

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

"That the Elected Members of this Council be provided with a full list of all plant hire and haulage contractors employed by Kerry County Council from 1 January 2008 to 31 December 2008 and the full amounts paid to each contractor."

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

I attach schedule giving the details of the total payments made and accrued to Contractors in respect of the hire of plant/equipment and haulage services in 2008 across the Council's services, as requested in the Notice of Motion as set out.

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

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

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

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

John O'Connor
Head of Finance

PRIVATE - PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2008

Supplier No.	Name	Name	Address	Euro 2008
78941	Adams of Tralee		Mile Height, Tralee	17,235.67
170709	Barraduff Motors Ltd	T/A Murphy Motors	Barraduff, Killarney	2,056.41
176987	Boyle Haulage	Tom	Scartaglin	15,974.42
65438	Benners Garage Ltd	TA Kerry Motor Works	Mile Height Tralee	3,123.18
397236	Breen	John Paul	Shanacloon, Beaufort	67,143.07
1443	Brosnan	Timothy	Tralee Road, Castleisland	113,614.48
142759	Browne & Sons Ltd	Nicholas	Ballinskelligs	84,931.14
125370	Buckley & Pendergast		Killorglin	12,458.49
157233	Campion	Padraig	Bracklaun, Annascaul	74,391.61
177692	Casey Hire & Sales Ltd	Dermot	Upper Quartertown, Mallow	14,230.70
125572	Casey	Patrick	Emlaghmore, Killarney	58,998.30
171519	Castleisland Tool Hire		Barrack Street, Castleisland	2,153.49
155167	Clancy Plant Hire Ltd		Knockanure, Listowel	636,668.89

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315608	Cleary	Michael	Ballyquin, Brandon	188,983.58
176168	Condron T/A Trackcare Engineering	Michael	Templeglantine, Co Limerick	39,307.62
167517	Cork Builders Providers Ltd		Togher Industrial Est, Cork	7,647.20
219967	Counihan Plant Hire	Denis	Aghadoe, Killarney	71,380.96
259745	Cronin	Eugene	Currow, Killarney	13,252.89
175658	Cronin & Sons Ltd	Michael	Currow, Farranfore	231,138.43
172279	CTO Environmental Solutions Ltd		Midleton, Cork	4,341.38
455297	Curran Plant Hire	Kevin	Ardagh, Limerick	27,414.16
173687	Curran	John A	Annascaul	3,889.78
107175/ 216268/ 176067	D & L Tool Hire (Tralee & Dingle)		Clash, Tralee	40,488.29
387277	Dillon	Aidan	Church Street, Kilgarvan	44,668.36
108906	Dillon	Gerard	Woodford, Listowel	5,190.90
3544	Dillon Waste Ltd		The Kerries, Tralee	375,384.37
148378	Doherty	John F	Headford, Killarney	39,739.36
176771	East Cork Crane Hire Ltd	Aidan Kelleher	Carrigtwohill, Co Cork	9,108.15

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108216	Farrell Bros Plant Hire Ltd		Main Street, Ballybunion	34,011.25
309289	Farran Plant Hire Ltd		Farran, Castleisland	481,752.29
61488	Feale Valley Plant Hire		Clash Road, Abbeyfeale	264,987.31
175956	Fitzmaurice Ltd	Maurice	Beenrigh, Abbeydorney	16,567.30
89374	Fitzpatrick	Michael	Ballyrobert, Ardfert	29,348.56
173682	Fleming	Dermot	Kilcummin, Killarney	6,777.00
101668/ 138037	GPT Plant & Tool Hire		Cork / Galway	81,905.28
118555	Griffin	Gerard	Cool, Emlaghmore	31,773.10
310467	Hartnett	John M	The Square, Listowel	19,852.78
172129	Healy Plant Hire Ltd	Tim	Barraduff, Headford	138,581.88
110025	Healy Rae	Danny	Main Street, Kilgarvan	679,019.33
265502	Higgins Waste & Recycling Services		The Kerries, Tralee	34,906.94
130166	Hoare Machinery Ltd	Michael	Tulligmore, Killorglin	7,260.00
109666	Hobbins	Eamon & Seamus	Coolroe, Killorglin	79,902.77
7184	Keating & Sons Ltd	Joe C	Valentia Road, Caherciveen	71,273.14
175456	Kelly T/A Chris Sales & Repairs Services	Noel C	East End, Caherciveen	2,831.34

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130292	Kelly	Timothy	Shronedraugh, Headford	2,712.72
34273	Kelly Farm Mod Ltd		Ballydesmond, Mallow	20,255.85
119984	Kenmare Waste Disposal		Tuosist, Killarney	27,580.50
185393	Kenmare Plant Hire Ltd		Templenoe, Kenmare	11,074.25
175069	Kerry Gateways Ltd		Tubrid Beg, Abbeydorney	7,002.00
423251 + 177147	Kerry Plant & Tool Hire Ltd		Woodlands Ind. Est Killarney	18,736.40
491842	Killarney Waste Disposal		Aughacurreen, Killarney	319,274.56
107133	Kingdom Fast Hire Ltd		John Joe Sheehy Rd, Tralee	82,714.70
147872	Knightly Plant Hire	David	Annascaul	7,185.36
197860	Leanes Tool Hire		Muckross Road, Killarney	246,285.11
178128	Lenihans Tipper Truck Services		Gneeveguilla, Rathmore	8,851.15
172382	Lixnaw Plant Hire	Thomas Mc Carthy	Garrynagore, Lixnaw	71,519.39
110167	Lynch's Plant Hire		Tullamore, Ballybunion	13,928.31
177245	Lynch Civil Engineering Ltd	Michael	Headford, Killarney	68,970.79
176679	Lyons	Thomas	Oakpark, Tralee	13,590.71
125163	McAuliffe Trucking		Fahaduff, Castleisland	5,157.10

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117238	McGillycuddy	Brendan	Garahadoo, Killorglin	14,190.03
239856	McGillycuddy	John	Ardknockeen, Killorglin	365,168.50
30759	Moran Plant Hire	Sean	Dingle	68,124.34
121685	Mulvihill Plant Hire	Eamon	Asdee, Listowel	5,615.46
282506	Murphy Plant Hire	Donal	Headford, Killarney	48,765.05
174862	Murphy Tool Hire		Listellick North, Tralee	90,708.30
369237	North Kerry Tool Hire Ltd		Bridge Street, Listowel	6,635.38
117490	O Connell Bros. Plant Hire		Bahags, Caherciveen	13,209.82
110583	O Connor Plant Hire	Hugh	Headford, Killarney	98,881.20
2227	O Connor	Timothy	The Square, Kenmare	22,041.36
174580	O Connor Kerry Haulage Ltd		Clonmore Cottages, Tralee	45,805.76
174467	O Connor	Timothy	Ballygamboon, Castlemaine	14,342.83
173839	O Connor Hedgecutting	Michael	Ardtully, Kilgarvan	14,335.05
174692	O Donnell	Neil	Bahags, Caherciveen	43,392.57
177949	O Donnell Plant Hire	Paul	Cloghane, Tralee	6,794.00
4328 + 177752	O Driscoll Plant Hire Ltd	Dan & John	Tinnies, Valentia	39,015.73

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428489	O Dwyer Plant Hire T/A Sandmore Ltd	Joe	Camp Cross, Tralee	701,638.78
170061	O Grady	Pat	Glenbeigh	78,820.94
245332	O Grainne Teo	Michael	Ballyguin, Brandon	25,370.96
155293	AOK Plant Ltd T/A O Keeffe Plant Hire		Abbeyfeale	24,581.09
8123	O Leary	Michael J	Castlecove	22,889.48
172477	O Shea	Michael	Portmagee	10,203.65
174589	O Shea	Paudie	Direen, Caherciveen	21,784.95
452848	O Shea (Parcest Ltd)	Sean	Glenbeg, Caherdaniel	56,020.62
234870	O Shea Plant Hire	Sean	Ventry Road, Tralee	69,945.42
102798	O Sullivan	Paudie	Kinard West, Lispole	71,910.69
10589	Poff	Peter	Beechmount, Kenmare	70,134.83
176561	Poff	William	Cahir East, Kenmare	103,430.52
445522	Power	Dave	Middleton, Cork	33,462.53
167356	Quinn	Padraig	Doonshean, Dingle	22,025.00
10870	Quirke & Sons Ltd	Michael F	Rangue, Killorglin	128,586.58
434808	Randals Ltd	T & A	Kilgarvan	14,577.93
149333	Reidy Plant Hire	Patrick	Ballymacelligott	14,993.35

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198489	Rennicks Sign Manufacturing		Mulhuddart, Dublin 15	28,314.00
272140	Riordan	James	Listry, Faha, Killarney	115,280.22
385176	Rota Industries Ltd		Drumcummer, Kanturk	7,378.14
173962	Savage Transport	George	Tylough, Tralee	354,990.42
117558	Scannell	Michael	Dromtrasna Hartnett, Abbeyfeale	16,803.67
102190	Somers	Maurice	Headford, Killarney	365,930.79
173470	Stack Agri & Plant Hire	Eddie	Moyvane, Listowel	34,841.41
120903	Stack	Johnny	Moyvane, Listowel	39,684.78
177734	Tullig Agri Contractors		Tullig, Kenmare	9,664.53
34835	Collector General	Reverse Charge VAT (Approx)		208,000.00
	Miscellaneous Payments under (€2,000 (15 Suppliers)			17,031.94
	Total Payments 2008			8,675,827.05

Cllr. B. Cronin welcomed the report and said that a sum of €8.6m was spent on hiring contractors in 2008. He said he was aware of contractors who had one machine and while they were employed by the Council in the past they are no longer getting any work. He said it is very difficult to gain access to the Machinery List and to maintain your position on it.

Mr. G. MacNamara, SE Roads said that Kerry County Council places a lot of emphasis on value for money. The Roads Department hires in a lot of machinery but he could not comment on individuals. It is critical that there would be good liaison between the operator and the people he is working with. He was satisfied that the Council operates a fair and open system of hiring machinery.

Cllr. B. Cronin said that he accepted what Mr. MacNamara said and he too was a firm believer in value for money. There are many good operators out there who can work and would like an opportunity to work with the Council.

Cllr. J. O'Connor said that certain operators get a small amount of work from the Council and they depend on that and they should be facilitated if possible.

16 Proposed new pier at Cromane

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

"That Kerry County Council request an emergency meeting with the Minister for Agriculture, Fisheries and Food, Mr. Brendan Smith and the Minister for State, Mr. Tony Killeen so as to:

- (a) Ensure that funding is made available for the long overdue proposed new pier at Cromane and;
- (b) To ensure that Castlemaine Harbour is open to the sourcing of mussel seed for the forthcoming season."

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

"In relation to Cromane Pier, Members are advised that the Council is still awaiting the decision of An Bord Pleanála in relation to the CPO for the lands required for the access road to the proposed pier.

Having regard to our current financial position on the provision of capital infrastructure in the County, as outlined in the Capital Report considered by the Members in adopting the 2009 Estimates, the Council has only made financial provision towards the acquisition of the lands required for the access road in 2010, subject to the CPO being confirmed by the Board this year.

The Council is experiencing difficulties with the Department of Agriculture, Fisheries and Food in securing the requisite foreshore leases for some projects

in the County and because of this, the Department has failed to honour funding committed in 2008. The Council will not be in a position to progress coastal infrastructure development for the foreseeable future unless the position with the Department is resolved in relation to their procedures for processing foreshore leases and the outstanding funding due to this Council is provided.

It is a matter for resolution to seek a deputation to the Minister.”

Cllr. M. Cahill said that he understood the funding for the access road was provided in the 2009 Budget.

Mr. G. MacNamara informed the meeting that the funding would be provided for this purpose in 2010.

Mr. J. O'Connor, Deputy County Manager said that the Council would probably have to seek loan approval for this purpose and we are experiencing quite considerable difficulty in getting loan approval from the Department at present. Kerry County Council will not be signing any contracts until grant and borrowing sanction is received. This may also affect our water and wastewater programmes.

Cllr. M. Cahill expressed his disappointment that the Department did not honour a commitment to fund this part of the project in 2008. He was concerned that what happened in 2008 in Cromane could happen again and fishing would not be permitted there. This industry is worth €5m to the local economy. In 2008 thousands of mussel seed was destroyed by crab and star fish and the ban on fishing should never have been allowed to happen. He had requested that a deputation from Kerry County Council meet with Minister Killeen and he asked if a reply was received from the Minister.

Mr. G. O'Brien, A/SEO said that any replies received were circulated to members.

Cllr. M. Cahill said that peoples livelihoods are at stake and this industry is vital to the local economy.

Cllr. J. O'Connor **SECONDED** the motion and said that he would like to go on this deputation to meet with Minister Killeen. He asked if there was a catchment management study being carried out in this area and he asked that the Department offices in Clonakilty be asked to clarify this. He said that he hoped An Bord Pleanála would issue their decision by the 20th February. He added that with a new pier in Cromane there would be great potential for tourism through water sports.

Cllr. M. O'Shea supported the motion and he called on the Government to review the crippling By-Laws on fishing introduced over the past few years. He

requested that all MEP's be invited to support this campaign in support of fishermen. Traditionally Kerry has relied on farming and fishing and these sectors should be allowed to continue.

Cllr. M. Cahill requested that a letter be forwarded to the Department of Agriculture advising that because they did not honour their funding commitment other projects are being put at risk and members are very concerned. He suggested that Mr. Eamon Scanlon, SEE Roads would also go on this deputation as he is very familiar with the project.

18 Taxing of tax exiles

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

"That this Council calls on the Government to close all tax exile loopholes that allows millionaires to pay little or no tax."

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

Cllr. R. Beasley said he wanted to ensure that the loopholes, that allow the super rich to live abroad for a certain time each year and to avoid paying tax in Ireland, are eliminated. They should pay their fair share of taxes into a central fund and allow the Government to decide how this money will be spent.

Cllr. P. Connor-Scarteen **SECONDED** the motion.

19 Employment for Kenmare

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

"That the Members of Kerry County Council urgently request the Tánaiste and Minister for Enterprise, Trade and Employment, Ms. Mary Coughlan to put Kenmare, Co Kerry on a priority list to secure employment for the town. Kenmare has traditionally been heavily dependant on agriculture and tourism sectors which are experiencing great difficulties at the moment. No new significant manufacturing jobs have been delivered to the area for over 20 years. The unemployment rate has doubled within the last 12 months and is set to rise. The recent closure of the Piercan factory and previously Ceann Mara Plastics has been a huge blow to the area. Many people with young families and mortgages to pay have lost their jobs over the past year.

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

Cllr. P. Connor-Scarteen said that Kenmare is very dependant on tourism and a

factory recently ceased production there. For this reason it is important that every effort is made to secure alternative employment for the town. He requested that the motion be forwarded to Minister Coughlan for consideration.

Cllr. J. O'Connor **SECONDED** the motion.

Cllrs. R. Beasley and J. Sheahan also supported the motion.

21 Funding for coastal protection works at Rossbeigh, Incharee, Faha and Dooks, Cromane.

Pursuant to notice duly given Cllrs. M. Cahill & P. O'Donoghue PROPOSED:

"That Kerry County Council seek an emergency meeting with the Minister for the Office of Public Works, Mr. Martin Mansergh to discuss funding for coastal erosion at Rossbeigh, Incharee, Faha and Dooks, Cromane."

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

"As was outlined in the Manager's Report on the 2009 Budget, the Council only received €2 million towards the coastal protection works carried out at Inch, on an emergency basis in 2007. The total cost of these works was approximately €4 million. The Members also raised concerns at the January meeting in relation to coastal erosion adjacent to the Tralee - Fenit Road. This is currently being assessed by the Roads Department, as the failure of this road would have serious consequences for Fenit Port and major users of this facility.

The shortfall in funding for the Inch works and the current financial position on the provision of strategic capital infrastructure in the County seriously limits our capacity to provide co-funding for any coastal protection works. Requests for funding can only be considered for such works where there is a serious and imminent risk to our strategic infrastructure."

Cllr. M. Cahill said that he understood the difficulty with funding as the national budget for these works is totally inadequate. Where Rossbeigh was breached recently there is a gap of half a mile and he was concerned for the lower lying townlands which are exposed to flooding as a result of this. Rossbeigh Spit always gave shelter from high tides to these areas. In the past the water from the Spit to Cromane was like a lake but now it is very different and this water is causing erosion at an alarming rate. He asked that Minister Manseragh be asked to meet with a deputation from the Council immediately to discuss this very important issue.

Cllr. M. O'Shea **SECONDED** the motion and said that what has happened in Rossbeigh is a national disaster. Rossbeigh is one of the finest beaches in the country and he was surprised that the Council was not more pro-active in seeking

funding for emergency works at this location. Approx. ¼ of a mile of land was washed away since Christmas and a spring tide will wash away a further 300m if protection works are not carried out. The tourism industry is very important to this area and he called on the Council to seek funding from central government for these works immediately.

Cllr. J. O'Connor supported the motion and said that a study of the Bay was underway and he asked that the outcome of the study would be circulated to all members.

Cllr. R. Beasley supported the motion and said that the lack of funding for coastal protection works is a major problem. We had a mild winter in relation to winds and if we had a bad winter the damage would be far greater.

Cllr. M. Cahill said that the study of the harbour is ongoing and will not be completed for some time.

Cllr. J. O'Connor said that the Department will insist that we await the outcome of this study. The NPWS are responsible for this area and they will have to be consulted if any works are to be carried out there.

Cllr. B. MacGearailt said that members have been calling for the provision of adequate funding for coastal protection works for years. Very little funding has been provided. Thousands of acres are being washed away but nothing is being done to prevent this. He called on Oireachtas members to raise this matter at a national level until such time as adequate funding is provided. He called on all members to approach the Oireachtas members for Kerry asking them to lobby the Government for funding for coastal protection works.

Cllr. M. Cahill said the Mr. Eamon Scanlon from the Roads Department went to Rossbeigh after the breach and was very helpful. Since 2004 at least 20 acres were washed away and at least the same amount was washed away since Christmas. Successive governments have ignored this issue. The local community would be willing to provide rocks for the protection works but they have been informed that this would not be a success.

22 Introduction of tax credits to entice Irish holiday makers to holiday in Ireland

Pursuant to notice duly given Cllrs. M. O'Shea & C. Miller PROPOSED:

"That we the Members of Kerry County Council call on the Minister for Finance, Mr. Brian Lenihan to introduce a tax credit system to entice Irish holiday makers to holiday within Ireland."

Mr. G. O'Brien, A/SEO informed members that a similar motion was moved at the February meeting.

Cllr. M. O'Shea said that he moved a similar motion 5 years ago at which time he was informed that this proposal would not comply with EU legislation. The time is right to take on this new initiative to entice Irish people to holiday at home. Tourism is very important to the Kerry economy and many hotels have indicated that their bookings are back on last year. He asked that a letter would be sent to the Minister for Finance immediately asking him to consider this proposal.

Cllr. J. O'Connor supported the motion and said that the government should encourage Irish people to holiday at home.

Cllr. R. Beasley also supported the motion and said that it is important that people would holiday at home as the number of foreign visitors is declining.

Cllr. B. MacGearailt said that RTE promote holidays abroad but not in Ireland and this is unacceptable.

23 Payment of grants under the Farm Waste Management Scheme

Pursuant to notice duly given Cllrs. R. Beasley & T. Ferris PROPOSED

"That this Council calls on the Minister for Agriculture to live up to commitments made by his Department last year that any farmer that would have applied for the Farm Waste Management Grant and had their works completed by the set deadline of 31 December 2008, will receive their grant in one payment and not in a phased payment which is now being indicated".

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

Cllr. R. Beasley said that farmers were compelled to carry out these works and they borrowed large sums of money to fund these works. They are now being told that payment of the grant will be over a three year period. He called on the government to put a moratorium on the repayments on these loans until the government pay out these grants to farmers. He added that Banks are to be refinanced by tax payers and the government have sown the seed of discontent.

Cllr. J. O'Connor said that the government is proposing to pay these grants 40% in the current year, 40% in 2010 and 20% in 2011. There must be security for farmers and he called on the government to ensure that payment of the 40% due this year is made as soon as possible. He referred to the interest charged by Banks and said that many farmers are being put under pressure for payment by the Banks. However, he understood that a deal was being negotiated by the farming bodies with the government on this issue. When farmers applied for

payment of the grant they submitted the original invoices and if the originals are returned they could apply for the VAT refund. 17,000 farmers submitted their documentation on completion of the works in December and they are still awaiting payment. Farmers are very anxious to know where they stand in relation to these payments and the repayments due to the Banks.

Cllr. T. Buckley supported the motion and said that this is a very serious issue for farmers who borrowed heavily for these works. There is a decrease in the price farmers get for milk and they are under pressure financially.

Cllr. J. O'Connor said that farmers are in very bad times and if they could sell a site it would help them. Exceptional times require exceptional measures and he asked that the Planning Department facilitate farmers who are under pressure financially, who want to sell a site.

Cllr. J. Sheahan supported the motion and said that this is a very serious issue for many farmers who are under pressure to meet their repayments by the Banks.

Cllr. M. Cahill supported the motion and said that farmers are on their knees. They borrowed for these works on the understanding that they would be paid the grant on completion of the works. He called on the Minister for Agriculture to deal with these on a case by case basis and to come to an agreement with the Banks on the interest due pending payment of the grant.

Cllr. P. Connor-Scarteen supported the motion and said that a lot of farmers got bridging loans on the strength of the grants approved. The interest on these bridging loans is huge and there should be an agreement with the Banks at a national level on the interest due.

Cllr. T. Fleming said that this could be built into the Banks recapitalisation programme.

Cllr. J. O'Connor said that he understood that talks are ongoing nationally to address the issue of interest due by farmers and he expected that farmers would get full payment in due course.

09.02.16.16 Conferences and Seminars

- (a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Buckley it was agreed to authorise the attendance of Cllrs. MacGearailt, O'Connell, Miller, Foley, Buckley, Purtill, T. Fitzgerald, Beasley, O'Donoghue, M. Healy-Rae, D. Healy-Rae, Sheahan, Kiely, Leahy, McCarthy, Fleming and Cahill at the 17th Annual 2009 Kerry Environmental Recognition Conference to be held in Ballybunion from 4th – 8th March, 2009.

Cllr. N. Foley was nominated to report back to the Council on this conference.

- (b) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. P. Connor-Scarteen, MacGearailt, O'Connell, Buckley, Purtill, S. Fitzgerald, Kiely and O'Connor at the Comhairle Contae Mhuineacháin Comhdhála maidir leis an nGaeilge I Cúil Seannach, Co Mhuíneacháin ar an 19 agus an 20 Márta 2009.

Cllr. P. Connor Scarteen was nominated to report back to the Council on this conference.

- (c) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. O'Connell, Buckley, S. Fitzgerald, O'Donoghue, Sheahan, Leahy, Fleming, O'Connor and Beasley at the Seanchaí Kerry Literary & Cultural Centre Conference to be held in Listowel on the 26th & 27th March, 2009.

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

- (d) On the PROPOSED of Cllr. R. Beasley, SECONDED by Cllr. T. Buckley it was agreed to authorise the attendance of Cllrs. P. Connor-Scarteen, MacGearailt, O'Connell, Miller, Buckley, S. Fitzgerald, T. Fitzgerald, Brassil, O'Donoghue, Sheahan, Kiely, Cronin, Beasley, Leahy and Fleming at the ACCC Conference to be held in Kilkenny on the 2nd and 3rd April, 2009.

Cllr. B. MacGearailt was nominated to report back to the Council on this conference.

- (e) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. O'Connor it was agreed to authorise the attendance of Cllrs. O'Donoghue, Sheahan, Kiely, Fleming and O'Connor at the 4th IRDA Planning Conference to be held in Killarney on the 22nd & 23rd April, 2009.

Cllr. D. Kiely was nominated to report back to the Council on this conference.

- (f) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. T. Buckley it was agreed to authorise the attendance of Mayor T. Fleming on a visit to the US for St. Patrick's Day.

- (g) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. R. Beasley
it was agreed to authorise the attendance of Cllr. M. Cahill at the Mid-West Regional Authority 15th Annual Conference on the theme "Ireland's Water - What is the real cost?" to be held in Adare, Co Limerick on 19th and 20th February 2009.
- (h) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. T. Buckley it was agreed to approve the attendance of Mayor Tom Fleming at the Environment Ireland Conference 2008 held on 9th & 10th September 2008 at Croke Park Conference Centre, Dublin.
- (i) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. T. Buckley it was agreed to approve the attendance of Cllr. D. Healy-Rae at the AMAI Spring Seminar 2007 held on 9th & 10th February 2007 at The Brandon Hotel, Tralee, Co Kerry.
- (j) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. P. Connor-Scarteen
it was agreed to approve the attendance of Cllr. D. Healy-Rae at the 15th Annual Kerry Environmental Conference held from 28th March 2007 - 1st April 2007 at The Golf Hotel, Ballybunion, Co Kerry.
- (k) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Buckley it was agreed to approve the attendance of Cllr. D. Healy-Rae at the LAMA Spring Conference 2007 "Meeting the Challenge" on 12th & 13th April 2007 at the Gleneagle Hotel, Killarney, Co Kerry.
- (l) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Buckley it was agreed to approve the attendance of Cllr. D. Healy-Rae at the Synge Summer School 2007 from 1st - 7th July 2007 at Rathdrum, Co Wicklow.
- (m) On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. D. Healy-Rae at the at The MacGill Summer School 2007 from 15th - 19th July 2007 at Glenties, Co Donegal.
- (n) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. B. MacGearailt it was agreed to approve the attendance of Cllr. D. Healy-Rae at the "Winning or Losing" - 4th National Conference on substance and alcohol misuse for local authorities, the public service and drug/alcohol service providers held from 4th & 5th October 2007 at Hotel Europe, Killarney, Co Kerry.

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- (o) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. R. Beasley it was agreed to approve the attendance of Cllr. D. Healy-Rae at the 15th Annual Kerry Environmental Conference held in Ballybunion from 28th March 2007 – 1st April 2007.
- (p) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. D. Healy Rae at the LAMA Spring Conference 2007 held in Killarney on the 12th & 13th April, 2007.
- (q) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. B. MacGearailt it was agreed to approve the attendance of Cllr. D. Healy Rae at the Synge Summer School 2007 held in Rathdrum, Co. Wicklow from 1st – 7th July 2007.
- (r) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Buckley it was agreed to approve the attendance of Cllr. D. Healy-Rae at the MacGill Summer School 2007 held in Glenties, Co. Donegal from 15th – 19th July, 2007.
- (s) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. R. Beasley it was agreed to approve the attendance of Cllr. D. Healy-Rae at the “Winning or Losing” – 4th National Conference on Substance and Alcohol Misuse Conference held in Killarney on the 4th & 5th October, 2007.

09.02.16.17 Correspondence General

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

1.	Letter dated 8 th January 2009, from the National Roads Authority regarding Road Margins on the N22.
2.	Letter dated 12 th January 2009 from the National Roads Authority regarding New Bridge and Bypass for Killorglin Town.
3.	Letter dated 12 th January 2009 from the National Roads Authority regarding Roundabout at Shinnagh Cross, Rathmore on the N72.
4.	Letter dated 12 th January 2009 from Mr. Brian Crowley, MEP regarding the need to prioritise coastal protection at EU level.
5.	Letter dated 12 th January 2009 from the Department of Environment, Heritage and Local Government regarding funding fro the CARA Sheltered Housing Project in Kenmare.
6.	Letter dated 14 th January 2009 from the Office of the Minister for Agriculture, Fisheries and Food regarding decisions announced relating to the agriculture sector in the recent

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	Budget 2009.
7.	Letter dated 15 th January 2009 from the Department of Environment, Heritage and Local Government regarding the Playground Capital Grant.
8.	Letter dated 16 th January 2009 from the Health Service Executive - South regarding registration of long stay patients in hospitals on the Register of Electors.
9.	Letter dated 27 th January 2009 from Mr. Jimmy Deenihan, TD enclosing correspondence from the ESB regarding the relocation of roadside poles.
10.	Letter dated 27 th January 2009 from the Department of Environment, Heritage and Local Government regarding the possibility of carrying out coastal protection works at Rossbeigh.
11.	Letter dated 28 th January 2009 from the NRA regarding allocation of €10m in respect of the construction of the N21 Castleisland Bypass.
12.	Letter dated 29 th January 2009 from the Office of the Minister for Social and Family Affairs regarding the Minister's unavailability to meet with a deputation from Kerry County Council at present.
13.	Letter dated 30 th January 2009 from Mr. John O'Donoghue, TD, Ceann Comhairle enclosing response from the ESB regarding the removal of roadside poles.
14.	Letter dated 5 th February 2009 from the Office of the Minister for Transport regarding funding for the N21 Castleisland By-Pass.
15.	Letter dated 6 th February 2009 from the Department of Environment, Heritage and Local Government regarding Home Choice Loans .
16.	Email dated 29 th January 2009 from Athlone Town Council regarding a resolution adopted by that Authority calling on the Commission for Energy Regulation to reduce energy costs.
17.	Email dated 2 nd February 2009 from Kinsale Town Council regarding a resolution adopted by that Authority regarding the revised billing at Cork University Hospital.

Cllr. M. Cahill referred to a pole at Mountain Stage in the vicinity of the Foxtrot B&B and said it is on an extremely dangerous bend. He was informed that it is the responsibility of the Council to have it removed as it was tarred around it.

The meeting concluded at 5.25pm.

Gerard O'Brien
A/SEO Corporate Affairs

Mayor of Kerry