

**These Minutes have been edited for Data Protection purposes.**

**A paper copy of these Minutes is available on request.**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY, 18 JANUARY, 2010**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN  
CHONTAE, TRÁ LÍ, AR AN LUAN, 18 ÉANAIR, 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	N. Foley	M. Gleeson
B. Griffin	D. Healy-Rae	M. Healy-Rae
P. Leahy	P. McCarthy	A. McEllistrim
M. Moloney	T. O'Brien	B. O'Connell
P. O'Donoghue	M. O'Shea	L. Purtill
J. Sheahan	A.J. Spring	

**IN ATTENDANCE/I LÁTHAIR**

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. J.D. Flynn, Director of Corp. Servs	Mr. M. McMahon, Director of Planning
Mr. O. Ring, Director of Water Servs	Mr. J. Breen, Dir. Hsg & Comm & Ent
Mr. G. MacNamara, A/Dir. of Roads	Mr. G. O'Brien, Meetings Adminr.
Mr. P. Corkery, Press & Comm.	Ms. D. Griffin, SO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs
Ms. T. Keane, CO Corporate Affairs	Ms. N. O'Mahony, Economic Plng Officer

The meeting commenced at 10.10 a.m.  
Mayor B. O'Connell took the Chair.

**Vote of Sympathy**

Mayor B. O'Connell extended a vote of sympathy to Mr. John O'Connor, Head of Finance, on the death of his mother, Mrs. Elizabeth O'Connor.  
All elected members wished to be associated with this vote of sympathy.

**10.01.18.01 Mayor's Report on CPG Meeting held on 12<sup>th</sup> January, 2010**

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

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

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

**Item 2 County Development Board Update**

**Jobs Fair**

The CDB is presently organising a jobs fair where each of the member agencies are being asked to participate in making information available on job and training opportunities. It is proposed to hold the Jobs Fair in February.

### **Options for Adults 2010**

An exhibition on Training and Education opportunities for adults was held in the Gleneagle Hotel, Killarney, on Monday 11<sup>th</sup> January, 2010. The exhibition was organised by the Kerry Education Service, the County Development Board assisted through Kerry County Council, the Local Development Companies, the County Enterprise Board, FÁS, Department of Social Community and family Affairs and the Credit Union. Kerry County Council provided information on learning opportunities through its library service and on information regarding Higher Education Grants.

### **Tourism Development**

The matter of the development of a localised tourism marketing and product development strategy was discussed at the last CDB meeting and received widespread support from the members. Subsequently, the local development companies advised they would assist in such an initiative through funding and staffing resources. As outlined at the Budget meeting held on 11<sup>th</sup> January funding is proposed by Kerry County Council as seed capital to advance this initiative in the current year.

### **Response to Recent Weather Events**

The CDB has been used to ensure a co-ordinated local response to recent weather events in terms of ensuring that communities are assisting each other. This was done primarily through the work of the local Community and Voluntary Forum with active requests for representatives to check on the elderly or housebound in their area. The daily phone call service which North and East Kerry Leader Development Company has in place whereby a phone call is made every day to elderly persons was also successfully utilised. It is intended to review this matter at the next CDB meeting to enhance the available co-ordinated response.

### **Staffing Changes**

Ms. Carmel Brosnan, Senior Executive Officer, and Mr. Brendan O'Connor, Administrative Officer, both retired at the end of 2009. In accordance with the government recruitment embargo no replacements will be appointed. Accordingly, the servicing of the work of the County Development Board is being reassigned within the Department with Mr. John Doody being the primary contact point for CDB matters.

### **Next CDB Meeting**

The next meeting of the County Development Board is scheduled for Friday, 26<sup>th</sup> February, 2010.

### **Item 3 Update from Chairs of SPCs**

It was noted that a report from the Planning SPC is listed on the agenda for the January Council Meeting.

A meeting of the Housing & Social Support SPC will be held on 4<sup>th</sup> February.

A meeting of the Tourism, Community & Culture SPC will be held on 3<sup>rd</sup> February.

### **Item 4 Any Other Business**

The CPG members agreed that the achievements of the Iveragh Park Residents Association in the Pride of Place Competition 2009 would be acknowledged at the next Killorglin Electoral Area Committee meeting when it will be held in Killorglin.

The CPG members agreed that a Civic Reception would be held at the February Council Meeting to acknowledge the achievements of Ms. Monika Dukarska, Gold Medalist in the Senior Singles World Rowing Title Coastal held in Plymouth in October, 2009.

The CPG members agreed that a Mayoral Reception would be held at the March Council Meeting to acknowledge the achievements of the Kerry U14 Camogie Team in the All-Ireland Féile na nGael competitions 2008 and 2009.

The CPG members considered the proposal by Cllr. McCarthy at the Budget Meeting held on 11<sup>th</sup> January, 2010, that a Civic Reception be held for staff involved in works during the recent severe weather conditions. Due to the logistics and numbers involved and the concern that someone may be omitted in error, it was deemed appropriate that a letter would issue from the Mayor to the staff through the Area Offices acknowledging the work of staff involved in works during the recent severe weather conditions.

#### **10.01.18.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Finucane, it was resolved that the Minutes of the December Ordinary Meeting of Kerry County Council held on 21<sup>st</sup> December, 2009, be confirmed.

#### **10.01.18.03 Report in accordance with Section 179(3) of the Planning & Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006**

- (a) Report dated 18<sup>th</sup> January, 2010, regarding the proposed pier construction and associated development works at Scraggane, the Maharees, Castlegregory, Co. Kerry, was noted.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. J. Finucane, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning & Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of pier construction and associated development works at Scraggane, The Maharees, Castlegregory, Co. Kerry.

- (b) Report dated 18<sup>th</sup> January, 2010, regarding the proposed construction of a public access road to the proposed pier at Crows Point, Cromane Lower, Co Kerry, was noted.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. McCarthy, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning & Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the construction of a public access road to the proposed pier at Crows Point, Cromane Lower, Co. Kerry. The access road is 890m long and links the proposed pier to the public road network with a new junction on the local road L 7507.

#### **10.01.18.04 Issue of Annual Declaration Forms in accordance with Part 15 (Ethics) of the Local Government Act 2001**

Mr. G. O'Brien, Ethics Registrar, said the Annual Declarations under Part 15 of the Local Government Act 2001 (Ethics Framework) have been issued to elected members. Elected members are requested to submit completed declaration forms before the last day of February, 2010. He requested that if an elected member does not have an interest to declare to enter "NIL" or "NONE" on the form, where appropriate. He also referred to the issue of forms under the Local Elections (Disclosure of Donations and Expenditure) Act, 1999, amended by Section 58 of the Electoral (Amendment) Act, 2001, which requires each member of a Local Authority to furnish to the Local Authority, each year, a donation statement, indicating whether or not during the previous year, the member received a donation, the value of which exceeded €634.87. The Disclosure of Donations form must be submitted not later than 31<sup>st</sup> January, 2010.

#### **10.01.18.05 Dates for Council Meetings**

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Moloney, it was agreed to hold the March Ordinary Meeting on Monday, 22<sup>nd</sup> March, 2010, at 10.30 a.m.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. Leahy, it was agreed to hold a Special Council Meeting regarding the River Basin District Management Plans on Monday, 1<sup>st</sup> March, 2010, at 10.30 a.m.

#### **10.01.18.06 Change of Date for the next Listowel Electoral Area Meeting**

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. Leahy, it was agreed to approve the change of date for the next Listowel Electoral Area meeting to the following:

Area	Date	Location	Time
Listowel	Tues 16 <sup>th</sup> Feb 2010	Áras an Phiarsaigh, Listowel	2.00 p.m.

#### **10.01.18.07 County Enterprise Board Presentation**

Mayor O'Connell welcomed Mr. Tomás Hayes, CEO, Kerry County Enterprise Board, to the council meeting. He said unemployment in the county is a matter of great concern to the elected members and the people of the county.

Mr. Hayes thanked the elected members for giving him the opportunity to make a presentation to Kerry County Council to outline the work of the County Enterprise Board. Mr. Hayes made a presentation to the members which included the following:

##### **Functions of the County Enterprise Board**

- Micro Business Support for less than 10 employees
- Over 90% of businesses are in this category.
- Grant and Training Support
- Referral function

##### **Approach**

- Jobs in the local community
- Rejuvenation

**Approach, contd.**

- Spin off to the local community
- Generation of an enterprise culture
- Network of contacts in local community
- Based in Tralee and Cahirciveen

**Make-Up of County Enterprise Board**

- Voluntary Board
- Five Staff (two part-time)
- Budget of just over €1m

**2009 Key Outcomes**

- 690 individuals employed in County Enterprise Board supported businesses
- 72 potential jobs supported in 2009 at a cost of €6,953 per job
- €500,637 in grant assistance approved to 40 micro-businesses
- 47 grants totalling €482,093 paid resulting in private investment of €964,186
- 1,200 individuals participated in business training initiatives at a cost of €413,856
- Over 1,200 individual client meetings
- Over 70 businesses availed of technical assistance
- 173 mentor/advisor assignments
- 38 Schools Awards/Eight County Enterprise/Ongoing Exhibition Support

Other programmes which were run by the Kerry County Enterprise Board included the Business Start Programmes, Business Growth Programmes and Business Networking events. The Enterprise Board was also involved in the Schools Programme, the National Enterprise Awards, Farmbiz 2009 and the Richard Cantillon Summer School 2009 and the Farmers Market Initiative.

In terms of 2010, Mr. Hayes pointed out that while there is a limited grant aid budget, it is crucial that there is improved recognition of the role of micro-businesses. He also stated that closer alliances with the IDA are required to further external investment in the county. Mr. Hayes thanked Cllrs. T. Ferris, P. McCarthy, A. McEllistrim, N. Foley, B. Griffin, T. O'Brien and A.J. Spring who have been involved with the County Enterprise Board over the last number of years.

Cllr. J. Finucane thanked Mr. Hayes for his presentation and said a key aspect is the restriction on the operating procedure of the County Enterprise Board i.e. the cut off of 10 employees. A political decision is required to remove these restrictions and give County Enterprise Boards greater freedom of movement. There are many agencies involved in employment creation and foreign investors expect immediate responses on queries they raise. The response from employment agencies should be energetic and flexible and restrictions on agencies like the Enterprise Board should be removed as a matter of urgency.

Cllr. N. Foley thanked Mr. Hayes for his presentation and agreed with Cllr. Finucane's comments that political will is required to address restrictions on the County Enterprise Board as there is greater scope for the County Enterprise Board. There is potential for growing for the future within schools and great work has been done to date in this area. Work with the Farmers Markets is growing because of County Enterprise Board which can give people confidence to set up a stall with their own produce and this sector can be developed into the future. She said it is acknowledged

that there are fewer women involved in business and all avenues should be explored to provide further employment opportunities. She said the Kerry Business Welcome Package has huge potential and she would like to see that progressed with a co-ordinated approach in order to respond to queries when an investor visits the county. She said she would like to see the County Enterprise Board play a proactive role in the tourism sector also. Tourism is suffering and there is an opportunity to grow business within the tourism field and perhaps some funding could be used to benefit from the links and experience of the County Enterprise Board.

Cllr. J. Brassil thanked Mr. Hayes for his very concise presentation which clearly outlined the role of the County Enterprise Board. He said he is very supportive of all County Enterprise Boards and particularly the Kerry County Enterprise Board as there is a great return from the investment. Proposals in the McCarthy Report to consume County Enterprise Boards within other organisations would be detrimental to Kerry. Kerry is at a distinct disadvantage when national agencies bring foreign direct investment to other counties. He asked Mr. Hayes if the elected members or County Manager could assist the County Enterprise Board in any way with the work it is doing.

Mr. T. Hayes said the County Enterprise Board has supported businesses and when the business exceeds the limit of 10 employees they can no longer be assisted by the County Enterprise Board. A change in this restriction would assist the County Enterprise Board and the businesses it supports. With regard to foreign direct investment he suggested that there should be balancing exercises regarding allocations. A Rural Regeneration Project could be considered and undertaken locally. The Kerry Ambassador Programme has potential. Every elected member is an ambassador for Kerry when they are travelling. Joined-up thinking is required across the county in terms of identifying priority areas that should be developed. The County Enterprise Board is anxious to funnel resources into areas of need. The sea and food sectors have potential. The smart economy is also being talked about. Businesses in Kerry should continue to develop what they are good at.

Cllr. P. McCarthy congratulated Mr. Hayes and the staff at the County Enterprise Board for the good work that they are doing for many years. He said he believes a lot of people in Kerry do not realise the amount of work, support and advice the County Enterprise Board has given. In relation to lobbying Government on issues he said the quota system for funding at 75% manufacturing and 25% service should be lifted.

Cllr. M. Cahill thanked Mr. Hayes for his presentation and complimented him and his staff on the work of the County Enterprise Board. Tourism is an area that has great job potential in County Kerry. Enhancement of flights from Kerry Airport such as the Frankfurt route should be enhanced. The reintroduction of Cork/Swansea Ferry will be an asset to the county and should generate new jobs. With regard to the micro-business sector he said he believes that the seafood and shellfish industry has huge potential. The sea is a natural source of food and as a coastal county Kerry could develop and expand this product. Agriculture is also very important to Kerry and there is potential with regard to co-op systems. He asked what sectors, outside of the micro sector, Mr. Hayes would consider have most potential. He asked what can Kerry County Council do to help the County Enterprise Board and promote jobs with the County Enterprise Board.

Cllr. D. Healy-Rae thanked Mr. Hayes for his presentation and recognised the valuable input of the County Enterprise Board. He highlighted concern for the farming community in the county. The supermarket conglomerates are yielding too much power and dictating what the farmer is paid and what the consumer must pay. As the supermarkets get bigger small shops go out of business and there is a concern a monopoly situation would arise. He also highlighted that while it is hoped that jobs can be created there are people working in the construction industry who are trying to keep going and yet the CIF is requiring that a full stamp of €53 per week is paid even if a person only works for one day. There is nothing to be gained by the employee or employer in paying this.

Cllr. M. Gleeson thanked Mr. Hayes for his presentation and said the greatest richness in the county is the environment and scenery and there must be a strong focus on those. Small industries, e.g. boating, fishing and guided climbs should be fostered. There is obligation on Kerry County Council to develop facilities which would help the County Enterprise Board to help others, e.g. upgrading trails and providing bridges to cross rivers. A tour operator on a visit to Killarney recently said "the thing you must be most careful about is that you do not lose your local accent and local culture". There is a breakdown of links between the Irish language communities and there is a breakdown between Dublin and rural areas. The richness of culture must be retained and there is a huge potential in this area. The Kerry Ambassador Programme is very important when elected members are travelling. The Kerry football players are also very important when they travel and the team should be considered as part of the Ambassador Programme. The infrastructure of the county is intimately interlinked with any advancement of the county. Because of the county's peripherality it is vital that infrastructure is in place with the airport, railway stations and roads to standards of the highest order.

Cllr. B. Griffin thanked Mr. Hayes for his presentation which was very informative. As a member of County Enterprise Board he said he is witness to the great work that is being done. The development of indigenous industry and enterprise is a vital cog in providing employment in the county. Initiatives like the Ambassador Programme and the Kerry Welcome Package should be pursued.

Cllr. M. Healy-Rae thanked Mr. Hayes for his presentation and said while all members have been supportive of the County Enterprise Board in the past there is now a real need to support the County Enterprise Board team. Micro-businesses, with people creating work for themselves is great for the county. Statistics are there to prove the success of County Enterprise Board contact with individuals, the volume of work and the great service provided. In certain towns, such as Kenmare, there were indigenous industries in homes years ago which yielded a small income for the households but this has been lost. In such towns these small industries must be given consideration. For example one of the most under utilised facilities is the pier in Kenmare. It is incumbent on all elected members to work with the County Enterprise Board.

Cllr. A. McEllistrim complimented the County Enterprise Board team on their work and said a large number of businesses have been supported over the years. She complimented the level of advertising that is undertaken by the County Enterprise Board as well as its work with schools. She asked if the restriction on the percentage for funding for services -v- manufacturing still remains. She PROPOSED the Council write to the Minister to remove this restriction if it is still in place.

Cllr. A. J. Spring said the Kerry Ambassador Programme and the Business Welcome Package are great initiatives. Retail and agri-tourism sectors should be progressed. The Endeavour Programme is also important. Within this programme a small number of businesses are chosen to be mentored. He asked if any of the businesses that were not chosen to be mentored are pursued after the programme.

Cllr. M. Maloney welcomed the idea of joined-up thinking. All organisations must work together for the benefit of Kerry. The County Enterprise Board is very restricted by the limitation on working only with businesses that have less than 10 employees. As a company develops beyond 10 employees the County Enterprise Board cannot provide assistance to them. In the current climate with many people unemployed effort must be put into retraining people. There are a lot of obstacles for people to set up businesses. The provision of funding for recycling businesses could be considered.

Cllr. T. Ferris said as a former member of the County Enterprise Board she is aware of the work done by the board. There are impressive figures regarding creation of jobs and other initiatives, however, a lot of work the County Enterprise Board does cannot be reflected in those figures. She said she considered that only the County Enterprise Board should be supported as a job creation agency as it is genuinely concerned with employment in this county.

Mr. T. Hayes said the County Enterprise Board is regulated in terms of the size of businesses it can work with. Sectors with development potential include green energy, online services, recycling and agri-tourism. The quota system regarding the percentage funding for manufacturing -v- services has been lifted and the County Enterprise Board is operating far more flexible support presently. With regard to the Endeavour Programme, the board is working with some clients from that programme and there is good contact with the Institute of Technology Tralee. In terms of grant aid support the board has to work with certain business and there are some restrictions. The board operate a one-stop-shop approach and if guidance is all that can be provided that support is provided. The board is producing a number of guides to assist people setting up different types of businesses. The County Enterprise Board website is also a valuable source of information for anyone considering setting up a business.

#### **10.01.18.08 Report by Cllr. P. McCarthy, Chair of the Planning SPC**

It was agreed to note Cllr. P. McCarthy's written report on this item which was circulated.

#### **10.01.18.09 Report on the Operations and Activities of the Regional Health Forum - South**

Cllr. M. Healy-Rae outlined that the Health Act 2004 provided a legal framework for the establishment of the Health Service Executive (HSE) on a statutory basis. With effect from 1<sup>st</sup> January, 2005, the HSE took over responsibility for the management and delivery of health services from the Eastern Regional Health Authority, the Health Boards and a number of other agencies. The establishment day for the Regional Health Forum South was January 1<sup>st</sup> 2006. Its functional area is the administrative area of Carlow County Council, Cork City Council, Cork County Council, Kerry County Council, Kilkenny County Council, South Tipperary County Council, Waterford County Council, Waterford City Council and Wexford County Council. These Councils between them have appointed the 39 members of the Regional Health Forum South.



## **January Ordinary Meeting 2010**

The Forum meets 6 times in a full year. A number of presentations were delivered to the Forum Members in 2009 which included:-

- Reconfiguration of acute hospital services
- Service Plan Presentation 2009
- Presentation on Influenza
- Influenza H1N1 (Swine Flu)
- Current status of the reconfiguration of Health Services

HSE updates and press releases to ensure members are updated on health matters of interest to the public and media were circulated to members in 2009 which included the following:-

- HSE urges people in high risk groups to get the flu vaccine
- Call for submissions for rehabilitation strategy (national advert)
- Disposal of unused medicines properly
- CEO confirms €20m modernisation of South Tipperary Mental Health Services
- Opening of new OPD St. Luke's General Hospital
- Information on the application process for the over 70's medical cards
- National no smoking day
- Appointment of Project Director – Reconfiguration of acute hospital services, HSE South
- New national standard for residential care
- Appointment of HSE Clinical Directors
- HSE welcomes Ministers decision to proceed with CF Unit St. Vincent Hospital, Dublin
- Breast check update for County Kerry

Cllr. Healy-Rae's full report on the Regional Health Forum South was circulated at the meeting and noted.

### **10.01.18.10 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. McCarthy, it was agreed to approve the opening of Tenders for Single Rural Cottage at Ballintleave, Glenbeigh – Closing Date: Wednesday, 13<sup>th</sup> January, 2010 at 4.00 p.m.
- (b) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the opening of Tenders for Single Rural Cottage at Firies, Killarney – Closing Date: Friday, 22<sup>nd</sup> January, 2010 at 4.00 p.m.
- (c) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. M. Moloney, it was agreed to approve the opening of Tenders for Single Rural Cottage at Tullorum, Killarney – Closing Date: Friday, 22<sup>nd</sup> January, 2010 at 4.00 p.m.
- (d) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for Supply and Installation of Tanks suitable for the Storage of Drinking Water – Closing Date: Thursday, 4<sup>th</sup> February, 2010 at 4.00 p.m.

### **10.01.18.11 Reception of Deputation**

#### **Residents of Farnes**

Cllr. B. Griffin requested that a deputation be received from the residents of Farnes regarding the dangerous condition of their road. On the PROPOSAL of Cllr. B. Griffin, SECONDED by Cllr. P. Connor-Scarteen, it was agreed that this deputation would be received at the next An Daingean Electoral Area Meeting.

## **10.01.18.12 Notices of Motion**

### **1. Water Mains Pipe Replacement**

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

“As many of the asbestos cement trunk water mains in the County are in excess of thirty years old and of the generally available evidence that pipes of that age can deteriorate rapidly, how great a financial challenge is confronting the Council in relation to pipe replacement?”

**The following report issued:**

**There are 304 km (11.25% of the total) of asbestos pipe, the average age of which is 35 years, in the Council’s network of water mains. Only a small proportion of these pipes are currently prone to bursts/significant leaks.**

**The replacement, at an estimated cost of €1.1m, of 11km of AC pipes is included in the recently prepared Kerry Water Services Assessment Of Needs, which the DoEHLG will use in the preparation of the imminent National Water Services Investment Programme 2010 – 2012. As 90% of these costs are recoupable, the cost to the Council would be €100,000 over the period of 3 years.**

**The total cost of the replacement of all AC mains in Kerry would be more than €30m - it is difficult to prepare such an estimate because of the varying sizes, locations and circumstances of the network.**

Cllr. M. Gleeson said he has frequently raised the matter of regular breaks in water mains in the Fossa area. These breaks entail a lot of time for repairing and patching which seems to be a temporary solution. He thanked the staff who do this repair work. Temporary repairing and patching is not a solution to the problem that is there. In a reply to a previous notice of motion he said he was informed that the pipes are 35 years old and this is their life span. The reply to today’s notice of motion says the average age of these pipes is 35 years and after that time pipes are deteriorating. The replacement of the water mains pipe network will pose a huge challenge to the county.

### **2. Test Centre for Commercial Vehicles**

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

“That this Council request the Department of Transport to provide a Test Centre for commercial vehicles in the environs of Killarney to service County Kerry, as currently we have no Test Centre to cater for these customers.”

**Mr. G. O’Brien, Meetings Administrator, said this is a matter for consideration by the Members.**

Cllr. B. Cronin said the county does not have a test centre for commercial vehicles. Two people have approached him with regard to setting up such a facility. Currently commercial vehicles go outside the county to have road worthiness tests conducted. A commercial test centre should be established in the county.

Cllr. M. Gleeson SECONDED this motion.

Mayor O'Connell said notices of motion no.3, no.17 and no.24 would be taken together as they relate to similar issues.

**EPA Guidelines for Septic Tanks and Site Percolation Issues**

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

"That we the Members of Kerry County Council pass a resolution asking the Minister for the Environment to consider a programme of grant aid for works undertaken by residents to meet the new EPA guidelines to provide certification for septic tanks. Grant aid of possibly 60% - 40% would provide a stimulus for the local and national economy."

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

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

"To ask the Planning Authority if as is rumoured that the site assessment is going to be harder to achieve in 2010 – also why does Kerry County Council not allow percolating soil to be built on top where sufficient depth cannot be achieved due to bed rock – how is it that County Cork still use the old SR6 regulations."

**The following report issued:**

**A new code of practice on wastewater treatment systems for single houses was published by the EPA in late 2009, which will become the new national standard for the design and construction of such systems. Once adopted, site assessments and design proposals for all single house treatment systems will have to comply with the new code of practice.**

**With regard to the issue of construction of percolation areas and polishing filters, the following is the position: each site is different and each site assessment is considered on its own merits. Kerry County Council has no difficulty with the construction of percolation areas/polishing filters where ground and site conditions are appropriate and where the required standards are met. There is a requirement, however, that a specified minimum depth of suitable in-situ soil is available over bedrock in such circumstances. This requirement is in keeping with EPA guidance.**

**Finally, Kerry County Council, in common with the vast majority of other local authorities has used the EPA guidance on on-site wastewater treatment systems for a number of years, and this is in keeping with DoEHLG policy. We cannot comment on the use by any local authority of alternative guidance. However, it is our understanding that all local authorities will be required to adopt the new EPA Code of Practice.**

**24. Pursuant to Notice duly given, Cllrs. M. Cahill & T. Fleming PROPOSED:-**

"How many planning applications did Kerry County Council process in 2009? How many were granted, refused or withdrawn and of those refused and withdrawn, how many had percolation issues?"

**The following report issued:**

	Killarney	Dingle	Listowel	Tralee	Killorglin	Totals
<b>Grants</b>	221	164	221	195	298	1,099
<b>Refusals</b>	52	67	78	59	88	344
<b>Withdrawals</b>	32	39	44	50	44	209
<b>Totals</b>	305	270	343	304	430	1,652

- \* It should be noted that the Refusals figure of 344 may be for a variety of reasons and the unsuitability of the site to deal with effluent may be a factor.

Approx. 1/3 of the applications refused includes failure on site suitability, as one of the reasons for refusal.

- \*\* In relation to withdrawals, it is a matter for the applicant if he/she wishes to withdraw an application before a formal decision is made by the Planning Authority.

Cllr. D. Healy-Rae asked how Kerry can apply stricter requirements than a neighbouring county. Planning applicants will endure far stricter guidelines in future and expressed particular concern regarding Gneeveguilla and Rathmore. He asked what is necessitating the stricter guidelines. In many cases applicants have not been allowed percolating soil on top of bedrock. He said he has been advised by engineers that a number of methods of dealing with this issue are not allowed by Kerry County Council whereas these methods are accepted in other counties.

Cllr. M. O'Shea supported Cllr. D. Healy-Rae's motion and said it is inevitable that a licence system will be introduced for septic tanks. A grants system will have to be introduced to assist householders with works undertaken to meet the new EPA guidelines. Many people that built houses under recent planning regulations are in a state of uncertainty because the EPA are changing the guidelines. If a licencing system for septic tanks is introduced the introduction of grant assistance similar to the Farming Pollution Grant Aid Scheme would create a stimulus throughout the economy. He asked that this matter be referred to the Environment SPC for consideration and revert to Council with a report which could then be sent to the EPA.

Cllr. B. Cronin said as Chair of the Environment SPC he would agree with this matter being referred to the Environment SPC for consideration. He said a similar motion was passed in 2007 and a letter was issued to the Minister for the Environment. While the reply from the Minister indicated that he did not have money for grant aid it is important that he be contacted again on this matter.

Cllr. M. Cahill said in 2009 1,099 planning applications were granted and there were approximately 550 refusals and withdrawals which equates to one-third of the overall applications. Site unsuitability is the single biggest factor for refusals with every further information request consisting of pages of questions regarding percolation. On an annual basis the rules for site suitability appear to be getting stricter. In the current economic climate the few applications being submitted are all genuine cases. He proposed that a letter issue to the EPA to review the far too stringent policy relating to site suitability.

Mr. O. Ring, Director of Water Services and Environmental Services, said the need for new standards in relation to site suitability is arising from a case taken against Ireland in the European Court of Justice which found that Ireland was not managing and monitoring on-site treatment plants. The European Court of Justice decision has resulted in the EPA issuing a new Code of Practice for Wastewater Treatment and Disposal Systems serving single houses. The new code of practice relating to an individual site is no more stringent and introduces monitoring and licencing. Approximately 120 refusals in 2009 related to site suitability. The issues with regard to bedrock are due to a deficient design and deficient knowledge by some agents in designing on-site percolation areas. In many cases it is possible to allow percolating soil to be built on top of bedrock. Difficulties will arise with the implementation of the new code of practice because the density of on site waste water treatment plants in an area and the capacity of the ground to absorb these type of plants must be taken into account. The implications of the code of practice will be a challenge for everyone to meet.

#### **4. Underpinning Works at Laune Bridge, Killorglin**

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

"That Kerry County Council gives a detailed progress report in relation to the underpinning works at Laune Bridge. Have the works carried out to date proved to be successful or will additional works need to be carried out in the future."

##### **The following report issued:**

**Following detailed investigations of the Laune Bridge, the NRA provided an allocation of €300,000 to allow remedial works to be carried out on this important structure.**

**Ward and Burke Construction Ltd. commenced work on site in late September. Works to be undertaken on the bridge structure were as follows – underpinning of three piers on the Killorglin side, repairs to scour protection at all the piers, reconstruction of the bull nosed cutwaters, masonry repairs and re-pointing throughout, replacement of road gullies, kerb re-alignment and footpath and reinstatement.**

**The contractor has indicated that the structural repairs will be completed by the end of January, with the remaining works to be completed thereafter.**

**The works carried out to date have indicated that the settlement has been arrested. The structure will be monitored over time by both the NRA and Kerry County Council. Any further requirements will be addressed in light of this monitoring.**

Cllr. M. Cahill said he would have liked more detail on this report. The works in question have been a huge inconvenience to the residents and businesses on Lower Bridge Street, Killorglin, as a lot of work took place at night. He thanked the residents for their co-operation during the works. He said he understands that this job was to take up to three weeks initially but difficulties were experienced during reconstruction works, that deeper piling work was required and that the bridge lagged up to 2 inches during the works. He asked for confirmation that the work on the bridge has been successful and will add to the lifespan of the bridge. Many bridges in the county are in difficulty, for example Ballinagar and Gaddagh. When these bridges were built they were not built for the heavy traffic which is

now passing over them on a daily basis. He questioned the allocation of €300,000 being sufficient to cover the cost of these works on the Laune Bridge.

Mr. G. McNamara, Acting Director of Roads and Transportation, said the Laune Bridge is 150-200 years old. The contractors encountered difficulties with the work, the ground was difficult and the piling regime was determined not to be suitable during the repair work. The pier of the bridge was rotating as distinct from settling and the wall of the bridge had a curve on it. The works being undertaken are to stop the movement of the bridge. The works being carried out on the bridge are the best solution at this point in time. The works are being undertaken on a fixed price contract. Bridges such as Laune Bridge were not built to take the level of traffic that now crosses them on a daily basis. The work is to extend the life of the bridge and the NRA is funding this work.

## **5. Spike Island Prison**

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

"To call on the Minister for Justice to immediately re-open Spike Island Prison to deal with the ongoing situation of space not being available to allow people complete their full sentence."

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

Cllr. J. Finucane said it is his understanding that Cork Prison is operating 80 people over capacity and this is leading to a situation whereby a number of people that have been given sentences of 3-4 months, when presented to Cork Prison are kept for 3-4 days and it is a matter for the Governor of the prison to decide who is detained and who is released early. It is unacceptable in this climate, with the amount of anti-social behaviour and a wave of unacceptable violent crime, that someone that has received a sentence of 3-4 months are release after 3-4 days. This is an attack on the fabric of society and the early release of criminals is frustrating for people. An element of Ireland's constitution is to protect its citizens. It is incumbent on Kerry County Council to call on the Minister to reopen Spike Island.

## **6. Safety/Structural Audit of Bridges in the County**

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

"That Kerry County Council furnish a report as to how often a Safety/Structural Audit is carried out in relation to bridges in the County as there is concern as to the stability and structural soundness of some bridges in the County and in particular, the bridge over the River Fertha in Caherciveen."

**The following report issued:**

**Bridges on the National Road Network are inspected regularly by the NRA. Major bridges in the Regional and Local Road Network are inspected on a needs basis, depending on available resources. In relation to the Fertha Bridge in Caherciveen, a Principal Inspection was carried out in 2002. A further inspection was carried out in 2007. The latest inspection was carried out in April 2009 as a result of concerns being expressed as to its stability. The report states that "the structure has not deteriorated at the rate forecasted in the 2002 Principal Inspection Report, which expected the bridge to be in such a condition in 2012 as to need replacement. In fact,**

**while corrosion of the reinforcement within the concrete is assumed to be ongoing, the bridge is showing few, if any, signs of significant deterioration since 2002". A further inspection will be arranged for 2012. The report also recommended that some improvement works be undertaken. These works will be discussed with the Department Inspector when next he visits the County with a view to determining a mechanism for funding these works.**

Cllr. P. O'Donoghue welcomed and noted that bridges on national road networks are regularly inspected. He expressed concern regarding the needs basis for other roads and said there should be a system in place whereby Area Engineers check bridges. Regular inspections of bridges may prevent bridges collapsing. He said local people in Caherciveen have advised that the Fertha Bridge is suffering massive corrosion and local fishermen have huge concerns for this bridge. He requested that an urgent inspection of Fertha Bridge be conducted rather than waiting until 2012.

Cllr. P.J. Donovan **SECONDED** this request.

Cllr. D. Healy-Rae said the county's bridges are very important and many old bridges are in a desperate state of repair. The eyes of several bridges are blocked and the rivers approaching the bridges are flooding.

Cllr. M. Cahill supported this motion.

#### **9. Fishing on the River Maine**

**Pursuant to Notice duly given, Cllr. . B. O'Connell PROPOSED:-**

"That Kerry County Council would write to the Minister for Communications, Energy and Natural Resources, to reopen the River Maine for fishing in 2010 in view of the scientific data available to show that the number of salmon in the river is above the recommended conservation level."

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

Mayor B. O'Connell said this matter has been resolved satisfactorily.

#### **10. Advertising Signage on National and County Roads**

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

"To ask the Planning Section of Kerry County Council to come up with some reasonable formula to allow businesses to advertise their products along our National and County Roads and especially around Killarney - the survival of many businesses depend on the support of passing traffic."

**The following report issued:**

**There are National and local policies associated with the erection of signage along public roads. Advertising signs are only allowed in relation to tourist attractions which are likely to attract a substantial number of visitors e.g. in Kerry, Cragg Caves or the Aquadome. Fingerpost signs licensed by Kerry County Council are permitted to direct persons to businesses located off the main traffic routes.**

**With regard to a number of businesses which are grouped together in an urban location or on approach roads, the Planning Authority have agreed**

**to the erection of a communal notice board, identifying the various businesses at that location.**

**Paragraph 13.16 of the Kerry County Development Plan 2009-2015 gives general guidance on advertising and advertising signs.**

Cllr. D. Healy-Rae said many people are in difficulty to attract people to a location of business and single post signs are often not large enough. Jobs are crucial at the present time and the rules regarding signage should be reconsidered. People should be allowed erect proper signage, which will not block views, and perhaps consideration could be given to allowing signs to be erected inside a ditch with the landowners permission.

Cllr. M. Healy-Rae said the Manager and Director of Planning must play a role on this issue. He said €20m was spent on a hotel in Kerry and when the hotel applied for planning permission to erect signage the application was refused. He asked how the Planning Department can see fit to grant planning permission for a hotel of this size and not allow signs to be erected. The rules with regard to signage also leads to illegal signs being erected and enforcement proceedings are then being taken by the Planning Department. Because of the economic crisis the country is in matters such as this should be considered to keep businesses operating.

Mr. T. Curran, County Manager, said there are a number of issues to be considered regarding signage. Firstly, there is the health and safety issue of distraction of drivers by too many signs and in this regard NRA policy in relation to signage refers. Kerry County Council is limited in what signage can and cannot be allowed on national roads. There is also an element of criticism regarding the proliferation of signs in the county as visitors come to the county for the scenery and do not want to see urban type signage. The purpose of signage is to direct people to a premises. If a premises is on a national route or regional route direction to the location is sufficient. Locations which are difficult to access will be considered and signage will be allowed where it is considered reasonable. He said he would not support large signs for premises in locations that are easily accessible on main routes. The point regarding jobs sustainability and job support is acknowledged, however, consideration must also be given to the affect signage would have on tourism.

## **11. Kilcummin Sewerage Scheme**

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

"That Kerry County Council would advise if there has been any progress with the Department in relation to the Sewerage Scheme for Kilcummin, if not that a letter would issue to the Minister requesting approval and also to all the TDs in Kerry requesting them to lobby the Minister for funding for this scheme as the people of Kilcummin are very angry over the state of their roads and are no longer willing to accept the provision of a Sewerage Scheme as a reason for their roads not being resurfaced."

**The following report issued:**

**A request was submitted to the Department of Environment, Heritage and Local Government in December 2008 for approval to proceed to contract on the Kilcummin Sewerage Scheme. Approval has not been received to date**



**to proceed with the Scheme. It is expected that the Water Services Investment Programme 2010 - 2012, which is expected to be announced shortly, will clarify when the scheme can start and this will enable an informed decision on road re-surfacing to be made.**

Cllr. M. Moloney said the Kilcummin Sewerage Scheme was given approval. Residents of Kilcummin had been waiting for years for this scheme and they were delighted when the sewerage scheme was approved. Residents now hear the contractor was removed from the construction of this scheme and Departmental approval is again awaited. The roads in Kilcummin are in a desperate state and residents are being told the roads will not be repaired without the completion of the sewerage scheme. People in Kilcummin feel very let down and everything is at a standstill in Kilcummin, for example, planning permissions are about to expire, roads cannot be resurfaced, and the construction of particularly needed footpaths cannot go ahead. She **PROPOSED** that Kerry County Council write to the Minister for the Environment, Heritage and Local Government requesting that this scheme be considered as a priority. She also requested that a letter issue to all TDs requesting that they impress on the Minister the urgency of progressing this scheme.

Cllr. B. Cronin **SECONDED** this motion and said the situation in Kilcummin is disgraceful. Finance was allocated, contracts were signed and the contractor was appointed. The contractor was then removed from this job and there are many questions left unanswered. People living in Kilcummin are suffering. If money is allocated in the Roads programme to repair the road these works cannot proceed unless the Sewerage Scheme is completed. He supported the request to issue a letter to the Minister and TDs. It is an urgent situation that the Kilcummin sewerage scheme is progressed and it must be at the top of the priority list.

## **12. Jobs Forum**

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

"That Kerry County Council would update Members on progress in relation to the Councils forthcoming seminar aimed at helping to tackle the jobs crisis in the County."

**The following report issued:**

**Kerry Enterprise Action Team, a sub-group of the County Development Board, proposed that a free information sharing one-day event be organised. This event would be targeted to people who have been made redundant in the current economic climate and is expected to be held in late February or early March 2010.**

**This event would encompass the theme of 'change' seeking to change the recession mindset, through giving people expert advice either through contacts made on the day or appointments made for further meetings and through interactive networking, and interview / CV preparation skills workshops**

**The key components of the day include: A networking and a CV / Interview skills workshop. People will have the opportunity to hear the benefits of networking and complete their own networking list. This session will encourage people to use networking as a tool to expand their**

opportunities. In the current climate, CV preparation and marketing oneself is a skill for all to enhance. Participants will also have the opportunity to prepare for that job or bank interview or if self-employed, for those many potential contract interviews. Another key feature of the day would be information stands where attendees can get information or make an appointment with an appropriate person.

Objective is to give inspiration and information to the people of Kerry through a collaborative project lead by the Kerry County Development Board. An element of this proposal was put into action by the learning forum of the County Development Board under the banner "Options for Adults" which held an information, training, education and enterprise seminar on the 11th January 2010 in co-operation with a number of other agencies

The event took place on Monday, 11<sup>th</sup> January in The Gleneagle Hotel, Killarney. The event was officially opened by Pat Falvey, adventurer, explorer, motivator at 12.00noon. The event was opened to the public from 11am to 7pm.

Exhibitors present on the day such as the Institute of Technology, Tralee, University College Cork, Local Employment Services, Cork Institute of Technology, Limerick Institute of Technology, FÁS, Kerry Education Service, Teagasc, Mary Immaculate College, Pitman Training, Kerry County Enterprise Board, Enterprise Ireland, MABS, Jobs Clubs, North and East Kerry Development, South Kerry Development Partnership and many more. For a full list of exhibitors see attached brochure. In addition to the many exhibitors, a number of workshops were organised on the day to inform the public about grants/finance options, household budgeting, barriers and supports available for those interested in returning to education, training and enterprise plus workshops on the benefits of networking, and job seeking skills.

This event was targeted to those recently made unemployed, considering a change in career, thinking about returning to full or part-time education/training, want to up-skill within their own profession, or start their own business. On analysis of this event, a tailored version of this event will be repeated. Due to the weather conditions on the day of the event, the attendance was not as large as had been expected.

Cllr. B. Griffin noted the reply that was circulated and said he called for action to be taken at the July, 2009 and October, 2009 Council meetings. He welcomed this positive step and said Kerry County Council must do everything possible to assist people. He thanked everyone involved in driving this initiative. He said he hoped the information sharing one-day event would proceed sooner rather later and said there should be a major publicity drive approaching the time of this event to publicise it and make people aware of it. He requested that there would be co-ordination with the Department of Social, Community and Family Affairs and local social welfare offices to inform people that this event is happening.

### **13. Preventing Burst Pipes and Tanks in Freezing Weather**

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

"That Kerry County Council provides assistance and advice to all Council house tenants in preventing burst pipes and tanks etc in their homes. Many homes got badly damaged in the recent freezing weather and many homes were also left without water."

**The following report issued:**

**The Housing Department of Kerry County Council has been extremely busy during this particular cold spell giving assistance to tenants who, as a result of freezing pipes, have been left temporarily without water. As in the majority of instances where the external pipes are frozen, it is not possible to restore the water supply. Where resources permit arrangements are made to fill attic storage tanks. In a small number of cases burst pipes have lead to attic damage, the repairs of which are carried out as a matter of urgency by the Council as soon as assessed by our insurers. The cost of repair of this damage is covered under the Council's Property Insurance Policy. However, all our tenants are aware that the cost of replacement of household contents including carpets are their own responsibility and are strongly advised to take our separate household contents insurance cover. General advice to all householders in relation to frozen pipes has also been put on Kerry County Council's website.**

Cllr. Connor-Scarteen complimented the staff of the Housing and Water Services Departments for their work during the recent severe weather conditions. He said it is a disgrace that many of the newly constructed Kerry County Council houses do not comply with building regulations. Many pipes have been laid just underground rather than in accordance with specified requirements. Developers of these houses should not be employed again and consideration should be given to how the building of Kerry County Council's houses is monitored. He urged the Council to carry out a survey of all council houses to determine damage to houses and to issue information to all tenants on what steps they should take to protect their properties along with contact details that tenants can use in the event of an emergency.

### **14. Use of Empty Housing Units to meet Local Authority Housing List**

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

"That this Council once more call on Government to enter into meaningful discussion with developers/builders with a view to maximising the potential of the many empty housing units in the country to house the tens of thousands on Local Authority housing lists."

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

Cllr. M. Gleeson said many people are on Local Authority housing waiting lists for a long time and unless there is radical action by Government they will remain on the waiting lists. A similar motion to this was unanimously agreed in February 2009. In December, 2009, a Sunday newspaper dealt with this matter based on a recommendation from a former Minister for Finance to the current Minister for Finance advising him to acquire idle housing units for allocation to people on Local Authority housing waiting lists. Many people on the housing waiting lists

are in receipt of supplementary aid and rent supplement is costing the Government an enormous amount of money. Idle housing units will deteriorate to become eye sores and devalue nearby properties. The building industry is now stagnant and upgrading these idle houses would reactivate the industry. Estate management was discussed when preparing the Budget and this will become a challenge if up to two-thirds of the houses in housing estates are lying idle. Taking action on this matter would be in the interests of the people on the housing waiting lists and the construction industry and would help stimulate the economy.

Cllr. D. Healy-Rae supported this motion and said he had a similar motion previously. This is a very serious issue as there are houses all over the county which are lying idle, some properties are completed and some properties are not completed and becoming an eyesore. This will have an effect on Tidy Towns efforts for many villages. This proposal would have benefits for communities that are struggling. The Minister must be requested to consider this proposal.

**15. Availability of Toilet facilities at Community Centres for use by tourists/visitors during the summer months**

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

"We ask that Kerry County Council liaise with Community Centres/Hall Committees to ascertain their interest and agreement to make their toilet facilities available during the summer months for tourists/visitors in villages and towns where there are no public conveniences. Where they agree to this, that the Head of Finance would waive the water charges for these Community Centres/Halls."

**The following report issued:**

**Kerry County Council would be happy to discuss any proposals which a Community Centre Committee might have in relation to a partnership or joint approach to the provision of toilet facilities in towns and villages where no such public facilities exist at present.**

**Issues such as standards of facilities, disabled access, opening hours, maintenance, insurances and finances would form part of the discussions. The matter of water charges for the facilities could be dealt with in that context as well.**

Cllr. M. O'Shea said communities should be invited to engage with the Council on this issue. There is only one facility available in the An Daingean Electoral Area. Communities should be requested to get involved and work with Council to assist in providing public convenience facilities during the summer months.

**16. Strategy/Emergency Response Procedures in Critical Weather Conditions**

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

"That Kerry County Council immediately reviews its strategy/emergency response procedures to prolonged periods of hard icy weather."

**The following report issued:**

**Kerry County Council has a Severe Weather Plan and an Emergency Plan for Blizzard Conditions. Both of these have been activated in the recent spell of unprecedented cold and wet weather. It is our intention to carry out**

**a review of our response, to identify where the performance of the Local Authority can be improved, what lessons can be learnt and how we can be better prepared for such extreme weather occurrences in the future and to revise these plans accordingly.**

Cllr. M. Cahill said this matter was dealt with at the budget meeting. He asked what is the position in relation to tyres damaged by potholes.

Mr. J. O'Connor, Head of Finance, said this matter was dealt with by way of a notice of motion at the December Council Meeting. Generally, Kerry County Council is not liable for damages arising in the normal wear and tear and deterioration of roads. The legal concept of non-feasance applies to Irish Local Authorities and their road works programmes. Individual cases can be considered.

#### **18. Road from the Creamer at Knockataggle to Tangney's Cross, Kilcummin**

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

"That Kerry County Council would carry out works to the road from The Creamery at Knockataggle to Tangney's Cross in Kilcummin as a matter of urgency before somebody will be seriously injured or killed as this road has subsided and is in an extremely dangerous condition. The danger of this road was accentuated during the past number of weeks during the icy conditions. At a recent Area Meeting, I asked that signs be erected indicating the unstable edges to this road and to date none have been erected."

**The following report issued:**

- **The L-3009, Knockatagglebeg to Tagney's Cross Road can be considered for inclusion in the next Restoration Improvement Programme. The undulating section of this road may however be considered for inclusion in the 2010 Road Works Programme under the appropriate grant headings when our allocation is known.**
- **The L-7035, Tangney's Cross to Kilcummin Village is scheduled for Improvement under the Restoration Improvement Programme in 2010 and is proposed to receive an allocation of €102,500 approximately.**
- **There is a further €169,125 scheduled to be allocated under the Restoration Improvement Programme in 2010 to continue improvement works on the L-3009, from Inchicorrigan towards Tooremore.**

**The above works are subject to sufficient funding being made available by the NRA. It is understood that signs have been erected as was requested at the Area Meeting.**

Cllr. M. Maloney said she specifically wanted to speak about one road in Kilcummin, i.e. the road from The Creamery at Knockataggle to Tangney's Cross. This road has subsided, especially between the creamery and the junction in the direction of Cockhill. This road is the main artery to the village, to the eastern side of the parish and to Gneeveguilla. The reply issued is the same as the reply that was issued at the Area meeting. This road is in a very boggy area and has subsided so vehicles are in danger of capsizing into drains and fields with some vehicles having already done so. It is almost impossible for cars to pass each other on the road. Signs have been erected on the road which indicate "uneven

surface". She said she had asked for "edges unstable" signs to be erected. She said this road is cracked and sliding and she will continue to highlight the need for repairs to this road.

Cllr. B. Cronin supported this motion and said the road has split and there are serious safety issues on this road. This road is in a deplorable condition and has been on the agenda for many area meetings.

#### **19. Notification of the Expiry of Driver Licences**

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

"To request this Council to automatically notify people when their Driver Licences are due to expire, using the same system that is used for Motor Tax Renewals."

**The following report issued:**

**The Department of Transport has been issuing reminder notices to drivers regarding the expiry of their Driving Licence since September 2008.**

Cllr. B. Cronin said he has had contact from people who have not been notified by the Department of Transport that their licence is due to expire. He requested that a letter issue to the Department of Transport requesting that the Department ensure that letters issue to people to notify them of the expiry of their driving licence.

#### **20. HSE Plans for Kerry General Hospital's Accident & Emergency Department**

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

"That Kerry County Council would request the Health Service Executive to address a special meeting of Kerry County Council to clarify its future plans for Kerry General Hospital's Accident and Emergency Department in view of the recent withdrawal of A & E services from 8pm to 8am."

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

Cllr. B. Griffin said this is a very serious matter and changes at the Accident and Emergency Department started before Christmas. The next meeting of the Regional Health Forum has been postponed to 11<sup>th</sup> February, 2010. He said the HSE contacted him to advise that a local forum meeting for the Kerry area will be held on Friday, 22<sup>nd</sup> January, and members have been asked to submit issues for inclusion on the agenda. He said he has requested that clarification of future plans for Kerry General Hospital's Accident and Emergency Department be included on the agenda. He said a spokesperson for the HSE gave him a commitment that the A&E Department in Kerry General Hospital is safe. The difficulty at present is the shortage of Junior Doctors. There is a nationwide problem in recruiting Junior Doctors. The position of permanent Senior A&E Consultant will be advertised in February and the HSE is confident that this position will be filled. The filling of this position will benefit front line services and give trainee status to the hospital which in turn will attract Junior Doctors to the hospital. It will be the end of 2010 before these benefits are evident. On the negative side, it was outlined that it is unlikely the construction of the new Accident and Emergency Department will commence in 2010. This is difficult for patients and the staff working in the Department. He welcomed the HSE's move to hold the local forum meeting on 22<sup>nd</sup> January. He said there has been poor

communication from the HSE in relation to the Accident and Emergency Department and this caused a lot of misunderstanding and anxiety. The situation at the A&E Department must be monitored. He said he hoped the meeting on 22<sup>nd</sup> January will overcome the need for the HSE to address Kerry County Council.

Cllr. T. O'Brien SECONDED this motion and said the A&E Department in Kerry General Hospital is a farce. The A&E Department is as good as closed from 8pm to 8am. The staff are doing the best they can in this situation. He said he will attend the meeting on 22<sup>nd</sup> January but he does not expect any progress or new information will be available. Serious action is required. He said the elected members are not being listened to. He said he wrote to the Minister and the HSE two weeks ago and got no reply to his letter. He called on the Oireachtas members to approach the Minister for Health and Professor Drumm of the HSE with regard to Kerry General Hospital's A&E Department.

Cllr. A.J. Spring said he opposed this motion. He said he agreed with the sentiments of the members but since he was elected this is the most serious issue for Kerry. The withdrawal of A&E services between 8pm to 8am will have dramatic circumstances. There are 14 vacant positions in Kerry General Hospital. Kerry General Hospital has been unable to attract people to the hospital because medical professionals are being attracted to neighbouring county hospitals. Statements that the staffing embargo is the reason staff are not being recruited are incorrect. Contact must be made with Professor Drumm on the issues. The local forum meeting on 22<sup>nd</sup> January will not address the issues. A delegation of the Mayor and Chairs of SPCs along with representation from Kerry Regional IMO should meet with Professor Drumm.

Cllr. T. Ferris said she also opposed this motion and said when requested the HSE refused to address Kerry County Council. What is happening in Kerry General Hospital is a disaster and 18 people were on trolleys in the corridors of Kerry General Hospital this weekend. The circumstances under which staff are working are extreme and this cannot continue further. Consultant positions for A&E have been advertised time and time again. Crisis Management is being applied at the A&E Department. Leadership has to be shown in Kerry General Hospital. It cannot be allowed that the people of Kerry be conditioned to losing the A&E services at Kerry General Hospital. This is the most important issue in Kerry at the moment. She called on TDs to act on this issue.

Cllr. Jim Finucane said the motion calls for a meeting of the HSE and if that involves Professor Drumm he should be invited. If Professor Drumm does not attend a meeting a delegation should be sent to meet with him. He supported the notice of motion.

Cllr. B. Griffin said as a result of this notice of motion being tabled for the January Council meeting the HSE local forum meeting was arranged for 22<sup>nd</sup> January. He asked that his request for a meeting with the HSE be considered as per his notice of motion. Elected members outside of those on the Regional Health Forum would also like to speak on this issue.

Cllr. M. Maloney said she also has a motion before the Regional Health Forum meeting on 22<sup>nd</sup> January. This issue should be open to debate today to elected members. She proposed opening a debate on this issue.

Cllr. T. Ferris SECONDED this proposal.

Cllr. J. Brassil said the business of elected members is Kerry County Council. While it is acknowledged that all members are concerned about Kerry General Hospital the facts are not known. He said a Senior Consultant spoke on issues last week and as far as he is concerned the issue relates to staffing, i.e. the hospital cannot recruit staff. It is difficult to understand this in the current climate but this appears to be the situation. Cllr. Griffin's motion reads simply that Kerry County Council would request a meeting with the relevant staff of Kerry General Hospital to clarify future plans for Kerry General Hospital's Accident and Emergency Department. Kerry County Council elected members can only seek to determine what the actual issue is. Kerry General Hospital A&E is not being closed and elected members need to find out the facts. The Manager of the hospital should be invited to address Kerry County Council. It is unfair to say Kerry General Hospital is being mismanaged without the facts being available.

## **21. Administration System for Higher Educational Grants**

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

"That Kerry County Council requests the Minister for Education and Science, Batt O'Keeffe T.D. to reform the system for administering the Educational Grants so that there are no more long delays and that students receive their grants on time."

**The following report issued:**

**Kerry County Council is responsible for assessing Higher Education Grants for students who are attending Universities. We do this on an agency basis for the Department of Education and Science.**

**Listed below are statistics for the current academic year 2009/2010 for the new applications received and the ongoing students.**

### **2009/2010 Academic Year**

<b>New Applications</b>	551
Number Awarded	344
Number Refused	70
Number Transferred to VEC	25
Number Awaiting Assessment	112

**Please note that students who are still awaiting assessment (112) have been written to for further information which is needed to finalise their application.**

**New students who have been awarded (344) to date a total of (296) students would have received their first instalment by 30th November 2009.**

<b>Ongoing Students</b>	845
-------------------------	-----

**Ongoing Students who have been awarded (845) to date a total of (765) students would have received their first instalment by 16th October 2009. The Higher Education Grant is paid in three instalments during the academic year.**

<b>Instalment</b>	<b>Date Paid</b>
1 <sup>st</sup>	October 2009
2 <sup>nd</sup>	January 2010
3 <sup>rd</sup>	April 2010



**In relation to the payment of Higher Education Grants by Kerry County Council subject to the required documentation being supplied, there are no undue delays in paying out Student Grants.**

**22. Dredging and Cleaning of Main Rivers and Streams**

**Pursuant to Notice duly given, Cllrs. M. O'Shea/P. O'Donoghue PROPOSED:-**

"That Kerry County Council liaises with other State Agencies, i.e. Board of Works, State Fishery Boards to immediately establish a works programme to dredge and clean main rivers and streams which are currently under tremendous pressure due to the lack of attention."

**The following report issued:**

**Under the Arterial Drainage Act, 1945, the OPW undertook a number of arterial drainage schemes to improve land for agricultural production. The OPW has a statutory duty to maintain these schemes, which is delivered through their Arterial Drainage Maintenance Programme. The OPW only have powers to undertake river or channel maintenance where these rivers form part of an arterial drainage scheme or flood relief scheme.**

**There are also a number of Drainage Districts where drainage schemes to improve land for agricultural purposes were conducted and managed by Local Authorities. Kerry County Council has responsibility for two such districts, namely Ardkearagh Lough at Ballyheigue and Lough Gill at Castlegregory.**

**The cost for Kerry County Council to maintain their two drainage districts is a significant financial drain on our own resources. In 2009, approximately €150,000 was spent on these.**

**Kerry County Council will contact the OPW to request that rivers in their responsibility are cleared.**

**In other areas, the responsibility for the condition of the channel and riverbanks typically rests with the riparian owner. However, landowners are strongly advised to liaise with the relevant local Fisheries Board to ensure compliance with statutory requirements, particularly within candidate Special Areas of Conservation.**

Cllr. M. O'Shea congratulated Kerry County Council frontline services for their great work when flooding was experienced before Christmas. Due to adverse weather conditions he said Kerry County Council should co-ordinate a meeting with state agencies regarding cleaning and dredging of rivers. Without a co-ordinated approach there will be multi-million euro damage to rivers. For many years farmers maintained many streams and that maintenance is the only time rivers and streams were cleaned. The Council has to act on this. The River Maine and River Gweestin are flowing onto land and infrastructure is also at risk.

Cllr. P. O'Donoghue **SECONDED** this motion.

Cllr. B. Cronin said the Chairman of the IFA intends meeting with the Minister of the Environment and proposing that an agency be set up in conjunction with the farming community to address this issue.

### **23. Occupancy Clause on Planning Permissions**

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

**"To ask on behalf of applicants who have to sell and wish to be allowed the dignity of selling their own homes themselves – what type of purchaser will satisfy the Planning Authority in respect of taking over the occupancy clause."**

**The following report issued:**

**The occupancy clause originates from the policy to limit the construction of one-off houses in rural areas to permanent places of residence for family members or applicants with intrinsic links to the area as outlined in the County Development Plan and the Sustainable Rural Housing Guidelines published by the Department of the Environment, Heritage and Local Government in 2005.**

**The procedure to be followed where a Permission for a dwelling house contains an active "Occupancy Clause" with a named occupant is that the proposed new occupant must apply to the Planning Authority to have the clause amended. The new 'owner' must meet the criteria of the Rural Housing Guidelines.**

**Such an application should outline the background of the applicant and should outline the applicant's links to the area including place of birth, workplace, school attended etc. and their need to live in the area. It should also outline the original applicant's situation necessitating the proposed amendment of the occupancy clause.**

**The Planning Authority will assess the application in the context of the above details and the location of the site, i.e. area under urban pressure, strong rural area etc.**

**However, in the present economic climate, it is accepted that genuine financial problems do pertain to some properties and consequently the Planning Authority does and will adopt a sympathetic approach to such applications if appropriate evidence is received from the homeowner and the financial institution in question.**

**Cllr. D. Healy-Rae said he has reservations regarding how the occupancy clause is operating at present and believes that the operation of the occupancy clause is very restrictive. He said it would be helpful if an acceptable radius were determined for the occupancy clause. It appears that the occupancy clause is undemocratic by preventing the free flow of people and the opportunity for a young couple to go to live in the countryside should be allowed. Houses for sale with an occupancy clause were built in good faith and perhaps due to unemployment the owners must sell the house. Applicants should be allowed the dignity of selling the house themselves. He asked that the Planning Department would be more lenient in these cases.**

**Cllr. M. Healy-Rae said the Planning Department must remember that there is no longer speculation in property development. Anybody applying for planning permission or has a house built is doing so for the purpose of providing a home. The occupancy clause constraint on planning permissions granted is proving extremely difficult for genuine cases, cases where perhaps peoples jobs have been lost and their circumstances changed.**

## 25. Blennerville Primary School

### **Pursuant to Notice duly given, Cllr. B. Griffin/J. Finucane PROPOSED:-**

“That Kerry County Council would call on the Minister for Education and Science to prioritise Blennerville for a new primary school in view of the totally unacceptable standard of the existing school building.

**Mr. G. O’Brien, Meetings Administrator, said this is a matter for consideration by the Members.**

Cllr. J. Finucane said the standard of the existing Blennerville primary school is an ongoing problem and this school is crying out for development. Blennerville is a growing suburb of Tralee. He requested that a letter issue to the Minister requesting that funding for this school be granted as a matter of urgency.

Cllr. P. McCarthy SECONDED this motion and said there is an urgent need for this issue to be resolved. Blennerville is only one of a number of schools awaiting funding for a long time. He said he is ashamed that the political system has failed to deliver what is so badly needed by the students, the parents and the staff who try to continue working in appalling conditions. He appealed to Government to do what is right for this school.

## **10.01.18.13 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to authorise the attendance of Cllrs. T. Buckley, P. Connor-Scarteen, B. O’Connell, L. Purtill, P. McCarthy, M. Cahill, P.J. Donovan, J. Brassil, R. Beasley, J. Sheahan, D. Healy-Rae and S. Fitzgerald at the Antrim Tourism Conference to be held in Dunadry, Co. Antrim, on 29<sup>th</sup> & 30<sup>th</sup> January, 2010.

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

- (b) On the PROPOSAL of Mayor B. O’Connell, SECONDED by Cllr. P.J. Donovan, it was agreed to authorise the attendance of Cllrs. M. Moloney, P. Leahy, S. Fitzgerald, T. Buckley, B. O’Connell, L. Purtill, M. Cahill, J. Finucane, J. Brassil and M. O’Shea at the AMAI Spring Seminar to be held in Sligo on 12<sup>th</sup> & 13<sup>th</sup> February, 2010.

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

- (c) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Healy-Rae, it was agreed to authorise the attendance of Cllrs. P. Leahy, S. Fitzgerald, A. McEllistrim, T. Buckley, P. Connor-Scarteen, N. Foley, B. O’Connell, P. McCarthy, L. Purtill, M. Cahill, R. Beasley, M. Healy-Rae, D. Healy-Rae, P.J. Donovan, J. Finucane, J. Sheahan and M. O’Shea at the 21<sup>st</sup> Colmcille Winter School Conference to be held in Church Hill, Letterkenny, Co. Donegal, from 26<sup>th</sup> to 28<sup>th</sup> February, 2010.

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

- (d) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Mayor B. O’Connell at the Training Seminar on the Welfare of Children held in Letterkenny from 15<sup>th</sup>–17<sup>th</sup> January, 2010.

- (e) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Mayor B. O'Connell, it was agreed to authorise the attendance of Cllr. T. Fleming at the Irish Renewable Energy Summit 2010 to be held in Dundalk on 21<sup>st</sup> January, 2010.
- (f) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Mayor B. O'Connell at the Training Seminar on Waste Management and the Law to be held in Galway from 22<sup>nd</sup>–24<sup>th</sup> January, 2010.
- (g) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. T. Buckley, it was agreed to authorise the attendance of Mayor B. O'Connell at the Atlantic Conference 2010 to be held in Tullamore, Co. Offaly, on 25<sup>th</sup> February, 2010.
- (h) On the PROPOSAL of Cllr. M. Moloney, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to authorise the attendance of Cllr. A.J. Spring at the Zurich LAMA Awards to be held in Dublin on 30<sup>th</sup> January, 2010.
- (i) On the PROPOSAL of Mayor B. O'Connell, SECONDED by Cllr. P. McCarthy, it was agreed to authorise the attendance of Cllr. T. Fleming at a meeting regarding Cork Swansea Ferry held in Cork on 9<sup>th</sup> September, 2008.
- (j) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P. McCarthy, it was agreed to authorise the attendance of Cllr. T. Fleming at a meeting regarding Cork Swansea Ferry held in Glengarriff on 16<sup>th</sup> September, 2008.
- (k) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. P. McCarthy, it was agreed to authorise the attendance of Cllr. T. Fleming at a meeting regarding Cork Swansea Ferry held in Glengarriff on 29<sup>th</sup> September, 2008.
- (l) On the PROPOSAL of Mayor B. O'Connell, SECONDED by Cllr. P. McCarthy, it was agreed to authorise the attendance of Cllr. T. Fleming at the Nigerian Embassy Independence Day Celebrations held in Dublin on 1<sup>st</sup> October, 2008.
- (m) On the PROPOSAL of Mayor B. O'Connell, SECONDED by Cllr. P.J. Donovan, it was agreed to authorise the attendance of Cllr. T. Fleming at a meeting with Minister Dempsey regarding Cork Swansea Ferry held in Dublin on 22<sup>nd</sup> October, 2008.

#### **10.01.18.14 Correspondence General**

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

1. Letter dated 16<sup>th</sup> December, 2009, from the Minister for the Environment, Heritage and Local Government regarding the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 ("The Nitrates Regulations").
2. Letter dated 18<sup>th</sup> December, 2009, from the Minister for the Environment, Heritage and Local Government regarding the Planning and Development Amendment Bill 2009.
3. Letter dated 22<sup>nd</sup> December, 2009, from the Minister for Community, Rural and Gaeltacht Affairs regarding Brandon Pier.
4. Circular Letter PSSP 1/10 dated 5<sup>th</sup> January, 2010, from the Department of the Environment, Heritage & Local Government regarding Implementation of new EPA Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses.

## **January Ordinary Meeting 2010**

5. Letter dated 12<sup>th</sup> January, 2010, from the Minister for Communications, Energy and Natural Resources regarding a request that Government call on Eircom to expedite the provision of broadband services in Kerry.
6. Letter dated 4<sup>th</sup> January, 2010, from Ballinasloe Town Council regarding:
  - (i) Seeking assurances from the Minister for the Environment that a strategic flood risk management programme will now be implemented to lessen the risk of future flooding and to give advance warning of flood risk.
  - (ii) Requesting Government to introduce a scheme to protect householders who cannot obtain household insurance due to flooding through regular insurance bodies.
7. Letter dated 8<sup>th</sup> January, 2010, from Monaghan Town Council seeking decreases to rents imposed by Local Authorities to their tenants and that the reduction in revenue to the Council is subvented through the Local Government Fund allocation to each Council.

### **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 Peter Clerkin.
- (b) Vote of Sympathy to be expressed to the family of the late Martin Beckett.
- (c) Vote of Sympathy to be expressed to the family of the late Ann O'Shea.
- (d) Vote of Sympathy to be expressed to the family of the late Reginald Cox.
- (e) Vote of Sympathy to be expressed to the family of the late Fr. Con Moynihan.
- (f) Vote of Sympathy to be expressed to the family of the late Lyn Pattison-Stage.
- (g) Vote of Sympathy to be expressed to the family of the late Christy O'Sullivan.
- (h) Vote of Sympathy to be expressed to the family of the late John Kissane.

### **10.01.18.15 Any Other Business**

#### **Kerry General Hospital**

Cllr. T. Ferris referred to the situation that occurred at the Accident & Emergency Department of Kerry General Hospital over the past weekend.

Mr. J.D. Flynn, Director of Corporate Services, said Council has supported the Notice of Motion tabled by Cllr. B. Griffin to request officials of Kerry General Hospital to address Council and establish the facts before going with this matter.

Cllr. T. Ferris said the last time an invitation issued it was declined.

Mr. J.D. Flynn, Director of Corporate Services, said Consultants from Kerry General Hospital address Kerry County Council.

Cllr. T. Ferris said the HSE declined the invitation to address Council.

Cllr. J. Brassil PROPOSED that an item be listed on the February Council meeting agenda.

#### **Emergency Funding for Pothole Repairs**

Cllr. D. Healy-Rae requested that a letter issue to the Minister for Transport seeking emergency funding to repair pot holes.

Cllr. R. Beasley SECONDED this request.

**Vote of Congratulations**

Cllr. M. Moloney proposed a vote of congratulations to Cllr. A.J. Spring on his recent engagement.

All members supported this vote of congratulations.

The meeting concluded at 1. 05 p.m.

**Gerard O'Brien**  
**Meetings Administrator**

\_\_\_\_\_  
**Mayor of Kerry**