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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 22 MARCH, 2010**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 22 MÁRTA, 2010**

**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. Serv.	Mr. M. McMahon, Director of Planning
Mr. O. Ring, Dir of Water & Env. Serv.	Mr. J. Breen, Dir. Hsg. & Comm. & Ent.
Mr. C. O'Sullivan, Director of Roads	Mr. G. O'Brien, Meetings Admin.
Mr. P. Stack, SE Planning	Mr. F. Dillon, SE Water Services
Mr. M. O'Donoghue, SEO HR	Ms. M. Joy, SEE Water Services
Mr. T. Sheehy, SE Environment	Mr. J. Kennelly, A/SE Water Services
Mr. F. Hartnett, SEE Roads	Ms. J. McCarthy, SEO Planning
Mr. M. O'Coileáin, Env. Awareness Off.	Mr. L. Quinlan, SEO Housing
Ms. N. O'Mahony, Econ. Plng Offcr	Ms. H. Switzer, AO Environment
Ms. M. West, AO Roads	Mr. D. O'Brien, SSO Environment
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 10.30 a.m.

Mayor B. O'Connell took the Chair.

**10.03.22.01 Mayor's Report on CPG Meeting held on 16<sup>th</sup> March, 2010**

Cllr. A.J. Spring read the following report into the record of the meeting.

**Item 1 Agenda for the March Council Meeting**

The agenda for the March Council meeting was reviewed.

With regard to the Item re. Draft Supplementary Development Contribution Scheme for the Tralee Ring Roads Project, Mr. C. O'Sullivan, Director of Roads & Transportation, outlined that the Manager's report on this scheme issued in February, 2010, and will be considered at the March Council meeting.

With regard to the Item re. Proposal to take water from the River Sheen, Mr. O. Ring, Director of Water Services and Environmental Services, said this matter was considered at the October, 2009, Council meeting and following a request from the elected members an independent review was conducted. This report along with a proposal to take water from the River Sheen will be considered at the March Council meeting.

**Item 2 County Development Board Update**

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

- The February CDB meeting was cancelled due to public service work to rule.
- One Step Forward event organised by CDB through KEAT will be held on Tuesday, 23<sup>rd</sup> March, 2010, in the Carlton Hotel, Tralee. The aim is to make information about services available to the recently unemployed.
- There is a need to have a CDB meeting regarding a number of economic and tourism related issues for the county as soon as possible. This week's talks on the public service work to rule at national level may bring clarity to the matter.
- Work is ongoing in the absence of CDB meetings in the following areas
  - Integration Strategy for new immigrants
  - Tralee/Killarney linked Hub Social Strategy
  - Community participation policy
  - Family learning initiative
  - Kerry Integrated Traveller Strategy
  - Community and Voluntary forum development
- Director of Housing and Community & Enterprise will liaise with the Chair of the CDB to make arrangements for liaison with the CDB members to keep them apprised of the ongoing work.
- CDB through its Tourism Strategy Group has been working on the development of a unified tourism development strategy for the county which can speak for Kerry Tourism at the highest levels. The CDB sees tourism development as essential to the turnaround in the Kerry economy over the next period.

**Item 3 Update from Chairs of SPCs**

Cllr. P. Connor-Scarteen, Chair of the Transport SPC outlined his report from the recent SPC meeting. This report is listed on the agenda for the March Council Meeting.

**Item 4 Civic Reception**

CPG members agreed to hold a Civic Reception at the May Council Meeting to honour the success of the Castlegregory Junior Football Team on winning the AIB All-Ireland Junior Championship.

**10.03.22.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. N. Foley, it was resolved that the minutes of the Budget Meeting of Kerry County Council held on 11<sup>th</sup> January, 2010, be confirmed.

### **March Ordinary Meeting 2010**

- (b) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. N. Foley, it was resolved that the minutes of the Adjourned Budget Meeting of Kerry County Council held on 18<sup>th</sup> January, 2010, be confirmed.
- (c) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P. Leahy, it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on 8<sup>th</sup> February, 2010, be confirmed.
- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. N. Foley, it was resolved that the minutes of the February Ordinary Meeting of Kerry County Council held on 15<sup>th</sup> February, 2010, be confirmed.
- (e) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. N. Foley, it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on 1<sup>st</sup> March, 2010, be confirmed.

### **10.03.22.03 Material Contravention of the Kerry County Development Plan 2009-2015 and the Cahersiveen Local Area Plan 2006-2012**

The Mayor informed the meeting that this item would be deferred until later in the meeting.

### **10.03.22.04 Report of the Local Government Auditor on the Council's Accounts for the financial year ended 31<sup>st</sup> December, 2008**

Mr. J. O'Connor, Head of Finance, referred members to his report dated 16<sup>th</sup> March, 2010, which was circulated together with the report of the Local Government Auditor on the Accounts of the Council for the year ended 31<sup>st</sup> December 2008, a copy of the certified Audit Opinion from the Annual Financial Statement and the Income and Expenditure Account Statement for year ended 31<sup>st</sup> December, 2008. He informed the meeting that this is a clear Audit Certification with no qualifications. The Council's global total financial activity (aggregated Revenue and Capital Expenditure and Income, and housing loans) amounted to almost €514m for 2008. In addition, the Council managed an asset portfolio of €3,434m. No invalid or unfounded payments or unaccounted for receipts or any other significant financial issue of material impact were found during the audit and the Lead Auditor was satisfied with the Council's compliance with the required accounting regulations as per her Audit Opinion which was circulated. Work was underway on any matters mentioned by the Auditors in the course of their audit and the management's response included in the report indicates the steps been taken. He said that he was satisfied there were no capital balances within Kerry County Council's accounts which have any significant financial risk for the Council, given the overall generally satisfactory position of Kerry County Councils balance sheet at the end of 2008. There is nothing in 2009 that should cause a deterioration in our finances. However, it is well to remember that the financial turmoil that gripped the national and global economies had just started in 2008 and that Kerry County Council's work programmes and financial challenges have changed quite substantially in the interim and are likely to continue for the foreseeable future.

### **10.03.22.05 Proposal to take water from the River Sheen as a source for the Kenmare Water Supply Scheme**

Mr. O. Ring, Director of Water Services referred members to his report dated the 16<sup>th</sup> March 2010 on a Water Abstraction Order Proposal for the provision of a Supplementary Water Supply for Kenmare which was circulated. The existing

Kenmare Water Supply Scheme has been in place for over 50 years and is outdated and unable to properly meet the current supply needs of the town and the water supply is untreated. Kenmare is now in real danger of having supply restrictions imposed in a dry summer. It is fortunate that the summers have been wet over the last number of years. The situation is so serious that permission is not granted for new developments other than for infill sites. No new permissions will be granted until the water situation has been resolved. For the past 10 years efforts have been made to identify a new source for the water supply and the new network is now completed. The second phase is the provision of a new treatment plant with the third being the new water source. The scheme is planned to provide up to 4,500 m<sup>3</sup>/day of treated drinking water. The current peak demand is at least 1,800m<sup>3</sup>/day whereas the reliable supply is no more than about 1,600 m<sup>3</sup>/day from the existing sources at Lough Eirk and Lough Cummer. This means that a further source(s) must be developed to supplement the existing ones.

A Preliminary Report (2002) by Malachy Walsh and Partners for the upgrade and improvement of Kenmare Water Supply Scheme was reviewed and updated in 2006. It concluded that the most sustainable way to provide for the medium term needs of Kenmare was to augment the existing supplies 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 option for further supplies would be Lough Cummer. A Water Abstraction Order proposal based on this 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 it was decided to carry out a 'Review of Source Options' report in order to address the concerns and alternative proposals put forward locally. The Report evaluated all potential river and lake sources in the Kenmare area in terms of engineering, ecological constraints (including the new Water Framework Directive guidance, Freshwater Pearl Mussel and fisheries) and capital/operating costs.

The evaluation of the options resulted in the following ranking:

1. Lough Eirk with Sheen River and Cummer Lough (Option A)
2. Lough Eirk with River Roughty (Option B)
3. Clonee Lakes (Option C)
4. Lough Eirk with Barfinnihy Lake and Cummer Lough (Option D)

The Report concluded 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 2009 Report recommended that a Water Abstraction Order be obtained to allow the abstraction of up to 2,500 m<sup>3</sup>/day of water from the River Sheen immediately upstream of Sheen Falls and a Proposal to this effect was put before the Council at the October 2009 monthly meeting. A submission from the Bonane Community Council was considered and the elected members requested that an independent consultant would review the Malachy Walsh and Partners Source Options Report and comment on the alternative proposals and report to the elected Council. Mr. Jim Oliver of Nicholas O'Dwyer Limited undertook this review. The process was managed by the Environment SPC under the Chairmanship of Cllr. Brendan Cronin. Mr. Jim Oliver presented the substance of his report "Review of Consulting Engineers Report on Kenmare Water Supply Scheme" to the SPC/Area Councillors on Monday

15<sup>th</sup> March and a copy was sent to every member of the Council. Mr. Oliver briefed the full Council on his report on Friday 19<sup>th</sup> March. Mr. Oliver's review re-assessed the options and found that:

- Sheen River (Option A) and Barfinnihy Lough (Option D) were the most cost effective although Option D had a high level of cost uncertainty.
- Sheen River (Option A) and River Roughty (Option B) had the least environmental impact. Barfinnihy Lake is designated a cSpecial Area of Conservation.

The Report concluded that the supplementary source should be the Sheen River with a source management strategy which would involve

- (a) avoiding river abstraction at low flows by maintaining storage at Lough Eirk and
- (b) increasing river abstraction at high flows to allow Lough Eirk to recover.

The Review also stated that there would be no impacts on farming and development activity in the River Sheen valley as a result of the proposed Sheen River abstraction except restrictions on spreading fertilizer and manure within 200m of the intake and this is in line with existing legislation.

Finally, the Review concluded that the proposed abstraction from the River Sheen would not have a perceptible impact on the appearance or functioning of the Sheen Falls.

The Review agrees in essence with all the previous reports in that the Sheen River is the recommended supplementary source based on cost and environmental impact criteria. However, the Review sets out a management strategy which (a) explicitly stops abstraction when the Dry Weather Flow level in the river falls to 3,546 m<sup>3</sup>/day and (b) limits maximum abstraction to the lesser of 25% of the river flow or 3,500 m<sup>3</sup>/day.

The increase in maximum abstraction to 3,500 m<sup>3</sup>/day (from 2,500 m<sup>3</sup>/day previously) is to allow the existing source lake to maintain storage or recharge, before and after drought situations.

Note that the Dry Weather Flow is approximately the "1 in 50 year flow" and would be expected to last a maximum of 13 days. (The lowest recorded flow to date in the river is 19,979 m<sup>3</sup>/day on 5th September 1995.)

On the basis of the foregoing, it is recommended that the Council make a Water Abstraction Order to allow for a maximum abstraction rate of up to 3,500 m<sup>3</sup>/day from the Sheen River subject to a maximum abstraction rate of 25% of the flow in the river and subject to a minimum compensation flow of 3,456 m<sup>3</sup> per day (the existing Dry Weather Flow estimate) being retained in the river.

If the Water Abstraction Order is made, it is notified to all persons listed in the Book of Reference and also published in the press for public consultation. Objections to the Water Abstraction Order may be made to the Council by any persons and, if any are made, the Water Abstraction Order will be referred to An Bórd Pleanála within 6 weeks for confirmation or otherwise.

Mr. Ring emphasised that if the Water Abstraction Order was made that day it was not the end of the process. He stressed how badly affected Kenmare is by the inadequate water supply in the town at present. Significant development has taken place in Kenmare over the last 10 years. Existing development is under threat and it is almost certain that restrictions on the water supply will be introduced. The lack of a water treatment facility in Kenmare is a cause for concern and if it was necessary to issue a 'Boil Water Notice' it would be detrimental to the town and the tourism sector in particular. Mr. Ring said that Mr. Jim Oliver was present to answer questions and staff from the Water Services Section were also available to answer questions. He then called on Cllr. B. Cronin, Chair of the Environmental SPC to explain the process undertaken.

Cllr. B. Cronin, Chair of the Environment SPC said at the October 2009 Council Meeting the Malachy Walsh and Partners report "Review of Source Options for the Provision of a Supplementary Water Supply for Kenmare" was presented to Council. Following a debate and issues raised on behalf of the Bonane Community Council it was considered that the elected members needed to get clarity on the report and the issues raised by Dr. Skilling. It was agreed to get an independent review of the Malachy Walsh and Partners report and the issues presented on behalf of the Bonane Community Council. The Environment SPC met with the Killorglin Electoral Area members and identified Nicholas O'Dwyer Limited as the independent consultants to conduct the review. The Environment SPC tried to be as fair, honest and balanced as possible. Mr. Jim Oliver carried out the review. The Environment SPC, a number of council representatives and the members from the Killorglin Electoral Area met following the nomination of Mr. Oliver and set out definitive and stringent Terms of Reference. Cllr. Cronin then outlined the Terms of Reference as follows:

"The Consultant will:

1. Carry out a design review of the Malachy Walsh & Partners (MWP) 2009 Source Options Report with particular reference to:
  - (a) Adequacy of analytical methodologies
  - (b) Estimates of future water demands
  - (c) Yields of potential sources
  - (d) Sustainability of proposals, particularly in terms of engineering, costs and environmental impacts
2. Comment on feasibility and potential of the options proposed by Bonane Community Council.
3. Comment on the potential of the proposed River Sheen abstraction to affect farming and development activities in the Sheen Valley, beyond the 200m restriction zone set by the Nitrates Regulations for water abstraction points.
4. Comment on the effect of the proposed abstraction on the appearance and functioning of the Sheen Falls.
5. Prepare a summary report setting out the conclusions and recommendations of the design review.

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The Consultant will meet the Environment and Water Services Strategic Policy Committee and Killorglin Area Councillors, sitting jointly, as soon as practicable in the review process and will brief and report to these Council Members, as required. The primary contact will be Cllr. Brendan Cronin, Chair of the S.P.C.

The Consultant will carry out the work to a timetable to be agreed with the S.P.C./Area Councillors.”

Cllr. Cronin said he requested a tight timeframe for this review. At a special meeting of the Environment SPC, sitting jointly with the Killorglin Electoral Area members, held on Monday 15<sup>th</sup> March, it was agreed that Mr. Oliver conducted his review in accordance with the Terms of Reference. A detailed presentation was made by Mr. Oliver to the elected members at a briefing on Friday, 19<sup>th</sup> March 2010 and Mr. Oliver replied to questions raised at that briefing. It is important to note that Mr. Jim Oliver's remit was not to carry out a public consultation in Kenmare. The SPC were guided by the full Council to have the Malachy Walsh Report and the Bonane Community Council submission reviewed and to consider the options. He welcomed the delegation from Bonane Community Council to the meeting and he complemented them on the excellent way they presented their case. He expressed concern that this situation was being dragged into a 'pro or anti' Bonane Community Council and he emphasised that the decision to be made must be pro Kenmare. Mr. Oliver recommends that the Council should proceed with the abstraction of water from the River Sheen with stringent conditions which arose as a result of consultation with Dr. Skilling. Kenmare is a major tourist town and he asked members to consider what will happen in mid July/August if there is an extremely dry spell of weather and water restrictions are imposed. Elected members would be opposed to such restrictions. Members have a duty to ensure that this situation does not arise. Kenmare town would be destroyed if restrictions were imposed on the water supply. It is important to realise that Kerry County Council's function is to provide adequate safe drinking water for the people of the county. Mr. Oliver has recommended a number of conditions to apply if water is to be abstracted from the River Sheen. Mr. Oliver identified issues/difficulties with using Barfinnihy Lough as a water source. This Lough is located in an area that is designated a cSAC and there would be major difficulties in using this Lough as a water source. Cllr. Cronin said there is an onus of responsibility on the elected members to safeguard the people of Bonane from a farming point of view. At the briefing on Friday last members were categorically informed that the only restriction that will be placed on activities as a result of the proposed abstraction relate to the spreading of fertiliser and farmyard manure in the immediate vicinity of the proposed intake. Other than that the normal restrictions apply. Members were also given assurances that the normal percolation requirements would apply in relation to planning. Cllr. Cronin pointed out that water is abstracted from the River Feale near Listowel. It is fair to say that farming in this area is intense and the abstraction has not had any great impact on farming in this area. He requested that these assurances would be repeated. A report has been presented to members with the results of the review by Mr. Oliver. In conclusion Cllr. Cronin informed the meeting he was in constant contact with Mr. Oliver to monitor progress while the review was taking place.

Cllr. J. Brassil asked Cllr. Cronin to repeat the Terms of Reference.

Cllr. Cronin then repeated the Terms of Reference as set out above.

Cllr. P. Connor-Scarteen thanked Cllr. Cronin for his work with the Environment SPC on this issue. He welcomed the representatives from Bonane Community Council, Kenmare Chamber of Commerce and the Kenmare Trout Anglers Club to the meeting. At the briefing on Friday last he mentioned that members did not have adequate time to get professional opinion on the contents of the report. All members acknowledge that Kenmare needs water. If there is a dry summer it will cause difficulties in Kenmare. All members want to see the town prosper. The people of Kenmare fully support the people of Bonane on this issue. Thanks to Bonane Community Council members now know there is no requirement to build big dams to store 4,500 <sup>3</sup>m of water for 365 days a year. There is sufficient water in the lakes to supply Kenmare and the greater area with good quality drinking water. The extra water demand required along with Lough Eirk and Cummer Lake is 277,000 <sup>3</sup>m per year. There are a number of lake options as follows:

- (a) Already Kerry County Council (in the last 2 years) have constructed a Dam at Lough Eirk storing an extra 90,000 <sup>3</sup>m of water, this leaves a shortfall of 185,000 <sup>3</sup>m a year. (This extra storage at Eirk is not included in the O Dwyer report). The height of the Dam could be increased to give more storage.
- (b) A draw down of 1.5 m from Barfinnihy will give the necessary water required. He said that while Barfinnihy is in an cSAC it is not on the Ring of Kerry. He pointed out that houses, quarries and slatted units have all been built in SACs in the past.
- (c) Cummer Lake has also the capacity to supply the required 185,000 (without dam) this would require the laying of larger water pipe from the lake at a cost of €20,000 per mile for five miles – total cost €100,000.
- (d) Gullaba lake already supplies Kilgarvan and is connected to the Kenmare network. This lake can more than supply the extra required. In fact according to MW&P Kilgarvan accounts for 500 <sup>3</sup>m of the 4,500 greater Kenmare demand. 500 <sup>3</sup>m multiplied by 365 days = 182,500 per year which is the extra required. In fact Gullaba has the capacity to supply over 360,000 <sup>3</sup>m a year.

Cllr. Connor-Scarteen pointed out that this area is not in the Killarney National Park. Kilgarvan and Templenoe have their own water sources so they could be removed from the report. There are various options available to supplement the water supply for Kenmare and he was glad an independent consultant was engaged as he highlighted the lack of clarity on a number of issues. In conclusion Cllr. Connor-Scarteen urged members to vote against the Water Abstraction Proposal presented as there are other options available.

Cllr. M. Moloney thanked Cllr. Cronin for his work with the Environment SPC on this issue. She welcomed the representatives of Bonane Community Council to the meeting and said that they are very concerned regarding this Proposal. She thanked Mr. Oliver for his report and briefing on Friday last. The Chair person of Kenmare Chamber of Commerce was present at the meeting and they fully support the people of Bonane and they do not want the River Sheen to be used as a water source for Kenmare. Cllr. Moloney asked for a response to the letter received from the South Western Regional Fisheries Board.

Cllr. M. Healy-Rae thanked Cllr. Cronin for his work on this issue as Chair of the Environment and Water Services SPC and also all councillors on that Committee. He said the people of Kenmare fully support the people of Bonane on this issue and



he welcomed Mr. Donald Lynch of the Kenmare Chamber of Commerce to the meeting. Everyone in Kenmare is united on this issue. He welcomed the report by Mr. Jim Oliver of Nicholas O'Dwyer Limited, not because of the conclusions but because it highlighted errors in the Malachy Walsh Report. When the Malachy Walsh Report was being considered he asked if members agreed to proceed with the recommendation in that Report what would the impact be on the Sheen Falls as he believed the Proposal would be detrimental to the Falls. Mr. Oliver's report states that in a dry spell the abstraction of water from the River Sheen should be restricted and this goes to prove that when the previous report was presented by Management members took the correct decision when they did not vote on it. He asked how correct is Mr. Oliver's report as it does not take account of Gullaba Lake. There are alternatives to the River Sheen. He spoke to Dr. Skilling that morning and he is concerned. Management had this report for a month yet councilors only received it last Friday which meant they had very little time to study it. There are other anomalies in this report but Dr. Skilling did not have time to go through them prior to the meeting. Everyone acknowledges that water is required for Kenmare but in providing the additional source members do not want to go against the community. Bonane is a close knit and hard working community. He was concerned that the abstraction of water from the River Sheen will impact on their activities. The sourcing of water from Lough Guittane has had an adverse impact on the people of the area as they come under greater scrutiny. He believed restrictions will apply in Bonane if the River Sheen is used as a water source. In years to come restrictions could be imposed either by Government or the EU and no one is aware of these yet. He pleaded with all members, on behalf of this close knit community, to reject this Proposal as they do not want to see this become their 'Shell to Sea' campaign. He welcomed Mr. John O'Hehir of the Fisheries Board to the meeting who is fully convinced that this will have an adverse impact on the salmon run up the Sheen. Cllr. M. Healy-Rae again pointed out that there are alternatives and he asked members to take into account the concerns of the Bonane residents and also of the people of Kenmare in making a decision on this issue. Numerous meetings were held in Kenmare regarding this proposal. The cost of pumping the water from the River to the treatment plant is estimated at €200,000 to €300,000 per annum and it makes no sense to incur such high energy costs. He asked councillors to give careful consideration to the concerns of the local community before they vote on this Proposal.

Cllr. D. Healy-Rae thanked Mr. Oliver for his report. He welcomed the people of Bonane and Kenmare to the meeting. Mr. O. Ring, Director of Water Services stated that the present water supply is outdated, however; this need not be the case. The water being taken from Lough Eirk could be piped down to Kenmare. This is not the case at present as the water is only piped part of the way and a lot of water evaporates or soaks through the ground. It would not be very expensive to lay pipes from the lake to Kenmare and to raise the height of the dam at Lough Eirk. This would be very beneficial and to supplement this supply water could also be taken from Gullaba Lake which is supplying Kilgarvan. The pipe supplying Kenmare is laid over ground and during frosty weather the water freezes and to address this problem the pipe should be laid underground. There is a 3" pipe coming from Kilgarvan to Kenmare and this could be increased to a 6" pipe. At present a 6" pipe is serving the Caher Scheme and this reduces to a 3" pipe into Kenmare. This should be increased to a 6" pipe. The Dromoughty Lake is a very reliable source but the size of the pipes to Kenmare needs to be increased. It is estimated that it will cost €300,000 per annum to pump the water from the River Sheen to the treatment plant and this

does not make sense at a time when everyone is being advised to reduce energy costs. This will have huge effect on the environment. In Listowel there was no other option while in Kenmare there are other options. He asked what the cost of treating the water in Listowel is. The problems with cryptosporidium in Galway arose from a low lying lake and it nearly closed down Galway city. The River Sheen almost runs dry when there is a warm spell. He expressed his disappointment with the Director when he said there will be restrictions on water in Kenmare as that is a threat. The Roughty River is not fit to swim in and is not therefore an option. He was concerned that if water is abstracted from the River Sheen it will have a detrimental effect on the people of Bonane as has been the case at Lough Guittane. One applicant for planning permission was refused in the Lough Guittane area because he is within 1km of the catchment of Lough Guittane. The residents near Lough Guittane have not been compensated. The people of Kenmare fully support the Bonane community who are concerned that the River Sheen may become polluted at some time in the future. He asked members not to support this Proposal. Other options have not been investigated and members were informed that the other lakes are lower than Lough Eirk but this is not so.

Cllr. J. Finucane said as a councillor his primary task is the provision of infrastructure to make it viable for business/industry to set up in Kerry. This is more crucial now than ever. He did not believe the future impact on planning is a reason not to vote in favour of this Proposal. The provision of safe drinking water is a most important function. A decision must be taken by members on whether to abstract water from the River Sheen or not. He thanked Cllr. B. Cronin and the Environment SPC together with Mr. Jim Oliver for the report now being considered. Members have two options (1) to accept the Proposal to abstract water from the Sheen River or (2) not to support the Proposal. He took cognisance of the concerns expressed by the fisheries bodies and said that anglers encourage tourism and this is of benefit to the county. Mr. Oliver's Report clearly states there are alternatives including Barfinnihy Lake. He asked if the water in Barfinnihy Lake is of an acceptable standard. Additional studies of this Lake could be carried out at a cost of approximately €80,000. However, this lake is in a cSAC but that should not be an impediment. Cllr. Finucane PROPOSED that a study would be undertaken of Barfinnihy Lake prior to members taking a decision on this issue. Members need to know if the hydrology in this area is suitable and to understand it is suitable from a cost point of view. On the world scale Kenmare is a desirable place to live. In conclusion he again PROPOSED that the study would be carried out prior to a vote being taken.

Cllr. J. Brassil expressed his apologies that he was unable to attend the briefing on Friday last. He referred to Mr. Oliver's report and asked what the abbreviations "SN-MN" mean.

In response Mr. Jim Oliver referred Cllr. Brassil to Page 17 of the Report which sets out definitions of these abbreviations i.e. HP means Highly Positive and MN means Moderately Negative etc.

Cllr. J. Brassil said if the Proposal was adopted and water was abstracted from the River Sheen what would be the on going pumping and treatment costs and how would these costs compare to Barfinnihy where there is a gravity flow. It appeared to him that the gravity flow would be more economical in the long run. If members accept the River Sheen abstraction option and there is a dry spell of weather over the summer when there is the highest demand how would the Council deal with the

restriction on the abstraction of water. Will the people of Kenmare have a water supply? Mr. Oliver was asked to review the Malachy Walsh Report and the submission from the Bonane Community Council and he asked Mr. Jim Oliver if he was tasked with the job of making a recommendation to Council first day would he have come back with the Sheen River Proposal or would Barfinnihy Lake have warranted further consideration.

Cllr. R. Beasley welcomed the presentation made to members the previous Friday and said he had every confidence in Cllr. Cronin to oversee this review fairly. It must be acknowledged that the Bonane residents and the people of Kenmare have serious concerns and the Chairperson of Kenmare Chamber of Commerce is present at the meeting. The concerns expressed should be further investigated. He supported Cllr. J. Finucane's proposal that a further study of Barfinnihy Lake would be undertaken prior to a vote being taken.

Cllr. J. Sheahan welcomed the residents from Kenmare and Bonane to the meeting. He believed there are enough options for a water source and if water is abstracted from the Sheen it will have a severe impact on fishing and farming in the area. In accordance with the Nitrates Directive fertiliser or manure may not be spread within 200m of the intake point. The best of land is along by the river bank. This Proposal will affect a large section of the community and it will handicap farmers who won't be able to get enough fodder for their animals. They will have to buy fodder which is too costly. If Kerry County Council abstracts water from the River Sheen it will result in an annual cost of €200,000 to €300,000 to pump the water to the treatment plant and then around the town. Over four years this will cost €1m which would go a long way towards increasing the capacity of Lough Eirk.

Cllr. A. J. Spring said he proposed the independent review in October. At the briefing on Friday last he concluded that the Barfinnihy Lake was the best option but he acknowledged that the fact that it is in a cSAC is an impediment. He suggested that contact should be made with the Department of Environment, Heritage and Local Government with a view to having Barfinnihy Lake removed from the cSAC. He suggested that the report should be referred back to the SPC and that there should be further public consultation.

Cllr. P. McCarthy welcomed the report and complemented Cllr. B. Cronin on the work of the Environment SPC. He studied all the reports and the conclusions are of interest on engineering, environmental and economic grounds. An adequate water supply is vital for Kenmare and must be a priority. Fishing and tourism is vital for Kenmare and it is important to protect and develop this sector. He could not see any major engineering problem with damming Barfinnihy Lake as the dam could be camouflaged. There would be an advantage in not having to pump water to the treatment plant. He pointed out that there is a greater risk of pollution from a lower abstraction point. As Barfinnihy Lake is high it would be suitable. Ireland was instructed by the EU to protect the environment and to cut down on emissions and electricity is not cheap. The Barfinnihy Lake option is more environmentally friendly as the only maintenance involved is in relation to the pipe network and this would not be expensive. He acknowledged that Barfinnihy Lake is in a cSAC and said the lake will not be contaminated by these works which would only involve raising the level of the lake. This should help to increase the capacity of the lake from a fishing point of view. In conclusion Cllr. McCarthy said, in his opinion, the abstraction of water from Barfinnihy Lake is the most suitable option.

Cllr. B. Griffin said he travelled to Kenmare to see this area. He met with the Community Council who put their case professionally to him. He acknowledged the work of Cllr. B. Cronin on this issue. His main concern is the long term energy costs associated with this Proposal. We are on the verge of a global energy crisis and he was concerned this is a very risky proposal. In accordance with this Proposal the water will be pumped uphill from the River Sheen to the treatment plant at a huge cost and he felt this would be a mistake. At a recent Area Meeting members wanted to get additional street lighting and part of the reason it was refused was because of the energy costs. This Proposal would result in energy costs of €200,000 to €300,000 annually. He believed that the lakes would be a better alternative and this warrants further investigation.

Cllr. S. Fitzgerald said he has listened to both sides on this issue. The Sheen River or Barfinnihy Lake are the most suitable options available but Barfinnihy Lake has not been ruled out. He supported Cllr. J. Finucane's proposal and he would give Mr. Oliver one month to carry out this study and to report back to Council. He asked if reservoirs have been constructed in SAC's in any part of the country. He was fairly sure that the Barfinnihy Lake option would be ruled out but he would like to know if permission was granted to construct a reservoir in an SAC in the last 5 years.

Cllr. M. Cahill said that Management, councillors, Bonane and Kenmare all agree Kenmare needs water. He asked why the people of Kenmare, in particular business people, have concerns with the Proposal being considered. They are concerned from a tourism point of view and their concerns are justified. Tourism is very important to the economy of this area. The South Western Fisheries Board outlined their concerns regarding the Proposal in a letter to the Council dated 8<sup>th</sup> February 2010. Cllr. Cahill asked if there was any more recent correspondence from the Fisheries Board. In their letter the Fisheries Board said that the current Proposal 'differs significantly from the original proposal brought to this Boards attention in 2007, as it provides for a maximum rate of abstraction of approximately 72% of the Dry Weather Flow (DWF) from the Sheen River under low flow conditions and not 25% of DWF as originally proposed.' The Fisheries Board have responsibility to ensure that fisheries stocks are maintained. Cllr. Cahill said he was concerned other options have not been adequately considered.

Cllr. P. O'Donoghue said very few issues have been debated as much as this. There are two imperatives here (1) water is required for Kenmare and (2) we need to protect the people of Bonane. An independent review of Malachy Walsh and Partners report and Dr. Skilling's report was carried out and the report was circulated to members. He expressed dissatisfaction that members only received this report last Friday which did not give them adequate time to study the report prior to the meeting. He complemented Cllr. Cronin on his work with the Environment SPC on this issue. The elected members were briefed on the report last Friday but it was like a meeting with management. Members should have been given the opportunity to meet with Mr. Oliver without Management being present. He asked if there were any discussions with the Department on this Proposal and do they consider that the River Sheen is the only viable option. He added that there was agreement amongst members that they were not in a position to make a decision on the Proposal at the meeting. There is broad agreement that Barfinnihy Lake is the most suitable option. If investigations into this option are incomplete it is unfair to ask elected members to vote on the Proposal. Members need to be informed of all the costs involved and he

was not satisfied that members were adequately briefed on all options. He added that if this Proposal does not proceed there could be implications for Kenmare.

Cllr. M. Gleeson said he is a member of the Environment SPC and they carried out the task precisely as they were instructed by Council and Mr. Jim Oliver complied with the Terms of Reference. It was stated that the Barfinnihy option has been virtually excluded and even if it was to be perused the time frame involved could be a problem for Kenmare. If the study required can be carried out quickly then it should be undertaken. He was aware of the importance of rivers and fishing to the area and everyone wants to see the Sheen retained but Kenmare needs water. Members indicated that Dr. Skilling said there are other anomalies in the report and he requested clarification on these. He asked if the Proposal is made what planning restrictions will apply in this area.

In response to queries raised Mr. J. Oliver said that the capital cost of the Barfinnihy option would be approximately €2.3m with operational costs of approximately €300,000 over the life time of the project. If the existing pipeline is to be replaced this will cost an additional €600,000. The capital costs of the Sheen River option is €1.7m with operating costs of €1m over the life time of the project. This is a very conservative figure and the costs will probably be a lot less than that. He believed that this is the best value for money option. During a dry spell there would be a restriction on the abstraction of water from the Sheen and Kenmare has an advantage in that lake storage is available. There is very little flow data available for the Sheen River but data available from other rivers has been used. It is proposed to stop or greatly reduce the abstraction of water from the Sheen during a dry spell and the water stored in Lough Eirk would be used during that time. When the water levels in the river increase it is intended that the water at Lough Eirk would be allowed to build up again. In an average year the abstraction would be less than 1% of the water flow. He said that he did not find any errors in the Malachy Walsh Report and he recommended a restriction of 25% of the water flow during dry water flow. He felt it was possible to have reserve storage in Lough Eirk which would cater for such times. It is unfair to ask him what he would be recommending if he was starting afresh but said that his overriding concern with regard to the lakes is that they are in a cSAC. He acknowledged that he did not rule out the lakes in his report but he thought it was extremely unlikely that impoundment would be permitted in a cSAC. Development is not prohibited in an SAC but he referred members to the slide he previously showed on European sites which states

**“European Sites:**

- Development impacting cSACs only permitted after having ascertained that it will not adversely affect the integrity of the European site concerned (some exceptions)
  - no alternative solutions
  - Imperative reasons of overriding public interest
    - (i) those relating to human health or public safety or
    - (ii) the beneficial consequences of primary importance for the environment,
    - or
    - (iii) further to an option from the Commission to other imperative reasons of overriding public interest

- Significant Planning and Environmental Risks”

Mr. Oliver said there are a number of options in Kenmare and while he would welcome the additional study he felt it was a waste of money from an engineering and environmental point of view. He referred members to S.I. 101 of 2009 which is the Nitrates Regulations and said that Section 17 (2) reads as follows:

“Organic fertiliser or soiled water shall not be applied to land within –

(a) subject to sub-article (5) 200m of the abstraction point of any surface watercourse, borehole, spring or well used for the abstraction of water for human consumption in a water supply scheme 100 m<sup>3</sup> or more of water per day or serving 500 or more persons.”

Mr. Oliver referred to queries in relation to the cost of pumping water and said that it would cost approximately €80,000 per annum and not €300,000 as mentioned by some members.

He referred to the query from Cllr. Fitzgerald in relation to reservoirs in SACs and said that in Donegal a significant impoundment was permitted in a lake which was beside an SAC and the main focus of the Oral Hearing was the impact on the SAC. Because there was no significant impact planning consent was given. He referred to members request that further investigations would be carried out in relation to the Barfinnihy option and said it would not be possible to carry out these investigations within one month. He recommended that a survey of the lake and the site would be carried out to establish how deep the rock is etc. and he estimated that it would take approximately 4-6 months to carry out this study.

Mr. Oliver referred to the letter received from the Fisheries Board who had concerns regarding the abstraction of 72% of the water from the River Sheen at a dry flow. He pointed out, however, that his report recommends the following:

1. No abstraction below flows of 3,500 m<sup>3</sup>/day
2. A maximum daily abstraction of 3,500 m<sup>3</sup>/day subject to:
  - (a) a minimum compensation flow of 3,500 m<sup>3</sup>/day
  - (b) a maximum abstraction of 25% of the flow in the river.

Cllr. D. Healy-Rae requested clarification on why there would be pumping costs involved if the Barfinnihy option was pursued.

In response Mr. Oliver said the additional costs relate to the provision of additional pipeline and this would cost approximately €1m. Water from Lough Eirk and Cummer Lough would be by gravity flow and it would be pumped from the outskirts of the town to the treatment plant.

Cllr. D. Healy-Rae said it would not be necessary to pump water from Barfinnihy Lake.

Mr. Oliver confirmed that this was the case.

Cllr. D. Healy-Rae said that Mr. Oliver had indicated that no water would be taken from the River Sheen at low flow and he asked how Kenmare would be supplied with water at that time.

Mr. Oliver said that at times of low flow water would be taken from Lough Erik.

Cllr. B. Cronin asked if Gullaba Lake is a possible option and what costs would be involved. He asked Mr. Oliver if he believed that the additional recommendations contained in his report will protect the salmon stocks in the Sheen pool. He also requested a response from Mr. P. Stack in relation to planning restrictions if this Proposal proceeds.

Mr. J. Oliver said that Malachy Walsh considered Gullaba Lake in their original report however it is 19km from Kenmare. He referred to the letter from the Fisheries Board in relation to the Sheen River and said that based on a 25% abstraction rate of low flow they were concerned if there were fish in the pool there may not be adequate water to revive the pool.

Cllr. J. Brassil said that the key factor in question is does the fact that Barfinnihy Lake is in a cSAC exclude it from the potential damming of the lake. It maybe worthwhile to get a view on this from An Bord Pleanála as they will ultimately adjudicate upon any proposal. He asked if a meeting could be arranged with An Bord Pleanála and this could be attended by the senior planners, Cllr. Cronin and representatives from the local community. If An Bord Pleanála indicates that they would object to the impoundment of the lake as it is in a cSAC that would rule that option out.

Mr. P. Stack, SE Planning said that he indicated to members on Friday last that the site of Barfinnihy Lake is in a cSAC. New Guidelines in relation to SACs and Natura Sites were received on the 11<sup>th</sup> March 2010. He then quoted from those Guidelines as follows: "A key protection mechanism, and the subject of this guidance is the requirement to consider the possible nature conservation implications of any plan or project on the Natura 2000 site (cSAC) network before any decision is made to allow that plan or project to proceed." The assessment must be done first. There is a logical process to be followed when considering any development in an SAC. If there is any indication that there could be an adverse or possible adverse implication for the SAC then the Appropriate Assessment process must be followed. In relation to the AA the Guidelines state "The Appropriate Assessment is a focussed and detailed impact assessment of the implications of the plan or project, alone and in combination with other plans and projects, on the integrity of a Nature 2000 site in view of its conservation objectives".

There is no prescribed method for carrying out an Appropriate Assessment. A Natura Impact Statement is a complex process and it takes a lot of time. If it is found in terms of the Appropriate Assessment that the project will have an adverse impact then the project fails except where there is a derogation for imperative reasons of overriding public interest and there is no alternative (IROPI). However there is a derogation for overriding public interest when there is no alternative. This would be permitted in a very rare occasion and in Kenmare there are alternatives. The impoundment of the lake would involve 4 lakes and this would have a negative impact on the SAC. This was highlighted in reports previously prepared on Kenmare. In the view of the EU Ireland has underestimated the significance of projects in SACs in the past and have not taken due cognisance of the Habitats Directive. He

attended a number of seminars in the Department and they advised that a precautionary attitude should be adopted in relation to SACs.

Cllr. M. Healy-Rae said that the water supply at Lough Eirk could be supplemented by one of the smaller lakes above it. However, at the briefing on Friday last, management stated that these lakes were lower than Lough Eirk. He requested clarification on this issue.

In response Mr. J. Oliver referred members to Page 10 of this report which state: "In addition to the lakes considered by MWP there is another small lake close to Lough Eirk, Lough Naconna which appears marginally higher than Lough Eirk. It may be possible to link this lake to Lough Eirk by a new pipeline but it's contributing catchment is very small (approximately 0.2km<sup>2</sup>) and would not contribute to the assessment in a significant way either on its own or in a combination with Lough Eirk. It was therefore not considered further".

Cllr. M. Healy-Rae said that was different to what Mr. Oliver said on Friday last when he stated that the water from this lake would not flow into Lough Eirk.

Cllr. T. Ferris referred to the slide on European sites in Mr. Oliver's presentation and in particular to No. (iii) which reads "further to an option from the Commission to other imperative reasons of overriding public interest" and she asked for clarification on the possibility of getting an opinion from the Commission in relation to possible 'imperative reasons of overriding public interest'.

Mr. P. Stack said if adverse effects are likely, or in cases of doubt, the derogation steps of Article 6(4) will apply, but only in a case in which there are imperative reasons of overriding public interest (IROPI) requiring the project to proceed, there are no less damaging alternative solutions, and compensatory measures have been identified that can be put in place. The IROPI test is more rigorous and restrictive in relation to adverse effects on priority habitats and species.

Cllr. T. Ferris asked must the site satisfy other criteria also.

Mr. P. Stack said that in Kenmare there are alternatives so IROPI is not likely to arise.

Cllr. M. Gleeson asked what the duration of the screening process was.

Mr. P. Stack said that it would be approximately 1 year or more. An Ecological Assessment must be carried over an entire season and a Hydrological Assessment must also be carried out.

Cllr. J. Brassil asked Mr. Stack from his analysis of an SAC did he believe it was unlikely that the abstraction of water from Barfinnihy Lake would be permitted. If that is the case it does not make sense to spend a lot of money in carrying out these assessments and reports. He asked Mr. Stack did he consider that An Bord Pleanála would give an opinion on this matter prior to any further studies being carried out or would they require an application to be submitted before giving an opinion. If An Bord Pleanála rule out that site then members can consider this proposal further.



In response Mr. P. Stack said that he did not believe that An Bord Pleanála would give an opinion on this issue. The Malachy Walsh Report says the impoundment of Barfinnihy Lake would have a negative impact and would be unlikely to get approval.

Mr. O. Ring, Director of Water Services said that this is one of the most important matters to come before Council for some time and it is a measure of its importance that it has taken so long. Members' queries have been answered and all reports prepared mention the fact that Barfinnihy is in a cSAC. He could not see that permission would be granted to impound the lake. The options with the lesser environmental impact are the Sheen River and the Roughty River. The only real benefit of carrying out an additional study of Barfinnihy Lake would be to estimate the cost of the dam and it is almost certain that any additional studies will increase costs further. These studies would take a minimum of a year in the face of overwhelming evidence that it has no chance of being approved. The Water Services Department never considered that Bonane Community would be adversely affected by the abstraction of water from the River Sheen and that is why they have not been included in the Book of Reference. The restriction on the spreading of fertiliser to within 200m of the abstraction point is as a result of the Nitrates Directive and not the proposal now being considered. In the event of a dry summer, as it stands, the Council will have no option but to impose restrictions on water in Kenmare. Mr. Ring said that in his opinion, the choice is simple and it would be a waste of time and money to pursue the Barfinnihy option further. With that ruled out, the River Sheen is the best option remaining.

Cllr. N. Foley referred to the designation of the area as an SAC and said that the Bonane residents have indicated that this status is for the protection of the heather on the hills. She could not see a difficulty with using the Barfinnihy Lake as it would not interfere with the heather.

In response, Mr. O. Ring said that once an area is designated an SAC, all habitats must be considered. This option was considered in the Malachy Walsh report.

Mr. J. Oliver again pointed out that both Barfinnihy and Clonee Lakes are in a cSAC and are European protected sites. Because the lakes lie within this SAC, any impact on the lakes will have an impact on the SAC.

Mr. T. Curran, County Manager said that this was one of the longest running sagas and has been ongoing since 2002. He appreciated the difficult decision faced by members and it appears to him that it all hinges on Bonane Community Council being given assurances that what is proposed would not have an adverse impact on Bonane. However they do not appear to be convinced but is now up to members to make a decision. All members agree there is a shortage of water in Kenmare. If there is a dry summer, Notices of Motion will be submitted by members asking what the Council will do regarding the water shortage but he will not have a solution. In relation to the SAC, he said that when he first came to Kerry in 1997, the road to Tralee through Ballyseedy Wood was being progressed and it was appealed to Brussels. Despite the fact that the Council was buying additional land at the back of the wood to create a wetland, the project was rejected by the EU as it was affecting an SAC. The EU asked if there was an alternative route option and even though this option was more expensive, they would not approve the development as it was in an SAC. There is a very real doubt that approval will be given to proceed with the abstraction of water from Barfinnihy Lake as An Bord Pleanála will ask if there is an

alternative. In this instance, there are alternatives therefore the proposal is likely to be rejected. Much of the screening and appropriate assessment has been done by Malachy Walsh & Partners. If members are serious with regard to the provision of adequate infrastructure, they should approve this Proposal and agree to abstract water from the River Sheen. Anyone who objects to this Proposal will have every opportunity to put their case forward to An Bord Pleanála. A supplementary water source is urgently required for Kenmare and in the view of the Council the best option is the River Sheen.

Cllr. J. Finucane said he made a proposal and he asked that a vote would be taken on that in the first instance. Members are not afraid to make hard decisions but he believed it was important that the study is carried out on Barfinnihy Lake. If members agree with the Proposal to extract water from the River Sheen, there will be a delay with that also. In conclusion, he said he would welcome the opportunity to have further studies carried out on Barfinnihy Lake as he felt this should only take two or three months to complete.

Mr. T. Curran, County Manager said that study would only establish if a dam could be constructed. It would not deal with the fact that Barfinnihy Lake is in a cSAC. The Screening Report and the Appropriate Assessment would take 12 months to complete. If the Appropriate Assessment report is negative, it would be a waste of €80,000. The critical issue is will the development have an adverse impact on an SAC.

Cllr. T. Ferris said the slide on the European sites was not very clear and she asked that clarification be sought from the EU through an MEP.

Mr. T. Curran said that any MEP will not be able to get clarification without a Screening Report and an Appropriate Assessment.

Cllr. B. Cronin said that members should heed the advice being given by the County Manager who indicated that the EU would not agree to allow 10 feet of Ballyseedy Wood to be taken for the dual carriageway. If the Proposal is made by members, it would go to public consultation and anyone could make a submission to An Bord Pleanála who can then overturn the decision of the Council. The fact that Barfinnihy Lake is in an SAC is an environmental and planning quagmire. Further reports could be undertaken and it would take 12 months for these to be completed. If there is a dry spell in the meantime, Kenmare will be short of water. He PROPOSED that the Proposal as presented would be made and put forward for public consultation based on Mr. J. Oliver's report and incorporating his recommendations.

Cllr. A.J. Spring SECONDED this Proposal.

Cllr. J. Finucane said that he already made a proposal.

The Mayor indicated that he would take a vote on Cllr. Finucane's proposal which was SECONDED by Cllr. S. Fitzgerald.

Cllr. M. Healy-Rae asked if this proposal is passed, could members then vote on the abstraction of water from the River Sheen.

The Mayor said that that would not happen until the reports were brought before Council.

Cllr. J. Brassil said that if additional studies are undertaken, it will take 12 months and cost €80,000 and if the report is positive, it still does not deal with the fact that the lake is in a cSAC. This €80,000 could be put to better use.

Mr. J.D. Flynn said that if a vote is taken on Cllr. Finucane's proposal and it is defeated, members could then decide on the Proposal for the abstraction of water from the Sheen River or they could put forward alternative proposals. The effect of passing Cllr. Finucane's proposal is deferring a decision for one or two years.

Cllr. J. Finucane then stated that he was withdrawing his proposal.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. A.J. Spring, that Kerry County Council, the Water Authority for County Kerry, acting in accordance with the provisions of the Water Supplies Act 1942, Water Services Act 2007 and the Planning & Development Acts 2000 to 2007, proposes to take a supply of water from the Sheen River to augment the Kenmare Water Supply Scheme and hereby make the following proposal in accordance with Sections 2 and 3 of the Water Supplies Act 1942:

- (a) The Source of the water from which it is proposed to take the supply is the Sheen River
- (b) The supply is to be taken adjacent to Sheen Bridge, in the townland of Gortnadullaugh, in the district of Kenmare at co-ordinates O.S. 92,416E; 70,062N.
- (c) It is proposed to take only part of the total water available at the point of abstraction.
- (d) The maximum rate at which it is proposed to take water from the River Sheen is 3,500 cubic metres per day subject to a maximum abstraction of 25% of the flow in the river and that a minimum compensation flow of 3,456 cubic metres per day is retained in the river.
- (e) This source is not a lake.
- (f) The estimated minimum quantity of water flowing past the proposed abstraction point in the summer is 3,456 cubic metres per day (Assessed as the Dry Weather Flow).
- (g) Ancillary Works will consist of a river bank intake and river bank stabilisation in the vicinity of the intake.
- (h) No Statement necessary.

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

**For:** Cllrs. Brassil, Cronin, Fitzgerald, Gleeson, Spring, O'Connell **(6)**

**Against:** Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Donovan, Fleming, Griffin, D. Healy-Rae, M. Healy-Rae, McCarthy, Moloney, O'Donoghue, O'Shea, Purtill, Sheahan **(15)**

**Not Voting:** Cllrs. Ferris, Finucane, Foley, Leahy, McEllistrim (5)

The Mayor declared the proposal DEFEATED.

Mayor B. O'Connell informed members that Item No. 3 would then be dealt with.

**10.03.22.03 Material Contravention of the Kerry County Development Plan 2009-2015 and the Cahersiveen Local Area Plan 2006-2012**

Mr. G. O'Brien, Meetings Administrator, read the following report:-

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 in relation to application for **permission** to construct a double garage to the side of existing property at Garranebane, Cahersiveen per planning reg. no. 09/1530.

Planning Register No. 09/1530

Name of Applicant: (Name withheld for data protection reasons.)

Address of Applicant: Bungalow 3, Gurranebane, Valentia Road, Cahersiveen.

Agent: (Name withheld for data protection reasons.)

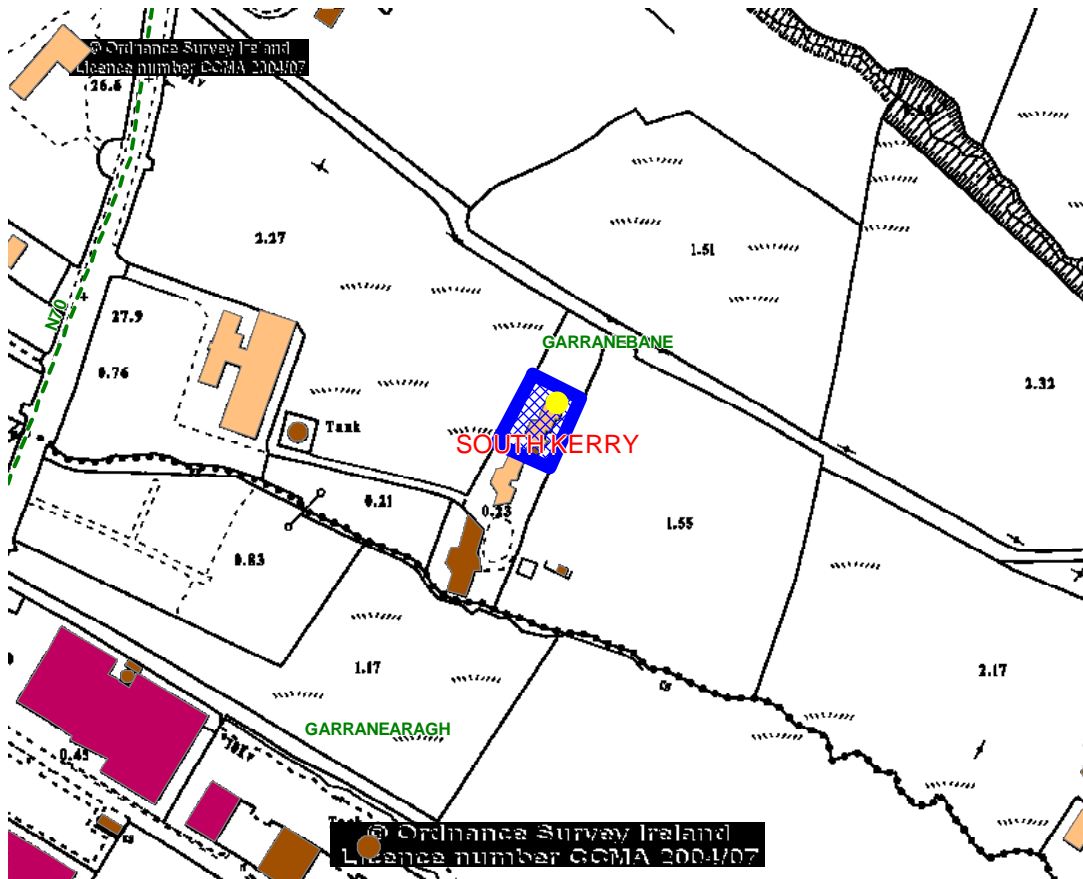
Date application lodged: 08/12/2009

Material Contravention procedure initiated with the publication of the prescribed notices in the 'Irish Examiner' newspaper on 04/02/2010.

Decision due date: 31/03/2010

## Site Location Maps





### **Pre-Planning Consultation**

Applicant consulted with Area Planner, reference 2008/PP/0365.

### **Proposal**

The proposal is for the construction of a domestic garage within the curtilage of the applicant's dwelling house.

### **Description of Site and Surroundings**

The site is located at the southern end of Cahersiveen. The dwelling house on the application site is one of three single-storey houses located to the rear of a former industrial building which is now in use as a furniture shop.

### **Zoning and Designations**

The proposed development is located in an area zoned Industry / Light Industry / Distribution / Employment in the Cahersiveen Local Area Plan 2006 – 2012.

The zoning matrix included in the Cahersiveen Local Area Plan 2006 – 2012 states that a private garage would constitute a use not permitted on lands zoned Industry / Light Industry / Distribution / Employment.

### **Relevant Planning History**

No recent relevant planning history.

### **Reports**

None

**Submissions/Observations**

None

**Assessment**

1. Traffic: Proposed development would not generate additional traffic to the site.
2. Residential amenity: Location and design of proposed garage are such that it would not impact on amenities of existing dwelling houses in the vicinity.
3. Visual impact: Location of proposed garage is such that it would create a very minor local visual impact and the single-storey, flat-roof design would integrate with the existing dwelling houses in the vicinity
4. Zoning: It is considered that the proposed domestic garage would not be incompatible with industrial, distribution and employment uses which would be open to consideration in the area in accordance with the Local Area Plan zoning of the lands.

**Recommendation**

Grant planning permission subject to the following condition:

Proposed garage shall be located and constructed in accordance with drawings and details received on 08/12/2009.

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

The external materials and finishes to walls, roof and windows to the proposed garage shall match the existing dwelling house.

**Reason: To integrate the structure into the surrounding area.**

The garage shall be used for domestic storage purposes only and not for any commercial or agricultural uses.

**Reason: To regulate the use of the site.**

Cllr. P. O'Donoghue PROPOSED, in accordance with the provisions of Section 34(6)(a) of the Planning and Development Act 2000, that permission be granted to (name withheld for data protection reasons), Bungalow 3, Garranebane, Valentia Road, Cahersiveen, to construct a double garage to the side of existing property at Garranebane, Cahersiveen, Co. Kerry, in accordance with plans submitted on Planning Register No. 09/1530 which development would materially contravene the Kerry County Development Plan 2009-2015 and the Cahersiveen Local Area Plan 2006-2012.

Cllr. M. Healy-Rae SECONDED this proposal.

A vote was taken which resulted as follows:

**For:** Cllrs. Brassil, Buckley, Cahill, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Fleming, Foley, Gleeson, Griffin, D. Healy-Rae, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Donoghue, O'Shea, Purtill, Sheahan, Spring, O'Connell **(24)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

Mayor O'Connell declared the resolution CARRIED.

### **10.03.22.12 Presentation on Shannon Development**

Mr. O. Moran, Regional Development Manager, Shannon Development informed the meeting that Shannon Development's key activities in North Kerry are:

- Kerry Technology Park
- Kerry Deepwater Zone
- E-Towns
- Listowel Business Park
- Representational/Collaboration Role

Shannon Development owns 50 acres at Kerry Technology Park while the ITT owns 62 acres. Shannon Development wanted to create a place where people could set up a business and the facility cost €11m. On the advice of successful Kerry entrepreneurs the ITT changed their courses to better meet the demands of the work place. Mr. Moran then briefed members on the various businesses located at the Technology Park at present. The start up companies in the Park generated sales of €60m in 2008. Mr. Moran listed a number of the start up companies that received awards in the past few years.

The Young Entrepreneur Programme and Awards was created and operated by IT Tralee, Shannon Development and Jerry Kennelly. This is an innovative programme aimed at 15 – 23 year olds. It includes teacher training, specially written book, exam and business plan submission and contract with each school participating. There is a strong involvement with the Programme by local and national entrepreneurs. 500 second and third level students completed the Programme in 09/10. Kerry Group is the corporate sponsor for 09/10.

The Endeavour Programme was developed by Shannon Development, IT Tralee and Jerry Kennelly in association with a team of leading Irish Entrepreneurs and Professionals. The aim of the Programme is to significantly increase the number of new start-ups in Kerry. It is a 7 month fast-track Programme for ambitious high achievers with mentoring by Ireland's most successful entrepreneurs and professional advice from Ernst & Young, William Fry, The Communications Clinic etc.

Kerry won the European Entrepreneurial Region Award title for 2011 and this is a significant opportunity to capitalise on Entrepreneurship Branding and leverage support at Government level to advance development plans.

Shannon Development owns the Deepwater Zone at Ballylongford/Tarbert on which the Shannon LNG project will be developed. This project is of national importance and is taking place in Kerry. It is intended that it will bring natural gas to Kerry. 500 jobs will be created during construction which will take 4 years and the local community will receive €200,000 per annum. It is hoped that construction will commence in approx. 15 months but two licences are still outstanding and until these are issued the project cannot commence.

The E-Towns project in Tarbert is a work live concept. This will provide an opportunity for people to live and work in their own area. The target market is local people who would start up a business in their area. 8 work live units have been constructed at a cost of €3m and this will be officially opened on 12<sup>th</sup> April.



Shannon Development developed the Listowel Business Park on a 10 acre site. A number of companies including Shannon LNG, Wind Prospect Ireland Ltd., Tropical Sky and Ray Hilliard Ltd. are located there.

Mr. Moran informed the meeting that over the past four or five years Shannon Development have spent €16m in Kerry. Through the Endeavour Programme and using their property base to stimulate activity they are assisting new businesses to start up. Shannon Development is not involved in tourism or in attracting industry into the county. Mr. Moran thanked members for the opportunity to make the presentation.

### **Suspension of Standing Orders**

The Mayor informed the meeting that it was 1.30pm and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. N. Foley it was agreed to suspend Standing Orders to allow the meeting to continue.

### **10.03.22.13 Presentation on Shannon Development (Cont'd)**

All members thanked Mr. Moran for his presentation.

Cllr. L. Purtill said it is very disappointing that the Shannon LNG project is not progressing as the company have spent almost €30m on it to-date. He asked if any other parties are interested in developing the remainder of the landbank.

Mr. O. Moran said the delays in the permitting process for the Shannon LNG project have been hugely frustrating and the company are finding it very difficult to understand the reasons for the delay. He believed that the permits will be issued in the near future. In relation to the remainder of the landbank it is intended to advertise for proposals in the near future and he hoped when the road is widened and the LNG project commences it might encourage others to consider this as a suitable location.

Cllr. R. Beasley asked now that the economy has slowed down will there still be a demand for the gas produced by Shannon LNG.

Cllr. T. Ferris asked how a self employed person can get access to Shannon Development units.

Mr. Moran said that in Tarbert one of the units will be used for a pre-school and his company has a buy back option in 5 years if the business does not work out and this makes it more attractive. In Listowel a person can purchase a site and provide their own building while in Monavally, Tralee there are units for sale. Shannon Development is self financing and do not get Government grants. The rental income from property is used for further projects.

Cllr. P. McCarthy said it is amazing in a time of economic crisis that Shannon LNG, who will provide jobs, are left waiting so long for licences.

Cllr. J. Finucane PROPOSED that a letter would be sent to the Minister for Enterprise expressing members disappointment that the licences have not issued and requesting that she would meet with a deputation from Kerry County Council to discuss this issue. The international investment this company will bring to the country is very valuable.

Cllr. N. Foley said with a project of such national importance members should be demanding that the Minister meet a deputation from Kerry County Council which would be led by the Mayor and the Manager. The delay in issuing these licences casts a very negative light on the current system.

Mr. G. O'Brien reminded members that a Mayoral Reception would then be held in the Conference Room.

The Mayor said that the meeting would then adjourn for lunch until 2.30pm.

The meeting resumed at 2.30 p.m.

**10.03.22.06 Draft Supplementary Development Contribution Scheme for the Tralee Ring Roads Project**

Mr. C. O'Sullivan, Director of Roads & Transportation, referred members to the three reports as follows which were circulated:

- Draft Supplementary Development Contribution Scheme – presented to Council last October.
- Manager's Report on submissions received
- Report on the implications of the recent decision of the NRA to proceed with the Notice to Treat for the Tralee By-Pass

Mr. O'Sullivan said it would appear from a recent press report that there is some confusion about the scheme and what the funding is for. He then displayed a map that showed the proposed network for Tralee and outlined that the proposed Supplementary Development Contribution Scheme was for the funding of the proposed relief roads to the north and west of the town only. The Tralee Eastern By-Pass, linking the N70 (Killorglin Road) to the N69 (Listowel Road) via the new N22 Bealagrallagh to Tralee road (to be constructed as part of the project) and the N21 (Castleisland – Tralee Road) is being funded entirely by the Department of Transport at an estimated cost €130 million.

The routes to the north and west of the town are collectively known as the Tralee Ring Roads Project, for which the Supplementary Development Contribution Scheme is required to fund. The overall cost of this project is €30.5 million.

*In his report he outlined that "it is critical for town centre business that it has ease of access for customers & clients and it is also critical for industry and particularly in attracting new industry, that it has quick direct access to/from other major towns and cities as well as airports and major ports.*

*The locations of the major industrial estates in Tralee are at Monavalley, Clash and the Tralee Technology Park, located at Forge Cross. All of these are on the north side of the town and currently access from Cork, Dublin, Limerick, South and West Kerry, is through the town.*

*The Ring Road will provide more direct and easier access from the By-Pass, to these areas. It will remove significant through traffic from the town centre, relieve traffic congestion, reduce travel times, improve safety and further the aim of developing the town as a linked Hub with Killarney, as recommended in the National Spatial Strategy. The Ring Road is critical for the future economic development of the town and to open up lands particularly along the Western Corridor, as identified in the Tralee West Area Action Plan. It will also allow for the future development of a more sustainable traffic management plan for the town and support a modal shift in transport, through the provision of improved cycle and pedestrian facilities within the town centre.*

*The provision of this infrastructure is an objective of the Kerry County Development Plan, the Tralee Environs Local Area Plan and the Tralee Town Development Plan, adopted by Council.*

*The Draft Scheme was developed following consideration by Council, of a report on the provision of road infrastructure in the county, at its meeting in January 2008 and having regard to the objectives in these development plans.*

*Following the approval of Council the Draft Scheme was put on public display from the 10<sup>th</sup> December 2009 to the 28<sup>th</sup> January 2010, in accordance with statutory procedures. In all two submissions were received: from the Department of Environment, Heritage and Local Government and (name withheld for data protection reasons). The Managers Report sets out our response to the issues raised in both submissions.*

*(Name withheld for data protection reasons) query was primarily seeking clarification on the area of lands the subject of the Scheme but she believed that the Ring Road will have no direct benefit for her lands. Her lands are located adjacent to the Racecourse with access to or from town from the Clash Roundabout or from the Racecourse Road off the existing Listowel Road. Both of these junctions experience severe traffic congestion at peak hours and given the development potential of her lands for the construction of 355 houses, it is most likely that the Planning Authority could grant permission for this development pending the construction of the Northern Relief Road, having regard to the additional traffic that would be generated.*

*The submission from the Department and the response to same is on Pages 5 and 6 of the Managers Report. One of the key issues raised by the Department was the rate of levy to be applied. In response the Manager had set out the levy to be applied in other similar schemes throughout the country, for relief roads in An Daingean, Dundalk and Sligo. The proposed rate in Tralee is very favourable to these rates."*

Mr. O'Sullivan, in his report, then outlined the implications of the recent decision by the NRA in relation to the Tralee By-Pass.

*"Following the publication of the Manager's Report on the Draft Development Contribution Scheme, the Council received approval from the NRA to proceed with the Notice to Treat for the acquisition of lands and extinguishment of public rights-of-way for the N22 Tralee Bypass / Tralee to Bealagrellagh [KY-99-122] Road Improvement Scheme Compulsory Purchase Order of 2008. The Council has been informed, by the NRA, that they now anticipate sufficient funding to allow the Scheme progress in 2011 and have requested the Council to commence the design/ build tender process.*

*There are 128 affected landowners and the total cost of the Scheme is €137.6 million, which includes a provision of €24.8 million for land acquisition.*

*Prior to giving approval, the NRA sought confirmation from Kerry County Council on the funding of the link road, from Ballybeggan Roundabout to Forge Cross, and the left-in link at Ballinorig. The NRA have only committed to funding the main element of the road, which will carry national route traffic.*

*The construction of the junction at Ballinorig was included, following strong representations by Council to facilitate traffic flows to the proposed relocated GAA stadium on the Racecourse lands. The Council resolved to write to the NRA, at the October 2007 meeting, requesting the provision of this junction. Permission for the re-development of the Racecourse lands was granted by An Bord Pleanála, under planning Reference 08.230850, in February 2009.*

*The NRA subsequently included these links in the CPO for the Scheme, on the basis of the Council having given a commitment to fund this portion of the overall Scheme. The CPO for the Scheme was the subject of an Oral Hearing in January 2009 and was confirmed by An Bord Pleanála, with only a minor modification, on the 18<sup>th</sup> September 2009."*

Having regard to the socio-economic benefits he outlined that provision of these link roads would provide significant relief at the existing Clash roundabout and reduce the volume of traffic, particularly HGV's, on the Clash to Muingnaminnane Road, by providing direct access from the Tralee By-Pass to the Tralee Institute of Technology and the Clash Industrial Estate.

In a recent traffic count, as part of the Tralee Transportation Study, almost 12,000 vehicles passed through the railway crossing at Clash, over a 12 hour period, of which 490 were Heavy Goods Vehicles and 1560 were Light Goods Vehicles. This route also carries substantial volumes of pedestrian and cycle traffic, generated in particular by the IT (South Campus) and the adjoining secondary school. The substantial reduction in traffic on this route would improve safety for vulnerable road users, improve traffic movements at the existing Clash roundabout and reduce noise levels for local residents.

He stated that the estimated cost of the link road and the Ballinorig junction alone is €7 million. As these roads were included in the CPO for the Scheme, the Council is now committed to their construction and funding. The cost of financing a loan of €7million over a 30 year period, at current interest rates, is €421,000.

He also outlined the preliminary design costs to carry out the necessary EIS and possible CPO for Northern and Western Relief Road following the decision of An Bord Pleanála, in May 2009, directing Kerry County Council to carry out an EIS for the Scheme.

He stated that there is no funding commitment from the Department of Transport for this infrastructure and, given the current financial constraints on the national exchequer, there is unlikely to be any funding commitment in the foreseeable future. The NRA has clearly stated that it is only responsible for funding the construction of the national route.

The cost of providing the overall infrastructure is €30.5 million, which would require loan repayments of € 1.83 million per annum over 30 years.

He summarized the immediate financial implications for the Council as follows:-

- The Council is committed to funding the link from the Tralee By-Pass to the Forge Cross and the junction at Ballinorig – estimated loan costs over a 30 year period is €421,000 per annum.

- The Council cannot proceed with the design of the Western Link Road and the Northern Link Road without a commitment from Council on the potential funding – estimated design and land acquisition cost is € 7 million, which will require a further €421,000 loan financing per annum, over a 30 year period. The Western Link Road is required to open up lands for development, as identified in the Tralee West Area Action Plan.

Mr. O'Sullivan said he strongly recommended that Council make the Supplementary Development Contribution Scheme, as proposed, in accordance with the provisions of Section 49 of the Planning and Development Act, 2000, and provide a funding stream from contributions to be levied on future developments, that will benefit from the proposed infrastructure.

He added that if the Council resolves not to make the Scheme, the funding required for the construction of the link roads will have to be provided from the Council's own resources, which would have a serious impact on the delivery of existing services, specifically roads, throughout the county, particularly having regard to the current economic constraints on local authorities.

In conclusion Mr. O'Sullivan said the adoption of the Scheme would strongly underpin any application by Council for loan sanction for the delivery of this critical infrastructure. The Council adopted a Supplementary Development Contribution Scheme for the An Daingean Relief Road and Associated Coach Park, in March 2007, which allowed the Council to secure loan approval for the advance construction of the road, Phase 1 of which was completed in 2009. Nowadays, Ministerial approval to borrowing is very restricted and a specific means of funding any loan charges is an important element of any such consideration.

Cllr. J. Finucane said this is one of the most important projects for Tralee. Kerry depends on access for development and we will be judged on the quality of our infrastructure. Tralee urgently needs this Ring Road system. He concurred with the Director on the Development Levy Scheme in that if there is a strain on council resources other areas will suffer. He said he was in favour of the proposed Development Contribution Scheme to prove to the NRA and Government that we are prepared to take some of the pain. The initial phase will involve the purchase of land at a cost of €25m and this funding will be injected into the local economy. The provision of these roads will result in the creation of jobs and the overall cost will be €37.58m. If we wait for Central Government to fund the Scheme it will not happen for many years. In conclusion Cllr. Finucane PROPOSED the making of the Supplementary Development Contribution Scheme for the Tralee Ring Roads Project pursuant to Section 49 of the Planning & Development Act 2000.

Cllr. P. McCarthy welcomed the report and the approval from the NRA to proceed with the Tralee By-Pass. This is a most important development for Tralee and without it development in Tralee would be restricted. Cllr. McCarthy SECONDED Cllr. Finucane's proposal.

Cllr. A.J. Spring said he was opposed to the making of the Development Contribution Scheme and said while it may bring further development to Tralee it will impose an additional levy on developers. He believed this was not the correct course of action

at this time. The Ring Roads will not only benefit Tralee but the entire county and therefore it would be unfair to impose the levy on development in Tralee only.

Cllr. J. Brassil said in 2004 a Development Contribution Scheme was considered by Council to deal with the entire county with a levy of approximately €2000 to €2,500 per house. The Council rejected that Scheme and in excess of 1,000 housing units were built each year since then. In his opinion the Council missed a huge opportunity to develop the infrastructure in the county through this funding source. Any funding from Central Government requires a 25% local contribution and it is unlikely in the current climate that this will change. This Scheme will not build the Ring Roads but it will allow a loan to be serviced. There is no other option at this time as traffic congestion in Tralee is unacceptable. The lack of adequate infrastructure will be an impediment for prospective developers. It is not intended to build the Ring Roads immediately but if the economy picks up some monies will have accumulated. Cllr. Brassil supported the making of the Development Contribution Scheme.

Cllr. A. McEllistrim said members have been calling for the provision of a By- Pass in Tralee for years. The Ring Road Scheme is of major economic importance to the town and while it is important to have a good road infrastructure the building industry has been badly hit in the current recession. She was concerned that this Scheme could hinder development and result in further jobs losses in the building industry. In her opinion the rate of the levy is high and should be reconsidered. She asked as the Town Council have not passed the Scheme will the Town Council areas be exempt from the Scheme. If that is the case the income from the Scheme will not be anywhere near adequate.

Cllr. T. Ferris said this is a difficult decision for members. While she agreed with much of what Cllr. Finucane said members may not be in favour of the Development Scheme but they still want the road developed. However, members must also do what they can to protect existing jobs. She was concerned that if members adopt the Development Scheme they will be putting a huge disincentive to further development. She would not object to a reasonable levy but a modest commercial development could be liable for a levy of in excess of €100,000. There has been very little debate regarding this Scheme among the public with just one submission in Tralee. The Chamber of Commerce and the IDA are silent on it and it is being left up to member's judgement. She said she could not support the Development Levy Scheme and while she acknowledged a lot of jobs would be created during the construction she felt local people would not be employed as was the case with the Nenagh By-Pass. In conclusion Cllr. Ferris said there is a need for the Ring Road but it would be a mistake to impose this Development Scheme on future developments.

Cllr. D. Healy-Rae said he would be very concerned if members were to impose this levy on private households who are struggling to pay their mortgage.

Cllr. B. Griffin also expressed concern regarding the introduction of the Development Contribution Scheme as it could be a major disincentive. He asked if the number of exempted buildings could be increased.

Cllr. S. Fitzgerald said he supported the Development Contribution Scheme. Dingle was the first town to introduce such a Scheme and the people of the area are very happy with it. As a result of the Scheme the first phase of the Dingle Ring Road has been completed. It also opened up land for development and makes land cheaper.

Cllr. M. O'Shea said he supported the introduction of the Development Contribution Scheme in Dingle. He asked if the proposed Scheme would have an adverse affect on funding for other roads in the county.

Cllr. P. Connor-Scarteen welcomed the proposed Development Contribution Scheme and said the Ring Road would benefit the entire county and he supported it.

Mr. T. Curran, County Manager, said he understand the concerns of members. As the Chairman of KEAT he confirmed that body did not have a problem with the levy. The Tralee By-Pass was fast tracked with the NRA and this is testament to our work with the NRA. If we proceed without the Contribution Scheme the Council will have to fund the Ring Road at the expense of other projects. If the Scheme is not adopted it would affect loan sanction. He recommended that members take the difficult decision and support the Scheme.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. McCarthy that this Council agrees to make the Supplementary Development Contribution Scheme for the Tralee Ring Roads Project pursuant to Section 49 of the Planning & Development Act, 2000.

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

**For:** Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Finucane, Fitzgerald, Griffin, McCarthy, Moloney, O'Donoghue, O'Shea, Purtill, Sheahan, O'Connell **(14)**

**Against:** Cllrs. Ferris, D. Healy-Rae, McEllistrim, Spring **(4)**

**Not Voting:** None **(0)**

Mayor O'Connell declared the resolution CARRIED.

Mr. M. McMahon said Tralee Town Council deferred a decision on the introduction of the Development Contribution Scheme and would consider this item again at the next meeting of the Town Council.

### **Suspension of Standing Orders**

The Mayor informed the meeting that as it was 3.00 pm it would be necessary to suspend Standing Orders to allow the remaining items on the Agenda to be considered.

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed to suspend Standing Orders to allow the remaining items on the agenda to be considered.

### **10.03.22.07 Social Housing Investment Programme (SHIP) 2010 and Housing Grants Allocation 2010**

Mr. L. Quinlan, SEO Housing, referred members to Report dated the 16<sup>th</sup> March 2010 on this item which was circulated. The provisional grant allocation for the Social Housing Investment Programme for 2010 is €5m. This is a substantial reduction on what Kerry County Council has received in the last number of years (€19.8m in 2008) and our output of new built projects will be curtailed. It is intended to complete 5

schemes and to start 1 significant scheme of 20 houses in Killarney with Departmental approval. Kerry County Council has also been notified of a significant sum of €1,145,000 which has been allocated for the upgrading of the energy efficiency of vacant units. This programme of works is currently being compiled.

With regard to the Housing Adaptation Grants Scheme for 2010, we have been notified of an allocation of €4,061,250. While this allocation is more significant than any previous allocation a local contribution of €800,000 is required. Presently there are over 800 Grant Applications on hand. He was satisfied that with the allocation they would be in a position to assist the most needy.

All members complimented the staff in the Housing Department on the excellent service they provide.

Cllr. P. McCarthy said applicants are wondering about the status of their applications and because of the work to rule members cannot get that information for them. He requested that members would be provided with a list of priority applicants who will be allocated grants this year.

Cllr. M. Gleeson welcomed the allocation for the Housing Adaptation Grants Scheme for 2010 and said this is a very important scheme. Many applicants cannot access the upstairs' toilet in their house and they are in urgent need of a grant. He welcomed the proposal to commence a scheme of 20 houses in Killarney in 2010. The greatest crisis in the county is the need for housing. He was appalled at the Government Leasing Scheme as it shows the Government are yet again supporting developers. At the end of the 15 year lease the property will revert to the developer. In the past he stated there are 100,000 vacant houses in the country but he now understands that the correct number of vacant housing units is 345,000. He asked for members support for his suggestion that the Government would negotiate with builders to purchase some of these houses to cater for those on the housing waiting list. Of the 345,000 vacant housing units in the country it would only require 1/3 of these to solve the housing waiting lists. In conclusion Cllr. Gleeson called for an end to the non-sensical Leasing Scheme.

Cllr. T. Ferris supported the sentiments expressed by Cllr. Gleeson. She welcomed the increase in funding for the Housing Adaptation Grants Scheme. She said she wished to put on record her disgust at the allocation of €4,000 to an elderly lady to insulate her house when it will cost €12,000 to insulate the external walls, replace windows and install a new stove. She made representations on behalf of this applicant and she is awaiting a reply. The Department are showing no imagination as many tradesmen are out of work and are willing to do the work at a reasonable cost. This lady was admitted to hospital twice with hypothermia and if she does not get an adequate grant she will require residential care. She appealed to the County Manager to review this allocation.

Cllr. D. Healy-Rae welcomed the proposed housing units for Killarney. He said he had severe reservations regarding the Leasing Scheme as he believed it will not work. Kerry County Council is missing a golden opportunity to acquire houses now that house prices have fallen. He commended the staff in the Grant Allocations Office who are under a lot of pressure from the large volume of applications. It is an important role for councillors to help elderly people get grant aid.



Cllr. A. McEllistrim welcomed the Housing Adaptation Grant Scheme Allocation and pointed out that Kerry got the 4<sup>th</sup> highest allocation in the country. She asked how many of the existing applications can be allocated grants with this allocation and must applicants renew their applications.

Cllr. P. O'Donoghue said his concern is that a number of applicants were notified that because of the criteria their applications were not successful and he asked if these applicants could again be considered. Many of these applications are for older people and their applications should now be reviewed. The Essential Repairs Grant Scheme is an excellent Scheme but it was very restricted last year. He supported Cllr. P. McCarthy's statement that elected members should be informed of the status of applications. When an elected member enquires about an application, Kerry County Council should let the applicant know the status of the application. He expressed his disappointment with the allocation for the Housing Investment Programme and said with the reduction in the Investment Programme, the Rental Allowance Scheme should be promoted.

Cllr. M. Healy-Rae said when applicants were refused they were informed their application would be reviewed when additional funding was received. He emphasised the need to review these applications now as they are urgent cases. He asked that every effort would be made to allocate these grants as soon as possible. He suggested that rather than allocating a full grant a lesser grant would be acceptable and that way more applicants could be accommodated. He asked if this would be possible under the terms of the Scheme. People are living longer and they may need a level shower or some other facility and this would enable them to remain at home.

Cllr. M. Cahill asked as just one new scheme of houses would commence in Kerry this year could houses be purchased. With regard to the €4m allocation for the Housing Adaptation Grant Scheme, he asked what impact this would have on the 800 grant applications on hand at present. He is trying to represent his constituents with many queries regarding housing but this is proving very difficult with the Work to Rule. He asked that a letter would issue to union leaders asking them to cease the Work to Rule.

Cllr. J. Sheahan requested that the Housing Department would process as many applications as possible and notify successful applicants. Many applicants are very concerned and are anxious to get a grant as soon as possible.

Cllr. B. Griffin said the number of calls he is getting from constituents regarding housing has increased. It appears the Housing Department is under staffed and he asked if staff could be transferred to Housing from other Departments. The Investigating Officers have large areas to cover and he asked that the staffing in the Housing Department would be reviewed.

Mr. L. Quinlan, SEO Housing said that it is estimated with the allocation received it should be possible to provide grant aid to approximately 400 applicants. His Department has grant commitments of €1.2m with grants approved for 200 applicants. The criteria for the Scheme are set down in the Guidelines and if an applicant qualifies for a grant they are entitled to 95% of the cost of the works and this may be reduced based on a means test. From the start of the year they anticipated the level of funding they would get and they have been allocating grants from the start of the year. It was recognised that Kerry has the fourth highest number of applications in the country. He referred to the query from Cllr. Ferris and said the Guidelines on the Scheme must be

adhered to and any contractor must produce a C2 Certificate and a Tax Clearance Certificate. It is a matter for the Department to agree any flexibility on these arrangements but it would be subject to audit.

Cllr. J. Brassil asked if a contractor could submit a C2 Cert and claim €0 for labour.

Mr. L. Quinlan said he would have to consult with the Finance Department on that issue. He acknowledged there is substantial demand for social housing but he was satisfied his Department are coping with the demand. People who have Rent Allowance must now be assessed for housing. With an allocation of just €5m for the provision of housing the opportunity to purchase houses will be limited.

Cllr. B. Cronin asked what is the position regarding the provision of PVC windows and doors for existing housing stock. What is the position regarding external repairs where the tenant is living alone – must there be a severe medical condition before these repairs will be carried out.

Mr. L. Quinlan, SEO Housing, said the Housing Department put in place a planned Maintenance Programme which was funded from internal capital receipts in 2007 and 2008. There is very limited funding available now and the replacement programme is no longer in place. There is great demand for housing repairs for older people and the Grant Scheme does cover external works. That is the grant category where demand outstrips supply. He assured members that the Housing Department would try to accommodate as many applicants as possible.

Cllr. P. O'Donoghue asked that applicants would be kept informed of the status of their application.

Mr. L. Quinlan said it is hoped in the next 2 months to notify anyone getting a grant to allow time for the works to be carried out before the end of the year.

### **10.03.22.08 Report on the Operation of the Litter Pollution Acts 1997-2003**

Mr. O. Ring, Director of Environment and Water Services referred members to his report dated March 2010 on this item which was circulated and he briefed them in detail on the report.

All members complimented the Environment Department on the annual Spring Clean which is very successful.

Cllr. J. Brassil complimented Micheál Ó Coileán and David O'Brien of the Environment Department on their assistance in the clean up of Ballyheigue which took place recently. In excess of 350 bags of rubbish were picked up from the roadside. The amount of litter on the side of the road is alarming and this is thrown out of car windows. An information hotline should be set up to allow member of the public, who witness illegal dumping, to report it. The 10 bins on the promenade in Ballyheigue are being used to dispose of domestic rubbish and this is jeopardising the Blue Flag status of the beach. This is also the case in Banna and Ballybunion. He fully supported the 'Name and Shame Campaign'.

Cllr. J. Finucane supported the sentiments expressed by Cllr. Brassil. There is no excuse for illegal dumping and if people segregate their waste they can bring the recyclables to the various centres which are free. There is now illegal dumping in locations where it did not happen in the past. Litter is thrown out of car windows onto the side of the road and

litter is also dumped into the sea. It is time to name and shame those responsible. Anyone found guilty should be obliged to become involved in a clean up in their area.

Cllr. M. Gleeson said we are all very privileged to live in Kerry and there is less than 1% of the population damaging the environment. He lives 4km from Killarney and on the 27<sup>th</sup> February a small group in his area collected 50 bags of litter along the side of the road. Within a few weeks he collected another bag of litter in the same area. It is important to highlight the amount of illegal dumping in the county and education through the schools is the only hope for the future. He called for the re-introduction of the Golden Mile Competition which was very successful and he asked that the approach roads to towns participating in the Tidy Towns Competition would be given priority. He PROPOSED that signs would be erected around the county stating 'Only the filthy litter'.

Cllr. B. Cronin paid tribute to the Litter Warden and the amount of work done by her. The level of illegal dumping in the countryside is a disgrace. He recently highlighted an area where illegal dumping was taking place near the Transfer Station at Coolcashlagh in Killarney where 15 or 16 bags of rubbish were removed. Two weeks later a similar amount was again dumped there. A clean up also took place at Bawnaglanna in Currow and he asked that CCTV would be used to try to identify the culprits where possible. 99% of rubbish dumped illegally is recyclable and it is a disgrace that people do not take the time to segregate their waste and bring their recyclables to the various centres provided throughout the county. He fully supported the 'Name and Shame' campaign and said it is time that those responsible for illegal dumping are identified. He complimented the efforts of the various Tidy Towns Committees throughout the county who are making great strides in improving towns and villages.

Cllr. A. McEllistrim also supported the 'Name and Shame' campaign and said there are many people prepared to report illegal dumping but they would not be prepared to testify in court. However, if a member of the public names a person responsible for illegal dumping anonymously an official should at least call to that persons home to establish how they dispose of their refuse. In conclusion she complimented those responsible for the clean up of the roadside to Ballygarry House Hotel.

Cllr. B. Griffin concurred with the sentiments expressed by previous speakers and said everyone needs to work at eliminating the stigma of being associated with prosecutions. The Short Mountain Car Park is a disgrace with a large amount of illegal dumping taking place there. He asked that a surveillance camera would be set up at this location. He also asked that every effort would be made to increase the number of prosecutions and that there should be zero tolerance.

Cllr. M. Healy-Rae said the biggest issue is the misuse of litter bins. These are being used to dispose of domestic refuse by those who will not pay for a refuse collection service. In the past he had a bin outside his own shop but it had to be removed for this reason. He complimented Micheál Ó Coileáin on the excellent work he is doing in creating awareness among young people. He wished the new Traffic Warden in Kenmare well in his new post. The Bring Banks in the county are very successful even though some domestic refuse is left at these sites but he believed that this can be overcome. He commended all volunteers, Tidy Towns Committees and all committees who clean their areas regularly.

Cllr. M. Moloney complimented all staff in the Environment Department and in particular those involved in enforcement. McDonald's Fast Food chain should be paying an advertising fee with the amount of their packaging dumped at the side of the road. She believed that the cutting of roadside hedges discourages roadside dumping. She complimented the Litter Warden on her work and she asked when a person responsible for illegal dumping is identified are they fined or are they prosecuted. In conclusion she

congratulated Micheál Ó Coileáin on the excellent work he is doing with the school children in the county as they are our future.

Mayor B. O'Connell said the Council should have a database of all households in the county and how they are disposing of their refuse. Every household creates rubbish and he believed this would go a long way to resolving the illegal dumping issue.

Mr. O. Ring thanked members for their compliments to the staff of the Environment Department. A database has not yet been compiled of all households in the county but there is a record of all Kerry County Council customers. He informed members that in May the Waste Management Plan would be brought before Council for consideration.

**10.03.22.09 Nominee to attend the 84<sup>th</sup> Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd.**

On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. J. Brassil, it was unanimously agreed to nominate Mayor B. O'Connell to attend the 84<sup>th</sup> Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd. to be held in Dublin on Thursday, 27<sup>th</sup> May, 2010.

**10.03.22.10 Dates for Meetings**

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. L. Purtill it was unanimously agreed that a Special Meeting would be held on Monday 29<sup>th</sup> March, 2010 at 10.30am to consider the Draft River Basin District Management Plans and the 2010 Road Works Programme.
- (b) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. B. Griffin it was unanimously agreed to hold a Special Planning Meeting to consider the Manager's Report on the Killorglin Functional Area Draft Local Area Plan 2010 – 2016 on Monday 10<sup>th</sup> May 2010 at 10.30am.
- (c) It was agreed to hold the next round of Electoral Area Meetings as follows:

Area	Date	Location	Time
Tralee	Mon 12 <sup>th</sup> April 2010	Council Chambers	2.00pm
Killarney	Wed 14 <sup>th</sup> April 2010	Town Hall, Killarney	10.00am
An Daingean	Wed 21 <sup>st</sup> April 2010	An Daingean Area Office	10.30am
Listowel	Mon 26 <sup>th</sup> April 2010	Áras an Phiarsaigh, Listowel	10.00am
Killorglin	Fri 30 <sup>th</sup> April 2010	Killorglin Area Services Centre	10.30am

**10.03.22.11 Report from Cllr. P. Connor-Scarteen, Chair of the Transport SPC**

It was unanimously agreed to note the report circulated from Cllr. P. Connor-Scarteen, Chair of the Transport SPC.

Cllr. M. Healy-Rae referred to a proposal made requesting that Councillor's Allocations could be used for hedge cutting. He asked that favourable consideration would be given to this proposal.

**10.03.22.13 Report on the Operations and Activities of the Association of County and City Councils**

It was unanimously agreed to note the report from Cllr. J. Sheahan on the operations and activities of the Association of County and City Councils which was circulated.

**10.03.22.14 Summary of Proceedings at Conferences**

**(a) Benedict Kiely Literary Weekend 10<sup>th</sup> – 14<sup>th</sup> September 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this weekend which was circulated.

**(b) Irish Council for Social Housing Conference 2009 - 'Delivering Housing Solutions for a New Era' 15<sup>th</sup> – 17<sup>th</sup> September 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this conference which was circulated.

**(c) Environment Ireland Conference 23<sup>rd</sup> September 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this conference which was circulated.

**(d) 7<sup>th</sup> National Tourism Conference 24<sup>th</sup> – 26<sup>th</sup> September 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this conference which was circulated.

**(e) Irish Association of Suicidology Conference 1<sup>st</sup> October 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this conference which was circulated.

**(f) Simon Community Seminar 5<sup>th</sup> October 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Seminar which was circulated.

**(g) 3<sup>rd</sup> National Water Summit 7<sup>th</sup> October 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Summit which was circulated.

**(h) Training Seminar on Health & Safety, Drugs & Alcohol Abuse, Anti Social Behaviour - Impact on A & E Departments 30<sup>th</sup> October – 1<sup>st</sup> November 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Seminar which was circulated.

**(i) Social Inclusion Forum 4<sup>th</sup> November 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Forum which was circulated.

**(j) Respond Seminar 12<sup>th</sup> November 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Seminar which was circulated.

**(k) Elected Members Training Seminar on Ethics 13<sup>th</sup> – 15<sup>th</sup> November 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Seminar which was circulated.

**(l) 7<sup>th</sup> Irish National Radon Forum 19<sup>th</sup> November 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Forum which was circulated.

**(m) Local Governance Seminar 20<sup>th</sup> – 22<sup>nd</sup> November 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Seminar which was circulated.

**(n) National Tourism Conference 26<sup>th</sup> – 28<sup>th</sup> November 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Conference which was circulated.

**(o) Value of Volunteering Conference 3<sup>rd</sup> December 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this conference which was circulated.

**(p) Internet Training Seminar 4<sup>th</sup> – 6<sup>th</sup> December 2009**

It was unanimously agreed to note Mayor B. O'Connell's written report on this Seminar which was circulated.

**(q) Antrim Tourism Conference 29<sup>th</sup> – 30<sup>th</sup> January 2010**

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

**10.03.22.15 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. B. Griffin, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for the Upgrade of Six West Kerry Water Treatment Facilities – Closing date: 21<sup>st</sup> April, 2010 at 4.00 p.m.
- (b) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Moloney, it was agreed to approve the opening of Tenders for the Supply, installation and commissioning of a Ventilation System for Kerry County Council Laboratory at County Buildings, Rathass, Tralee, Co. Kerry – Closing date: 9<sup>th</sup> April, 2010 at 4.00 p.m.

**10.03.22.16 Reception of Deputations**

Cllr. M. Healy-Rae requested that a deputation be received from business people from Killorglin regarding proposals for the Fair Field, Killorglin.

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

**10.03.22.17 Notices of Motion**

**1. Use of National Lottery funding**

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

"That this Council calls on the Government and the relevant Minister to detail the use of which money generated by the National Lottery is being put and to clarify the legality of that use, as National Lottery funding was primarily intended for the promotion, development and provision of sporting, recreational and social facilities. The withdrawal of financial support for such programmes is especially regrettable at this time of rising unemployment and severe recession".

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. M. Gleeson said that in 1986, the National Lottery Act was passed and its specific purpose was to support initiatives in the area of sport and recreation,

health and welfare, national heritage and the arts and the Irish language. Since the Lottery came into operation in March 1987, many worthwhile community and sporting projects have been grant aided. These projects have greatly enhanced the lives of individuals and of communities. Now it appears that this grant aiding of sport and recreation projects has ceased and worthwhile initiatives by club and communities have had to be deferred or abandoned.

Cllr. Gleeson said he wondered how legal this abandonment is in light of the specific commitment in the Act to such projects. Has the Act been amended or sections deleted by the Dáil or has some Minister acted unilaterally to renege on a major objective of the Act.

Cllr. Gleeson said he was thinking of this yesterday as he walked in Killarney's beautiful Demesne in a sponsored walk to try and raise a few Euro for the Kerry Life Education Project. In the context of the time that we are enduring, can one think of a cause more deserving of Lottery funding.

Now that unemployment is rife and many have little to occupy their minds or time, is the time when recreation and training centres are most needed. Their existence would occupy minds and hands. They would enrich communities. They could be a vital factor in preventing someone from becoming involved in undesirable and anti-social activities.

He said he was asking (a) that Government would clarify the legality of the present situation and (b) that grant aid would be restored to recreational and sporting projects.

The Mayor informed the meeting that Notices of Motion Nos. 2 and 29 would be taken together as they relate to the same issue.

## **2. Water supply in the Fossa Area**

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

"That Kerry County Council immediately address the serious situation with water supply in the Fossa area whereby homes and businesses are without water on a regular basis. The public water mains at this location from the Hotel Europe out to the Gap Cross is in a very poor condition and should be replaced immediately and also give priority to the replacement of water mains in the Beaufort area which is also experiencing ongoing problems."

## **29. Replacing of water pipes in the Beaufort Area**

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

"That Kerry County Council gives a report in relation to what has been done and what progress they intend to make this year replacing the water pipes in the Beaufort area."

**The following report issued.**

**Over the past year there have been more than 30 breaks / bursts on this 4.2km long, 200mm diameter watermain, much of which is of AC, from Beaufort Bridge to Beeniskey Cross (at The Golden Nugget).**

**The Council recently forwarded its Water Services' Assessment of Needs to the DoEHLG.**

**This document was adopted by the Members and includes proposed works of more than €220m in value. It is used by the DoEHLG in compiling the three-year national Water Services Investment Programme 2010-2012, the publication of which is expected in the coming weeks.**

**A sum of €423,000 has been listed under Water Conservation for mains in the Fossa area in the Assessment of Needs because the mains in this area are in very poor condition.**

**There are approximately 200m of AC water main, on which there have been numerous breaks / bursts, in the immediate location of Beaufort Bridge. The cost of replacing this specific 200m length is estimated at €48,000.**

**The situation will be reviewed when the WSIP 2010-2012 is published.**

Cllr. M. Cahill said there have been numerous leaks between Fossa and Beaufort Bridge in recent times and he understood this problem would be addressed this year. There are asbestos cement pipes in the Mid-Kerry water scheme and he understood they are at the end of their lifetime. He asked that a programme would be put in place to replace these pipes as soon as possible.

Cllr. P. Connor-Scarteen welcomed the allocation of €423,000 for the replacement of the mains in the Fossa area and also the €48,000 to replace the mains near Beaufort Bridge.

The Mayor informed the meeting that Notices of Motion Nos. 4 and 14 would be taken together as they relate to the same issue.

**4. Fluoridation of the water supply in Kerry**  
**Pursuant to notice duly given Cllr. M. Healy-Rae PROPOSED:**

"Can Management of Kerry County Council comment on the recent concern with regard to the fluoridation of the water supply in Kerry in the near future and is it true that there are ongoing health concerns with regard to this treatment of our water.

The Kerry Research Group, who have been studying fluoride and its impact on health, are of the firm opinion that non pharmaceutical grade fluoride used in water fluoridation is an accumulative poison and also a hazardous waste product/chemical under EU regulations and is also an effective rat poison"

**14. Policy on the use of fluoride in water supplies**  
**Pursuant to notice duly given Cllr. P. Connor-Scarteen PROPOSED:**

"That Kerry County Council gives a report on its policy on the use of fluoride in our water supply and provides us with details of the reasoning for using fluoride."

**The following report issued.**



**Kerry County Council, as a Water Authority, is legally required to fluoridate public water supplies on behalf of the Health Service Executive by the Fluoridation of Water Supplies Regulations 2007.**

**The 2002 Report of the Forum On Fluoridation concluded that *“The best available and most reliable scientific evidence indicates that at the maximum permitted level of fluoride in drinking water at 1 part per million, human health is not adversely affected.”* The Report recommended that the fluoridation of piped public water supplies should continue as a public health measure.**

**The Forum On Fluoridation was established by, and reported to, the Minister for Health and Children.**

**The aim of the Forum was to inform members of the public, legislators and health professionals about the benefits and risks of water fluoridation for human health and to address issues of concern about water fluoridation to the Irish public.**

**The Forum consisted of some 25 eminent professors and experts from the areas of Medicine, Law, public Health, Food Science, Environment, Dentistry, national Government and Public Administration.**

Cllr. M. Healy-Rae said that in Northern Ireland at one time fluoride was added to the water supply until they discovered it had harmful effects at which time this practice was stopped. If fluoride is harmful to public health it is a very serious matter and he wanted it examined further. This is a matter of public health and he received information from a Kerry research group who are concerned regarding this issue. He asked if the Director of Services is satisfied that there is no risk to public health from fluoride.

Cllr. P. Connor-Scarteen said he received information from the Kerry research group who state that fluoride is destructive to the human body. He undertook to provide this information to Mr. O. Ring, Director of Water Services. He said further studies should be undertaken to establish the facts as it is for the good of the people of the county.

Mr. O. Ring said that both councillors got their facts from outside bodies. The Minister for Health established a body comprising 25 experts who researched the issue and invited submissions and they concluded that “The best available and most reliable scientific evidence indicates that at the maximum permitted level of fluoride in drinking water at 1 part per million, human health is not adversely affected.” He added that many reports support this position. The only people who can influence this matter are Oireachtas members as it would take new legislation before local authorities could stop fluoridating water. This is not a matter for decision by local authorities.

Cllr. M. Healy-Rae said he objected to Mr. Ring’s tone. It is his responsibility to represent the people that elected him and he intended to do that.

In response Mr. Ring said he was simply stating the facts as they exist. Any amendment to existing legislation is a matter for the Oireachtas.

**5. Kilcummin Sewerage Scheme**

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

"To ask Kerry County Council when will funding be provided from the Department of Environment to proceed with the sewerage scheme for Kilcummin?"

**The following report issued.**

**It is not possible at this stage to say when funding will be provided by the DoEHLG for the Kilcummin Sewerage Scheme. Approvals from the Department have not been issuing pending formulation of the 2010-2012 Water Services Investment Programme. We are awaiting the announcement of the Investment Programme, hopefully this month, to see if the Kilcummin scheme is included, at which stage a likely commencement date will become clearer.**

Cllr. J. Sheahan expressed his disappointment with the reply and said the Kilcummin Sewerage Scheme has been put on the long finger for far too long. It is now time to put it back on track and he campaigned to have it reinstated many times for obvious reasons.

Cllr. Sheahan said he recently became a member of the Killarney Parks Liaison Committee. This Committee acts as a watchdog for the people of Killarney and reports directly to the Minister. Many of the members are very concerned at the level of pollution entering the lakes. It is reported that during heavy rainfall the River Deenagh is a very unusual colour which indicates that all is not well. The Deenagh flows in from Kilcummin. The Committee asked me to raise this issue of the polluting of the lakes, particularly the lower lake, Lough Leane.

The lakes of Killarney are well known nationally and internationally and are long regarded as the jewel of the South West. This sewerage treatment plant is urgently needed now more than ever for the sake of Kilcummin and Killarney. It is important to protect the beautiful lakes of Killarney.

There is a very major golfing event to be held in Killarney this summer so we must do what is required before it's too late. He asked that the strongest case possible would be made to the Department of Environment and the Minister to secure the funding for this scheme.

Cllr. B. Cronin supported the motion and said it is critical that funding is provided for this scheme. The quality of the water in the lakes leaves a lot to be desired and there are concerns regarding pollution of the Deenagh River. He said he was concerned about the funding for this scheme in the current economic climate.

Cllr. D. Healy-Rae also supported the motion.

**6. Variation of the Ardfert Local Area Plan**

**Pursuant to notice duly given Cllr. T. Ferris PROPOSED:**

"That the County Manager will table a variation of the Ardfert Local Area Development Plan to assist the local community to achieve the development of a football pitch/recreational facility."

**The following report issued.**

**It is the opinion of the Planning Authority that a Variation to a Local Area Plan, or indeed a Material Contravention process, is not required to permit the granting of permission for the development of playing pitches or a recreational facility in lands zoned Rural General.**

**A number of such facilities have been granted throughout County Kerry over recent years by the Planning Authority and in some cases, subsequently by An Bord Pleanála.**

Cllr. T. Ferris said she accepted that other similar planning applications were granted in areas zoned Rural General. Planning permission for new football pitches/recreational facility in Ardfert has been refused on two occasions by An Bord Pleanála. One of the reasons for refusal is the fact that the land was zoned for community facilities. It is important that this would be addressed in the County Development Plan or that the Ardfert Local Area Plan would be re-opened to allow for the re-designation of this land. The Club has incurred huge debt as a result of these refusals. She asked for the good will of the Council to try to facilitate this development.

Cllr. M. Gleeson SECONDED the motion.

Cllr. B. Cronin said he wished to move Notice of Motion No. 8 on behalf of Cllr. Brassil.

**8. Illegal Dumping**

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

"That Kerry County Council would adopt a strategy to deal with the illegal dumping that is going on at the bottle bank centres around the county as the current abuse of these facilities is getting out of control".

**The following report issued:**

**The issue of illegal dumping at certain bring bank sites has been the subject of a number of recent complaints. The management and monitoring of these sites (99 no in total, excluding the facilities provided at the transfer station/civic amenity sites), will be a priority area to be reviewed in the context of the imminent review of the Litter Management Plan. Under existing arrangements, the litter wardens continue to regularly monitor the sites and arrange clean-ups as may be warranted during the course of their duties and also in response to complaints reported relating to specific sites. The use of surveillance cameras is proposed for the current year to be installed at identified litter 'black-spot' sites and consideration will be given**

to including representative bring bank sites that have been the subject of recent complaints within this programme.

**9. Creation of Jobs**

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

"To ask Management to meet with employers and business people with a view to creating jobs."

**The following report issued.**

There is in existence already the Kerry Enterprise Action Team (KEAT) which is a sub-group of the County Development Board and the County Manager is the Chairman. The membership of KEAT consists of eleven business/enterprise focused organisations, for example the eleven individuals on the group represent Chamber of Commerce, County Enterprise Board, Enterprise Ireland, FAS, IBEC, IDA, Institute of Technology Tralee, Kerry County Council, NEKD/SKDP consortium, Shannon Development, and Udaras Na Gaeltachta.

The group is supported by the staff of the Community and Enterprise Department of Kerry County Council.

A key objective of the KEAT Group is to identify areas for collaborative action in the promotion of the county as a "First Choice to Invest" and has undertaken projects in that regard. Currently the group is developing some promotional websites and literature specific to Kerry. As well, the group is deeply involved in the organisation of the forthcoming event targeting the unemployed known as "One Step Forward" which is being held at the Carlton Hotel, Tralee, on tomorrow Tuesday 23<sup>rd</sup> March – details as per the event brochure.

Cllr. D. Healy-Rae PROPOSED that the County Manager organise a special committee to see how the Council can assist businesses in Kerry in the current economic downturn. He proposed that the committee would meet with a number of employers in each business sector (e.g. hotels, construction, manufacturing, agriculture, distribution etc.) from each of the towns in the County. They should invite these business leaders to express their views on the various constraints facing their businesses and how the Council may be of assistance. Kerry County Council should do all in its power to facilitate planning applicants where possible.

Reports recently published on the amount of Kerry businesses going to the wall are frightening and there is an onus on those of us that can help to help keep people in employment.

**10. Funding for the 'Health Link' Bus**

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

"That Kerry County Council would request the Minister for Health and the HSE to immediately put in place funding for the retention of the "Health Link" bus that is provided by the Cancer Support Group, to transport patients suffering from Cancer to Cork for treatment."

**Mr. G. O'Brien said this is a matter for consideration by the Members.**

Cllr. M. Moloney said she was sure that all members are well aware of the Kerry Health Link but just in case there is anybody who has not heard of it she would give a brief synopsis of the service. Kerry Health Link is a transport service which has been set up by the Kerry Cancer Support Group to transport patients suffering from cancer to Cork for treatment. They provide a bus which is fully equipped with facilities such as toilet, blankets, pillows, TV, monitors, ramp and a fridge for cold drinks to make the journey as comfortable as possible. It has three wheelchair spaces and is designed that seats can be removed if further wheelchair spaces are needed and most importantly of all, a carer accompanies the patients on the bus each day to see to everybody's needs.

This is an invaluable service for the people of Kerry but unfortunately, it is not funded by the HSE. This service is completely funded by donations and fundraising. The HSE are willing to fund taxi services for individuals to travel to Cork which she had no problem with, however, it would make much more financial sense to fund the Health Link. Many patients who have to travel to Cork, from places in Kerry which do not have public transport early in the morning to get them to Cork in time for their appointments, come to Tralee the night before and the Kerry Cancer Support Group provide accommodation for them.

If funding is not made available, the continuation of the service is very much in danger. Cllr. Moloney said this cannot be allowed to happen and members must do everything they can to ensure its survival. It really is not until somebody has been diagnosed with cancer that the enormity of it hits home. The person concerned, their family and friends really get an insight into what is involved, the huge effect it has on the family, coping with the illness, the stress and worry and the more practical things such as organising that there is somebody available to drive to Cork each day, juggling work and time off. The Kerry Cancer Support Group, by providing the Health Link service, takes a lot of that stress away from families as they know their loved one will be well looked after each day on their journey to Cork. This properly facilitated bus will ensure a comfortable journey both to and from Cork and is aimed to ease the tiring journey for cancer patients.

Cllr. Moloney again stressed the importance of this service to the people of Kerry and asked members to do whatever they can to ensure the continuation of this vital service. She called on all members to support her motion and to immediately make contact with the Minister for Health and the HSE to provide funding for this invaluable service. She also asked if there is any source of funding available from the Council towards the cost of funding this service, that contact be made with the Kerry Cancer Support Group to advise them of same.

Cllr. M. Gleeson supported the motion and said that it is vital that this service is maintained.

**11. Restoration of farming women's entitlements**

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

"That Kerry County Council would call on the Taoiseach to personally intervene, with a view to rectifying the situation where farming women's entitlement to a contributory pension, many of them being from Kerry, is being disputed by the Minister for Social and Family Affairs and her Department."

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. B. Griffin said a number of farm women have had their Contributory State Pension rescinded by the Department of Social Welfare. Twelve of the eighty five women affected are from County Kerry. In addition, there are women who have had their pension reduced and others who applied have been told they will not be eligible for a Contributory State Pension even though the Department accepted their applications and extra PRSI contributions. The Department's explanation is that the women did not have a full year's PRSI paid prior to retirement (Section 110, Sub-section 1(a) of the Social Welfare Consolidation Act).

Cllr. Griffin said this is a major u-turn on the agreement reached in good faith between the IFA and Minister Hanafin in 2008 after long negotiations. It is clear the decision to renege on the IFA agreement was not a legislative decision but a decision taken by the Minister, or more likely, by an Official within the Department. He asked for members support in calling on the Taoiseach to intervene on behalf of the farm women on this issue.

**12. Provision of Broadband in the Killarney Area**

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

"What progress has been made regarding the provision of broadband in the Killarney area?"

**The following report issued.**

**Broadband service is available from a number of service providers in the Killarney Town area. The provision of Broadband availability in the hinterland of the town is being addressed under the Government's National Broadband Scheme (NBS). This is presently being rolled out by the nominated contractor "3". The members were updated on the roll out of this Scheme in a presentation made to Council at the November Ordinary Meeting. Roll out of the NBS is dependent on the company receiving permission for the provision and installation of the relevant mast and associated infrastructure required to deliver Broadband. The coverage to be achieved in the Killarney area is shown on the attached map. In accordance with the provisions of the County Development Plan, a number of the masts in the Killarney area have been refused planning permission and are presently under appeal to An Bord Pleanála.**

Cllr. T. Fleming said broadband is not widely available in the Killarney especially in the Muckross area. This is very inconvenient for those involved in the tourism industry. He asked the IT Department to take this matter up with Eircom or other service providers with a view to ensuring that broadband is available in the Muckross area.

**13. Provision of toilet facilities at the Demesne, Killarney**  
**Pursuant to notice duly given Cllr. B. Cronin PROPOSED:**

"That this Council call on the Minister for Environment to instruct the office of the National Parks and Wildlife Service to provide toilet facilities in the National Park, Killarney adjacent to the entrance to the Demesne and children's playground, as the current situation is totally unacceptable."

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. B. Cronin said the Demesne is frequented by vast number of local people and tourists and the playground is very busy most days. There is no public toilet to accommodate visitors or families. He asked that a letter would be sent to Minister Gormley asking him to provide a public toilet at this location. There is a café in a little cottage nearby and this would be an ideal location for a public toilet.

Cllr. M. Gleeson supported the motion and he acknowledged the generosity of the National Parks and Wildlife Service in making land available for the playground.

**16. Financial redress for damage to council property from vehicle owners**  
**Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:**

"Does the Council as a general rule seek financial redress from vehicle owners whose vehicles seriously damage council property when involved in road accidents?"

**The following report issued.**

**The Council has a policy of recovering reinstatement costs for damage to its infrastructure caused by Road Traffic Accidents. This, however, may not be always possible as the third parties responsible for same may be unidentified as not all accidents, particularly single vehicles accidents are reported to the Gardaí.**

Cllr. M. Gleeson said it is important that vehicle owners are held responsible for any damage to council property.

**19. Support for the Kerry Public Sector Workers Alliance**  
**Pursuant to notice duly given Cllr. T. Ferris PROPOSED:**

"That this council fully supports the demands of the Kerry Public Sector Workers Alliance and invite them to address a full meeting of the council at a later date."

**The following report issued:**

**As members will be aware Public Sector Unions have been engaged in Industrial Action in recent times. At this point however negotiations have recommenced nationally between public sector management representatives and the public sector unions under the auspices of the Labour Relations Commission in an attempt to secure agreement on the**

issues at dispute. The commencement of these negotiations is to be welcomed.

**The Council, being a public sector employer, is represented through the Public Sector Management Representatives at the national negotiations. As these are taking place in the context of the established industrial relations resolution machinery, it would not be prudent or desirable for the Council to become involved in any local mechanisms and consequently then, adoption of this motion is not recommended at this stage.**

Cllr. T. Ferris said in light of the response to her motion she would re-phrase her motion as follows: 'This Council expresses its solidarity with the public service workers of Kerry in their campaign against the pay cuts and resolves that there is a more equitable solution to the crisis in the national finances.' She said the recent public service pay cuts have had a devastating impact on the local economy. The present industrial action is having more of an effect on the general public than on the Government.

## **21. De-zoning of land**

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

"That Kerry County Council immediately cease the practice of de-zoning land in towns and villages throughout the county as it is having a devastating effect on the livelihoods of families who borrowed on the strength of their lands being re-zoned to invest in their businesses, farms, children's education etc, and equally so, on those who invested in re-zoned lands."

**The following report issued:**

**The extent of the Residential Zoned land in the recently adopted Castleisland LAP and the draft Kenmare and Killorglin Plans is based on the 2009 Guidelines issued by the DOEHLG which is 'underpinned' by Statutory Instrument SI No 100 of 2009, Planning & Development (Regional Planning Guidelines) Regulations 2009.**

**The effect of these Guidelines and Statutory Instrument is that population targets have been set for each Region by the Minister for the Environment, Heritage and Local Government. Within each Region, County and Gateway/Hub targets have been agreed by the Regional Authorities.**

**In the case of County Kerry, the County and Hub target populations have been decided in discussion with the Regional Authority. Within Kerry the Functional Area Targets have then been developed by the Forward Planning Unit of Kerry County Council in accordance with current population share-out in each area.**

**With population targets identified for each Functional Area, it is then possible to identify the amount of lands required within each settlement to be zoned Residential. The process is outlined in some detail in each of the 3 Local Area Plans prepared recently and has been adopted by the Members by resolution.**



**The issues raised in this motion are not criteria to be considered when dealing with land use zoning matters.**

Cllr. M. Cahill said he has grave difficulty with the current practice by the Council of de-zoning land as this is having an adverse impact on landowners who borrowed money on the strength of the land that was zoned in previous plans. He said he was approached by a number of people from his own parish regarding this matter and they maintain that as the land will not be developed anyway it did not make any sense to de-zone it. He pointed out that Cork County Council is not de-zoning land in the same way as Kerry County Council.

Cllr. D. Healy-Rae said he is very concerned for landowners whose land was zoned in the past and it is now being de-zoned. This will have the effect of increasing the cost of housing for young people as it will reduce the amount of zoned land available.

Cllr. T. Ferris said it is unfair to give the impression that Kerry County Council is responsible for this hardship. When land was being zoned by elected members in the past management advised members against the zoning.

Cllr. B. Cronin moved Notice of Motion No. 22 on behalf of Cllr. J. Brassil.

## **22. Hedge Cutting**

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

"What progress has Kerry County Council made in dealing with the hedge cutting issue around the county? The deadline for hedge cutting is fast approaching and thousands of kilometres remain uncut."

**The following report issued:**

**A report on the Council's policy in relation to hedge cutting was considered by the Transport SPC at its meeting of the 22<sup>nd</sup> February 2010. This report is included in the Agenda for today's meeting as well as a report from the chair of the Transport SPC on the committee's deliberations.**

**It was acknowledged that the vast majority of landowners are in compliance with their statutory obligations to maintain roadside hedges but there are difficulties in a limited number of situations for the Council in enforcing the statutory requirements of Section 70 of the Roads Act, 1993.**

**A number of options for addressing this were considered by the committee, including:-**

- (a) Council permit the use of County Councillors' Allocations for hedge cutting**
- (b) Council procure its own plant and use its own resources for cutting hedges, and**
- (c) Council cut hedges, where there was non-compliance with the issuing of a hedge cutting notice, and then seek the recovery of costs. The costs to**

be recovered, in such instances, would include administration and enforcement costs, from the landowner.

The majority of committee members considered that Options (a) and (b) would be unfair on compliant landowners, if the Council were to use its limited own resources to address non-compliance by a neighbouring landowner.

In relation to Option (c), this would allow the Council to cut hedges, on grounds of road safety, outside of the restricted period imposed under Section 40 of the Wildlife Act, 1976, as amended. Furthermore, the costs to be recovered would be significantly higher than the cost to the landowner of cutting the hedge and could also be registered against the lands.

The members requested that the policy in adjoining counties be examined and a report brought back to the next SPC meeting before a final recommendation is made to Council.

**23. Repairs to the road and wall on the N71 at Muckcross, Killarney.**

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

"That Kerry County Council call on the N.R.A. to provide funding to carry out immediate repairs to the road and wall on the N71 at Muckcross, Killarney between Torc Waterfall and the entrance to Dinis Cottage."

**The following report issued:**

**Similar Notices of Motion were moved at the Killarney Electoral Area meeting of the 11<sup>th</sup> November 2009 and the response given was as follows:-**

***"Unfortunately, (in relation to the repairs to the wall) there is insufficient funding available through the National Secondary Maintenance allocation to allow works of this type to be undertaken. This matter will be brought to the attention of the National Roads Authority Inspectorate when next they visit the County and they will be requested to consider additional funding for repair of the wall".***

***(In relation to the road) - "A submission is being made to the National Roads Authority for funding for resurfacing work on this section of the N71 National Secondary Road in 2010".***

**Following the recent allocation of grants from the NRA, no funding was provided this year, under the Pavement and Minor Improvement Grant, for works at this location.**

Cllr. J. Sheahan called on the Roads Department to stress to the NRA the importance of carrying out these repairs. Many sections of the wall have collapsed and there are many lags on the road. Motorists could very easily end up in the dyke as a result of this.

Cllr. M. Gleeson **SECONDED** the motion.

**24. Holidaying in Kerry**

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

"That we the members call on as many people as possible to spend their holidays in Kerry and locally to help to ensure the survival of the hospitality industry "

**Mr. G. O'Brien said this is a matter for consideration by the members.**

Cllr. D. Healy-Rae said that members should do all in their power to help the hospitality sector through this economic crisis. Up to now it was fashionable to go abroad on holidays but members should encourage Kerry people to holiday at home. He welcomed the recent advertising campaign by Fáilte Ireland encouraging people to holiday at home.

Cllr. T. Fleming SECONDED this motion.

Cllr. T. Ferris said an informal meeting should be arranged between all the bodies concerned in tourism to ensure a co-ordinated approach.

**26. Routes into and out of Kerry Airport**

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

"That Kerry County Council liaises with representatives of Kerry Airport, Aer Arann and Ryanair with a view to assisting in any way it can with the future viability of existing or potential new routes into and out of Kerry Airport, given the important access to the county with these airlines provide through Kerry Airport."

**The following report issued:**

**Kerry Airport is owned and managed by a private company as a commercial business venture and quite obviously then the usual trading conditions must govern the range and extent of activities that the Airport Co. can provide in association with its business partners. In recent times both Ryanair and Aer Arann have announced additional routes from the airport and this is welcomed. The Council is represented on the Board of Directors of the Company by Cllr. Terry O'Brien and Mr Tom Curran, County Manager and this arrangement provides a good channel for collaboration between the two bodies in areas of mutual interest. Any suggestions regarding additional services at the airport could be made to our two representatives for consideration by the Board of Directors.**

Cllr. B. Griffin said access to Kerry is hugely important and Kerry County Council must support Kerry Airport and the areas linked to Kerry by the airport. He believed the Council has a role to play in strengthening links with Manchester, Frankfurt and London. This could be achieved through twinning projects or through promotional visits to these destinations by the Mayor.

**27. Upgrading of the Ballintourigh Group Water Scheme**

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

"That necessary works required to upgrade the Ballintourigh Group Water Scheme i.e. replacement of two inadequate pumps and also some pipe replacement be carried out at an early date."

**The following report issued:**

**The Ballahantouragh GWSS, located south of Scartaglin and constructed in 1995, serves approximately 100 houses. The Group applied for Take-over by the Council in November 2005. There are a number of wayleaves on the scheme, all of which except for one are signed and in the final stages of processing.**

**There are also some upgrade works to be carried out prior to final Take-over. These include the replacement of pumps at two locations and there may also be some pipe replacement works. The publication by the DoEH&LG of the level of funding for 2010 for Rural Water is expected in the coming days.**

**The upgrade works will be done subject to the availability of funding.**

Cllr. T. Fleming asked that these works would be prioritised when funding is received.

**28. Renewal of Waste Management Plan.**

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

"What is the time frame for renewal of County Kerry's Waste Management Plan, when will this process begin and will submissions be accepted in the formulation of a new waste management plan."

**The following report issued.**

**The preparation and review of the Regional Waste Management Plan is dealt with on behalf of the Kerry/Limerick/Clare region by the Regional Waste Management Office. The Regional Office has advised that as it currently stands the review of the current plan will begin in the autumn of this year with the publication of a draft revised plan by Spring 2011. Both elements of the review process, (ie the initial review process and publication of the draft plan) incorporate a public consultation phase.**

Cllr. B. Cronin welcomed the reply and said he would make a submission when they are invited.

**31. Funding for the installation of height barriers at the tunnels near Moll's Gap.**

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

"That accident preventative funding be sought from the Department from the Accident Preventative Fund to install a height barrier to stop people getting caught in the tunnels coming over Moll's Gap."

**The following report issued:**

This Notice of Motion was previously moved at the Killorglin Electoral Area Meeting, on the 27<sup>th</sup> Nov. 2009 and the response given was as follows:-

*“There is existing warning signage on all approaches to the tunnel on the Molls Gap Road. However, a review will be undertaken, in conjunction with the National Roads Authority, to determine if further signage would be of benefit. The erection of a barrier will be considered as part of this review”.*

The statutory provisions in relation to regulatory traffic signs, that must be provided in a road tunnel, are prescribed in the Road Traffic (Sign) Regulations 2006 (S.I. No. 637 of 2006) and the road traffic regulations to underpin the use of such signs are provided in the Road Traffic (Control of Traffic) Regulations 2006 (S.I. No. 638 of 2006). These regulations are in accordance with EU Tunnel Safety Directive 2004 (Directive No. 2004/54/EC), which were transposed by S.I. No. 216 of 2006 entitled *European Communities (Minimum Safety Requirements for Tunnels in the Trans – European Road Network) Requirements, 2006*.

The NRA is currently reviewing and upgrading signage on the N71 and this motion can be referred to them for consideration as part of the review.

The provision of a height restriction barrier is not recommended in the regulations and would not be in keeping with the objectives of the Kerry County Development Plan 2009 – 2015 (Objective ZL 12-7), to preserve the views and prospects along this scenic route, as defined on Map No. 12.1 s.

The height restrictions on the tunnels are also indicated on maps produced by the Ordnance Survey.

Cllr. D. Healy-Rae said this is a very serious matter as articulated trucks are getting stuck in the tunnels. Some of the drivers of these trucks are non-nationals and they do not understand the road signage. He suggested that the best solution would be to install barriers and to provide an area where trucks can turn around. This should also be considered on the Killarney side of the tunnels. When trucks get stuck in the tunnels it creates serious traffic problems both for the Gardaí and motorists. He asked that barriers would also be considered on the approach to the tunnels on the Glengarriff road.

Cllr. M. Gleeson supported the motion and suggested that advance notice should be given of the tunnels.

**33. Investment of Fáilte Ireland funding in roads infrastructure  
Pursuant to notice duly given Cllrs. M. Cahill & T. Fleming PROPOSED:**

"That Kerry County Council invests some of the Fáilte Ireland funding for capital projects in improving our roads infrastructure in the county."

**The following report issued.**

**The Council received capital funding from Fáilte Ireland in 2007 and 2008, for specific projects, under the Tourism Product Development Fund. The projects that qualified for funding in the county, under the programme,**

include the Kerry Walking Routes, River Laune Angling Programme, Beach Management Programme, River Lee Walk and Cycle way and a car park for the Carauntuohill Route Project. The Council was required to provide 25% of the overall funding for these projects.

No funding was received in 2009. The Minister for Finance in the December 2009 Budget announced funding of €21 million for the Tourism Product Development Fund in 2010 and, whilst there has been no formal call for proposals yet, we are currently in discussions with Fáilte Ireland on the types of projects that could be funded in Kerry, under this programme.

The criteria for projects to be funded under this scheme are very prescriptive and does not include for repairs or improvement to road infrastructure. Primarily, projects funded under this scheme are international class visitor attractions and activity/adventure products, which met the objectives of Fáilte Ireland's Tourism Product Development Strategy, 2007 – 2013.

The comprehensive guidelines on the eligibility criteria, grant levels, application and assessment process and monitoring arrangements are available on their website ([www.failteireland.ie/Business-Supports/Grants-and-Tax-Incentives/Capital-Grants](http://www.failteireland.ie/Business-Supports/Grants-and-Tax-Incentives/Capital-Grants)).

Historically, the timeframe for responding to a call for proposals has been very short and if there are any specific projects that members may wish to have considered details can be forwarded to Ms. Maria West, A.O. in the Roads Department.

Cllr. M. Cahill said Kerry is the premier tourist county in the country and the biggest complaint tourists have is regarding the condition of our roads. If Fáilte Ireland is serious about promoting the country they should consider investing funding in the Rind of Kerry road. He also suggested that the Glenbeigh to Caherciveen railway line should be developed for walking or cycling.

#### **10.03.22.18 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllr. B. O'Connell at the Clann Credo Conference 2010 on the theme "Social Enterprise: Creating Jobs, Building Communities" to be held in Athlone on the 25<sup>th</sup> March, 2010.

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

- (c) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. B. O'Connell and M. Gleeson at the BMW Regional Assembly Conference 2010 on the theme "Promoting Growth and Jobs in Ireland's Regions" to be held in Cavan on 16<sup>th</sup> April, 2010.

Cllr. Gleeson was nominated to report to Council on this conference.

- (d) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson, it was agreed to authorise the attendance of Cllrs. L. Purtill and T. Ferris at the Training Seminar on the Welfare of Children on the theme "A Guide to Child Protection" to be held in Ardmore, Co. Waterford, from 16<sup>th</sup>–18<sup>th</sup> April, 2010.

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Cllr. Ferris was nominated to report to Council on this seminar.

- (e) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. T. Fleming, it was agreed to approve the attendance of Mayor B. O'Connell at the Mid-West Regional Authority Annual Conference 2010 held in Limerick on the 4<sup>th</sup> & 5<sup>th</sup> February, 2010.
- (f) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Sheahan, it was agreed to approve the attendance of Mayor B. O'Connell at the seminar on Managing Stress and Promoting Positive Mental Health held in Galway from 16<sup>th</sup>–18<sup>th</sup> February, 2010.
- (g) On the PROPOSAL of Cllr. T. Fleming, SECONDED by Cllr. J. Sheahan, it was agreed to approve the attendance of Mayor B. O'Connell at the Seminar on Change Management in Local Government held in Westport, Co. Mayo from 19<sup>th</sup> to 21<sup>st</sup> February, 2010.

### 10.03.22.19 Correspondence General

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

1.	Letter dated 26 <sup>th</sup> February, 2010, from the Minister for Community, Rural & Gaeltacht Affairs regarding reinstatement of the full grant to all Community Service Projects.
2.	E-mail dated 26 <sup>th</sup> February, 2010, from Deputy Martin Ferris regarding Minister's reply regarding Kilcummin Sewerage Scheme.
3.	Letter dated 26 <sup>th</sup> February, 2010, from Bus Éireann regarding bus routes in Kerry.
4.	Letter dated 1 <sup>st</sup> March, 2010, from the Minister for Community, Rural & Gaeltacht Affairs regarding the Rural Social Scheme.
5.	Letter dated 4 <sup>th</sup> March, 2010, from the Minister for Transport regarding the Local Improvement Scheme.
6.	Letter dated 11 <sup>th</sup> March, 2010, from the Minister for the Environment, Heritage & Local Government regarding the Planning & Development Regulations.
7.	Letter dated 28 <sup>th</sup> January, 2010, from Galway County Council to initiate an alliance of all Local Authorities to lobby the Minister for Transport for additional funding to properly address the condition of roads.
8.	Letter dated 10 <sup>th</sup> February, 2010, from Carrick-on-Suir Town Council calling on the Minister for Justice to introduce as a matter of urgency legislation to regulate the "Head Shop" industry in Ireland and to make provisions to control all products being sold by these outlets.
9.	Letter from Tipperary Town Council calling on the Minister for Transport and Minister for the Environment to reverse their decision not to provide emergency funding to repair roads damaged by recent bad weather.
10.	Letter from Wicklow Town Council calling on the relevant Ministers to review legislation and bring forward proposals to ban 'Head Candy Shops'.
11.	Letter from Ennis Town Council calling on the Minister for Health and Minister for Justice to put a framework in place to regulate the operation of Headshops.
12.	Letter from Carlow County Council calling on the Minister for the Environment and Local Government to change the basis on which commercial rates are calculated so that location of premises, size of premises and most importantly ability to pay are factors used when calculating the amount of money owing.
13.	Letter dated 2 <sup>nd</sup> March, 2010, from Sligo Borough Council supporting the measures

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	contained in the proposals forwarded to the Minister for Finance in August, 2009, to prevent any unwarranted repossessions of family homes in the state by financial institutions.
14.	Letter dated 2 <sup>nd</sup> March, 2010, from Sligo Borough Council calling on the Minister for Finance to introduce a NAMA Style Scheme for the 44,000 plus households facing arrears in meeting their mortgage payments.
15.	Letter dated 3 <sup>rd</sup> March, 2010, from Dublin City Council expressing its support for the workers at the Green Isle Foods plant in Naas, Co. Kildare.
16.	Letter dated 3 <sup>rd</sup> March, 2010, from South Tipperary County Council calling on the Minister for Health and Children to reverse the HSE's decision to centralise all medical card processing to the PCRS offices in Dublin.
17.	Letter dated 4 <sup>th</sup> March, 2010, from Kildare County Council calling on the Government to abandon the policy of leasing houses for social housing rather than buying them.
18.	Letter dated 11 <sup>th</sup> March, 2010, from Donegal County Council regarding the need for discussion on the need to reduce or abolish water charges on community, voluntary and churches in County Donegal.

### Votes of Sympathy

The following Votes of Sympathy were noted from the Vote of Sympathy book.

- (a) Vote of Sympathy to be expressed to the family of the late Mrs. Keogh.
- (b) Vote of Sympathy to be expressed to the family of the late Mr. William Hickey.
- (c) Vote of Sympathy to be expressed to the family of the late Mrs. Peggy O'Connor.
- (d) Vote of Sympathy to be expressed to the family of the late Mrs. O'Sullivan.
- (e) Vote of Sympathy to be expressed to the family of the late Mr. Dominick Walsh.

The meeting concluded at 5.25 p.m.

**Gerard O'Brien**  
Meetings Administrator

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**Mayor of Kerry**