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

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 21 MEITHEAMH, 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	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. O. Ring, Dir. Water & Env. Servs.	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	Ms. T. Keane, CO Corporate Affairs

The meeting commenced at 11.20 a.m.

Mayor B. O'Connell took the Chair.

Tributes to former Cllr. Maeve Spring

Cllr. P. Leahy paid tribute to Maeve Spring saying she was a wonderful colleague of his with whom he served as an elected member for many years. She played a major role as an elected member and had a wealth of knowledge. She worked very hard for many years. She will be sadly missed by all. He expressed his deepest sympathy to the Spring family.

Cllr. T. O'Brien said he had paid tribute to Maeve Spring at the recent Tralee Town Council Meeting. Maeve Spring is a huge loss to County Kerry. He expressed his deepest sympathies to the Spring family.

Cllr. M. Moloney said Maeve Spring was a good friend to the Labour Party in South Kerry. She said she and Maeve had worked together on many issues and had stayed in touch. She said she will miss the friendship and advice she had from Maeve. She expressed sincere sympathies on her own behalf and on behalf of the Labour Party.

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Cllr. T. Buckley said he wished to be associated with the tributes to Maeve Spring who was a dedicated Councillor. He said that he had served with Maeve Spring for a number of years. He expressed his sympathies to the Spring family.

Cllr. J. Finucane said he served with Maeve Spring on Tralee Town Council. She was a most committed politician. He offered sincerest sympathies to the Spring family.

Cllr. B. Cronin said he got to know Maeve Spring in 1999 when he was first elected. He said they worked together on the Housing SPC and he learnt a lot from Maeve. She will be a huge loss to her family, Tralee and North Kerry. She had an exceptional depth of knowledge of the social welfare system for those who were less well-off. He expressed sincere sympathy to her children and the Spring family.

Cllr. S. Fitzgerald said he wished to be associated with the tributes to Maeve Spring. He said he also met Maeve in 1999 when he was elected and she often gave him advice. She was very fair to everyone and was a great worker for her constituents. He expressed his sympathies to the Spring family.

Cllr. T. Fleming said he served with Maeve Spring for many years. She was a gentle lady and a great politician who worked tirelessly for her constituents as well as being committed to her family.

Cllr. N. Foley said Maeve Spring was an institution in politics throughout the country as well as in Kerry. She worked tirelessly for the people and she was the face of the Labour party in Kerry. Maeve Spring worked hard for the people, had a massive amount of knowledge of the system and had great humanity. She expressed sympathy to the Spring family.

Cllr. J. Brassil said he wished to be associated with the vote of sympathy to the Spring family. He said Maeve was a very gentle and very strong person.

Cllr. M. Healy-Rae said Maeve Spring was a strong political operator and a very nice woman. Maeve was a deeply committed politician and she was a fighter for the people she represented. He expressed sympathies to the Spring family.

Cllr. L. Purtill said he wished to be associated with the vote of sympathy and expressed his sympathies to the Spring family.

Cllr. D. Healy-Rae said he wished to be associated with the vote of sympathy. Maeve made a great contribution to politics. He said she was particularly helpful to him when he was first elected. He expressed his sympathies to the Spring family.

Cllr. T. Ferris said she had paid tribute to Maeve Spring at the recent Tralee Town Council Meeting. Maeve was a hard-working politician on behalf of her constituents. On behalf of herself and Cllr. R. Beasley she expressed sympathies to the Spring family.

Cllr. A. McEllistrim expressed sympathies to the Spring family and said Maeve was a dedicated mother and politician.

Cllr. M. Cahill said Maeve's constituents were to the forefront at all times. He expressed his sympathies to the Spring family.

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Cllr. P. Connor-Scarteen expressed sympathies to the Spring family. He said his father, former Cllr. Michael Connor-Scarteen worked with Maeve and had said she was a hard-working politician.

Cllr. B. Griffin expressed sympathies to the Spring family.

Mayor B. O'Connell extended his sympathies to the Spring family and said Maeve and he were elected together in 1991 in the old Mid-Kerry Electoral Area. He said she was one of the hardest working politicians he ever met. She was very sincere and genuine. He said that he had remained good friends with Maeve through the years.

Mr. T. Curran, County Manager, said on his own behalf and on behalf of the staff, he wished to offer sympathies to the Spring family, particularly to Maeve's son, (Name withheld for data protection purposes) and her daughter, (Name withheld for data protection purposes). Maeve was a lady and a very gentle and caring person. She was also fair and firm and was very passionate about what she was doing and who she was representing.

A minute's silence was observed as a mark of respect to the late former Councillor Maeve Spring.

Emergency Motions

Cllr. B. Cronin referred to an emergency motion which he wished to move regarding the sale of a Civil Defence rescue boat.

Mayor B. O'Connell said this motion will be considered as part of the Notices of Motion item on the Agenda.

Cllr. P.J. Donovan indicated that he also had an emergency motion which he wished to move.

Mayor B. O'Connell said this will also be dealt with as part of the Notices of Motion item on the Agenda.

10.04.19.01 Mayor's Report on CPG Meeting held on 15th June, 2010

Cllr. A.J. Spring read the following report into the record of the meeting as he had chaired the CPG meeting.

Item 1 "Agenda for the June Council Meeting"

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

With regard to Item no. 6, Kerry County Council Bye-Laws for Cemeteries 2010, Cllr. Cronin said the Bye-Laws were considered by the Environment SPC in order that concerns of the public and funeral directors would be accommodated.

Cllr. P. Connor-Scarteen outlined a report from the Transport SPC. A full report is listed on the agenda.

Cllr. A.J. Spring outlined issues arising from the Housing SPC. A full report is listed on the agenda.

Item 2 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise, outlined that a CDB meeting will be held on 18th June, 2010. Agenda items include:

- Update on Events since last meeting
- Appointment of CDB Executive
- Marketing of Kerry Tourism
- Draft Integration Strategy
- Report from SIM Working Group
- Future Skills Needs in Kerry Report
- Youth Café Funding
- Managing the Wildfire Problem
- Induction Training
- Update from CDB members
- Update from each agency on their policies and any blockages which CDB can assist with
- Schedule of meetings for remainder of 2010

Cllr. A.J. Spring outlined that the Tourism Strategy Group, a sub-group of the CDB, is a strategic group with an impetus on marketing County Kerry. A presentation on this marketing initiative will be made at the CDB meeting.

Item 3 Civic Receptions

CPG members agreed to invite the Chinese Ambassador, who is visiting Kerry next week, to address Council on Thursday, 24th June, 2010, at 12.00 noon.

Item 4 Any Other Business

Development Levies

County Manager referred to report issued to elected members regarding development levies. He outlined that contrary to reports which appeared in local media Kerry County Council is not owed €88m in unpaid developers' levies. Currently, Kerry County Council is owed approximately €1m in development levies and is working with the developers to collect these monies. Payment schedules have been agreed with a number of developers, while legal action will be taken against a number of other developers to recover these monies. The report issued to elected members will be made available to the press at the June Council meeting.

River Basin District Management Plans

County Manager referred to report issued to elected members regarding the River Basin District Management Plans. As outlined in the report, following legal advice from the Office of the Attorney General it appears that there is no provision in the Directive or the Regulations for making of amendments or attaching of conditions to a plan and that the Regulations require the making of one plan and one plan only for the management of each river basin i.e. the relevant authorities in each river basin are required to jointly agree a plan and for all the relevant Authorities to formally adopt that plan. Further, as the deadline date for the adoption of Plans by Reserved Function has passed, i.e. 30th April, 2010, the making of the Plans became an Executive Function to be carried out by the Managers of the relevant Local Authorities. He advised that he has now signed the Manager's Order dated 3rd June, 2010, adopting the River Basin Management Plans. He advised that by letter dated

21st May, 2010, he highlighted the concerns of the Members in relation to the Plans to the EPA and sent copies of same to the Department of the Environment, Heritage and Local Government.”

Cllr. T. Ferris referred to the issue regarding outstanding development levies. She said she had received the report from the County Manager and she had also received an additional letter with it. She said she did not write a letter to a newspaper. She said she sent out a statement regarding this matter. She asked where the figure of €88m is coming from and how this was interpreted as being the amount outstanding for development levies. Kerry County Council's figure for outstanding development levies is €1m. This matter needs to be clarified.

Mr. T. Curran, County Manager, said he did not understand why Cllr. Ferris is not convinced that the report that issued outlines how the €88m was interpreted in relation to development levies monies owed. The figure of €88m relates mainly to loans on Water Services and Housing.

Mr. J. O'Connor, Head of Finance, said this is arising from a mid-understanding between figures for “creditors” and “debtors”. He said he dealt with an issue on this matter at the April Ordinary meeting at which the Annual Financial Statement was considered. He said as he interpreted what happened, there was an article in the Irish Independent a few weeks back that correctly referred to the capital debt of Local Authorities, i.e. debt owed by the Local Authorities to a range of financial institutions, and mostly to the Housing Finance Agency. Two-thirds of Kerry County Council's loans relate to Housing, as detailed in the Manager's letter to elected members. The balance of loans relate to borrowings for a variety of capital schemes, e.g. water services, burial grounds, special roads projects, etc. This issue started with a misinterpretation of information that was provided.

Cllr. A. McEllistrim asked if the local media reports were counteracted with a clarification from Kerry County Council on this matter as it has serious consequences for people paying bills to Kerry County Council when facts like this are misinterpreted.

Cllr. T. Ferris asked if the Irish Times and the journalist had been contacted to correct this matter. She asked if it is correct that only €1m is owed to Kerry County Council for outstanding development levies. She asked how much is outstanding to be collected in relation to developers who have not carried out works to a standard, i.e. bonds.

Mr. J. O'Connor, Head of Finance, said bonds are a separate issue. He said he did not mention the Irish Times. It was the Irish Independent and the Irish Independent did not make a mistake. The Irish Independent reported correctly what was owed to Kerry County Council on outstanding development levies. Thereafter a report in the local media was a misinterpretation of what was reported in the Irish Independent.

10.04.19.02 Confirmation of Minutes

(a) Minutes of the Special Planning Meeting held on 10th May, 2010

Cllr. A.J. Spring said he considered there was an omission from the Minutes of the Special Planning Meeting of Kerry County Council held on 10th May, 2010. He said at that meeting he had referred to a letter from the Department of the Environment dated 4th February, 2010, which highlighted three ways in which a

Local Authority could de-zone land. It was said at that meeting that Council could not do phasing and it was not applied as only one terminology had been used to date. Pages 10-11 of the minutes do not reflect this. With regard to Page 11, which refers to population targets and headroom to be applied, members were told it could not be applied.

Cllr. T. Ferris said she wanted clarification on a number of issues arising from the minutes of the Special Planning meeting held on 24th May, 2010.

Mr. G. O'Brien, Meetings Administrator, asked Cllr. Spring to clarify his issue with the minutes of the Special Planning meeting held on 10th May, 2010.

Cllr. A.J. Spring said other options, rather than just de-zoning, were available to the elected members. A headroom of 2.5 was built into the land zoned residential. Members were told phasing could not be used because of the headroom of 2.5 which was being applied.

Mr. T. Curran, County Manager, said he considered the minutes to be correct because the issue was that zoning could be phased if it was for strategic purposes. General zoning could not be classed as strategic. Headroom of 2.5 was applied by Kerry County Council in the Plan. The Minister had recommended a headroom of 0.5. If the Minister's requirements were implemented further land would have to be de-zoned.

Cllr. A.J. Spring said this is not mentioned and the minutes do not highlight that he had mentioned this letter.

Mr. M. McMahon, Director of Planning, said Pages 10 and 11 of the minutes are a verbatim transcript of a report he had read at the meeting.

Mayor B. O'Connell said Cllr. Spring is not getting credit for what he said at the meeting. He requested that the Minutes be amended to reflect Cllr. Spring's reference to the Department of the Environment, Heritage & Local Government letter dated 4th February, 2010.

Cllr. T. Ferris referred to the Minutes of the Special Planning meeting held on 24th May, 2010,

1. She said it was never brought to the attention of the members that the land on the Ranguet Road was a Part V. Only that Cllr. Cahill highlighted it the members would have zoned without that knowledge.
2. She asked what is the status of that land now and has it been transferred.
3. She said when she went through her records she remembered that when a Local Area Plan was being prepared for Ardfert there was a portion of land which she requested be zoned "Natural Amenity". She said she was advised against this zoning because it could devalue a Local Authority asset. She asked why was this not indicated also at the special planning meeting on 24th May 2010.

Mayor B. O'Connell said these queries will be replied to under the "Matters Arising from the Minutes" item on the agenda.

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On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin, it was resolved that the Minutes of the Special Planning Meeting of Kerry County Council held on 10th May, 2010, be confirmed, subject to amendment as requested by Cllr. Spring

- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Moloney, it was resolved that the Minutes of the May Ordinary Meeting of Kerry County Council held on 17th May, 2010, be confirmed.
- (c) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. J. Finucane, it was resolved that the Minutes of the Adjourned Special Planning Meeting of Kerry County Council held on 17th May, 2010, be confirmed.
- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Finucane, it was resolved that the Minutes of the Adjourned Special Planning Meeting of Kerry County Council held on 24th May, 2010, be confirmed.

10.04.19.03 Disposal of Property

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. B. Griffin, it was agreed to approve the disposal of a plot of land measuring 0.268 acres approximately in total at Inchinaleega West, Sneem, by means of a lease at a nominal annual rent, to St. Michael's National School Sneem in accordance with the terms of notice issued 4th June, 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.

10.04.19.04 Kerry Local Authorities Annual Report 2009

Mr. J.D. Flynn, Director of Corporate Services, referred members to the Draft Kerry Local Authorities Annual Report 2009 which was circulated and said that it is now before Council for formal adoption.

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed to adopt the Kerry Local Authorities Annual Report 2009.

10.04.19.05 Higher Education Grants Scheme 2010

Mr. J.D. Flynn, Director of Corporate Services, said the Higher Education Grants Scheme for 2010 has been received from the Department. A copy of the Scheme has been circulated to members. He sought approval for the Higher Education Grants Scheme 2010.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim, it was unanimously agreed to approve the Higher Education Grant Scheme 2010.

10.04.19.06 Kerry County Council Bye-Laws for Cemeteries 2010

Mr. O. Ring, Director of Water Services & Environmental Services, referred to report dated 3rd June, 2010, which had been circulated. The Kerry County Council Bye-Laws for Cemeteries were considered by Council in October, 2008, then went through the public consultation process. Six submissions were received. The Bye-Laws did not go back to the Environment SPC because of the change of Council. The Bye-Laws were considered at the first meeting of the new Environment SPC in April, 2010 and

again at the May SPC meeting. The proposed Bye-Laws as agreed by the Environment SPC have been circulated. A submission was received from the Irish Association of Funeral Directors which supports the proposed Bye-Laws.

Cllr. M. Cahill welcomed the proposed Bye-Laws. He referred to Page 11, Item No. (xiii), "the number of grave spaces shall be clearly identified on the headstone" and asked for clarification on this matter.

Mr. O. Ring, Director of Services, said this related to the depth of a grave.

Cllr. M. Cahill said there was also an issue regarding rock in graveyards and Section 7(ii) of the Bye-Laws which states "All spoil and excess material resulting from the excavation of graves shall be collected and removed from the cemetery for proper disposal elsewhere by the undertaker or person carrying out the burial."

Mr. O. Ring said this would be an exceptional circumstance and Kerry County Council would be willing to talk to people in these cases. Spoil will be generated from the excavation of a grave and it is part of the duties of the gravedigger to remove this spoil. The purpose of these Bye-Laws is to ensure a correct standard across the county.

Cllr. M. Cahill asked if areas that have experienced problems in the past with rock could be surveyed.

Mr. O. Ring said the Water Services Department is aware of those areas.

Cllr. D. Healy-Rae expressed concern regarding the Bye-Laws for Cemeteries. He said to achieve a depth of 8ft would be hazardous and asked which Regulations require such a depth for graves. Rock in graveyards is also an issue.

Cllr. M. Healy-Rae said he did not welcome the Bye-Laws. He said he wanted to take particular note of Submission No. 3 made by (Name withheld for data protection purposes), a Funeral Director in Killarney, with 60 years experience. The submission states in relation to a first interment that "depending on the site and soil, the Funeral Directors always try and go as deep as circumstances allow. In my own considerable experience of over 60 years in the funeral business, I know that it is almost impossible to dig a grave to 2.45 metres." He also referred to Page 3 of the Bye-Laws, Item No. 6 which states that "Each grave, when opened for one and only one interment shall be dug to a depth of 1.65m. Any grave, where it is proposed to open for a second interment shall be dug to a depth of 2.45m". He opposed the adoption of the Bye-Laws for Cemeteries and said Kerry County Council should listen to the views of a Funeral Director with 60 years experience. If it is physically impossible to dig to 2.45 m why is it included in the Bye-Laws. He referred to Item 14(i) on Page 7 which states "The purchase of right of burial in a grave plot shall only be allowed at the time of burial. Pre-purchase of plots shall not be permitted". He asked if a family will be denied pre-purchasing a plot if a young member of their family is lost. This is a traumatic experience for any family. There are circumstances where people should be allowed to pre-purchase. Rules for the future operation of the Bye-Laws are being considered and these are the two biggest issues, i.e. depth which is not achievable and the right to pre-purchase a plot.

Cllr. T. Ferris said she agreed with Cllrs. D. Healy-Rae and M. Healy-Rae regarding the proposed prescribed depth of a grave and pre-purchase of a plot, particularly where it involves the death of a young child. She referred to Item 7(i) on Page 4 which

states "No interment shall be permitted in any cemetery, nor shall any deceased person be admitted into any place of reception of bodies previous to interment, unless the body be enclosed in a coffin of wood or other sufficiently strong material, in the latter case, subject to the written permission of the Council". She said she could not see why this should be included with the recent use of cardboard or wicker for environmental reasons. She referred to Item 8(i) on Page 4 which states "No unwallled grave shall be re-opened within 14 years after the burial of a person unless to bury another member of the same family, in which case a layer of earth not less than 300mm in depth shall be left undisturbed above the previously buried coffin; but if on re-opening any grave the soil be found to be offensive, such soil shall not be disturbed. In no case shall human remains be removed from the grave, save in accordance with law". She said this is not reflective of today's society. There are not as many "traditional" family structures as there used to be. She asked if it is the case that only two people can be buried in a plot.

Cllr. S. Fitzgerald said this is a sensitive issue and common sense should prevail with these Bye-Laws. All lands are different, e.g. wet land/boggy land. He asked what is the minimum soil depth that should be above the last coffin.

Cllr. B. Cronin said this is an extremely sensitive issue for debate. The Bye-Laws were discussed in depth by the Environment SPC. He asked the Director of Water Services & Environmental Services to clarify how long the legislation with regard to the required grave depths has been in place. With regard to the issue regarding a grave depth of 2.45m, there are burial grounds wherein it will be difficult to achieve that depth but the purpose of achieving it is that another family member could be interred in this plot at a later stage. He also sought clarification regarding the pre-purchase of a plot in the case where a child has pre-deceased its parents. He asked if two plots can be purchased, where spaces are available at the time of the death of the child and where the depths are available, in order that six interments could be facilitated. He referred to Submission No. 1 which refers to Item 8(c) which states "All rocks to be disposed of by gravedigger outside of burial ground". This refers to stones of a large size being found and Kerry County Council would remove them or identify a place to remove them to.

Cllr. T. Fleming referred to Item No. 27 of the Bye-Laws which states "Parking outside the cemetery shall be limited to the vehicles used by persons attending burials and visiting graves. No overnight or long term parking shall be permitted." He said most villages have burial grounds attached to the church and down through the years the area outside the burial ground has been accepted as a standard car parking area. He said there should be more flexibility with regard to this issue. There are also situations where there are houses beside burial grounds. He asked what is the policy regarding headstones in new graveyards and if flat markers on the ground are being introduced. He asked if there is any proposal to provide a crematorium in the county.

Cllr. J. Brassil welcomed the consistency which will be applied with the introduction of the Bye-Laws for Cemeteries. He said he understood a family could buy a plot of up to three spaces. He said if this is not the case he would have serious reservations regarding the Bye-Laws. The 2.45m depth requirement is in place to be helpful rather than unhelpful. There have been a number of submissions regarding health and safety issues when digging plots. It is stated in the Bye-Laws that health and safety is not a matter for the Bye-Laws. The vast majority of gravediggers have been doing this for years and trench support is not used. He said he would foresee a situation where if there were the unfortunate situation of a grave collapsing that Kerry County Council

would have a series of questions to answer. Kerry County Council now has an opportunity to include as an appendix the health and safety guidelines to which a person must adhere when digging a grave. All funeral directors should be provided with a copy of these relevant guidelines. The then Secretary of the Irish Association of Funeral Directors made a comment which states "This is an excellent document and it reflects an understanding of the requirements of a cemetery in today's age, hopefully other Authorities will follow our lead". He said if the Irish Association of Funeral Directors are fully supportive, he PROPOSED the adoption of the Bye-Laws with the inclusion of an Appendix outlining health and safety requirements when digging trenches.

Cllr. M. Moloney said she appreciated that there is a shortage of spaces in burial grounds and took on board the comments of the Funeral Director in Submission No. 3 as they are valid. Section 15(ii) states "Visitors to the cemetery shall not walk on any of the shrubberies, graves or enclosures, but shall confine themselves to the paths or avenues therein". She said this is not possible in some graveyards due to the layout of the graves and the headstones.

Mr. O. Ring, Director of Water Services and Environmental Services, thanked the elected members for their contributions and comments and in particular he thanked the Chair of the Environment SPC, Cllr. B. Cronin. He responded to issues raised as follows:

- The issue generating most debate is the depth of the grave. This is a statutory law since 1878 in the Public Health (Ireland) Act. The Bye-Laws must be adopted including the depths set out in these regulations. There is no obligation to have a grave depth of 2.45m, however, this depth would facilitate multiple burials. 6ft is the minimum depth for a grave.
- The upper surface of a coffin must be sunk to a depth of at least 1.22m below the ordinary level of the ground. This is a requirement expressed in existing law.
- "Member of the same family" is defined in the Bye-Laws as:

"Member of the same family" shall mean the father, mother, husband, wife, son, daughter, sister or brother of the person last interred in a specific grave, or some person who was permanently residing with the person last interred therein, at the time of that person's death".

Kerry County Council will be practical and reasonable on this matter. The Water Services Department has experience of dealing with these circumstances.

- These Bye-Laws originated as a means of addressing the issue with monuments in burial grounds and they will provide regulation within burial grounds.
- Purchase of Plots - The definition of a plot is outlined in the Bye-Laws as follows:
"Plot" shall mean an area of a graveyard consisting of one, two or three grave spaces otherwise described as a single plot, double plot or a family plot."
There would only be an issue if the number of spaces in a burial ground were nearing an end.
- Car Parking - The purpose of the car parking restriction is to stop people blocking spaces when there is a funeral, otherwise this will not be an issue.
- Numbers on the Headstones - The headstone will indicate if there is a grave space available within this plot.

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- The intention is that the designs for burial grounds will include paths and lawn type burial grounds. Layouts are prepared for new burial grounds.
- Safety Issue - There are many regulations regarding safety and excavations. It is intended to write to each funeral director and advise of regulations and where to find them. Health and safety regulation is subject to change which is why it is considered best not to include it in this document.

Cllr. M. O'Shea asked how will these Bye-Laws affect church owned burial grounds.

Mr. O. Ring said these Bye-Laws will apply only to Kerry County Council owned burial grounds.

Cllr. J. Brassil said the Bye-Laws present an opportunity to Kerry County Council to include a reference to health and safety. At least mention that the gravediggers should carry out the excavation in accordance with their duties and obligations under health and safety regulations.

Cllr. T. Fleming **SECONDED** Cllr. Brassil's proposal.

Cllr. B. Cronin thanked Mr. O. Ring for clarification on issues and the statutory regulations which apply. He **PROPOSED** the adoption of the Kerry County Council Bye-Laws for Cemeteries 2010.

Cllr. R. Beasley **SECONDED** this proposal.

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

On the **PROPOSAL** of Cllr. B. Cronin, **SECONDED** by Cllr. R. Beasley, we the members of Kerry County Council hereby resolve to make the Kerry County Council Bye-Laws for Cemeteries 2010 in accordance with Section 15 of the Open Spaces Act 1906, Part 19 of the Local Government Act 2001, the Local Government Act 2001 Bye-Laws Regulations 2006 and any other enabling statutory powers, and incorporating the health and safety amendment as proposed by Cllr. Brassil.

The result of the vote was as follows:

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Fitzgerald, Fleming, Foley, Gleeson, Griffin, McEllistrim, Moloney, O'Donoghue, O'Shea, Purtill, Sheahan, O'Connell **(20)**

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

Not Voting: **(0)**

Absent: Cllrs. Finucane, Leahy, McCarthy, O'Brien, Spring **(5)**

Mayor B. O'Connell declared the resolution **CARRIED**.

10.04.19.07 Update on Kenmare Water Abstraction

Mr. G. O'Brien, Meetings Administrator, said Notice of Motion No. 2 relates to this issue and could now be moved.

2. Kenmare Water Supply Source

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

“With regard to the Kenmare Water Supply source, I now call on management to take on board the views of Mr John Skilling who has sent a proposal to Mr Oliver Ring, Director of Services and Mr Tom Curran, County Manager. The solution is actually quite simple and should be acted upon immediately”.

The following report issued:

The Update Report of Item 7 of this Meeting's Agenda addresses the issues in regard to progressing with a proposal to abstract water from lake sources in the Kenmare area. It is clear that the issues are certainly not simple and that complex environmental, planning and engineering matters would have to be dealt with if Dr. Skilling's proposals were to be advanced.

Mr. O. Ring, Director of Water Services and Environmental Services, referred to update report dated 15th June, 2010, which had been circulated. He outlined that there is a legal requirement to carry out a procedure called an Appropriate Assessment which considers the impacts of a development (such as a water abstraction) on the Designation Objectives of an SAC where the development might impact on an SAC, even indirectly. He outlined the Stage 1 and Stage 2 processes, estimated costs and timescales as set out in the report circulated. The Environment SPC has considered these factors and has concluded that it would be best to carry out the Stage 1 Screening process to establish whether there was any possibility of proceeding with the Lakes Option without the necessity to become involved in the full Natura Impact Statement process of Stage 2.

Accordingly, the Planning Section has been requested to carry out Stage 1 Screening for Appropriate Assessment for Barfinnihy Lake, Gullaba Lake and the Clonee Lake system. It is expected that the Screenings will be completed and sent to the DAU for consideration by mid July. The SPC will be briefed on the outcome of this process as soon as possible after the decisions are received from the DAU.

The implications of proceeding with the AA Process are, in summary, the process would take approximately €105,000 and 1 year and 3 months, at a minimum. In the event of a positive decision at the end of the process, the likely outcome would be that an Environmental Impact Statement (EIS) would then be required. This in turn would mean an application under the Strategic Infrastructure Act to An Bord Pleanála is required which would take a further 12 to 18 months to process. The EIS/SIA process would have to be completed before an application could be made to the DEHLG for approval to prepare Contract Documents. This means that it would be 2016 at the very earliest before construction of a lake dam and water treatment plant for Kenmare would commence.

The management of Kerry County Council has concerns about pursuing any alternative option to the source already recommended on the following basis:

- There is a serious risk that An Bord Pleanála would not grant the development on the grounds that viable alternatives exist.
- Pursuing the lake options will delay the delivery of this scheme by 4 years during which time Kenmare town is at risk of having an unreliable water supply and quality.

- The Department of the Environment are reluctant to provide funding for water treatment in the absence of the source of a supplementary supply being known, as this information is a prerequisite for any Design Build Operate (DBO) contract, which is the Department's preferred method of water infrastructure delivery.
- The EPA require the local authority to provide water treatment either permanent or temporary as soon as possible. Kerry County Council could be liable to carry the cost of this if the supplementary supply is not secured.

Cllr. M. Healy-Rae thanked the executive for the report. The notice of motion was tabled because Dr. Skilling has put forward his proposal on why the council was wrong initially in selecting the Sheen and why the right option is the lakes. He referred to the reply to the notice of motion which states "It is clear that the issues are certainly not simple and that complex environmental, planning and engineering matters would have to be dealt with if Dr. Skilling's proposals were to be advanced". He said Dr. Skilling's proposals should be advanced. The update report from the Director of Water Services says it could be 2016 before any development proceeds. This matter has been debated and a decision was made by the members of the local authority not to abstract water from the River Sheen. Management must accept that council do not want to pursue the alternative options. He said with regard to the timeframe to progress this development, of course it will take a period of time, but he considered that it will take less time than outlined in the Director's report if Dr. Skilling's proposal is pursued. The members of council voted in a certain way and it was different to management opinion. It will require the will of the council to progress this development. He asked is there a will by management to pursue the report from Dr. Skilling which comprehensively dealt with where water should be sourced for Kenmare for the years ahead. He asked if it is because Dr. Skilling is not an appointed consultant for Kerry County Council that his report is not being considered.

Mr. T. Curran, County Manager, said the role of the Manager is to advise the council. This report advises the elected members of the risk in proceeding with an alternative option to the source already recommended. It is important to note that when you start "interfering with" or entering into an SAC there are risks involved which are tied into EU legislation over which the Local Authority has no control. Management must outline the risks to Council. He said he must ensure there is a potable water supply for the existing and future population of Kenmare. It would be remiss not to outline the risks. The update report from the Director of Water Services outlines the steps to be put in place and the timeframe for those steps. There would also be risks with the abstraction of water from the Sheen. An Bord Pleanála may reject this proposal. The process must be undertaken step by step and at the end of the day An Bord Pleanála make the decision. Kerry County Council is committed to this project.

Cllr. M. Healy-Rae said the last paragraph of the report which outlines Kerry County Council's concerns is putting it to the members that the executive are not happy to pursue an alternative option to that which was already recommended.

Cllr. D. Healy-Rae supported Cllr. M. Healy-Rae's Notice of Motion. He said taking into account the County Manager's comments, he was disappointed that this blockage is before the members again today with an indication that it could be 2016 before this development proceeds. A number of months have passed since the members voiced their concerns and voted not to abstract water from the River Sheen. The current source is not utilised as it should be. Members gave their view by voting in March. The members are now being asked to reconsider what they voted for.

Mr. T. Curran, County Manager, said management was asked by the members to put a report before Council at the June Ordinary meeting. Management is not asking the members to make a change in decision. Included in the report are the risks in pursuing an alternative option to the source already recommended. He said it is his job to highlight the risks in any decision taken by the Council. He said he will continue to work with Council on what they democratically decided to do. It does take time to tease through the issues to get the right result. If there are alternatives to an SAC they must be considered.

Cllr. P. Connor-Scarteen said the vote taken some months ago voted against abstracting water from the River Sheen. Council should wait for the report from the Environment SPC in July. He said he hoped the River Sheen will not be considered again and that the alternative lakes will be considered. He acknowledged the Manager's comments.

Cllr. J. Brassil opposed this Notice of Motion. €230,000 has already been spent on this process. Reports from experts of Kerry County Council's Water Services Department, Malachy Walsh Consultants and clarification on that report from Nicholas O'Dwyer Ltd. have been presented to Council. All those reports advised the same thing, i.e. abstraction of water from the River Sheen. Council is now being asked to accept a report from Dr. Skilling. €230,000 has been spent on one internal and two external reports which is quite enough money. He said he has no intention of supporting any proposal to spend more money on a proposal from a qualified physicist and not an Environmental Engineer. Council has been told that the abstraction of water from areas covered by environmental protection laws is next to impossible and we will not be successful from a planning point of view.

The meeting adjourned for lunch at 1.00 p.m.

The meeting resumed at 2.15 p.m.

10.04.19.08 South West Joint Regional Homeless Framework Plan

Mr. J. Breen, Director of Housing and Community & Enterprise, referred to report dated 14th June, 2010, regarding the South West Joint Regional Homeless Action Plan. Section 36-42 of the Housing (Miscellaneous Provisions) Act 2009 has been commenced which requires the elected members of Kerry County Council to adopt a Homeless Action Plan for the entire county by 31st October, 2010, at the latest. By Ministerial Directive a regional approach to the preparation of these plans is being taken and Cork City Council was invited by the DoEHLG to be the lead Local Authority Agency for Cork and Kerry Region, the boundaries of which are coterminous with those of HSE South (South West). Kerry County Council welcomes the initiative to adopt a regional approach regarding homeless services and are keen to ensure that it will lead to co-operative and co-ordinated practices and protocols to address homelessness in the region. As required under the legislation a Management Group of the South West Joint Regional Homelessness Consultative Forum has been established and a Framework Homelessness Action Plan for the region has been produced which was considered by the newly formed Joint Regional Homelessness Consultative Forum at a meeting on 9th June last, the formation of which is also a statutory requirement, as well as our own existing Kerry Homeless Forum. A supplement to this plan taking a county specific focus is also being drafted by each of the relevant local authorities i.e. Cork City Council, Cork County Council & Kerry County Council identifying specific homeless services which are required, county specific data analysis and trends & development gaps.

It is intended that the South West Homeless Framework Plan will mirror the six strategic aims as outlined in The Way Home - The National Strategy to address adult homelessness in Ireland from 2008-2013:

- To reduce the number of households who become homeless through the further development and enhancement of preventative measures – preventing homelessness.
- To eliminate the need for people to sleep rough.
- To eliminate long-term homelessness and to reduce the length of time people spend homeless.
- To meet the long-term housing needs through an increase in housing options.
- To ensure effective services for homeless people.
- To ensure better co-ordinated funding arrangements and re-orientate spending on homeless services, away from emergency responses to the provision of long-term independent housing and support services

It is intended that key performance indicators will be developed to monitor the implementation of the South West Homeless Framework Plan in line with the six strategic aims outlined above.

A new Homeless Information Centre has been provided in Denny Lane, Tralee. Many people are presenting to the centre as being homeless, but there is nobody on the streets or on park benches because of the help provided by the Homeless Centre. The Joint Regional Homelessness Action Plan is a high level strategy with a local strategy to follow shortly.

Cllr. M. Gleeson welcomed the document. He said the Homelessness Action Plan refers to actions to “identify an adequate supply of appropriate housing”. The reference to “clustering” homeless houses would cause concern as the area could become branded as an area of homelessness. He said he would like that there is not an excess of this type of accommodation in any one area.

Mr. J. Breen, Director of Housing, said there is a move from the use of hostels for homeless accommodation. The local authority will match the availability of properties with the homeless need.

Cllr. P. O'Donoghue said homelessness is not just about people sleeping on the streets, but also about people living in substandard accommodation. This is common among single males and 25% of housing applicants are single males. Kerry County Council does not accommodate this 25% when allocating houses. When assessing people for housing in the past the applicants had to live in the administrative area to be considered for housing. Applicants should now be assessed by the Regional Centre for accommodation.

Cllr. J. Finucane welcomed the report. He said there should also be an element of caution due to the number of family homes being repossessed. There is a perception of how a person becomes homeless. A situation will arise with houses being repossessed where families will become homeless. He said he previously proposed that financial institutions would rent the house to the owners of the house. It will take government action to stop the trend where homes are being sold but the homeowner continues to have a liability for the balance if the sale price is lower than the mortgage.

Mr. J. Breen said prevention of homelessness is part of the Homelessness Action Plan.

Cllr. M. O'Shea said excellent work is being done by the Homeless Centre. He asked if Kerry County Council can take more action with homelessness by putting in place an apartment or unit for people who find themselves homeless.

Mr. J. Breen said this will be considered and is along the lines of reducing the use of hostels. Assessment of applications will arise in the context of the regional approach.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. O'Donoghue, it was agreed to adopt the Regional Homelessness Framework Plan in accordance with Section 40(7) of the Housing (Miscellaneous Provisions) Act 2009.

10.04.19.09 Nomination to new Fáilte Ireland Kerry Tourism Board

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J. Sheahan, it was unanimously agreed that Cllr. S. Fitzgerald be Kerry County Council's nominee to the new Fáilte Ireland Kerry Tourism Board.

10.04.19.10 Report from Chair of the Transport SPC

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

10.04.19.11 Report from Chair of the Housing SPC

It was unanimously agreed to note the report circulated from Cllr. A. J. Spring, Chair of the Housing and Social Support SPC.

10.04.19.12 Summary of Proceedings at Conferences

Transforming Public Services II Conference 2010 – 28th April, 2010

It was unanimously agreed to note Cllr. P. Connor-Scarteen's written report on this item which was circulated.

10.04.19.13 Opening of Tenders

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the opening of Tenders for Upgrading of Water Treatment Facilities at Breanlee, Duagh, Emlaghpeasta & Rathmore – Closing date: 16th June, 2010 at 4.00 p.m.
- (b) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Finucane, it was agreed to approve the opening of Tenders for 2010 Bituminous Overlay Requirements – Closing Date: Friday, 18th June, 2010 at 4.00 p.m.
- (c) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. A.J. Spring, it was agreed to approve the opening of Tenders for Supply, Installation & Commissioning of duty/standby variable speed centrifugal pumps for Lyrecrompane – Closing date 28th June, 2010 at 5.00 p.m.
- (d) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders for N22 Tralee Bypass Tralee to Bealagrellagh Road Improvement Scheme - Design and Build Contract - Suitability Assessment - Closing date Monday, 28th June, 2010 at 12.00 noon.

- (e) On the PROPOSAL of Cllr. A.J. Spring, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders for N22 Tralee Bypass/Tralee to Bealgrellagh Engagement of Engineering Consultants - "Call off" Contract from NRA Framework – Closing date Wednesday, 30th June, 2010 at 12.00 noon
- (f) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. Griffin, it was agreed to approve the opening of Tenders for Environmental Consultants on the N86 Tralee to An Daingean Road Improvement Scheme – Closing date 9th July, 2010 at 4.00 p.m.

10.04.19.14 Reception of Deputation

Milltown Playground Committee

Cllr. M. O'Shea requested that a deputation be received from the Milltown Playground Committee regarding Milltown Playground. On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald, it was agreed that this deputation would be received at the next An Daingean Electoral Area Meeting.

10.04.19.15 Notices of Motion

1. Lands for Burial Grounds at Keel and Kiltallagh Churches

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

"Call upon Kerry County Council to secure additional lands for the burial grounds at Keel and Kiltallagh Churches in Castlemaine Parish. The present cemeteries are both near the point of lack of available space."

The following report issued:

There are more than 100 spaces available in Keel Church Cemetery, which is owned and maintained by the Diocese of Kerry. There have been no new grave spaces available for many years in the old burial ground in Keel, Castlemaine which is in charge of the Council.

There are approximately 40 spaces available at Kiltallagh Church Cemetery, which is owned and maintained by the Diocese of Kerry. The Council is currently in discussion with the Parish Priest on whether the parish will make lands available to the Council to develop Kiltallagh Church Cemetery or whether the parish will develop the Cemetery themselves.

Cllr. M. O'Shea said the number of spaces mentioned in the report are incorrect. He said he met with the Committee and their concern is that negotiations will have to be entered into shortly. The fear is it will go too late to acquire further lands. The Committee hopes Kerry County Council will proceed with negotiations sooner rather than later and secure land for Kiltallagh and Keel. Kerry County Council has not been asked for land in the past, however, the parishes are now in need. He asked that this matter be pursued.

Cllr. P. O'Donoghue SECONDED this motion.

3. Information on Lyme Disease

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

"That the HSE would undertake to inform the doctors and the public about Lyme Disease."

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

Cllr. S. Fitzgerald said Lyme disease is a tick (scitháin) born disease which can be transmitted to humans by a bite from an infected tick. Early symptoms may include skin rash, muscle pain, stiff neck, headaches, swelling of the knees, tiredness and even depression. In most cases if detected early enough the infection and its symptoms are eliminated with a course of antibiotics, however, this is not always the case and sometimes early diagnosis is missed and delayed treatment can lead to more serious symptoms, which can be more difficult to treat. Lyme disease if left untreated can lead to severe arthritis, forms of meningitis and memory loss and persons becoming totally crippled.

He said he knows a person who contracted the disease and it took the hospital a long time and many visits and tests before they realised what they were dealing with. Therefore, it is important that the HSE inform the public and the doctors to be more alert about this disease and be very aware that it does exist in Kerry. Early detection can be the difference between full health and a life of dependency on somebody.

Cllr. M. Gleeson **SECONDED** this motion.

Cllr. M. Healy-Rae supported this motion. He said he raised this matter at a HSE meeting. The implications of this disease are very serious.

4. Provision of a dedicated Stroke Unit in Kerry General Hospital

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

"That the Council calls on the HSE to detail the progress made towards the provision of a dedicated Stroke Unit with clot-bursting capability in Kerry General Hospital."

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

Cllr. M. Gleeson said he wants to keep this matter on the agenda. The existence of a dedicated stroke unit with thrombolytic clot bursting therapy could prevent a person being permanently disabled. 1 in every 5 people will have a stroke. It is known that it need not be the case that a stroke causes permanent disability. If a person is treated within 3-4 hours of the stroke there is a chance that the permanent affects may not happen. He called on members of the Regional Health Forum to keep this matter on the agenda. Kerry should not be neglected in this instance.

Cllr. R. Beasley supported this motion. It is a very important motion as everyone knows people who have suffered from stroke. It is imperative that this matter is kept on the agenda.

Cllr. M. Moloney said the Regional Health Forum have been assured that the new Accident and Emergency will have a dedicated stroke unit. The HSE Reconfiguration Team does not have a representative from Kerry. The Regional Health Forum has asked that the Reconfiguration Team be disbanded and reformed with a representative from Kerry.

5. Acquisition of land for road widening for Shannon LNG Project

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

"What is the up-to-date position regarding the acquisition of land for widening of roads for the Shannon LNG Project?"

The following report issued:

Kerry County Council confirmed the Compulsory Purchase Order 2009 No1, for the acquisition of the lands required for this road scheme, in accordance with the provisions of Section 216 of the Planning and Development Act, 2000, on the 11th May 2010, and this confirmation notice was published on 26th May 2010. The landowners were issued with the same notice on 24th May 2010.

Having regard to the provisions of Section 50 of the Act, a period of 8 weeks is allowed for any application for leave to apply for judicial review. Following this period and subject to no appeal being made to the High Court, the Council will serve the Notice to Treat whereby the affected landowners will be asked to submit their claims for compensation. The Council has received part payment of the development contributions from the Shannon LNG, which allows us to complete the detailed design for construction and provides sufficient funding for the acquisition of the necessary lands.

In accordance with the provisions of Section 80 of the Housing Act, 1966, the Council may at any time after the service of notices to treat in respect of the land, on giving not less than fourteen days' notice in writing to every owner, lessee and occupier of the land, enter on, take possession of and use the land or such part thereof as may be specified in the notice without previous consent of any such owner, lessee or occupier.

It is our intention to complete the above statutory process to acquire the lands by early September and to commence works on site as soon as possible thereafter, subject to confirmation from the developers of the LNG plant, that the project is proceeding, and payment of the balance of the development contributions in respect of these works.

Cllr. J. Brassil thanked the executive for the report. Reservations have been expressed regarding the speed of progress being made by Kerry County Council on the widening of the road and making it ready for the LNG Project. He acknowledged that Kerry County Council is progressing the matter speedily and the expansion of the road will be in place in plenty of time for the LNG project to proceed.

Cllr. J. Finucane supported the motion. He expressed concern at the length of time taken to process the foreshore licences. He said he is satisfied Kerry County Council acted as quickly as possible but for two projects that can kick start the economy in this area, the foreshore licence process is taking a long time. This is a priority project where up to 1,000 construction jobs could be created over a period of up to 5 years. He said his concern is that funding may not be available when it is required for these projects to proceed.

6. Housing Grant Offers 2007, 2008, 2009 & 2010 to date

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

"That Kerry County Council give a detailed breakdown of the following:

(a) How many housing grant offers were made in 2007, 2008, 2009 and so far this year? (b) What was the total amount allocated for each year? (c) How many applicants did not avail of the grant and what was the total value of same for each year."

The following report issued:

Kerry County Council received grant allocations totalling €9.35m from the Department of Environment over the period 2007 - 2009 in respect of Housing Adaptation Grants for Elderly, Disabled and Mobility Aids Grants. Kerry County Council has received notification of a capital allocation from the DoEHLG of €4.061m for 2010 (of which 20% of which is required to be met from our own resources) which we are currently in the process of allocating to qualifying applicants.

There were 1,591 grant offers made to a total value of €10.177m from 2007 to date broken down as follows:-

	2007	2008	2009	2010 to date	Total to date
No. of Grant offers	570	554	95	372	1,591
Amount allocated	€ 3.817m	€ 3.676	€ 0.584	€ 2.100	€10.177m

At the end of 2009, 174 grant offers amounting to €1.012m had not been taken up.

As the members would be aware, the reason for the reduced number of grants allocated in 2009 was due to the significant amount of claims for payment by successful applicants made last year in respect of grants awarded in earlier years. Despite the limited number of new grants awarded last year which was decided on a priority basis, our 2009 grant allocation was fully exhausted. At present we are endeavouring to have allocated grants to a significant number of additional applicants over the next 3 to 4 weeks in order to give sufficient time for individual applicants to execute the relevant works and to make a claim for payment by 1st November at the very latest in order to be in a position to drawdown our full 2010 capital allocation.

Cllr. M. Cahill thanked the executive for the report and said it appears there will be a significant increase in the amount of grants allocated in the current year which is very welcome. With regard to 2009 he asked if the €1.012m which was not taken up was redistributed and if so how many grants have been reallocated to date. If this money was not redistributed was it added to this year's allocation. Due to the recent work to rule elected members were unaware of the status of grant applications on which they had made representations. He asked if members could now be informed of the outcome of representations made.

Cllr. T. Fleming supported the motion. He gave credit to the staff of the Housing Department for their work on these applications. With the current good weather and availability of builders people will want to commence works as soon as possible and this will also generate work in the county.

7. Irish White-Tailed Sea Eagle Reintroduction Programme

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

"That Kerry County Council would declare its full support of the Irish White-Tailed Sea Eagle Reintroduction Programme, that it would consider the provision of some financial support for the project in the 2011 Budget and that it recognises the economic benefits for the County associated with this project."

The following report issued:

As we would interpret it, the critical issue in the Reintroduction Programme is to increase the awareness of the value of reintroducing this species into Kerry wildlife and the avoidance of any practices that would seriously mitigate against the survival of the species. Increasing that awareness is not seen as a function of Kerry County Council.

Cllr. B. Griffin said this programme requires attention and is worthy of support from Kerry County Council. The difficulties with this programme were not caused deliberately. There are economic benefits to this programme which could affect many sectors of the county. Wildlife has a considerable impact on our tourism industry. He urged the Head of Finance to consider any application for funding for this programme for 2011. He suggested that there could be potential in Kerry for a similar reintroduction programme for the corn crane. A number of farmers would be interested in participating in this programme if it were introduced.

Cllr. M. Gleeson said as a member of Killarney Town Council he was privileged to be part of the reintroduction of this magnificent bird to the county. Things have been said and done which were unfortunate. There has been a coming together of all the disparate groups and it is agreed that no farmer at any time in this project deliberately set out poison. Poison was put down for a different reason and the sea eagle was an unintended victim. He referred to a letter which has been published and signed by ICMSA, IFA, Irish Cattle/Sheep Breeders' Association, Teagasc, Golden Eagle Trust and An Garda Síochána. This letter states clearly that:

- "We wish to reiterate that the vast majority of landowners do not use poison to control foxes and crows but now use alternative, safer methods and are careful to adhere to the many regulations with which farmers have to comply under cross-compliance regulations.
- On behalf of the organisations we represent we wish to state it is our belief that the incidents in Kerry have resulted from accidental poisoning as a result of ingesting poison targeting foxes during the lambing period when foxes are known to take lambs. Thus, contrary to suggestions in some correspondence, eagles have not been deliberately targeted.
- Further, we do not now – in fact we never did – condone the use of poison illegally on fallen livestock, or the use of any banned substance.

On the contrary, all our organisations are actively promoting the use of safer alternative means of control. Farming in upland areas of Co. Kerry complies to high environmental standards in order to produce a high quality product. It is in none of our interests, or the members we represent, to support any activity that would damage this image."

Cllr. Gleeson said dialogue is best in this situation. On release, it was felt one-quarter mortality would apply to the eagles. He said it is important that support is given to sheep farmers and all Chambers of Commerce to promote the purchase of Kerry lamb. Green Awards were presented last week and everything we can do to promote Green Tourism is vital.

8. Development Contribution Scheme – Levies on Telecommunication Masts

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

"Can Management explain why our published Development Contribution Scheme states that levies imposed on telecommunication masts will not be repeated with subsequent planning applications when the elected Council voted unanimously (as reflected in the May 2008 Minutes - 17 For, 0 Against) that the levy would be applied in respect of the initial grant of planning and all subsequent planning renewals."

The following report issued:

Kerry County Council adopted a new Development Contribution Scheme on the 19th May 2008 which included, for the first time, a development contribution in respect of telecommunication masts of €14,000. The Scheme, as adopted, was advertised in the local press on the 28th May 2008.

The Scheme, as adopted, is the Scheme being implemented by the Council.

Since the Scheme was adopted,

- **24 applications have been received in respect of telecommunications structures**
- **21 were refused due to the 1km rule of which 12 have been overturned on appeal by An Bord Pleanála. The Board has included a condition regarding a contribution in 8 of these decisions.**
- **8 applications are awaiting a decision on appeal from the Board. 1 application was not appealed.**
- **3 applications are "new applications" and currently going through the planning application process**

In 8 cases the Board have included a development contribution condition leading to a potential development contribution of €112,000.

€56,000 has been collected to date on foot of such permissions and the balance is being pursued.

Unfortunately on checking our website it was noted that the Draft Scheme as originally published remained on the site and was not replaced by the adopted scheme. This has now been rectified.

Cllr. T. Ferris said this matter came to her attention when an elected member from another Local Authority wanted to implement a similar scheme and saw the Draft Scheme on the Kerry County Council website. She accepted that it was human error in this case. She said her worry from the reply to the Notice of Motion is if An Bord Pleanála were relying on the scheme that was on the website, did they impose conditions as a one-off or as a continuing payment. There are four applications where the Board has not imposed this development levy and a letter should issue to An Bord Pleanála asking why they deprived this Council of €56,000. She sought clarification of the development levy on the eight applications to which a development contribution condition was applied by An Bord Pleanála.

Mr. M. McMahon, Director of Planning, said at no stage was the decision taken not to apply the scheme which was agreed and adopted by this Council. He said he cannot see why An Bord Pleanála would not apply the condition. It is a matter for

An Bord Pleanála why they considered it not necessary to apply the condition. The general condition the Board put on a planning condition is a wide-ranging condition that says the developer shall make a contribution to the Planning Authority and invariably, this is what they do. They do not put include amounts. When the Board decision is received, the Planning Department apply the contributions as if it were dealing with the application in the first place.

Cllr. J. Brassil supported the motion and agreed that a letter should issue to An Bord Pleanála requesting them to be mindful of Kerry County Council's contribution scheme in any conditions they make.

Cllr. T. Ferris said this is the second time an allegation has been made against her. She said if she had an allegation to make she would say it. Elected members have Qualified Privilege in this Chamber. She said she accepted it was human error which lead to the draft Development Contribution Scheme remaining on the Kerry County Council website. There was an allegation made in this Chamber as will be reflected in the minutes. She said if she has something to say she will say it straight out. She said she is here to question when she thinks something is wrong or she is not sure about it. She said on this occasion she did not know the reason why the draft Development Contribution Scheme remained on the website. She said she was making no allegation whatsoever. Elected members have Qualified Privilege in this Chamber and anything members say that is of good faith, is of local authority business and is not said in malice, the member is protected. Elected members cannot have a defamation case taken against them.

Mr. T. Curran, County Manager, said Cllr. Ferris' first comment was that she was sceptical about the response. He said he agreed management do not get it right always, however, when a reply to a Notice of Motion is presented to Council it is a factual response. When you say it is sceptical, it is a reflection on the top table.

Cllr. T. Ferris said she did not say she was sceptical about the reply.

Mr. J.D. Flynn, Director of Corporate Services, referred to the Defamation Act 2010 and said Qualified Privilege is only a defence in defamation. This defence will be tried and it is a matter for the courts to decide if it applies in terms of a defence in a defamation case. Allegations of fact are not covered. The court will decide if it is adequate as a defence.

Cllr. T. Ferris said the Defamation Act clearly states that once a Councillor says something in the Chamber and it is not qualified on malice that Qualified Privilege applies.

9. St. Anne's Hospital, Caherciveen

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

"That Kerry County Council request Ms Mary Harney, TD, Minister for Health to take all the necessary steps to ensure that there will be no bed cuts in St. Anne's Hospital, Caherciveen as all beds there at the moment are needed for the community."

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

Cllr. P.J. Donovan said there is a suggestion of losing 10 beds from this hospital. The patient care from the staff in the hospital is great. He asked where will these patients go if these beds are not available. People are calling to patients of the hospital every day and to move them would be terrible. He requested that a letter issue to the Minister.

Cllr. P. O'Donoghue said there have been rumours that there will be bed closures. The views of the local community have been made known to the Minister regarding downgrading of the hospital. In the past, the local community raised a lot of money for equipment and this is a well run facility. The community resisted the last effort to close this hospital.

Emergency Motion

Cllr. P.J. Donovan moved the following Emergency Motion:

"That Kerry County Council endorses the aims and objectives of the R.I.S.E! "Rural Ireland Says Enough" Campaign.

The Council notes the increasing level of popular support being expressed for the campaign and shares the concerns it is highlighting over several pieces of legislation currently being proposed by the Minister for the Environment, Heritage and Local Government, John Gormley, T.D. The Council calls on the Minister to listen to the concerns being expressed, involve stake holders in full consultation and to respond appropriately."

Mayor B. O'Connell SECONDED this PROPOSAL.

10. Development Bonds

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

"To request the full details of all development bonds which were returned to developers in the last 12 months outlining the date, amounts and development address and are Kerry County Council carrying out full and detailed inspections of all housing developments before returning bonds."

The following report issued:

Since the setting up of the Estates Unit, the procedures for the release of bonds have been evaluated and new standards introduced in line with the policy for taking in charge of estates as adopted by the Council.

The procedure for the release of the Bond in all cases requires that the Development is complete to a high standard and in compliance with the conditions attached to the Planning permission.

We require the Developer to submit as constructed drawings, CCTV surveys etc. which are assessed by the Water Authority, Area Engineer, Public Lighting Unit and Estates Unit.

Site inspections are undertaken to determine compliance with conditions of the Planning permission. Where matters need to be addressed, snag lists are forwarded to the Developer for their attention.

The Revenue Department is required to confirm that all development levies have been paid.

The Enforcement Section is required to confirm that there are no enforcement issues outstanding in respect of the development.

Where a planning permission requires a Section 38/47 Management Agreement we require that there is current Management Company in place and this Management Company must be “active” and has filed recent returns as per the Company Registrations Office.

Part release of a bond may be made on the request of the Developer, where the Estates team, upon inspection, find that a satisfactory amount of work has been done to a satisfactory standard. The Engineer/Technician will then calculate the reduction to be allowed, on the basis of work done and the level of work outstanding.

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Planning Reg #	Developer	Development Location	Bond Type	Bond Amount	Date of Release/ Refund	Details
00/1283	(Name & Address withheld for data protection purposes)		Insurance	15,237.00	17/07/2009	Bond Released in Full
00/3287	(Name & Address withheld for data protection purposes)		Insurance	33,750.00	13/04/2010	Bond Released in Full
01/2246	Peninsula Developments Ltd.	Farranakilla, Dingle	Insurance	80,000.00	01/06/2010	Bond Released in Full
01/3584	(Name & Address withheld for data protection purposes)		Insurance	15,500.00	14/01/2010	Bond Released in Full
02/1764	(Name & Address withheld for data protection purposes)		Insurance	6,000.00	20/05/2010	Bond Released in Full
02/1885	DEM Partnership	Oakpark, Tralee	Insurance	30,000.00	06/04/2010	Bond Released in Full
02/2655	(Name & Address withheld for data protection purposes)		Insurance	15,000.00	19/02/2010	Bond Reduced to €5,000.00
03/1443	(Name & Address withheld for data protection purposes)		Insurance	95,000.00	19/02/2010	Bond Reduced to €9,500.00 (10%)
03/2913	(Name & Address withheld for data protection purposes)		Insurance	28,694.25	06/04/2010	Bond Released in Full
03/3688	(Name & Address withheld for data protection purposes)		Insurance	58,500.00	13/04/2010	Bond Reduced to €10,000.00
03/3824	(Name & Address withheld for data protection purposes)		Insurance	270,000.00	10/12/2009	Bond Reduced to €20,000.00
04/1528	Dunboy Construction & Property Developments Ltd.	Clashnagarrane, Kilcummin, Killarney	Insurance	585,000.00	17/07/2009	Bond Reduced to €138,500.00
04/209	(Name & Address withheld for data protection purposes)		Insurance	30,000.00	27/10/2009	Bond Released in Full
04/25	Grove Valley Developments Ltd.	Clounts, Rathmore	Insurance	78,000.00	30/03/2010	Bond Reduced to €10,000.00
04/2943	Cilmara Developments Ltd.	Kilmurry, Kenmare	Insurance	104,625.00	19/02/2010	Bond Reduced to €25,000.00
04/2945	Cilmara Developments Ltd.	Kilmurry, Kenmare	Insurance	87,750.00	19/02/2010	Bond Reduced to €5,000.00
04/295	(Name & Address withheld for data protection purposes)		Insurance	51,600.00	25/06/2009	Bond Released in Full
04/2954	J & B O'Sullivan Builders Ltd.	Keelnabrack Upper, Glenbeigh	Insurance	72,000.00	28/01/2010	Bond Released in Full
04/4469	Kencallan Ltd.	Dromnevane, Kenmare	Insurance	258,000.00	30/03/2010	Bond Reduced to €25,800.00

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Planning Reg #	Developer	Development Location	Bond Type	Bond Amount	Date of Release/ Refund	Details
04/820	Conhill Construction Ltd.	Ballynabooly, Dingle	Insurance	81,000.00	19/11/2009	Bond Released in Full
05/1890	Lake Castle Developments Ltd.	Ballyoughtragh North, Milltown	Insurance	379,320.00	09/03/2010	Bond Reduced to €94,200.00
05/2007	(Name & Address withheld for data protection purposes)		Insurance	256,000.00	21/10/2009	Bond Reduced to €23,966.00
05/4015	(Name & Address withheld for data protection purposes)		Insurance	176,580.00	22/01/2010	Bond Released in Full
06/1793	Pat Griffin Construction Ltd.	Keelnabrack, Glenbeigh	Insurance	25,000.00	11/03/2010	Bond Released in Full
06/3803	ID Developments & Project Management Ltd.	Ardmoneel, Killorglin	Insurance	205,200.00	21/10/2009	Bond Reduced to €41,040.00
98/1440	(Name & Address withheld for data protection purposes)		Insurance	9,525.00	12/06/2009	Bond Released in Full
98/985	Knockane Properties Ltd.	Carhoobeg, Beaufort	Insurance	38,000.00	13/08/2009	Bond Released in Full
99/1450	Kavanagh Properties Ltd.	Milltown, Dingle	Insurance	4,000.00	04/06/2009	Bond Released in Full
99/3090	John Quirke Construction Ltd.	Carhan, Cahersiveen	Insurance	137,131.00	04/06/2009	Bond Reduced to €53,171.00
00/3981	(Name & Address withheld for data protection purposes)		Cash	7,618.43	06/08/2009	Bond Released in Full
00/842	(Name & Address withheld for data protection purposes)		Cash	51,424.20	18/03/2010	Bond Reduced to €10,000.00
02/3141	(Name & Address withheld for data protection purposes)		Cash	10,000.00	01/04/2010	Bond Released in Full
04/307	(Name & Address withheld for data protection purposes)		Cash	43,050.00	23/07/2009	Bond Released in Full

Cllr. B. Cronin thanked the executive for the response. He said his concerns relate to estates not finished properly. The end result has left residents in a terrible dilemma with a long drawn-out saga and no adequate funding to complete the works. He complimented and welcomed the setting up of the Estates Unit which is vitally important. Since the legislation was altered by the Department of the Environment there is a lot of interest in estates/developments making applications to be taken in charge. In the reply details of 33 bonds were provided. 19 bonds were fully released in the last 12 months and 14 bonds were part-released. If a developer built the development as per planning permission and finished it to proper standard they are more than entitled to have their bond released. The problem arises where a number of rogue developers did not finish development properly. The development bond is the only safety net the person who buys into a housing estate has to ensure the estate is completed properly. The issue of bonds is of critical importance to ensure that everything is done properly.

He referred to the situation where a developer has to submit CCTV surveys, etc., and asked what is the position when the developer is liquidated, gone from the country or not co-operating with the Planning Department. What options are available to residents in that circumstance? Also, where a development requires a Management Agreement, what is the position where residents have never had an AGM and no Management Committee details were ever provided and no accounts have been filed? He asked what is the position regarding applications to take in charge an estate.

Mr. M. McMahon, Director of Planning, said the question of liquidation is a new issue which the Planning Department is dealing with, where the developer is in liquidation and dealing with the Liquidator. A varied response is being received from the Liquidator the Planning Department has been dealing with up to now. In some cases the requirements of the Liquidator, residents and the planning authority might not be the same. The main function of the Liquidator is to maximise the value of the asset. The Liquidator tries to get money to complete aspects of the development which would enhance the development and also to substantially help the residents of the estate. This generally involves development of the roads and green areas. The Liquidator has a call to make in respect of what can be done. The Liquidator makes a petition to the bank for the release of additional funds to enhance the value of the asset. There has been cases where funding has been made available for works identified by the Liquidator, but works from the Planning Authority or Water Authority point of view might be more of a priority. Liquidators are negotiating on cases at present.

Management Companies were totally unregulated in the past. He said he understands there is legislation going through the Dáil at present regarding, for example, the ownership of common areas and transfer of same to the Management Company within six months of the development being completed.

Regarding Taking in Charge of Estates, there are two ways in which this can be initiated: (1) A request from the developer, and (2) Where a majority of the residents request the development to be taken in charge. The Planning Department will work with the residents as best it can to get the developer to complete works.

Cllr. A.J. Spring **SECONDED** this Motion and asked how many bonds there are that do not cover the amount of work that needs to be done.

Mr. M. McMahon, Director of Planning, said it is difficult to answer that. One of the main aims of the Estates Unit is to get out and inspect the estates. There has been a concentration on those estates where the timeframe within which enforcement proceedings could be taken was running out. As a result of this concentration the Estates Unit is nine months ahead and it is hoped to progress this further. Approximately 600 housing estates have been identified, most of which have been inspected. By the time identification of estates is complete, approximately 1,500 estates will be inspected. There will be a volume of work for this unit for years to come. This work will protect residents and this Council in time.

Cllr. A.J. Spring asked what happens when the 7 years have lapsed, does the bond lapse also?

Mr. M. McMahon, Director of Planning, said planning permission of 7 years may not have a bond. The Planning Department is more vigilant on this now. If enforcement proceedings cannot be taken, legislation states the local authority must take the estate in charge.

Cllr. B. Cronin asked if the time on a bond can be extended.

Mr. M. McMahon, Director of Planning, said bonds were normally for 5 years, and now 12 years is required. Generally there is no need to extend a bond.

Cllr. A.J. Spring said a bond cannot expire without the approval of the Underwriter.

11. Proposals for Annual NCT Testing for cars over 10 Years

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

"That Kerry County Council call on the Government in relation to the new proposals that are due to be introduced on next June 2011 in relation to NCT be based on the amount of mileage rather than the age of the vehicle and any car that has not increased its mileage between 15,000 and 20,000 be tested every two years rather than proposed every year for a car over 10 years."

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

Cllr. R. Beasley requested that a letter issue to Government requesting that any car that is tested be passed on mileage rather than the age of the vehicle. NCT is an added burden to people.

Cllr. B. Cronin **SECONDED** this Motion.

12. Fire Service Refresher Courses and Exams

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

"That Kerry County Council would review their policy regarding members of the Fire Service undertaking refresher courses and who fail an exam during the course. I propose they are given a chance to repeat the exam before they are struck off the payroll."

The following report issued:

This issue is currently being dealt with as part of ongoing Industrial Relations discussions between Council Management through the HR Department, the

Local Government Management Agency and SIPTU. It would therefore be inappropriate for management to comment on the matter.

Cllr. M. Moloney said she understands this matter has been resolved and she is satisfied with the reply.

13. Resurfacing Roads in Kenmare Town

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

"When will Kerry County Council resurface the roads in Kenmare town and its surrounds which were dug up to accommodate the pipe laying at the start of the year."

The following report issued:

There is a sum of €470,000 approximately for permanent trench reinstatement following the Kenmare Water Supply Scheme Pipe Laying Contract. It is hoped to combine this reinstatement funding with National Secondary, Regional and Local Roads Grants to undertake as much full width road resurfacing as possible. The reinstatement work will commence this year with the resurfacing of approximately 1 km on the N71 Killarney Road, 0.6 km on the L-7603 Railway Road and 0.45 km on the L-7601 Dromnevene Road. The remaining trench reinstatement funding will be expended next year.

Cllr. P. Connor-Scarteen said he was under the impression that reinstatement works would be done by the contractors. He urged the Director of Roads & Transportation to complete work within the town centre itself as it is in a terrible state. Works should also be done on Railway Road and Dromnevene Road.

14. Re-assignment of Conference Expenses Allocation

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

"That Councillors who have not extracted conference expenses from the County Council be allowed to use these funds for Councillor Allocation purposes for the betterment of roads and amenities in the County of Kerry."

The following report issued:

The allocation for Councillors' Conference Expenses is determined at the Annual Budget Meeting and incorporated as a specific item in the formally adopted Council Budget, subject to any limitations imposed by the Minister for the Environment, Heritage and Local Government. Any re-assignment of funds from that allocation to another purpose such as mentioned in the Notice of Motion would require the specific approval of the Elected Council. For proper budgetary management it is desirable that such matters as this are finalised at budget time.

Cllr. T. Ferris said her understanding was that there was a tradition whereby at Budget time the members would decide if this allocation was to be re-assigned. The reason this practice ceased was the members of Council voted against this practice.

Mr. J. O'Connor, Head of Finance, said any change of budget requires the approval of elected council. In the past a small number of cases arose and the member requesting the change requested approval of elected council. This matter is best dealt with at budget time when allocations for the coming year are being dealt with.

Cllr. B. Cronin opposed to this motion and said he also opposed it when it arose in December, 2005. The money is allocated and voted on at budget time for elected members to attend conferences. If Cllr. Spring wishes to allocate his money to a specific cause he should attend the conference, claim the money and give the money to the nominated cause.

Cllr. A. J. Spring said this is in relation to payments from Kerry County Council to the organisers of conferences. If this allocation is not going to be used for those purposes, the members should be able to reallocate it.

15. Farranfore to Lissivigeen/Clash Outer Relief Road

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

"That the Council would detail the up-to-date situation in relation to the development of the Farranfore to Lissivigeen/Clash outer relief road."

The following report issued:

Potential refinements to the N22 Farranfore to Killarney Road Improvement Scheme Original Preferred Route Corridor were identified in 2009. Public Consultation in relation to the potential refinements took place in early 2010.

The NRA has since requested that the scheme Traffic Model and Cost Benefit Analysis Report be reviewed and updated and included in a Route Deviation Report which will also contain an assessment of the potential refinements. This work is ongoing and is expected to be complete in Autumn 2010. No decision in relation to the refinement of the original Preferred Route Corridor will be made until the Route Deviation Report is completed and approved.

Cllr. M. Gleeson said it appears the Department is delaying this scheme again. This is a scheme whose completion date was 2009. He asked if it is realistic to expect this scheme will be completed.

Mr. C. O'Sullivan, Director of Roads and Transportation, said Kerry County Council will be striving to advance this scheme.

16. Railway Crossing on main Killarney/Cork Road

Cllr. D. Healy-Rae moved this motion on behalf of Cllr. M. Healy-Rae.

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

"That Kerry County Council write to Iarnród Éireann and request that works be undertaken at the railway crossing outside Killarney on the main Killarney/Cork road. Something has gone wrong over the last number of months and traffic gets a terrible banging when it goes over the railway tracks. It was not like this before."

The following report issued:

There has been some deformation of the pavement immediately adjacent to the railway track. The maintenance of railway crossings is the responsibility of Iarnród Éireann. The Council will write to Iarnród Éireann informing them of the matter.

Cllr. D. Healy-Rae said these works are required urgently because the railway crossing has deteriorated significantly.

17. Old Age Pension and Processing of Social Welfare Entitlements

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

"That Kerry County Council request the Minister for Social Protection, Mr Éamon Ó Cuív, TD to ensure that the most vulnerable in society are protected (a) by not reducing the Old Age Pension and (b) ensuring that Social Welfare entitlements, appeals and redundancies are processed in a speedy manner."

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

Cllr. M. Cahill requested that a letter issue to the Minister as many people rely totally on the Old Age Pension and now is the time people need social welfare entitlements processed speedily.

18. Training for Tenants on the use of Storage Heaters

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

"That Kerry County Council Housing Department would liaise with the ESB and provide information and training for all residents whose Council house is heated by a storage heater."

The following report issued:

The Housing Department is fully conscious of the need to help our tenants to manage their energy consumption in the utilisation of the various domestic heating schemes available throughout our housing stock. It is acknowledged that, unless operated in an efficient manner, excessive energy costs to our tenants may occur in respect of these various heating systems. In this regard, as resources permit, efforts are ongoing to help tenants who are experiencing unusually high energy bills to better understand and operate their heating systems. Specifically through our Housing Engineering Section, as requested, we will liaise with the ESB and prepare a written guide for tenants on the most efficient operation of storage heating systems where they are installed and as resources permit we will arrange to call to follow up on how they are managing their use.

Cllr. J. Brassil welcomed the response and said this issue came to his attention from a resident of the new development in Ballyheigue. The houses within this development have storage heaters and residents complained that their electricity bills were exceptionally high. Residents must get training on the use of storage heaters. He welcomed Kerry County Council's initiative to prepare a written guide for tenants. In areas where houses have storage heating Kerry County Council and the ESB could give a demonstration to residents on how to get maximum value from this heating system.

Cllr. D. Healy-Rae said there are over-head heating systems in some of Kerry County Council's housing stock and this system is very complicated to operate. These systems are not suitable for elderly people. He requested that simple heating systems be installed.

19. Planning Applications for "Head Shops"

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

"That this Council refuse planning permission on any application on properties suspected as being used as "head shops" in towns in Kerry. Every effort must be made to prevent these opening up and to close those that are operating."

The following report issued:

Any planning application received by the Planning Authority must be assessed having regard to the proper planning and sustainable development of the area and the provisions of the Kerry County Development Plan.

There is a wide ranging definition of what constitutes a 'shop' in the Planning and Development Regulations 2001 which includes uses such as the sale of goods, use as a Post Office, travel agency, sale of goods for consumption off the premises, hairdressing, hiring out of domestic and personal goods or articles, laundrette or dry cleaners and the reception of goods to be washed, cleaned or repaired. It does not include, however, funeral services, hotel, restaurant or public house or the sale of hot food and intoxicating liquor (except under a wine retailers off-licence) for consumption off the premises.

There is no definition in planning regulations of a 'Head Shop' and therefore, the sale of such products in a premises used as a shop does not constitute a change of use within planning legislation and therefore, does not constitute unauthorised development. It is unlikely, therefore, that the Planning Authority will receive any application in this regard.

As members are aware, the Minister for Justice has recently published legislation which is attempting to deal with this issue and which will make it illegal to sell such products or to have them in your possession. This is the appropriate way of dealing with this matter and it is hoped that, as indicated, this legislation will be passed by the Oireachtas before the summer.

Cllr B. Cronin thanked the executive for the report. He expressed disappointment with paragraph 3 and said he had hoped that as a local authority Kerry County Council could put down a marker with regard to the sale of these substances. Teenagers are in distress from these products which are lethally dangerous. Parents are concerned but totally helpless. The operators of head shops always seem to be one step ahead. He said he accepted legislation is going through the Dáil but so far a very poor effort has been made to regulate these premises. Planning applications to Kerry County Council require a lot of detailed questions to be answered. He said he was seeking a regulation being put in place by Kerry County Council's Planning Department whereby a radius of 5 miles from take aways, pubs, night clubs, etc, would be imposed on any such head shop in order to confine them to a less volatile market. There is a need to take a firm decisive stance on this. He asked that this condition be considered.

Cllr. M. Healy-Rae requested that a letter issue to the Minister of the Environment asking him to enact legislation to close down head shops.

20. Lowering of the Age Requirement for Voting in Ireland to 16 Years

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

"That Kerry County Council would support the lowering of the age requirement for voting in Ireland to 16 years from 18 years and that this Council would write to the Minister for the Environment and Local Government requesting action on this issue."

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

Cllr. B. Griffin said through programmes such as "Young Entrepreneur" we can see how advanced young people are. People from the age of 16 should be given the opportunity to have their say in local and national government. The argument that young people are not engaged in politics can be answered by the fact that they have moved to college and by the age of 18 have been turned away from participating in the political process. He requested that a letter issue to the Minister asking that action be taken to lower the age requirement for voting in Ireland to 16 years from 18 years.

Mayor B. O'Connell SECONDED this motion.

21. Site for a Play area in Milltown Village

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

"To ask the Director of Planning when Kerry County Council will provide an appropriate site for a play area in Milltown village as was promised by the Planning Department that a suitable area would be set aside as part of the Milltown 2006 Plan."

The following report issued:

It is an objective of the Milltown Local Area Plan 2006 (ZNA - 8) to provide for the development of a playground area in Kilcolman or Ballyoughtragh North (presbytery lands) and land has been zoned for amenity purposes in both locations.

I understand that the Director of Housing has been in discussions with the Milltown Playground Committee and has indicated that the site in Kilcolman (which is in Council ownership) will be made available free of charge to the Committee for the development of a playground.

Cllr. M. O'Shea thanked the executive for the report. An area was zoned for a play area in the 2006 Local Area Plan. This site was in the heart of the village and ideally located for a play area. Since then nothing has happened. Recently a Milltown Playground Committee was set up willing to pursue a playground for Milltown. A house to house survey was carried out regarding Kilcolman as a location for a playground and it was considered inappropriate. Without will to support this site it was decided to consider other areas. There is a rising young population in Milltown. He asked that Kerry County Council would consider the Bridewell site and give a portion of that site to the community of Milltown for a playground. While he welcomed the response to the Notice of Motion the people of Milltown feel strongly that once the will of the people of Kilcolman is against the location of a playground in Kilcolman the play area should not be forced into that estate.

Cllr. P. O'Donoghue SECONDED this motion.

Mr. J. Breen, Director of Housing and Community & Enterprise, said the model of play development in Kerry is community development. Kerry County Council works with communities. Every playground under the Play Policy has had the site provided free of charge. All local funding raised funds the equipment for the playground. A playground must be located in the right location. Kerry County Council has land in Kilcolman. He said he does not subscribe to the view that a handful of people can hold a village to ransom on the development of a playground.

The site at Kilcolman meets the criteria and is suitable for a playground. He requested that the Milltown Playground Committee take on board what Kerry County Council is offering and move ahead. The council agreed to make a site available and it has done so. No other sites are being made available by any other land owner. Any other option will have a cost attached. Concerns can be addressed in the planning process. There is an imminently suitable site available for the playground in Milltown.

Cllr. M. O'Shea said it is very hard to take this on board when 28 households are against the location of the playground in this area. A part of the site identified in the 2006 LAP could be made available. Forcing the playground into Kilcolman would divide the community.

Cllr. B. Griffin said at the February and April An Daingean Area meetings there were requests that Kerry County Council would write to the Department of Environment to free up a portion of land.

Mr. J. Breen, Director of Housing and Community & Enterprise, said Kerry County Council has requested the Department to free up land but that comes at a cost. Kilcolman has no historic cost. A playground needs to be located in accordance with Kerry County Council's policy, in the right location and in the only location. The concerns expressed by the residents can be dealt with. There are communities all over the county looking for playgrounds. He requested the people of Milltown to work with the Kilcolman site to put the playground infrastructure in place. This site is being made available by Kerry County Council. Kerry County Council does not have any other unencumbered lands.

Cllr. M. O'Shea asked if a survey of the residents in Kilcolman could be undertaken on this matter.

Mr. J. Breen, Director of Housing and Community & Enterprise, said if the people of Milltown are willing to get behind the project there will always be issues which can be resolved through planning permission.

22. Kerry Rural Transport Service from Sneem to Kenmare

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

"That Kerry County Council urgently request Kerry Rural Transport to continue to provide the Friday bus service from Sneem to Kenmare as the Senior Citizens who are availing of this service have been informed that this service will not be in service for June, July and August."

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

Cllr. P. Connor-Scarteen said since tabling this motion he can report that this route is operating for June. Unfortunately this service will not be available during July and August. This service is a means for senior citizens to get out of home. He requested that a letter issue to Kerry Community Transport to retain the operation of this route during July and August.

Cllr. B. Griffin SECONDED this motion.

Cllr. M. Healy-Rae said this matter was addressed in previous years. Everything possible will be done to ensure this service is retained.

23. Applications for Forestry Grants

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

"Why, for the first time ever, is the Environment Section of Kerry County Council objecting to farmers who are applying for forestry grants to develop forestries in our County. There are enough serial objectors in County Kerry and I don't think Kerry County Council should be joining them. This Council should be helping farmers to gain additional income for their households and not be coming in their way."

The following report issued:

Kerry County Council is one of the parties consulted on pre-planting approval applications under the various state forestry grant schemes. The Council has received a large number of these referrals over the past number of years and has only felt it necessary to comment on a relatively small number of these. The small number of applications on which we have submitted comments generally relate to sites that are located in particularly sensitive water catchments and any concerns raised are in that context. The final decision on any application is entirely a matter for the Forest Service of the Department of Agriculture, Fisheries and Food.

Cllr. M. Healy-Rae said this is an awful situation. For the first time ever the Environment Department are objecting to farmers by making written observations with concerns. Our job as a local authority should surely be to help farmers. This is not what the Environment Section should be doing. Kerry County Council should not be a serial objector.

Cllr. D. Healy-Rae supported this motion. If the Department of Agriculture receive an objection from Kerry County Council they will refuse the grant application. He said he was told of one case where the land was considered unsuitable for planting as well as mentioning water flowing to the Lough Leane catchment area. There is no water flowing into this catchment area.

Mr. O. Ring, Director of Water Services, said he was unaware of the particular case and undertook to review same. Kerry County Council has a statutory duty to consider these applications. The Environment Department was not objecting, it was commenting on the application. Staff in the Environment Department have water quality expertise. The Water Framework Directive put obligations on Kerry County Council.

24. Proposed Pier for Cromane

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

"That Kerry County Council (a) give a detailed breakdown of the €1.6m already spent on the proposed Pier for Cromane and clarify if funding is available in the current year for the CPO of lands for the access road to the Pier and (b) request an urgent meeting with the Minister of State at the Department of Agriculture, Fisheries & Food, Mr Sean Connick TD to discuss same and also so as to ensure that Castlemaine Harbour is open this year to the sourcing of mussel seed for the Cromane fishermen."

The following report issued:

- (a) Since 2003 the actual expenditure on Cromane Pier by Kerry County Council amounts to €87,967.43 not €1.6m as quoted. This money has been spent on staff costs, studies such as archaeological assessments, road**

design costs, planning application costs, the CPO hearing costs and legal costs. Over the last 5 years Kerry County Council has been engaged with local landowners in an attempt to secure the lands required to build the pier and access road. Every year we thought it prudent to include a provision in our grant request to the Department of Agriculture, Fisheries and Food for funding to cover land purchases and road construction costs. Unfortunately we were not able to draw down any funds for this purpose due to the unwillingness of landowner(s) to reach agreement with us. The figure of €1.6m refers to the sum of the annual grant applications made to cover the land purchase costs, and as such to monies that were never spent or indeed ultimately available to Kerry County Council.

The Council had sought to acquire the lands for the proposed access road by Compulsory Purchase Order in 2008. The application was submitted to An Bord Pleanála in February 2008 and the Board issued its decision in April 2009. The Board determined that in the absence of statutory approval for the altered route of the access road to which the CPO related and having considered the report of the person who held the oral hearing into the objection of the CPO, it did not consider it appropriate to confirm the order. A detailed report, on the decision of An Bord Pleanála was considered by Council at its meeting of the 20th April 2009, following which it was agreed that the Council would proceed with a Part VIII planning application for the altered route. Planning for the proposed access road, in accordance with the statutory provisions of Part VIII of the Planning and Development Act, 2000, was approved by Council at the January 2010 meeting.

Prior to proceeding with a Compulsory Purchase Order for the acquisition of the necessary lands for the proposed access road and having regard to the statutory provisions, under Section 217 of the Planning and Development Act, 2000, which would require the local authority to purchase the lands within 18 months of such an order becoming operative, the Council wrote to the Department seeking clarification on the availability of funding. We have not received an official response to our query but unofficially we have been told that there will be no funding available in 2010 as the Department has a number of ongoing financial commitments to ongoing projects that will utilise all the funding available in 2010.

Following on from the enactment of the Foreshore and Dumping at Sea (Amendment) Act 2009, responsibility for certain foreshore functions has transferred to the Minister for the Environment, Heritage and Local Government with effect from 15 January 2010. This includes foreshore projects in respect of port companies and harbour authorities governed by the Harbours Acts, 1946, 1996, and 2000, and foreshore projects in respect of any other harbour and harbour-related developments intended for commercial trade, other than those relating to aquaculture and sea fisheries.

(b) This is a matter for consideration by the Members.

Cllr. M. Cahill welcomed the clarification and said the amount spent is much less than which was quoted by a local newspaper recently. He said there is a meeting with the Minister this week regarding Castlemaine Harbour.

25. An Post Workers' Appeal to implement EU Regulations

Pursuant to Notice duly given, Cllr. T. O'Brien/A.J. Spring PROPOSED:-

"To ask the Minister for Communications to support the An Post workers' appeal to implement the European Regulations with cognisance of the social implications for rural Ireland of not providing a daily postal service."

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

Cllr. A.J. Spring said Kerry County Council calls on the Government to recognise the unique and vital role of the postal service in rural Ireland as a means of communication. Not only do our postmen and women provide an important public service they also function as an integral part of the social fabric of rural Ireland, particularly for the elderly and the isolated citizens whose only human contact might be their post person. Recent examples of postmen calling the emergency services to isolated homes on discovering a problem that would otherwise have gone unnoticed is clear proof of how important this role is. As Ireland prepares to liberalise its postal market it is essential that the Government acknowledges this important public service, ensures that is protected by legislation and does not allow the opening of the market to lead to wide spread job losses and an erosion in service levels as has happened in other countries who have already opened their postal market to competition. There is a need to protect rural Ireland from the potential "cherry picking" of the lucrative postal routes and the disregarding of the rural routes - ultimately to the detriment of the social fabric of vulnerable people.

Emergency Motion

Cllr. B. Cronin said he wished to move an emergency motion regarding the potential sale of a rescue boat. The value of this is €50,000 and it is advertised for sale for €16,500. He said he also has a note regarding a service on this boat costing over €3,000. He said he cannot understand how it would be the case that this boat is being sold when Kerry is a coastal county, with a volume of water and a river network. The order to sell this boat came from on high. The boat is bought, paid for and has been serviced. This is a critically important piece of equipment and the crew of 10 are fully qualified and highly trained. It is an action of madness to consider selling this boat. He outlined cases when the boat was used in rescues. The boat crew were requested to cover various duties this year which have not been covered and event organisers have not been notified that the Civil Defence will not be covering these events. The Civil Defence, with this boat, provide all cover for regattas, swims, etc. The crew are fully volunteered. There is no expense on this boat except running and maintenance costs. The crew are willing to maintain the service they have been providing. He PROPOSED the sale of this boat be stopped immediately. There is no need to get rid of this boat. It is equipped to go on the sea and should be retained. If this boat saves one life in 2010 it is worth its presence.

Cllr. A.J. Spring SECONDED this proposal.

Cllr. D. Healy-Rae supported this motion. He said there are very serious questions to be answered. If this boat saved one life in the last 20 years it has been worth it.

Mr. O. Ring, Director of Water Services, said the Kerry Civil Defence is a huge resource for this county and does valuable work. There are 150 people in Civil Defence in Kerry and they volunteer their time every weekend. Civil Defence has a lot of different

operations including a Boat Unit. Up to 2009 the Civil Defence had two boats - a 6.5m boat and a 4.5m boat. The 4.5m boat is a standard issue used by all coastal counties. The Boat Unit is not being disbanded. The boat unit went out nine times last year and on each occasion the 4.5m boat was used. The 6.5m boat was used once. Most of the rescues referred to have been dealt with by the 4.5m boat which is more suitable for the work that is done in Kerry. It is not true to say that the 6.5m boat is of no cost to Kerry County Council. The 6.5m boat cost €12,000 to run last year. There is a crew of 6-7 highly trained people and it is intended to continue the boat crew in operation. The boats normally operate as safety boats. Civil Defence boats are not regarded as emergency craft. The Coast Guard will not call out the Civil Defence boat. The Coast Guard no longer regards Civil Defence boats as being of Coast Guard standard. The 4.5m boat is a flat-bottom boat which can get into areas the 6.5m boat cannot. Kerry Civil Defence has resources which it wants to prioritise. He said he is satisfied that the best value attainable is by concentrating on the standard 4.5m boat used as a safety boat.

Cllr. B. Cronin said he was provided with this information by the Civil Defence crew that operated with that boat from the Coast Guard records. In terms of running costs, this boat is transported, carried and stored on a trailer. Someone high up has a negative view of this boat. This boat can operate on 4 ft of water and on the sea. He asked if it is being suggested that this piece of equipment should be disposed of. If this boat saves one life it has paid for itself many times over.

Mr. T. Curran, County Manager said he had to caution Council at this stage. This is an operational issue within the remit of the County Manager for decision. He said he has to work within the budget of this Council and if he decides a piece of equipment is no longer of use in terms of value for money and operations to this Council that is an executive decision.

Cllr. B. Cronin said there is no comparison between a life saving piece of equipment and for example a tractor being sold.

Cllr. M. Moloney said there are conflicting stories regarding the times the boat is being used. She asked if there is a crew for both boats.

Mr. O. Ring, Director of Water Services, said there are always have more people than are required to man any piece of equipment. There is enough trained crew to man the 4.5m boat which can take six people. The 4.5m boat is a standard boat used by coastal counties.

Cllr. D. Healy-Rae said when Kerry County Council is buying something it is put before the members. He asked if when selling something it must also be put before the elected members.

Mr. J. D. Flynn, Director of Corporate Services, said this relates to a request for approval for tenders to be opened.

Cllr. B. Griffin said he considers the boat to be worth more to Kerry Civil Defence than anybody else.

Mayor B. O'Connell said there is unanimous support for the retention of the 6.5m boat.

10.04.19.16 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. P.J. Donovan, it was agreed to authorise the attendance of Cllrs. P. McCarthy, N. Foley, R. Beasley and A. McEllistrim at the Synge Summer School to be held in Rathdrum, Co. Wicklow, from 1st – 4th July, 2010.

Cllr. P. McCarthy 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 Cllrs. L. Purtill, J. Brassil and T. Fleming at the Professional Development Conference for Councillors on the theme "Developing Vibrant Communities through Creativity and Innovation: A Business perspective" to be held in Bundoran, Co. Donegal, from 2nd – 4th July, 2010.

Cllr. L. Purtill 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. A. McEllistrim, B. Cronin and T. Fleming at the Elected Members Training Seminar on the Housing (Miscellaneous Provisions) Act 2009 to be held in Maynooth, Co. Kildare, from 16th – 18th July, 2010.

Cllr. B. Cronin was nominated to report to Council on this conference.

- (d) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. P.J. Donovan, it was agreed to authorise the attendance of Cllrs. P. McCarthy, N. Foley, A. McEllistrim, P. Connor-Scarteen, J. Brassil, P.J. Donovan and J. Finucane at the Elected Members Training Seminar on the theme "Health and Safety, Risk Assessment and Insurance in Local Government" to be held in Oranmore, Galway, from 26th – 28th July, 2010.

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

- (e) 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 on "The Cost of Insurance and Claims to your Local Authority" held in Galway from 21st - 23rd May, 2010.

- (f) On the PROPOSAL of Cllr. A.J. Spring, SECONDED by Cllr. M. Moloney, it was agreed to authorise the attendance of Mayor B. O'Connell at the 5th Annual Meeting of the European Chapter of the Society of Wetland Scientists - The Benefits from Constructing and Restoring Wetlands" held in Tramore, Co Waterford from 25th - 28th May 2010.

- (g) On the PROPOSAL of Cllr. B. Griffin, SECONDED by Cllr. M. Moloney, it was agreed to authorise the attendance of Mayor B. O'Connell at the 'Youth Perspectives' Seminar held in Cork from 16th – 17th June, 2010.

- (h) On the PROPOSAL of Cllr. B. Griffin, SECONDED by Cllr. A.J. Spring, it was agreed to authorise the attendance of Mayor B. O'Connell at the Conference on the theme "A practical guide to embracing Social Networking as the modern medium for Councillors" held in Letterkenny, Co. Donegal from 18th - 20th June 2010.

10.04.19.17 Correspondence General

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

1.	Letter dated 11 th May, 2010, from the Minister for the Environment, Heritage & Local Government regarding proposal for a refundable monetary deposit on alcoholic beverage containers.
2.	Letter dated 18 th May, 2010, from the Minister for Finance regarding the minimum turnover level used by contracting authorities to short-list contractors for tender lists for public works projects.
3.	Letter dated 21 st May, 2010, from the Minister for the Environment, Heritage & Local Government regarding the introduction of a County or Municipal guaranteed Bond.
4.	Press Release dated 27 th May, 2010, from Shannon Regional Fisheries Board regarding the launch of the "Shannon Salmon Restoration Plan".
5.	Letter dated 31 st May, 2010, from the Minister for Housing & Urban Renewal regarding the potential usage of vacant housing units to ease the pressure on Local Authority housing lists.
6.	Letter dated 31 st May, 2010, from the Tánaiste & Minister for Education and Skills regarding the administration of pensions of former employees of VECs.
7.	Letter dated 2 nd June, 2010, from the Minister for the Environment, Heritage & Local Government regarding a National Strategy for Radon Testing.
8.	Letter dated 3 rd June, 2010, from the National Roads Authority regarding funding for road safety measures on the N70 Milltown to Killorglin Road in 2010.
9.	Letter dated 9 th June, 2010, from the Department of Arts, Sport & Tourism regarding the re-introduction of the Sports Capital Programme.
10.	Letter dated 6 th May, 2010, from Shannon Town Council calling on the Government to introduce a 24 month moratorium from the time mortgages first go into arrears before repossession proceedings can be taken.
11.	Letter dated 12 th May, 2010, from Wexford County Council calling on the Minister for Transport in response to "The Marine Pollution Prevention, Preparedness and Response Capabilities Study 2008" to immediately provide Emergency Towing Vessels (ETV) around the Irish coastline in order to protect Ireland's coastline from Economic and Environmental damage.
12.	Letter dated 14 th May, 2010, from Dublin City Council calling on Dublin City Manager not to sign any new or renew any existing contracts with Veolia as it would be in contravention of the wishes of Dublin City Council.
13.	Letter dated 14 th May, 2010, from Castleblayney Town Council calling on the Taoiseach, Minister for Finance and Government to provide a financial aid package or relief for residential mortgage holders and SMEs.
14.	Letter dated 14 th May, 2010, from Monaghan Town Council calling on the Minister for Finance to explore the possibility of re-examining the basis on which rates are levied by Local Authorities on commercial properties throughout the country.
15.	Letter dated 17 th May, 2010, from Macroom Town Council calling on all Local Authorities to review Development Charges.

16.	Letter dated 24 th May, 2010, from North Tipperary County Council expressing concern at the interest rates being charged by money lenders and the pressure being brought to bear by Banks and Credit Card Companies on people who are in severe financial difficulties.
17.	Letter dated 24 th May, 2010, from North Tipperary County Council paying tribute to the work being done by support groups such as the Parkinsons Association of Ireland and calling for funding to be allocated to this organisation.
18.	Letter dated 4 th June, 2010, from Limerick County Council calling on the Minister for Finance to amend the legislation requiring Rating Authorities to demand rates from owners or subsequent occupiers of commercial properties, for a vacant period following the departure of a previous tenant, after the date of making the rate for the year.
19.	Joint Policing Committees - Presentation document of Chief Superintendent Michael A. Finn on "The integration of Joint Policing Committees into the existing Local Authority structures".

Votes of Sympathy

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

- (a) Cllr. B. Cronin proposed that a Vote of Sympathy would be extended to the family of the late Lily Casey.
- (b) Cllr. T. Buckley proposed that a Vote of Sympathy would be extended to the family of the late Tim Lane.
- (c) Cllr. T. Buckley proposed that a Vote of Sympathy would be extended to the family of the late Robert Twomey.
- (d) Cllr. T. Ferris proposed that a Vote of Sympathy would be extended to the family of the late Marian Norton.
- (e) Cllr. T. Ferris proposed that a Vote of Sympathy would be extended to the family of the late Noreen Murphy.
- (f) Cllr. M. Moloney proposed that a Vote of Sympathy would be extended to the family of the late Anne Casey-Joy.
- (g) Cllr. P. Leahy proposed that a Vote of Sympathy would be extended to the family of the late Eileen Goulding.
- (h) Cllr. P. Leahy proposed that a Vote of Sympathy would be extended to the family of the late John Fuller.

10.04.19.18 Any Other Business

Sludge from Killarney WWTP

Cllr. B. Cronin asked what regulation applies with regard to spreading sludge from the Killarney Waste Water Treatment Plant in the current warm and dry weather.

Mr. O. Ring, Director of Water Services, said sludge from Killarney WWTP can be spread directly as it is pasteurised. Normally it is carried to farms where it is stored with farm sludge and then spread.

Cllr. B. Cronin said concern has been expressed regarding odour in the Kilcummin area.

Mr. O. Ring, Director of Water Services, undertook to follow up this matter.

N70 Castlemaine to Milltown Road

Cllr. B. Griffin referred to the N70 Castlemaine to Milltown road and said there is melted tar on a bend on this stretch of road. When it rains it will be particularly dangerous. He requested the Roads Department to prioritise addressing this area.

The meeting concluded at 4.40 p.m.

Gerard O'Brien

Meetings Administrator

Mayor of Kerry