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MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 19 APRIL, 2010

MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 19 AIBRÉAN, 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	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. J. Breen, Dir. Hsg & Comm & Ent	Mr. C. O'Sullivan, Dir. of Roads
Mr. G. O'Brien, Meetings Adminr.	Mr. P. Corkery, Press & Comm.
Ms. B. Reidy, SSO Corp. Affairs	Ms. D. Griffin, SO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs
Mr. T. Sheehy, SE Environment	Mr. F. Dillon, SE Water Services
Mr. P. Stack, SE Planning	Mr. M. Boyce, SEE Environment
Mr. D. Lenihan, Senr. Exec. Chemist	Mr. D. O'Malley, Senr. Exec. Planner
Ms. A. McAllen, Fin. Mgmt. Acct.	Ms. K. Lynch, AO Finance
Ms. H. Switzer, AO Environment	Ms. M. Lawlor, ASO Environment

The meeting commenced at 10.30 a.m.

Mayor B. O'Connell took the Chair.

10.04.19.01 Mayor's Report on CPG Meeting held on 13th April, 2010

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

Item 1 Agenda for the April Council Meeting

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

With regard to Item no. 4, To consider the making of River Basin Management Plans, it was noted that at a meeting of the Environment SPC held on 12th April it was agreed to recommend the adoption of the River Basin Management Plans.

Item 2 County Development Board Update

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

19th April, 2010

CDB Meeting

The present work to rule is affecting the holding of CDB meetings. It is the intention of the Chair and Director of Housing and Community & Enterprise to meet with the CDB members before the end of April to update on the work being undertaken. It is important that the members of the board are brought together to meet as a body soon.

Tourism Development

Progress is being made in the establishment of a unified tourism marketing and product development group for the County. It is important that this initiative is progressed prudently and with due regard to the absolute importance of the tourist product to the economy of our county. Support has been received from many of the CDB members to this initiative.

Community Awards

The Community Awards established under the auspices of the CDB take place in Killarney on Sunday 18th April. These awards recognise and reward the wealth of community and voluntary work which is undertaken throughout the county by dedicated people on a daily basis.

One Step Forward Event

This event, organised by KEAT, held recently in the Carlton Hotel, Tralee, for those recently unemployed was an outstanding success with numbers attending greatly exceeding expectations. In particular the workshops arranged on the day were all fully booked and those attending reported a great benefit in attending this free event

Integration Strategy

The CDB Integration Strategy to assist new migrants in our community will be finalised in the coming weeks. This will address matters of information, access and assimilation so that new migrants to our county can be assisted to integrate.

Litter

The Kerry Community and Voluntary Forum is undertaking an anti-litter initiative for the coming year. It is also intended that the Community Culture and Tourism SPC make this a focus for the coming year. There appears to be a marked increase in littering this year and its negative impact on our tourism product must be vehemently tackled.

Item 3 Update from Chairs of SPCs

It was noted that a report from the Planning SPC will be presented to the May Council Meeting.

Mr. O. Ring, Director of Water Services & Environmental Services, said Cllr. B. Cronin, Chairman of the Environment SPC, was unable to attend the CPG meeting and had requested him to advise the CPG members of the following. At the Environment SPC meeting held on 12th April, 2010, a discussion was held regarding Kenmare water supply, the proposed Kenmare Water Abstraction Order and the consequences of the vote taken at the March Council meeting. The Environment SPC has requested that the lake options be investigated from an environmental point of view and a report presented to the Environment SPC prior to the May Council meeting. It was requested that this report would clarify issues from an environmental perspective and also include a response to comments on the Nicholas O'Dwyer report (presented to the March 2010 Council meeting) from the Bonane Community Council. The Environment SPC will present a report to the May Council meeting. The Environment SPC sought the support of the CPG members to this course of action.

The CPG members agreed with the course of action proposed by the Environment SPC.

Item 4 Southern Regional Drugs Task Force Presentation

Having considered a request from the Southern Regional Drugs Task Force to make a presentation to Council it was agreed that the Southern Regional Drugs Task Force would be invited to make a presentation to the Housing SPC.

Item 5 Receptions

CPG members agreed to honour the success of the Pobalscoil Inbhear Scéine Senior Football Team in the All-Ireland Schools Championship at the next Killorglin Electoral Area Committee meeting when it will be held in Kenmare.

CPG members agreed to host a Mayoral Reception to honour the achievements of the owners and trainer of "Lisloose Accord" on winning the Irish Coursing Oaks and Greyhound of the Year Award.

Cllr. M. Healy-Rae welcomed the work of the Environment SPC and the suggestion that the lake option be investigated from an environmental point of view. It is vital that Kerry County Council is proactive on this matter and he requested that a time frame be determined for these investigations.

10.04.19.02 Confirmation of Minutes

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim, it was resolved that the Minutes of the Special Roads Meeting of Kerry County Council held on 29th March, 2010, be confirmed.

10.04.19.03 Disposal of Property

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the disposal of a plot of land measuring 0.46 acres approximately in total at Abbeydorney Village, by means of a 6 year lease, to Abbeydorney Development Company Ltd. in accordance with the terms of notice issued 30th March, 2010, pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning & Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- (b) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. R. Beasley, it was agreed to approve the disposal of Affordable House No. 8 Dun Ard, Ballybunion, to (Name & Address withheld for data protection purposes), in accordance with the terms of notice issued 30th March, 2010, pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning & Development Act 2000 and Article 206 of the Planning & Development Regulations 2001.

10.04.19.04 South Western River Basin District Management Plan and the Shannon International River Basin District Management Plan

Mr. T. Sheehy, SE Environment, referred elected members to report dated 13th April, 2010, which had been circulated and said Kerry County Council is asked to consider the adoption of the River Basin Management Plans (2009-2015) for the Shannon International River Basin District and the South Western River Basin District before 30th April, 2010. The River Basin Management Plans arise from the requirements of the EU Water Framework Directive of 2000 that all waters (surface, coastal and ground waters) be of good status by 2015 (or later in certain circumstances). The plans are designed to provide a coherent framework for all water related legislation so that water quality is managed in a coordinated and planned manner

For water quality management purposes, and in keeping with the requirements of the Directive, the island of Ireland has been divided into eight geographical districts, called River Basin Districts (RBDs), each of which must have its own Management Plan.

County Kerry is included in two River Basin Districts, the Shannon International RBD and the South Western RBD which results in two plans being presented for consideration. Adoption of the plans is a matter for the local authorities within each River Basin District which means, for example, in the case of the Shannon RBD 18 separate local authorities will consider the Shannon River Basin Management Plan for adoption. These particular plans cover the period 2010-2015 and revised plans will be developed in the coming years to cover the periods 2015-2021 and 2021-2027.

The plans were developed by independent consultants and the work was funded by the DoEHLG (with Cork and Limerick County Councils as lead authorities for the South Western RBD and Shannon RBD respectively). Extensive consultation processes were undertaken while the plans were being drawn up and the final document is the result.

In addition to the above, a series of Water Management Unit Action Plans (dealing separately with surface freshwaters, transitional/coastal waters and groundwaters) have also been developed for each River Basin District. These Action Plans provide details, at a more manageable and local level, of the water quality issues and measures proposed for individual water bodies.

It should be noted that the RBD Plans do not impose new regulatory measures, over and above existing measures, in relation to water quality protection. The essential approach of the plans is to enable water quality to be managed in a coordinated and planned manner with much improved clarity as regards responsibility.

The plans set out the pressures on the water bodies and the aims and objectives of improving the water quality and the ecology in the waters by means of a Programme of Measures. Meeting the commitments contained in the plans will depend on the Department of Environment, Heritage and Local Government together with other Government Departments making provision for the required resources and funding.

It is recommended that the Council adopt the River Basin Management Plans (2009-2015) for the Shannon International River Basin District and the South Western River Basin District as presented.

He invited Mr. M. Boyce, SEE Environment to make a presentation to the elected members on the River Basin District Management Plans.

Mr. M. Boyce, SEE Environment, made a presentation to the elected members on the River Basin District Management Plans which included the following:-

- Explanation of the Water Framework Directive
 - o EU legislation adopted in 2000
 - o Requires **all waters** to be of good status by 2015 (deadline can be relaxed to 2021 or 2027 in certain circumstances)
 - o Definition of “waters” includes surface waters (rivers, canals, lakes estuarine and coastal) and groundwater
 - o Water quality to be managed in coordinated and planned manner
 - o Stakeholder involvement
- One coherent management framework for all water-related legislation
- River Basin District Boundaries and County Kerry River Basin Districts
- Consultation Processes Undertaken

- Plan Content:
- Chapter 1 – Introduction
 - o “Public authorities (local authorities, EPA, DoEHLG etc.) are required to exercise their functions in a manner which achieves or promotes compliance with the requirements of the Water Framework Directive” - EC (Water Policy) Regulations”
 - o Public Authority Roles - River Basin Management Plans
- Chapter 2 - Description of the RBD (waters, key issues and pressures)
- Chapter 3 - Status of the waters of the RBD
 - o For Surface Waters
 - “**High Status**” means that “quality elements show little or no effects of human activity compared to undisturbed conditions”
 - “**Good Status**” means “quality elements show only slight changes caused by human activity compared to undisturbed conditions”.
 - o For Groundwater
 - “**Good Status**” must be achieved for abstraction and water quality.
- Chapter 4 – Objectives for the RBD
 - o The plans set out four core objectives to be achieved by 2015:
 - prevent deterioration
 - restore good status
 - reduce chemical pollution
 - achieve protected areas objectives
- Chapter 5 – The programme of measures for the RBD (action programme)
 - o This chapter (along with Appendices 4 & 5) describes the measures which are to be taken to achieve the water quality objectives set out in chapter 4 of the plan.
 - o Almost all of the measures are already provided for in national legislation and policies, and are already being implemented
- Chapter 6 - Integrating plans and programmes
 - o River Basin Management Plans should be integrated with other plans:
 - o Land use and spatial plans e.g. County Development Plans
 - o Waste management plans
 - o Sludge management plans
 - o Forest management plans
 - o Flood risk management plans
- Water Management Unit Action Plans
 - o The Plan introduces the concept of the Water Management Unit Action Plans;
 - o Each River Basin District has been sub-divided into a number of Water Management Units (WMU);
 - o Each WMU has an individual Action Plan, which provides detail, at a local level, of the water quality issues and actions proposed for individual water bodies.
 - o Water Management Unit Action Plans are “live” documents
- Adoption of the River Basin Management Plans [EC Water Policy (Amendment) Regulations, 2010]
 - o Adoption of plans by Local Authorities : 30th April, 2010;
 - o Review of plans by the EPA and report to Minister : 31st May, 2010;
 - o Ministerial sign-off : 30th June, 2010;
 - o Plans to come into effect : 9th July, 2010.
- Foreword to the Plans
 - o Summarises the background to the development of the plans;
 - o Identifies the challenges facing local authorities;
 - o Sets out the need for provision of appropriate funding and resources at national level (DoEHLG and other government departments).

- Conclusion
 - o The River Basin Management Plans will:
 1. Ensure that water quality is managed in a more coordinated manner
 2. Result in existing national legislation and policies being implemented in a more integrated fashion
 3. Form a vehicle to source funding and resources at national level
 4. Improve and protect water quality for County Kerry.

Mr. M. Boyce recommended the adoption of the South Western and Shannon River Basin Management Plans to the members of Kerry County Council.

Cllr. J. Brassil asked why the estuaries have such a low water status designation.

Mr. M. Boyce said there is an absence of monitoring data for the estuaries. The status of estuary waters to be addressed by 2015 relates to challenges in some of the estuaries regarding eutrophication. The monitoring work will change over the next few years with more data becoming available and this status may change. There are issues with nitrogen and phosphorous in estuaries.

Mr. Boyce acknowledged the considerable progress made by the farming community over the last few years in terms of control measures put in place at farm yard level to manage nitrogen and phosphorous.

Cllr. B. Cronin said a very important document is presented before Council for the protection and enhancement of the county's rivers and water quality. The River Basin District (RBD) Management Plans require adherence to the Water Framework Directive and as such require that all waters be of good status by 2015. It is important to note that the RBD Plans do not impose any new regulatory measures over and above measures which are in place at present with regard to water protection. The RBD Plans co-ordinate the 11 separate EU water protection measures.

The Environment SPC agreed to propose the adoption of the RBD Plans subject to a number of important items being dealt with. It was brought to the attention of the Environment SPC that there are concerns regarding the target date of 2015 to achieve water quality at an extremely high level so as to enhance the reproduction of the Freshwater Pearl Mussel. Because of the slow reproductive rate of the Freshwater Pearl Mussel this date should be extended. It was agreed at the SPC meeting that management would consider an extension to the 2015 date.

The Environment SPC also requested clarification that the RBD Plans do not contain any restrictions to prevent farmers or landowners cutting back hedges or fallen trees along the banks of the rivers and that they would be allowed remove gravel where it has built up on the river bed and is causing flooding. These issues could be accommodated in the Local Water District Management Units.

The IFA circulated a document to each elected members regarding Section 5.2.3, Paragraph 5, of the South West RBD Plan and Shannon RBD Plan which states:

"Despite the improvements in agricultural pollution control in recent years, surveys carried out by local authorities indicate that on average 31% of farms nationally may be non-compliant with the Nitrates Regulations. While the Regulations are in the early stage of implementation, it is clear that an effective inspection and enforcement regime is needed to ensure full compliance."

He said it has been indicated to him, a view which he supports, that these surveys and data have never been published. This is an extremely damaging statement. There has been tremendous investment in farms under REPS. He PROPOSED that this paragraph be removed from the RBD Plans.

Cllr. A. McEllistrim SECONDED this proposal.

Cllr. B. Cronin sought a response regarding the Freshwater Pearl Mussel deadline of 2015, the issues in relation to rivers to be accommodated under Local District Water Management Units and the IFA submission. He said dependent on agreement on these issues, he PROPOSED the adoption of the River Basin District Management Plans.

Mr. T. Sheehy, SE Environment, said the IFA submission was received this morning. The submission has been considered and Kerry County Council is satisfied to delete Paragraph 5 of Section 5.2.3 from page 66 of the South West RBD Plan and page 62 of the Shannon RBD Plan, i.e. the following text:

“Despite the improvements in agricultural pollution control in recent years, surveys carried out by local authorities indicate that on average 31% of farms nationally may be non-compliant with the Nitrates Regulations. While the Regulations are in the early stage of implementation, it is clear that an effective inspection and enforcement regime is needed to ensure full compliance.”

Mr. Sheehy said the issues regarding removal of trees from river edges, etc., can be addressed in the Water Management Unit Plans. There is nothing in the RBD Plans which will place any additional restriction on farmers.

With regard to the Freshwater Pearl Mussel, this was discussed at the Environment SPC Meeting. The proposed wording to be used in the plan is “In relation to those catchments within County Kerry which are designated habitats, an extension be sought to 2021”. 2021 is the extent to which the deadline can be sought.

Cllr. P. McCarthy thanked Mr. Boyce for his presentation and explaining the detailed documents in a simple manner. He congratulated the staff of the Environment Department for their work on the RBD Plans. He SECONDED Cllr. Cronin’s proposal.

Cllr. J. Brassil thanked Mr. Boyce for his presentation. He said he is supportive of the plans in general and asked what the plans mean in practice and in real terms. The summary document refers to a 3 year period to put the plans in place following adoption of the plans and a table outlining Water Treatment Plants to be put in place and one-off units to be dealt with. He asked how Kerry County Council will deal with these issues in 3 years and if these issues are not dealt with what are the implications for Kerry County Council. Will the EPA and other agencies have power to fine Kerry County Council for work it cannot complete due to lack of finance? He asked if it is significant that Kerry is part of two agencies dealing with the same issues and if Kerry has to report to Cork.

Cllr. D. Healy-Rae expressed concern regarding the implications of the RBD plans for landowners and farmers. He said that at a recent area meeting he asked Kerry County Council to make a statement regarding farmers taking gravel from rivers for their own use. Removal of gravel would benefit the rivers by lowering river beds during flood time and farmers could use the gravel on their farms, not for commercial use. He said he is worried the RBD Plans will affect the granting of planning permission in the future. There has been a myth for years that farmers polluting streams and rivers. From my knowledge our Local Authority, as far as I am concerned, has been as big a polluter as anyone. Farmers are doing their work very cleanly and efficiently. He asked if the RBD Plans will give Local Authorities power over what landowners can and cannot do and if landowners will be vetted by the Local Authority as they are by other agencies. He expressed concern that the RBD Plans will affect people adversely, similar to the Killarney Environs Plan which restricts people from Killarney getting planning permission in surrounding villages. He asked for more time to read this document further.

Cllr. M. Healy-Rae also expressed concern regarding the RBD Plans. He said the plans do not say that the Local Authority is the biggest polluter nor do they say that hotels by their practices are contributing to pollution. The farming sector is always subject to accusations of contributing to pollution. He said the full cost of complying with the requirements of the RBD Plans is not stated and he asked what this cost will be. Before adopting this document he said there should be further time for debate and considering the document in detail. With regard to the Freshwater Pearl Mussel he asked what impact this will have on the Sheen River if the RBD Plans are adopted.

Cllr. L. Purtill thanked the Environment Department for the reports presented and said the Water Framework Directive requires all waters to achieve good status by 2015. The question is how the County Council is going to help to achieve this objective. The first measure to be taken is that the Local Authority stop polluting the River Shannon. Raw sewerage is entering the river from Tarbert and Ballylongford villages and from Lixnaw village via the River Brick. The briefing document stated that the Department of Environment, Heritage and Local Government provides capital funding to facilitate the development of urban Waste Water Treatment facilities. The Department seems to be providing this funding for other counties and indeed South Kerry but not for North Kerry for the past 10 years since the provision of the Ballyheigue Sewerage Treatment plant. The affect of the treatment plant on the water quality of the River Feale at Scartlea and the Ballybunion Bay is noted. Both Tarbert and Ballylongford are poised for a major economic injection when LNG and Endessa eventually go ahead. The E-Town development in Tarbert is another positive development. However, the provision of treatment plants for both villages is essential if good water quality is to be achieved in the Shannon River and for the future economic development of both communities. These plans can be used to put pressure on the Minister and the Department of the Environment to provide funding for Tarbert and Ballylongford schemes.

Cllr. S. Fitzgerald welcomed the RBD Plans and thanked the executive for removing paragraph 5 of Section 5.2.3. He said the plans should go further and state that no farmer will be asked to adopt any measures in excess of those in the Nitrates Directive.

Cllr. M. Cahill welcomed the RBD Plans and thanked the Environment staff for their presentations and work on the plans. He also thanked the other agencies involved in the preparation of the RBD plans. He said all elected members are in favour of having high quality water status in the county. He welcomed the deletion of paragraph 5, Section 5.2.3. He asked what implications the RBD Plans will have for Kerry County Council in the context of areas where sewerage schemes are at capacity and areas that do not have a sewerage scheme. He asked if the inclusion of Cromane and Castlemaine Harbour in the RBD Plans will have any bearing on agriculture and mussel seeding in these areas and what the implications are for these areas.

Cllr. J. Finucane said the RBD Plans are the most important framework documents to be considered by this Council and focus must first be on the purpose of the plans, i.e. standardisation and quality of drinking water throughout Europe. When discussing quality of drinking water in our county it automatically engages a discussion on planning, however, these plans are about the quality of water supplied for the citizens of the county. He said he fully supports the RBD Plans and it is important that Local Authorities have a target to maintain. Local Authorities can be deemed polluters because they do not have enough funding to construct Treatment Plants. Kerry County Council has the ambition to provide Waste Water Treatment Plants but is without funding. These framework documents set out requirements to achieve standards. Significant finance is required for

the provision of this infrastructure. He called on Government to provide a fund for such works and begin a process whereby if €20 billion can be spent providing private banking institutions with funding that these institutions would pay a dividend to Government to fund Waste Water Treatment Plants. He asked who is responsible for co-ordinating the implementation of the plans. The critical thing is to get funding to invest in Waste Water Treatment Plants and it is important that Government produce a plan to outline where the funding will come from as this will help the tourism industry and provide construction jobs.

Cllr. A.J. Spring commented on the RBD Plans on behalf of the Labour members. The infrastructure suggested is to be financed through water charges. He expressed opposition to any water charges on domestic properties. He supported the removal of Paragraph 5, Section 5.2.3. This is a good thing for farmers as farming is the catalyst behind all economics in the county.

Cllr. R. Beasley welcomed the RBD Plans and said it must be recognised that water is the most precious commodity and it must be protected. Those responsible for pollution must be held accountable and responsible. There is an onus on Government to ensure that funding is provided for the provision of Waste Water Treatment Plants.

Cllr. T. Buckley welcomed the RBD Plans and complimented the Environment staff on the presentation. He supported the concerns of the IFA and said in recent years there has been significant investment by farmers in waste water management.

Mr. T. Sheehy, SE Environment, responded to queries raised as follows:

- The RBD Plans are overseen by an Advisory Council from the Department of the Environment, Heritage and Local Government. Kerry County Council will be represented through the CCMA. Responsibility for implementation of the plans lies with each Local Authority.
- With regard to Cromane, Section 5.2.6 of the plans deal with this with a remedial programme.
- Extraction of gravel from rivers must be dealt with on a site specific basis as it can cause difficulties in different areas. This will not be dealt with through the RBD Plans.
- The provisions of the RBD Plans will not affect planning permissions. Standards set out remain in place and there will be no new standards.
- Regarding sewerage schemes, it is vital that when making submissions to the Department that such submissions can be made in a co-ordinated manner and considered under the relevant RBD plan in order to address the most urgent areas. This is also crucial from an economic and tourism point of view as Kerry is marketed as a green area. The RBD Plan will form the basis of submissions for funding to the Department.

Mr. Sheehy urged the adoption of the RBD Plans.

Mr. G. O'Brien, Meetings Administrator, said a vote would now be taken on the following:-

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Finucane we the members of Kerry County Council hereby resolve to make the South Western River Basin District (SWRBD) and the Shannon International River Basin District River Basin Management Plans (RBMP) 2009-2015 and to establish the associated SWRBD and SHIRBD Water

Body Objectives and Programme of Measures for the said period to comply fully with the requirements of the Water Framework Directive (WFD) subject to the following:-

- (1) that, in relation to those catchments within County Kerry which are designated habitats of the freshwater pearl mussel, an extension be sought to the deadline for achievement of good status by one planning cycle to 2021, and
- (2) to remove the following wording "*Despite the improvements in agricultural pollution control in recent years, surveys carried out by local authorities indicate that on average, 31% of farms nationally may be non-compliant with the Nitrates Regulations.*" as set out on Pages 66-67, Paragraph 5, Section 5.2.3 of the SWRBD and Page 62, Paragraph 5, Section 5.2.3 of the SHIRBD Management Plans.

A vote was taken which resulted as follows:-

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Foley, Griffin, Leahy, McCarthy, McEllistrim, Moloney, Purtill, Sheahan, Spring, O'Connell **(19)**

Against: **(0)**

Not Voting: Cllrs. D. Healy-Rae, M. Healy-Rae **(2)**

Absent: Cllrs. Ferris, Fleming, Gleeson, O'Brien, O'Donoghue, O'Shea **(6)**

Mayor B. O'Connell declared the motion CARRIED.

10.04.19.05 Draft Kenmare Functional Area Local Area Plan 2010-2016

Members' Duties under Ethics Legislation

Mayor B. O'Connell informed members that he wished to remind them of their duties under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. He then read the following statement into the record of the meeting.

"Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must

- (1) Disclose the nature of his/her interest or the fact of a connected persons interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it."

The Mayor informed members that there could be no interaction with those in the public gallery during the meeting.

10.04.19.05(a) County Manager's Report on Submissions or Observations Received on the Proposed Amendments to the Draft Kenmare Functional Area Local Area Plan 2010-2016

Mr. M. McMahon, Director of Planning informed the meeting that this was the final step in the process of reviewing the Kenmare Local Area Plan. The process for the preparation of this plan is outlined in the report circulated. The Draft Plan, in conjunction with the publication of Notice inviting submissions from the public, was placed on public display from 18th November 2009 - 31st December 2009. An open day for members of the public was also held in Kenmare on 10th December 2009. The County Manager's Report and recommendations on submissions was presented at the Kerry County Council meeting held on 8th February 2010. The Elected Members adopted a total of 49 proposed amendments at this meeting. Advertisements were then placed in "The Kingdom" and "The Kerryman" newspapers on 23rd and 24th February 2010 advising that these proposed amendments were on public display from 24th February to 25th March 2010. In total, 12 no. written submissions on the proposed amendments were received during the consultation period. These submissions relate to 17 of the proposed amendments and no submissions were received in relation to the remaining 32. Mr. McMahon then called on Mr. P. Stack to address the meeting.

Mr. P. Stack, S.E. Planning informed the meeting that the Manager's Report on submissions received in relation to the proposed amendments to the Kenmare Functional Area Draft Local Area Plan 2010 - 2016 was circulated. The report is divided into four sections as follows:

General
Kenmare
Kilgarvan
Rural Submissions

He would go through all of the submissions.

General Submissions

Mr. Stack said that four general submissions were received and he would deal with them individually.

Submission No. G1 EPA

Mr. Stack informed the meeting that the EPA submission requests that a number of further measures would be introduced into the Plan and the Manager's Report recommends that a number of additional objectives would be incorporated into the Plan to facilitate this. He pointed out that there is nothing new in any of these objectives.

Cllr. M. Healy-Rae asked Mr. Stack to confirm that there is nothing different in these objectives that Members would not be familiar with.

In response, Mr. Stack said that these objectives are only reinforcing current legislation.

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. B. Cronin it was unanimously agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. G2 NRA

Mr. Stack informed the meeting that the submission notes that the proposed modifications do not address the issues raised in the Authority's original submission. However, they had no specific comments to make in relation to the proposed amendments. No amendment to the Plan is recommended.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim, it was unanimously agreed to accept the recommendation in the Manager's Report in relation to this submission.

Submission No. G3 Department of Environment, Heritage & Local Government

Mr. Stack informed the meeting that this submission relates to the methodology used in the Plan and no amendment to the Plan is recommended.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim, it was unanimously agreed to accept the recommendation in the Manager's Report in relation to this submission.

Submission No. G4 Department of Communication, Energy & Natural Resources

Mr. Stack informed the meeting that there were no comments or observations in this submission on the amendments on public display and no amendments to the Plan are recommended.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. N. Foley, it was unanimously agreed to accept the recommendation in the Manager's Report in relation to this submission.

Kenmare

Mr. Stack informed the meeting that 11 submissions were received on Kenmare.

Submission No. Ken 1 EPA

Mr. Stack informed the meeting that Submission No. Ken1 refers to three issues:

- (1) justification for the need to include Amendment No. 34 should be made
- (2) clarification as to whether or not the lost open space as proposed by Amendments No. 27, No. 30 and No. 41 is/will be replaced elsewhere within the Plan area
- (3) clarification should be given whether the change in zoning given in proposed Amendment No. 35 and No. 36 referred to completion of development.

The following is the Manager's response.

“Regarding Amendment No. 34 it was considered by Kerry County Council that the proposed structure is not of special interest or has significant architectural merit.

0.624 ha of Passive open space is proposed to be removed from the plan area in accordance with Amendment No. 27, No. 30 and No. 41. However an additional 6.770 ha of lands South West of the town centre is proposed for passive open space as per proposed Amendment No. 31. A total of 6.146 ha of additional passive open space is provided in the plan area as a result of the amendments.

The change in zoning referred to in Amendment No. 35 and No. 36 are due to the completion of developments on these lands”

Mr. Stack said the Managers recommendation is that there would be no amendment to the Plan.

On the PROPOSAL of P. Connor-Scarteen, SECONDED by Cllr. J. Finucane it was unanimously agreed to accept the Managers recommendation in relation to this submission.

Submission No. Ken 2 Department of the Environment, Heritage and Local Government

Mr. Stack informed the meeting that the Department notes that Amendment No. 19 proposes to zone lands located 2km from the town centre outside the boundary of the town plan for Kenmare for Light Industrial use in order to accommodate an existing light industrial use. This site is dependent upon car based transportation and is not serviced by footpaths or cycle ways. The site is located in rural areas outside of a settlement which is deficient in terms of public infrastructure. The Department considers that site is not an appropriate location to zone lands for such a use as it constitutes piece meal, un-coordinated and unsustainable development. Uses of this nature should be located on serviced land and zoned lands within Kenmare. The Managers response to this submission is as follows:

“This zoning reflects the existing established use of this site”

The Managers recommendation is that the amendment to the Plan as proposed should proceed.

Cllr. M. Healy-Rae welcomed this recommendation.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen it was unanimously agreed to accept the recommendation in the Managers Report in relation to this submission.

Submission No. Ken 3 Michael Gavin

Mr. Stack said that this submission recommends the proposed Amendment No. 18 to the Draft Plan and that the following Objective UD-10 should be included. Provide/extend footpaths and cycle ways in an environmentally friendly and sustainable manner in new and existing developments where possible throughout the plan to provide greater connectivity, reduced dependency on motorised vehicles and encourage pedestrian mobility throughout the town.

It is proposed to amend the wording as follows:

“Provide/extend footpaths and cycle ways in an environmentally friendly and sustainable manner, in new and existing developments where possible throughout the Kenmare functional area in order to provide greater connectivity, reduce dependency on motorised vehicles and encourage pedestrian mobility throughout the area”.

The Managers response is as follows:

It is considered appropriate to enhance and encourage walking and cycling throughout the town. The following is the Managers recommendation:

“To amend Objective UD-10 to read as follows:

Provide/extend footpaths and cycle ways in an environmentally friendly and sustainable manner in new and existing developments where possible throughout the Kenmare functional area in order to provide greater connectivity, reduce dependency on motorised vehicles and encourage pedestrian mobility throughout the area”.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Finucane it was unanimously agreed to accept the recommendation in the Managers Report in relation to this submission.

Submission No. Ken 4 Fergus Appelbe, P.J. O’Driscoll Solicitors on behalf of Patrick & Martin Arthur

Mr. P. Stack informed members that this submission states that the proposed walkway from the pier area through to the stone circle and onto Market Street is located on private property and that the existing right of way used by Kerry County Council is for access to the Sewage Treatment works only. The following is the Manager’s Response:

“It is acknowledged that the route which is “indicative” is located on private property and cannot be developed without acknowledging the property rights of the landowners concerned.”

The Manager’s Report recommends that this amendment should be adopted.

Cllr. M. Healy-Rae said that the Council cannot mislead anyone and the response to this submission is doing that. He is in favour of including an objective in the plan for walkways for Kenmare but the indicative route is going through private land. The Council is stating that these walkways cannot proceed unless the land owner agrees, yet this amendment is stating these walkways should be progressed. He presumed the Council has no intention of acquiring this land through CPO therefore, by including this objective it is giving a false hope that the walkway will be provided. By including this objective and the indicative route we are putting a caveat on the land. He again stated that he was in favour of a walkway in Kenmare and he called on councillors to reconsider this amendment as he did not want to mislead the people of Kenmare.

Cllr. D. Healy-Rae said he also objected to this Amendment and he asked did any Council official ask the landowner’s permission to go through his land. He said that this Amendment is very unfair as these people own the land and their permission should have been requested for the walkway.

Mr. M. McMahon, Director of Planning said that this is merely inserting a desirable objective for a walkway from the town to the pier in the Plan. The Council acknowledges the rights of the land owner. The best example of a walkway is the one from the Aqua Dome to Ballyseedy Wood. 2/3 of this walkway has been completed and it is intended to bring a Part VIII Report before Kerry County Council in the near future with a view to completing it. An objective for this walkway has been flagged for some time. He acknowledged that the walkway cannot be achieved without the co-operation of the land owners.

Cllr. M. Healy-Rae asked was the land owner consulted by the Council.

Mr. McMahon said that the ownership of the land is not the issue. The Council is simply doing what is right for Kenmare. This Amendment went on public display and there was a strong view that the walkway should be included as an objective in the Plan.

Cllr. D. Healy-Rae asked if the indicative line of the walkway is included in the Plan, does it give Kerry County Council leverage to acquire the land by CPO.

In response, Mr. McMahon said that by including an objective it is adopted policy and whether or not the walkway proceeds depends on a number of issues including the co-operation of the land owner.

Cllr. M. Healy-Rae asked if it is the intention of the Council to acquire this land by CPO in the next 5 years.

In response Mr. McMahon said that this is not the Council's intention.

Cllr. M. Healy-Rae again stated that he believed that by including this objective it is misleading the people of Kenmare.

Mr. McMahon said that if members agree with the recommendation in the Managers Report it must be proposed and seconded. If the Managers recommendation is not agreed then a vote will be necessary that this amendment should not be adopted.

Cllr. M. Healy-Rae PROPOSED that this amendment would not be adopted as it is misleading.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. B. Cronin asked if it were not the case that in drawing up local area plans for all towns and villages that walkways and green areas were identified. He asked where the indicative walkway would come into Kenmare.

Mr. P. Stack said that the walk way commences at the Pier and comes into The Square.

Mr. T. Curran, Co. Manager said that he wanted to make it very clear that the Council is not trying to mislead the people of Kenmare on this issue.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. D. Healy-Rae, this Council having considered the County Managers Report on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan and the County Managers Report on the proposed amendments that went on public display for the Kenmare Functional Area Draft Local Area Plan resolves that the Amendment in relation to the proposed walkway should not be adopted.

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

For: Cllrs. D. Healy, M. Healy-Rae **(2)**

Against: Cllrs. Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Foley, Griffin, Leahy, McCarthy, Moloney, O'Brien, O'Shea, Purtill, Sheahan, Spring, O'Connell **(18)**

Not Voting: Cllrs. Beasley, McEllistrim **(2)**

Absent: Cllrs. Brassil, Ferris, Fleming, Gleeson, O'Donoghue **(5)**

The Mayor declared the resolution DEFEATED.

Mr. Stack informed the meeting that Submission Nos. Ken 5 and Ken 8 would be taken together.

Submission No. Ken 5 **Sean Daly, Sherry Fitzgerald Daly Auctioneers, Kenmare**

Submission No. Ken 8 **Martin Hallissey**

Mr. Stack said that Submission No. Ken 5 acknowledges the inclusion of the upper section of Kenmare Golf Club within the town boundary and its zoning as active open space. A portion of land adjacent to the Golf Course is included but is not within the ownership or use of the Golf Course. The submission also includes issues relating to casual street trading.

Mr. Stack read the Manager's Response as follows:

"Given that the field is outside the ownership or the use of the Golf Course it is considered appropriate to omit this area from the "active open space" and rezone it "passive open space".

With regard to the street trading, this is not an amendment on display and therefore cannot be considered at this stage. The issues raised however, have been referred to the Roads and Transportation Section for attention."

The Manager's Report recommends that the area zoned "Active Open Space" be amended to "Passive Open Space" as outlined in Map K 1 which was circulated.

Mr. Stack said this response also applies to Submission No. Ken 8.

Cllr. M. Healy-Rae referred to the land to be zoned "Passive Open Space" from agriculture and said that the top part of this land is zoned for local residential use and that is already agreed.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Finucane it was agreed to accept the recommendations in the Manager's Report in relation to Submission Nos. Ken 5 and 8.

Submission No. Ken 6 Chamber of Commerce & Tourism

Mr. Stack informed members that this submission relates to a number of items including car parking and the Western By-Pass. The submission requests the deletion of all reference to the Western By-Pass from the Plan. The following is the Manager's response to this submission:

“It is considered by virtue of location that the zoning of sites P3 & P5 is more appropriate as Town Centre which does not preclude future use as car parking.

One of the major issues identified in the preparation of the plan is the difficulty arising from traffic congestion in the town particularly in the summer months. This has a negative impact on general transportation, amenity, the urban appearance of the town and is a significant barrier to the future development of the town. The construction of the Relief Road from the N70 to the N71 has been identified as a project of major infrastructure importance in order to alleviate those difficulties and barriers to the future development of an attractive town. It is considered that this objective should remain.

Amendment No. 13 relates to the removal of the indicative line for the road on the map. It was adopted by the Council Members, which is their statutory right, against the advice of the County Manager.”

The County Manager’s Report recommends that Amendment No. 13 should not proceed.

Cllr. P. Connor-Scarteen said that the indicative line should be removed from the Draft Plan. He also believed that the text of the objective for the road should be removed from the Plan but he understood this was not possible. Congestion in the town will be relieved through the provision of the Eastern By-Pass and this should be prioritised.

Cllr. M. Healy-Rae said since the last Planning Meeting the line of the road was removed and he welcomed this. The allocation of €300,000 was for the Western Relief Road but this is no longer available and is not required. He said he wanted to see Amendment No. 13 proceeding and he wanted the indicative line of the road removed from the Plan as was already agreed.

On the PROPOSAL of Cllr. P. Connor-Scarteen, **SECONDED** by Cllr. M. Healy-Rae, this Council having considered the County Manager’s Report on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan and the County Manager’s Report on the proposed amendments that went on public display for the Kenmare Functional Area Draft Local Area Plan resolves that Amendment No. 13 should proceed.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Finucane, Fitzgerald, Foley, Griffin, D. Healy-Rae, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O’Brien, O’Shea, Purtill, Sheahan, Spring, O’Connell **(23)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Ferris, Fleming, Gleeson, O’Donoghue **(4)**

The Mayor declared the resolution **CARRIED**.

Submission No. Ken 7 Mary Harrington

Mr. P. Stack said that this submission welcomes proposed Amendment No. 27 Map K11 and requests that the lands zoned for parking at the Sound be returned to residential zoning. Mr. Stack pointed out that there is no amendment on display in relation to parking at the Sound and therefore the submission could not be considered. The Manager's recommendation is that no further amendment is recommended.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. Connor-Scarteen it was unanimously agreed to accept the recommendation in the Manager's Report in relation to this submission .

Submission No. Ken 9 McCutcheon Mulcahy, Planning Consultants, Cork on behalf of Murnane O'Shea Ltd

Cllr. P. Connor-Scarteen declared that in accordance with Section 177 of the Local Government Act 2001 for business reasons he would leave the meeting while this submission was being considered.

Cllr. Connor-Scarteen then left the meeting.

Cllr. M. Healy-Rae referred to the Matrix and said that prior to the Draft Plan supermarkets greater than 2,500 ²m could be considered in a residential area. In accordance with this plan this is no longer the case. He asked if it would be acceptable that such developments would be 'Open to consideration' in these areas. This would enable applications for supermarkets greater than 2,500 ²m to be considered.

Cllr. D. Healy-Rae supported this suggestion.

Mr. P. Stack said he felt this suggestion was too broad and what is contained in the Plan is more appropriate. Any developer can apply for permission and the Planning Department could consider the application in the context of a material contravention.

Cllr. M. Healy-Rae said that he was only suggesting that this type of development would be 'Open to consideration'. He acknowledged that it is residential land but said no housing schemes will be developed in Kenmare for many years and such a development should be considered in these areas. Land maybe zoned 'Residential' but will not be sold and he felt there was nothing wrong with locating a supermarket in those areas. With the present zoning it is not possible to consider these developments. He PROPOSED that the Plan be amended to incorporate this suggestion.

Cllr. D. Healy-Rae SECONDED this proposal.

Mr. P. Stack said he felt that this would be misleading to a developer who may read it as having a reasonable chance of being granted permission.

Cllr. M. Healy-Rae said that was not his intention.

Mr. P. Stack said that no such amendment was on public display.

Cllr. M. Healy-Rae said that he was referring to the Matrix.

Mr. M. McMahon said that no amendment on the Matrix was on display and the Matrix was already adopted.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J. Sheahan it was unanimously agreed to accept the Manager's recommendation in relation to Submission No. Ken 9.

Submission No. Ken 10 An Taisce

Mr. Stack said this submission relates to various amendments as follows:

Amendment No. 19, site zoned for light industrial. The site is outside the town boundary and it is inappropriate for a rural area.

Amendment No. 24 & 25, sites zoned for residential. This zoning is considered premature by virtue of the number of empty houses.

Amendment No. 34, proposed to remove this structure from the list of protected buildings. This is an attractive building with tourist potential.

Mr. Stack informed members that all these issues have been addressed and no amendment is recommended.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to accept the recommendation in the Manager's Report in relation to Submission No. Ken 10.

Cllr. P. Connor-Scarteen then returned to the meeting.

Submission No. Ken 11 McCutcheon Mulcahy Planning Consultants, Cork on behalf of Sisters of St. Clare

Mr. P. Stack informed the meeting that this submission objects to the public walkway as this will lead to anti social behaviour and seriously affect the amenities of the convent. The existing structure/convent building is used for residential use only and should not be zoned Public/community/institutional/educational which would be more applicable to community facilities. It is requested that the residential zoning in the Kenmare Local Area Plan 2004 – 2010 be retained.

The Manager's Response is as follows:

"The proposed Public/community/institutional/education zoning is considered appropriate. It is noted that the zoning matrix provides for a wide range of developments including day care facilities, childcare facilities, nursing homes and other community buildings.

The public walkway was relocated to the far side of the river see Amendment No. 30 and this location is considered appropriate."

Mr. Stack said the Manager's Report recommends that proposed Amendment No. 30 should be adopted.

Cllr. P. Connor-Scarteen suggested that the reference to Map K13 in this Amendment should in fact read Map K12.

Mr. P. Stack confirmed that was correct.

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On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. S. Fitzgerald it was unanimously agreed to accept the recommendation in the Manager's Report in relation to Submission No. Ken 11 with reference to Map K13 being amended to read Map K12.

Kilgarvan

Submission No. KG1 EPA

Mr. P. Stack informed the meeting that the EPA made the following requests and observations for consideration regarding the proposed amendments to the Draft Kenmare Functional Area Local Area Plan-Kilgarvan:

Clarify the reason for removing proposed Amendment No. 42

Justification in respect of the proposed Amendment 42 should be provided, given that it appears to be not in keeping with promoting sustainable development.

The following is the Manager's Response to this submission:

"Amendment No. 42, relates to the removal of the indicative line for the Northern Relief road and an extension of the Mixed Use zoning at the Eastern Boundary of the village. It was adopted by the Council Members, which is their statutory right against the advice of the County Manager. It is accepted that the mixed use zoning be extended at this location. Objective T 9 should be amended to read 'provide an inner relief road from the R569 to the L7060-33'".

Cllr. M. Healy-Rae said the Council does not have adequate funding to maintain existing roads. This submission and amendment relate to an indicative relief road which he believed was not necessary. Members agreed a compromise and the line of the relief road was removed but the text remained in the Plan and this was fair.

Cllr. D. Healy-Rae said the proposed indicative line would go through a housing estate which is not yet occupied. When the estate was built there was no mention of this road. At a recent Area Meeting he requested the Council to take over the Bog Road at Scartlea and he was told it would not be possible yet there is now a proposal to include an indicative line for a relief road for Kilgarvan which is not necessary.

Mr. P. Stack said that the indicative line of the relief road does not go through a housing estate. Management accept that the indicative line will be removed but that Objective T 9 would be amended to read as follows: "*provide an inner relief road from the R569 to the L 7060-33*" and that was agreed.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. D. Healy-Rae it was unanimously agreed to accept the recommendation in the Manager's Report in relation to this submission.

Submission No. KG2 An Taisce

Mr. P. Stack said that this submission refers to Amendment No. 41 and states that the site zoned for mixed use streetscape would greatly reduce the land available for development of a town park and amenity use for the village.

The Manager's response is as follows:

"It is considered that there is sufficient land zoned for Passive Open Space in the LAP. It should be noted that Objective A-1 & A-2 are retained."

The Manager's report recommends no amendment to the Plan.

Cllr. B. Cronin said that on Page 24 there is a reference to Amendment No. 41 which was already debated in great detail. He would never make a proposal which would have any element of danger attached to it. It is now suggested that the following Objective be included in the Kilgarvan Plan – *“It is an objective of the Council that the development of the lands zoned for mixed use on the L-7060-33, to the south of Kilgarvan National School, be contingent on the implementation of development objective T-2, to the satisfaction of Kerry County Council.”* The total amount of land involved in this zoning is 1.1acres of which 0.2acres is available for the development of a park or a walkway. The development of the road as suggesting in this objective would create another junction. The landowner proposes to provide footpath access to these lands and it is aimed to develop 0.5acres for a crèche, Montessori facility etc. In the last Kilgarvan Local Area Plan seven and a half acres were zoned residential near these lands and that zoning was removed in the Draft Plan. When members agreed to zone this land there was no mention of the development being contingent on Objective T-2. He believed this proposal was not being dealt with fairly. The local authority had proposed that a prominent house at the junction would be a protected structure and there is no funding available for improvements to roads in the area. He PROPOSED that the text outlined by Mr. Stack would be removed.

Cllr. M. Moloney SECONDED this proposal.

Mr. P. Stack said that Objective T-2 would still remain.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Moloney, this Council having considered the County Manager's Report on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Kenmare Functional Area Draft Local Area Plan resolves in respect of Submission KG2 that the wording on Page 24 “It is an objective of the Council that the development of the lands zoned for mixed use on the L-7060-33, to the south of Kilgarvan National School, be contingent on the implementation of development objective T-2, to the satisfaction of Kerry County Council” be removed from the Manager's Report and that Objective T-2 remain in the Plan.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Foley, Griffin, D. Healy-Rae, M. Healy-Rae, Leahy, McCarthy, McEllistrim, Moloney, O'Brien, Sheahan, Spring, O'Connell **(22)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Fleming, Gleeson, O'Donoghue, O'Shea, Purtill **(5)**

The Mayor declared the proposal CARRIED.

Rural Submissions

Submission No. RU1 **Department of the Environment, Heritage and Local Government**

Submission No. RU2 **EPA**

Submission No. RU3 **An Taisce**

Mr. P. Stack informed the meeting that Submission Nos. RU1, RU2 and RU3 refer to the same issue. Submission No. RU1 from the Department notes that Amendment No. 43 proposes to zone lands located 3km north of the village of Kilgarvan for Industry and this site is dependent upon the upgrading and improvement of the public road. It is not serviced by a public sewer and the area in question is vulnerable to ground water pollution. The site is located in rural areas outside of settlements which are deficient in terms of public infrastructure. The Department considers that site is not an appropriate location to zone land for such a use as it constitutes piecemeal, un-coordinated and unsustainable development. Uses of this nature should be located on serviced and zoned lands within Kilgarvan. Submission Nos. RU2 and RU3 relate to the same issue and Kerry County Council has major concerns regarding traffic safety along this roadway. Any development of these lands is contingent on road upgrading and improvements. Kerry County Council considers that any development of these lands may result in a major traffic hazard. The SEA for Kilgarvan outlines serious concerns in regards to the wider environmental issues including water quality, archaeology and the unsustainable development pattern associated with the proposal. The Manager's Report recommends that the lands in question and associated text be removed from the Draft Kenmare Functional Area Local Area Plan and be zoned as Rural General as defined in the Kerry County Development Plan 2009 – 2015. Should these lands be zoned for development purposes, it is recommended that the Archaeological Monument KE085-009 and its buffer zone, which are located to the northwest of the lands in question, be shown on the land zoning map.

Cllr. P. Connor-Scarteen said he proposed this amendment and it was agreed by members at the previous meeting. This land is located just outside the village and could facilitate 3 or 4 people enterprises. It would generate employment in the Kilgarvan area and its development would be contingent on the road being upgraded. He PROPOSED that this amendment be adopted.

Cllr. M. Healy-Rae said in Kilgarvan the Roughty Co-Op is the only employer giving gainful employment. They have a proposal to create further employment through the development of these units and members feel it would be wrong to prevent these plans from coming to fruition. The development of this land is subject to the road being upgraded. This is one of the safest roads in Kilgarvan and it is important that members would realise how necessary it is to zone this land. The Co-Op is owned by 10 farmers who are very respectable people and have done a lot for the parish. The Roughty Valley Co-Op is one of the first piggeries in the country to gather pig manure and to create a by product from it. They want to develop drying sheds to allow them to use the by products. If members agree with managements recommendation these people will be denied this opportunity. He SECONDED Cllr. P. Connor-Scarteen's proposal.

Cllr. D. Healy-Rae said this is a very worthwhile proposal and there are 10 farmers involved. They established this Co-Op in 1971. He noted that management's strong objections relate to the road but this is one of the safest rural roads in Kilgarvan.

Feed lorries are already travelling this road without any problems. One bridge on this road was improved by Kerry County Council last year and there has never been an accident on this road.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. M. Healy-Rae, this Council having considered the County Manager's Report on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan and the County Manager's Report on the proposed amendments that went on public display for the Kenmare Functional Area Draft Local Area Plan resolves that in relation to Submission Nos. RU1, RU2 and RU3 that Amendment No. 43 should proceed.

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

For: Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Foley, Griffin, D. Healy-Rae, M. Healy-Rae, McCarthy, McEllistrim, Moloney, O'Shea, Spring, O'Connell **(19)**

Against: Cllr. Brassil **(1)**

Not Voting: None **(0)**

Absent: Cllrs. Fleming, Gleeson, Leahy, O'Brien, O'Donoghue, Purtill, Sheahan **(7)**

The Mayor declared the proposal CARRIED.

10.04.19.05(b) Making of the Kenmare Functional Area Local Area Plan 2010-2016

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. D. Healy-Rae, this Council having considered the County Manager's Report on submissions received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 – 2016 and the County Manager's Report on the proposed amendments that went on public display for the Kenmare Functional Area Draft Local Area Plan resolves to make the Kenmare Functional Area Local Area Plan subject to the amendments previously agreed.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Foley, Griffin, D. Healy-Rae, M. Healy-Rae, McCarthy, McEllistrim, O'Shea, Spring, O'Connell **(19)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Fleming, Gleeson, Leahy, Moloney, O'Brien, O'Donoghue, Purtill, Sheahan **(8)**

The Mayor declared the resolution CARRIED.

10.04.19.06 (a) County Manager's Report on the proposed Variation No. 2 to the Kerry County Development Plan 2009 – 2015 to incorporate the Kenmare Functional Area Local Area Plan.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Finucane it was agreed to note the report on this item which was circulated.

10.04.19.06(b) Making of Variation No. 2 to the Kerry County Development Plan 2009 – 2015.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Healy-Rae, this Council having considered the County Manager's Report on submission received in relation to the Kenmare Functional Area Draft Local Area Plan 2010 – 2016 and the County Manager's Report on the proposed amendments that went on public display resolves to incorporate the provisions of the Kenmare Functional Area Draft Local Area Plan and to zone lands at and adjacent to Kenmare, Kilgarvan, Bonane, Lauragh, Templenoe and Tuosist to reflect the provisions of the Kenmare Functional Area Local Area Plan as adopted into the Kerry County Development Plan 2009 – 2015.

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

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Foley, Gleeson, Griffin, D. Healy-Rae, M. Healy-Rae, McCarthy, McEllistrim, O'Shea, Spring, O'Connell **(20)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Fleming, Leahy, Moloney, O'Brien, O'Donoghue, Purtill, Sheahan **(7)**

The Mayor declared the resolution CARRIED.

10.04.19.07 2009 Audit Committee Report

Mr. J. O'Connor, Head of Finance, referred elected members to report dated 13th April, 2010, regarding the 2009 Audit Committee Report which had been circulated. The report reviews the work of the Audit Committee over the calendar year 2009 and outlines the manner in which the Audit Committee has sought to deliver its functions.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P.J. Donovan, it was agreed to note the 2009 Audit Committee Report.

10.04.19.08 Annual Financial Statement for the year ended 31st December, 2009

Mr. J. O'Connor, Head of Finance, referred elected members to the Annual Financial Statement 2009 which had been circulated. The 2009 Annual Financial Statement has been prepared on the accruals accounting concept and, in particular, includes income accrued for most of Kerry County Council's principal income streams, such as state grants/subsidies, rates, water charges, housing rents, etc. However, realised income continues to be the foundation for Kerry County Council's financial wellbeing and the ultimate determinant of Kerry County Council's expenditure capacity and, hence, service delivery – regard is had to this in the management of Kerry County Council's financial position. The realisation of outstanding monies from debtors has become ever more challenging and problematic over the past 12 months. The availability of cash for funding Council payments for payroll, goods and services, is becoming ever more crucial as the current severe national and global economic difficulties have taken firmer hold.

Mr. O'Connor referred members to the income and expenditure statement and the Revenue Account which relates to day to day expenditure. The Revenue Account may be summarised as follows:

- Total income (including accrual income) for 2009	€132,462,580
- Total expenditure	€132,239,583
- Closing credit balance on the revenue account	€1,889,034

Adjusting work programmes to align with the reduced budgets that became available during the year and effective budgetary control of expenditure and income throughout the organisation has enabled the Council:-

- To fund some old job balances in the Capital Account.
- To carry forward provisions for a small number of ongoing Council work programmes, together with some uncompleted projects at year's end.
- To close the financial year with a small credit balance, allowing for the accrued income now incorporated into the revenue account – the overall closing credit balance amounts to just 1% of total revenue budget.

The main provisions carried forward include in particular:-

- €150,000 towards the extra costs in roads arising from the severe weather conditions in January 2010.
- €20,000 brought forward from 2009 Adopted Budget for the purposes of supporting particularly worthwhile Tidy Towns Initiatives.
- €50,000 towards the ongoing Minor Improvement Programme for burial grounds.
- €105,000 towards the Health, Safety and Welfare cabins required in the Water Services Maintenance Department.
- €30,000 carried forward from the 2009 Adopted Budget towards library premises improvements.
- €40,000 carried forward from the 2009 Adopted Budget for renewal of the central computer servers.
- The carry forward of the €600,000 provision reserved in the 2008 Accounts towards the 2010 Budget in view of the ever more challenging collection climate for the local income. Kerry County Council did not require to use this in 2009. It appears 2010 collections will be very challenging and in particular rates and water charges will be very difficult to collect. This amount will be reserved for 2010.

With regard to additional expenditure to the allocation approved in the Adopted Budget he highlighted that in Division G – Agriculture, Education, Health and Welfare, the main reasons for the additional expenditure were the increased costs of land drainage and additional expenditure on vocational educational committee pensions/lump sums (€3.2m) which is subsequently grant recoupable. There was also additional expenditure in Division H – Miscellaneous Services which was due mainly to extra provisions for bad/doubtful debt on rates (€1m), coroners' fees/expenses, retirement gratuities and extra costs in respect of the local elections.

Cllr. J. Finucane requested that a letter issue to the Minister regarding the cost of administering VEC pensions and outline that this is an extra service Local Authorities should not be administering for another agency. This function should revert to the Department of Education to administer the pensions of former employees of the VEC.

Mr. O'Connor referred to Debtor Collections and said reflecting the very difficult economic and business environment during the past year many of local income streams yielded receipts below the budgeted figures despite the best efforts of revenue

collection staff. Debtors increased significantly in rates in particular and in water charges to a lesser extent. Revenue collection staff are trying to work through satisfactory payment plans with all debtors. He emphasised the need for all debtors to recognise their outstanding debt and engage fully and constructively with revenue collection staff in trying to address their situation. Where reasonable efforts according to available means are not being made to pay outstanding monies Kerry County Council will have to take appropriate court or other recovery measures. Landfill waste receipts were significantly below the budgeted figure owing to the fall-off of waste being deposited at the Muingnaminnane site.

Local revenue income from all the various streams is very important to funding the Councils services and any significant fall-off in receipts from that source will directly impact on Council services and may require an adjustment of work programmes in 2010 – these sources are budgeted to fund approximately 45% of expenditure in 2010.

The charge on Non-Principal Private Residences introduced in July 2009 yielded a gross income to Kerry County Council of €1.77m which, after the NPPR National Office and local costs, benefited Kerry County Council's income by €1.72m. This significant additional income meant that Kerry County Council's works programmes were retained at a level which would not have been possible otherwise owing to the decreases in other income sources. He acknowledged the work of the NPPR national office and the Revenue Department of Kerry County Council.

Mr. O'Connor referred to the Capital Account and said the figure for debtors not realised totalled €11,442,118 which is generally monies owed by Government Departments. There is no general contingency fund available in the figures. The favourable balance arising is attributable to a mixture of debits on some schemes and credits on others. Kerry County Council is aiming to deliver what projects it can while costs are competitive. In relation to loans, following Council approval and Departmental sanction the Council has drawn down a loan of €6m for the provision of An Daingean Relief Road and €13.01m for the provision of a number of Water/Waste Water Schemes. The funds drawn down are specific to the approval and must be spent on the schemes included.

The Council is contracted for the provision of a number of Water and Waste Water Schemes at present and is advancing the planning and design of a number of others. While the Council has some funds on hand from development contributions to defray the loan charges arising for the loans required to fund the local contribution, these are limited and little additional income is expected from this source over the short to medium term at any rate in view of present economic conditions. Actual receipts from the Water and Waste Water Development Contributions amounted to €0.74m in 2009 and €0.50m is estimated for 2010. He referred to statements in the local press this week on the collection of development contributions. Over the past 10 years Kerry County Council collected €31m for water/waste water contributions, of which €21.5m has been spent leaving a balance of €9.5m of real money. The contributions collected were spent on either providing directly or co-funding with the Department priority water quality improvements or extensions, improvement to waste water schemes and contributing to such schemes as the RAL Programme. Kerry County Council was offered a programme of €10m by the Department on the basis that Kerry County Council would take one quarter of the costs. Kerry County Council was fortunate that over the years the elected Councils had approved Development Contribution Schemes and, through the management of funds, had funds on hand to pay that quarter and the development contributions collected was key to that. With regard to outstanding development contributions, contributions outstanding in relation to Kerry County Council approved developments are manageable. As of today there is approximately €1m of development contributions outstanding. Kerry County Council is taking legal

proceedings for approximately half of that amount and the balance is being paid off. He said there are no outstanding development contributions which he considers to be in any way material to the financial stability of Kerry County Council. Of the monies owed 70% of people owe less than €2,000 and 82% owe less than €5,000, which are manageable amounts. Fortunately, over the years, Kerry County Council had an active policy of pursuing developers and securing payment of development contributions.

The balance sheet indicates that capital work was in progress and design/planning was advancing to the overall cumulative value of €73.06m at 31st December, 2009, an increase of 10.5% on the 2008 figure.

Liability – accounting issue: The Council is legally contracted for the delivery of a number of Water/Waste Water Schemes. These schemes are in the course of delivery at present and will be completed over the foreseeable future. A financial liability attaches to the Council in respect of the balance of the monies due on these contracts. However, the inclusion of such a liability in the Council's accounts is not acceptable to the Local Government Audit Service and, accordingly, Kerry County Council's accounts do not contain any such provision. Particularly in these uncertain financial times it is considered that a provision in the accounts for such contracts is warranted and this is being pursued at national level to seek clarification of the interpretation of liabilities for the purpose of the code of practice and accounting regulations for future reference. In addition, no provision can be made in the Annual Financial Statement in respect of the commitments/liabilities for the spending associated with the development contributions on hand and this further masks the extent of the value of any balance shown.

The Council's capital debt at 31st December 2009 amounted to €103.1m, an increase of €12.6m on the December 2008 figure of €90.5m. 61% of the capital debt relates to Housing and 19% relates to major Water and Waste Water Schemes.

The Annual Financial Statement gives an overview of the financial position of the Council at 31st December, 2009. The current overall financial standing of the Council may be described as continuing to be generally satisfactory at that date.

The ongoing financial turmoil requires that over the coming year and indeed far beyond, the Council must relentlessly implement strict budgetary and debtor control, consistently strive to maximise cost – effectiveness and prioritise services according to the greatest need so as to sustain financial capacity to deliver the core essential statutory services to the residents of and the visitors to the county. Depending on the level of income forthcoming, budgetary changes may be required as circumstances demand over the coming months.

Circular Letter FIN 03/2009 dated 13th February, 2009, from the Department of Environment, Heritage and Local Government imposes very strict obligations on Local Authorities to avoid any deficit in the current account, to keep expenditure and income in the capital account in balance within the year, to borrow only in accordance with ministerial sanction and to keep the net bank position limited to the previous year's level. In effect, this leaves very little discretion to Local Authorities to manage their affairs.

Mayor B. O'Connell said this county owes the Head of Finance a deep debt of gratitude for his management of the finances of Kerry County Council. This should be acknowledged not just by the elected members in the Council but by the people of the county. The elected members are aware of the financial constraints under which Kerry County Council operates. Kerry County Council has nothing without money and no county has a better Head of Finance.

Cllr. J. Finucane SECONDED Mayor O'Connell's comments.

Cllr. D. Healy-Rae supported the Mayor's comments and thanked the Head of Finance for the work he is doing on behalf of Kerry County Council. Kerry County Council finances are in safe hands with Mr. J. O'Connor, Head of Finance, and this was clearly displayed this year when money has been scarce. He asked that Kerry County Council would work with people that are in real financial difficulties and are unable to pay their water charges.

Cllr. M. Gleeson asked if there is any way of ensuring that the maximum has been accrued to the Council from the NPPR charge.

Mr. J. O'Connor, Head of Finance, said Kerry County Council will have an exchange of information with the PRTB, Revenue Commissioner and ESB with regard to the NPPR charge and matching data. In addition Kerry County Council will do on the ground surveys. There is a unit in the Revenue Department dedicated to the NPPR. He said he was pleased with the large number of people compliant with the charge in the county, however, Kerry County Council will be doing checks.

On the PROPOSAL of Mayor B. O'Connell, **SECONDED** by Cllr. J. Finucane, it was unanimously agreed to note the Annual Financial Statement for the year ended 31st December, 2009, and to approve additional expenditure as outlined in the financial review including the provision for the additional measures mentioned in that review viz.

- €150,000 towards the extra costs in roads arising from the severe weather conditions in January 2010.
- €20,000 brought forward from 2009 Adopted Budget for the purposes of supporting particularly worthwhile Tidy Towns Initiatives.
- €50,000 towards the ongoing Minor Improvement Programme for burial grounds.
- €105,000 towards the Health, Safety and Welfare cabins required in the Water Services Maintenance Department.
- €30,000 carried forward from the 2009 Adopted Budget towards library premises improvements.
- €40,000 carried forward from the 2009 Adopted Budget for renewal of the central computer servers.
- The carry forward of the €600,000 provision reserved in the 2008 Accounts towards the 2010 Budget in view of the ever more challenging collection climate for the local income.

10.04.19.09 Kerry Local Authorities Draft Annual Report 2009

Mr. J.D. Flynn, Director of Corporate Services, referred members to the Draft Kerry Local Authorities Annual Report 2009 which had been circulated. Section 221 of the Local Government Act 2001 requires that a draft Annual Report be submitted to the elected members before 30th April, 2010. The final Annual Report will be presented to the elected members for adoption at the May Council Meeting.

On the PROPOSAL of Cllr. M. Gleeson, **SECONDED** by Cllr. S. Fitzgerald it was unanimously agreed to note the Kerry Local Authorities Draft Annual Report for 2009.

Suspension of Standing Orders

The Mayor informed the meeting that as it was 1.30 pm it would be necessary to suspend Standing Orders in order to receive a presentation from Éamonn Ó Neachtain, Bainisteoir Réigiúnach an Deiscirt, Údarás na Gaeltachta.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. R. Beasley it was unanimously agreed to suspend Standing Orders in order to receive a presentation from Éamonn Ó Neachtain, Bainisteoir Réigiúnach an Deiscirt, Údarás na Gaeltachta.

10.04.19.10 Údarás na Gaeltachta Presentation

Mayor O'Connell welcomed Éamonn Ó Neachtain, Bainisteoir Réigiúnach an Deiscirt, Údarás na Gaeltachta, to the council meeting.

Mr. Ó Neachtain thanked the elected members for the opportunity to make a presentation to Kerry County Council and outline the work of Údarás na Gaeltachta. Mr. Ó Neachtain made a presentation to the members which included the following:

Gaeltacht Chiarraí

- Population: 8,695
- An Ghaeilge as a community and family language under significant pressure

Gaeltacht Chiarraí, etc.

- Strong Language and Community Regeneration Programme, Comhar Naonraí Teo agus Óige na Gaeltachta Teo
- Focus on Community Enterprise and Services
- Cultural Tourism a key development platform

Some Key Economic Indicators at December 2009

- 307 client enterprises registered with Údarás
- 760 full-time employed in Údarás supported projects in Kerry
- 36 enterprises with +5 employees
- Strong Community Enterprises

Current issues & challenges in relation to Enterprise and Economic Development

- Lack of confidence amongst investors driven by aggravated market conditions and lack of finance from the high street
- Projects delayed, postponed or cancelled
- Erosion of confidence
- Significant reduction in funding made available to an tÚdarás
- Significant impact on the organisation's ability to create and maintain employment
- Challenge in relation to short-term planning

Enterprise Development in 2009

- 125 new jobs approved
- €2.004 million approved for 43 enterprise projects
- €415,130 for community/rural development projects
- €200,000 for training and education initiatives
- Support also from national schemes administered through Enterprise Ireland
- Overall expected investment of €13.3 million when projects are implemented

Prospects for 2010

- Pipeline of projects improving
- Lack of development space in certain areas

Proposals for development of new Enterprise Space subject to availability of funding

- Planning approved for Clochán Bhréanainn for the development of a new Enterprise Space (600 sq metres) in December 2008
- Outline planning for a 6 acre Development & Educational Centre at Baile an Fheirtéaraigh in association with NUIG and CFCD Teo. Summer 2008

Focus on job maintenance and aftercare

- Local SME development
- Investment in Key Sectors:
 - IT & Financial Services
 - Cultural Tourism
 - Food
 - Local Niche Products
- Developing employment opportunities to meet local demand

Other Key Challenges

- Preparation of Language Development Plans at community level
- Implementation of the Twenty Year Strategy for the Irish Language 2010-2030
- Maintain current level of services to our clients and to our local communities

D'aithin an tUasal Ó Neachtain tacaíocht an Bhainisteora agus na mBall Tofa maidir le cláir Údarás na Gaeltachta a chur i gcrích 's ghabh sé buíochas leo, agus dúrt go raibh réimse oibre níos leithne ag an Údarás ná an fhostaíocht a fhorbairt.

Mr. Ó Neachtain acknowledged and thanked the County Manager and elected members for their support in implementing Údarás na Gaeltachta programmes and said Údarás na Gaeltachta has a broader portfolio than just employment development.

Ghabh an Clr. T. Ní Fearaíosa buíochas leis an Uasal Ó Neachtain agus thug sí moladh dó as obair Údarás na Gaeltachta. Chuir sí in iúl don gcuinniú go bhfuil maoiniú ar fáil ó Fhoras na Gaeilge do chomharthaíocht/páipéar ceannclóite, rud a d'fhéadfadh cabhrú le daoine gnónna a bhunú.

Cllr. T. Ferris thanked Mr. Ó Neachtain for his presentation and congratulated him on the work done by Údarás na Gaeltachta. She advised the meeting that Foras na Gaeilge has funding available for signage/letter heads which may be of help to people setting up business.

Mhol an Clr. M. Ó Glíosaín an tUasal Ó Neachtain as obair Údarás na Gaeltachta. D'fhiafraigh sé dó an mbíonn an Údarás na Gaeltachta ag oibriú le FÁS.

Cllr. M. Gleeson congratulated Mr. Ó Neachtain on the work of Údarás na Gaeltachta. He asked if Údarás na Gaeltachta is working with FÁS.

Dúirt an tUasal Ó Neachtain go bhfeicfidís ar roinnt spáis a sholáthar do FÁS sa spás fiontraíochta molta.

Mr. Ó Neachtain said consideration will be given to providing FÁS with some space in the proposed enterprise space.

Chuir an Clr. S. Mac Gearailt fáilte roimis an tUasal Ó Neachtain agus mhol obair Údarás na Gaeltachta. Is obair fíor-thábhachtach í le mórán dúshlán.

Cllr. S. Fitzgerald welcomed Mr. Ó Neachtain and complimented the work of Údarás na Gaeltachta. It is very challenging and very important work.

D'fháiltigh an Clr. B. Ó Grifín roimis an tUasal Ó Neachtain don gcuinniú ag rá go bhfuil súil aige go leanfaidh Údarás na Gaeltachta leis an dea-obair. Obair fíor-dhúshlánach agus tacaíocht fíor-thábhachtach í do mhuintir na Gaeltachta i gCorca Dhuibhne. Dúirt sé go mbeidh baill tofa Thoghcheantair an Daingin ar fáil chun buaileadh le hÚdarás na Gaeltachta chun aon cheist a phlé.

Cllr. B. Griffin welcomed Mr. Ó Neachtain to the meeting and said he hopes Údarás na Gaeltachta will continue the good work it does. It is very challenging work and it is

a very important support for the people in the Gaeltacht of Kerry. He said the An Daingean Electoral Area members will be available to meet with Údarás na Gaeltachta to discuss any issues.

Mayor B. O'Connell thanked Mr. Ó Neachtain for his presentation and said the elected members look forward to continuing to work with Údarás na Gaeltachta.

The Mayor said that the meeting would adjourn for lunch until 2.15 pm.

The meeting resumed at 2.15 p.m.

10.04.19.11 Summary of Proceedings at Conferences

ACCC Conference 2010 – 4th March, 2010

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

Local Government Housing Service Conference – 18th – 20th March, 2010

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

LAMA Conference 2010 – 9th & 10th April, 2010

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

10.04.19.12 Opening of Tenders

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders for 2010 Bituminous Road Overlay Projects – Pre-Qualification Questionnaire - Closing date: Friday, 16th April, 2010 at 4.00 p.m.
- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of Tenders for the Treatment and disposal of sludge from Tralee Waste Water Treatment Plant – Closing date: 20th April, 2010 at 3.00 p.m.
- (c) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. B. Griffin, it was agreed to approve the opening of Tenders for the Upgrade of Six West Kerry Water Treatment Facilities – Amended Closing date: 28th April, 2010 at 4.00 p.m.
- (d) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the opening of Tenders for Geotechnical Consultancy Services for the N86 Tralee to An Daingean Road Improvement Scheme - Closing date: Friday, 30th April, 2010 at 4.00 p.m.
- (e) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders for the Supply and delivery of Portable Welfare Facilities – Closing date: Friday, 14th May, 2010 at 3.00 p.m.

10.04.19.13 Reception of Deputation

Residents of Iveragh Park, Killorglin

Cllr. M. Healy-Rae requested that a deputation be received from the residents of Iveragh Park, Killorglin, regarding the provision of extra parking in the estate. On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. S. Fitzgerald, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting

10.04.19.14 Notices of Motion

1. Community Nursing Unit

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

"That Kerry County Council request the HSE to open the Community Nursing Unit without delay for the purpose for which it was built, i.e. long term stay for the elderly".

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

Cllr. J. Finucane said an active campaign was fought for the provision of a Community Hospital in Tralee with 50 beds. The HSE are indicating that of those 50 beds they wish to use 24 beds for rehabilitation. This proposal is a demolition of the purpose of the Community Hospital, i.e. a long care facility for high dependency patients and elderly people. He asked that the HSE open the hospital for the purpose it was designed and built i.e. long term care of the elderly. He requested that a letter issue to the Minister for Health on this matter.

Cllr. M. Gleeson supported this motion and called on the HSE to clarify the position regarding St. Columbanus Hospital in Killarney.

2. Intermediate Stage Inspections of Authorised Developments

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

"That this Council calls on the Minister and the Department of the Environment to introduce a regulation mandating Local Authorities to undertake intermediate stage inspections of authorised developments and that the Minister would make financial provision for said work".

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

Cllr. M. Gleeson said intermediate stage inspections are very important for any project, individual unit or estate. There is an acute awareness of the problems of estates not finished in accordance with conditions of planning and the costs the Local Authorities will incur when taking such estates in charge. Local Authorities are prevented from considering these houses for purchase as they fail to comply with planning conditions. These difficulties would be largely eliminated if intermediate stage inspection of all developments was mandatory. There should be an onus on each developer to notify the Planning Department when construction has reached a certain stage. On inspection the Planning Department would be able to determine if the development was in order thus far. As the Planning Department is imposing conditions it should be a follow on that the Planning Department would be granted funding to ensure adherence with those conditions.

Cllr. B. Cronin SECONDED this motion.

3. Fodder Feed Relief Programme

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

"That Kerry County Council ask the Minister for Agriculture to amend the Fodder Feed Relief Programme in view of the adverse weather conditions faced by farmers in the recent past that has resulted in loss of animals."

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

Cllr. M. O'Shea said €2 million was made available in early January 2010 under the Fodder Feed Relief Programme. To date only half this funding has been used. In West Kerry and the Conor Pass up to 50 hill farmers suffered severe losses over Christmas 2009. Due to the severe weather conditions these farmers had to buy feed at an expensive rate to feed their flocks. He requested that a letter issue to the Minister for Agriculture requesting that the Fodder Feed Relief Programme be extended to include the hill farmers in the West Kerry area.

Cllr. S. Fitzgerald supported this motion. He said he is aware of many farmers who lost sheep in the severe snow storms. He called on the Department of Agriculture for a favourable response to this request.

4. KES Funding to Tech Amergin Community Education Centre

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

"That Kerry County Council call upon The Kerry Education Service to immediately restore the funding to Tech Amergin Community Education Centre, Waterville, Co. Kerry and thereby allowing the Centre continue with the excellent services that are provided for the community."

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

Cllr. P. O'Donoghue said due to budget cuts the Kerry Education Service had to reduce funding to Teach Amergin by over €60,000. While the community appreciates there has to be some financial cuts, these cuts must also be proportionate. It appears Teach Amergin has had a bigger reduction in funding than any other centre. This facility was heavily invested in and there are numerous people involved in the centre whose position is uncertain. 6,732 people attended the centre in 2009 with 844 attending for classes. This centre is very important for education, culture and tourism. He requested that a letter issue to the Kerry Education Service requesting a review of the allocation and that proportionate reductions be made or that the centre maintain its former funding level. He asked the elected members on the Kerry Education Service to support this worthwhile facility.

Cllr. M. Cahill SECONDED this motion.

5. Sign posts for Dingle/Daingean Uí Chúis

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

"That Kerry County Council, following on Minister John Gormley's actions, finally publish the legislation providing for the English version of the name of Dingle and the Irish version to be Daingean Uí Chúis and in moving this necessary legislation, Kerry County Council should now move immediately to restore the name on the

sign posts. I don't believe that we should actually wait until the legislation is passed as we know it is going to happen and in the interests of the business people of the town, we should move quickly on this matter before the summer time".

The following report issued:

The statutory provisions to give effect to the Government's decision in relation to An Daingean and the more general issue of placename changes is set out in Part 7 of the Local Government (Dublin Mayor And Regional Authority) Bill 2010, and, specifically, Section 191 of the Draft Bill prescribes for the changing of the name of An Daingean to Daingean Uí Chúis in the Irish language and Dingle in the English language (copy below).

The sole and exclusive power of making laws for the State is vested in the Oireachtas and no other legislative authority has power to make laws for the State, as prescribed in Article 15 (2) of the Constitution of Ireland. I understand from the Department of Environment, Heritage and Local Government that the above Draft Bill will be presented to the Houses of the Oireachtas before the summer recess.

There are approximately 50 road signs in the County bearing the name An Daingean. Where the English version of the name was covered over following the enactment of the Placenames Order in March 2005, the English name, on signposts outside the Gaeltacht areas, can be restored relatively easily. However, the changing of the Irish name will require the replacement of all of the signs and the estimated cost will be in the region of €10,000.

An Daingean

191. —

(1) The names of the-

(a) Townland, Civil Parish and Electoral Division declared as An Daingean in the Placenames (Ceantair Ghaeltachta) Order 2004, and

(b) the non-municipal town of An Daingean,

shall, from the date of commencement of this section, be Daingean Uí Chúis in the Irish language, and Dingle in the English language, and shall be regarded as a change of name under this Part.

Notes:

This Head provides explicitly for the Irish version of An Daingean to be Daingean Uí Chúis and for the English version of the name to be Dingle. These versions of the name will supersede the version set out in the 2004 Placenames Order.

The text "shall be regarded as a change of name under this Part" is included to ensure that the savers of Section 192 apply in respect of this section.

Cllr. M. Healy-Rae said 2010 will be a difficult year for tourism. Dingle has been affected because of the loss of its name. He asked if Kerry County Council could proceed to revert the signs to Dingle as it would be helpful for the tourism industry in Dingle. He said €10,000 is a small price to pay to do this work.

County Manager said Kerry County Council, in changing the signs, complied with the law at the time. Kerry County Council does not have funding at present to replace the signs. He undertook to restore the English name on signposts outside the Gaeltacht areas. To comply with the new law the Irish version of Dingle will have to be changed to Daingean Uí Chúis.

6. Payments due under REPS Scheme

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

"There are presently 450 reps plans in the Kerry local agricultural office cleared to proceed for payment. However, no Senior Agricultural Officer is available to sign-off on these plans for payment which are outstanding to Kerry farmers - some since Christmas. Will Kerry County Council request the Minister for Agriculture to pay the Kerry farmers their long overdue monies immediately."

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

Cllr. S. Fitzgerald asked that a letter issue to the Department of Agriculture in relation to the REPS payments which farmers are waiting for since Christmas. There are 400 farmers whose REPS plans are cleared for payment in the Tralee Department of Agriculture office and in excess of 300 farmers cleared for payment in the Killarney office. The problem seems to have arisen because senior Agricultural officers have retired and the vacancies remain unfilled due to the jobs embargo. Officers have to be employed to sign-off of these payments to the farmers and make the cheques payable. All this is at a standstill since Christmas which is putting all these farmers under financial hardship and causing a lot of distress. He appealed to the Department to employ the personnel needed and ensure these cheques are made payable immediately.

Cllr. Brendan Griffin supported the motion and called for a cross-party delegation to meet the Department on this issue.

7. Separated Housing Applicants

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

"That Kerry County Council furnish a report as to how many separated people are currently on the Housing waiting list and further, that the Council adopt a more flexible attitude when dealing with applications from people who are separated."

The following report issued:

Currently there are 1,128 households approved for social housing accommodation by Kerry County Council. An increasing share of approved applicants are either separated or divorced which is reflective of recent changes in society in general. 15.69% of all qualified applicants are either separated or divorced (i.e. 177 applicants) of which 50.28% have children as part of their household (i.e. 89 applicants). A further 156 applications from separated persons have been deferred pending receipt of additional documentation or conclusion with regard to the disposal of the family home. Specifically in the case of separated applicants in assessing their long-term housing needs, it is generally a requirement that they are separated for a period of at least twelve months and that their share in the disposal of the family home or other assets would be insufficient for them

to source alternative permanent accommodation suitable to their needs. Needless to say, in the current economic climate a more flexible approach is required to be taken in assessing long-term housing need due to the drop in house prices and the resultant reduction in equity in the original family home. The Housing Department deals with each case on its individual merits having regard to the particular circumstances of each separated applicant. This particular issue is also due to be discussed at the next Housing SPC Meeting in May.

Cllr. P. O'Donoghue called for a more flexible attitude from Kerry County Council in dealing with applications from applicants that are separated as many people are now in this situation. Over 10% of all applicants have had their applications deferred. Of the 156 applications the vast majority are women who have been obliged to leave the family home because of physical abuse and requires emergency accommodation. Having made an application for housing the applicant is told she must wait 12 months and as a result cannot get rent supplement. He said he fully appreciated every case being dealt with on its merits. However, there are many people in the county in terrible difficulty because of this system and at least Kerry County Council could qualify them as housing applicants in order to qualify for rent supplement. He asked for more flexibility where there is a proven situation with serious difficulties in the home.

Cllr. B. Cronin **SECONDED** this proposal. He said the facts are there with regard to people in extreme situations. There are many separated women and men and they must become a qualified applicant. This is rightly deserving for the people involved.

Mr. J. Breen, Director of Housing, Community & Enterprise, said as outlined in the Notice of Motion reply, the Housing Department is in agreement that this matter must be considered in a flexible manner. Of the 156 applications from separated people, only 13 have a legal separation. In qualifying as an applicant for social housing it is the prerogative of the Community Welfare Officer to grant rent supplement. Kerry County Council's role is to qualify people for rent supplement, the CWO have discretion to grant the rent supplement. He appealed to the CWOs to do as much as they can for these applicants.

Cllr. P. O'Donoghue said Kerry County Council should ask the HSE to amend their application form.

Cllr. R. Beasley said all public representatives have come across this situation. It is written on the HSE form that Kerry County Council qualification for housing is required in order for rent supplement to be granted.

Mr. J. Breen, Director of Housing, Community & Enterprise, said the CWOs have discretion and Kerry County Council has asked them to take a more lenient approach with applicants.

Cllr. D. Healy-Rae said if an applicant for housing is 7 years on the housing waiting list it is also time that their applicant got more lenient consideration.

Mr. J. Breen, Director of Housing, Community & Enterprise, said this is a matter being considered by the Housing SPC.

8. Fair Field, Killorglin

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

"That Kerry County Council immediately surface dress and line the Fair Field and address the issue of littering in the vicinity of the bottle bank and the Blennerhassett Memorial as Killorglin's main car park has become an eyesore in the middle of the town. Will Kerry County Council please clarify whether or not the CCTV cameras are now working again."

The following report issued:

It is proposed to surface dress and line the carpark at the Fair Field when the Market Rights have been extinguished and the Casual Trading Byelaws amended to incorporate the new Casual Trading Area in Killorglin. It is proposed to initiate the statutory procedures in relation to this matter within the next 6 weeks.

The area around the bottle bank is cleaned every Monday and on demand, if required. The Environment Department is currently making arrangements for the repair of the CCTV cameras. The CCTV cameras in position are in need of upgrade and a number of options are currently being considered. The replacement cameras will be erected at the earliest opportunity.

Cllr. M. Cahill said there is chaos in the Fairfield carpark because it is not lined. It is important that the designated casual trading area goes ahead as quickly as possible. Littering in the carpark is a growing problem. He acknowledged the good work the Council does cleaning the area and welcomed the fact that the CCTV cameras will be replaced as soon as possible.

9. Orthodontic Service in Kerry

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

"That the Members of Kerry County Council pass a motion requesting that the orthodontic service previously in place in Kerry would be immediately reinstated."

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

Cllr. J. Brassil said a number of years ago orthodontic services were lacking in Kerry and people had to take their children to Cork. Eventually an orthodontic service was established in Kerry. As the former orthodontist, Professor Dowling, passed away, children that were being treated in Tralee are now being referred to Cork. He requested members of the Regional Health Forum to raise this matter at the next meeting of the Forum. He requested that a letter issue to the Minister for Health requesting that orthodontic services be reinstated.

Cllr. M. Gleeson SECONDED this proposal.

10. Property and Pensions of Directors of Financial Institutions

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

"That Kerry County Council call on this Government to have the Directors of all financial institutions have their properties and their pensions seized and if necessary, to bring legislation before the Dáil to ensure that the transfer of property to their spouses would not be accepted as an excuse for not seizing it."

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

Cllr. R. Beasley said this motion is being tabled in light of the number of young couples in financial trouble. He called for more leniency from financial institutions in terms of reposessions.

Cllr. M. Healy-Rae supported this motion and said young people are being put through terrible situations because of the actions of others. There is a new "poor" in the country because of the actions of Directors of financial institutions who behaved in an outrageous fashion.

11. Pensioners' Free Public Transport

Pursuant to Notice duly given, Cllr. A. McEllistrim PROPOSED:-

"That Kerry County Council ask the Minister that pensioners' free public transport would cover patients that travel on the Health Link (bus run by the Cancer Support Group). Also to ask the Minister for Health that HSE customers that wish to use the Health Link bus can be paid by the HSE."

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

Cllr. A. McEllistrim said bus operators on this service have a public licence and it is a public route. At present the HSE pays the taxi fares for patients whereas this bus has a toilet and reclining seats which would be more comfortable for patients when travelling. She requested that a letter issue to the Minister for Health on the matter.

Mayor B. O'Connell SECONDED this motion.

12. Planning Permission in the Killarney Environs

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

"To ask the Planning Section of Kerry County Council to initiate whatever procedure is necessary to lift the embargo on people from Killarney Town that is currently depriving them of the right to getting planning permission in areas outside of the town boundary. This embargo which is written into the Killarney Environs Plan also precludes these same people from purchasing a house from a person who has to sell a house with a seven year occupancy clause. I believe that the current situation is very undemocratic and is in a way similar to the Berlin Wall depriving free movement to young couples who wish to rear their children in a rural area."

The following report issued:

This Notice of Motion has been moved previously at both area and county level. This matter was again raised at last week's Killarney Electoral Area Meeting and this is the reply given:

"At present, there are approximately 3,000 houses within a 4km radius of the centre of Killarney in the rural countryside outside the town boundary and served by an individual on-site effluent treatment system. This equates to a population of close to 10,000 people living in the rural countryside on the edge of Killarney.

Consequently, all the townlands referred to in the Notice of Motion, and quite a few more also, are certainly areas under intense urban pressure as referred to in the County Development Plan (2009–2015), the Tralee/Killarney Hub Plan (2007) and the Sustainable Rural Housing Guidelines (2005). This is National Policy and it is a requirement of Local Authorities to identify these areas and incorporate them into Development Plans.

The lands in these areas can only sustain a limited level of further development and it is critical that this is reserved for family members with strong links to the area and a need to live in the area."

Cllr. D. Healy-Rae said it is irrelevant that there are 3,000 houses within a 4km radius of Killarney. There are many people in Killarney who have a dire need to live in the country to raise their families and they are not being considered. The Tralee/Killarney Environs Plan prevents them from building because they have no connections with the area. People are being prevented from rearing their children in the country when this should be encouraged. This is an unfair rule in the Environs Plan. There should be free movement for people. Elderly people want to move into the town. He PROPOSED that the Council initiate whatever procedure is necessary to lift the embargo being imposed by the Tralee/Killarney Environs Plan on people in Killarney.

Cllr. M. Healy-Rae SECONDED this proposal. The restriction imposed by the Environs Plan is wrong. This is about honest cases and people with special circumstances where they want to move to the countryside. He sought the support of the elected members on the variation of the Environs Plan.

Mr. M. McMahon, Director of Planning, said he is surprised to hear it said that 3,000 houses in the Killarney countryside is irrelevant. In terms of development plans, it is repeated consistently that every landscape has a capacity. In areas where there has been substantial migration from town to the rural area there is little scope for further development. It is policy of Council to retain remaining areas for people with a need to live in the area or have intrinsic links to an area. This policy is based on guidelines published by Government, the "Sustainable Rural Housing Guidelines". This policy cannot be described as undemocratic. There was a long debate on this matter in considering the County Development Plan. The point was made that it was fair to people making planning applications that the County Development Plan should be able to indicate what prospect they have of getting planning permission. It was the decision of Council not to include areas under pressure. The members were advised at the time that notwithstanding the fact that maps were not included, that there are certain areas around major towns which are not capable of accommodating additional development and whatever capacity is left would be retained for those with a need or are more intrinsically linked to the area. No amendment to the County Development Plan will meet what is being asked by the Councillors. Regarding the Environs Plan, substantial areas in the environs of Killarney were zoned where applicants would have the choice to buy sites.

Cllr. D. Healy-Rae said Kilcummin has no sewerage scheme so Kilcummin is not an option for people. In many areas around Killarney there is no scope for development nor will there be. He asked that the reference to "intrinsic links or need" be removed from the Tralee/Killarney Environs Plan.

Cllr. J. Finucane said the same thing applies to every major town in the county. He said he would have a preference to have space reserved for people with a need and link to the area. He said he would be opposed to the proposal by Cllr. D. Healy-Rae on the basis of comments from the Director of Planning.

Cllr. R. Beasley said what happened previously with houses being built by speculators will not happen again.

Mr. T. Curran, County Manager, said it is not “dire need” if people want to move from one house to another. Adequate lands have been zoned in the countryside. The protection of the county in terms of water and tourism requires lands to be zoned in this manner.

Cllr. D. Healy-Rae said many of these people want to leave their parents houses and move to the countryside.

Mr. T. Curran, County Manager, said the members are trying to support cases where there are people who have a need and are intrinsically linked to an area as well as trying to support people who want to live in the country which would result in putting the area under further pressure. The reality and facts must be dealt with rather than trying to placate a small number of people.

Cllr. J. Brassil said there seems to be a bit of clarity around planning at present and planning in the countryside for family members is what should be prioritised. This is clearly built into the development plans around the county. Applicants may not be happy with this but at least they are not going to the expense of engineering fees and applying for planning and their application being refused. Kerry County Council is supportive of people wishing to build on their own land and this should always be the case. There are quite a number of properties available around the county in towns and in the environs of towns with multiple varieties of properties available. He said he does not want to revert to a situation where there is great uncertainty about planning. He **SECONDED** Cllr. Finucane’s opposition to Cllr. D. Healy-Rae’s proposal.

Cllr. D. Healy-Rae said the embargo in the Tralee/Killarney Environs Plan also prevents people from purchasing houses when there is an occupancy clause on the planning permission.

Mr. G. O’Brien, Meetings Administrator, said a vote would now be taken on the PROPOSAL of Cllr. J. Finucane, **SECONDED** by Cllr. J. Brassil that the Killarney Environs Plan status quo remain in the Kerry County Development Plan 2009-2015.

A vote was taken which resulted as follows:

For: Cllrs. Brassil, Buckley, Cronin, Donovan, Finucane, Griffin, O’Donoghue **(7)**

Against: Beasley, Fleming, D. Healy-Rae, M. Healy-Rae, Leahy, O’Connell **(6)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, Ferris, Fitzgerald, Foley, Gleeson, McCarthy, McEllistrim, Moloney, O'Brien, O'Shea, Purtill, Sheahan, Spring **(14)**

Mayor O'Connell declared the resolution CARRIED.

13. Capacity of Piping on the main Fossa Road

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

"To request an estimate of cost be prepared and funding provided to increase the capacity of piping from the main Fossa Road adjacent to the church, school and tourist accommodation to solve the constant flooding at this location."

The following report issued:

A preliminary estimate of €150,000 has been determined for works required to alleviate the flooding problem at Fossa National School on the N72 Killarney Killorglin Road. An application has been made to the Office of Public Works for funding to address this problem as part of an application for funding for Non-Coastal Drainage Works for the County. To date we have not received any notification that funding will be made available.

Cllr. B. Cronin thanked the executive for the reply and estimate of costs. This matter has been raised on numerous occasions at area meetings. The Fossa road is an important tourist route as well as a national route. The drainage system from the main route runs adjacent to the school and the church. When there is severe rainfall there is 2-3 feet of water on the main road. Pipe surveillance work was carried out and it determined that the pipes cannot carry heavy rainfall. He asked if there is any indication that there may be a positive announcement regarding this application. He requested that a letter issue to the OPW requesting funding for these works.

Cllr. M. Gleeson SECONDED this motion.

Mr. C. O'Sullivan, Director of Roads and Transportation, said the request for information was only received in the last month. This project is one of a total number of schemes costing €900,000. 2009 was the first year the OPW provided money for non-coastal works. Kerry County Council received €100,000 towards studies. The application for funding was made only in the last few weeks.

14. Programme of Voluntary Public Works

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

"That Kerry County Council would invite members of the Kerry public, willing to provide their services voluntarily, to submit their details to Kerry County Council to compile a register of names, with a view to initiating a programme of public works in the County."

The following report issued:

There is merit in this Notice of Motion and traditionally, Community Employment Schemes provided a structured approach to this type of work. In the absence of a Nationwide Community Employment Scheme similar to what was in place in the past, it is not recommended that Kerry County Council compile such a register as set out in this Notice of Motion.

There are issues related to insurance, health and safety and supervision that would need to be addressed and these can only be done in the type of Community Employment Scheme referred to above.

The Kerry Volunteer Bureau, based in Tralee, is an agency which accepts details from those wishing to become involved in voluntary work and seeks to match them with groups and organisations seeking voluntary workers. The work of the Volunteer Bureau is subject to statutory Health and Welfare legislation.

Cllr. B. Griffin said there are a number of people who are without work and they would like to contribute to their community in some way. Members are being told that manpower is not available to do jobs. There is an opportunity for the Local Authority to work with voluntary organisations to help communities, e.g. opening of public convenience at Inch beach. People want to contribute to the work of Kerry County Council and other agencies.

Cllr. T. Fleming supported this motion and suggested that the notice of motion be expanded. There are thousands of people unemployed and many people can avail of upskilling courses with FÁS and are available to further develop their skills. Kerry County Council should play an active part in assisting people develop their skills. A pilot scheme could be established and submitted to the Department of Enterprise and Employment. He said Kerry County Council should consult with FÁS and other agencies to pursue this matter.

Cllr. B. Griffin said he was happy to facilitate this inclusion to the notice of motion.

Cllr. M. O'Shea said there are many people who were temporary workers with Kerry County Council who are awaiting the availability of temporary work. With regard to Inch Beach there are Council personnel in charge of that facility. He asked why this facility is not open more often.

15. New Hospital in Kenmare

Cllr. B. Griffin moved this motion on behalf of Cllr. P. Connor-Scarteen.

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

"That Kerry County Council get a report from the HSE on what progress is being made in relation to the provision of a new Hospital in Kenmare and that the Council requests the Minister to honour her commitment that construction of a new hospital will commence before the end of the year."

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

16. Municipal or County Bonds to fund Local Government

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

"That this Council call on the Minister for Finance to initiate municipal or county bonds to fund Local Government and in particular, significant infrastructural projects".

The following report issued:

Any initiative which would result in the Council having access to additional monies for infrastructural development would be welcomed, particularly at

a time when good value is to be had on all new contracts. A reform of the revenue funding base of local authorities is desirable, as well, so that the councils would have additional income streams to help fund any new costs and share those costs more widely than at present.

Cllr. J. Finucane said to get out of the present economic situation and create employment things must be done in a different fashion. People must be more innovative. There is an exhaustion in the general populace and the confidence of younger people has been shattered. This confidence must be enlivened. Ireland has been ranked 64th in the world in terms of infrastructure. A presentation was received this morning regarding Water Services and costs required to put this infrastructure in place. This infrastructure will have to be put in place. The municipal or county bonds system worked in other centres and helped to fund many facilities. The state has invested €20 billion in private financial institutions. Part of the dividend from these institutions should be paid into this type of fund and members of the public should be allowed invest in termed municipal bonds. Over a 10 year period there is a pay back. This is a mechanism with a definite repayment of the monies to the state. This system should be put in place now and not in five years time.

Mayor B. O'Connell SECONDED this motion.

17. Recreational and Amenity Potential/Value of Exhausted Quarries

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

"That the Council would creatively investigate the recreational and amenity potential / value of exhausted quarries."

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

Cllr. M. Gleeson said sand and gravel quarries are a vital part of the economic life of this county and the material quarried continues to serve the county well. However, when quarries become exhausted they can very quickly become unpleasant eyesores that detract from the county's great natural beauty. They are particularly so when viewed from a hilltop or mountainside. They can also become refuse dumps for the vandals who litter. He suggested that:

- (a) Disused quarries could and should be developed to enhance the tourism product. Some could be landscaped and planted and become nature reserves and parks.
- (b) Other disused quarries could be developed as play areas and could contain playgrounds and mini lakes.

Cllr. Gleeson requested that the appropriate SPC would investigate how best to maximise the potential of the exhausted quarries.

Mayor. B. O'Connell SECONDED this motion.

18. Road Safety Measures on the N70

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

"That Kerry County Council call on the Director of Transportation to review and compile data on locations on the N70 where road safety measures are required."

The following report issued:

The Road Design Office maintains a GIS system called MapRoad that stores all the data on road traffic accidents recorded by An Garda Síochána through their CT68 Forms. This information is received from the Gardaí through the National Roads Authority.

When submissions for Safety Measures Funding are being prepared, all National Routes, including the N70 National Secondary Route, are examined and the accident history of locations is used to prioritise applications for funding and to support the application to the NRA.

Two locations on the N70 have received funding this year. Kilderry Cross near Milltown has been allocated €31,300 and Ballyrakilly Lower adjacent to Glenbeigh National School has been allocated €22,000.

Cllr. M. O'Shea thanked the executive for the report. He referred to the road from Brackhill Cross, Castlemaine, to Banshagh, Killorglin, where there has been 14 fatalities and many serious accidents. Tyther's bend is an accident black spot. He called on the NRA to carry out a comprehensive safety audit on this road.

Cllr. B. Griffin said this matter has been raised consistently as this stretch of road is experiencing many accidents. Locals have been calling for Brackhill Cross to be addressed as it is a very dangerous location which needs to be reviewed.

19. Dingle Community Hospital

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

"The HSE South have given several promises that the new Dingle Community Hospital would be opened to cater for long-term patients. The latest promise was given that it would be fully operational by the end of March 2010. Will Kerry County Council ask HSE South what is the latest delay and when now can we expect patients to move in."

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

Cllr. S. Fitzgerald said several promises have been made to open the new Dingle Community Hospital yet it still remains unopened. He asked for the support of Council to call on the HSE to open the Dingle Community Hospital.

Cllr. M. Gleeson SECONDED this motion.

20. Burial Ground in Cromane

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

"That Kerry County Council bring an end to the long overdue burial ground in Cromane."

The following report issued:

A suitably located site which was recently offered for sale to the Council is currently being assessed. Discussions with the landowner are ongoing and site investigation works have been arranged.

Cllr. M. Cahill requested that this matter would be pursued.

21. Costs to identify an alternative Water Source for Kenmare

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

"What has been the cost to Kerry County Council to date of trying to provide an alternative water source for Kenmare town including all consultants' reports costs and internal Kerry County Council costs."

The following report issued:

The provision of a supplementary water source for Kenmare has been pursued since 2002, with the development of a Preliminary Report for Kenmare Water Supply Scheme, which demonstrated the need for an additional source of water to serve the needs of the town of Kenmare and its environs. The report recommended among other provisions the development of a supplementary water supply sourced at the River Sheen. The Preliminary Report was reviewed in June 2006 to take account of the Local Area Plan and the surge in development in the area in the intervening years. The Preliminary Report incorporating the Review was approved by the Minister for the Environment on 23rd April 2007.

The preparation of contract documents for the full scheme progressed, undertaken by the appointed consultants Malachy Walsh and Partners. These required that the existing and proposed waters be sampled and analysed on a continuous basis over an extended period to assess the risks associated with treatment of the water, the cost of this monitoring and analysis was €215,185.00. €107,592.50 of this cost relates to sourcing the supplementary water supply.

Kerry County Council also progressed the processes required in the development of the scheme including planning consent and water abstraction order.

Part 8 planning approval for the development of the intake works was secured in October 2007. The cost associated with this application was €16,320.00. Site Assessments and land acquisition negotiations with the landowners cost €12,865.00. The contract documents for the intake works were completed at a cost of €10,011.53. In addition, Kerry County Council had a Hydrogeology report and test well drilling carried out to try to establish if it was possible to provide an interim solution to the water quantity needs of Kenmare by ground water. This cost €26,308.19.

The original water abstraction proposal, under the Water Services Act 1942, was put to the members of Kerry County Council in November 2006 and was duly made by the members to be issued for public consultation in early 2007. The cost of the preparation of the consultant's report for this abstraction was €5,000.00. Objections were received and efforts were made to address the concerns of the objectors through additional reports and meetings requested by the objectors and the members of the council. Unfortunately the abstraction order process could not be concluded satisfactorily at the time. The costs of the additional reports were €11,565.12.

In order ensure that the concerns were fully considered, the consultant was requested to carry out a review of the selection of sources for water. This

was carried out and concluded with the report and the updated water abstraction order being put before the members of Kerry County Council in October 2009. The estimated consultant's cost of this review is €20,000.

The Members requested an independent advisor on the proposal and Nicholas O' Dwyer Consulting Engineers were appointed at a cost of €22,449.61.

The total cost of development of a supplementary water source for Kenmare to date has been in the order of €232,000. A further cost of €60,000 should be allowed for the engineering and management input of Kerry County Council.

Cllr. J. Brassil said after the debate at the March, 2010, Council meeting and the vote not to proceed with the Water Abstraction Order, he wanted to know how much money has been spent on getting the process to this stage. Close to €300,000 has been spent and every expert to date has advised that the solution is the water abstraction from the River Sheen. In today's report from the Environment SPC further investigation is to take place regarding abstracting water from the lakes. He said it is worth highlighting that as a body Kerry County Council has spent €300,000 getting expert advice so the members are properly informed and are disregarding that advice. He said for €300,000 a number of projects in North Kerry could be completed. It is time South Kerry acted responsibly and stopped wasting tax payers money.

Cllr. D. Healy-Rae said it was a majority vote in the Council Chamber that the report on the River Sheen as a water source for Kenmare be reconsidered. He said he took exception to the remark regarding wasting tax payers money.

Cllr. B. Cronin SECONDED Cllr. J. Brassil on this issue. The tax bill will be a matter for the public.

22. Fire Brigade Call Out Charges

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

"To ask Kerry County Council to spell out clearly who is responsible for payment of the Fire Brigade Service when they attend gorse fires and road accidents as people who never called out the Fire Service in the first place are continuously receiving bills, even though the fire did not start in their land and even though they were not the cause of the road accident."

The following report issued:

The owner or beneficial occupier of the property is liable for the costs incurred by the Fire Service as a consequence of a gorse fire on their property irrespective of who has summoned the brigade. This is in accordance with the provisions of the Fire Services Act.

With regard to road traffic accidents, the registered owner(s) of the relevant vehicle(s) involved is billed for the costs incurred by the brigade as a consequence of the accident, irrespective of who has summoned the brigade. When liability for the accident is finally established, the party who is liable is pursued for the costs.

The cost of operating the Kerry Fire and Rescue Service is estimated at €5.54m for 2010.

Cllr. D. Healy-Rae expressed his thanks to the Fire Service and said he appreciated their work. If a fire enters onto somebody's property which started elsewhere the landowner must pay for the fire service charges. This is not acceptable as the landowner is landed with a significant charge. A similar situation occurs when the Fire Brigade attends a road traffic accident. The charging system operates unfairly at present.

Cllr. T. Fleming supported the motion and said there have been cases where a person is responsible for the charge if they report a fire in their area. He acknowledged the great work done by the Fire Service. Preventative measures must be taken and strict warnings issued regarding the careless setting of fires. The Council should do a PR campaign on this issue.

Mr. J. O'Connor, Head of Finance, said legislation provides that the beneficial owner or occupier of the property is liable for fire charges. Kerry County Council does not charge for private house fires. Otherwise, all other property is liable and it is a matter for the owners of property to arrange for relevant insurance.

23. Occupancy Clause on Planning Permissions

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

"To request the Planning Department to accommodate applicants who wish to purchase sites that have a named occupancy clause in their condition of planning, provided they are from the locality and working locally."

The following report issued:

The Planning Authority does look positively on applications to amend the 'occupancy clause' in relation to constructed dwellings where the proposed occupier has links to the area and identifies a need to live in the area.

Similarly in the context of sites, the intended purchaser must apply for permission on the site and if the links to the area and the 'need' issue can be addressed, along with the other standard requirements associated with such an application, such as traffic, effluent disposal etc, then the Planning Authority may be supportive of the application. It should be pointed out, however, that in assessing applications over the last few years in relation to sons and daughters of landowners, the Planning Authority made special efforts to accommodate them once a traffic hazard was not created and effluent could be satisfactorily dealt with. These were granted following examination of the entire landholding and in some cases on-site pre-planning.

Cllr. B. Cronin thanked the executive for the reply and said the first paragraph reads well but since the downturn in the economy he is aware of a number of cases where a house was built and the owners now find themselves in financial difficulty. There are also cases where a number of family members applied for and received planning permission and are now not in a position financially to proceed with building. There are people in neighbouring areas who can and would be delighted to apply to Kerry County Council and build that particular house in that location. He said he supports family members getting planning permission. There are planning permissions which will expire if a reasonable accommodation is not made. There is a snag in that the applicant must be from an adjoining townland. These are particular cases we are in because of changes in economic circumstances.

24. Departure Tax at Irish Airports

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

"That Kerry County Council calls on the Government to reverse its policy of a departure tax at Irish airports."

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

Cllr. B. Griffin said the departure tax at Irish airports is counter productive. Airlines and the tourism sector are losing revenue. This tax has been described as an unfair tax. Kerry Airport is an opportunity in this recession and in particular the announcement of new routes from Kerry. As a Council every effort must be made to protect the viability of Kerry Airport and these routes.

Cllr. J. Finucane SECONDED this motion.

25. Repossession of Homes

Pursuant to Notice duly given, Cllrs. J. Finucane/B. Griffin PROPOSED:-

"That Kerry County Council call on the Government to introduce a scheme by which people facing repossession of their homes would be protected and allowed to remain in their homes as tenants of a Local Authority. This scheme would be operated on the basis that financial institutions, at the point of repossession, would be compelled to offer the house to the Local Authority at a much reduced price. As tenants, people would be afforded the opportunity of purchasing their home back when circumstances changed under the Tenant Purchase Scheme".

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

Cllr. J. Finucane said unfortunately repossessions are much more common in the current economic climate. A financial institution will sell the home and the home owners are coming on to the Local Authority Housing List. Before people are taken from their home, their house should be offered to the Local Authority at a greatly reduced price. A scheme similar to NAMA should be developed for families in dire financial difficulties. Families should be given the benefit of remaining in their own home and buying it under the Tenant Purchase Scheme when they can. Those hardest hit through unemployment should be protected.

Cllr. B. Griffin SECONDED this motion. He asked the elected members to recognise the merit of this motion and protecting the citizen.

26. Smoking Areas in Community Hospitals

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

"To ask the HSE to provide smoking areas in community hospitals for the use of elderly people."

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

Cllr. D. Healy-Rae requested that a letter issue to the HSE requesting the provision of smoking areas in community hospitals for the use of elderly people.

Cllr. M. Healy-Rae SECONDED this motion.

Cllr. J. Brassil OPPOSED this motion.

27. Bus Shelter in Killorglin

Pursuant to Notice duly given, Cllrs. M. Cahill / T. Fleming PROPOSED:-

"That Kerry County Council, in conjunction with Bus Éireann, provide a bus shelter in Killorglin town as a matter of urgency as Killorglin is one of the busier towns availing of Bus Éireann services where a large number of passengers are continuously exposed to the elements."

The following report issued:

This notice of motion was previously moved at the Killorglin Area meeting on the 5th March 2010 at which the following response was given –

"The provision of bus shelters is a matter for Bus Éireann and this is acknowledged by that company. Recent discussions with Bus Éireann in relation to this matter would seem to indicate that the passenger numbers utilising their bus services at present would not justify the cost of erecting a bus shelter in Killorglin".

Since this motion was moved, the Roads Department had further discussions with Bus Éireann in relation to the matter but we have not received a positive response to date. Bus Éireann has indicated that it has an arrangement with an advertising company who erect the shelters at bus stops and who then recover their costs through commercial advertising.

Cllr. M. Cahill thanked the executive for the report and said he is anxious that something be done to resolve this problem. It is terrible to see people getting wet while waiting for the buses. Caherciveen is getting a bus shelter. Killorglin routes are busier than Caherciveen. He asked that this matter be pursued.

Mr. C. O'Sullivan, Director of Roads and Transportation, said the bus shelter being provided in Caherciveen is an existing shelter being relocated. It is a matter for Bus Éireann to provide bus shelters.

28. Directional Signs for Towns and Villages

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

"That as the Easter break indicates the start of the annual holiday season, to call upon Kerry County Council to replace all missing directional and village and town signs before the tourist season proper commences.

This will add to the county-wide clean up programme and enhance the appearance of Kerry for tourism, vital for the economy."

The following report issued:

The provision and repair and maintenance of signage on the National Routes is carried out by contract on behalf of the National Roads Authority. Any missing or damaged signage is reported to the NRA and the repair is handled through them.

The provision and repair of signage on the Local and Regional Routes is carried out by each of the Engineering Area Offices. In our 2010 Regional and Local Roads Grant Allocation, Kerry County Council received an allocation of €25,000 for Regional Roads Signposting which will allow for

the provision of some signs but will also allow the carrying out of a survey of signs on these routes. It is proposed that we would then seek additional funding based on this survey.

The Roads Department will also request that the Area Offices replace any critical missing directional signs in their areas on their Local Road Network within their existing budget.

Cllr. M. O'Shea said this is an ongoing problem for many years that directional signs are missing for long periods of time. He asked that Kerry County Council would carry out an annual audit of signs in October/November and that missing signs be ordered and erected in time for the summer period.

Cllr. P. O'Donoghue said many amenity signs are vandalised after weekends. This should be followed up with Gardaí as it is an expense to the Council to re-erect the signs.

10.04.19.15 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. P. O'Donoghue, it was agreed to authorise the attendance of Cllrs. J. Finucane, R. Beasley, P. McCarthy, B. O'Connell, P. O'Donoghue, P. Leahy and P.J. Donovan at the Training Seminar for Elected Members regarding New EPA Guidelines for Single Houses and implications to Local Government to be held in Bushypark, Co. Galway, from 23rd – 25th April, 2010.

Cllr. R. Beasley was nominated to report to Council on this conference.

- (b) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllr. P. Connor-Scarteen at the "Transforming Public Services II Conference – Equipping organisations for change" to be held in Dublin on 28th April, 2010.

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

- (c) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. P.J. Donovan, it was agreed to authorise the attendance of Cllrs. P. Connor-Scarteen and B. O'Connell at the "Transport Ireland 2010 Conference – Exploring Ireland's Transport Future" to be held in Dublin on 29th April, 2010.

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

- (d) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllrs. T. Ferris, B. O'Connell, P. O'Donoghue, P. Leahy, T. Fleming and P.J. Donovan at the Training Seminar for Councillors on the theme "The Law of Defamation as it affects Councillors" to be held in Limerick on 28th & 29th May, 2010.

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

- (e) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P.J. Donovan, it was agreed to authorise the attendance of Cllr. M. Cahill, Chairman of the Tourism, Community & Culture SPC, and Mayor B. O'Connell at the Library Association of Ireland/CILIP Ireland Annual Joint Conference 2010 to be held in Tallaght, Dublin, from 21st – 23rd April, 2010.

- (f) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. P. O'Donoghue, it was agreed to authorise the attendance of Mayor B. O'Connell at the Councillors Training Seminar on Flood Management & Local Government held in Ennistymon, Co. Clare, on 5th & 6th February, 2010.
- (g) On the PROPOSAL of Cllr. B. Griffin, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Mayor B. O'Connell at the Training Seminar for Councillors on the theme "Climate Change, Impacts and Strategies; going forward" held in Letterkenny, Co. Donegal, from 26th to 28th March, 2010.
- (h) On the PROPOSAL of Cllr. T. Fleming, SECONDED by Cllr. B. Griffin, it was agreed to authorise the attendance of Mayor B. O'Connell at the launch of Seminal Research entitled "Supporting Child Contact: the need for Child Contact Centres in Ireland" held in Dublin Castle on 12th April 2010.
- (i) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. T. Fleming, it was agreed to authorise the attendance of Mayor B. O'Connell at the Irish Planning Institute's National Planning Conference 2010 held in Tullamore, Co. Offaly, on 15th & 16th April 2010.

10.04.19.16 Correspondence General

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

1.	Letter dated 19 th March, 2010, from the National Roads Authority regarding allocation of extra funding for Kerry's roads.
2.	Letter dated 30 th March, 2010, from the Office of Public Works regarding a request to the OPW to undertake remedial works on a number of tributaries of the River Maine as well as on the Gweestin River, from Listry Bridge to Clash through Ballyhar.
3.	Letter dated 1 st April, 2010, from the National Roads Authority regarding funding in 2010 for road improvements on the Ring of Kerry road (N70) between Blackwater Bridge and Sneem, and the (R569) between Kenmare and Loo Bridge.
4.	Letter dated 23 rd March, 2010, from Clonmel Borough Council: (a) calling on the Minister for Education and Science to reverse the decision to reduce the number of Special Needs Assistants. (b) requesting the Minister for Justice, Equality & Law Reform to introduce legislation to ban or control the sale of dangerous substances from head shops. (c) requesting the Minister for Health & Children to reverse the HSE decision to centralise all medical card processing to Dublin.
5.	Letter dated 23 rd March, 2010, from Waterford City Council calling on Government to provide regulatory framework for head shops; calling for EU and national legislation to deal with marketing in this area and calling for increased funding for community based drug education programmes.
6.	Letter dated 24 th March, 2010, from Listowel Town Council calling on the Minister for Community, Rural & Gaeltacht Affairs to reverse the cut in funding for the community service programmes in County Kerry.
7.	Letter dated 30 th March, 2010, from Galway County Council calling on relevant Ministers, Agencies, Local Authorities and FÁS to initiate schemes that would give young unemployed people meaningful work to improve their skills for future employment.

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 Jackie O'Meara.
- (b) Vote of Sympathy to be expressed to the family of the late Eamon Hegarty.
- (c) Vote of Sympathy to be expressed to the family of the late Noreen O'Donoghue.

10.04.19.17 Any Other Business

Emergency Motion

Cllr. J. Brassil moved the following Emergency Motion on behalf of Cllr. M. Cahill.

"There is a huge fundraising effort going on for the Heffernan family in (Address withheld for data protection purposes), whose children suffer from Battens Disease. The target is to raise in the region of €800,000. They are the only two children in the Republic of Ireland with this condition.

I propose that a letter issue to the Minister for Finance and the Minister for Health and Children for a contribution. I also propose that Kerry County Council make a contribution to this very rare and special case. After all they are citizens of the county."

Cllr. M. O'Shea SECONDED the motion.

Cllr. B. Griffin requested that a letter issue to the family and wish them well.

The meeting concluded at 4.10 p.m.

Gerard O'Brien

Meetings Administrator

Mayor of Kerry