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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN  
CHONTAE, TRÁ LÍ, AR AN LUAN, 19 IÚIL, 2010**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY, 19 JULY, 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. J. O'Connor, Deputy Co. Manager	Mr. J.D. Flynn, Director of Corp. Serv.
Mr. M. McMahon, Director of Planning	Mr. J. Breen, Dir. Hsg. & Comm & Ent.
Mr. O. Ring, Dir. Water & Env. Serv.	Mr. G. MacNamara, A/Dir. of Roads
Mr. P. Stack, SE Planning	Mr. F. Dillon, SE Water Services
Mr. G. O'Brien, Meetings Admin.	Mr. C. Mangan, SEE Water Services
Mr. M. Boyce, SEE Environment	Mr. M. Ó Coileáin, Env. Awareness Off.
Mr. D. O'Malley, Sen. Exec. Planner	Ms. H. Switzer, AO Environment
Mr. P. Corkery, Press & Comm.	Ms. B. Reidy, SSO Corp. Affairs
Ms. M. Moriarty, SSO Environment	Mr. E. Kelleher, Asst. Planner
Ms. A.M. Costelloe, Asst. Planner	Ms. O. O'Shea, CO Corporate Affairs
Ms. T. Keane, CO Corporate Affairs	

The meeting commenced at 10.40 a.m.

Mayor P. Leahy took the Chair.

**10.07.19.01 Mayor's Report on CPG Meeting held on 13<sup>h</sup> July, 2010**

Mayor P Leahy read the following report into the record of the meeting.

**"Item 1 Agenda for the July Council Meeting**

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

With regard to Item no. 8, Section 85 Agreement for Munster Bridge Rehabilitations, Mr. G. MacNamara, Acting Director of Roads & Transportation, said the Kerry County Council has been selected to administer the Munster Bridge Rehabilitations Project. A full report will be presented to Council for consideration.

With regard to Item no. 9, Land Aggregation Scheme, Mr. J. Breen, Director of Housing and Community & Enterprise, outlined the background to this scheme and said a full report detailing the Present Land Needs, Funding of Land for Social Housing, Audit of Landholdings and Financial Impact will be presented to the July Council meeting for consideration.

With regard to Item no. 15(a), Change of date for the September Council meeting, Mr. G. O'Brien, Meetings Administrator, said rather than dealing with this matter on a year by year basis, it is recommended to Council to amend Standing Orders and henceforth hold the September meeting on the second Monday of September. Subject to Council agreeing to this recommendation, an amended set of Standing Orders will be presented to Council for approval later this year. The CPG members endorsed this recommendation.

#### **Item 1 Chair of the County Development Board**

Mr. J. Breen, Director of Housing and Community & Enterprise, outlined that the Chair of the County Development Board is nominated by the CPG. At the CPG meeting held on 14<sup>th</sup> July, 2009, the Chair of the County Development Board for the Council term 2009-2014 was agreed by the CPG members as follows:

<b>Term</b>	<b>Councillor</b>
2009 – 2010	Cllr. Arthur J. Spring
2010 – 2013	Cllr. Patrick Connor-Scarteen
2013 – 2014	Cllr. Marie Moloney

Term 1 of this agreement expires in July, 2010.

CPG Members agreed that Cllr. Patrick Connor-Scarteen take over as Chair of the County Development Board effective from 14<sup>th</sup> July, 2010.

#### **Item 2 County Development Board Update**

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

- Ratification of new Chair of Board – Cllr. P. Connor-Scarteen
- Tourism Development of County:  
Recent Meeting between Chair of Tourism Strategy Group, Fáilte Ireland and Irish Hotels Federation regarding co-operation.  
New Board of Fáilte Ireland for Kerry has been formed.
- Future Skills Needs Report [Presented to meeting on 18<sup>th</sup> June]

- Need for follow up programme with agencies – particularly the issue of apprentices without certification
- Ms. Noreen O'Mahony is now managing the work of KCDB
- Integration Strategy agreed at last CDB meeting – details to be circulated within KCC
- Induction Training being organised for September, 2010.
- Next meeting will be held on Friday 10<sup>th</sup> September, 2010.

### **Item 3 Civic Receptions**

CPG members agreed to honour the success of the 2<sup>nd</sup> Year Girls Basketball Team from Castleisland Community College who won the All-Ireland Basketball title 2009 and were the recipients of the prestigious Bank of Ireland Student Awards 2010 at the next Killarney Electoral Area Committee meeting.

It was agreed that the Meetings Administrator would prepare a review report for CPG on what events have been held, the purpose of these events and the cost of same.

### **Item 4 Briefing Day for Councillors on Corporate Governance, Regulatory Compliance and the new Defamation Act**

Mr. J. O'Connor, Deputy County Manager, said this is arising in the context of the changing world of governance and regulation and the onus that is now on anyone in a position of authority. The members are in a unique position as board Directors of Kerry County Council and the climate within the past two years about fair consideration, about having regard to submissions; fairness, transparency and compliance with the law of the land have become very onerous. It is suggested that a special briefing session be organised for the elected members on what is expected in the current climate. The session will include a briefing on the new Defamation Act.

The CPG members agreed that a briefing day for Councillors on Corporate Governance, Regulatory compliance and the new Defamation Act would be held on a Monday at the end of September/start of October. CPG members advocated attendance of all members at this briefing day.

### **Item 5 Mid-Year Financial Update**

Mr. J. O'Connor, Deputy County Manager, said the Revenue Budget for 2010 is €130m. With half the year gone, budgets are on target. Expenditure is, allowing for the time of year, in line with expectations. Budgets are tight. The challenge will be on the income side. The climate for collections is continuing to be very challenging for rates and water charges. He urged people who are finding it difficult to pay charges to approach Kerry County Council early on as Kerry County Council is agreeable to arranging a payment plan where it is obvious that an effort is being made to pay and it is evident there is financial difficulty. Kerry County Council is increasing collection enforcement.

### NPPR

The Revenue Department was under pressure over the last two weeks as people left it to the end of the deadline date to make the 2010 NPPR payment. The position at present is that Kerry County Council has received €2.5m, with approximately €1m of this amount payable to the Town Councils. Payments are still being processed. The deadline date for the 2010 NPPR payment has passed and any payments made hereafter will incur a €20 surcharge per month. Enforcement action on non-payment of the NPPR will be pursued by the Revenue Department.

### Roads Grants

New rules are being introduced for Roads Grants and what can be claimed against these grants. The new arrangements will be much more restrictive than those that applied previously. Kerry County Council in association with all other Local Authorities are making a submission which is being co-ordinated at national level to the Department of Transport about the impact of these changes. If these changes proceed there will be a significant impact on own resources for local roads.

### Housing Rents

Traditionally there has been a very good collection rate for housing rents and this is continuing. However with the Differential Rents Scheme, if there is a decreased income in the household there is a decreased rent. There is a reduction in rents payable. All collection staff are putting an enormous effort into achieving a satisfactory collection level.

### VAT

Arising from an EU Court of Justice decision, a VAT regime is being applied to Local Authorities effective from 1<sup>st</sup> July, 2010. Refuse charges and off-street car parking charges for 2010 will not be increased. Kerry County Council will absorb the VAT charge on these charges for 2010. This will be reviewed in the context of the 2011 Budget. VAT will be applied to disposal of waste at Transfer Stations and the North Kerry Landfill. This increase cannot be absorbed by Kerry County Council. The Minister for Finance has indicated that in the 2011 Finance Act he will introduce an amendment and Local Authorities will be able to offset VAT credit against VAT on the sale of a house and this affects affordable houses in particular.

### **Item 6 Any Other Business**

Mr. O. Ring, Director of Water Services, said as advised to the Council at the June meeting, the Civil Defence Boat Unit has been reorganised for efficiency and effectiveness reasons. Resources are being concentrated on the 4.5m standard RIB and the 6.5m RIB is being transferred to the Kerry County Council Roads Section for use in maintaining aids to navigation, visitor moorings and conducting coastal surveys. The boat will be available to the

Civil Defence when required, primarily for training and promotional uses. The Civil Defence Boat Unit will continue to provide all its usual services to the community, which mainly consist of providing a safety boat at marine events.”

Cllr. M. Gleeson said he understood a Sub-Committee was established to determine who would be awarded a Civic Reception by Council.

Mr. G. O'Brien said that it was agreed that any such request would be referred to the CPG for consideration and they would then make their recommendation. A practice has developed whereby the reception for those who are underage and achieve national awards is held at the Local Area Meeting and this has worked very well.

Cllr. B. Cronin referred to Item 6 in the Mayor's Report and said he wanted to recognise that the Civil Defence boat will not now be sold off but will continue to be used by the Council.

#### **10.07.19.01 Confirmation of Minutes**

Mr. G. O'Brien, Meetings Administrator, then read the following statement into the record of the meeting.

“I refer to the issue raised by Cllr. Spring at the June 2010 Council Meeting regarding the Minutes of the Special Planning Meeting held on 10<sup>th</sup> May, 2010.

For clarity, I wish to advise the members that Council policy on such issues relating to Minutes has always been that;

The set of minutes put before the members for adoption are the Meeting Administrator's record of what was said at a particular meeting. If a member raises an issue regarding the content of the minutes i.e. in this case Cllr. Spring felt that his contribution was not adequately reflected in the minutes, this amendment/correction will be recorded in the minutes of the meeting at which it was raised, in this case the June 2010 Council Meeting and in this case a reference will be inserted in the set of minutes of the 10<sup>th</sup> May, referring to the amendment/correction made at the June 2010 Council Meeting.

The Meeting Administrator's record of the original meeting is not amended.”

- (a) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. B. O'Connell it was agreed that the minutes of the June Ordinary Meeting of Kerry County Council held on 21<sup>st</sup> June, 2010 be confirmed.
- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. A. McEllistrim it was agreed that the minutes of the Annual Meeting of Kerry County Council held on 25<sup>th</sup> June, 2010 be confirmed.

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

Mr. J. Breen, Director of Housing, Community & Enterprise, referred members to his report dated 9<sup>th</sup> July, 2010 on this item which was circulated and he briefed them on the report.

- (a) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. D. Healy-Rae it was agreed to note the report in accordance with Section 179(3) of the Planning & Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the construction of a Single Rural Cottage at Brackloon, Tahilla, Sneem.
- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. R. Beasley it was agreed to the note the report in accordance with Section 179(3) of the Planning & Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the construction of a Single Rural Cottage at Tournanough, Gneeveguilla, Rathmore.

**10.07.17.04 Approval for the raising of a loan of €2m for the provision and development of Burial Grounds**

Mr. J. O'Connor, Deputy County Manager referred members to his report dated 12<sup>th</sup> July, 2010 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T. O'Brien it was unanimously agreed to approve the raising of a loan of €2m for the provision and development of Burial Grounds.

**10.07.19.05 Killorglin Functional Area Draft Local Area Plan 2010 – 2016**

**Members' duties under Ethics Legislation**

The Mayor read the following statement into the record of the meeting:

"I wish to remind members of their requirements under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual

Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must

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

**(a) County Manager's Report on submissions or observations received on the proposed amendments to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016**

Cllr. B. O'Connell PROPOSED that the recommendations in the Manager's Report on the submission or observations received on the proposed amendments to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016 be accepted.

Cllr. P.J. Donovan SECONDED this proposal and it was unanimously agreed.

**(b) Making of the Killorglin Functional Area Local Area Plan 2010-2016**

On the PROPOSAL of Cllr. B. O'Connell, SECONDED BY Cllr. P.J. Donovan, this Council having considered the County Manager's Report on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010 – 2016 and the County Manager's Report on the proposed amendments that went on public display for the Killorglin Functional Area Draft Local Area Plan resolves to make the Killorglin Functional Area Local Area Plan 2010 – 2016 subject to the amendments previously agreed.

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

**For:** Cllrs. Brassil, Buckley, Donovan, Ferris, Fitzgerald, Foley, Gleeson, Griffin, M. Healy-Rae, McEllistrim, Moloney, O'Brien, O'Connell, Purtill, Spring, Leahy **(16)**

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

**Not Voting:** Cllr. D. Healy-Rae **(1)**

**Absent:** Cllrs. Beasley, Cahill, Connor-Scarteen, Cronin, Finucane, Fleming, McCarthy, O'Donoghue, O'Shea, Sheahan **(10)**

The Mayor declared the proposal CARRIED.

**10.07.19.06(a) County Manager's Report on Proposed Variation No. 3 to the Kerry County Development Plan 2009-2015 to incorporate the Killorglin Functional Area Local Area Plan into the Kerry County Development Plan 2009-2015.**

Mr. P. Stack, SE Planning referred members to the County Manager's report dated July 2010 on this item which was circulated and he briefed them on the report.

It was unanimously agreed to note the report.

**10.07.19.06(b) Making of Variation No. 3 to the Kerry County Development Plan 2009-2015**

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. B. O'Connell, this Council having considered the County Manager's Report on submissions received in relation to the Killorglin Functional Area Draft Local Area Plan 2010-2016 and the County Manager's Report on the proposed amendments that went on public display resolves to incorporate the provisions of the Killorglin Functional Area Local Area Plan and to zone lands at and adjacent to Killorglin, Glenbeigh, Cromane, Glencar, Kilgobnet and Rossbeigh to reflect the provisions of the Killorglin Functional Area Local Area Plan as adopted into the Kerry County Development Plan 2009-2015.

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

**For:** Cllrs. Brassil, Buckley, Connor-Scarteen, Cronin, Donovan, Ferris, Fitzgerald, Foley, Gleeson, Griffin, D. Healy-Rae, M. Healy-Rae, McEllistrim, Moloney, O'Brien, O'Connell, Purtill, Spring, Leahy **(19)**

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

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

**Absent:** Cllrs. Beasley, Cahill, Finucane, Fleming, McCarthy, O'Donoghue, O'Shea, Sheahan **(8)**

The Mayor declared the proposal CARRIED.

Cllr. T. Ferris asked that a report would be prepared for members on new policy implications following the passing of new planning legislation.

In response Mr. M. McMahon, Director of Planning said that this legislation has only just been passed by the Oireachtas. It is a substantial piece of legislation and the Act will not come into force until the Minister signs the Commencement Order. A report will be brought to Council in due course.

Cllr. M. Healy-Rae referred to Page 7 of the County Manager's report on the Killorglin Functional Area Local Area Plan.



Mr. G. O'Brien advised Cllr. Healy-Rae that this item was already dealt with and the Killorglin Functional Area Local Area Plan was made.

Cllr. B. Cronin asked when the Kenmare Functional Area Local Area Plan would be circulated to members.

Mr. G. O'Brien advised him that the Plan would be circulated to members at the meeting.

**10.07.19.07 Making of the Kerry County Council Litter Management Plan 2010-2013 in accordance with the Litter Pollution Act 1997 as amended.**

Mr. O. Ring, Director of Environment and Water Services referred Members to the report prepared in accordance with the Litter Pollution Act, 1997 as amended, in relation to the submissions received on the Draft Litter Management Plan 2010-2013 which was circulated. He also referred Members to his covering letter dated 12<sup>th</sup> July, 2010 on this item which was also circulated. The report circulated details all submissions received. The submission from the Department of the Environment advises against the 'Name and Shame Campaign' as it is in breach of the Data Protection Act. However, if the Press are present in Court when these cases are heard it does not prohibit them from reporting on them. In conclusion, Mr. Ring recommended that the Litter Management Plan be adopted.

Cllr. B. O'Connell said for the past 10 years he has been advocating that the Council should establish a database of all householders in the County and how they dispose of their refuse. This could also be beneficial to the Council as they are losing customers. Every household should be held accountable for their waste. The Institute of Technology in Tralee could assist in the carrying out of a survey of all households in the County. Where a refuse service is not available, the Council should give a reduction to the householder to bring their refuse to landfill. He pointed out that Revenue Collectors are visiting housing estates on a regular basis and it would be relatively easy to carry out this survey in housing estates. It is unacceptable that the Data Protection Act provides protection for the person who pollutes and litters. The On-The-Spot Fine for littering is €125 but if there was a successful prosecution the fine could be up to €1,000.

Cllr. T. O'Brien supported the proposal by Cllr. B. O'Connell that a database would be established of all households in the County and how they dispose of their refuse. Public bins are being filled by householders in many locations. He welcomed covert and overt operations which are being carried out throughout the County. A few recycling facilities are being abused and it is likely that it is the same person who is responsible for this. He emphasised the importance of educating young people but said everyone in the County is responsible for the proper disposal of their refuse. In conclusion, he welcomed the Litter Management Plan.

Cllr. M. Gleeson acknowledged the report presented and thanked Mr. Ring and his staff for their commitment and support. He congratulated all communities who have taken very positive action to keep their areas clean. It is imperative that the Executive and Members would continue in our efforts to convince the public that a clean County is one that will enrich the lives of both locals and visitors. Many times, when Section 140 Motions were being considered he stated that three or four inappropriately sited houses could, and would, destroy the great beauty of the Ring of Kerry. Precisely the same is true of the impact of dumped black bags or endless roadside litter. The future of our County is ours. The economic future of Kerry is going to be largely determined by the tourism industry and there is an enormous challenge facing the County. Anyone that dumps is a 'thug'. Anyone who dumps is also a 'thief' because they are stealing the livelihoods of many. Cllr. Gleeson said that very occasional but forceful anti-dumping signs appropriately located would be helpful. He emphasised the importance of promoting a culture of reporting any and every form of dumping, otherwise the plague will continue. It is important to pick litter before grass cutting commences otherwise each piece becomes a multitude of little pieces.

Cllr. Gleeson said bins or barrels should be placed at the exit from every parking area on special occasions, this action proved to be most successful during recent football games in Killarney. The same should be done at our beaches and at race meetings. He made particular reference to the urgency of removing large dead animals from the roadside as soon as possible after the matter is reported. This is particularly true when deer are killed on the road and he requested that when such reports are given to the Council that immediate action is taken. Dog fouling continues to be a disgustingly prevalent menace. The Council must assume some authority and ensure that footpaths are kept free from despoiling. Individual or businesses that place flyers on windscreens must be issued with fines and forced to pay these fines. He expressed his outrage at the Directive given by the Department on the 'Name and Shame Campaign' as he felt it was the only thing that would solve this ongoing problem. In conclusion, he said that he feared that the '3 Bin' Directive could well be the straw that will force County Councils out of rubbish collection. Such a service is manageable in an urban setting but it will place an intolerable burden on a scattered rural community. Perhaps the segregation of waste could be done more cheaply and efficiently at a central location.

Cllr. M. Healy-Rae thanked all the staff in the Environment Department and in particular, Micheál Ó Coileáin, who is one of the greatest ambassadors for the Council. He makes an impact in all the schools he visits and all young people take notice of his advice. There is a serious dumping issue in the Fairfield in Killorglin. He added that the bins in the Black Valley are being emptied by a private company but they should be emptied at more regular intervals. He concurred with the sentiments expressed by Cllr. Gleeson in relation to the 3 bins which he felt would be virtually impossible to manage and it will put a great strain on the Environment Department.

Cllr. B. Cronin said that he was a long time advocate of the 'Name and Shame Campaign' and he was very disappointed at the statement from the Department in relation to the Data Protection Act which is proving to be a hindrance on this occasion. Where there is clear cut evidence of illegal dumping, normally a fine would be issued. He asked should we be reconsidering this and looking to bring such offenders to Court so that they can be identified. He said he wanted to put it on record the tremendous work being done by the Litter Wardens, in particular, at Bawnaglanna, Currow, where the residents have also made a huge effort to keep their area clean. The level of illegal dumping there is despicable. He requested that consideration would be given to placing a CCTV Camera at this location and to let it be known that it has been installed there. It is very difficult to get evidence to ensure a successful prosecution but it must be acknowledged that excellent work is being done in co-operation with local communities.

Cllr. T. Ferris said that she could not agree with the position set out by the Department in relation to the 'Name and Shame Campaign'. It should be possible to present a report to Members on a monthly or annual basis and the names could be incorporated in the report. This report need not be published on the internet but it could be reported on in the local media. She supported the proposal by Cllr. O'Connell that a database be established of all households and how they dispose of their refuse. Cllr. O'Connell has been suggesting this for a number of years and it is time that action is taken on it. The Register of Electors contains a list of all adults in the County and with a mail merge it should be possible to write to every household asking them to provide evidence of how they dispose of their refuse. The Council could also undertake an initiative to encourage people to join the Council service by donating a certain amount of the charge paid to a local club as suggested by Cllr. Jim Finucane. She asked that a report would be presented to members at the next meeting which would indicate if this suggestion was feasible. She referred to the report and cover letter of this item which was circulated in hard copy and she PROPOSED that all reports would be forwarded to Members electronically, unless they request reports in hard copy.

Cllr. M. Healy-Rae suggested that the reports would continue to be provided to Members and those who do not wish to receive them in hard copy could advise the Meetings Administrator.

Cllr. T. Ferris said that her proposal would save money on postage, printing etc.

Mr. G. O'Brien, Meetings Administrator, said that the availability of broadband is a problem in some areas. Policy Documents are normally circulated in hard copy, however, this matter could be referred to the CPG for further consideration.

Cllr. M. Moloney said that the policy documents could be provided to Members on CD.

Mr. G. O'Brien stated that usually reports are provided to Members on CD but in July, there were a number of policy documents that were provided to members in hard copy.

Cllr. R. Beasley welcomed the report and complimented Micheál Ó Coileán and Ellen Daly of the Environment Department, who are very helpful to Members. He complimented all staff involved in street cleaning and said this is a very important service. There are major problems in some of the more isolated parts of the County where there is no refuse collection service and he asked that consideration would be given to extending the service to cover these areas. He supported the proposal by Cllr. B. O'Connell that a database of all households would be established. Dog fouling in towns and villages is a major problem and it is a health and safety issue. He asked if the law on dog fouling is being enforced and has any dog owner been fined in Kerry. The local Tidy Towns groups have done tremendous work and have been a great help to Council staff in cleaning the streets. In Ballybunion, local people are out at 4am with Council staff cleaning the streets. He acknowledged their efforts and said they are making great progress. In conclusion, he said that the onus is on fast food outlets to empty the street bins outside their premises regularly.

Cllr. D. Healy-Rae welcomed the report and said that many local communities have put in a tremendous effort to clear up their areas. This work is done on a voluntary basis and must be recognised. He acknowledged that there are problems with illegal dumping in a few isolated areas. Rubbish is being dumped on the road from Kilgarvan to Rossacruie. There are ongoing problems with littering at Bottle Banks but he felt that the people responsible may not understand that you cannot dispose of refuse at Bottle Banks. It may be helpful to provide signage at Bottle Banks in a number of different languages. In conclusion, he complimented the excellent work done by the staff in the Environment Department.

Cllr. B. Griffin asked if there is a phone number on the Bottle Banks to allow the general public to advise the Council when they are full. He accepted that resources are stretched at present but he called on the Council to do random audits of households, calling on them to prove how they dispose of their refuse. This would be a more affordable option in the current climate. The Council could give six months notice of this to allow householders to retain records.

Cllr. J. Finucane said that some of our most beautiful isolated areas are targeted by those involved in illegal dumping. Primary schools have the Green Flag structure and he understood that there was no equivalent at second or third level. There is a lot of littering following the weekends and he suggested that the Council should involve second level students in an Anti-Littering Programme. If they were given responsibility for certain areas he believed they would take ownership of it and it could improve the current situation. He added that there is a major increase in the amount of dumping at weekends. Despite numerous publicity campaigns, it is the same people

who continue to comply. A clean landscape and county is critical for our economy and in particular, those involved in the tourism sector.

Cllr. S. Fitzgerald said that he believed that progress has been made in reducing the amount of illegal dumping in the county. The number of private operators providing a refuse collection service has increased and this must be welcomed. Kerry County Council has not expanded its service. The farming community have become much more responsible in the disposal of their plastics. He asked that an initiative would be considered for those who do not have a refuse collection service, to encourage them to bring their rubbish to main roads for collection. Many of the communal refuse facilities were discontinued because a lot of rubbish was being dumped there. However, there is much more recycling now and communal rubbish bins should be considered again.

Cllr. M. Moloney complimented Mr. O.Ring and the staff in the Environment Department on the excellent work being done in this area. The onus should be on holiday home owners to provide facilities for rubbish disposal for those occupying their houses. Much of the roadside litter is thrown from cars by night. She agreed with Cllr. Finucane who said it is necessary to get second level students involved in this area.

Cllr. T. Fleming complimented Mr. O.Ring and his staff and said that the ongoing community involvement in this area is very important and they set a great example in their communities. The Spring Clean Campaign is vital and should be supported by all communities. He understood that 80% of Primary Schools are participating in the Green Schools Scheme and he hoped that this would increase to 100%. He suggested that the Department of Education should be contacted with a view to encouraging all schools to partake in this scheme. This programme should also be extended to Second and Third Level Schools.

Mr. O. Ring, Director of Environment and Water Services thanked Members for their compliments and said that the key to improvement is the ongoing involvement of community groups. It is also important that it becomes unacceptable to litter. The suggestion by Cllr. Ferris that the Environment Department would report back to Council on those found dumping illegally is being considered. An update will be presented to Council at the September Meeting and the issue of the establishment of a database will be dealt with in that report. New Regional Waste Management Bye-Laws are being introduced and there will be a briefing on them at the September Meeting. Surveillance is being provided in Milltown and once this proves to be satisfactory it will be extended to other Bring Banks and litter black spots. 80% of schools in the county are participating in the Green Flag Scheme and this is one of the highest in the Country and it is due to the efforts of Micheál Ó Coileán. The Green Flag Scheme also applies to Second Level Schools and Third Level Colleges. Some schools are participating and it is a matter for each school to decide. In conclusion he recommended that the Kerry County Council Litter Management Plan 2010-2013 be adopted.

Mr. J. Breen informed the meeting that the Housing Department has commenced a survey of local authority households regarding the disposal of their refuse. To date 50% have replied and of these, 50% of the households use the Kerry County Council service, 24% take their refuse to landfill or to a transfer station and 5% are sharing a bin. 5% have also indicated that they do not use the refuse service. It is intended that this survey will be carried out bi-annually.

Cllr. M. Moloney asked if it is possible to verify the responses given to the survey.

In response, Mr. J. Breen said that householders could be asked to produce their refuse bin.

Cllr. M. Moloney said if the Council is actively making enquiries it may have an impact on the level of illegal dumping.

Cllr. M. Gleeson PROPOSED that the Members of Kerry County Council hereby resolve to make the Kerry County Council Litter Management Plan 2010-2013 under and in accordance with the Litter Pollution Act 1997 as amended.

Cllr. J. Finucane SECONDED this proposal.

A vote was taken, which resulted as follows:-

**For:** Cllrs. Beasley, Buckley, Cahill, Cronin, Ferris, Finucane, Fitzgerald, Fleming, Gleeson, Griffin, Moloney, O'Donoghue, Leahy **(13)**

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

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

The Mayor declared the resolution CARRIED.

### **Vote of Congratulations**

Cllr. M. Gleeson PROPOSED that Kerry County Council would extend a vote of congratulations to Killarney on winning Irelands Best Kept Town recently.

### **10.07.19.08 Agreement between Kerry County Council and Limerick, Clare and Waterford County Councils in accordance with Section 85 of the Local Government Act, 2001 (Munster Bridge Rehabilitation)**

Mr. G. McNamara, Acting Director of Roads, referred Members to his report dated the 12<sup>th</sup> July, 2010 on this item which was circulated. He briefed them in detail on the report.

Cllr. J. Finucane PROPOSED that we the Members of Kerry County Council hereby resolve to make an Agreement between Kerry County Council and Limerick, Clare and Waterford County Councils for Kerry County Council to act as the lead Authority in the administration of a project known as the Munster Bridge Rehabilitation in accordance with the provision of Section 85 of the Local Government Act, 2001.

Cllr. S. Fitzgerald SECONDED this proposal.

A vote was taken on the Proposal which resulted as follows:-

**For:** Cllrs. Beasley, Buckley, Cahill, Cronin, Ferris, Finucane, Fitzgerald, Fleming, Foley, Gleeson, Griffin, D. Healy-Rae, Moloney, O'Donoghue, O'Shea, Spring, Leahy **(17)**

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

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

The Mayor declared the resolution CARRIED.

#### **10.07.19.09 Land Aggregation Scheme**

Mr. J. Breen, Director of Housing, Community & Enterprise, referred Members to his report dated the 12<sup>th</sup> July, 2010, on this item which was circulated. The Kerry County Council Housing Directorate presently has a stock of 96 acres of land at 27 locations around the County and these locations are set out in the report. Recognising that Housing Authorities have acquired lands which may not now, with the changed housing policy, be developed in the medium term (5-10 years) the DoEHLG has introduced a Land Aggregation Scheme to lessen the financial burden on Housing Authorities of servicing the financial cost of these land holdings. In the context of the Land Aggregation Scheme the Housing Directorate has examined its extensive stock of lands and the financial costs of same in light of the changed housing policy and the opportunities presented by the Land Aggregation Scheme to recoup some of the financial costs. Land holdings have been examined in the context of:

- Present housing policy
- Location of lands and the demand for social housing
- Medium term development prospects
- The availability of public funds for investment
- Changes in housing policy away from large green field developments.

If there is an outstanding Housing Finance Agency loan on the land, the Department will recoup a percentage of the purchase cost of the land and rolled up interest paid up to a maximum of seven years. The balance remaining on the outstanding loan will be required to be met by the Local Authority. Also, to ensure the optimal usage of the land 100% recoupment will apply only where the densities provided for by the Planning Authority for

the site/area in question are used. A proportionate reduced rate of recoupment will apply where authorities decide to apply lower density than are normal.

Of the 27 landholdings which Kerry County Council holds:

- Many are historic lands which do not have any financial burden pertaining to them.
- 18 parcels of land have outstanding loans attached to them, and
- the total loans (including rolled up interest) outstanding at the 31<sup>st</sup> December, 2009 in respect of these lands was €20.099 million.

Mr. Breen said an extensive survey of these lands was carried out taking cognisance of:

- good governance practice particularly as it pertains to the short/medium term sustainability of financing the land purchase loans outstanding in the current and foreseeable difficult economic climate,
- the location of the land parcels.
- the availability of infrastructural and community services,
- the strategic merit in retaining the lands as against the opportunity of including same in the Land Aggregation Scheme and recovering all outstanding costs,
- the availability of public funds for development of housing schemes, and
- the need to ensure that the availability of resources for other services, which must be provided by Kerry County Council are not severely prejudiced.

Following detailed consideration it was decided based on the criteria outlined previously, to recommend to Council that the following lands would be put forward to the DoEHLG for inclusion in the Land Aggregation Scheme.

<b>Location</b>	<b>Area (acres)</b>
Listowel, Castle Inch	9.64
Dingle, Ballybeg	10.6
Waterville	3.85
Sneem (portion of)	2.0
<b>TOTAL</b>	<b>26.09</b>

The loan charges (principal and interest) on a loan of €20.099m, repayable over a 25 year period is estimated at €1.212m at expected averaged interest rates over the period. It is the firm view of the Head of Finance that such a sizeable loan imposition could not be funded from our revenue budget without a very significant adverse effect on the Council's core services, given the foreseeable, other financial requirements likely to arise in the short-medium term. The transfer of the 4 parcels of land recommended for inclusion in the Land Aggregation Scheme would reduce the outstanding borrowings by approx. €12.048m, leaving a nett borrowing requirement of €8.051m to be assumed by the Council over the next 1-3 years. The loan charges (principal and interest) on that level of borrowings, repayable over a 25 year period, is



estimated at €0.485m at expected averaged interest rates over the period. The Head of Finance is of the view that, allowing for the strategic need for having some housing lands available at key locations, the Council could finance that level of borrowings with some re-prioritisation of our existing revenue budget.

The Council would still retain over 70 acres of land which is spatially dispersed throughout the County. This constitutes a major land bank which remains available to the Council for future development in strategic locations around the County.

Cllr. J. Finucane asked will the land be transferred to NAMA.

In response, Mr. J. Breen said that the Department have indicated that it would go to a Central Body.

Cllr. J. Finucane said that it is likely that it will be transferred to NAMA and possibly disposed of in approximately 7 years. If it is disposed of at a profit, will the Council then benefit.

Mr. J. Breen said the land holding will be transferred under the Land Aggregation Scheme but it may become available to the Council in the future.

Cllr. T. Ferris said that when this item was considered at Tralee Town Council, initially it appeared to be an attractive option. However, there was concern that the land 'may' continue to be available for social housing if housing projects are advanced by authorities under the Social Housing Investment Programme. Deputy Ferris sought reassurances on this matter to ensure that local authorities would get first option on the land. She believed this a further step towards removing social housing from local authorities. Members of Tralee Town Council have been informed that the Council does not have sufficient funds to service these loans however, the report presented to the Members of Kerry County Council is more positive. She would be prepared to take her lead from the local Councillors who would be impacted by the disposal of these lands. However, she would object to the State getting out of the business of providing social housing. She also objected to the Long Term Leasing Scheme.

Cllr. M. Gleeson expressed concern at the possibility of the Council disposing of land to a vague body. In the past, he expressed his views on the proposed Leasing Scheme which he felt would fail. He said this Scheme was a further diminution of local authority powers. If a centralised body is established to deal with social housing, the waiting lists will become endless. He called on the County Manager to assure Members on the involvement of the Council in the long term in the provision of social housing. Given the length of the current housing waiting list, he was reluctant to agree to dispose of any land without clarity from the Department on how the needs of those on the housing waiting lists will be met.

Cllr. N. Foley said that this issue was also discussed at a meeting of Tralee Town Council and a realistic account of the finances of the Council was provided to members. There are four parcels of land proposed to be included in the Land Aggregation Scheme and these will remove a financial burden from the Council. She asked that the Department would be requested to give a commitment that local authorities would have first option on these lands if they are to be disposed of in the future. She asked that this request would be forwarded to the Department for consideration.

Cllr. B. Cronin said that if Members support what is proposed in the report, it will reduce the financial burden on the Council. However, there is a lack of clarity as to where the land will be transferred to and who will have access to it. However, if 25 acres of land is transferred under the Land Aggregation Scheme, it will send out the wrong message to housing applicants and the future will look bleak for them. He stated that in the past the Council had a large land bank in Farranfore and he asked for an update on how much land is remaining there. He also asked if the Council owns any land in Currow.

Mr. J. O'Connor, Deputy County Manager, said that there is a feeling that the Council is surrendering land and the reduction in the resulting loan values will create a saving for Kerry County Council. The way housing land was funded in the past is that the interest due on the loan was rolled over for 7 years. The report points out that once that 7 year period comes to an end, the loan must be changed to a term loan at which time, charges and interest then become payable. In the next few years, a number of loans for housing land become due. If we do not surrender any land, we will be liable for loan charges of €1.2m per annum. If land is surrendered, as suggested in the report, these charges will reduce to €0.5m. The land bank owned by Kerry County Council in Farranfore is one of the parcels of land that is free of financial burden.

Cllr. D. Healy-Rae expressed concern at the proposed disposal of land under the Land Aggregation Scheme. One of the core services of a local authority is to provide social housing and if land is disposed of in the four locations mentioned in the report, including Sneem, it could impact on the housing programme in time to come. He expressed his gratitude to Kerry County Council for providing housing in Sneem in the past but added that there is ongoing demand for housing there. He asked if the land is disposed of, how social housing needs would be met in the future. He pointed out that the Council does not own land in Gneeveguilla and there is only a small amount of housing land remaining in Barraduff. He believed that Members would be shirking their responsibility to the electorate they represent if they agree to this proposal.

Cllr. M. O'Shea asked what other land does the Council own in Dingle. Much of the 96 acres owned by the Council was purchased at the high end of the market. He asked if the Council would have an option to buy back this land in the future. If that was a possibility he would be in favour of handing all Council land back under this Scheme and to buy it back in the future at a lower cost.

Cllr. M. Moloney said that it appears that the Council is proposing to dispose of all its land in Listowel, Dingle and Waterville. There is a conflict between whether we can afford this land and the need to provide social housing. She asked if the Council owns any other land in Listowel, Dingle or Waterville.

Cllr. M. Healy-Rae said he had serious reservations about the disposal of land under this Scheme. He asked how many people are on the housing waiting list in Dingle, Waterville and Sneem. There are a lot of single men on the housing waiting list in Dingle and they must be catered for. He said that on balance he could not support the disposal of this land.

Cllr. N. Foley asked if the Council would make an application under the Land Aggregation Scheme to have this land taken over but the application could be rejected.

Cllr. T. Fleming requested clarification on the financial implications for the Council if this land is not submitted under the Land Aggregation Scheme.

Mr. J. Breen then displayed a map, which showed the dispersal of land owned by the Council throughout the county. He added that the Council still owns land at Parkmore, Currow but this cannot be developed until a Sewerage Scheme is provided. If Members agree to the recommendations in the report, an application will be submitted to the Department to have this land included in the Land Aggregation Scheme.

Cllr. R. Beasley said that there are four land parcels mentioned in the report. However, there should be a separate vote on each land parcel as different circumstances apply in each area. The land in Listowel was purchased at peak prices and it is land locked. He asked why it was purchased, by whom and how much did it cost. He PROPOSED that an individual vote would be taken on each of the land parcels in Listowel, Dingle, Waterville and Sneem.

Cllr. S. Fitzgerald **SECONDED** this proposal.

Cllr. M. Cahill said that he believed this is a very beneficial scheme for local authorities as it is unlikely that any local authority housing scheme will be constructed for at least 6 or 7 years. All indications are that social housing will be provided either through the Leasing Scheme or through the purchase of housing for the foreseeable future. Many of the locations mentioned in the report do not have sewerage schemes and funding for the provision of sewerage scheme will be very limited. He said that he believed the disposal of land as recommended in the report under the Land Aggregation Scheme is the appropriate course of action at this time.

Cllr. P. O'Donoghue said that this is a very serious issue. One of the most important services provided by local authorities is the provision of social housing. He said he was in favour of the acquisition of land for this purpose. There are many single men in bedsits who are depressed and in urgent need of social housing. Currently, the Council owns 96 acres of land and it is proposed to dispose of 26 acres but it is unclear to whom the land is being

transferred. If 3.85 acres in Waterville is transferred under this Scheme there will be no further land in Waterville. If the 2 acres in Sneem is transferred, then just 1.1 acres will remain. He said he could not vote in favour of this Scheme as it will not offer any hope to the people of these areas who are waiting for social housing. If central government want to assist local authorities they can do it in other ways. Their first option is to buy back the land, but he felt this was a step in the wrong direction. He accepted that under current policy local authority housing is not being constructed but that could change over the next few years. In conclusion, he said he could not support this proposal.

Cllr. J. Finucane said that there are a number of key issues that need clarification in relation to this Scheme. If the land is to revert to NAMA, the Government should clearly state that. If this is the case it is another instance where the tax payer is subsidising private development. The Government recently sought applications under the proposed Leasing Scheme and this was not successful as a tenant must have a right to purchase. Unless that Scheme is amended, it will not be successful. Local authorities acquired land but this is not the time to dispose of land which was intended for social housing in many of smaller towns and villages. This is just an application but the Department will have the ultimate decision on whether the land is accepted or not. He said that he had no confidence in the State to make the right decision in this instance.

Cllr. B. Griffin said that this Scheme is premature and it is closing down options for the future. He suggested that the Council should wait and see if better options become available. Acquiring land with a view to constructing social housing in the future is the best means of addressing the housing waiting list and he believed it was premature to release any land under this Scheme.

Cllr. S. Fitzgerald supported the disposal of land in Dingle as outlined in the report. This land is up the Conor Pass Road and is not zoned. He could not see how planning permission would be granted on the land. He believed that this was an excellent opportunity to dispose of that particular site. The Council could then acquire land closer to the Town.

Cllr. P. Connor-Scarteen supported Cllr. Beasley's suggestion that there would be an individual vote on each portion of land. There is a lot of uncertainty regarding the proposed Leasing Scheme as there needs to be an option to purchase included on it. He expressed concern that if land is disposed of in Waterville and Sneem there will only just 1.8 acres remaining in Sneem.

Cllr. A. J. Spring said that the Land Aggregation Scheme suggests that the Government is reneging on its obligation to ensure that social housing is provided. Either the Council or the tax payer will have to pay for this Scheme. As Chair of the Housing SPC, it was agreed that a letter would be sent to the Minister regarding the proposed Leasing Scheme, requesting that an option to purchase would be included in the Scheme. The Minister suggested that the

autonomy rested with the Council on this issue. Cllr. Spring suggested that it would be more appropriate to retain this land and to transfer the loan to the Government. At present, the housing waiting list is increasing rapidly and for this reason he was totally opposed to the Land Aggregation Scheme.

Cllr. P.J. Donovan agreed with Cllr. Beasley's proposal that a separate vote would be taken on each portion of land. In the past local authority housing could not be constructed in Waterville as there was no sewerage scheme there. Now a sewerage scheme has been provided and it is proposed to dispose of the land. He said he could not agree to this.

Cllr. M. Healy-Rae referred to the land in Waterville mentioned in the report and asked if this is the land for the Treatment Plant.

Cllr. R. Beasley pointed out that the land proposed to be disposed of in Listowel and Dingle makes up 80% of the land mentioned and there is broad agreement that these lands should be put forward under this Scheme.

Cllr. T. Ferris said that Minister Finneran was asked to make a statement on this Scheme and he said that the land may continue to be available to local authorities. However, it may not be up to the local authority to decide if the land is suitable for social housing.

Cllr. J. Finucane requested clarification on the Rental Purchase Scheme.

Mr. M. McMahon, Director of Planning, said that Minister Finneran was in Tralee on Friday last. There now appears to be much more flexibility in relation to the proposed Leasing Scheme. It is now possible to have a leasing proposal for just one house and it is open to the local authority to submit proposals for leasing and purchase. However, if a commitment is given by the local authority to purchase a house in 15 years time the Department must also give a commitment that they will fund the purchase of these houses.

Cllr. J. Finucane said he understood that the purchase price would be built into the leasing price and this would be welcomed.

Cllr. M. Gleeson said that this would be welcome but there is a need for clarity. In reality, no one knows what will happen in two years time. There could be a new Government and policies could change. There is no clarity in relation to Capital Funding.

Cllr. N. Foley asked if it would be possible to get clarification in writing from the Department on the proposed Leasing Scheme and the option to purchase.

In response, Mr. J. Breen said that this can be requested. In Kerry, it is likely that just one or two houses in an estate would be acquired under the Scheme.

Mr. J. O'Connor, Deputy County Manager, said that in bringing this recommendation to Council, very detailed consideration was given to it, having regard to the needs and what we can afford. If the Council decides to

retain all the lands and to fund the loan charges of €1.2m it will have severe consequences for our services. The proposal before the Members is that a substantial number of the sites across the county will be retained. However, if Council agree to put forward the land in Listowel and Dingle under this Scheme, a substantial burden of loan would move with it and that would be welcome. In view of the concerns expressed during the debate from a strategic and financial point of view, he would be satisfied to include lands at Listowel, Castleinch and Dingle, Ballybeg under this Scheme. This Scheme offers the opportunity to recover the cost of these lands.

Cllr. R. Beasley asked what the cost of the land at Listowel was.

Mr. J. O'Connor, Deputy County Manager, said that it was €7.8m including the rolled up interest.

Mr. G. O'Brien, Meetings Administrator, said that there is a total of 9.6 acres between Listowel and Dingle and if it is the wishes of the Members they could approve the inclusion of this land in the Land Aggregation Scheme.

Cllr. R. Beasley PROPOSED that the Council would approve the inclusion of a total of 9.6 acres of land at Castleinch, Listowel and Ballybeg, Dingle in the Land Aggregation Scheme.

Cllr. S. Fitzgerald SECONDED this proposal.

A vote was taken on the Proposal which resulted as follows:-

**For:** Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Donovan, Ferris, Finucane, Fitzgerald, Foley, Gleeson, Griffin, McEllistrim, Moloney, O'Shea, Spring, Leahy **(16)**

**Against:** Cllrs. M. Healy-Rae, O'Donoghue **(2)**

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

The Mayor declared the resolution CARRIED.

#### **10.07.19.10 Report on the Housing (Miscellaneous) Provisions Act 2009**

Mr. J. Breen, Director of Housing, Community and Enterprise, referred Members to his report dated the 13<sup>th</sup> July, 2010 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson, it was unanimously agreed to note the report on the Housing (Miscellaneous) Provisions Act, 2009.

**10.07.19.11                      Ratification of the Oireachtas members to the Kerry County Council Joint Policing Committee**

Mr. J. Breen, Director of Housing, Community and Enterprise, referred Members to his report dated the 13<sup>th</sup> July, 2010 on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed to ratify the Oireachtas members to the Kerry County Council Joint Policing Committee.

**10.07.19.12                      Report on the Operations and Activities of North and East Kerry Development Company**

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

**10.07.19.13                      Update on Kenmare Water Abstraction**

Mr. O. Ring referred Members to his report dated the 14<sup>th</sup> July, 2010 together with the Habitats Directive Assessment Screening Report on this item which was circulated. Mr. Ring then read his report into the record of the meeting.

"This update is provided as a follow-up to the report presented to the June meeting of Council regarding the advancement of the Lakes Options to provide a supplementary source of water for Kenmare.

The June report explained that an Appropriate Assessment (AA) procedure is now required where a development, such as a water abstraction, is proposed for a location which is in or close to a Natura 2000 site.

Stage 1 of the procedure is termed Screening for AA. Its purpose is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone or in combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site's conservation objectives.

**Stage 1 AA Screening Outcome**

As requested by the Council, arrangements were made to carry out a Stage 1 Screening process on the three lakes in the Lakes Options. This work has now been completed by a qualified member of the Planning Section and the Screening Reports are attached. The conclusions of the reports are:

- (a) in the case of the Clonee Lakes that
  - "it is considered that significant impacts on the Clonee & Inchiquin Loughs, Uragh Wood SAC and on the Kenmare River SAC cannot be ruled out. Therefore a Habitats Directive Assessment – Stage 2

(Natura Impact Statement / Appropriate Assessment) is required in order to determine the level of significance of the potential impacts.”

(b) in the case of the Barfinnihy Lake that

“it is considered that significant impacts on the Killarney National Park, Macgillycuddy's Reeks & Caragh River Catchment SAC cannot be ruled out. Therefore a Habitats Directive Assessment – Stage 2 (Natura Impact Statement / Appropriate Assessment) is required in order to determine the level of significance of the potential impacts.”

(c) in the case of the Gullaba Lake that

“it is considered that significant impacts on the Glanlough Woods SAC cannot be ruled out. Therefore a Habitats Directive Assessment – Stage 2 (Natura Impact Statement / Appropriate Assessment) is required in order to determine the level of significance of the potential impacts.”

The next step would be to send the Screening Reports to the Development Applications Unit (DAU) of the Department of Environment, Heritage and Local Government (DEHLG) for formal consultation. This process can have one of the following outcomes:

1. Appropriate Assessment (AA) is not required
2. No potential for significant effects/ AA is not required
3. Significant effects are certain, likely or uncertain - the plan or project must either proceed to Stage 2 (AA), or be rejected.

#### **Natura Impact Statement/ Stage 2 AA**

Assuming that the DAU formally concur that “Significant effects are certain, likely or uncertain” and that the project would not be rejected, the next step would be to prepare Natura Impact Statements (NIS) for the three lake options.

A Natura Impact Statement is a detailed Report containing data and information on the project and on the site and an analysis of potential effects on the site. Ecological, botanical, aquatic and hydrological experts may have to be retained to carry out primary research / studies and prepare the Report.

The NIS is sent to the Competent Authority (An Bord Pleanála, in this case) which carries out the AA on the basis of the Statement and any other necessary information.



The cost of the studies and the preparation of the Natura Impact Statements would be in the order of approximately €110,000 for the three sites. The time involved in pursuing this process would require the following estimated minimum time:

1. DAU Adjudication on Screening Report for Appropriate Assessment	1 to 2 months
2. Natura Impact Statement	7 months
3. Appropriate Assessment Determination	<u>6 months</u>
<b>Total Minimum</b>	<b>14 months</b>

This timeframe is based on straightforward and acceptable results with no further information or baseline studies required other than those set out above. It also depends on whether seasonal dependent species are involved, in which case surveys could be required at specific times of the year, thus potentially extending this timeframe.

#### **Abstraction Order/ Environmental Impact Statement**

It might be that the Appropriate Assessment (AA) would reject one or more of the lakes options on the grounds of being too damaging to, or of significant impact to, Natura 2000 designation objectives in a situation where non-impact sites, i.e. Sheen River and Roughty River, are available.

On the other hand, it might be that the AA process would find, for one or more lakes, that the impacts were not significant enough to result in rejection of the proposal(s). In this case, a judgement would be made by KCC on which lake option should proceed, assuming there was a choice. A Water Abstraction Order Proposal for the selected source would be necessary.

An Environmental Impact Statement (EIS) might also be required for the development but this would require adjudication by An Bord Pleanála (ABP). If it were, it would be prudent to have the EIS carried out as part of the preparation for the Abstraction Proposal. (An EIS for any site would probably cost over €100,000 to prepare.)

The Water Abstraction Order Proposal would be put before the Council for adoption and then published for public submissions. In the (likely) event of an objection to the Proposal, it would be necessary to apply to An Bord Pleanála for decision on the Abstraction Order.

If ABP confirmed the Abstraction Order, and if ABP determined that the development required an EIS, it would be necessary to apply to ABP under the Strategic Infrastructure Act (SIA) for “planning permission” for the abstraction works. An SIA application means an application fee of €100,000 to ABP.

#### **Timescales/ Costs**

The timescale for EIS/ SIA is estimated to take at least 18 months at an additional cost of over €200,000.

The timescale for an Abstraction Order would be a minimum of 4 months with at least a further 6 months for determination by ABP.

The time required to prepare and get approval of new Contract Documents, go to tender and award a contract would be in the order of 2½ years.

In summary, proceeding with AA/ EIS/ Abstraction Order/ SIA process would cost over €300,000 and 3 years, at a minimum, with no guarantee of success. The AA/EIS / Water Abstraction/ 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 could commence.

### **Conclusions**

The management of Kerry County Council have concerns about pursuing any of the lakes options on the following grounds:

- There is a serious risk that An Bord Pleanála would not approve any of the lakes proposals on the basis that viable options exist which are unlikely to impact on Natura 2000 sites i.e. Sheen River and Roughty River
- The Habitats Directive allows consideration of proposals which might be harmful to Natura 2000 sites, within the context of *"imperative reasons of overriding public interest"* (IROPI). As part of IROPI, compensatory measures / habitat would have to be provided elsewhere so as to protect the overall coherence of the Natura 2000 network. DEHLG guidance is *"every effort should be made to avoid recourse to IROPI, as this is a legally difficult, expensive, lengthy and complex process, with no guarantee of a successful outcome and with a serious risk of legal challenges."*
- IROPI cannot be availed of where alternative solutions which would not be harmful to Natura 2000 Sites exist.
- Pursuing the lake options would delay the delivery of this scheme by at least 4 years during which time Kenmare town
  - would have an inadequate/ unreliable supply to meet demands in a dry period and
  - would be at serious risk of having a sub-standard quality of supply.
  - Note that these issues could have serious consequences for tourism and the commercial life of the town. The potential for further planning permissions is currently very seriously constrained.
- The EPA requires the Water Authority to provide a barrier water treatment system, either permanent or temporary, as soon as possible for Kenmare, to protect against *Cryptosporidium*. Kerry County Council

could be liable to carry the cost of this if the supplementary supply is not secured.

- The Department of the Environment are refusing to provide funding for the proposed water treatment plant 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.

It should be noted that Part 8 Planning for the Sheen River option is already in place and a Water Abstraction Proposal could be with ABP for determination within 3 months of adoption by the Council.”

During the course of his report, Mr. Ring displayed maps indicating the Natura Site and Clonee Lakes. He also displayed photographs of the Natura Site in the National Park and photographs of the lakes. Maps and photographs were also displayed of Gullaba Lake. Mr. Ring pointed out that there are two options available which are not contained in Natura Sites and these are the Roughty River and the River Sheen. The advice he is getting is that if there a non Natura route available, An Bord Pleanála will reject any proposal for a site within a Natura area. In relation to IROPI, he pointed out that even if everything went according to plan there would be difficulties with this process. If the lakes were not in a Natura Site, an EIS would still be required and An Bord Pleanála would have to take the final decision. It is possible to pursue the Water Abstraction Proposal for the lakes together with an EIS and if there are any objections the Proposal must be submitted to An Bord Pleanála for decision. Regardless of what option is taken, the Proposal will end up with An Bord Pleanála who will ultimately decide. If an Appropriate Assessment has to be carried out it is a very complex process and it is only in the current year that arising from guidance documents received that the implications of an Appropriate Assessment are becoming apparent.

Cllr. B. Cronin said that Mr. Ring outlined the detail and complexity of the process in trying to accommodate councillor's wishes to consider the lake options. The Environment SPC undertook a lot of work on this issue but it was rejected by Council and he believed that was an error. The impression given at that meeting was that it was not a problem as there was plenty of water in the lakes. The Habitats Directive Assessment Screening Report circulated is very detailed and covers Flora, Fauna etc. He accepted that Dr. Skilling had put a lot of work into researching the lakes option but he pointed out the one must also be realistic. He asked how Members wanted to proceed. He pointed out that Dublin City Council is proposing to take water from the River Shannon for Dublin. He acknowledged that the democratic vote must be respected however, based on the report that was presented to Members when the vote was taken, and the information now before Members, they should admit that a mistake was made in rejecting the proposal to abstract water from the River Sheen. He asked is it likely that Minister Gormley would give consent to the abstraction of water from the lakes. He called on Members to be realistic and not to let the people of Kenmare without water. He referred to the final page of Mr. Ring's report which states "The Department of the Environment are refusing to provide funding for the proposed water treatment plant 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.”

Cllr. D. Healy-Rae expressed his disappointment with the report. Raw sewerage was flowing into the Roughty River at the weekend due to the heavy rainfall and it is unfair to suggest that the Roughty River could be used as a water source for Kenmare. Members did not make a mistake in rejecting the River Sheen as a possible water source for Kenmare. He knew there was plenty of water in the lakes and there was no mention of utilising Carrig Lake to its maximum. The water from this lake is piped from approx. 1.5 miles down from the lake and if it was piped all the way up to the lake there would be adequate capacity to cater for the needs of the town. Also, if the size of the water pipe from Kilgarvan to Kenmare was increased it could be used to supplement the water supply for Kenmare.

Mr. J. O'Connor, Deputy County Manager, said that the Executive led by the County Manager and the Director of Water Services put enormous effort into identifying a supplementary water source for Kenmare. Neither the Executive nor the Elected Council can overlook the law of the land. There is an obligation on the Executive to inform the Elected Council of the consequences of their decisions. A lot of work has been put into this by Management in an effort to bring it to a satisfactory conclusion, as a supplementary water supply for Kenmare is very important, in particular, from a tourism point of view.

### **Suspension of Standing Orders**

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

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Healy-Rae, it was agreed to suspend Standing Orders to allow the meeting to continue.

### **10.07.19.13 Update on Kenmare Water Abstraction (Cont'd)**

Cllr. M. Healy-Rae expressed his disappointment with the way the report was presented. There are 13 photographs in the Screening Report yet there are no photographs of the fish in the Sheen River. He believed that the lakes option is a lot simpler than Management believe. He could not understand Managements total fixation on the Sheen River. There was a strong campaign against the Sheen River and this made Management even more entrenched in their position. Even during the very fine weather in June, one of the lakes, where the dam was constructed the water levels fell to normal levels and Management may have been disappointed that there was plenty of water in the taps in Kenmare. There is also plenty of water in Coomcrohane Lake. He added that he was very perplexed at Managements stance on this issue. The day the vote was taken on the Sheen River and defeated, Management were incensed at this defeat. He called on Management to abandon the idea of using the Sheen River as a supplementary source for Kenmare water supply. He suggested that a larger pipe should be brought down from Coomcrohane Lake.

Cllr. P. Connor-Scarteen said that regardless of which option is taken, there are many hurdles to be overcome and in the interim existing sources should be used to their capacity. Even during the recent dry spell, there was plenty of water in Kenmare. The Habitats Directive Assessment Screening Report is

a very complex document. He pointed out that there is overwhelming opposition to the Sheen River as a source option in Kenmare. Management should be considering Carrig and Cloon Lakes as possible water sources.

Cllr. J. Finucane stated that Management had outlined the process to be undertaken and either way, An Bord Pleanála will ultimately decide.

Mr. O. Ring said that if an Appropriate Assessment is undertaken, it will cost €200,000 and it will then be up to An Bord Pleanála to accept or reject it. The report presented did not deal with water quantities as a previous report indicated there was an inadequate water supply in Carrig Lake. The reason that the water is not piped all the way up to the lake is to benefit from as much of the catchment as possible. Dr. Skilling's report indicated that a supplementary source is required as did all other reports. His report also stated that water could be sourced from the lakes. The lakes option has been considered by Management but it is not possible to extract water from the lakes or to pipe water directly from the lake without carrying out an Appropriate Assessment. He again pointed out that Natura Sites are involved in all lake options. So far, only the Habitats Directive Screening Report has been carried out as the Appropriate Assessment Report will cost hundreds of thousands of euro and it will then have to be referred to An Bord Pleanála.

Cllr. J. Finucane asked if the two options open to the Council are: (1) do nothing and (2) carry out an Appropriate Assessment at a cost of €200,000 which will take some time to complete.

In response, Mr. O. Ring said that an Appropriate Assessment would take 14 months to complete if everything went according to plan. He asked Members if they wanted the report presented to Council to be referred to the DAU to establish if an Appropriate Assessment is required. If this is required, a Natura Impact Assessment will also be prepared together with a number of other reports which will be referred to An Bord Pleanála for consideration.

Cllr. J. Finucane said it is now a matter for Members to decide if they want to carry out a full Appropriate Assessment at a cost of €200,000.

Mr. O. Ring said that it will take 14 months at a minimum to prepare. If Management are wrong about the Sheen River, permission will not be granted by An Bord Pleanála. In fact, it is likely that An Bord Pleanála would grant an Oral Hearing and if they consider there would be detrimental effects from the Sheen River Abstraction they would not grant permission to the Council for it.

Cllr. P. O'Donoghue asked what would be the time frame for this process.

Mr. O. Ring said that it would take 3 months after the Abstraction Proposal is published. If the Water Abstraction Proposal was adopted, it would be published immediately. If there is just one objection, it must be referred to An Bord Pleanála. However, he could not predict how long it would take An Bord Pleanála to make a decision. If the Bonane Residents or the Fisheries Board are correct, An Bord Pleanála will not grant permission.

Cllr. J. Finucane asked Mr. Ring if he was in favour of carrying out the Appropriate Assessment.

Mr. Ring stated that he was not as he feels it would not be successful. He wanted to provide a safe water supply for Kenmare. At present he is at risk of being prosecuted for not providing a safe water supply for Kenmare.

Cllr. B. Cronin said that this process is getting more and more complicated. He asked Mr. Ring if the Appropriate Assessment is sent to the DAU will it result in a cost to the Council.

Mr. Ring confirmed that it would not involve any cost to the Council.

Cllr. B. Cronin asked what the likely outcome was.

Mr. Ring said the DAU would probably indicate that an Appropriate Assessment is required. If it is the wishes of the Members, the report can be sent to the DAU for an opinion.

Cllr. B. Cronin PROPOSED that the report would be sent to the DAU. He said that while all Members are anxious to ensure that Kenmare has an adequate water supply he is guided by the law of the land and the history of Kerry County Council in providing water throughout the county.

Cllr. S. Fitzgerald SECONDED this proposal.

Cllr. P. O'Donoghue asked Mr. Ring how long it would take to pursue the Sheen River option.

In response, Mr. Ring said between 1 and 1.5 years.

Cllr. O'Donoghue asked what the cost of the Sheen River option was versus the Lakes option.

Mr. Ring said the difference in cost would be a few hundred thousand euro.

Mr. J. O'Connor, Deputy County Manager, pointed out that this difference would have to be funded from own resources.

Mr. O. Ring said that pending the provision of a supplementary water source, it may be necessary to provide a temporary Treatment Plant in an effort to satisfy the EPA and to avoid prosecution. This would cost between €500,000 and €1m. He pointed out that while the Council is not on formal notice of prosecution it is on informal notice. If the present water supply for Kenmare is polluted with Cryptosporidium there is no alternative source available at present and this is a cause for serious concern.

Cllr. J. Finucane said that his priority is to provide an adequate water supply for Kenmare and he was anxious to ensure that Members made the correct decision. He believed that it is necessary to come back to Council with clear options before any further monies are expended.

Mr. O. Ring pointed out that the only benefit of sending the report to the DAU is to get official confirmation that a Natura Impact Assessment is required.

Mr. J. O'Connor, Deputy County Manager, informed the meeting that an update report would be brought to the September Council Meeting. He asked if Members were asking at the same time that the Sheen River option would be advanced.

Cllr. P. O'Donoghue pointed out that this does not prejudice the other option.

Mr. O. Ring said that if Members want to advance the Sheen River option it means bringing a Water Abstraction Proposal before Council again.

Cllr. M. Healy-Rae said that a democratic decision was taken on this option and Council must abide by it. This cannot be considered again. At that time, Members took a decision in the knowledge of all the facts.

Cllr. B. Cronin pointed out that Members did not have the report being considered at that meeting when the decision was taken.

Cllr. M. Healy-Rae PROPOSED that the Sheen River would not be further considered.

Cllr. B. Cronin PROPOSED that all options would be considered.

Cllr. P. O'Donoghue SECONDED this proposal.

Mr. J. O'Connor, Deputy County Manager, protested at the interpretation by Cllr. M. Healy-Rae of the report presented. There was no proposal to change Councils minds in presenting this report. Management were only indicating to Members the formal procedure that had to be followed to ensure that decisions taken on ongoing developments are taken in the light of the cost and timeframe involved.

Mr. O. Ring stated that Management were following Councillors wishes in preparing the Screening Report.

Cllr. B. Cronin PROPOSED that the Screening Report would be sent to the DAU for their assessment and consideration. He also PROPOSED that a further update report would be brought to the September Council Meeting on all the options open to Members.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. S. Fitzgerald, that we the Members of Kerry County Council hereby resolve to take the next step in sending the Screening Report to the DAU to get their assessment for further consideration and to bring back a further updated report to the September Meeting of Council on the options open to Members.

A vote was taken on this PROPOSAL which resulted as follows:-

**For:** Cllrs. Beasley, Buckley, Cahill, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Griffin, McEllistrim, O'Donoghue, Leahy  
**(12)**

**Against:** Cllrs. Connor-Scarteen, D. Healy-Rae, M. Healy-Rae, Sheahan  
**(4)**

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

The Mayor declared the resolution CARRIED.

### **Vote of Congratulations**

Cllr. T. Ferris PROPOSED a vote of congratulations to the Kerry Hurling Team who were beaten in the final of the 2010 Christy Ring Cup despite putting up a tremendous performance against Westmeath. She requested that the CPG would approve the hosting of a Civic Reception to honour this marvellous achievement.

Mr. G. O'Brien, Meetings Administrator, informed Cllr. Ferris that in accordance with adopted procedures, it would be necessary for her to submit a letter to this effect for consideration by the CPG.

The meeting then adjourned for lunch at 2.05pm.

The meeting reconvened at 2.45pm.

#### **10.07.19.14 Waste Management Update**

Mr. O. Ring referred members to his report dated 13<sup>th</sup> July, 2010 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. S. Fitzgerald, it was agreed to note the update report on Waste Management.

#### **10.07.19.15 Dates for Meetings**

(a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. P. O'Donoghue, it was unanimously agreed that the September Ordinary Meeting would be held on Monday 13<sup>th</sup> September, 2010.

(b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Moloney, it was agreed that the next round of Electoral Area Meetings would be held as follows:-

<b>Area</b>	<b>Date</b>	<b>Venue</b>	<b>Time</b>
Killarney	Wed 8 <sup>th</sup> Sept.	Castleisland Library	10.00am
An Daingean	Wed 15 <sup>th</sup> Sept.	An Clochán Breanainn,	10.30am
Tralee	Mon 20 <sup>th</sup> Sept	Council Chambers	10.40am
Listowel	Mon 27 <sup>th</sup> Sept.	Áras an Píarsaigh, Listowel,	10.00am
Killorglin	Fri 1 <sup>st</sup> Oct	Caherciveen	10.30am

#### **10.07.19.16 Summary of Proceedings at Conferences**

##### **(a) Wind and Solar Energy Conference – 25<sup>th</sup> - 27<sup>th</sup> June, 2010**

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

##### **(b) Defamation Seminar for Councillors – 28<sup>th</sup> & 29<sup>th</sup> May, 2010**

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



**10.07.19.17 Reception of Deputations**

- (a) Cllr. P. Connor-Scarteen requested that a Deputation would be received from Casual Traders regarding casual trading issues in Kenmare.

It was agreed that this Deputation would be received at the next Killorglin Electoral Area Meeting.

- (b) Cllr. L. Purtill requested that a Deputation would be received from the residents of Kilcolman and Craughdarrig, Asdee regarding emissions from the Sea Weed Plant at Kilcolman.

It was agreed that this Deputation would be received at the next Listowel Electoral Area Meeting.

- (c) Cllr. T. Buckley requested that a Deputation be received from the residents of Lack Road and Ballygreennan Road, Listowel regarding the condition of the roads.

It was agreed that this Deputation would be received at the next Listowel Electoral Area Meeting.

**10.07.19.18 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Moloney, it was agreed to approve the opening of tenders for the Supply and Delivery of moveable waste containers (Caddies and wheeled bins) – Closing date Wednesday 4<sup>th</sup> August, 2010 at 4pm.
- (b) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. J. Finucane, it was agreed to approve the opening of tenders for the N22 Tralee Bypass Tralee to Bealagrellagh Road Improvement Scheme – Engagement of Construction Consultants for Phases 5, 6 and 7 – Closing date Tuesday 3<sup>rd</sup> August, 2010 at 12 noon.
- (c) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to approve the opening of tenders for the N86 Tralee to An Daingean Road Improvement Scheme – Preliminary Ground Investigation Contract – Closing date Friday 23<sup>rd</sup> July, 2010 at 4pm.
- (d) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Mayor P. Leahy, it was agreed to approve the opening of tenders for the N86 Tralee to An Daingean Road Improvement Scheme – Structures Consultant – Closing date Friday 20<sup>th</sup> August, 2010 at 4pm.
- (e) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Moloney, it was agreed to approve the opening of any tenders that may arise up to the September Council Meeting.

**10.07.19.19 Notices of Motion**

**1. Traffic Management Measures on Bridges**

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

“That the Council would endeavour to introduce appropriate traffic management measures to try and ensure that the bridges on our County roads do not totally disintegrate and thus cause community isolation.”

**The following report issued:-**

It is very difficult to introduce a traffic management measure, such as load restrictions on bridges around the County without going through a thorough examination of issues such as the structural capacity of the bridge, alternative access routes for road users and implications for local landowners and commercial activities in the area. A Statutory Consultation process would have to be carried out as well as consultation with the Garda Commissioner. Any proposal to restrict or control traffic in such a manner is a reserved function of the Council, having considered submissions received through the statutory consultation process. In general, the majority of the bridge structures in the County are masonry arch bridges, which if maintained, have more than adequate load carrying capacity for modern day traffic including heavy goods vehicles. There are 278 bridges on the Regional Road Network. An allocation of €150,000 is set aside from our Discretionary Maintenance Grant for the day to day maintenance of these structures. There are approximately 2,500 bridges on our Local Road Network. An allocation of €150,000 has been set aside in our budget for the maintenance of these structures. This money comes from the Local Authority's own resources. Where as it would be desirable to have greater resources to maintain all of these structures, inspections and necessary repairs are carried out as required.

Cllr. M. Gleeson said that bridges on county roads are vital to the economic wellbeing of the people of the county. At least four bridges needed attention in 2010 and with the current weight and volumes of traffic on many bridges it is likely that more bridges will need attention in the near future. If a bridge collapses, local communities could become isolated and many bridges are over 100 years old. The length of vehicles is what is causing the problem as they clip the bridges and shake them. This is a very serious issue that will have to be addressed.

**2. Opposition to Proposals for Turf Cutting**

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

That Kerry County Council passes a resolution here today to write to Minister Gormley outlining our total opposition to his proposals with regard to turf cutting in Ireland. 32 bogs in Galway are to have a ban put on them with immediate effect. A further 24 bogs in 2011 and 75 bogs in 2013.

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

Cllr. M. Healy-Rae said in the very poorest of times in Kerry people cut turf to provide fuel for their homes. Minister Gormley has launched an attack on turf cutting. When people cut turf they do not harm the country side and there is no reason why this tradition should be discontinued. When the Turf Station in Caherciveen closed there was concern that many farm families would be in financial difficulty but this did not happen because they continued to cut and sell turf. Minister Gormley represents a small group of people and he is imposing policies on the nation which are not fair or correct. It is time that the Members of Kerry County Council pass a Resolution outlining their opposition to this proposal. Turf cutting is part of our heritage and a resource that is respected by all country people.

Cllr. D. Healy-Rae supported the motion.

#### **4. Availability of the Solidarity Bond through all Local Authority Offices**

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

To request the Minister for Finance regarding the Solidarity Bond recently introduced - that the Bond is made available through all local authority offices and that a percentage of the revenue raised remain in the County where the Bond was purchased.

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

Cllr. J. Finucane said that he made a proposal a number of months ago that a Municipal Bond would be introduced which would fund infrastructure for local authorities. This is already in place in Europe and it allows the State to raise funds for infrastructural projects. The National Treasury Management Agency has introduced the Solidarity Bond where following a 10 year investment there is a return of 47%. He welcomed this and said it had raised €130m in 2 months. The original purpose of the Municipal Bond is that a percentage would remain in the region in which it was raised. This Bond is only available through Post Offices. He suggested that every Civic Office should be permitted to sell the Bond and that 20% of the money raised would remain in the area for water projects etc. He PROPOSED that a letter would be forwarded to the Minister and the National Treasury Management Agency requesting that they consider this option.

#### **5. Road Improvements at the Entrance to Kerry Airport**

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

That Kerry County Council would request the NRA to widen and remark the road providing a second lane to turn right at the entrance of Kerry Airport coming from Farranfore as this is the scene of numerous accidents, the latest resulting in a multi vehicle collision

**The following report issued:-**

**The accident history available for this location up to and including 2007 shows that there were 2 accidents reported here, one involving a pedestrian. This location is within the 60 kilometre per hour speed limit, is well lit and is**

**on a straight road, well lined and with adequate signage identifying the approaching airport. Any funding for works at this location will have to be provided by the National Roads Authority. Kerry County Council will request the Regional Roads Safety Engineer for the NRA to re-examine the location in light of the concerns raised.**

Cllr. M. Moloney said that the accident statistics for this location should be updated. The most recent accident that she was aware of involved 5 vehicles and in another instance, a lorry rear-ended a car and drove it into the Airport grounds. She called on the NRA to re-examine this location from a safety point of view.

## **6. Re-Introduction of the Installation Aid Support for Young Farmers**

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

Cllr. B. Griffin moved this Notice of Motion on behalf of Cllr. S. Fitzgerald.

That Kerry County Council request the Minister for Agriculture, Brendan Smith T.D. that his Department re-introduce the Installation Aid support to young farmers.

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

Cllr. Griffin said that the Installation Aid for Young Farmers is a very important source of funding. Funding under this Scheme was suspended overnight in 2009 despite the fact that it was a very successful Scheme. He called for the Scheme to be reintroduced and he requested that a letter would issue to Minister Brendan Smith requesting him to give favourable consideration to this resolution.

Cllr. B. Cronin SECONDED the motion.

## **7. Rental Accommodation Scheme**

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

That Kerry County Council furnish a report in relation to the Rental Accommodation Scheme and advise as to how many houses have now been allocated under this Scheme and also to advise as to how many houses in each electoral area have been so allocated.

**The following report issued:-**

**The Rental Accommodation Scheme was introduced to cater for the accommodation needs of persons in receipt of rent supplement, normally for more than 18 months, and who have a long term housing need. The scheme is administered by Local Authorities and is intended to provide an additional source of good quality rented accommodation for eligible persons to enhance and complement the response of local authorities to meeting long-term housing need. Participation in the RAS scheme does not lead, necessarily, to an accommodation change for the tenant but results in a change in source of payment for the accommodation and provides long term housing security. Currently, there are 363 tenants availing of the RAS**

**scheme in the following electoral areas: - Tralee - 230; Killarney - 62; Listowel - 19; Dingle - 26; Killorglin - 26. The variation between electoral areas is reflective of the population structure, eligible candidates and availability of rental properties that meet the standards required of RAS properties. Kerry County Council is actively promoting the RAS scheme with a view to increasing the numbers availing of the scheme.**

Cllr. P. O'Donoghue said that he supported this Scheme as it gives the landlord guaranteed rent. The spread of properties included in this Scheme around the county seems to be disproportionate in that there are 230 in Tralee, 62 in Killarney, 19 in Listowel and just 26 each in Dingle and Killorglin. He asked if tenants are aware of this Scheme. If an applicant is on our housing waiting list for over one year they should be made aware of it. It is to their advantage as they can source the property. This Scheme should be reviewed as the number of properties included in the Killorglin Electoral Area is very low.

Cllr. D. Healy-Rae asked if the Council rents a property from a landlord under this Scheme, are there predetermined contract dates or can the landlord terminate the contract at any time.

In response, Mr. J. Breen said that the contract is tenant specific and also time specific, usually for a five year period. However, a landowner can terminate the agreement provided specific notice is given.

#### **8. Planning Applications from family members and returning emigrants**

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

To ask the County Manager to confirm to the Elected Members if the undertaking given by the then County Manager in 2004 is still intact where it was then accepted by Management that when dealing with planning applications from family members and returning immigrants only two reasons for refusal could be given - that is if the proposal would create pollution or constituted a traffic hazard and no other choice of site was available to them. This matter needs clarification as many family members, returning immigrants and locals are going through torture to get permission to build a house for their own use at present.

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

**The County Manager's Report to Members dated the 9th November 2004 titled 'Planning Service Development' stated that 'genuine family members are to be facilitated on land holdings if at all possible, subject only to road safety and public health issues'. To facilitate this an 'on-site' pre-planning service was introduced to ensure that the most suitable site on the landholding was selected. A strict seven year occupancy clause was also introduced. In 2005 the Sustainable Rural Housing Guidelines were issued by the DOEHLG and are now incorporated into the 2009-2015 County Development Plan. Section 3.6, 3.7 and 3.8 of the Plan outline in detail the Planning Authority's policies on rural development. These policies address the 'need' of an applicant to live in a rural area and strongly support the right of a 'genuine family member' to construct a dwelling-house on his/her own**

lands and are consequently in line with the Managers Report of 2004. The Managers Report also highlighted the need for guidance on design issues and integration into the landscape. The 'Rural House Design Guidelines' adopted by the Members in July 2009 address this issue and have been welcomed by all parties including Agents, Applicants and Planners. Therefore the assessment criteria identified in 2004 in relation to Planning applications still pertain and the County Development Plan strongly supports the provision of rural housing on family land for those who need to reside in the rural area and/or have strong links to the rural area.

Cllr. D. Healy-Rae said that clarification on this matter is required. In 2004, the then County Manager indicated that family members would be refused planning permission on only 2 grounds i.e (1) pollution and (2) traffic hazard. Many other reasons for refusal of permission are now being used such as 'visual amenity', 'obtrusiveness' and how much time the applicant is spending on the land. A major difficulty is getting pre-planning on site meetings as there are major delays with these. He asked if permission is limited to a certain number of family members. If so, this is unfair because many rural areas are dying. It is virtually impossible to get planning permission in the Clydagh Valley at present and the school has already closed there.

Cllr. M. Healy-Rae supported the motion and said that while he received assistance in the past, lately it seems to be reverting to the old system. Elected Members only want to facilitate family members in an effort to keep rural Ireland alive. He agreed that family members should be facilitated with a strict occupancy clause.

## **9. Representations from Councillors on Planning Applications**

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

To seek clarification on what recent changes have been implemented in the Planning Department regarding Councillors making representations on planning applications, seeking information on files from planners, the role of the Planning Liaison Officer and why weren't elected members informed of these changes in writing or at a Council meeting.

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

**During the period of the recent Industrial Dispute, which lasted approximately 4 months, an embargo on communication between Public Representatives and Officials was introduced by Unions representing the staff of Local Authorities. As a consequence, verbal communications between Planners and the Elected Members was suspended. However, this action has now ceased and work practices pertaining prior to the Industrial Action have resumed. There is also a dedicated Liaison Officer appointed to deal with Members enquiries/representations.**

Cllr. B. Cronin said that he was fully aware of the consequences of the four months 'Work to Rule'. A special briefing day will be held for Members in September and they are supposed to be the Board of Directors of the Council.

There is a need for transparency, openness and a duty of care on the part of Members. In the eleven years since he became a Councillor he never canvassed for planning. When extremely difficult zoning decisions had to be made he tried to adhere to proper planning and that is the context from which he is approaching this problem. He never forced himself into a meeting between a planner and an applicant. He requested clarification on the following issues:-

- 1) Have orders been given by Management to Planners not to give critical updates to Members mid-way through the planning process if there is a particular difficulty with an application. He said that it was his opinion that Planners have been told not to give this information to Councillors prior to a decision being made.
- 2) Prior to the Work to Rule, Members could phone the Planning Department and give a planning reference number and request that their representations be put on file. Now Members are being informed that they must forward their representations in writing and he asked why Members were not notified of this change.
- 3) At a time when the Planning Department received 4,500 applications a year he supported the financing of a Liaison Officer for Councillors as he understood that position was put in place to facilitate Councillors rather than tormenting Planners. He understood that Councillors would give the Liaison Officer their query who would then revert with a response.

In response, Mr. M. McMahon said that no order has issued to Planners not to give information to Councillors until a decision is made. In relation to representations from Councillors and the request that they be made in writing, he said he was not aware that was an issue. However, he was aware that the Manager has serious concerns regarding this. He assured Cllr. Cronin that he was not required to put his representations in writing.

Cllr. M. Healy-Rae said that he was also told that his representations must be submitted in writing.

Mr. M. McMahon again confirmed that he had not issued a directive to staff to that effect.

Cllr. M. Healy-Rae requested Mr. McMahon to advise staff that representations do not have to be submitted in writing.

Mr. McMahon confirmed that he would. He then referred to the role of the Liaison Officer and said it was intended that the Liaison Officer would be available to deal with Councillors queries so that Planners would not have to deal with administrative queries. Siobhan O'Mahony is the present Liaison Officer and all queries should be given to her.

Cllr. M. Moloney said that she went into the Planning Department to make representations and Siobhan O'Mahony advised her that she must make her representations in writing.

Mr. McMahon again undertook to talk to the Liaison Officer on this issue but said that the Management Team had serious concerns about the way representations are being made. There have been a number of serious incidents. It is the intention of the County Manager to come back to Council with proposals on how representations can be made in a way that is open and transparent. The present system is unfair on staff and offers a poor public service to applicants.

Cllr. M. Moloney wished Cllr. A.J. Spring well in his forthcoming marriage later in the week.

#### **10. Proposed Centre of Contemporary Irish Culture in Kenmare**

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

That Kerry County Council endorse the proposed Centre of Contemporary Irish Culture in Kenmare which Fáilte Ireland have already committed €10million towards and ensure its success as a world class attraction for the County.

**The following reply issued:-**

**This is a matter for consideration by the members. However, no financial contribution is envisaged from Kerry County Council as the Council's finances are already under significant pressure to meet the Council's core service requirements.**

Cllr. M. Cahill called on the Council to endorse the proposed Centre of Contemporary Irish Culture in Kenmare and said that Kerry County Council has already contributed part of the land for the Centre. In excess of €1.2m has been earmarked by businesses for this project which commands sensational views of Kenmare Bay. The vision of this project is to provide the Region with a unique visitor attraction and social facility of world class interest that perfectly addresses the challenges facing tourism. Kenmare's reputation and setting is the perfect place to locate a world class tourist attraction. This project would be ideal to attract visitors from Ireland and internationally to the county. It is projected that when the project is completed, there will be ten full time jobs and six seasonal positions which will be a great boost to the local economy. It is intended to establish a Trust. Kerry County Council should be supporting this project.

Cllr. M. Moloney supported the motion.

Cllr. M. Healy-Rae said that the County Manager met with a Deputation in relation to this project at which time a presentation was made to him. He was grateful to the County Manager for his enthusiasm for the project. He left that meeting on the understanding that Kerry County Council would not do anything to obstruct but rather assist the advancement of the project and he hoped that in time this project would proceed. In conclusion, he said he was grateful to the Council for their support for this particular project to-date.



## **11. Lifting of the Embargo on Recruitment of Workers for the Rural Social Scheme**

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

That Kerry County Council request Mr. Pat Carey T.D. Minister for Community Rural & Gaeltacht Affairs, to lift the embargo on recruitment of workers for the Rural Social Scheme, to give opportunities to people in the farming sector, to gain employment to boost their reduced farming income.

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

Cllr. T. Fleming PROPOSED that this motion would be referred to Minister Pat Carey for consideration. A lot of worthwhile work has been carried out under this Scheme and it affords people an opportunity to boost their incomes.

Cllr. M. Healy-Rae supported the motion.

## **12. Programme of Twinning**

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

That Kerry County Council would initiate a programme of twinning for any interested villages and towns in Kerry preferably to twin with towns & villages located near destinations served by flights from Kerry Airport in the interest of supporting Kerry tourism and protecting the viability of our existing flights at Kerry Airport.

### **The following reply issued:-**

**This is primarily an issue for the communities in any town or village that are interested in entering a twinning arrangement to pursue with any interested towns or villages in other countries which are linked by flights through Kerry Airport. This will require a substantial commitment on behalf of the communities in any town or village that might be interested in entering a twinning arrangement. In the absence of a strong community commitment, it is unlikely that any twinning arrangements would be successful. Kerry County Council would certainly be available to advise any interested communities on how they might go about exploring any twinning proposals.**

Cllr. B. Griffin said that the thinking behind this motion was to protect the viability of all routes into and out of Kerry. Any new routes offer a ray of hope for increased business into the county. He added that he was involved with a group who are presently considering a twinning option. He would encourage other groups to consider a similar course of action. He understood that funding was available through the EU for this type of project and he called on the Council to clarify this matter and to inform Councillors of the outcome in due course.

Cllr. M. Gleeson strongly supported the motion and said that he had seen the benefits of twinning. Anything that benefits the economy of a local area is worthwhile.

Mr. J. D. Flynn, Director of Corporate Services, informed Members that at one time funding was available through the EU but he did not think that was the case at present. The best opportunity for twinning is through the involvement of local communities.

### **13. Road Signage**

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

That Kerry as primary tourist destination would endeavour to erect road signage that cannot be easily manipulated into misdirecting visitors.

#### **The following reply issued:-**

**The misdirecting of visitors by signage arises mostly with Finger Post Signs. Kerry Co Co has experienced this at numerous locations. In some areas we have experienced the theft of the signs themselves. In other locations signs have been manipulated even though we have welded signs and used countersunk bolts to affix them. The poles themselves have sometimes been rotated within the concrete foundations. Contact will be made with the main sign providers to see if they can incorporate some form of anti vandal devices to eliminate interference with these signs.**

Cllr. M. Gleeson said that tourism is the life blood of the county and everything possible should be done to encourage, facilitate and welcome tourists to our county. A long battle has been fought to improve the quality of our roads, to upgrade the appearance of our towns and villages and to give value for money in shops and restaurants. Manipulated signposts that misdirect do a grave disservice to the tourist industry and to visitors. As long as the finger signs can be twisted and turned, visitors will be misdirected and a disservice will be done to the tourism industry.

Mr. G. McNamara, A/Director of Roads and Transportation, said the Roads Department would discuss this matter with the producers of signposts.

### **14. Introduction of a Moratorium on the Repossession and disposal of Family Homes**

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

That the Minister for Finance immediately direct the banking institutes to introduce a moratorium on repossessions and disposal of family homes until new regulations are introduced for the provision of mortgages.

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

Cllr. J. Finucane said there is nothing worse than to see people losing their family home. Private institutions are the recipients of State funds yet they are still pursuing home owners who are in arrears. If a person loses their home, it then falls back on the State to provide accommodation for them. The number of Repossession Orders is increasing and many of these properties are sold at a much reduced cost. To-date, a sum of €20b has been given to Anglo-Irish Bank

and recent reports suggest that a further €14b will be required. When this matter was discussed recently before a Dáil Committee it was said that the likelihood of the State ever recouping any of this money is virtually non-existent. The impact of what the State has had to do to prop up these institutions has had a major impact on our other services including health. He called on the Directors of the Financial Institutions involved to resign if they cannot have some regard for home owners. He pointed out that the Boards of banks have not altered since the banking crisis commenced. It would be appropriate that the Directors of the major banks would resign and that new people would be nominated by the State to these Boards. The State should also insist that there would be no repossession of family homes by the Banks.

Cllr. M. Moloney **SECONDED** the motion and said that 33,000 mortgage holders are in arrears over three months. This is at crisis point and if any of these people loose their homes it will fall back on the local authorities to provide housing for them. It is important to protect the householder and the Government should ensure that this is done.

### **15. Review of Road Signage and Popular Tourist Routes**

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

That Kerry County Council review the Road Signage on popular tourist routes in the County and to indicate as to whether or not the Council is satisfied that adequate signage is available so as to indicate to tourists as to where viewing areas are located.

#### **The following reply issued:-**

**The provision and maintenance of signage on the main tourist National Primary and Secondary Routes is managed by the National Roads Authority. The indicating of where viewing areas are located on all National Routes may not be a top priority with the NRA but we will undertake to convey to them the concerns raised. If there are specific locations where it is agreed that signage would be beneficial then these areas can be examined. However, any additional signage would have to be funded from existing maintenance allocations which are very limited this year due to budgetary and weather related factors.**

Cllr. P. O'Donoghue said that he was aware of a number of accidents that occurred where tourists pull in to take photographs, in particular at Mountain Stage and on the Ring of Kerry Road. There is inadequate signage to inform tourists that viewing areas are available further along the road. The request for the provision of a few directional signs to resolve this is a very reasonable request.

Mr. G. McNamara undertook to raise this matter with the NRA.

## **16. Approval of Applicants for Social Housing**

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

Applicants for Social Housing are being advised it takes up to 12 weeks to receive approval as qualified applicant. Will Kerry County Council confirm this and advise what proposals they have to speed up the process. Applicants are having difficulty accessing Rent Allowance without final approval and this is causing a lot of hardship on applicants, some being forced into borrowing to cover deposits and rent.

### **The following reply issued:-**

The Housing Department assesses the long term need of housing applicants and does so as efficiently as possible within the resources available to it. Between 2007 and 2009, the number of housing applications received by Kerry County Council increased from 532 applications to 810 applications. This represents an increased workload of 52% in this period. The workload has resulted from changes to the Supplementary Welfare Scheme for Rent Allowances where a letter of long-term housing need is required by Community Welfare Services and increased demand created by the economic downturn. Currently Kerry County Council has significant resources allocated to the management of housing applications and the assessment of housing need. Kerry County Council is striving to manage its housing service in a climate of limited resources, increased demand and competing priorities. Already this year, the Housing Department has devoted significant resources to the management of Housing Adaptation Grants. Workload within the department is continually monitored and resources reassigned to areas of pressing need, where possible. Due to the embargo on public recruitment and staff retirements/resignation, the Housing Department, in 2010, is operating with less staff than in previous years and must manage its services within this resource. Unfortunately, this means that, in some circumstances, the housing department may not be in a position to respond as quickly as it would like to a demand for its services.

Cllr. M. Moloney said that the reply did not answer her query. She asked if it takes twelve weeks to approve a housing application. When the method of assessing applications for Rent Allowance was amended to ensure that every applicant was fully assessed for housing she flagged that this would cause major problems. She is aware of a young girl who is extremely ill and must now await a full assessment before her application for Rent Allowance is adjudicated upon and she has been informed that it will take twelve weeks. The Housing Department advised her that it would take approximately four to six weeks to get the application on the system. This is not good enough. She asked if it would be possible to identify the applications relating to people on Rent Supplement to ensure that they get priority.

Cllr. M. Cahill SECONDED the motion and said this is causing huge distress and three months is a very long time for an applicant to be waiting for Rent Supplement.

Cllr. T. Fleming also supported the motion and suggested that as an interim measure the applicant could meet with the Housing Investigating Officer in the Council Offices.

Mr. J. Breen, Director of Housing, said that there has been a substantial increase in the number of housing applicants with almost 400 applications received to-date in 2010 while at the same time 510 grant applications have been received. This is unprecedented and has resulted in a backlog of applications. This issue was also raised at a recent Housing SPC Meeting and it was brought to the attention of the Department. It is clear that a full assessment must be carried out on anyone who is applying for Rent Supplement. However, it is not outside the power of the CWO to grant Rent Supplement in the interim. At present, the Housing Department is receiving almost 20 housing applications per week. He acknowledged the concerns raised by Members and said that his Department would do all in their power to address them. The Housing Department worked with the CWO on this issue but he pointed out that the CWO does not have to rely completely on the letter from the Housing Department and they accept that they have absolute discretion in emergency cases only.

#### **17. Cleaning of the River Flesk and Cullowa River in Rathmore**

To ask the Director of Roads and Transportation following my earlier notice of motion at the area meeting what steps are being taken with the River Flesk in the Killarney area to ensure that bridges, roads and houses will not be washed away in future flooding, I raised a likewise concern about the Cullowa River in Rathmore - these two rivers are clogged in several places and need to be sorted out before serious damage is done to our infrastructure and private houses.

#### **The following reply issued:-**

**Under the Non Coastal Minor Flood Mitigation Works and Studies administered by the Office of Public Works, Kerry County Council received grant funding to carry out a Pre –Feasibility Study into the flooding incidences on the River Flesk near Glenflesk. We have recently received a Draft Interim Report which is presently being reviewed. Following completion of the report, we will be submitting it to the OPW for their consideration. With regard to the Cullavaw Stream in Rathmore which flows into the River Blackwater, the clearing of the banks and blockages of this river is the responsibility of the riparian land owners along both banks. Five bridges on the Cullavaw Stream network around Rathmore have been inspected and there is no evidence of blockages to any of them.**

Cllr. D. Healy-Rae welcomed the reply and asked if the Draft Interim Report indicated that certain blockages would be addressed.

In response, Mr. G. McNamara, A/Director of Roads and Transportation, said that that was not yet clear. This report sets out the scope of the work etc. The report will be forwarded to the OPW for consideration.

Cllr. D. Healy-Rae asked if an official from the Council had inspected this river.

Mr. G. McNamara said that consultants are carrying out the study on behalf of Kerry County Council and the OPW.

Cllr. D. Healy-Rae said that a lot of gravel and bushes have accumulated along the river and this has caused blockages near the bridges and this is a source of concern as there is fear that they will be washed away. Difficulties have already been experienced with the Cullowa River between Rathmore and Gneeveguilla when the road was flooded as a result of the river banks closing in. He suggested that as this impacts on public roads, Kerry County Council should enter into discussions with landowners to carry out works or to undertake these works themselves to ensure that bridges are not swept away. In relation to the River Flesk, there is a danger that houses will be damaged as a result of flooding if this issue is not addressed. He called on Management to keep the pressure on to ensure that this issue is resolved as soon as possible.

Cllr. T. Fleming **SECONDED** the motion.

**18. Maintenance of the 24 Hour Ambulance Cover in all Ambulance Centres in Kerry**

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

That we the elected members of this Council call on the HSE to maintain the vital full 24 hour ambulance cover in all ambulance centres in Kerry and to condemn the disgraceful attempt by the HSE to reduce night cover in our County.

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

Cllr. B. Cronin said the importance of having 24 hour ambulance cover cannot be over stated. It is an accepted fact that in an emergency the first hour is vital for a patient and they must receive appropriate medical care during that period. If the Emergency Services are on the scene quickly there is a greater chance of saving lives. The proposal by the HSE to reduce the level of cover available is not surprising but it is a disgrace. It is intended that cover will be shared between Kenmare and Killarney. He pointed out that an ambulance will only take one patient at a time. The onus is now on Kerry County Council to call on the HSE Executive not to implement this proposal. The recent description of the HSE by Ombudsman Emily O'Reilly is most appropriate. In any modern society a 24 hour ambulance service is vital. He requested that a letter be forwarded to Professor Brendan Drumm and the HSE clearly stating Members opposition to any reduction in service as Members want to protect the lives of the people of Kerry. He also requested that a copy of the letter would be forwarded to Minister Harney.

Cllr. M. Moloney **SECONDED** the motion and said that she feels very strongly about this issue. She said it is a disgrace that it is intended that someone in Listowel requiring an ambulance would have to wait for an ambulance to come from Dingle. As a result, approximately 3 hours would be lost. This is a very poor reflection on the HSE and the Members of Kerry County Council must fight these proposals.

Cllr. M. Healy-Rae asked that a letter would also be sent to Mr. Pat Healy of the HSE who has responsibility for this area.

Cllr. B. Griffin said that Cllr. M. Healy-Rae and himself raised this matter at the last Committee Meeting of the Regional Health Forum at which time they made it clear that they wanted a report presented to the Forum on proposed cuts in the 24 hour Ambulance Service.

Mr. J. D. Flynn, Director of Corporate Services, informed the meeting that a letter outlining Members opposition to the proposed reduction in ambulance service was issued to the HSE following a recent Killorglin Electoral Area Meeting.

#### **19. Review of Staffing arrangement for the new Dingle Hospital**

Cllr. B. Griffin moved this motion on behalf of Cllr. S. Fitzgerald.

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

That the HSE employ an independent person to review the staffing arrangements for the new Dingle hospital.

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

Cllr. Griffin said the IMO feel that they need additional staff to ensure the efficient and effective running of the new hospital. He called on the HSE to carry out an independent audit to establish the required staffing levels but they would not agree to this. The IMO then carried out their own audit and they feel additional staff is required. He asked that Kerry County Council would call on the HSE to carry out an audit immediately. He pointed out that not all the beds in the hospital would be opened immediately.

#### **20. Re-Opening of Castlemaine Harbour for the Sourcing of Mussel Seed**

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

That Kerry County Council support the Cromane fishermen by requesting the Ombudsman, Emily O'Reilly, to investigate why Castlemaine harbour has not been reopened to the sourcing of mussel seed.

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

**The Office of the Ombudsman has been set up as a totally independent organisation with its own remit to investigate complaints. Any investigation requested by the Cromane fishermen is wholly and totally a matter between the Ombudsman, Emily O'Reilly and themselves. In these circumstances, it would not be appropriate for Kerry County Council to become involved in this matter.**

Cllr. M. Cahill said that he felt that he had no other option but to put down this motion. In 2008, the season re-opened in October and by that time the starfish had eaten much of the mussel seed. This business is worth almost €5m to the fishermen of this region. He attended a meeting with the Minister and his officials

who pointed out that this area is in a SAC and the difficulty is that the bird population is in decline. However, he believes that the birds cannot access the seed where it is. The livelihoods of the fishermen in this area are seriously at risk. It is time something was done to assist them in particular, during such difficult economic times. Many of these fishermen have small land holdings and are dependent on this work. He requested that a letter be forwarded to the Department of Marine and Natural Resources and the Minister for the Environment asking them to re-open Castlemaine Harbour to the harvesting of mussel seed.

Cllr. M. Healy-Rae **SECONDED** the motion and said that it is disgraceful what is happening. He could see no reason why Castlemaine Harbour would not be open to the harvesting of mussel seed. In recent weeks a Deputation met with the new Minister however, there was no positive reaction from the Minister.

**21. Increase in the number of people involved in Community Employment Schemes**

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

Due to the unemployment figures and the national register escalating towards 500,000 out of work that Kerry County Council request Minister Batt O'Keeffe, T.D., Minister for Trade & Employment and Mr. Eamon O'Cuiv, Minister for Social Protection (his portfolio is shortly to be extended to Community & Employment Services) liaise immediately to address in a strategic manner, this chronic situation. As a short-term measure, Community Employment Schemes whom over the recent past have been reduced from 40,000 to 20,000 participants be increased to 100,000 with an emphasis on re-training and up-skilling and no upper age limits, as the current limit is 55 years.

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

Cllr. T. Fleming said that there are 400,000 people on the live Register and many more are leaving the country. The numbers involved in Community Employment Schemes should be increased to 50,000. This Scheme provides the Government with an opportunity to address unemployment. This would allow those previously employed in the construction industry to re-skill. He also asked that the age limit of 55 years should be increased to normal pension age. He requested that a letter to this effect would be forwarded to Minister O'Keeffe and Minister Ó Cuiv for urgent consideration.

Cllr. M. Cahill **SECONDED** the motion.

**22. Proposal to grant an exemption from Rates to new start up business in the county for a limited period**

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

That Kerry County Council would consider granting an exemption from rates to new start-up businesses in the County for a limited period, where it can be proven that the new business would not be responsible for the displacement of employment from similar existing enterprises, in an effort to stimulate economic activity in the County.



**The following reply issued:-**

**Rates must be assessed in accordance with the current law on rates and valuation, and rates are payable in accordance with those requirements. The legislation does not provide for the type of relief mentioned in this Notice of Motion, and it is not open to the Council to introduce a policy in contravention of the legislation on this matter. However, the Council is open to consider individual cases on their particular merits having regard to trading accounts, turnover, etc., and any applications in this regard should be submitted to the Council's Revenue Department with the necessary details.**

Cllr. B. Griffin said that the intention behind the motion was to provide a stimulus to new enterprises. He asked if any allowances could be made to new enterprises to provide encouragement to them.

Mr. J. O'Connor, Deputy County Manager, said that in the past one or two local authorities made this proposal but the Minister ruled it out of order. The Council is open to consider individual cases but it is not possible to adopt such a policy.

Cllr. B. Griffin asked if there was any other initiative for new enterprises.

Mr. J. O'Connor confirmed that there was not. A recent survey indicated that Rates are not the big issue for businesses that have been portrayed.

**23. Amendment of the Long Term Leasing initiative to include a purchase clause**

**Pursuant to Notice duly given Each Member of the Tralee EA PROPOSED:-**

That a letter would be written to the Department of the Environment Heritage & Local Government from the members of Kerry County Council requesting that the Long Term Leasing Initiative for the provision of Social Housing would include a right to purchase clause.

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

Cllr. A. McEllistrim said she understood that a letter to this effect was forwarded to the Minister and that he had responded. She called on Mr. J. Breen to prepare a report on this matter for consideration by Council.

Mr. J. Breen undertook to brief Members on this issue.

**24. Fair Price for farmers and suppliers for their produce and also for housewives and customers in Supermarkets**

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

That we the members of Kerry County Council ask the Departments of Trade & Enterprise & Agriculture to intervene and seek fair play from the multi national food companies to ensure that farmers and suppliers receive a fair price for their

produce and that housewives and customers in supermarkets do not have to pay 29% more for goods than all the rest of Europe.

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

Cllr. D. Healy-Rae said that recent headlines state that consumers are paying 29% more in Ireland for their produce than the rest of Europe. This is unacceptable at a time when farmers cannot get a proper price for milk, beef etc. If farming was not subsidised, many farmers would be gone out of business. He requested that a letter would be forwarded outlining Members concerns on this issue to the Minister for Agriculture and also the Minister for Enterprise, Trade and Employment.

**25. Amendment of the County Development Plan to Include family members whose primary residence is not on the family farm**

**Pursuant to Notice duly given Cllrs. M. Cahill/A. McEllistrim PROPOSED:-**

That Kerry County Council amend the County Development Plan to include family members whose primary residence is not on the family farm but in a nearby town or village. Under the current plan they do not qualify under the local needs criteria and this is an injustice.

**The following report issues:-**

**The County Development Plan 2009-2015 reflects National Policy and Guidelines such as the Sustainable Rural Housing Guidelines 2005 in relation to determining local need in the context of the assessment of a Planning Application for a house in the rural countryside. Farm family members will be facilitated, if at all possible and all applications are assessed on an individual basis and on their own merits. It is a matter for the Applicant to clearly outline the circumstances of the Applicant in the context of need and links to the lands subject of the Application. It is the clear policy of the Council to facilitate the sons and daughters of people who have been born and reared in the rural countryside. This is particularly difficult in areas close to towns and villages which in the past have been the subject of intense pressure from urban areas. Paragraph 3.8.5 of the Plan states that in such areas 'the capacity for future development is protected, for existing families from the area'. This policy is considered reasonable and desirable in order that those who have traditionally lived in the rural area can be accommodated.**

Cllr. M. Cahill said that he recently brought a particular case to the attention of Management where a farmer's family home is in a village and not on the farm. They owned the farm for 38 years yet a family member could not get permission on the farm. He called on the Council to amend the County Development Plan to facilitate such applicants. He believed once a site is development friendly the applicant should be accommodated. However, this is not happening under the current plan. On the other hand, the current plan facilitates the accommodation of family members living in Dublin.

Cllr. A. McEllistrim supported this motion and said that some farmers have out farms which would facilitate a house for a family member.

Cllr. T. Fleming said that the Parish rule should apply in these cases.

Cllrs. M. Moloney and D. Healy-Rae also supported the motion.

Mr. M. McMahon, Director of Planning, said that this issue was discussed at length during the two years the County Development Plan was being reviewed. It was necessary to include a definition in the County Development Plan. If a person is born and reared in a town there is no need for them to live in the country. Every effort is made to accommodate family farm members but many people own just a field in the country and they have no need to live in the countryside. It was agreed that in certain areas the capacity would be retained for those who are born in the area. A designation of areas 'Under Urban Pressure' was incorporated in the County Development Plan but Members would not accept this. Management feel that there is no hope of planning permission being granted in these areas but that is not what Plan says. It was agreed that the main capacity would be retained for those born and reared in the countryside.

Cllr. M. Moloney said that this means people are being dictated to where they live by virtue of where they were born.

Mr. J. D. Flynn, Director of Corporate Services, said that this issue was debated at length when the County Development Plan was reviewed. He felt uncomfortable discussing individual application.

Mr. M. McMahon pointed out that it is a matter for the Executive to amend the County Development Plan.

#### **10.07.19.20 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. M. Moloney, SECONDED by Cllr. M. Healy-Rae, it was agreed to authorise the attendance of Cllrs. Foley, McEllistrim, Brassil, Beasley, Cronin, Leahy and Fleming at the Parnell Summer School 2010 on the theme 'The Role of Media in Politics and Society' to be held in Avondale House and Conference Hall, Avoca, Co. Wicklow from the 8<sup>th</sup> - 13<sup>th</sup> August, 2010.

Cllr. N. Foley was nominated to report back to Council on this Summer School.

- (b) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. M. Moloney, it was agreed to authorise the attendance of Cllrs. Foley, McEllistrim, Brassil, Beasley, Cronin and Leahy at the 'Waste Management Regulations – Tyres and Waste Tyres, Prohibition of Waste Disposal by Burning, Obligations on Farmers, the Insurance Issues' to be held in the Kings Valley Hotel, Dublin Road, Galway City from the 20<sup>th</sup> - 22<sup>nd</sup> August, 2010.

Cllr. Brassil was nominated to report back to Council on this Conference.

- (c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. D. Healy-Rae, it was agreed to authorise the attendance of Cllrs. Foley, Brassil, Beasley, O'Shea, O'Donoghue, Fleming and Leahy at the 'Water Conservation – The Impact of the New EPA Guidelines on Planning Applications – Are we at Risk?' Conference to be held at the Carlton Atlantic Coast Hotel, Westport, Co. Mayo from the 27<sup>th</sup> - 29<sup>th</sup> August, 2010.

Cllr. O'Shea was nominated to report back to Council on this Conference.

- (d) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. B. Griffin, it was agreed to authorise the attendance of Cllrs. Buckley, Connor-Scarteen and Leahy at the AMAI 97<sup>th</sup> Annual Conference on the theme 'Local Government for the Future' to be held in Innishowen Gateway Hotel, Buncrana, Co. Donegal from the 9<sup>th</sup> - 11<sup>th</sup> September, 2010.

Cllr. Connor-Scarteen was nominated to report back to Council on this Conference.

- (e) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. B. Griffin, it was agreed to authorise the attendance of Mayor Leahy at the 'RESPOND Anti-Social Behaviour – Symptoms, Solutions and Strategies' Conference to be held in the Heritage Hotel, Portlaoise, Co. Laois on the 15<sup>th</sup> September, 2010.

Mayor Leahy was nominated to report back to Council on this conference.

- (f) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the attendance of Cllrs. Leahy and Griffin at the LAMA Autumn Seminar on the theme 'Local Government – Efficiency and Financing' to be held in the Listowel Arms Hotel on the 8<sup>th</sup> and 9<sup>th</sup> October, 2010.

Cllr. B. Griffin was nominated to report back to Council on the seminar.

- (g) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. D. Healy-Rae, it was agreed to approve the attendance of Mayor P. Leahy at the Synge Summer School 2010 held in Rathdrum, Co. Wicklow from the 1<sup>st</sup> - 4<sup>th</sup> July, 2010.

- (h) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. T. Fleming, it was agreed to approve the attendance of Mayor P. Leahy at the Douglas Hyde Summer School held in Ballaghaderreen, Co. Roscommon from the 3<sup>rd</sup> - 10<sup>th</sup> July, 2010.

**10.07.19.21 Correspondence General**

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

1.	Letter dated 21 <sup>st</sup> June, 2010 from the Office of the Minister for Transport regarding compulsory wearing of reflective jackets by pedestrians and annual testing of cars.
2.	Letter dated 28 <sup>th</sup> June, 2010 from the Office of the Minister for Agriculture, Fisheries and Food regarding the Fodder Aid Scheme.
3.	Letter dated 28 <sup>th</sup> June, 2010 from the Office of the Minister for Agriculture regarding the National Milk Rights Group.
4.	Letter dated 30 <sup>th</sup> June, 2010 from the Office of the Minister for Social and Family Affairs regarding the Old Age Pension and processing of Social Welfare entitlements, appeals and redundancies.
5.	Letter dated 30 <sup>th</sup> June, 2010 from the Office of the Minister for Finance regarding the seizure of properties and pensions of Directors of all financial institutions.
6.	Letter dated 30 <sup>th</sup> June, 2010 from Kerry Community Transport Ltd. regarding the retention of the bus service between Sneem and Kenmare.
7.	Letter dated 30 <sup>th</sup> June, 2010 from the Office of the Minister for Education and Science regarding the payment of water charges for primary and post-primary schools.
8.	Letter dated 6 <sup>th</sup> July, 2010 from the Financial Regulator regarding home owners in mortgage arrears.
9.	Letter dated 5 <sup>th</sup> July, 2010 from the Office of the Minister for Health & Children regarding St. Anne's Hospital, Cahirciveen.
10.	Letter dated 5 <sup>th</sup> July, 2010 from the Office of the Minister for Environment, Heritage and Local Government regarding the provision of public toilets at The Demesne, Killarney.
11.	Letter dated 6 <sup>th</sup> July, 2010 from the Road Safety Authority regarding the wearing of illuminated jackets by pedestrians and the wearing of cycle helmets.
12.	Letter dated 23 <sup>rd</sup> June, 2010 from Donegal County Council regarding a resolution adopted by that authority calling for the abolition of VRT.
13.	Letter dated 24 <sup>th</sup> June, 2010 from Donegal County Council regarding a resolution adopted by that authority calling for the implementation of a policy to ensure that all multinational companies that tender for projects have a clear ethical record.
14.	Letter dated 31 <sup>st</sup> May, 2010 from Roscommon County Council regarding a resolution adopted by that authority concerning the criteria for exemption from rates on Child Care Centres.
15.	Letter dated 7 <sup>th</sup> July, 2010, from Waterford City Council condemning the Israeli attack on the Gaza Freedom Flotilla's aid mission, commending those Irish citizens who participated in this humanitarian mission and calling on the Irish Government to expel the Israeli Ambassador and seek support of other countries for a new international aid mission to Gaza.

16.	Letter dated 8 <sup>th</sup> July, 2010 from Clonmel Borough Council regarding a resolution adopted by that authority calling on the Government and Minister for Health to disband the HSE.
17.	Letter dated 9 <sup>th</sup> July, 2010 from Galway City Council calling on Local Authorities to inform the Department of Social & Family Affairs of landlords who have not paid the NPPR to the Local Authority and to include all properties in the RAS Scheme for assessment of the NPPR.

#### **10.07.19.22            Votes of Sympathy**

The following votes of sympathy were noted from the Votes of Sympathy Book:-

- (a) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Francie Sheehan.
- (b) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Thomas 'Big Tom' O'Connor.
- (c) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Mrs. Eileen Brosnan.
- (d) Cllrs. M. Healy-Rae, D. Healy-Rae, B. Cronin, M. Moloney and J. Sheahan proposed that a vote of sympathy be extended to the family of the late Mrs. Sheila O'Sullivan.
- (e) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Connie O'Keeffe.
- (f) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mrs. Margaret O'Connor.
- (g) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Peggy O'Dowd.
- (h) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mr. Teddy O'Donoghue.
- (i) Cllrs. D. Healy-Rae, M. Healy-Rae, M. Moloney and J. Sheahan proposed that a vote of sympathy be extended to the family of the late Mrs. Eileen Moynihan.
- (j) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mr. Joe O'Leary.
- (k) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mrs. Nora O'Sullivan.

- (l) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mrs. Abbey O'Sullivan.
- (m) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mr. James Casey.
- (n) Cllrs. B. Cronin and J. Sheahan proposed that a vote of sympathy be extended to the family of the late Joan O'Mahony.
- (o) Cllrs. B. Cronin and J. Sheahan proposed that a vote of sympathy be extended to the family of the late Breda O'Donoghue.
- (p) Cllr. T. Ferris proposed that a vote of sympathy be extended to the family of the late Peter Egan.
- (q) Cllr. R. Beasley proposed that a vote of sympathy be extended to the family of the late Kenneth Power.
- (r) Cllr. M. Moloney proposed that a vote of sympathy be extended to the family of the late Christy Horgan, former Member of Killarney Town Council.
- (s) Cllrs. M. Moloney and J. Sheahan proposed that a vote of sympathy be extended to the family of the late Christy McSweeney, former Member of Kerry County Council.
- (t) Cllr. B. Griffin proposed that a vote of sympathy be extended to the family of the late Mary O'Sullivan.
- (u) Cllr. B. Griffin proposed that a vote of sympathy be extended to the family of the late Hannah Griffin.
- (v) Cllr. B. Griffin proposed that a vote of sympathy be extended to the family of the late Fr. Kevin O'Sullivan.

#### **10.07.19.23 Any Other Business**

Cllr. M. Moloney expressed her disappointment that the Fine Gael Party did not pay tributes to the late Christy McSweeney, former Member of Kerry County Council who died recently. There was a huge funeral for Christy and it was an indication of the regard he was held in. She also paid tribute to the late Christy Horgan of the Labour Party who was a former Member of Killarney Town Council, who worked tirelessly for his constituents. He championed the underprivileged when he served on Killarney Town Council. She extended her sympathy to both families.

Cllr. A. McEllistrim SECONDED this proposal.

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Cllr. M. Healy-Rae concurred with the sentiments expressed by Cllr. Moloney and said that Christy McSweeney gave a lifetime of public service. He did trojan work and was an excellent community person.

Cllr. D. Healy-Rae said he wished to be associated with the tributes paid to the late Christy McSweeney, who worked with his father for the people of Killarney. He also extended a vote of sympathy to the family of the late Christy Horgan.

Cllr. T. Fleming said he also wished to be associated with these votes of sympathy. Both councillors worked tirelessly for their communities and when he first came into Kerry County Council, Christy McSweeney was very helpful to him.

On behalf of the Fine Gael Party, Cllr. B. Griffin said that Christy McSweeney was a tireless worker on behalf of the people of his constituency and his huge funeral was a testament to him. His contribution to politics was immense and he will be fondly remembered.

Mayor P. Leahy said that he wished to be associated with the votes of sympathy expressed by previous speakers.

The meeting concluded at 4.45pm.

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

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**Mayor of Kerry**