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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 19 OCTOBER, 2009**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 19 DEIREADH FÓMHAIR, 2009**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	B. Cronin
P.J. Donovan	T. Ferris	J. Finucane
S. Fitzgerald	T. Fleming	N. Foley
M. Gleeson	B. Griffin	D. Healy-Rae
M. Healy-Rae	P. Leahy	P. McCarthy
A. McEllistrim	M. Moloney	B. O'Connell
P. O'Donoghue	M. O'Shea	L. Purtill
J. Sheahan	A.J. Spring	

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. J.D. Flynn, Director of Corp. Servs	Mr. M. McMahon, Director of Planning
Mr. O. Ring, Director of Water Servs	Mr. M. Boyce, A/Dir. of Environmental Servs
Mr. C. O'Sullivan, Director of Roads	Mr. L. Quinlan, SEO Housing
Ms. C. Brosnan, SEO Comm. & Ent.	Mr. F. Dillon, SE Water Services Capital
Ms. M. Joy, SEE Water Services Cap.	Mr. L. Brosnan, AO Water Services
Mr. M. Ó Coileáin, Env. Awareness Off.	Mr. P. Corkery, Press & Comm.
Ms. B. Reidy, SSO Corporate Affairs	Ms. M. Galvin, CO Corporate Affairs
Ms. O. O'Shea, CO Corporate Affairs	

The meeting commenced at 10.35am.

The Mayor, Cllr. B. O'Connell took the Chair.

Vote of Sympathy

Cllr. M. Healy-Rae extended a vote of sympathy to the family of the late Ian Dowing, Consultant Orthodontist with the HSE.

Vote of Congratulations

Cllr. D. Healy-Rae congratulated the Kilgarvan Intermediate Hurling Team on winning the Intermediate County Final for the third year in succession.

Mayor B. O'Connell welcomed the residents of Bonane to the meeting and he advised members that there could be no interaction between members and the people in the public gallery during the meeting.

09.10.19.01 Mayor's Report on CPG Meeting held on 13th October 2009

Mayor B. O'Connell read the following report into the record of the meeting.

Item 1 Agenda for the October Council Meeting

Mr. G. O'Brien, Meetings Administrator, briefed members on the agenda for the October Council meeting.

In relation to Item 5, Strategic Policy Committees, Mr. G. O'Brien outlined that as nominations have not been received from the sectoral interests it is proposed to ratify the membership of the SPCs without these nominations at the October meeting in order to allow SPC meetings to commence. The sectoral nominations will be ratified at a later date.

In relation to Item 6, Water Services Investment Programme 2010-2012, the County Manager outlined that the Needs Assessment 2009 is a three year programme for the period 2010-2012. Previous Needs Assessments allowed the submission of a programme spanning a longer period. Quality and quantity of water is Kerry County Council's number one priority in preparing the Needs Assessment 2009. Cognisance has also been taken of what schemes can be delivered in the period 2010-2012 and the local contribution Kerry County Council can afford to develop this infrastructure and to fund loan charges and additional maintenance costs as a result of the investment. The Department want a realistic programme which could be delivered should the funding be available.

In relation to Item 7, Proposal regarding Water Abstraction from River Sheen, the County Manager outlined that Kerry County Council has assessed all options to identify an additional water source which is required to meet the development targets of Kenmare. Should the proposal not be approved by the elected members Kerry County Council will be unable to upgrade the water treatment plant and there will not be a sufficient quantity of water to meet current and future demands. This will affect the tourism sector, grant approval for developments and the risk to water quality will also be an issue.

Item 2 Corporate Plan 2009-2014

Mr. J.D. Flynn, Director of Corporate Services, said the updated draft Corporate Plan 2009-2014 will issue to CPG members this week.

Item 3 Protocol for the holding of Civic Receptions

Mr. G. O'Brien, Meetings Administrator, outlined report regarding a Protocol for the holding of Civic Receptions and the following suggested Principles to be agreed in Formulating Protocol as:

1. A Civic Reception is the premier forum, granted on rare occasions to achievers of National or International significance.
2. A Civic Reception is accorded to recognise a National or International achievement or set of achievements by an individual, group or organisation.
3. A formal procedure will be put in place, including a provision that all Civic Receptions be approved by CPG before going to Council

The CPG members unanimously agreed the Principles in Formulating Protocol as outlined.

Council agreement is now sought to the Principles in Formulating the Protocol for the holding of Civic Receptions.

Item 4 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise, updated the CPG meeting on County Development Board business as follows:

- Membership of the County Development Board is now confirmed.
- First meeting of the CDB is scheduled for 6th November, 2009.
- The matter of Local Development sector representation on the CDB is not as yet resolved. Local Development sector are still seeking extra representation. Department view is that the Local Development sector should have only two members.
- Letter issued from Chairman to each nominating agency requesting co-operation, commitment and enhanced endeavour for the new Board.
- Focus of Community and Enterprise Department to be primarily CDB Agenda.
- Community and Enterprise Department to be restructured to respond to County Development Board Agenda.
- Economic endeavour/activity/promotion to be the principal driver of CDB business for the short term.

Item 5 Any Other Business

Mr. G. O'Brien, Meetings Administrator, said nominations were made to a number of Committees/Boards at the Annual Meeting held in June, 2009. The appointment of the non-elected nominees of Kerry County Council to the VEC remains to be filled. The nomination of these members will take place after the election of staff and parent representatives to the VEC. These members will comprise two male and two female. An advertisement will be placed in the local newspapers shortly seeking suitable nominees and following this a consultative meeting will be held in advance of the matter being considered by Kerry County Council at the December Council meeting.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane it was unanimously agreed that the Principles in Formulating the Protocol for the holding of Civic Receptions as outlined in the Manager's Report be adopted.

09.10.19.02 Confirmation of Minutes

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. A. McEllistrim it was unanimously agreed that the minutes of the September Ordinary meeting of Kerry County Council held on Monday 28th September 2009 be confirmed.

09.10.19.03 Disposal of Property

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen it was unanimously agreed to approve the disposal of Affordable House No. 30 Ardmoniel Heights, Killorlgin, together with its plot of land, situate in the townland of Ardmoniel to (Name & Address withheld for data protection purposes), in accordance with the terms of notice issued 23rd September, 2009 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning & Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

09.10.19.04 Date for Finance Briefing

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. Leahy it was unanimously agreed that a Finance Briefing would be held on Monday 23rd November 2009 at 3.00pm.

09.10.19.05 Update on the constitution of the Strategic Policy Committees

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. R. Beasley it was agreed to note the report, dated 13 October 2009, on this item which was circulated. The report set out the membership of each of the SPC's including the nominees from the Town Councils.

09.10.19.06 Water Services Investment Programme 2010 – 2012 – Needs Assessment 2009

Mr. O. Ring, Director of Water Services, referred members to his report dated 14 October 2009 on the Kerry Water Services Investment Programme 2010 – 2012 - Needs Assessment 2009 which was circulated. Mr. Ring informed the meeting that the formal process has been modified this year with the aim of ensuring that a programme emerges which

- Is realistic in its level of ambition
- Is realistic in terms of the affordability and deliverability of works
- Focuses investment on key priorities.

Substantial works have been carried out as a result of the current and previous Water Services Investment Programmes. Five major schemes, as outlined on Page 2 of the report, have been completed and a further ten schemes are under construction. A list of schemes at planning stage is also set out on Page 2 of the report and this includes:

- Central Regional Water Supply Scheme (Treatment)
- Central Regional Water Supply Scheme (Reservoirs)
- Kenmare Main Drainage

There are currently 68 public Water Supply Schemes in the county with a huge range of sizes and levels of equipment. Many of the smaller water schemes that have evolved over the years have concentrated mainly on the supply of adequate quantities of disinfected water rather than on physical treatment to ensure quality standards. However, major improvements in facilities are under way in about 30 schemes under the RAL programme as a short to medium term solution. There are 49 town and village Sewerage Schemes in Kerry with huge variations in size and treatment facilities. Many wastewater schemes provide very basic treatment only, and many are overloaded. All Sewerage Schemes are currently undergoing a process of licensing and permitting by the EPA. No licences have yet been issued to Kerry County Council by the EPA and when they are issued they could have major implications for us. Improvements to the infrastructure can only be implemented on the basis of a prioritised program with the available, limited, investment being focussed on key priorities.

Mr. Ring informed members that the national Water Services Investment Programme is a 3 year rolling programme and is now being developed by the DEHLG for 2010 – 2012. It will not be possible to include in Needs Assessment 2009 every single water and sewerage scheme which is required for Kerry. Funding is limited and schemes must be prioritised and some schemes must be planned for delivery over a longer timescale.

The schemes proposed for inclusion in the Needs Assessment 2009 must aim to meet environmental and public health objectives arising from ECJ judgements, National Regulations and EPA reports, Water Framework Directive requirements

etc. Schemes must also aim to meet economic goals and have due regard to the policies, aims and aspirations set out in documents such as the National Spatial Strategy, Assessment of Water and Wastewater Services for Enterprise, Building Ireland's Smart Economy, as well as the Kerry County Development Plan 2009 – 2015 and Local Area Plans.

The priority schemes listed in the assessment are those considered strategically important to facilitate compliance with statutory requirements, environmental sustainability and economic development in the County. The Council is at present finalising a Strategy for Delivery of Wastewater Schemes in the County and that will set out a programme for the development of wastewater schemes in all towns and villages throughout the County into the medium to long term future.

It is important to remember that the planning of water services infrastructure provision is being carried out in the context of the current national financial situation which is having a serious effect on the availability of funding, both centrally and locally. It should be noted that over 30% of the cost of schemes is generally required to be raised in Kerry and this has a direct bearing on the amount of schemes that can be afforded over the course of the WSIP. There are also significant issues with respect to the cost of operating these schemes in the future.

Mr. Ring referred members to Page 4 of the report which outlines what the Needs Assessment is and said that one list is prepared for the county including the Town Councils. Under Water Conservation (Category 1) substantial investment is required in water conservation to replace or rehabilitate old watermains in order to bring down the volumes of water which are taken from surface and ground sources and subsequently treated and distributed. This will have substantial environmental and economic benefits. The Needs Assessment is prioritising Tralee for this work because it is where the best returns on investment can be made. The estimated cost of these works is €17.5m with 90% funding coming from the DEHLG and 10% being funded locally.

ECJ Schemes (Category 2) are almost all water supply schemes which have been included in a wide ranging ECJ judgement on the need to improve water treatment facilities in Ireland. Most of the Kerry schemes on the original list have been dealt with and the Needs Assessment covers the remainder which are listed in the attachment to the report circulated.

Environment & Public Health (Category 3) prioritises water supply schemes over sewage schemes. This is a very substantial list and it is not possible to include all schemes.

Sustainable Development (Category 4) – under this heading Water Supply Schemes have been prioritised in “Contracts to Advance to Construction” because sustainable development depends on the provision of adequate quantities of high quality water. Sewerage Schemes have been prioritised in

“Schemes to Advance through Planning” to allow for the development of the Town Council areas, in particular.

The total capital cost of the various schemes set out under Categories 1 – 4 is €235.2m of which Kerry County Council must fund €60m. This does not include operating costs when schemes are complete. Of the €60m, €27.2m relates to the period 2010 – 2012. This could cost €2.5m per year in loan charges and there would also be significant annual operational costs associated with new and upgraded plants.

In conclusion Mr. Ring said that it is requested in Circular L6/09 that the completed Needs Assessment 2009 be considered by the appropriate Strategic Policy Committee before submission to the Department by 23 October 2009. This is not possible in Kerry, since the SPC will not have met before that date. Therefore, it has been decided to put the draft Needs Assessment 2009 before the full Council at the October meeting for consideration, before submission to the Department. It is intended to brief the SPC on the assessment as soon as possible.

Cllr. D. Healy-Rae asked where Kilgarvan is on the list for a waste water treatment plant and is it included on the top of any list. At present raw sewerage is flowing into the Roughty River. He asked when the water scheme at Clahane/Iron Mills will be upgraded. In conclusion he asked if members are entitled to get the final cost of the Furies/Scartaglin Water Supply Scheme.

Cllr. B. Cronin referred to Item No. 14 - Central Regional Water Supply Scheme – Scart Reservoir on the Assessments of Needs 2010 – 2012 General Non Prioritised List and asked where do Currow and Scartaglin appear on the list. He referred to Category 4 - Sustainable Development and asked where Kilcummin was on this list. This was originally included with Barraduff and Milltown but because there were difficulties with the contract it had to be omitted. It is crucially important that this scheme is advanced as soon as possible as it has implications for the pollution of the Lakes of Killarney. The people of this area have been advised that no road repairs will be carried out until the water scheme has been completed. He noted that there was no mention of the treatment contract in the report circulated and he requested clarification on the position of the Kilcummin Sewerage Scheme.

Cllr. J. Finucane said that a lot of funding will be required for these schemes and progress will depend on the allocation of funding from Government. He asked Mr. Ring when compiling the report did he take account of the purposed €175 levy per house.

Cllr. M. Healy-Rae said that a treatment plant is urgently required for Waterville and Caherdaniel is also crying out for a sewerage scheme. Raw Sewerage is flowing into the river in both these areas and it is unacceptable. He also supported the sentiments expressed by Cllr. D. Healy-Rae in relation to the provision of a new sewerage scheme for Kilgarvan. That scheme was

constructed 75 years ago and it is not adequate for present day demands. Swimming lessons for children were held in the Roughty River in the past but this is not possible now as the river is polluted.

Cllr. J. Brassil referred to the 4 Categories as set out in the report circulated and asked if one category was more important than others or are they all rated the same. He referred to Category 3 – Environment and Public Health and the Contracts to advance Construction. No. 6 on this list is Ardfert followed by Tarbert, Ballylongford and Lixnaw, while in Category 4 under the heading - Contracts to advance to Construction. Ardfert is at No. 6 and is followed by, Ballylongford and Lixnaw. While in Category 4 Sustainable Development Ardfert is No. 9. He asked in this situation what category would get priority. It appears that it is the same scheme given different levels of priority under different headings. He referred to Listowel Main Drainage which was listed at No. 6 in the 2006 Assessment of Needs; this is now at No. 10 in the Schemes to Advance through Planning. He presumed that all schemes above that would have priority before the Listowel scheme would be progressed. Listowel is listed below Tralee, Killarney and An Gaeltacht and he said he had serious concerns regarding it's positioning on the priority list. One side of Listowel town is deprived of the possibility of development until the storm water has been separated. This is having a major impact on the town and he was not satisfied at its position on the priority list as the delay in providing this scheme will place restrictions on development in this area for the next 25-30 years.

Cllr. B. Griffin said that in his electoral area there are two noticeable absences from the list i.e. Clahane and Boolteens Schemes both of which are urgently needed. Sewerage has been seen in the river in Boolteens. He believed it was better to aim as high as possible and then to settle for what we get rather than limiting ourselves to the list circulated.

Cllr. T. Ferris expressed concern at the priority given to Ardfert under Category 3 Environment and Public Health where it is listed as No. 6 while in Category 4 Sustainable Development it is listed as No. 9. She requested that a statement be made on the priority given to Ardfert as it seems that the European Court of Justice schemes are given priority over other schemes. She asked does this mean that it requires someone to take a case to the European Court of Justice in order to raise the priority of a scheme.

Cllr. M. Moloney said that she was concerned that Kilcummin Sewerage Scheme is moving down the priority list. The river going through Kilcummin flows into Lough Leane and is causing pollution. All development in this area is put on hold pending the construction of the sewerage scheme. The roads in Kilcummin are in a very bad condition and she requested a commencement date for the Kilcummin Sewerage Scheme.

Cllr. S. Fitzgerald said that he believed that the list presented to members is very optimistic given progress through the economic boom. He asked how were the lists prioritised and was the influx of tourists into an area taken into account. He

said that he would like to see the list of village sewerage schemes discussed further at an Area Meeting. In conclusion he asked what happened to the Castlegregory Scheme as it was not included on the list.

Cllr. M. Gleeson asked that funding be restored for the water supply at Brewsterfield. He asked what was involved in the Killarney Main Drainage Scheme. He referred to the many leaks that have occurred in the Fossa Water Supply Scheme and said that this mains needs to be replaced as the pipe network is over 32 years old. It appears that leaks continue to be repaired rather than replacing the water mains and he asked if that was the case all over the county.

Cllr. T. Fleming said that there is a glaring omission from the list circulated. During the previous Assessment of Needs there was a list of 16 villages included in block but they now have been excluded and he requested an explanation for this. It is a total dereliction of members' duty to omit these small rural villages from the list and these include Scartaglin, Currow etc. The decision to exclude these schemes must be reconsidered and the council must be innovative in finding a way to include them. He supported the sentiments expressed by Cllr. M. Moloney in relation to the Kilcummin Sewerage Scheme. Members were informed that this scheme would be advanced in tandem with the Barraduff Scheme but due to the difficulties this did not happen. Members informed people in the area that the new sewerage scheme was imminent and members were also advised that the scheme would start last March. In conclusion he welcomed the inclusion of Castleisland Stage 2 in the priority list.

Cllr. P. Leahy expressed concern that the Listowel Main Drainage was not given priority in the present Assessment of Needs. This in turn will impact on the provision of a sewerage scheme for Dirhha Cottages. He asked why the Listowel Main Drainage Scheme was listed so low down the priority list.

Cllr. T. Buckley said that members were advised last year that the Tarbert and Lixnaw Sewerage Schemes would commence in 2010. He supported the sentiments expressed by previous speakers in relation to the Listowel Main Drainage Scheme and said that it's positioning at No. 10 on the priority list is very disappointing and it should be one of the top priorities.

Cllr. R. Beasley said that that Cashen Sewerage Scheme should be given priority as this is a large rural area that urgently needs a sewerage scheme. Lixnaw Sewerage Scheme should also be given priority as there is large scale development there and the infrastructure is inadequate. Priority should also be given to Tarbert and Ballylongford Sewerage Schemes. He also supported the sentiments expressed by previous speakers in relation to the prioritizing of the Listowel Main Drainage Scheme.

Cllr. L. Purtill said that Ballylongford Sewerage Scheme must get priority as the village is prone to flooding. He added that it is anticipated that when the Shannon LNG project gets under way next year approximately 500 jobs will be

created. These are vital for the area and Tarbert Sewerage Scheme must be given priority. He asked that a reasonable timeframe be given for the upgrading of the Lixnaw Sewerage Scheme.

Cllr. M. Cahill asked when would the treatment plant for Mid-Kerry be operational and would it resolve the issue relating to the boil water notice for the residents of Tulligmore. He referred to the numerous leaks that occur in the pipe network on a weekly basis and asked what the council policy on ongoing leaks is and what the call out cost for each such incident is. He felt that it would be more economic to replace many of these pipes where there are reoccurring leaks. He asked if it was correct to say that the priorities were decided by EU warnings which have been given in relation to various schemes. He asked what is management's policy in relation to Public Private Partnerships.

Cllr. J. Sheahan said that Kilcummin is waiting for a long time for a new sewerage scheme and the road infrastructure needs to be improved as it is in an appalling condition. He also referred to the road at Barraduff which needs to be upgraded following the installation of the pipe network for the new sewerage scheme.

Cllr. B. O'Connell called on Mr. Ring to make a case for funding for Castleisland Stage 2.

In response Mr. O. Ring said that categorization of schemes was done in accordance with guidelines given by the Department as follows:

- Category 1 – Water Conservation
- Category 2 – ECJ Judgements
- Category 3 – Environment and Public Health
- Category 4 – Sustainable Development

The lists were compiled in accordance with these guidelines and the schemes listed under Category 2 must go ahead. Under Category 3 – Environment and Public Health, water schemes have been priorities over sewerage schemes. While both have implications for public health we must provide a good quality water supply. The first 5 on this list are water supply schemes and the first sewerage scheme is Ardfert with an anticipated commencement date of 2011. The site must be acquired and an EIS carried out for Ardfert. Ardfert Sewerage Scheme is the No. 1 priority followed by Tarbert, Ballylongford and Lixnaw and it is anticipated that these schemes will commence in 2010. These schemes are ready to proceed but the Ardfert Scheme is more complicated.

Cllr. T. Ferris asked if the funding would be retained for the Ardfert Sewerage Scheme.

In response Mr. O. Ring said that its priority is set out but it is up to the Department to decide what schemes will be funded. Kilcummin Sewerage Scheme is also included on the list as is Kilgarvan which is listed under the

Schemes to Advance to Construction. It is anticipated that Kilgarvan Sewerage Scheme will commence in 2012. A priority list of 11 schemes has been drawn up and a further 4 have been added that can proceed if funding is received. Progress is very much depended on funding received from Central Government and the amount the Council can afford to contribute. Listowel Main Drainage is listed at No. 10 in Category 3 under Schemes to advance through Planning. The first 7 schemes on this list are water supply schemes and these are followed by 3 sewerage schemes in order of priority. Some minor works could be carried out in Listowel in the mean time. In Category 4 Listowel is listed at No. 6 on the list of Schemes to Advance Through Planning where sewerage schemes get priority. Tarbert Sewerage Scheme is listed at No. 5 in the Contracts to advance to Construction and this is in fact the No. 1 sewerage scheme in this category. This is followed by Ballylongford, Kilcummin, Kenmare, Ardfert and Lixnaw. This has proven to be a very difficult exercise and he could not predict how the Department would allocate funding.

Cllr. N. Foley asked if schemes listed under Category 3 would be given priority over schemes listed under Category 4.

Mr. O. Ring said that he did not know as that is a matter for the Department.

Cllr. J. Brassil said that it is a matter for the Executive to submit these lists to the Department but he added that Ardfert Sewerage Scheme should be high priority. He said that he would not separate water and sewerage schemes. There is a major concern regarding untreated sewerage going into water in Ardfert and he asked the Executive to express members concerns regarding the urgency of this scheme to the Department.

Mr. O. Ring said that the major concerns of the Executive are reflected in the priority list compiled. The schemes that satisfy all the criteria are the ones most likely to be funded by the Department. He believed it would be a mix of smaller and larger schemes that would get approval. Mr. Ring referred to Kilcummin Sewerage Scheme and said that the contract was taken away from the contractor due to difficulties. The Department were requested to give approval to re-advertise this scheme separately and as soon as approval is received the tender will be re-advertised.

Cllr. B. Cronin asked if funding is guaranteed for Kilcummin Sewerage Scheme and would it definitely commence in 2012.

In response Mr. O. Ring said it could possibly commence in 2011 and he was confident that it would go ahead.

Cllr. B. Griffin said that he was concerned that some villages would be left behind and there should be some category for the villages that urgently need sewerage schemes.

Mr. O. Ring said that Kerry County Council has been very proactive in preparing Preliminary Reports for many schemes at our own expense. Preliminary Reports were prepared for 33 schemes but it was then decided that it was not possible to advance all these schemes together and to concentrate on 12 of them. Contract documents were prepared at our own expense and of these 12 schemes all except 1 are included in the priority list.

Cllr. B. Griffin said that planning applicants in rural areas are having a very difficult time in relation to percolation. It is very difficult for them to understand how raw sewerage is permitted into our rivers from treatment plants and they can't get planning permission. The list presented understates the problem in the county.

Mr. T. Curran, Co. Manager said that he understood the difficulty members have with this issue. The Needs Assessment List nationally over the past 3 years would have required an expenditure of €5.9 billion while only €1.2 billion was available for schemes. This created a problem and an expectation that schemes would be progressed but in many instances this did not happen. The Department have asked that the Programme for 2010 – 2012 would be brought down to a more realistic, deliverable Programme. Kerry was lucky in that a number of schemes were funded under the ENVIREG Programme a number of years ago but now the Council must fund 30% of the capital cost of schemes. In addition to this the ongoing maintenance costs are high and demanding on the Revenue Budget. The expenditure on these operational costs will impact on other works. The capital repayments and maintenance costs must be met out of the Revenue Budget. The Needs Assessment can be submitted on the basis outlined by the Department but there will be a challenge for the Council on how to fund our contribution to these schemes.

Cllr. D. Healy-Rae asked how he was informed the Kilgarvan Sewerage Scheme was at No. 4 on the list 12 months ago and who changed that priority.

In response Mr. O. Ring said that the list being considered by members was drawn up based on the criteria set out by the Department.

Cllr. J. Sheahan asked if the funding originally allocation for Kilcummin is still available.

In response Mr. O. Ring said that he could not guarantee that as this would be entirely up to the Department of Environment, Heritage and Local Government.

Membership of SPCs

Cllr. T. Ferris said she wished to express her disgust at not being on the Housing SPC.

Mr. J. D. Flynn, Director of Corporate Services said that 21 councillors were facilitated with their first preference and every effort was made to accommodate

as many councillors as possible. However some of the SPC's, i.e. Housing, were over subscribed and in the life time of the current council he believed the Environment SPC would be the most important.

The Mayor informed the meeting that Item 12 would then be taken.

09.10.19.07 Proposal to take water from the River Sheen

The Mayor informed the meeting that this is a vitally important issue for the people of Bonane. A number of members had requested that this item would be deferred to the next meeting in view of its importance. If that was acceptable to members he would formally PROPOSE it.

Cllr. J. Finucane SECONDED this proposal.

Cllr. M. Healy-Rae stated that the Council delayed in sending the Consultants Report to members and they only received it on Thursday last. This issue has dragged on for a very long time. He PROPOSED that the item would be discussed and dealt with.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. J. Brassil said that a number of residents from the Community Council in Bonane were present at the meeting and expected that the item would be dealt with. While he studied the report in detail in advance of the meeting he would require guidance from Management on it. He would like to hear an overview from Management prior to the debate commencing. He felt it would be beneficial to have a full and frank debate on the item. However, members require a lot of information to ensure that they are fully informed before a decision is taken. He PROPOSED that the item would be considered in detail.

Mr. O. Ring informed the meeting that Kerry County Council have been progressing the development of a new Water Supply Scheme for Kenmare Town for some time. The existing Water Supply Scheme has been in place for over 50 years and is outdated and is unable to properly meet the current supply needs of the town. The proposed Water Supply Scheme for Kenmare will secure both the required quality and quantity of potable drinking water for the town and its environs for at least the next 20 years, at an estimated cost of approximately €11.6 million. The scheme is included in the national Water Services Investment Programme (WSIP). The scheme is planned to provide up to 4,500 m³/day of treated drinking water. The existing source at Lough Eirk near Molls Gap can supply a minimum of 1,000 m³/day which means that a further source(s) must be developed to supplement Lough Eirk.

All relevant potential sources have been examined and the conclusion is that the best solution is to use the Sheen River as the supplementary source. This Proposal relates to the proposed abstraction of up to 2,500 m³/day from the Sheen River abstraction point.

Mr. O. Ring then outlined the background to this proposal as follows:-

A Preliminary Report for the upgrade and improvement of Kenmare Water Supply Scheme was completed in 2002. This report was reviewed and updated in 2006 because of the considerable levels of development activity in Kenmare since the original report. The new Local Area Development Plan had also zoned a substantial amount of land for development around the town.

The conclusion of the Report was that the most suitable way to provide for the medium term needs of Kenmare was to augment the existing Lough Eirk supply by abstracting water from the Sheen River and to pump the raw water to a new treatment plant to the north of the town. In the long term, the best options for further supplies would be Lough Cummer and Clonee Lakes.

A Water Abstraction Order Proposal based on the above conclusion was adopted by the members of Kerry County Council in December 2006 and was published for observations. A number of objections were received and discussions were entered into with different parties including Bonane Community Council. It became clear that the conclusions of the review Report were not accepted by some parties who considered that the Sheen River should not be touched and that sufficient water could be obtained from a combination of local lakes, using impoundments if necessary.

It was decided to carry out a "Review of Source Options" report in order to address the concerns and alternative proposals put forward locally. A copy of the Report was circulated to members. The Report deals with the following issues:-

- Planning and Legislation framework
- Existing infrastructure and capacity
- Future population and supply area
- Sources
- Engineering, environmental and economic considerations

Mr. O. Ring stated that an important legislative consideration, which was not developed at the time of the previous studies, is the implementation of the Water Framework Directive (WFD). Guidance is now available on the assessment of abstraction pressures on surface waters and on the associated risks of a water body failing to comply with the WFD. The Council is obliged to have regard to the Water Framework Directive in considering this proposal. All potential river and lake sources in the Kenmare area were evaluated using the latest 2007 EPA estimates of flows, and theoretical lake impoundments were calculated to provide estimates of water yields for different conditions. The principal engineering works associated with abstraction from each of the rivers and associated with the impoundments (dams) for each of the lakes are described. An Ecological Constraints Review of each of the potential sources was carried out and a review of Potential Ecological Impacts was undertaken for 2 river and 5 lake sources. A specific report on the Freshwater Pearl Mussel in the Sheen River is included in an appendix to the report circulated. The capital and operating costs associated with each of the options are explained and summarised in the report.

All considerations regarding the four viable options are drawn together in a summary table which concludes that the order of priority of the options is as follows:-

Option A: Lough Eirk with Sheen River and Cummer Lough.

Option B: Lough Eirk with River Roughty

Option C: Clonee Lakes

Option D: Lough Eirk with Barfinnihy Lake and Cummer Lough

Mr. Ring informed the meeting that the report concludes that the existing source, based on Lough Eirk, should continue to be the primary source of Kenmare Water Supply and that the new supplementary source should be the Sheen River. The report recommends that a Water Abstraction Order be obtained to allow the abstraction of up to 2500³/day of water from the River Sheen at Sheen Falls.

Mr. Ring advised members that luckily the last three summers were wet and there has not been a shortage of water in Kenmare. If there was it could lead to rationing. River Basin Management Plans are being drawn up and Kenmare is in the South West Region. He added that he could not see any possible impact on the people of Bonane if water is abstracted from the Sheen River as proposed in the report circulated. The Council is proposing to abstract the water from as low a point as possible. The residents of Bonane have expressed their concern that there could be a restriction on planning or farming practices if water is abstracted from the Sheen River. This is not the case. Restrictions are already in place on the spreading of fertiliser near water courses and water sources under the Nitrates Directive. Any restrictions will only affect two fields, one on either side of the river and this only relates to animal manure and certain chemicals. Kerry County Council has no power to restrict any activities upstream. Mr. Ring informed members that there is a similar situation in Listowel where the water is being abstracted near the town yet there is very intensive farming upstream of the intake point. He pointed out that Abbeyfeale is also upstream of the intake point and there are no restrictions on the people in this area because there is a Treatment Plant in Listowel. The greatest difficulties would arise when there is flooding in the river as it is more difficult to treat the water in those circumstances. The Council does not intend to impose restrictions on farmers or landowners upstream of the intake point. The Water Framework Directive is the key piece of legislation on how land is managed. In future it will be the River Basin Management Plans that will decide what is permitted in river catchment areas.

Mr. Ring said that he could give written assurances that restrictions will not be imposed on landowners as a result of this abstraction. Kenmare Town is under extreme development pressure and development has outpaced infrastructure. For the past while Kenmare has been closed to development because of an

inadequate water supply. At present a Treatment Plant is required for the Kenmare Water Supply but the Department has indicated that they would not fund a Treatment Plant until the Water Abstraction Order issue has been resolved. Mr. Ring again stated that activities carried out will be dictated by the Water Framework Directive. The Council is required to make a Proposal which would then be put on public display. If just one objection is received the Proposal must be referred to An Bord Pleanála for decision and the Bord will hear any objections and consider all submissions. This is the best solution whereby the issue would be put to an independent third party for decision. An Bord Pleanála have the technical expertise to deal with this matter. Regardless of what option is proposed by the Council, there will be objections and the Proposal will be referred to An Bord Pleanála for decision. The fastest way to achieve a supplementary water supply for Kenmare is to refer the Proposal to An Bord Pleanála and they will make a decision on it.

Cllr. P. Connor-Scarteen said there were many issues in the report that he did not agree with and he read the following into the record of the meeting.

“I would like to thank the Bonane Community Council and the people of Bonane who have come over here today in force. Bonane like many other rural communities unfortunately have to fight for their survival be it retaining their existing services or like today fighting for their future and the future generations to come. I also want to thank John Skilling, a Mathematician and Data Analyst who has been of huge assistance in examining the reports and pointing out their faults. Already I have had numerous motions in relation to this matter and worked hard to bring about a solution. I have listened to Management, however I do not agree with many of the issues they raised.

I am totally against any water being taken from the Sheen and I will be voting against the proposition. At the outset I would like to make it clear that Kenmare is in need of extra water to cope with current demand and projected demand. We all want to see Kenmare having the extra water needed. There may be a summer when levels as they are now would not be able to cope with demand. As one of Ireland's premier tourist destinations we need to be able to provide an adequate and good quality of water. We also need it for Commercial and residential premises, and any future development. However the sourcing of such water should not come to the detriment of any surrounding community. I believe there are other options which make more sense and I would urge the Council to examine the alternatives for a supplementary water source.

I am totally opposed to the Sheen or indeed the Roughty being used as a source on the following grounds:

1. That it is the cheapest option; the cheapest may not be the best for the town in the long run.

2. I have concerns for the residents of Bonane and the effect the abstraction order may have on their livelihoods including farming practices, planning permission etc.
3. The fact that we are surrounded by lakes which have the capacity to cater for the demands needed in Kenmare.
4. The Sheen option may be far more costly than is projected here.
5. I have respect for the Management of the Council but I have to question their wisdom in selecting the same consulting engineers who compiled an initial report consisting of various inaccuracies. I would also like to know how much this report cost.
6. Mr John Skilling, who is Professor at Cambridge University in the UK, is a well respected expert in Mathematics and Physics, and he has found various inaccuracies in the report. His results are based on fact mathematically proven; there is no room for a grey area. In terms of statistics of rainfall, volumes of water, dry river flow in the rivers and lakes surveyed he states there are many inaccuracies, wrong outdated formulas have been used. Like many other people John has come to Kenmare to retire for its renowned quality of life. He, like all of us, wants to see this quality of life enhanced not jeopardised. However this enhancement and necessity for water for Kenmare should come from a lake source which is proven to be more than adequate.
7. I think it is a disgrace that any concerned groups or individuals have not been given the opportunity to examine the report in full as it has only been available for a couple of days before being decided upon by the Council. It is over 40 pages long and concerned groups should have been given time to engage professionals to examine it.
8. I understand that the Council have to comply with the EU Water Framework Directive, however, I hope that common sense prevails.

Options:

The following options have been outlined to me.

Barrfinnihy

A 25 meter long, 2 meter high dam at Barfinnihy will supply the required amount on it's own without any other source. The flow of gravity would bring water to the treatment plant.

Lough Erik

Install a 50 meter dam, there is also back up from 3 other lakes at the back. This is an existing water source and has gravity flow.

Cumeen in Dromoughty:

Another option is to put up a dam, large catchment area.

The following figures have been disputed by Bonane Community Council:-

Dromoghty (Cummer Lake)

- Catchment = 1.56 km sq
- K.C.C. figures = 1.2 km sq – underestimated by 24%
- Lake area = 1.1 km sq
- KCC figures = 0.6 km sq – underestimated by 46%
- 2.2 m high by 150m long dam will give 277,500 m³ storage (the extra water demand for one year)

Barfinnihy Lake

- Barfinnihy catchment = 0.65 km sq
- K.C.C. figures = 0.4 km sq – underestimated by 40%
- Barfinnihy Lake = 1.35 km sq
- K.C.C. figures = 1.00 km sq – underestimated by 35%
- 2 meters drawdown or 2 meter dam will give 277,500 storage
- Natural gravity fall to treatment plant.

I would urge the Council to use the above options; they should be more reliable, cheaper and would not be to the detriment to the local community.

Conclusion:

- It is a disgrace that the Bonane Community Council's suggestions are not taken into account. The Council did not liaise enough with the local Community.
- After only receiving the report on Thursday, I feel you would want to be a genius to digest it properly and consult with experts in 3 days.
- The people of Kenmare are behind the residents of Bonane on this issue, they too want to see the water for the town being sourced from an area which is not detrimental to any of the surrounding Communities.
- I stand for the people of Kenmare and Bonane who want to see a sufficient and good quality of water from the correct source and who deserve to be treated with decency and respect."

In conclusion, Cllr. P. Connor-Scarteen said that he would not support the proposal before Council and he urged his fellow councillors not to support the Proposal.

Cllr. M. Healy-Rae welcomed Steven O'Sullivan and the people of Bonane present in the public gallery to the meeting. He categorically stated that there is

no conflict in Kenmare and the business people of the town fully support the people of Bonane. The IFA, Anglers etc all support the people of Bonane. Before the Sheen Falls Hotel was built everyone knew of the Sheen Falls. It is not sensible to take away the Sheen Falls from Kenmare.

The report states that 4,500 m³ drinking water is required per day all year round. This volume is required mostly in the summer time when the Sheen River is at its lowest. He pointed out that there are inaccuracies in the report presented. John Skilling found numerous faults in the first report and the same consultants prepared and compiled the second report. He did not want to see Kerry County Council do the wrong thing by the people of Bonane. This community have done great work, they protect their heritage while all the time they are trying to better themselves. When members were considering the Castleisland Local Area Plan recently they were advised that land would have to be dezoned. He pointed out that Kenmare is doing well to keep the present population. Alternative options are mentioned in the report and he asked why they were included when they were not being considered. If water is abstracted from the Sheen River it must be pumped up to storage tanks at a cost of €100,000. It is a well known fact that it is cheaper to treat lake water. Option B is Lough Eirk and the River Roughty, Option C is Clonee Lakes and Option D is Lough Eirk with Barfinnihy Lake and Cummer Lough.

Cllr. M. Healy-Rae informed the meeting that he could not emphasise enough how important this vote is to the local community. As a local councillor working and serving this community he did not want to impose this proposal on anyone. He was confident that an alternative source could be identified. When local issues are being considered by Council he always takes the views of the local councillors on board in making a decision. He urged members not to vote in favour of this Proposal. He said that there are approx. 15 days in the summer time when tourism is at its peak in Kenmare and the maximum amount of water is required. An EIS has been carried out and it is proposed to take 90% of the water from the Sheen River. The inaccuracies in the report must be highlighted and he pleaded with councillors to vote for the people of Bonane.

Cllr. D. Healy-Rae welcomed the people of Bonane to the meeting. He stated that the Sheen River stretches for 10 miles or more and if this proposal is agreed it will impact on the valley. He asked about the 1km restriction imposed in the catchment area in Lough Guittane and said this is impacting on family members being granted planning permission. He said that this proposal is ridiculous for several reasons. The water will have to be pumped to the two mile bridge to the Treatment Plant which will be very costly. He believed that Lough Eirk is all that is required and water has been abstracted from there for the past 40/50 years. Recently a dam was installed to help to improve the water supply and the pipe out of the lake is not being piped to the reservoir but left flow down the stream. If it was piped down all the way from the lake it should be adequate to meet the needs of Kenmare Town. All that is required is a dam 50m long and 2m high. There are three small lakes at the back that could be utilised if necessary. If this was utilised adequately it would be more than sufficient to meet the needs of the

town. He could not understand why the Council did not consider this option. The second option identified in the report is the Roughty River. He stated that when there is heavy rain, raw sewerage can be seen in the Roughty River coming from the Treatment Plant. Cllr. Healy-Rae said it was wrong to employ the same consultants to review their own report. He called on councillors to take on board the views expressed by the local councillors. It makes no sense to pump water up through the town to the Treatment Plant and back down to the town again.

Cllr. J. Brassil referred to the report and the various options set out therein. Option 1 appears to be the one that will have the most impact on the local community and it appears to be the opinion of councillors who are speaking for the people Bonane that the lakes would be the most appropriate source. However, according to the report presented this would have the most impact on the environment, the economy and from an engineering point of view. He asked if the Council submitted a proposal to the Department to abstract water from the lakes would it hold credence. He asked if he could rely on the report presented to Council which has indicated that taking water from the lakes will have the most environmental, engineering and economic impact. The Council estimates there is a need for an additional 2,500 m³ per day while the people of Bonane and the councillors say that this is grossly over estimated. They believe that just 760 m³ per day is required. He referred members to Page 20 of the report and in particular Section 6.2.3 – Summary of Category 2a Yields. The Barfinnihy Lake, with a daily yield of 260 m³ per day, would not be adequate even if the requirement of 760 cubic metres per day as claimed by the residents is an accurate assessment of the need. He asked what the actual water requirement per day is. Cllr. M. Healy-Rae has stated that the amount of water indicated in the report will only be required during the peak tourism season. Is it necessary to have a system that will guarantee you this supply all year round or would it be possible to use storage to serve this purpose. He added that he would like further discussion on the impact of this proposal on the Bonane Community. He asked if the proposal to abstract water from the Sheen Falls would impact from an environmental and tourism point of view. He pointed out that there are a number of proposals being debated and Mr. Ring said that regardless of whether members agree with the proposal as presented it will have to be put out for public consultation and probably forwarded to An Bord Pleanála for decision. He asked if both proposals could be put forward for public consultation as the local community are very concerned with sending this proposal to An Bord Pleanála.

Cllr. M. Gleeson said that the report circulated is very technical and it would be difficult to make a decision on it. He hoped there would be detailed discussions between the Council and other experts before a decision is made. It appears to be inevitable that this proposal will be referred to An Bord Pleanála for decision. He stated that he walked along the River Flesk yesterday and it was at an extraordinarily low level. If 90% of the water from the Flesk was abstracted the river would face disaster. If that is what was proposed for the River Flesk he would oppose it. It is also important to consider climate change and how it progresses and how it impacts on rivers.

Cllr. M. Cahill said that members had just debated the Water Services Investment Programme and Kenmare featured prominently in this programme. Everyone agrees that it is necessary to supplement the water supply for Kenmare and there are several options available. He suggested that experts on both sides should meet to consider this matter in detail. The residents of Bonane are very concerned regarding the proposal outlined by the Council.

Cllr. S. Fitzgerald said that there appears to be more confusion now than every with regard to this proposal. He asked if the option of piping water from the lakes was costed and if the water is polluted from slurry how much will it cost to treat it in those circumstances. He asked how much would the alternative options really cost. He would prefer to view the locations of all the water sources prior to making a decision on this very important issue.

Cllr. P. O'Donoghue said that this is a very difficult matter for the members to decide but the common good must prevail. If no other option was available then the River Sheen would have to be used to supplement the water supply for Kenmare. However, there are other options and the Executive Summary outlines that the consultants were asked to "undertake a review of all reasonable options for the provision of a supplementary water supply to the town of Kenmare and its environs. Each Option is to be assessed in terms of its Engineering, Environmental and Economic Considerations, having regard to available information". Cllr. O'Donoghue said that asking a firm to review their own work is not ideal. The people of Bonane could not afford to engage a consultant to prepare a report on their behalf. Some people believe that the alternative options may be cheaper. Members have one side of the story only. The report states that the Book of Reference outlines those who might be affected by the abstraction and those that may be impacted are those involved in agriculture, fishing etc. Members are now in a very difficult position. Mr. Skilling is a Mathematician and it appears to come down more to the economic impact. If members ever needed another view it is now and they are very cautious about making a decision that will impact on the people of Bonane.

Cllr. T. Fleming said that members must take account of the views expressed by the local councillors. This Proposal could have a huge impact on the people of Bonane. A retired water keeper said that he had serious doubts regarding the abstraction of water from the Sheen River for various reasons. While the Proposal before the members proposes the abstraction of water from the Sheen River there is great merit in the proposal made by the local community and he believed that due consideration has not been given to this option. He asked if a third report could be commissioned from an independent body where a neutral assessment of all the facts would be undertaken. In conclusion Cllr. Fleming said he believed there was inadequate consideration of the alternative options which would be pollution free and would be less expensive.

Cllr. B. Cronin said that this is an extremely difficult decision but also a very important decision for the people of Kenmare and Bonane. Kenmare is a major tourism town and Kerry County Council must provide an adequate water supply

for the town. Substantial development in the recent past has created further demand for water. The report presented, which was compiled by Malachy Walsh and Partners, is extremely detailed. They are a very reputable company but the information provided by the residents has raised queries and suggests that the lakes would be a more suitable solution. He asked that an independent report would be provided to members. Kerry County Council Water Services Department is responsible for providing in excess of 25 million gallons of water a day. He expressed concern at the proposed abstraction rate during the months of August and September when the water level in the river is low. He asked that management would engage further with the residents of Bonane and revert to a Killarney Area Meeting with further information. He said that he respected what Mr. Ring said regarding the refusal of planning permission if water is abstracted from the Sheen River but said that he had seen refusals in cases where there was no river involved and it said that the proposed development would be detrimental to public health. He would be concerned that a similar reason for refusal would be used for applicants in that area if water was abstracted from the Sheen River. He again suggested that an independent person should be asked to evaluate the report presented by the Council and also the evidence provided by the residents. A gravity supply would appear to be the best solution if it has the capacity to meet the demands.

Mr. O. Ring said there is no question of there being any adverse impact on future generations arising from the proposed abstraction. While allegations to this effect have been made verbally these have never been substantiated in writing to him. He guaranteed members that there would be no restrictions as a result of the taking of water from the Sheen River. However, there may be restrictions for other reasons which are totally separate. The issue appears to boil down to the impact of the water abstraction on the people of Bonane and is it the correct solution. It is not intended to take 90% of the water from the Sheen River and to dry it up when the river is low. He referred members to Page 35 of the Report which states "It will be seen from the foregoing chapters on Sources (Section 6.2.1.2) and Climate Change (Section 8.6.1) that there is a risk that flows in the River Sheen could decrease as low as 3,456 m³/day for a short period once in 50 years. It is noted that such an occurrence has not happened in the past 25 years of record (of which the last three years have been continuous) during which the lowest recorded flow was 19,957m³/d measured on the 5th September, 1995". It is clear from the report that should water levels drop substantially the Council would stop taking water from the river. The Council would never allow less than the minimum amount of water in the river. The preferred option by the local community appears to be the use of two lakes and a river.

Mr. Ring said there were a number of queries regarding costs and he referred members to Appendix 5 of the Report which details the cost for each option. He confirmed that the cheapest option would be from gravity source. At present water is being abstracted from Lough Eirk and it will only be taken from other sources as it is required. All options were considered in compiling this report but it is now down to four options. A major issue in this decision is cost. The costs are set out in extreme detail in Appendix F. The difficulty with some of the other

options is that there would be a requirement to build bigger dams than suggested by the residents. He would not have proposed the abstraction of water from the Sheen River unless he was satisfied that this was the best, most efficient and most effective solution. The independent body most appropriate to evaluate all the information before members is An Bord Pleanála. They have the expertise to evaluate this proposal and any counter proposal. It is possible that An Bord Pleanála may grant an Oral Hearing. This would give the residents of Bonane an opportunity to put forward their case. The calculation of the projected demands is a very inexact science and these figures have been calculated on a conservative basis. A report was presented to members which states that the most cost effective way of supplementing the water supply for Kenmare is by the abstraction of water from the Sheen River. The only option now is to refer this Proposal to An Bord Pleanála, then if necessary to go back to revert to the Department. In response to queries raised, Mr. Ring said that he did not think it was possible to put forward two proposals at the one time. It would not make sense to make two contradicting proposals. It is not intended to dry up the Sheen River. 95% of the time there is over 30,000 m³/day in the Sheen River and the record for the driest year was in 1995 when the level of the water went down to 20,000 m³/day. He understood that the residents of Bonane are very concerned and said there has been a lot of dialogue with them. In having the original report reviewed agreed revised figures were used and the report is based on the revised figures.

Mr. T. Curran, County Manager, said that this is a very difficult issue for members. Everyone accepts that there is a shortage of water in Kenmare and it is now down to the source to be used to supplement this supply. Kerry County Council has checked all options and the delay in presenting the report was as a result of wanting to ensure that all options were properly evaluated. Four viable options have been identified and costed and the cheapest option is the River Sheen. The next option is Lough Eirk with the River Roughty and the Council is not in favour of this option. The use of a combined source of Lough Eirk, Barfinnihy Lake and Cumber Lough would cost an additional €2 million while the use of Clonee Lakes would cost an additional €7.3 million. The Council must come up with the most cost effective and best solution. Local residents are opposed to the use of the Sheen River as they are concerned about its impact on the community in relation to agricultural practices and issues of planning. The Nitrates Directive and the Water Framework Directive will dictate what will happen in the future. He said that he was not sure how you could agree an independent consultant as the cost of this would have to be met by the Council. He suggested that perhaps the best independent consultant would be An Bord Pleanála.

The water supply for Cork City is being abstracted near City Hall which is down stream of the Lee Valley. He believed this had not impacted adversely on this area. Water is urgently required for Kenmare and if this proposal is rejected he has nowhere to go. If the Council opt to go with the Barfinnihy Lake as a water source it will be necessary to construct an access road and a dam. This would be expensive. He accepted that a gravity supply would be ideal if that is

possible. If the proposal before Council is rejected he would have to go back to the Department and say that the Barfinnihy Lake is the way that members want to proceed and they could say that the Council would have to fund this option themselves. If the Barfinnihy Lake is the option that is referred to An Bord Pleanála he asked how he would defend this option when better options have been identified. He would therefore not be in a position to defend that option. He acknowledged that this is a very difficult decision for members and said that it may be appropriate to defer it to the November meeting prior to which both sides could meet and enter into further discussions. Everyone accepts that Kenmare needs water. He accepted that there are other options identified in the report but said that the legalities tie his hands. He asked members to give very serious consideration to the proposal presented to them.

Cllr. J. Finucane said that he is not from this area but members are being asked to make a decision on a report they received last Thursday. He suggested that an independent consulting engineer should be engaged to verify the information provided by the Council and the residents. The item could then be discussed in detail at the next meeting where direction can be given on what information is correct. He PROPOSED that a decision on this issue be deferred and in the meantime the information presented could be adjudicated upon on whether it is authentic.

Cllr. J. Sheahan said that the people of Bonane will be impacted by this proposal and they are very concerned about it as it is their future at stake. They deserve the respect of the members and members must take their views on board.

Cllr. M. Maloney said that she received the report on Thursday last and it is very technical. She asked would An Bord Pleanála be ruling on the Council's report only as she did not believe they would say that the proposal by the Bonane residents is correct. She asked if the people of Bonane are being asked to pay for an independent report or must the Council's report be reviewed?

In response, Mr. T. Curran said that An Bord Pleanála would be requested to rule on the Proposal to abstract water from the Sheen River. At that time, the people of Bonane would be given the opportunity to rebut what the Council is saying. If the Proposal is rejected by An Bord Pleanála he could then consider alternative options.

Cllr. M. Maloney asked the County Manager if he had not said that he met with the people of Bonane and they made their proposal.

Mr. T. Curran, County Manager, said that the residents of Bonane are concerned that if water is abstracted from the Sheen River it will impact on them. He added that nothing he would say would change that and it is important for members to think of the good of Kenmare and the county.

Cllr. J. Brassil said that he took it that this matter would be deferred to the November Meeting and he PROPOSED it. If that is the case, the County Manager and the executive should meet with the Bonane Community Council

and their representatives with a view to resolving this issue. However, he understood from the County Manager that no matter what he said it would not make a difference to the views of the Bonane residents. If members reject this option, decide to go with Option D and it is then referred to An Bord Pleanála it will be rejected because Option A is the better option. Regardless of whether Option A is right or wrong, it is the only option open to members.

Mr. T. Curran, County Manager, confirmed that that was also his view.

Cllr. M. Healy-Rae PROPOSED that a decision be taken on the proposal at that meeting.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. R. Beasley SECONDED Cllr. Brassil's proposal.

Cllr. J. Finucane said that if members vote not to make the Proposal and it is defeated the net effect is that the Proposal is made. He added members must decide if this item is to be deferred to the November meeting.

Cllr. P. O'Donoghue asked what the benefits of deferring a decision were.

Cllr. M. Healy-Rae asked who will pay for a report to be prepared on behalf of the people of Bonane.

Cllr. J. Finucane agreed with the suggestion by Cllr. P. O'Donoghue who said that one firm was asked to review their own report. An independent consultant should now be engaged who would adjudicate on the Council's proposal and the proposal put forward by the Bonane residents.

Cllr. J. Brassil said that Eamonn Keogh from U.C.C. is a hydraulic engineer and he could be asked to assess both proposals.

Cllr. M. Healy-Rae said that if this is agreed he would propose that financial resources would be made available to the people of Bonane.

Cllr. J. Finucane added that the Terms of Reference must be agreed between members and the Bonane Residents before an independent adjudicator is appointed.

Mr. T. Curran, County Manager, said there is a cost involved and he asked how agreement could be reached on who should be appointed as independent consultant to adjudicate on the proposals.

Cllr. P. Connor-Scarteen said that there must be options for the people of Bonane.

Cllr. P. O'Donoghue said that if somebody is to be appointed it should be for the benefit of members as they are the arbitrators. The County Manager should appoint a consultant for the members with Terms of Reference.

The County Manager agreed to this.

Cllr. J. Brassil said that the Terms of Reference could be agreed through the Environment and Water Services SPC with the Area Councillors.

Cllr. M. Healy-Rae said that he would prefer to have a vote on the proposal presented to members.

Mr. J.D. Flynn said that a vote would then have to be taken on Cllr. J. Brassil's amendment.

Cllr. J. Brassil said that he would be happier if the decision to adjourn this matter to the November Meeting and to appoint an independent person to evaluate the proposal made by the Council and the proposal made by the residents was unanimous.

This was unanimously agreed.

Suspension of Standing Orders

The Mayor informed the meeting that it was 1.30pm and it would be necessary to suspend Standing Orders to hold the Special Meeting to agree Kerry County Councils nominee to the Governing Body of the National University of Ireland, Cork.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley, it was agreed to suspend Standing Orders to allow for the holding of this Special Meeting.

Following the holding of the Special Meeting the October Ordinary meeting resumed at 1.35pm.

09.10.19.12 Presentation by Mr. Michael Culloty, Tralee International Children's Games Limited.

The Mayor welcomed Mr. Culloty to the meeting and invited him to make his presentation to the members.

Mr. Culloty thanked members for the opportunity to address them. He informed the meeting that the International Children's Games were founded in 1968 by Professor Metod Klemenc and the aim of the games was to promote peace, understanding and friendship through sport among the youth of Europe and the world. At that time 9 European teams took part in both winter and summer games. The games are hosted in Europe, Asia and America in rotation and on average there are 1,500 participants each year and approximately 2,500 adults

travel to the games. Over 34,250 children have participated in the games so far and delegations from 340 towns/cities have attended the games down through the years. 90 cities were represented in Athens in 2009 and these represented 75 countries across all continents. This is the worlds largest multi sport youth event with 12-15 year old children taking part.

Tralee was invited to participate in the games in 2005 when they were held in Coventry. The participation from Tralee included 12 for the track and fields events and 8 in a soccer team. Following the 2005 Games a voluntary committee was established in Tralee to prepare for the Bangkok Games in 2006. This voluntary committee continued in 2007 for the Reykjavik Games. Tralee International Children's Games Ltd. is now registered as a not for Profit Company limited by guarantee. There are 4 directors, an advisory board and members. The two goals of the Tralee International Children's Games Limited is:

- 1) Participate in the Games annually
- 2) Host the Games in Kerry in 2015

In 2008 the Tralee Executive invited the Executive committee to host their April 2008 meeting in Tralee. This invitation was accepted and all 7 members attended and this was the first time each of the members was in Ireland. While in Tralee they visited sports facilities including Tralee Golf Club, The Sports Complex, An Ríocht Athletics Grounds, Gaelic, Soccer and Rugby pitches, Fenit Sailing, Rowing and Tralee I.T. There was also a presentation at the Institute of Technology. The Executive were very impressed with Tralee and Kerry as a potential host town and Tralee were encouraged to prepare a bid for the 2015 Games. They subsequently issued a letter of intent to the Executive committee. The venue for the Games is decided 3 years in advance. It is hoped to host the 2015 Games in Tralee where 1,500 athletes would take part and these would be between the ages of 12-15 years of age. An additional 2,500 adults/coaches and civic representatives would also attend the games and there would be delegations from 80 international cities. It is hoped that the Games would be held in late June or early July.

Mr. Culloty informed members that the host town would be responsible for organising accommodation, management of competition programming and venues and the opening and closing ceremonies and also transportation. It would be necessary to identify funding partners/sponsors etc. If the application to host the Games is successful it is hoped to organise a high quality sport and competition programme and to increase the participation of Irish towns and cities. It is also intended to create the environment and structures to facilitate sport, social and cultural integration and to promote local and national culture. This would provide an excellent opportunity to show case the tourism value of Kerry nationally and internationally. The games would create economic/commercial opportunities for the county and develop positive attitudes towards sports participation among our own youth. The games were held in Coventry in 2005 and they cost £1.5m. Of this the government/public sector funded 50% with grants/donations funding 15% while sponsorship accounted for 35% of the cost

involved. The games benefited the local economy to the tune of €3.5m. 2,500 visitors attended the games and 2,000 people from Coventry were involved with the games with 8,000 people being involved in the opening ceremony. 700 people were involved as volunteers and many of these are still volunteering. Those games were rated 'excellent' by the International Community Games Evaluation procedure. The hosting of the games in Tralee would present a marvellous opportunity to show case Tralee and indeed the entire county.

Mayor B. O'Connell thanked Mr. Culloty for his presentation and wished him every success in their efforts to bring the Games to Tralee.

All members thanked Mr. Culloty for his presentation and assured him of their support.

Cllr. A. McEllistrim said that children participating in the Games enjoy a fantastic experience and she would be willing to help in anyway possible in particular in promoting the games at a national level.

The meeting adjourned for lunch at 2pm.

The meeting resumed at 2:35pm.

The Mayor informed members that as the meeting had over run Item No. 13 would be deferred to the November meeting.

This was agreed.

09.10.19.08 Nominations to the Kerry County Council Joint Policing Committee

Ms. C. Brosnan, SEO Community and Enterprise referred members to report dated 13 October 2009 on this item which was circulated. Following the Local Elections the Council is required to reconstitute the Kerry Joint Policing Committee. 14 local authority members can be nominated and previously the positions were allocated on a geographic spread basis and the following numbers per electoral area:

Tralee - 3 members
Killarney – 3 members
Killorglin – 3 members
Listowel – 3 members
Dingle – 2 members.

If members are in agreement this matter could be considered at the next round of Area Meetings in November with a view to ratifying the membership by full Council at the December meeting.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. N. Foley it was unanimously agreed that nominations to the Joint County Kerry Joint Policing Committee would be agreed at the next round of Area Meetings.

09.10.19.09 Kerry Joint Policing Committee Annual Report 2008

It was unanimously agreed to note the Kerry Joint Policing Committee Annual Report for 2008 which was circulate.

09.10.19.10 Appointment of an Ethics Officer for Kerry Local Authorities

Mr. J. D. Flynn, Director of Corporate Services referred members to report dated the 13 October 2009 on this item which was circulated. He advised Members that an Ethics Officer is appointed for a period of 2 years only. Mr. Brian Looney's term of office came to an end on 2nd October 2009 in accordance with this 2 year rule and the County Manager has appointed Mr. Gerard O'Brien, A/SEO Corporate Affairs as the new Ethics Officer for the Kerry Local Authorities. As was the case during Mr. Looney's term of office, he would still be available to advise and assist Members with any queries they may have.

09.10.19.11 Draft Development Contribution Scheme for Strategic Roads Infrastructure in Tralee

Mr. C. O'Sullivan referred Members to report dated 15th October 2009 on this item which was circulated. He informed Members that at the September Council Meeting, a report was considered on the funding requirements for the provision of a relief road in Tralee from the proposed Tralee Eastern By-Pass at the Ballybeggan Roundabout to the North and West of the town and linking with the N86 at Blennerville. The provision of this infrastructure is critical for the future development of the town, as identified in the Kerry County Development Plan 2009 - 2015, the Tralee and Killarney Environs Local Area Plan and the Tralee Town Development Plan 2009 - 2015. In particular, the construction of this road will:

- Remove substantial through-traffic volumes from the Town Centre
- Provide access to lands, identified in the Tralee West Urban Development Frameworks Study Area and in the Adopted Development Plans for the town and its environs, for future development
- Provide alternative direct access to the industrial zoned lands at Clash and Monavalley and the Kerry Technology Park / Tralee Institute of Technology, thus relieving pressure, and in particular, HGVs, on the existing road network.
- Allow for the future development of a sustainable traffic management plan for the town, thus enhancing a vibrant town centre and;
- Improve safety for other road users, in particular, pedestrians and cyclists in the town centre

Mr. O'Sullivan said that the road would provide significant investment into the local economy during construction with potential local employment and the procurement of plant hire and materials. In excess of 80% of the expenditure on the road will be spent locally in employment and supplies. This Draft Development Contribution Scheme is required to fund the construction of the Tralee Northern Link Roads, the Tralee Western Ring Road, and the left-in access from the Tralee By-Pass to the Clash Industrial Estate, at Ballinorig South, as outlined on the attached maps to the scheme, at a total current estimated cost of €30.5m. The proposed development contribution of €24.43 /m² for residential development and €29.31 /m² for non-residential development is calculated on the basis of the current estimated expenditure to complete the project and having regard to projected development within the boundaries of Tralee Town Council and the Tralee Environs Local Area Plan, within the next 20 years. In projecting the level of development over this timeframe, the Council has had regard to the most recent population projections for the Tralee-Killarney Hub, as set out in Section 1.4.3 of the Kerry County Development Plan 2009 - 2015. The Supplementary Development Contribution Scheme, if adopted, will remain in force until such time as the cost of the infrastructural project is fully recovered but may be varied by resolution of the Council at any time. The Council will also continue to seek funding from the National Exchequer for the construction and financing of this road and any such funding received will reduce the timeframe for which the contribution scheme is required.

Mr. O'Sullivan said that in accordance with the statutory provisions of Section 49(3) of the Planning and Development Act 2000, this Draft Statutory Development Contribution Scheme will be put on public display for a minimum period of 6 weeks. Following this process of public consultation, a report on any submissions or observations received will be presented to Council for its consideration within 4 weeks of the closing date for the receipt of submissions or observations.

Cllr. J. Finucane said that these Ring Roads will act as a stimulus for future development in Tralee and will be seen as a significant vote of confidence in the town. It is important also when applying for central funding that we can demonstrate that we are raising funds locally to meet the cost of this project. He believed it is how the Council markets this initiative that is important and it will also strengthen our case for exchequer funding. He PROPOSED that the Draft Development Contribution Scheme for strategic roads infrastructure in Tralee, including the Tralee Northern and Western Link Roads be put forward for public consultation.

Cllr. J. Brassil SECONDED this proposal and added that based on the figures in the Draft Scheme, he anticipated that the average house would be liable for a contribution of €5,000 which he thought was a bit high. However there will be further debate on this following public consultation. He referred to the charge for commercial developments and said that some developments have a large curtilage and he asked if this would be included in assessing the charge.

In response, Mr. C. O'Sullivan said that the charge would apply to buildings only.

Cllr. J. Brassil said that we must be very careful not to do anything that would act as a deterrent to future development and consideration should be given to imposing a maximum charge. A developer may require a large building but the level of activity in it would not warrant the levy suggested in the Draft Scheme. He said that the Draft Scheme is worth consideration and he would agree to put it forward for public consultation and it could then be considered in the light of submissions received.

Cllr. T. Ferris welcomed the report and said that these ring roads are vital to alleviate congestion in Tralee town. She referred to the proposed charges and said that they appear high. Rents in Tralee town are substantially more than Cork City. She said she understood that we are in difficult economic times but Local Government is being starved of finance. She was concerned that Central Government would not help to fund this project if we are seen to be raising funds locally for it. She added that the proposed charges are too high and she would reserve her position until after the public consultation.

09.10.19.14 Dates for the Next Round of Electoral Area Meetings

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

Killarney	Wednesday, 11 th November 2009 in Town Hall, Killarney at 10.00am
An Daingean	Wednesday, 18 th November 2009 in An Daingean Area Office at 10.30am
Tralee	Monday, 23 rd November 2009 in the Council Chambers at 10.40am
Killorglin	Friday, 27 th November 2009 in the Carnegie Arts Centre, Kenmare at 10.00am
Listowel	Monday, 7 th December 2009 in Áras an Phiarsaigh, Listowel at 10.00am

09.10.19.15 Ainmneacha atá Molta ag Coiste Toghcheantair an Daingin don timpeallán agus bóthar nua sa Daingean

Cllr. M. O'Shea PROPOSED that in accordance with the adopted policy on the naming and marking of roundabouts and roads, that the new roundabout in An Daingean would be dedicated to the memory of the late Dr. Finbarr O'Shea.

Cllr. S. Fitzgerald SECONDED this proposal.

Cllr. S. Fitzgerald PROPOSED that the new road between John Street and the N86 would be named Bóthar na bPiarsach.

Cllr. M. O'Shea SECONDED this proposal and it was unanimously agreed.

Dedication of Roundabout at Rathass, Tralee

Cllr. T. Ferris said that in 2000, it was agreed to dedicate the roundabout at Rathass to the memory of the late Johnny O'Connor. To-date, the roundabout has not been dedicated to his memory and she asked that this would be acted upon.

09.10.10.16 Summary of Proceedings at Conferences

- (b) It was agreed to note Mayor B. O'Connell's report on the conference on the theme "From the Canvass to the Council Chamber" held on 3rd July 2009 which was circulated.
- (c) It was agreed to note Mayor B. O'Connell's report on the Douglas Hyde Conference held on 4th July 2009 which was circulated.
- (d) It was agreed to note Mayor B. O'Connell's report on the Lough Ree Environmental Summer School held on 9th July 2009 which was circulated.
- (e) It was agreed to note Mayor B. O'Connell's report on the Percy French Summer School held on 15th July 2009 which was circulated.
- (f) It was agreed to note Mayor B. O'Connell's report on the MacGill Summer School held on 19th July 2009 which was circulated.
- (g) It was agreed to note Mayor B. O'Connell's report on the seminar on Effective Communications held on 31st July 2009 which was circulated.
- (h) It was agreed to note Cllr. R. Beasley's report on the Humbert Summer School held on 20th August 2009 which was circulated.
- (i) It was agreed to note Cllr. T. Ferris' report on the conference on the theme "Planning and the European Law" held on 14th September 2009 which was circulated.

09.10.19.17 Opening of Tenders

- (a) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J. Sheahan, it was agreed to approve the opening of tenders for the Fit out of the Killarney Area Services Centre.

- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J. Sheahan it was agreed to approve the opening of tenders for the Supply and Installation of 15 No. work stations for the new Killarney Area Services Centre.
- (c) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. N. Foley, it was agreed to approve the opening of tenders for the N67 Pavement Overlay, Tarbert.
- (d) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. N. Foley, it was agreed to approve the opening of tenders for Overlay of the N67 Ferry Road, Tarbert.

09.10.19.18 Reception of Deputations

- (a) Cllr. T. Fleming requested that a deputation be received from Rathmore Community Council regarding infrastructure in the village.

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. N. Foley, it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

- (b) Cllr. M. Healy-Rae requested that a deputation be received from the residents of Kilgarvan regarding flooding near Quill's Foodstore.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. PJ Donovan, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

09.10.19.19 Notices of Motion

1. **Provision of a footbridge across the Gaddagh River in the Townland of Mealis**

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

"That this Council would outline the degree of progress made towards the provision of a footbridge across the Gaddagh River in the townland of Mealis in order to facilitate mountaineers who wish to access Currán Tuathail."

Mr. J.D. Flynn, Director of Corporate Services read the following report:

The detailed design of the two footbridges over the Gaddagh and Glaisin Dubh rivers that will facilitate access to Currán Tuathail is now complete and Liebherr Cranes Ltd have been requested to commence their manufacture, which they are undertaking free of charge. It is proposed that construction will commence on site in December 2009 or early January 2010 and it is estimated that it will take approximately 6 weeks to complete the project.

Cllr. M. Gleeson thanked Liebherr for providing this bridge free of charge. He also thanked Management for advancing this project and said that it is very important internationally from a tourism point of view.

Cllr. B. O'Connell SECONDED the Motion.

2. Review of Development Levies

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

"That Kerry County Council assist in the recovery of the County's economy by immediately reviewing development levies associated with planning applications granted, current and future as the existing levies are excessive especially in light of the fact that land and housing costs have come down significantly."

Mr. J.D. Flynn, Director of Corporate Services read the following report:

Development Levies are assessed on the basis of a Scheme adopted by Kerry County Council. The rate charged for the provision of each service covers only a proportion of the cost of providing this infrastructure, the balance being made up by way of Government Grant or other source. Members will be aware of the considerable challenges facing the Council over the next number of years in the provision of water and sewerage services, playgrounds and other amenities and the construction of relief roads. Any reduction in the levies payable will directly impact on the ability of the Council to provide these services and will in fact have a detrimental effect on the capacity of the economy to recover due to the inadequacy of infrastructure to facilitate development.

It should be pointed out that our present scheme provides for the index linking of contributions to take account of increased costs. It was decided not to apply the increase on the 1st January 2009 in order to encourage and facilitate development.

Cllr. M. Cahill said that he believed that the level of development levies collected is a fair reflection of the level of activity in the county. The Council must do everything possible to encourage development. Levies were increased during the boom times but now developers are experiencing difficulties in accessing loans etc and for this reason, the Council should re-visit the Development Levy Scheme. Land prices have dropped and will continue to do so. The Council should be seen to play a fair role in encouraging development and levies should be set at a more moderate rate in current difficult economic times.

3. Provision of 'Cats Eyes' in the Centre of the Road from Poulgorm Bridge to Kenmare

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

"That Kerry County Council applies to the Department of Transport for specific funding, in the interest of safety, to install cats eyes in the centre of the road all the way from Poulgorm Bridge to the top of the town in Kenmare and also to put the orange cats eyes on both sides of the road. The enormous amount of traffic that uses this road would more than justify this expenditure and it should be done in the interest of safety."

Mr. J.D. Flynn, Director of Corporate Services read the following report:

There is no specific funding available from the Department of Transport for delineation works of this scale on this R569 Regional Route. The funding that is available for safety improvements is allocated to address specific locations where clusters of accidents occur and where specific engineering solutions can be identified to address the cause of these accidents.

Where 'cats eyes' are installed on roads, they are done when the road is being improved. Otherwise, the provision of 'cats eyes' has to be funded from the general maintenance budget, which has to fund many other works such as drainage, pothole repairs and wages of road workers.

Cllr. M. Healy-Rae said that this 17 mile stretch of road is very heavily trafficked and he believed that 'cats eyes' would help to make the road safer. He asked if there was any other way of securing funding for this work at a future date.

Cllr. P. Connor-Scarteen **SECONDED** the Motion and said this road takes large volumes of traffic and it is used by many tourists. It was recently improved in many places but there is no white line on that section of road.

In response, Mr. C. O'Sullivan said that 'cats eyes' could be provided where sections of road are improved. There is no specific funding available to do this work otherwise.

Cllr. M. Healy-Rae asked what it would cost to provide 'cats eyes' on this section of road.

Mr. C. O'Sullivan said that he did not have the cost to hand but would revert to Cllr. Healy-Rae with the cost in due course.

4. New Policy on Hedge Cutting

Pursuant to Notice duly given, Cllr. J. Brassil PROPOSED:-

"That Kerry County Council would adopt a new policy to deal with the hedge cutting issue in Kerry as the current policy is clearly not working."

Mr. J.D. Flynn read the following report:

Section 70(2)(a) of the Roads Act, 1993 states “The owner or occupier of land shall take all reasonable steps to ensure that a tree, shrub, hedge or other vegetation on the land is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of a public road or the maintenance of a public road.” The content and responsibilities contained within this paragraph are very clear.

In recent years, Kerry County Council have been issuing Hedge Cutting letters to all landowner and occupiers to inform them of their responsibilities. In the current year approximately 5,400 such letters were issued. If the Roads Enforcement Officer becomes aware of a situation whereby hedges are not being cut, he follows up this non-compliance with the issuing of Hedge Cutting Notices. In 2008, 125 such Notices were issued. With such a large number of landowners and with the extensive length of public roads in the County, it is not possible for the Enforcement Officer to inspect every kilometre of road. He depends on information being supplied to him from various sectors, including local Councillors and other road users. Where complaints are received, these are followed up by our dedicated Roads Enforcement Officer.

However, it is acknowledged that the statutory requirements of Section 40 of the Wildlife Act, as amended by Section 46 of the Wildlife (Amendment) Act 2000, which prohibits the destruction of vegetation growing in hedges or ditches during the breeding or nesting season from 1st March to 31st August, is very restrictive as it is during this period that hedge growth is most pronounced. The Council regularly receives complaints from road users of overgrown hedges on our road network during this period.

Our Heritage Office is currently in the process of carrying out hedgerow surveys of the County in order to assist with the formulation of management plans for the County’s hedgerows. A North Kerry survey is ongoing and the West Kerry survey is completed.

I recommend that this issue be referred to the Transport SPC for further consideration.

Cllr. J. Brassil said that he did not intend going over the old argument that Kerry County Council should go back to cutting hedges as the law must be obeyed. However, he believed that the Council is losing the battle. Conscientious landowners cut their hedges at the correct time each year. The Wildlife Act prohibits the cutting of roadside hedges from 31st March to 31st August and many farmers find this very convenient. He said it is necessary to interact with farming organisations and landowners with a view to coming up with a methodology that would work. Many road signs

are covered by briars and hedges and this is a safety issue. It is not easy to come up with a satisfactory solution but he suggested that the matter would be referred to the Transport SPC who would then draw up a proactive policy on this issue.

Cllr. M. Cahill **SECONDED** the Motion and said that a small fraction of landowners co-operate and cut their hedges. At this time of year, there are many complaints from school bus operators and motorists as the hedges are growing out into the road and damaging vehicles. Many landowners are elderly or living away from the area. This is an important safety issue and must be tackled.

Cllr. B. Cronin asked how many landowners were prosecuted in 2008 for non-compliance with Hedge Cutting Notices.

Cllr. M. Healy-Rae asked would the County Manager agree that the current system is not working.

In response, Mr. C. O'Sullivan, Director of Roads, said that the Council has one Roads Enforcement Officer. Approximately 5,400 Hedge Cutting Notices were issued to landowners in 2009. The Roads Enforcement Officer is relying on the public and Councillors to advise him of non-compliance. He added that he did not have the figures for prosecutions in 2009 but there were no prosecutions in 2008.

5. Implementation of a Fairer and More Democratic Planning System

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

"That Kerry County Council calls upon the Government to implement a fairer and more democratic planning system and that An Bord Pleanála is radically changed in terms of its powers and appointments to its Board. Such changes are needed in the interests of rural dwellers especially."

Mr. J.D. Flynn said that this is a matter for consideration by the Members

Cllr. P. Connor-Scarteen said that two appointments to An Bord Pleanála were supposed to represent rural interests and these were selected out of 27 nominees put forward. These two nominees are linked to the Department of the Environment, Heritage and Local Government. This is very annoying as all Members have come across cases where the decisions of An Bord Pleanála are difficult to understand to say the least.

6. 1Km Rule

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

"The 1km rule in relation to the erection of telephone masts in Kerry is not working. Will Kerry County Council look to see if there is a better way to deal with the issue having regard to the residents who may be concerned if there was a proposal to erect a mast near them."

Mr. J.D. Flynn read the following report:

The 1km Rule was the subject of much debate over a two year period by the Members of the Planning & Sustainable Development Strategic Policy Committee. During that period all stakeholders were invited to address the SPC. The outcome of these deliberations was a unanimous recommendation that the 1km Rule should be deleted. The Council decided to defer a decision on the matter pending the review of the County Development Plan. The matter was again debated at length over the period of the review and Members decided to maintain the 1km restriction in the County Development Plan 2009 - 2015.

This provision is a very crude instrument as it takes any deciding role from the Planners on any application for a mast, once it is clear that the restriction applies to such an application. In such cases the application is not subject to the same scrutiny as other applications and no additional information is sought from the developers as the outcome of the application is inevitable. Furthermore, all applications, if granted, received 5 year permission and the rule is now resulting in many applications for retention being automatically turned down, even when there are no objections received and the infrastructure has been in place for 5 years or more.

Since the adoption of the 2003 Development Plan, the Council has received 75 no. applications for masts. Of these, 38 no. have been refused. 25 no. of the refusals have subsequently been overturned by Bord Pleanála on appeal.

It is clearly the view of management, as enunciated during the County Development Plan review, that this clause should be removed from the Plan. The rule is also directly affecting the roll-out of broadband in the County and the provision of modern and reliable communications for the emergency services.

Cllr. S. Fitzgerald said there were incidences where the 1km Rule did not work in particular in Annascaul recently. Kerry County Council refused planning permission and An Bord Pleanála granted permission. This rule is doing untold damage to the county and is affecting the rollout of broadband. He called on all members to agree to abolish the 1km Rule. When applications for telephone masts are received that are within 1km of schools or homes, no further information is requested and even though they are refused by the Council, they are subsequently granted by An Bord Pleanála. In conclusion, Cllr. Fitzgerald called for the 1km Rule in the County Development Plan to be abolished.

Cllr. B. Griffin SECONDED this proposal.

Mr. T. Curran, County Manager said that he was seeking clarification from the Members on the Motion just moved. He did not intend spending time and money on preparing a variation to the County Development Plan if it would not be passed by Members.

Cllr. A. McEllistrim suggested that it should be debated further before a final decision is taken.

The Mayor informed Members that an item would be included on the November Agenda on the proposed abolition of the 1km Rule.

7. Improvement Works to the Ballydunlea Junction

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

“That this Council request the NRA to carry out urgent improvement works to the Ballydunlea Junction which is on a bend on the N22 at Brennan's Glen where the maximum speed limit applies. There is very poor visibility for residents and it is highly dangerous for motorists trying to exit from this junction. (This was clearly outlined by a deputation to an Area Meeting).”

Mr. J.D. Flynn read the following report:

Kerry County Council submitted this location to the National Roads Authority for consideration for funding under the Safety Measures Grant in 2009 as a result of a deputation being received at the Killarney Area Meeting in September 2008. Kerry County Council only received an allocation from the NRA of €18,000 for remedial works on the National Primary Network in the current year and this was earmarked for improvement works at Cloonclogh Cross on the N23. Unfortunately, no funding was received for the Ballydeenlea Junction. The Roads Department are again in discussion with the NRA to draw up a list of locations on the National Primary and Secondary Road Network for inclusion for possible Safety Funding for 2010.

Cllr. B. Cronin said that he was disgusted at the lack of action as a result of the deputation received at a Killarney Area Meeting earlier this year. The maximum speed limit applies at this junction and it is suicidal to exit the junction and turn towards Killarney. As a result of the deputation, some hedges were cut. Young mothers carrying children to and from school are taking their lives in their hands in turning right at this junction. Because of the lack of visibility, they drive straight across the road into a farm entrance to give them time before turning out onto the road again. He appealed to the Senior Roads Engineer to ensure that when the National Roads Authority Road Safety Officer visits the county again, that he will be brought to this junction and made turn right from it towards Killarney. There is no proper signage at this location and he was concerned that somebody would be killed or badly injured there. This is critical for the residents of this road and he asked that funding would be provided by the NRA for improvements works to this junction.

Cllr. D. Healy-Rae **SECONDED** the motion and said that a deputation of the residents from this area attended a Killarney Area Meeting almost 12 months ago to highlight the urgency of this problem. It is practically impossible to exit this junction safely and funding must be identified for improvement works to the junction.

8. Urgent Job Crisis in the County

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

“That Kerry County Council would request representatives of the IDA, the Department of Enterprise, Trade and Employment, FÁS, Enterprise Ireland and other relevant agencies to address a special meeting of Kerry County Council to address the urgent jobs crisis in the County and the lack of investment that has plagued the economy of the County in recent years.”

Mr. J.D. Flynn said that this is a matter for consideration by the Members.

Cllr. B. Griffin said that the current situation in the county is deplorable in relation to the level of unemployment and the lack of investment in the county. He would like to see a positive response to this Motion and said that Kerry County Council must ensure that as a county, we move forward in a constructive way. He would like to see a Seminar where the views of business leaders etc would be put forward. This is a time for action and he was concerned that as a Council, we were not taking a pro-active approach. There are 15,000 people unemployed in the county and he suggested that the IDA, Enterprise Ireland, FÁS etc should address the Seminar. The spokespersons from these organisations could set out a road map for the future and how we can get over the barrier of unemployment. This is especially urgent for self-employed people who have no safety net in social welfare. He called for the holding of a Seminar prior to Christmas.

Cllr. J. Finucane **SECONDED** the Motion and said that there are 4,000 public employees in the county. There is a crisis in relation to unemployment and the County Enterprise Board should also be asked to address the Seminar as they can cater for companies with up to a maximum of 10 employees only. Substantial grants are made available to foreign employers and investors and he believed there are gaps in policies. There is a need to have a co-ordinated policy. Most of our businesses are small start-up businesses and it is far more likely that there will be growth in this area.

Cllr. B. Griffin asked if there would be progress on his Motion.

Cllr. T. Ferris asked that a report from KEAT would be brought forward to the November Meeting.

Mr. T. Curran suggested that a small group of Councillors would come together and agree the format of the meeting. If representatives from all the State Agencies are invited without a suitable programme, then it will just become a bashing session and there is no point in that.

Cllr. T. Ferris suggested that the Party Whips should meet and agree a format for the seminar/meeting.

Mr. T. Curran, County Manager said that the IDA etc would not have a difficulty in coming in to outline their progress. He accepted that a format could be agreed with the Party Whips.

Cllr. AJ Spring said that the County Development Board would have its first meeting following the Local Elections shortly. The IDA is answerable to the County Development Board and he felt that the best access to all State Agencies is through the County Development Board.

9. Funding for the Continuation of the SIDO Programme

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

"That Kerry County Council ensures that funding is sourced for the continuation of the SIDO Programme (Sports Inclusion Disability Programme - 2 year Programme which began in 2008 with funding from dormant accounts) for children and adults with disabilities to participate in sports and physical activities."

Mr. J.D. Flynn read the following report:

A network of 33 Local Sport Partnerships (LSPs) have been set up throughout the country which are funded by the Irish Sports Council. The role of the LSPs is to co-ordinate and promote sport at local level, especially amongst specific target groups such as older people, girls and women, people with disabilities, unemployed people and those who live in identified disadvantaged communities.

In 2008, a special allocation of €2.25m was allocated from the Dormant Accounts Fund, through the Department of Arts, Sports and Tourism, for the appointment of 20 Sports Inclusion Development Officers (SIDOs) in the Local Sports Partnerships. These Officers were appointed on a two year contract to provide opportunities for persons with a disability to participate in sport and physical activity.

It is our understanding that there may be an issue with continued funding from the Dormant Funds Account towards the employment of these Officers. Should this happen, it would be a matter for the Department of Arts, Sports and Tourism, through the Irish Sports Council, to provide the funding for their continued employment, should they wish the post to continue.

Following discussion on this matter at a recent Area Meeting, it was agreed to seek clarification from the Minister for Arts, Sports and Tourism as he indicated that the continuation of the SIDO Scheme from 2010 will be dependent on the outcome of the 2010 Estimates at Government level.

Cllr. M. O'Shea said that the SIDO Programme is a two year programme funded by Dormant Accounts which was initiated in February 2008. Its aim was to provide sports and physical activities regularly for 243 people. The activities included the following:

- Swimming progressive training for children and adults
- Football in wheelchairs – this programme has lead to the establishment of the Association of Irish Powerchair Football.
- GAA & FAI football skills
- Surfing camp for 40 children with autism.
- Physical exercise for children & adults with disabilities.

Cllr. O'Shea said that the cost of the Programme in Kerry is €60,000 per annum and every effort must be made to support this Programme. He requested that the resolution be forwarded to the Minister for Arts, Sports and Tourism for consideration and that the concerns of the Members regarding the funding for this Programme would also be outlined.

Cllr. A. McEllistrim **SECONDED** this proposal and it was unanimously agreed.

10. Return of CVs to Unsuccessful Applicants

Pursuant to Notice duly given, Cllr. J. Sheahan PROPOSED:-

“That Kerry County Council calls on the Minister for Enterprise, Trade & Employment to make it mandatory that employers advertising in the press have the courtesy to reply to unsuccessful applicants and return their CVs. This regulation is already mandatory and enforced in other European States.”

Mr. J.D. Flynn said that this is a matter for consideration by Members.

Cllr. J. Sheahan said that he recently met a couple who were both out of work. They are applying for jobs but do not get any reply. If their CVs were returned it would be recognition of their applications. Anyone in receipt of Social Welfare must provide evidence of their efforts to seek work. The return of CVs is mandatory in other European States and it is very unfair to treat people in this way. It is a common courtesy to return CVs to unsuccessful applicants. He requested that the resolution be forwarded to the Minister for Enterprise, Trade and Employment for consideration.

This was agreed.

11. Meeting between the Director of Housing and Fintan Ryan, Tralee Credit Union

Pursuant to Notice duly given, Cllr. T. Ferris PROPOSED:-

“To ask the Director of Housing when he plans to meet with Fintan Ryan of Tralee Credit Union to progress the initiative in relation to housing repairs.”

Mr. J.D. Flynn read the following report:

The maintenance regime of Local Authority units carried out by Kerry County Council is determined by the policy of the Council as adopted or amended by the full Council following consideration by the SPC and the available budget for the carrying out of works.

In terms of maintenance policy, the Council must at all times ensure that the obligations and responsibilities which our tenants take on in their Tenancy Agreements are fully upheld. To this end, the Council has a very strict policy on the maintenance of “normal wear and tear” matters as opposed to damage. Where damage is caused, the costs of same are recovered from the tenant as appropriate, and where necessary, further action is taken.

The budget available to Kerry County Council is limited and will come under increased pressure in the present economic downturn. This budget must be managed efficiently, effectively and with due controls. Any possible arrangement with Tralee Credit Union must respect these principles.

The Director of Housing has made contact with Mr. Ryan and will discuss the matter further with him in the coming weeks.

Cllr. T. Ferris said that this was a very negative response. Many council houses need central heating, new windows, doors etc. The Council does not have funding to carry out these improvements and she was simply suggesting that tenants, approved for repairs, be allowed take out a loan with the Credit Union and a certain amount of their rent each week would be used to repay the loan. Grants are no longer available to allow a tenant to get a stair lift but they could provide this through a loan from the Credit Union. The Housing SPC must totally review this category as she believed the grants scheme is neglectful of the elderly. She urged Members to support this Motion and she emphasised the importance of meeting with Fintan Ryan.

Mr. J. O'Connor, Head of Finance said that Councillors are talking about using rent to pay a loan. Rents are assessed based on the Differential Rents Scheme and this income is used to allow the Council deal with other issues. There is no question that money correctly due for rent can be used for any other purposes.

Cllr. T. Ferris said that rents are variable and are based on the income of tenants. It is not possible to predict accurately what our income will be from rents. She accepted that some Council houses are in excellent condition but some houses, where the tenants are in the house for 20 or 30 years, need urgent repairs. This is the only solution available at the present time.

Mr. J. O'Connor, Head of Finance said the Council estimates income from rents accurately each year. This income is used principally for housing purposes. Millions of Euros have been spent on renovating and refurbishing housing estates in the past few years and it would not be valid for the Council to deploy rents as suggested in the Motion.

12. Provision of Additional Resources for Community Alert Groups and the Retention of Rural Garda Stations

Pursuant to Notice duly given, Cllr. T. Fleming PROPOSED:-

“That in view of the escalation of rural crime in County Kerry, especially with the oncoming of winter months, that the Minister for Justice, Dermot Ahern, TD, be requested to provide much needed additional resources for community alert groups and also the retention of rural Garda Stations in County Kerry.”

Mr. J.D. Flynn said that this is a matter for consideration by Members.

Cllr. T. Fleming said that community alert groups do excellent work in protecting the community against crime. He complimented them on their work in securing funding for alarms etc for the elderly. There is a need to upgrade alerts and many groups are reviewing their present arrangements. He called on the Minister for Justice, Mr. Ahern to provide funding to allow them to do this. The McCarthy Report recommends closing down rural Garda Stations but they are needed now more than ever. They only cost €1m per annum and he called on the Members of the Council to pass a resolution in support of additional funding for community alert groups and also the retention of rural Garda Stations in Kerry.

Cllr. B. Cronin **SECONDED** the Motion and said that the safety of our elderly people is of paramount importance. It is also essential that rural Garda Stations are retained and that adequate funding is made available to community alert groups.

13. Allocation of Funding from the €200 Second Home Charge towards the Elderly and Disabled Persons Grants Schemes

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

“To ask the Finance Section of Kerry County Council to allocate some funding collected from €200 second home towards the Elderly and Disabled Persons Grants Schemes - especially to those elderly and disabled who urgently need help.”

Mr. J.D. Flynn read the following report:

The Elderly and Disabled Persons and related Grant Schemes are funded by grant aid from the Department of Environment, Heritage and Local Government and a local contribution. The initial allocation for 2009 is €2.883m and made up of grant aid of €2227m (77%) and an own resources amount of €0.656m (23%). Grant aid is, therefore, the main driver for the level of allocation available. Historically, the Council has been given one of the highest grant allocations in the State and the Council has been making the appropriate sizeable own resources provision in each annual budget. Quite obviously though, on the other hand, an unlimited and ever increasing allocation cannot be afforded. There has been considerable demand for these grants in recent years with consequent very severe pressure on the available budgetary allocations and this was indicated at the Council's May Monthly Meeting. It was indicated at the May Meeting, as well, that because of the current level of the drawdown of grants allocated in 2008, there was little scope for allocating new grants other than emergency cases for the remainder of 2009. The Council is dealing with and will continue to deal sympathetically with genuinely urgent and emergency circumstances. In that regard the Council has been pursuing an application for additional grant aid from the Department of the Environment, Heritage and Local Government, and last week the Council succeeded in getting an additional grant allocation of €531,000. That grant sum and the local contribution required of €132,750 will allow €663,750 worth of urgent and emergency local grant applications to be dealt with. We will need though, to fund the local contribution from within the existing budget.

The Council was informed at the July Monthly Meeting, through the Mayor's CPG report, that our Local Government Fund allocation had been reduced by €0.88m and a significant reduction was projected in local income streams, particularly rates. This resulted in a review of the budgetary allocations across all our services and a consequent reduction in many of the provisions so that the Council could remain in a balanced budget position for the year. In this exercise the projected net income accruing to the Council from the Non Principal Private Residence Charge was taken into account so as to support our services as best as possible. It is to be noted that the allocations for the grants mentioned in this Notice of Motion were not reduced in the mid-year review.

We will continue to pursue a further additional allocation for this year from the Department of Environment, Heritage and Local Government and if we succeed, we will seek to source the local contribution as well.

Cllr. D. Healy-Rae welcomed the report but said that it did not address his Motion adequately. The most important request for grants are those for the elderly and these grants help to give them comfort in their old age when time is not on their side. Over the past number of months, there has not been sufficient funding to deal adequately with the level of applications received. He asked that some of the income from the €200 for second homes would be used to fund these schemes. One of the Council's primary functions is to see after the elderly and disabled.

Cllr. PJ Donovan **SECONDED** the Motion and said that any additional funding that could be made available for these grants schemes would be very welcome.

Mr. J. O'Connor, Head of Finance said that any income from the Non-Principal Private Residence charge would be used to support all our services. At present, our income is down €900,000 in 2009 and collections are proving to be very difficult. The income from this charge is needed to ensure a balanced budget. An additional allocation was received during the week for these schemes but this requires a local contribution of €133,000. Kerry County Council is making a contribution of over €1m annually to these schemes.

Cllr. D. Healy-Rae said that the Council had already made a contribution to these schemes before the NPPR charge was applied.

Mr. J. O'Connor said that in July, the Council was notified of a very significant reduction in grants and has also experienced a reduction in income. Other areas have suffered a reduction in funding as a result of this but funding for these schemes was not reduced. The Council must now identify a further €133,000 to meet the own resources provision of the additional allocation received.

14. Criteria for Local Improvement Schemes

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

“That in the interest of equality of treatment, the presence of one farm holding would be deemed sufficient to allow a private road become eligible for consideration for a Local Improvement Scheme.”

Mr. J.D. Flynn read the following report:

The statutory basis for the Local Improvements Scheme with effect from the 1st January 2002 is contained in Section 81 of the Local Government Act 2001. The details of the Local Improvements Scheme are laid out in the “Local Improvements Scheme Memorandum” issued in February 2002 by the then Department of the Environment and Local Government. Section 81(3) of this Act allows the Road Authority make assistance by way of the carrying out of works, a financial contribution or otherwise towards the

construction or improvement of a non-public road which provides access to parcels of land of which at least two are owned or occupied by different persons, or provides access for harvesting purposes (including turf or seaweed) for two or more persons. There is no provision in the Act for improvement works to a non- public road serving one farm holding.

To request the Minister to change the Act is a matter for resolution of the Council.

Cllr. M. Gleeson said that one of the great schemes that helped to transform life in rural Ireland has been the Local Improvement Scheme. Prior to 2002, it was sufficient to qualify for a Local Improvement Scheme for one farm holding to exist on the road. Section 81 of the Local Government Act 2001 has changed that requirement to the need for two land holdings. He believed that this change discriminates most unfairly against people living in rural areas and it reinforces isolation. He called on the Council to support his Motion.

Cllr. B. Cronin **SECONDED** the Motion and said that people who reapplied to have their road improved under this scheme were refused on that basis.

15. Support for Nursing Homes

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

“That this Local Authority recognises and supports the excellent work that is done by our private nursing homes throughout the County. While all our district hospitals do excellent work, when it comes to long-stay beds, they obviously don't have enough space and that is why the nursing homes should get the proper support that they deserve from the HSE. At present, many of our nursing homes are under extreme pressure and are finding it difficult to survive. I believe that the fair deal is very far from being fair and these nursing homes are not only taking good care of our elderly population, but also giving much needed jobs in our locality.”

Mr. J.D. Flynn said that this is a matter for consideration by the Members

Cllr. M. Healy-Rae said that now more than ever, local hospitals are under pressure and if it were not for the work of private hospitals, they would be under even more pressure. Private nursing homes provide an excellent service and should be supported by the HSE.

16. Cé Nua ar an Blascaóid agus i nDún Chaoin

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

“Cathain atá sé i gceist ag an Comhairle Contae dul ag caint leis an OPW agus Roinn na Gaeltachta maidir le Cé nua ar an Blascaóid agus i nDún Chaoin?”

Mr. J.D. Flynn read the following report:

De bharr go n-éirigh go geal le aistriú an chuid is mó de'n dtalamh agus na cearta ar an oileán, ón mBlascaod Mór Teo. go dtí An Stát níos luaithe i mbliana, bhuaile An Comhairle le Roinn na Gaeltachta agus le Bord na nOibreacha Poiblí maidir le Cé nua a thógaint ar an mBlascaod agus uasghradú a dhéanamh ar an gCé i nDún Chaoin.

Tá soláthar an infastrúctúir seo ag braith go huile agus go hiomlán ar an airgead ar fad a bheith ar fáil ón Státchiste. Ní bhfuair aon gheallúint ó Roinn na Gaeltachta ná ón Bhord na nOibreacha Poiblí maidir le aon deontas a bheith ar fáil agus cuireadh in iúl go laidir ná raibh aon súil go mbeadh a leithéid ar fáil go luath.

Following the successful transfer of the ownership of the majority of the lands and rights on the island, from Blascaoid Mór Teoranta to the State earlier this year, the Council met with the OPW and Roinn na Gaeltachta and raised the issue of the provision of a new pier on the Blasket Island and the upgrading of the existing pier at Dún Chaoin.

The provision of this infrastructure is contingent on the full funding being provided by the national exchequer. No commitment on funding was received from either the OPW or Roinn na Gaeltachta at the meeting and it was clearly indicated that it was unlikely State funding would be available in the immediate future.

Dúirt an Clr. S. Mac Gearailt nach raibh sé sásta leis an bhfreagra seo. Tá cé nua don mBlascaod Mór agus do Dhún Chaoin idir laimhe le 20 bliain anuas. D'fhógair Síle de Valera, Aire na Gaeltachta ag an am, €8m do thogra an Bhlascaoid Mhóir i 2002. Do b'é a thuiscint go mbeadh an maoiniú seo ag dul i dtreo céanna nua ar an mBlascaod Mór agus i nDún Chaoin. Go dtí seo tá fíor bheagán den €8m seo caite. Mhol sé go gcuirfí an rún seo, agus éileamh ar mhaoiniú, go dtí an tAire Airgeadais agus go 'n Taoiseach, chun ar a laghad cé nua a thógáil ar an mBlascaod Mór.

17. Erection of Bollards to Protect Green Areas from Illegal Parking of Caravans in Council Estates

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

"To request the Housing Department to immediately erect bollards to protect green areas from illegal parking of caravans in Council estates."

Mr. J.D. Flynn read the following report:

The wide-scale erection of bollards around green areas in local authority estates is not seen as a realistic preventative measure to the illegal parking of caravans in Council estate areas on a number of obvious grounds. However, the Housing Department will continue to review particular incidences of illegal parking where it has occurred in Council estates and examine what, if any, physical measures may be appropriate as a counter-measure against its re-occurrence.

Cllr. B. Cronin said that he was referring to the Housing Estates in Caisleáin Mór and Cahereens West in Castleisland. He received a request from the residents that bollards would be erected to prevent caravans moving onto the green area in their estates in future. He asked that serious consideration be given to this request.

In response, Mr. L. Quinlan, SEO Housing said that in Cahereens West, the Council's Engineer has secured the back of the estate following the removal of the caravans.

Cllr. B. Cronin welcomed this and said that the tenants want their green areas protected.

Cllr. M. Healy-Rae asked that an estimate would be prepared for the next Council meeting on how much these works, which were carried out in the estates in Castleisland, have cost Kerry County Council. It would be good to inform the general public of the cost involved as the Council have many other things to spend their money on.

18. Alternative Site for the Mast in Annascaul

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

“That Kerry County Council would assist in the indication of a suitable alternative site for the proposed NDRS mast in Annascaul and that Kerry County Council would call on the relevant Government Minister to intervene in the Annascaul mast issue if a suitable alternative site cannot be found for the mast.”

Mr. J.D. Flynn read the following report:

The Council has no role in the identification of suitable sites for masts. However, the Planning Authority will continue to engage with communication providers at pre-planning stage on any proposals for the provision of such facilities.

Cllr. B. Griffin said that in April this year, he initiated a meeting with the company and the residents and a further meeting was held in August. They acceded to the request for these meetings and subsequently agreed to consider a more suitable site for the mast. He called on Kerry County Council to assist this company in their search for a more suitable site.

Cllr. M. Healy-Rae said that the Enforcement Officer in the Planning Department is dealing with the illegal knocking of a pillar and a wall by this company in their efforts to commence construction of their mast. They were to restore the pillar as it was illegally knocked. He called on the Enforcement Section to pursue this matter to ensure that the pillar and wall are rebuilt.

19. Review of the Re-connection Charge of €1,065

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

"To request the Director of Water Services to review the present re-connection charge of €1,065. Customers in financial difficulties, including small and medium businesses are finding this charge prohibitive."

Mr. J.D. Flynn read the following report:

A water reconnection charge arises only where a customer who has had a connection previously, requested that it be disconnected and wishes that it be connected again or where a non-domestic customer has failed to pay his/her water charges and the supply was disconnected. All customers liable for charges are given a reasonable opportunity to pay and a disconnection of supply is carried out only where a customer has ignored all notices and failed either to engage with our Revenue Department or to honour an agreed payment plan. So, in effect, a reconnection is a customer driven event. A reconnection involves two interventions by our maintenance staff viz the disconnection and the reconnection. These actions incur such expenditure as labour costs, travel costs, parts, equipment, and machine hire in many instances. The level of charge is reasonable given all the costs involved.

Cllr. M. O'Shea said that many small businesses are under severe pressure. When the water supply to a business is disconnected, the re-connection charge is prohibitive. The Revenue Department should try to get customers to pay their charges by direct debit rather than cutting off the supply. He recently visited a property where the only work carried out by the Council to disconnect the supply was to install a lock and chain on the meter. He called on the Council to suspend this prohibitive charge and to enter into dialogue with customers.

Mr. J. O'Connor, Head of Finance said that the Council will discuss outstanding bills at any time with customers. However, a number of customers do not co-operate. If people have difficulty paying, they should contact the Revenue Department and enter into agreement on part-payment. In fairness to a large number of customers who regularly pay their bills, those who do not pay must be dealt with. He said that he would not be reviewing the disconnection fee.

Cllr. D. Healy-Rae asked that before a customer is disconnected, the Council would enter into discussions with them.

Mr. J. O'Connor, Head of Finance said that disconnection is the last resort and the Council is forced into carrying out a number of disconnections each year. In fairness to those who pay their charges regularly, those who do not comply must be pursued.

20. Percentage for Arts Project for the Castleisland By-Pass

Pursuant to Notice duly given, Cllr. T. Fleming PROPOSED:-

“What is the envisaged money available to the Percentage for Arts Project for the Castleisland Bypass. I propose that a cycle lane be integrated into the road construction and that this amenity would be accepted in lieu of an arts project.”

Mr. J.D. Flynn read the following report:

The money available for the Percentage for Art for the N21 Castleisland Bypass has not been confirmed to date and is subject to the approval of the National Roads Authority.

The provision of a cycle lane on the Northern section (Tralee Road to Dooneen) of the proposed Bypass is not feasible having regard to the cross-section (Type 2 Dual Carriageway) being provided and the availability of land. Cyclists and pedestrians will be encouraged by signage to use an alternative route, primarily for road safety reasons, i.e. the old National Primary Road.

The cross-section on the Southern section (Farranfore Road to Tralee Road) provides a 2.5m hard shoulder on both sides of the road. No provision has been made for a cycle lane on this section of road.

Following the publication of the new transport policy to 2020, “Smarter Travel: Towards a Sustainable Transport Future” and the National Cycling Policy, the NRA are examining options for the provision of safe cycling routes for commuting, transport, recreation and tourism.

The provision of a cycle lane in lieu of the arts project would be subject to the approval of the National Roads Authority, but would not be considered appropriate in this instance.

Cllr. T. Fleming said that some of the Percentage for Arts Projects are of no relevance. There is a demand for cycle lanes and this would be appropriate for the Castleisland By-Pass. He asked that the €100,000 available under this Scheme for this roads project would be used for amenity purposes.

Cllr. B. O'Connell SECONDED this proposal.

21. Family Resource Centre for Kenmare

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

“That Kerry County Council provide assistance to the people of Kenmare in every way possible in establishing a Family Resource Centre in the vicinity.”

Mr. J.D. Flynn read the following report:

The Council will consider any reasonable request where there is a defined need. Kerry County Council has recently facilitated communities in Killorglin in a similar venture.

Cllr. P. Connor-Scarteen said that the Family Resource Centre in Killorglin opened recently and it covers a wide area. He asked that the Council would give assistance to the local community in establishing a similar facility in Kenmare.

22. Burial Ground for Cromane

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

“When will Cromane get its long-awaited burial ground?”

Mr. J.D. Flynn read the following report:

A suitably located site which was recently offered for sale to the Council is currently being investigated.

Any significant expenditure on such a proposed development is subject to the availability of the necessary funding from the Council’s own resources.

Cllr. M. Cahill called on the Head of Finance to fund the purchase of land for a new burial ground in Cromane. He has been seeking a burial ground for Cromane for the past 20 years and the burial ground in Killorglin is filling up at a fast rate. There is no comparison between the cost of landing in Killorglin and Cromane. He called on the Council to make every effort to acquire the land that is now available for a burial ground for Cromane.

23. Removal of Eircom Poles along the Public Roads

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

“That Kerry County Council identify (a) all dangerous Eircom poles along our public roads and demand that they be removed and re-sited immediately (b) following my previous request to ensure that Eircom gets permission from Kerry County Council to erect any new poles.”

Mr. J.D. Flynn read the following report:

- (a) The Roads Department will compile data of Eircom pole locations, from the Elected Members and the Area Engineers, that appear located close to the carriageway edge and will submit this list to Eircom for its attention.**
- (b) The erection of telecom poles is exempted development in accordance with the provisions of the Planning & Development Regulation S.I. No. 600 of 2001. In our correspondence with Eircom, we will request them to assess the siting of any future**

poles on the public road from a Health and Safety point of view. This however might have the effect of increasing the cost of the provision of this service to the public.

Cllr. D. Healy-Rae said that this is a health and safety issue. There are many poles in a dangerous location along public roads and Eircom should be required to get planning permission for the location of these poles. However, he has been advised that this is exempted development. In relation to the second part of his Motion, he was not concerned at the cost implications for Eircom and said that poles should not be located in a way that would be a danger to motorists or other road users.

Cllr. S. Fitzgerald **SECONDED** the motion. He said that he submitted a motion some time ago asking who is responsible in the event of an accident with an Eircom pole but he did not receive a reply.

24. Establishment of a Guaranteed Kerry Mark for Kerry Produced Products and Services

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

"That Kerry County Council would initiate moves to establish a "Guaranteed Kerry" mark for Kerry produced products and services to assist and encourage Kerry consumers to buy and use local products and services."

Mr. J.D. Flynn read the following report:

Kerry County Council is keen to assist in whatever way possible in the promotion and marketing of local Kerry produce. To this end we have assisted the establishment of Farmers Markets throughout the County and have recently established a single contact point within Kerry County Council to further advance the development of such markets. These markets promote and market local excellent Kerry produce. A number of Food Fairs are held around our County also to showcase the best of Kerry produce. These fairs in Listowel, Dingle and most recently, Sneem are an excellent window for producers to showcase their products.

The establishment of a "Guaranteed Kerry" brand similar to the established "Fuchsia Brand" used in West Cork would ensure consistency of quality and assurance of standards for the consumer and the producer. Should the Council so wish, this proposal can be researched, costed and a report brought back to Council on the prospective benefits of this branding.

Cllr. B. Griffin asked that the Council would cost this proposal.

26. Transfer of Occupancy Clause to a New Purchaser

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

“To ask the Kerry County Council Planning Section to allow people who have to sell their homes permission to transfer occupancy clause to the purchaser who indicates it will be their primary place of residence.”

Mr. J.D. Flynn read the following report:

The Planning Authority is aware that, from time to time, for a variety of reasons, persons may have to sell their homes. Any application received will be dealt with on a case by case basis, following the receipt of appropriate documentation. This is dealt with in a very confidential basis and many house owners have been facilitated in this way. However it must be stressed that any subsequent occupier of a house must be able to satisfy the criteria regarding occupancy on which the initial application permission was based. Accordingly the intended purchaser must establish a local need to reside in the area and demonstrate ties to the area in accordance with the Sustainable Rural Housing Guidelines 2005 and the provisions of the County Development Plan.

Cllr. D. Healy-Rae said that the owner of a house who is in a position where they must move are finding it difficult to transfer the occupancy clause to another person, even if they are local. The Planning Department should allow them the dignity of selling their own home. If they can't afford to pay for the house, the bank will sell the house. The Planning Department should facilitate the sale of a house where the purchaser is a local person who indicates that they would be using it as their primary place of residence.

09.10.19.20 Correspondence - Conferences & Seminars

- (a) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. A. McEllistrim, it was agreed to authorise the attendance of Cllr. B. O'Connell at the Shannon Development Conference on the theme 'Dynamic Regions - Future Directions in Regional Development' to be held in Limerick on 6th November 2009. Cllr. B. O'Connell was nominated to report back to Council on this conference.
- (b) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. B. O'Connell, it was agreed to authorise the attendance of Cllrs. A. McEllistrim, J. Brassil, B. Cronin and M. Cahill at the LAMA Annual Winter Seminar 2009 on the theme "Service Provision in Local Government - The New Reality" to be held in Limerick on 6th & 7th November, 2009. Cllr. J. Brassil was nominated to report back to Council on this seminar.
- (c) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to authorise the attendance of Cllrs. B. O'Connell and T. Buckley at the Open Door Network Conference on the theme 'Violence Against Women' to be held in Tralee on 20th November 2009. Cllr. B. O'Connell was nominated to report back to the Council on this Conference.

- (d) On the PROPOSAL of Cllr. B. Griffin, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllrs. P. McCarthy, P. Connor-Scarteen and B. O'Connell at Ace Training & Management Conference on the theme 'Time Management, Media & IT Skills - A Guide for the busy Councillor'" to be held in Athlone from 6th - 8th November 2009. Cllr. P. McCarthy was nominated to report back to Council on this conference.
- (e) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. T. Fleming, it was agreed to authorise the attendance of Mayor B. O'Connell at the Environment Ireland Conference held in Dublin on the 23rd September 2009.
- (f) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. B. Griffin it was agreed to approve the attendance of Mayor B. O'Connell at the 7th National Tourism Conference on the theme "The Arts, Culture and Tourism", held in Carlow from the 24th – 26th September, 2009.
- (g) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. T. Fleming it was agreed to approve the attendance of Mayor B. O'Connell at the conference on the theme "Finding the way Home – Ending Homelessness by 2010", held in Cork on the 5th October 2009.
- (h) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. P. Leahy it was agreed to approve the attendance of Mayor B. O'Connell at the National Water Summit held in Dublin on the 7th October 2009.
- (i) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. A. McEllistrim it was agreed to authorise the attendance of Mayor B. O'Connell at the launch of the University College Cork Strategic Plan 2009-2012 to be held in Cork on the 28th October 2009.
- (j) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. T. Fleming it was agreed to authorise the attendance of Mayor B. O'Connell at the 2009 RDS Forest Service Irish Forestry Awards to be held in Kilkenny on the 22nd October 2009.

09.10.19.21 Correspondence General

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

1.	Letter dated 25 th September 2009, from the Tánaiste and Office of the Minister for Enterprise, Trade and Employment regarding the need for a Jobs Task Force for Kenmare, Co. Kerry.
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2.	Letter dated 25 th September 2009, from the Tánaiste and Office of the Minister for Enterprise, Trade and Employment regarding the European Social Fund in Ireland.
3.	Letter dated 25 th September 2009 from Mr. Brian Lenihan, TD, Minister for Finance regarding tax exiles.
4.	Correspondence dated 5 th October 2009 from Mr. Martin Ferris, TD regarding the proposed leasing scheme for newly constructed vacant properties.
5.	Letter dated 30 th September 2009 from Mr. Brendan Smith, TD, Minister for Agriculture, Fisheries and Food, forwarded by Mr. Jimmy Deenihan, TD regarding the REPS Scheme.
6.	Letter dated 5 th October 2009 on behalf of Mr. John Gormley, TD, Minister for the Environment, Heritage and Local Government regarding Motor Tax.
7.	Letter dated 30 th September 2009 from Mr. Brendan Smith, TD, Minister for Agriculture, Fisheries and Food, forwarded by Mr. Thomas McEllistrim, TD regarding the REPS Scheme.
8.	Letter of thanks dated 7 th October 2009 from Mr Mick Long, Kerry Mountain Rescue Team in acknowledgement of donation received from Kerry County Council.
9.	Circular Letter RLR 19/2009 regarding Regional and Local Road Grants.
10.	Letter dated 9 th September 2009 from Dublin City Council regarding a resolution adopted by that Authority calling for the immediate banning of the use of plastic bullets in the Six Counties.
11.	Letter dated 21 st September 2009 from South Tipperary County Council regarding a resolution adopted by that Authority concerning its opposition to the proposals relating to the re-introduction of third level tuition fees.
12.	Letter dated 1 st October 2009 from Clonmel Borough Council regarding a resolution adopted by that Authority calling on the Government and Minister for Social and Family Affairs to reverse the decision not to pay the Christmas bonus to Social Welfare recipients.
13.	Email dated 1 st October 2009 from Galway County Council regarding a resolution adopted by that Authority rejecting Circular letter transferring responsibility from the Department of Transport to the National Roads Authority for management of local and regional roads.

09.10.19.22 Matters Arising from the minutes as confirmed.

Cllr. D. Healy-Rae said that at the September Council meeting he asked if the General Operative vacancy in Sneem would be filled. This is a very serious matter for Sneem village as there were 5 permanent council workers in Sneem at

one time but now they have none. He accepted that there is an embargo on recruitment by the Minister and he asked if there is any discretion open to the Manager on this issue.

Cllr. P. Connor-Scarteen supported the sentiments expressed by Cllr. D. Healy-Rae.

Mr. J. D. Flynn said that this could be considered in the context of the Budget and it is a matter for the Human Resources Section. He undertook to take this matter up with the HR Section on behalf of Cllr. D. Healy-Rae.

The meeting concluded at 4:20pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry