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

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 13 MEÁN FÓMHAIR, 2010**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	B. Cronin
P.J. Donovan	T. Ferris	J. Finucane
S. Fitzgerald	T. Fleming	N. Foley
M. Gleeson	B. Griffin	D. Healy-Rae
M. Healy-Rae	P. Leahy	P. McCarthy
A. McEllistrim	M. Moloney	T. O'Brien
B. O'Connell	P. O'Donoghue	M. O'Shea
L. Purtill	J. Sheahan	A.J. Spring

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. J.D. Flynn, Director of Corp. Servs	Mr. M. McMahon, Director of Planning
Mr. O. Ring, Dir. Water & Env. Servs.	Mr. J. Breen, Dir. Hsg & Comm & Ent
Mr. C. O'Sullivan, Dir. of Roads	Mr. G. O'Brien, Meetings Adminr.
Mr. P. Corkery, Press & Comm.	Ms. D. Griffin, SO Corporate Affairs
Ms. O. O'Shea, CO Corporate Affairs	Mr. F. Dillon, SE Water Service (Cap)
Mr. P. Cremin, A/SEE Water Servs.	Mr. F. Hartnett, SEE Roads
Mr. P. Teahan, A/SEE Roads	

The meeting commenced at 10.40 a.m.

Mayor P. Leahy took the Chair.

Tributes to former Cllr. Christy McSweeney

Mayor P. Leahy said tributes would be paid to former Councillor Christy McSweeney, a former member of Kerry County Council and Killarney Town Council.

Cllr. J. Sheahan said he has been asked by the Fine Gael Party to acknowledge the passing of the late Christy McSweeney.

"Christy played a lot of roles in life. First and foremost, he was a family man. A husband to (name withheld for data protection purposes) for almost 60 years, a father, a grand dad, an uncle and most recently a great-grand dad.

It was as his role as a publican that he was probably best known. He opened his bar in Killarney in 1950. A bar known for its great hospitality and welcome, now being run by his son (name withheld for data protection purposes).

He was a lifelong member of the Fine Gael Party. He was first elected to Killarney Urban District Council in 1960 and served as a member of Kerry County Council for 24 years from 1967-1991.

At his funeral he was fittingly described as one of Killarney's greatest sons. The massive turnout paid tribute to this.

Cllr. Sheahan said he first knew Christy McSweeney as a fellow trader in College Street, where he was always available and ready to advise a young lad starting off. Again when I got interested in politics and later became a member of this Council he was a great help to me.

A quiet, gentle, unassuming man Christy. Ní bheith a leithéid ann arís”.

Cllr. M. Gleeson said he wished to be associated with the tribute to Christy McSweeney. Christy was held in the highest regard because he was a man of great integrity, friendship and kindness. Everything he did was for the purest of motives and for the betterment of the community. He will be fondly remembered for the attitude he brought to the Council Chamber and for his advice. He expressed sympathy to the McSweeney family.

Cllr. M. Moloney said she wished to be associated with the tribute to Christy McSweeney. Tributes were paid at the July Council Meeting to Christy McSweeney and Christy Horgan and she reiterated her comments from that meeting.

Cllr. R. Beasley spoke on behalf of himself and Cllr. Toireasa Ferris and said they wished to be associated with the vote of sympathy. He said he served with Christy McSweeney. He said he wished to be associated with the nice remarks from fellow members.

Cllr. B. Cronin said he wished to be associated with the tributes to the late Christy McSweeney and said he was a stalwart in this Council. Christy was honourable at all times and carried out his duties to the best of his ability. He was a very shrewd politician and was admired and respected in Killarney. He said Christy served on this Council with his father, PJ Cronin and they had a great rapport. He extended his sympathies to the McSweeney family.

Cllr. B. O'Connell said he wished to be associated with the tribute to Christy McSweeney. Christy was a great servant to the Killarney Electoral Area for years.

Cllr. M. Healy-Rae said he wished to be associated with the words of sympathy to Christy McSweeney's family. Christy gave tremendous consideration and care to his constituents. He was a highly popular figure who went about his work in a quiet way and did everything he could for the people who elected him. He expressed sympathies to his family, extended family and colleagues in the party.

Cllr. T. Buckley said he wished to pay tribute to former Councillor Christy McSweeney. He said he did not serve with Christy but knew him when he was in politics. Christy gave great service to his constituents and was highly respected in Killarney. He offered his sympathies to the McSweeney family.

Cllr. T. Fleming said Christy McSweeney was an outstanding Councillor who served his Electoral Area and his constituents very well. He was a man of the people and a great colleague to work with in Kerry County Council.

Cllr. J. Finucane said he wished to be associated with the vote of sympathy. He said he never served with Christy but he knew him for the standards he maintained as a public representative. The way he dealt with his public office is an example to any

public representative in this present age. He said the commitment Christy had and the esteem in which he was held is the best description of what he would deem an outstanding public representative.

Cllr. P. Connor-Scarteen paid tribute to Christy McSweeney. He said he was a great stalwart of the party and had great respect in the Killarney Electoral Area. He said his grandfather as well as his father had served with Christy.

Cllr. L. Purtill said he wished to be associated with the vote of sympathy and tributes to Christy McSweeney. He said he knew Christy from a young age and that his father and Christy were good friends. He said Christy was a very professional man.

Cllr. B. Griffin reiterated his comments from the July Council Meeting. He said Christy McSweeney was a cousin of his father-in-law. Christy served with distinction for many years as a public representative.

Mayor P. Leahy paid tribute to Christy McSweeney. He said he was an excellent member in Kerry County Council and Killarney Town Council. He extended his deepest sympathies to the McSweeney family.

Mr. J. O'Connor, Head of Finance, said he served on the executive of Kerry County Council during part of the late Christy McSweeney's time and he was highly respected by the staff. He said his remembrance of Christy was that he was a Member who always behaved as a thorough gentleman and brought the public interest and common good to bear on his contributions and on the work of the Council. He extended sympathies to the McSweeney family on behalf of the executive.

Vote of Sympathy

Cllr. D. Healy-Rae proposed a vote of sympathy to the wife and family of the late Gerry McGillicuddy, former council employee. Gerry gave great service to Kerry County Council. He extended sincere sympathy to the McGillicuddy family.

Cllr. M. Moloney supported this vote of sympathy and expressed sympathy to the McGillicuddy family of the death of Gerry and also on the death of Gerry's brother who was buried last Friday.

Cllr. T. Fleming said he wished to be associated with this vote of sympathy.

All Members wished to be associated with this vote of sympathy.

Vote of Sympathy

Cllr. M. Gleeson proposed a vote of sympathy to Cllr. Ted Fitzgerald and his wife and family on the loss of their daughter (name withheld for data protection purposes).

Cllr. A. J. Spring supported this vote of sympathy and said our thoughts are with the family.

All Members wished to be associated with this vote of sympathy.

Vote of Congratulations

Cllr. M. Moloney congratulated Cllr. A.J. Spring on his recent marriage.

10.09.13.01 Mayor's Report on CPG Meeting held on 7th September, 2010

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

Item 1 Agenda for the September Council Meeting

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

With regard to Item No. 5, 2011-2013 Multi-Annual Road Works Restoration Programme, Mr. C. O'Sullivan, Director of Roads & Transportation, outlined that this programme is being considered at the area meetings and a full report will be presented to the September Council meeting.

With regard to Item No. 6, Draft Submission to the Department of Transport on the Statement of Strategy 2011-2013, Mr. C. O'Sullivan, Director of Roads & Transportation, outlined that the Department of Transport prepare a three year strategy following the appointment of the Minister for Transport. The Department are currently reviewing their strategy. Kerry County Council's draft submission will be presented to the September Council meeting for consideration.

With regard to Item No. 8, Update on Kenmare Water Abstraction, Mr. O. Ring, Director of Water Services, outlined that an update report on the status of the screening reports which have been submitted to the Development Applications Unit of the Department of the Environment, Heritage & Local Government will be presented to the September Council meeting.

Item 2 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise, outlined that the next meeting of the County Development Board has been deferred from its original date of 10th September to 24th September so as to avoid a clash with the County Enterprise Board promoted Richard Cantillon Summer School.

Appointment of Executive

E-mails have issued to the members of the County Development Board requesting nominations for the Executive of the Board and it is hoped to ratify the Executive at the CDB meeting on 24th September.

CDB Agenda

The following matters will be on the agenda for the County Development Board meeting on 24th September:

- Quality of Life Indicators Project in the RAPID Area
- Update on Child Services Committee from the HSE
- Update on Tourism Development for Kerry
- Update on Future Skills Report following from last CDB Meeting
- Consideration of Training Requirements for Members of CDB
- Seminar on Community Participation – Lessons from Severe Weather Events

Joint Policing Committee

The Joint Policing Committee which is under the auspices of the County Development Board has its members nominated and it is proposed to have the first meeting in October.

Item 3 Update from Chairs of SPCs

Cllr. P. McCarthy outlined his report from the Planning SPC which included details of the committee's consideration of roadside drainage issues. It was agreed that the Committee would recommend to the full Council that detailed drawings/proposals for dealing with roadside drainage and site run-off should be required at planning application stage. This would facilitate greater enforcement in the event that such proposals were not implemented subsequently. A full report from the Planning SPC will be presented to the September Council Meeting.

Mr. C. O'Sullivan, Director of Roads & Transportation, said roadside drainage issues are difficult to control on natural landscape and for existing developments, however, there must be enforcement with regard to these issues.

Mr. M. McMahon, Director of Planning, said the Planning Department is writing to agents requesting them to specifically address roadside drainage issues and dealing with water run off when making planning applications by providing details of works to be carried out. The proposed works must be satisfactory to the Planning Department.

CPG members discussed the issue of agents referring clients to elected members with regard to their planning application. CPG members requested that a statement issue from Kerry County Council to agents that as and from a particular date that any planning agent instructing clients to contact elected members regarding their planning application will be contacted directly by the Planning Department.

Item 4 Review of Civic/Mayoral Receptions held in 2009/2010 & Civic/Mayoral Receptions

Mr. Ger O'Brien, Meetings Administrator, referred to report which had been circulated to CPG members. As agreed at the July CPG meeting a report has been prepared on receptions held, the purpose of the reception and the cost associated with same. The receptions held at area meetings have been a success.

Kerry Senior Hurling Team

CPG members agreed that the Mayor would issue a letter of congratulations, on behalf of Council, to the Kerry Senior Hurling Team congratulating them on their achievement of reaching the 2010 final of the Christy Ring Cup.

Cashen-Vale Boxers

CPG members agreed to honour the success of three Cashen-Vale boxers who won four national titles this year at a Listowel Electoral Area Committee meeting.

European Entrepreneurial Region (EER) Award

County Manager referred to Kerry having been awarded the European Entrepreneurial Region designation for 2011. As part of this award a jury delegation will visit Kerry on 20th–21st October, 2010. Kerry County Council has been asked to host a Mayoral Reception on 20th October at 1.00 p.m. for the international Jury Delegation.

CPG members agreed to host a Mayoral Reception on 20th October, 2010, for the EER Jury Delegation.

EER (European Entrepreneurial Region) Open Days

County Manager outlined that part of the EER award for 2011 involves presentations from the successful regions at an Open Day in Brussels on 6th October, 2010. It is proposed

that a delegation from Kerry would be present at this Open Day. Kerry County Council will be represented by the Mayor of Kerry, Cllr. P. Leahy, Mayor of Tralee, Cllr. A.J. Spring and Chairman of Shannon Development, Cllr. J. Brassil along with the County Manager.

CPG Members agreed that approval be sought at the September Council meeting for the attendance of the Kerry County Council delegation at the EER Open Day.

Item 5 Local Government Act 2001 (Section 142) Regulations 2010

Mr. J.D. Flynn, Director of Corporate Services, referred to Circular Letter LG 2/2010 dated 11th February, 2010 which provides for the imposition of maximum annual limits for 2010 and subsequent years on expenditure by Local Authorities under Section 142(5) relating to attendance by elected members at conferences/seminars/training/meetings or other events (domestic/foreign) and cover both conference fees and travel/subsistence costs. The circular sets out that a Training and Development Programme should be prepared for elected members and attendance at conferences should be based on that programme. The Training and Development Programme will be prepared in conjunction with the Corporate Policy Group.

Mr. Flynn also referred to Circular Letter LG 08 10 dated 30th June 2010, which provides for a 5% reduction of the portion of the annual allowance for the Mayor and Deputy Mayor that is subject to income tax. This circular also provides that expenses incurred by the Mayor and Deputy Mayor (including in relation to domestic travel outside of his or her Local Authority area, or on foreign travel) are provided for within the amount budgeted for by the Local Authority under Section 142(5) of the Local Government Act 2001, subject to the limits on such expenditure established under the Local Government Act 2001 (Section 142) Regulations 2010 and Circular Letter LG 2/2010 refers.

Item 6 Issuing of reports for Council Meetings to Elected Members on CD or via e-mail

Mr. G. O'Brien, Meetings Administrator, said this matter is arising from the July Council meeting and the amount of hard copies of documents circulated at that meeting. An undertaking was given to review this matter with the CPG members.

Following discussion it was agreed that where possible and applicable documents for consideration at Council meetings will be issued by CD or e-mail, or both, with the exception of major policy documents which will be circulated on CD and also in hard copy.

Cllr. M. Healy-Rae referred to Item 6 of the Mayors Report regarding the issue of reports for council meetings to Elected Members on CD or via e-mail. He asked if a Member wants to continue receiving reports as they have heretofore will this still be the case.

Mr. G. O'Brien, Meetings Administrator, said a small number of Councillors are getting hard copies of all correspondence for Council meetings. The Corporate Affairs Department intends working with those Members to phased out the folder over time and move to the use of CDs. There is no reason, through training and the investment that has been made in laptops, that the folder of correspondence should be necessary.

Cllr. D. Healy-Rae said he wants to continue to receive a folder as he has to date. He said all elected members should receive information at the same time.

Mr. G. O'Brien, Meetings Administrator, said Council meeting correspondence is issued by post on the Tuesday before the Council meeting. If we move to e-mail and some members remain getting a hard copy of correspondence then the hard copy will be later received as it would be issuing by post. At the moment a CD issues and all members receive it by post on the Wednesday before the Council meeting. Corporate Affairs will be working towards reducing the number of folders and working with members over time on the use of CDs/e-mail.

Cllr. T. Ferris said she wanted to note that the CPG decided against holding a Civic Reception for the Kerry Hurlers. She said she wished to send her congratulations to the Under-21 Hurlers who won the Hurling U-21 'B' All-Ireland Championship final over the weekend. She said it was suggested to host a Civic Reception for the Senior Hurlers because for too long hurling has been the poor relation to football and it was considered appropriate. It would be unfortunate if this Chamber did not recognise the commitment of the members of the Kerry Senior Hurling team. She wished the team continued success and said she hopes that this time next year Kerry County Council will be hosting a Civic Reception for the hurlers.

Cllr. P. McCarthy said he attended the CPG meeting and there was immense praise for the Kerry hurlers. Kerry County Council cannot have Civic Receptions for everything that is achieved as there is a cost to every Civic Reception. Kerry County Council looks forward to the continued success of the hurlers over the next year.

10.09.13.02 Confirmation of Minutes

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Finucane, it was resolved that the Minutes of the July Ordinary Meeting of Kerry County Council held on 19th July, 2010, be confirmed.

10.09.13.03 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. O. Ring, Director of Water Services, referred to report dated 13th September, 2010, regarding the proposed upgrade and expansion to Lough Guitane Water Treatment Works in the townland of Gortdromakiery, Killarney, which had been circulated. This is very important infrastructure to Kerry County Council which will cost approximately €20m. Three submissions were made and all have been dealt with satisfactorily. It is recommended to proceed with the proposed development without modifications.

Cllr. M. Gleeson said this is very important infrastructure to the county. Constant availability of high quality water is important to the county's people and to its visitors. It is imperative that standards of the very highest and facilities of the very best are available. He noted the observations made. This is a vital place of scenic beauty and harmony between the development and nature must be maintained. There are tourist trails on the mountainside so it is important that nothing will be built that will be unduly obtrusive or an eyesore. Every effort must be made to ensure that what is built will blend with the environment.

Cllr. J. Finucane said he wished to be associated with Cllr. Gleeson's comments. In the 1970's Tralee did not have a guaranteed water supply. This made the difference between the town being able to expand and not being able to expand. He agreed that the development be built in harmony with the environment. He acknowledged that there is a cost involved, however, developing this infrastructure to EU standards is crucial. This development is to be welcomed. He PROPOSED that the report be accepted.

Cllr. J. Brassil said the cost of this development is approximately €20m and asked what portion of the cost will be funded by Kerry County Council. When and how will Kerry County Council get this funding when it is required. Lough Guitane is very close to an SAC, and given debates on other water facilities in SACs, he asked how difficulties regarding planning were overcome. He asked if the discharge is being discharged into an SAC area.

Cllr. B. Cronin said this is a vital piece of major infrastructure and it is one of the Council's critical core functions to have a supply of water. This source brings water to a vast area of the county. He welcomed Kerry County Council proceeding with this development. Cognisance must be taken of the concerns raised and he said he wanted to ensure the Council maintains their commitment. This development is an example of how this Council provides water for the county and this must be borne in mind for other areas of the county where there is controversy regarding the provision of water. It is critical for the people of Kerry, business and tourism that Kerry County Council continues to provide water as we have always been doing. This development will continue adequate water for the county. He fully supported the proposed development.

Cllr. J. Sheahan welcomed the expansion of Lough Guitane Water Scheme which is major infrastructure for this county. Kerry County Council must continue providing the best quality water for the county.

Cllr. D. Healy-Rae complimented and thanked the staff of the Water Services Department for their work on this project and welcomed the progress of this major project. This development is vital for the wellbeing of the major part of our county.

Cllr. T. Fleming complimented the Director of Water Services and Water Services staff for the work they have done on this project. A project of €20m takes a lot of resources.

Cllr. M. Moloney said she wished to be associated with the comments of previous speakers. She thanked the staff of the Water Services Department for the work they have done on this project. It is incumbent on Kerry County Council to provide good quality drinking water. She supported the proposed development.

Cllr. P. McCarthy welcomed the proposed development and said it is another example of Kerry County Council staff having the foresight to work ahead in order that a project is ready to progress when money becomes available.

Mr. O. Ring, Director of Water Services, thanked the elected members for their comments. Any possible impact the proposed development may have on the area has been taken into account and has been addressed by reducing the size of the building and landscaping. With regard to the cost of the development, Kerry County Council must pay according to the WSIP Water Pricing Policy, therefore, Kerry
13th September, 2010

County Council would be required to pay approximately 35% or €6.5m which is to be resourced locally from water charges and loans. Lough Guitane is designated as an SAC. Water has been taken from Lough Guitane for 25 years so there is no change to the regime, therefore, the Part VIII relates to the building only. Some delays have been experienced in progressing the project, for example dealing with effluent from the treatment plant. Many options were considered and a system which will recycle the waste water will be used. There will be no discharge to the lake and its SAC.

Cllr. J. Brassil asked how the decision was arrived at regarding discharge from the development.

Mr. O. Ring, Director of Water Services, said many options were considered including laying a pipe line to the Flesk river. Environmental issues have been addressed in the design process. The Part VIII went to public consultation last year and the Fisheries Board said an EIS was required. An Bord Pleanála was asked to adjudicate on this and found that an EIS was not required as the environmental issues were covered by the Part VIII process. This development is on the Investment Programme and it is expected to issue tender documents in late 2010/early 2011.

Cllr. M. Gleeson asked are there any implications for water in the Finnow river or in the river Flesk.

Mr. O. Ring, Director of Water Services, said this development will help balance any issues and overall will have a very positive effect on the river and the environment.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning & Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the Central Regional Water Supply Scheme – Upgrade and Expansion to Lough Guitane Water Treatment Works at Gortdromakiery (ED Coolies) Killarney, Co. Kerry.

10.09.13.04 Disposal of Property

(a) Plot of land at Rathmore

Cllr. J. Sheahan asked if the sign over of land has been agreed by all involved.

Mr. O. Ring, Director of Water Services, confirmed that the sign over of the land has been agreed with all involved.

Cllr. J. Sheahan said he was asked by the members of Rathmore Graveyard Committee that no further land would be disposed of at this location.

Cllr. D. Healy-Rae asked what affect this will have as the Social Action Group in Rathmore are also looking for some land and he would like to see the group facilitated. He asked how many years grave spaces will be left in Rathmore after giving land to the school through this Section 183 and also to the Social Action Group.

Mr. O. Ring, Director of Water Services, referred to an area marked "A" on the map that was circulated. There is a minimum of 80 years and probably 100

years left in the newly designed burial ground. The disposal of a small parcel of the land to the school is being dealt with today. Any other requests for the disposal of land must be dealt within the normal processes.

Cllr. T. Fleming said the Rathmore school has many plans for its development.

Cllr. M. Gleeson asked if all interested parties are satisfied with the disposal of this land. The Burial Ground committee are concerned as to what will happen in the future. He asked if the Burial Ground committee accept the transfer of land to the school. He said he is supportive disposing of the land to the school.

Mr. O. Ring, Director of Water Services, said it is his understanding that all parties are satisfied that this land be transferred to the school. He said it is his understanding that a suggestion was made that the land be leased to the school for 60 years rather than selling the land. However, this is not a realistic option as it is not necessary from a grave spaces and capacity point of view in this particular burial ground.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the disposal of a plot of land at Rathmore measuring 0.441 acres, situate in the townland of Rathmore, to St. Brendan's Trust, Bishops House, Killarney, Co. Kerry, in accordance with the terms of notice issued 15th July, 2010, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning & Development Act 2000.

(b) Plot of land at Rusheen, Ballylongford

On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. R. Beasley, it was agreed to approve the disposal of a plot of land at Rusheen, Ballylongford, measuring 0.007 acres approximately in total, situate in the townland of Rusheen, to (name & address withheld for data protection purposes), in accordance with the terms of notice issued 30th August, 2010, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning & Development Act 2000.

(c) Plot of land at Glounaguillagh, Killorglin

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the disposal of a plot of land at Glounaguillagh, Killorglin, measuring 0.045 hectares approximately in total, situate in the townland of Glannagillagh, to (name & address withheld for data protection purposes), in accordance with the terms of notice issued 31st August, 2010, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning & Development Act 2000.

10.09.13.05 2011-2013 Multi-Annual Road Works Restoration Programme

Mr. C. O'Sullivan, Director of Roads & Transportation, said the Council has been requested by the National Roads Authority to submit a 3 year programme under the Restoration Improvement Grant Scheme for 2011-2013.

The total length of the non national road network in County Kerry is 4,821 km, comprised of 524 km of Regional Roads and 3,757 km of Local Roads. This 3 year programme is based on an annual allocation of €8,444,700 (equivalent to 90% of the Council's 2010 Improvement Grant Allocation) and approximately 300 km will be improved.

Following the adoption of the Roads Programme in 2009, the grant allocations from the NRA and the Department of Transport, were substantially reduced in the April 2009 Supplementary Budget. Furthermore, as a result of the severe weather experienced in the winter of 2009/2010, discretion was given to local authorities to depart from the 2010 Restoration and the monies given under the Improvement Grant were spent primarily on repairs to the road network. In preparing the 2011–2013 programme, priority has been given to roads which were scheduled for completion under the last programme but did not receive the required funding due to the above circumstances.

In preparing this programme, the Council also had regard to revised requirements for the chargeability on the grants for Regional and Local Roads, (issued to all local authorities in June 2010), which will now require the Council to fund a substantial element of the proposed works from its own resources. This will impact on the Council's ability to provide adequate funding for the upkeep of the existing road network.

There are roads which are not included in this Restoration Improvement Programme in need of improvement. Some of these roads can be considered for inclusion in the Annual Roadworks Programme under the other grant categories.

He thanked the members for their contribution in developing the programme and attending at the special area meetings. The programme has been circulated for members' consideration and approval.

Mayor P. Leahy said it has come to his notice that the NRA want to put these works to contract. He asked if this will be a huge cost for Kerry County Council over the next 12 months.

Mr. C. O'Sullivan, Director of Roads and Transportation, said there is an onus on the Local Authority, as there is on all state funding, to ensure value for money is achieved. A recent memo from the Department which puts a greater onus on Local Authorities in relation to providing funding towards schemes has raised further concern. Preference is being given to projects going to tender. There is a Notice of Motion in relation to this issue on today's agenda.

Cllr. J. Finucane said this is critical as there will be a diminution of powers of this Local Authority should the role of the NRA be expanded. Through this the elected members become removed from prioritising works. A stand must be made for the Council's own work force and to maintain services. The more the role of elected members is diminished the more people question why there is a need for Local Authorities. Local Authorities have never been served by centralisation in the past. From an employment point of view in Tralee the biggest employer is the IT Tralee followed by Local Authorities. This proposal must be fought.

Mr. G. O'Brien, Meetings Administrator, said Notice of Motion No. 29 relates to this issue and would now be moved.

29. NRA Proposals regarding Procurement of Works

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

"Kerry County Council should have very serious concerns with regard to the NRA's insistence on giving out to contracts monies that they are going to allocate to our County in the future.

This will have a very serious affect on our engineering areas and our ability to keep the present level of staff employed. This matter has to be debated between members and management as a matter of urgency”.

The following report issued:

Kerry County Council has serious concerns with recent decisions by the NRA with regard to the procurement of works and changes to guidelines on the chargeability of expenditure to grants.

In the revised “Memorandum on Grants for Regional and Local Roads” issued by the NRA, on the 22nd June 2010, maximum unit rates are being prescribed, for surface dressing, and overhead charges, associated with the operation of machinery yards and bitumen storage facilities, are no longer permissible. There is also a cap on staff overhead costs, (to cover superannuation, holiday pay, PRSI, etc) which is not sufficient to meet the costs payable by the Council under statute and national agreements.

The impact of this is estimated to cost Kerry County Council in the region of €1.8 million annually, on the basis of existing grant allocations. This will have a serious fiscal impact on road maintenance operations, as well as impacting on the viability of maintaining our own resources, both in the Machinery Yard and in the areas.

Furthermore, increased regulatory controls, particularly in relation to road widening and realignment works, will require more detailed design and longer lead in periods for such projects to go to construction.

The Council is committed to ensuring that the best value for money is achievable in the delivery of our operations, with road works being carried out through own resources, hired plant, and contract at present. However, having regard to the size and peripheral nature of the county, there is a critical level of own resources required to maintain core services, as was demonstrated during the extended periods of severe weather in 2009 and early 2010. The challenge of maintaining these services places a considerable onus on local authorities own resources, with limited sources of revenue.

Cllr. M. Healy-Rae said this is a serious issue. He asked if discussing this matter could be perceived as a conflict of interest.

Mr. J. D. Flynn, Director of Corporate Services, said this is a general debate on contract.

Cllr. M. Healy-Rae said over the years, Kerry County Council has worked hard on maintaining the roads. Management and members of previous Councils made the decision to develop the Machinery Yard in order to service and maintain its vehicles. That was a sensible thing to do. A great network of machinery yards has been established in different areas throughout the county. There are also area office workshops in different locations and most importantly there is a network of teams of workers driving lorries and machines across the county. All of this is being put under threat and danger by the NRA proposal. If this is followed through it will finish up with a situation where there will be no men working in the Council and no plant. This happened to the forestries where there was 30/40 men working in the forestries in Kilgarvan previously and now there are no workers. The income in many households in County Kerry is being paid by a member of the family being employed by Kerry County Council.

This income is being put under threat by what is proposed. The County Manager is proactive in dealing with the jobs situation but these are jobs we have and which we had in the past and must be maintained. During the floods in Cork last year Cork County Council was exposed because they do not have the machinery or a set up similar to Kerry County Council's. They had to hire contractors and there was no accounting for the bill because it was an emergency situation. If you consider situations that arose in the county with roads down it was Kerry County Council staff that responded and dealt with this. It is a huge thing to reduce this network of staff. It is even happening at present to a degree where if a staff member retires or dies and they are not being replaced. This will be the death knell of Kerry County Council workers. We have to be proactive to prevent this happening the way the people in Dublin want to see it happening. For many years the current County Manager worked on building up the present network. He asked for the opinion of management on this matter.

Cllr. D. Healy-Rae said he also wanted to highlight the possibility that discussing this matter could be perceived as a conflict of interest. This proposal will have a detrimental effect on General Operatives and the operation of engineering areas which are very effective. General Operatives know how to deal with situations on the ground immediately. If these staff members were not in employment contractors would have to be employed who may not know the areas as current staff do. This expertise will be lost if the NRA insist on works going to tender. In the Summer time, Kerry County Council will not be able to maintain the workforce it has. Additional Resident Engineers will be required to put tenders in place and monitor the work being done. There is no gain in that for the county, the tax payers or Kerry County Council or more importantly the general public of Kerry which we serve. Kerry County Council's machinery yard and general operatives will be lost and this NRA proposal will further erode the effectiveness of the elected members of Kerry County Council.

Cllr. J. Finucane said the "people in Dublin" are the Government as supported by the members placing this motion. This is a Government sponsored initiative. This issue cannot be debated when supporting Government.

Cllr. P. McCarthy said the management team within Kerry County Council has studied this at length. He asked for management's opinion, from a financial point of view and a modus operandi, on what the possible impacts will be if this proposal is carried to its ultimate.

Cllr. B. Griffin agreed with Cllr. Finucane's comments. He said there are questions over the financial management of the NRA. This issue must be dealt with seriously.

Cllr. M. Gleeson said in his time in Local Government there have been three commissions on the reform of Local Government. This is a timely notice of motion not just because it deals with local expertise in jobs but it signposts another step in the diminution of the role of Local Authorities. At central Government level there is a commitment to sidelining Local Authorities. He said he has a firm commitment to the effectiveness and efficiency of Local Authorities. Local Authorities are the most accountable arm of Government in Ireland and have never been guilty in the gross misspending of funds. Two statements in the reply to the Notice of Motion must be challenged "increased regulatory controls" and "a critical level of own resources required to maintain core services". No Government has committed to augment Local Authorities to generate finances. Since the 1970's Government have been diminishing Local Authorities and it continues today. He said his sympathy lies with the officials trying to manipulate finances in the running of the county. Oireachtas Members must fight for the reform and upgrading of Local Authorities

otherwise Notice of Motions like this are ineffective. Kerry is faring poorer than the Eastern counties and peripherality will continue if Kerry does not fight for the county.

Mr. C. O'Sullivan, Director of Roads and Transportation, said the NRA is not insisting Local Authorities go to contract. It is open to Local Authorities to prove they can give the same value for money. Kerry, as a peripheral county, can call on its own resources to provide a valuable service to communities. We are working with our staff in a co-operative manner to achieve value for money and a reduction in costs. During the summer staff must be redeployed. The Memorandum on Grants for Regional and Local Roads is forcing Local Authorities to carry a greater proportion of costs from own resources. These are national agreements which Local Authorities must comply with. As outlined, a sum of €1.8m will have to be provided from own resources. Funding available for potholing and street cleaning will be impacted. These issues are being taken up at CCMA level with the Department.

Cllr. N. Foley said during the severe weather experienced in January grit sites were available. She asked if these sites will be impacted.

Mr. C. O'Sullivan, Director of Roads and Transportation, said the NRA has provided funding for the construction of salt barns and the purchase of equipment. The NRA will nationally organise the procurement of salt for the incidence of severe weather.

Cllr. P. Connor-Scarteen said as a peripheral county Kerry has a case to maintain its status quo. Kerry has three peninsulas to cover which other counties do not.

Mr. C. O'Sullivan, Director of Roads and Transportation, said if you go to contract in the current climate you will get a cheaper price. However, in the current climate contractors are submitting low prices and then making claims to bolster their contract price. Heretofore if additional funds became available in November or December Kerry County Council was in a position to expend those funds. Kerry County Council must now prepare full and detailed designs. Funding is on hand which cannot be used in South Kerry because of restrictions on Kerry County Council and this funding may not be available in 2011.

Cllr. D. Healy-Rae asked is it possible for Kerry County Council to tender for some of these projects under the specific improvement grants.

Mr. C. O'Sullivan, Director of Roads and Transportation, said Kerry County Council must prepare a design and break down costs. If value for money can be provided the NRA would allow Kerry County Council to do the work.

Cllr. M. Healy-Rae thanked the executive for taking the motion at this stage of the meeting. He said it was right to put forward the motion. While this matter cannot be finalised today it must be kept high on the agenda in the coming months to ensure the continuation of the workforce. With regard to comments on the association with Government, he said members are elected to do a job for the public.

Cllr. M. O'Shea said this is a disastrous proposal from the NRA. He PROPOSED that the Oireachtas members be invited to a meeting with the Manager to explain the affects of this proposal. A meeting should then be arranged with the Minister and Taoiseach.

Cllr. M. Moloney SECONDED this proposal.

Mr. T. Curran, County Manager, said there is concern regarding the implications for counties like Kerry. This matter is being taken up at senior level with the Department and there has been correspondence between the CCMA and senior staff in the Department. There is a perception that Local Authorities are not achieving value for money and that contracting is a saving. He said he finds it difficult to see how value for money can be achieved in paying a contractor particularly if there is a continuous period of bad weather and they are standing idle. The decision to build the machinery yard was taken on the basis of the county's peripheral nature. Contractors are not available in or around Kerry who could undertake the Roadworks Programme which Kerry County Council does. During the Celtic Tiger period Kerry County Council managed to spend its allocation along with increased allocations received because other counties could not spend their allocation. Kerry County Council was in a position to do this because of its existing workforce in the county. He said he would argue that Kerry County Council does achieve efficiencies. Kerry County Council must also comply with insurance and health and safety requirements. Kerry County Council cannot charge staff overheads to projects whereas consultants fees can be charged. Chargeability of overheads like the transfer of products from small trucks to lorries on site is not allowed and must be borne by Kerry County Council. This will be at the expense of other services such as street cleaning, etc. There is concern regarding this proposal and it is being taken up at senior level. Oireachtas Members will also be briefed on this matter.

Cllr. P. McCarthy PROPOSED that Kerry County Council write to the Oireachtas members outlining the concerns of the elected members.

Cllr. D. Healy-Rae said he wished to make it clear that Deputy Healy-Rae has been fighting this for the last six months and highlighting it to Minister Dempsey.

10.09.13.06 Kerry County Council's Draft Submission to the Department of Transport on the Statement of Strategy 2011-2013

Mr. C. O'Sullivan, Director of Roads & Transportation, referred to report which had been circulated and said Kerry County Council has been advised by the Secretary General in the Department of Transport that it is required to prepare a new Statement of Strategy for the three year period from 2011-2013.

As part of the process of developing the revised Strategy Statement, the Department is engaging in a consultation process to assist in defining the strategic direction, high level goals and work programmes that the Department should focus on over the coming three years.

The Department is also required to identify output targets and set down performance indicators to help measure progress.

A draft submission on behalf of Kerry County Council has been prepared for consideration by the members identifying high level goals and work programmes that are critical for the development of the county over the next three years. Subject to consideration by Council, it is recommended that this submission, with any amendments proposed by Council, be submitted to the Minister for Transport.

Cllr. M. Gleeson said motorways have been developed from Dublin to Galway, Dublin to Cork and Dublin to Limerick. The Cork to Killarney route still experiences many delays and is having an adverse impact on tourism and people getting to hospital for specialised treatment. Again this portrays the lack of concern for this peripheral county. It was proposed that the Farranfore to Killarney road would be developed between 2004-2009. The development of this route appears to be further behind then ever as

there are reports up and down from the Department seeking further information. The Rural Transport Initiative has transformed the lives of people who are living in rural isolation and this service must be retained.

Cllr. J. Finucane referred to the role of Tralee/Fenit Harbour Board and said discussions have been ongoing regarding that board being taken under the auspices of Limerick Harbour Board. Enhancement of Tralee/Fenit Harbour should form part of the strategy.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Fitzgerald, it was agreed to amend Kerry County Council's Submission on the Statement of Strategy 2011-2013 to take into account the members concerns in relation to Tralee Fenit Harbour and to make the submission to the Department of Transport.

10.09.13.07 Nomination to the Kerry Recreation & Sports Partnership

Cllr. M. Gleeson asked if the role of this body and its function have been clarified and if its degree of independence has been established.

Mr. J. Breen, Director of Housing, Community & Enterprise, said this structure has been re-established under the auspices of Kerry County Council. The board must now be re-established to inform the work and allow the commencement of draw down of funds for sports clubs in Kerry. The role and the function of the Board is quite clear. The name of the partnership has been broadened to be as inclusive as possible.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Finucane, it was unanimously agreed that Cllr. B. Griffin be Kerry County Council's nominee to the Kerry Recreation and Sports Partnership.

10.09.13.08 Update on Kenmare Water Abstraction

Mr. O. Ring, Director of Water Services, referred to report which had been circulated and said this update is provided as a follow-up to the report to the July meeting of Council which reported on the outcome of the Screening for Appropriate Assessment (AA) process which was carried out on the Lakes Options to provide a supplementary source of water for Kenmare.

It had been explained in a June report to Council 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.

The Screening for AA process was carried out on (a) the Clonee Lakes (b) Barfinnihy Lake and (c) Gullaba Lake. The conclusions of the screening reports were that "*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 Council was advised that 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.

The Council requested that the Screening Reports be sent to the DAU for formal consultation and this was done on 23rd July with a request that the matter be dealt with as soon as possible. However, no reply has been received to date which means that a full report cannot be put before Council until the October meeting.

Mr. Ring said that following the preparation of this report he subsequently received a report by e-mail stating that an Appropriate Assessment is required. A report will be presented to the October Council meeting setting out the full implications of the required Appropriate Assessment.

10.09.13.09 Report on Planning & Development (Amendment) Act 2010

Mr. M. McMahon, Director of Planning, outlined his report dated 6th September, 2010, which was circulated regarding the Planning & Development (Amendment) Act, 2010. The Planning & Development (Amendment) Act 2010, which includes significant amendments to current planning legislation, has been enacted. A number of sections, mainly dealing with (a) Extension of the appropriate period of a permission and (b) Increased penalties for offences, have been commenced with effect from 19th August, 2010. It is understood that it is intended to commence the vast majority of the remainder of the act on 28th September, 2010.

Mayor P. Leahy thanked the Director of Planning for his report and said major changes are taking place with regard to planning legislation.

Cllr. D. Healy-Rae welcomed the extension of terms of a planning permission adding that it will be a great help to people who are in economic hardship. He asked if an application must be made or does a person make a request in writing. With regard to quarries he said the Planning Authority evaluated quarries in 2005 and this should not be that big a job now.

Cllr. P. McCarthy thanked the Director of Planning for the report which is a very clear explanation of what is in the Planning & Development (Amendment) Act 2010. He asked that this report would be listed on the agenda for the next Planning SPC meeting. He said if any members have any queries or concerns that they pass them to a member of the Planning SPC for discussion. He welcomed the extension of the terms of planning permission as due to economic situations a lot of developments did not proceed and may not be able to proceed for a while yet. He asked that the Planning Department look favourably on the maximum of 5 years being granted for extensions of planning permission in anticipation of an upturn in the economy.

Cllr. M. Cahill welcomed the extension of the terms for planning permission. He said there are a number of developments which have not proceeded because of the current economic climate. He asked if a fee will apply for the extension of a planning permission. He expressed concern regarding the elected members' future role in relation to the County Development Plan as it appears the members' role will be diminished.

Cllr. J. Brassil referred to the extension of the terms of a planning permission. He said while he understands the position where a person has been unable to start a development, he asked what happens in the situation where a person has started a development and is not in a position to complete it. To date it was the case that if a development was substantially complete the planning permission could be extended. He asked if there is provision to deal with these cases also. He welcomed the legislation and the extension of the terms of a planning permission.

Cllr. A.J. Spring said the extension of time on a planning permission should be applied retrospectively as many people found themselves in a position where they could not source finance. He asked if this legislation can be applied retrospectively.

Cllr. T. Ferris thanked the Director of Planning for presenting this report particularly in relation to Section 28 and Section 59 of the Planning & Development (Amendment) Act 2010. With regard to Section 59, it is now the majority of the owners of a development rather than the majority of the occupiers of a development that request the take over an estate. There are many estates where the developer may not have sold the properties and remains the majority owner. It appears that the occupiers have no recourse in that case. She sought clarification on this matter.

With regard to Section 28, she said even where no works have been carried out, an extension of the terms of planning permission can apply. She said the difficulty she sees is that this legislation is not specific in detailing how a Planning Authority could be satisfied that for commercial, economic or technical reasons, outside of the control of the applicant, no development or substantial works were carried out. She asked how the Planning Authority will apply this section and what information will be sought in order to grant an extension to a planning permission. She asked if applicants can still apply under old legislation or does the Planning & Development (Amendment) Act 2010 replace the old legislation.

Cllr. B. Cronin said the possibility of an extension of time in particular cases is extremely welcome and asked if application forms are available. He said he understands this legislation applies specifically to full planning permissions and does not cover outline planning permission. He welcomed the changes regarding enforcement for quarries and said he had Notices of Motion previously regarding concerns of residents living beside quarries. He said he does not object to the operation of quarries but there should be recognition of the concerns and needs of people who reside near quarries. He asked that this be considered in order to reach a balance and that quarry operators work within guidelines so residents can live in reasonable peace and tranquillity regarding hours of working, dust and accommodation works. This legislation dilutes the power of elected members and there is much more room for ministerial involvement. It is most serious and in one sense it is a good thing. It may curtail where individuals were chasing members to have areas zoned, etc., yet now areas are being dezoned. This is welcome. Regarding deferral of Local Area Plans, he asked what is the situation for a Local Area Plan where lands were zoned, have not been utilised and are still in place. He asked if that plan can be extended.

Cllr. M. O'Shea welcomed the introduction of legislation regarding the extension of time for planning permission. He asked if the legislation includes any provision to deal with serial objectors. He asked if there is anything in the legislation which would affect Kerry County Council's on-site pre-planning facility. He asked if there will be benefits for new applicants seeking planning for rural one off housing.

Cllr. M. Moloney referred to people who cannot build because of the lack of a Sewerage Scheme and asked if they can apply for an extension of time on their planning permission. She sought clarification regarding the judicial review.

Cllr. P. O'Donoghue thanked the Director of Planning for his report on the Planning & Development (Amendment) Act 2010. He said this legislation will lead to a diminution of the members' role in dealing with the County Development Plan. It is clear that members must do what the Minister and Regional Authority require. It is a diminution of power on the creation and adoption of the County Development Plan. He referred to the point regarding all development plans being required to include objectives to reduce energy demand and expressed concern for rural one off houses if reduction of energy demand is a criteria. This is another negative for those wishing to reside in rural Ireland. He welcomed the deferral of reviewing Local Area Plans as these reviews are costing this Local Authority an enormous amount of money. There are no major developments under construction at the moment and there will not be any such developments for quite a while. Three LAPs have been reviewed to date which may be at a cost in terms of this legislation. Serious consideration must be given to reviewing other Local Area Plans in the context of this legislation.

Cllr. B. Griffin referred to sections of the Planning & Development (Amendment) Act 2010 which deal with planning enforcement and the 7 year limit on taking enforcement measures. He asked if this applies to existing developments or does it apply retrospectively to any development which has been built for more than 7 years.

Cllr. J. Sheahan said he hopes that Kerry County Council can deal with planning permissions that have expired under the extension of time legislation. Many planning permissions expired due to people being in financial difficulties and it is hoped the Planning Authority can take a sympathetic view on these cases.

Cllr. M. Healy-Rae said he has great concerns regarding quarries as this procedure could be a death knell in the network of quarries. It is important to have a high level of quarries around the county in order to reduce transport and to create employment locally as well as keeping the cost of material down. In addition, as Kerry County Council is one of the biggest purchasers of quarry products there should be an availability of quarry products when required. He welcomed the legislation regarding an extension of time for planning permissions. He sought clarification regarding the situation where there is a current planning permission for a scheme of houses and asked if the developer could apply for an extension of time on the planning permission if the development were being held up by lack of available infrastructure. He supported Cllr. O'Donoghue's comments regarding Local Area Plans. LAPs are being reviewed despite the knowledge that there is no requirement for development in the county. Extending the life of Local Area Plans is sensible. He said he was disappointed to hear negative comment regarding zonings carried out in the past in the county. Land zoned in the past was zoned for local jobs and for local development.

Mr. M. McMahon, Director of Planning, thanked the elected members for their comments and responded to queries as follows:

- An application form to apply for a five year extension on a planning permission has been prepared which has appropriate questions to will help a person apply the evidence in relation to claiming on economic and commercial grounds. Individuals will not be required to submit personal information e.g. it will not be necessary to supply letters from banks or refusals.

- There is an over-supply of housing at present and it is unlikely that a scheme of houses would be developed in the current climate. The Planning Authority is aware of the commercial reality as to why developers did not proceed with developments.
- Conditions on the planning permission can be varied. If there was a bond condition on the original permission that is taken into consideration or the Planning Authority can add a condition in relation to providing a security for the completion of the development.
- The amount of work required in relation to quarries cannot be underestimated. Because of an EU Court of Justice ruling consideration will have to be given to whether an EIS/Appropriate Assessment should have been carried out and this will determine whether or not further works must be undertaken. Any quarry operator who has planning permission and is abiding by the conditions has nothing to fear. Unauthorised operations will be pursued with enforcement action.
- As requested by Cllr. McCarthy the report on the Planning & Development (Amendment) Act 2010 will be listed on the Planning SPC Agenda.
- The application fee for an extension of time is approximately €80.
- An applicant for an extension of time can be given the benefit of whichever provision will benefit them. The application can be dealt with under the old Section 42 or under a new Section 42(A) for new developments which have not started. People have been refused over the last 12 months as no works were carried out on a development for which they had planning permission. A letter has issued to anybody who was refused over the last 12 months if their planning permission is still live and their attention has been drawn to the new Section 42(A) under which they could now apply for an extension of time on the planning permission. If the planning permission has expired there is no option available.
- Taking in charge of estates - the Act is being regarded as a positive step because the owners now request that the estate be taken in charge. The majority of owners now make the request.
- Regard must be given to the economic situation of applicants for extensions of time on planning permissions.
- Where a person would have had some works carried out and the planning permission was expiring and they got an extension of time and that extension is running out they can now apply under the new Act for another extension. Application forms are available from the Planning Department.
- With regard to deferral of Local Area Plans, it is a matter for resolution of the members to serve a notice on the Manager that they are of the view that an LAP should be deferred. It is then a matter for the Manager to decide. The amount of land zoned in County Kerry is excessive.
- There does not appear to be anything in the legislation regarding dealing with serial objectors.
- With regard to whether the Act benefits rural one off housing or not, the Rural Planning Guidelines apply, therefore, the Act will not impact positively or negatively as the same rules apply as heretofore.
- If a planning permission included a condition that it could not proceed because of the lack of a sewerage scheme, the developer could apply to extend the planning permission by five years.
- With regard to Judicial review, "ex parte" means that if a person is suing an individual and considers Kerry County Council to be an interested party, they could also sue Kerry County Council. In the normal course of events, if a person applies to have a planning decision struck down the County Council is served and the County Council must respond. He said his interpretation of the legislation is

that the judge can now decide whether he can deal with this application on his own or involve the County Council. The person taking the proceedings must take their own costs.

- With regard to diminution of powers of elected members, the legislation puts greater and stricter conditions on what the elected Council can do with the Development Plan as they must comply with Ministerial Guidelines, e.g. guidelines to require areas under intense urban pressure to be mapped and included in the County Development Plan. Similarly regarding telecommunication masts, there are conflicting guidelines in the County Development Plan. The Council is in favour of rolling out modern infrastructure and the County Development Plan says a mast cannot be located within 1km of a dwelling. The 1km rule is clearly not in compliance with Ministerial guidelines.
- The 7 years enforcement rule relates to quarries and peat extraction only.

Cllr. P. McCarthy referred Section 7 of the Planning & Development (Amendment) Act 2010 regarding the County Development Plan which states "All Development Plans must now include mandatory objectives to promote sustainable land-use and transportation strategies to reduce energy demand, reduce greenhouse gas emissions and address the necessity for adaptation to climate change." The Director of Planning said the normal rules will apply for a rural one off house. He asked how the Planning Department will determine that planning permission will be refused for a house because it does not meet the criteria for reduced energy demand.

Mr. M. McMahon, Director of Planning, said this may relate to the design of the house regarding greenhouse gases and solar panels.

Cllr. B. Cronin asked if someone has outline planning permission could they apply for an extension of time.

Mr. M. McMahon said following the grant of outline permission an application can be made within three years for full planning permission which, if granted, will have a five year timeline attached.

Cllr. P. O'Donoghue asked if "transportation strategies to reduce energy demand" could include diesel and petrol. He said he believes this will have serious implications for rural areas and he is interpreting this as a negative implication for people wishing to build in rural areas. Elected members must now comply with what the Minister requires.

Mr. M. McMahon, Director of Planning, said the major policy by Government is smart travel which will include promotion of cycling, etc. Development in rural areas could require the provision of petrol stations to provide fuel in rural areas.

Community Seminar

Mr. G. O'Brien, Meetings Administrator, said the update from the County Development Board which was presented to the CPG meeting referred to a Community Seminar to be held on the 15th October. This Seminar intends dealing with learning from the severe weather conditions of early 2010. This Seminar is being added to the list of Conference/Seminars which was circulated with the Agenda should members wish to indicate that they will attend.

Vote of Congratulations

Cllr. M. Gleeson PROPOSED a vote of congratulations to Killarney on winning the best large town in the Tidy Towns Competition.

10.09.13.10 Presentation from Enterprise Ireland

Suspension of Standing Orders

Mayor P. Leahy informed the meeting that it was 1.30 p.m. and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. N. Foley it was agreed to suspend Standing Orders in order to receive the presentation from Enterprise Ireland.

Mayor P. Leahy welcomed Ms. Mary Wixted, Senior Regional Development Executive, Enterprise Ireland to the meeting.

Ms. Wixted thanked the elected members for the opportunity to make a presentation to Kerry County Council and to outline the work of Enterprise Ireland (EI). Ms. Wixted expressed apologies on behalf of Mr. Gerry Moloney, Regional Director, who was unable to attend today's presentation. Ms. Wixted made a presentation to the members which included the following:

- Enterprise Ireland's Vision.
- EI's Vision for Success
- Clients EI Supports
- What EI offers to Clients
- Programmes & Initiatives in Regions
- Infrastructure/Incubation Space
- Entrepreneurial Supports
- High Potential Start Up Companies (HPSUs)
- Kerry Statistics
 - No. of Companies supported 2009 – 130
 - No. of Full Time Jobs 2009 – 3,151
 - No. of Contract/Part time jobs 2009 – 444
 - Over 300 Employees in EI supported Companies in KTP
 - Over 90 Employees in EI supported Companies in KTI
 - New Jobs created in 2009 – 162
 - Investment in EI Client Companies 2009 in excess 7.5m
 - 32 Innovation Vouchers – total 105,000
 - 8 Innovation Partnerships – total 706, 124
 - 7 Community Enterprise Centres
- Enterprise Stabilisation Fund

Cllr. J. Finucane said there is a synergy between the County Enterprise Board and Enterprise Ireland which is important. He asked if there is anything else that local authorities can do to make it easier to promote the region.

Ms. Wixted said Enterprise Ireland works well with Kerry County Council and sits on the KEAT Committee in terms of promoting and networking. With regard to Community Centre applications, if there is funding available Enterprise Ireland

would also work with the Council on these applications. There is a good working relationship with the Council and it is hoped to continue and further develop that relationship.

Cllr. B. Griffin said in Castlemaine a number of individuals have indicated that they do not have a suitable unit to develop their business. He asked if they should contact Enterprise Ireland.

Ms. Wixted said either Enterprise Ireland or Shannon Development could be of assistance. Assistance may be available through the Community Enterprise Centres Initiative, a community owned initiative which is community driven. Enterprise Ireland supports 45%, 5% from the community and the for the balance the community secures a loan or it is otherwise funded.

Mayor P. Leahy thanked Ms. Wixted for her presentation to the elected members and said there was a lot of information in the presentation.

The meeting adjourned for lunch at 1.45 p.m.

The meeting resumed at 2.30 p.m.

10.09.13.11 Report from Chair of Planning SPC

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

10.09.13.12 Report on the Operations and Activities of the Kerry Education Service

It was agreed to note Cllr. J. Finucane's report on the operations and activities of the Kerry Education Service.

10.09.13.13 Summary of Proceedings at Conferences

(a) AMAI Spring Seminar 2010 – 12th February, 2010

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

(b) Library Association of Ireland/CILIP Ireland Annual Joint Conference 2010 – 21st April, 2010

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

(c) Professional Development Conference – 21st May, 2010

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

(d) Tarbert Community Care Ltd Conference – 5th June, 2010

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

(e) Synge Summer School 2010 – 1st July, 2010

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

(f) "Developing Vibrant Communities through Creativity and Innovation: A Business Perspective" Conference – 1st July, 2010

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

(g) Dr. Douglas Hyde Summer School 2010 – 3rd July, 2010

It was unanimously agreed to note Mayor P. Leahy's written report on this item which was circulated.

(h) Housing (Miscellaneous Provisions) Act 2009 Conference – 16th July, 2010

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

10.09.13.14 Opening of Tenders approved at the July, 2010, Council Meeting

(a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was agreed to note the opening of Tenders for N72 Six Mile Bridge (Barraduff Bridge) Widening Contract – Closing Date: Monday, 9th August, 2010 at 4.30 p.m.

(b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was agreed to note the opening of Tenders for Cleaning of Drinking Water Reservoirs – Closing Date: Wednesday, 11th August, 2010 at 3.00 p.m.

(c) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to note the opening of Tenders for N22 Lawlors Cross to Killarney (Road Overlay) – Closing Date & Time: Monday, 16th August, 2010 at 4.30 p.m.

(d) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane it was agreed to note the opening of Tenders for Supply Installation and Commissioning of a Diffused Air System for Kenmare WWTP & Control Improvement Works at Castleisland – Closing Date & Time: Thursday, 19th August, 2010 at 4.00 p.m.

(e) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was agreed to note the opening of Tenders for Munster Bridge Rehabilitations Contract – Closing Date & Time: Monday, 23rd August, 2010 at 4.00 p.m.

(f) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin it was agreed to note the opening of Tenders for Upgrade Works for 3 Pump Stations for Kerry County Council & 1 Cork Council Treatment Works – Closing Date & Time: Wednesday, 25th August, 2010 at 4.00 p.m.

(g) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. Connor-Scarteen it was agreed to note the opening of Tenders for (A) Horse Seizure Service and (B) Provision & Operation of a Secure Horse Pound Facility for Kerry County Council – Closing Date: Friday, 27th August, 2010 at 12.00 noon.

(h) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Finucane it was agreed to note the opening of Tenders for 2010 Roadworks Programme – Caherciveen Engineering Area Bituminous Overlay Requirements – Closing Date & Time: Friday, 27th August, 2010 at 4.30 p.m.

(i) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin it was agreed to note the opening of Tenders for Data Storage Technology – Closing Date: Friday, 3rd September, 2010 at 2.00 p.m.

- (j) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was agreed to note the opening of Tenders for N69 Glanoe to Banemore Pavement Overlay – Closing Date: Friday, 3rd September, 2010 at 4.30 p.m.

10.09.13.15 Opening of Tenders

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for Supply, Installation & Commissioning of Centrifugal Pumps, Kiosks & Auxiliary Equipment at Various Sites in Kerry – Closing Date: Wednesday, 15th September, 2010 at 4.00 p.m.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. R. Beasley, it was agreed to approve the opening of Tenders for the Provision of Buildings suitable to house Water Treatment Facilities – Closing Date: Tuesday, 28th September, 2010 at 4.00 p.m.
- (c) On the PROPOSAL of Cllr. B. Griffin, SECONDED by Cllr. J. Finucane, it was agreed to approve the opening of Tenders for National Road Pavement Improvements 2010 N70 Castlemaine to Milltown – Closing Date: Friday, 17th September, 2010 at 4.00 p.m.
- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. L. Purtill, it was agreed to approve the opening of Tenders for National Road Pavement Improvements 2010 N69 Caherdown to Skehanierin – Closing Date: Friday, 17th September, 2010 at 4.00 p.m.
- (e) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. R. Beasley, it was agreed to approve the opening of Tenders for Supply, Installation & Commissioning of a Monitoring , Alarm & Control System for Water Services – Closing Date: Thursday, 23rd September, 2010 at 4.00 p.m.
- (f) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. J. Finucane, it was agreed to approve the opening of Tenders for Pavement Overlay N70 Mountain Stage – Closing Date: Monday, 27th September, 2010 at 4.30 p.m.
- (g) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to approve the opening of Tenders for Pavement Overlay N71 Kenmare – Closing Date: Monday, 27th September, 2010 at 4.30 p.m.
- (h) On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. P. Leahy, it was agreed to approve the opening of Tenders for Pavement Overlay R556 Dale Road – Closing Date: Monday, 27th September, 2010 at 4.30 p.m.
- (i) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to approve the opening of Tenders for Pavement Overlay N72 Barraduff Village – Closing Date: Wednesday, 29th September, 2010 at 4.30 p.m.

10.09.13.16 Notices of Motion

Mr. G. O'Brien, Meetings Administrator, said Notice of Motion No. 1 and No. 31 are similar and would be dealt with together.

Use of disused railway line as a Recreational Facility

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

"In view of the importance of advancing the facilities for environmental tourism and of the lack of any progress towards reinstating the railway line, that this Council would work in conjunction with South Kerry Development Partnership to develop a Walkway cum Cycleway along the former Railway track from Glenbeigh to Cahirciveen."

The following report issued:

The Council has had some initial discussions with South Kerry Development Partnership on the development of a recreational route along the former railway track from Glenbeigh to Cahersiveen. SKDP have agreed to develop more detailed proposals to be submitted for our consideration and we are awaiting same at present.

It must however be recognized that, given the current constraints on resources, the Council has very limited funding available for such initiatives and consideration will have to be given by the members in identifying a funding mechanism if schemes such as this are to be developed in the future.

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

"That Kerry County Council would up date members on plans to date to develop disused railway lines in the county as cycling and walking ways and state if it has any plans for the world famous Farranfore to Valentia line in particular."

The following report issued:

Kerry County Council had preliminary discussions with the local development agencies on the potential for using disused railway lines in the county as cycling and walking ways. One of the key issues that will need to be addressed is existing land ownership over a sufficient length that would make the project viable for marketing as a tourism product and generate sufficient usage.

Subject to resolving ownership issues and the project satisfying a viable business planning process, the future development of such projects will be contingent on state funding with some matching funds being provided by the Council.

Given the current constraints on resources, the Council has very limited funding available for such initiatives and consideration will have to be given by the members in identifying a funding mechanism to provide the required matching funds.

Cllr. M. Gleeson said this is an extension of previous Notices of Motion he has tabled regarding the possibility of re-opening the railway line from Killorglin to Caherciveen. He said he has no doubt in saying this would be one of the greatest tourist attractions if it were still in existence. We are privileged to live in Kerry with great natural beauty. It is interesting that the 3rd October is National Trails Day where there will be focus on existing trails that are accessible and available as well as potential for development of new trails, of which there is a great need. Recently there is a realisation that the area from Glenbeigh to Caherciveen needs to be developed to its full potential. If the land was still in state ownership it might be

easier to develop. Development of this route as a walking/cycling route would be a fantastic tourist attraction. He said he has had limited discussions with South Kerry Development Partnership who have expressed an interest in developing this facility. He asked that Kerry County Council and South Kerry Development Partnership advance this facility which would be of economic benefit to the county.

Cllr. J. Finucane **SECONDED** Cllr. Gleeson's motion. He said Professor Alex Gillespie from New Zealand spoke at the IT Tralee on Saturday last regarding UNESCO sites. Their approach shows that our approach needs to be re-invented. It is no longer practical for this country to rely on nostalgia tourism. The amount and quality of activities in the county is important. In New Zealand if sites are awarded stars they are used by tourists. The Tralee Fenit line is another important part of infrastructure with a scenic landscape and an industrial history. People are looking for these types of activities. Consideration must be given to investment in these types of products, potential in marketing and bringing people to the region. The county must re-energise tourism and develop a new approach to these projects and facilities. Two to three tourism bodies in this country does not make sense. These types of projects with the Council involved in them are important. People have an interest in heritage and history and this type of work is critical to a tourist product of the future and survival as a tourist industry.

Cllr. B. Griffin said any move to develop these facilities as walking/cycling routes would be very progressive. He said during the summer he walked the Newport/Mulranny old railway line route which is a great piece of infrastructure which brings finance into the locality. In Kerry there is a number of fantastic old railway lines and there is a lot of interest in the heritage of these lines. The progression of the Tralee to Fenit line would be welcome. There was great attendance at a public meeting hosted by Kerry County Council last year regarding this route. The Mountain Stage railway has huge potential and it would be fitting 50 years after the closure of that line to develop a facility. New tourism products must be provided in Kerry and such a product would sell world wide.

Cllr. R. Beasley said he supported the sentiments of these motions. Glenbeigh-Caherciveen is a beautiful route and it would be a great opportunity to upgrade that railway line. Tourism in this county has been failed by successive governments. Promotion of tourism in any part of the county would be welcome. The cliff walk in Ballybunion is a great facility.

Cllr. P. McCarthy asked if Kerry County Council management has been contacted by relevant tourism committees to exploit the aspects of tourism.

Mr. T. Curran, County Manager, said these committees had not contacted him.

2. Publication of Members Expenses on Kerry County Council Website

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

"The Kerry County Council by agreement, at the end of every four weeks put up on the council website the full earnings, expenses etc of every member of the council. I propose this in light of the fact that an investigation was carried out in recent times and I honestly believe that they should not have to investigate looking for this information, it should be made freely available to all journalists and the public alike."

The following report issued:

The information referred to in this notice of motion is freely available to anybody be it journalist or member of the public by means of our Public Register of Payments to Members. The Public Register gives a breakdown of the various payments made to Members under various headings such as Annual Allowance (All councillors receive a fixed annual allowance designed to defray in a structured way reasonable expenses incurred by them in attending meetings associated with their council business.

The annual allowance comprises of three elements: (1) distance from an individual's home to the council HQ, (2) daily subsistence rate and (3) miscellaneous allowance for general representational expenses), Representational Payment (This is a salary type payment which is paid monthly to Members and is liable to PAYE in the normal way and the appropriate rate of PRSI.), Expenses paid to Members for attending Conferences/Events, SPC/CDB Chair Allowances, etc. Full payment of the annual allowance requires 80% attendance at meetings notified to members. Representational payment is €16,724 per annum. The Mayor's Allowance is €35,175. The Deputy Mayor's Allowance is €10,238.

No investigation is required to get this information. Historically this information was kept in manual format but since the introduction of the M.E.E.T (Meetings, Events & Expenses Tracking) System, up to date information is freely available at the click of a button for whoever wishes to view it in the Corporate Affairs Department.

As most payments are made on a monthly basis, a calendar month as opposed to a 4 week period would be preferable. However, in order to give a true reflection of the figures and allowing for the submission and processing of claims, publishing the information on a quarterly basis may be preferable.

This is a matter for consideration by the members.

Cllr. M. Healy-Rae said the reply states that this information is available in the Corporate Affairs Department. He asked if this means that a person has to attend at the Corporate Affairs offices to view this information.

Mr. G. O'Brien, Meetings Administrator, said there is an obligation to maintain a Public Register and make it available for inspection in the Corporate Affairs Department. The Public Register is now available through the MEET system and it can be e-mailed or provided in hard copy.

Cllr. M. Healy-Rae asked can a person log on to the Kerry County Council website and access this information. There should be no investigation into this matter. If the information is available at the press of a button there is nothing hidden about it and anybody should be able to see what payments are made to their local councillor. He asked if it is possible to post these figures on the website.

Mr. G. O'Brien said it is proposed that members will make their claims online in the future. The information on payments to members is available. If it is the wish of the members to publish this information on a monthly basis it can be done. It is a matter for the members to decide if the figures will be published monthly or quarterly.

Mr. J.D. Flynn, Director of Corporate Services, said the records are more accurate on a quarterly basis. The information is set out in statute e.g. Annual Allowance, Representational Payment, Conference Expenses, Mayor's Allowance, Deputy Mayor's Allowance, CDB Chair Allowance and SPC Chairs Allowance. The only wage element is in the Representational Payment. If figures are combined they can be misinterpreted.

Cllr. M. Healy Rae said investigations into this gives the incorrect perception. Publishing the information will stop this "investigation". He PROPOSED that the information be published monthly under the various headings. Let every Local Authority in the country know what Kerry County Council is doing and suggest they do the same.

Cllr. B. Cronin said Representational Payment is the standard salary which is taxable. If a member does not attend meetings notified to 80% the Annual Allowance payment is reduced. To be paid conference expenses elected members must attend the conference otherwise expenses are not paid. "Investigation" is the wrong word. No investigation is required to get this information. The Local Authority budget sets out the amounts payable. He suggested that the information be published quarterly. Any payments are set by the Department of the Environment not by the members. There was a time when elected members were not paid. However, there is a volume of work to representing constituents. The other aspect is payments are being lumped together.

Cllr. P. O'Donoghue said there is no intrigue involved in payments made to elected members. The reality is this information is readily available to anyone who requests it. People in Kerry are interested in how the Local Authority spends money. People are concerned how the tendering process works, i.e. how is a contract awarded to "A" instead of "B". The people of Kerry are particularly interested in that.

Cllr. M. Healy Rae asked if it is agreed that the register be published quarterly.

Mr. G. O'Brien said the public register will be published quarterly which will outline payments made as of that particular date.

Cllr. P. O'Donoghue asked if this process could be expanded to include tenders.

Cllr. M. O'Shea SECONDED this.

Cllr. B. Cronin said he is expecting a favourable return from the Ombudsman on this issue.

Mr. J.D. Flynn, Director of Corporate Services, said the Public Register can be published quarterly, however, the Local Authority has no control over how this information is used after publication.

Cllr. M. Healy Rae asked if Kerry County Council will write to every Local Authority to advise them on what Kerry County Council is doing.

Cllr. P. O'Donoghue asked if the motion could be expanded to include tenders.

Cllr. P. Connor-Scarteen suggested that members on committees also be listed.

Cllr. M. O'Shea requested that the motion be deferred to the October meeting because this warrants a full debate.

Mr. J. D. Flynn, Director of Corporate Services, said the Public Register will be published quarterly in the prescribed format.

3. Broadband Strategy for Tarbert/Ballylongford

Pursuant to Notice duly given, Cllr. L. Purtill PROPOSED:-

"What is the overall Broadband Strategy for the Tarbert/Ballylongford area? When can we expect this strategy to be implemented? Will it be wireless or fibre optic cable and what will the speed and capacity be. We are still in the dark ages with regard to broadband and we cannot expect L.N.G. or any other company to invest in the area without broadband. When last I asked this question, I was informed we would have broadband by June 2009."

The following report issued:

Government policy in relation to communication services is as stated by the Minister of Communications, Energy & Natural Resources (Eamon Ryan TD):

"The provision of broadband services is, in the first instance, a matter for the private sector. Broadband service providers operate in a fully liberalised market, regulated by the independent Commission for Communications Regulation, (ComReg). The role of the Government is to formulate regulatory and infrastructure policies to facilitate the provision of high quality telecommunications services, by competing private sector service providers".

We have requested that Eircom provide us with updated plans for upgrading their existing exchanges in the area. When this information is provided to us, we will circulate it to the members.

Eircom have publicly announced plans for roll-out of what they call NGN (Next Generation Network) but from the information presented to us, the earliest date for exchange upgrades in big Kerry towns will be mid 2011 and there appears to be no plans for any Kerry exchanges to be upgraded in 2010.

Cllr. L. Purtill said he had a Notice of Motion in April/May 2009 regarding this matter. Broadband was expected at the end of May, 2009. He asked what is the plan for the provision of broadband in this area and how it will be progressed. He said he accepts there is broadband in Tarbert, however, this is two miles from the Shannon LNG Plant. Broadband must be in place before this project commences. Tarbert oil was recently connected to Endessa and that company was facilitated. Anybody who has tried to work from home in the Ballylongford area has found it impossible. Lack of broadband services would deter anybody from investing in the area. It is of the utmost importance to get broadband facilities in place in this area with the proper infrastructure in place.

Cllr. J. Finucane SECONDED this motion. The LNG Project is one of the catalysts that could help an economic recovery in this region and broadband has a technical role. Eircom should be invited to attend a Council meeting to give a presentation to the elected members on the provision of broadband in the county. Progression of the LNG project and generation of construction jobs will re-galvanise the entire region.

Cllr. T. Buckley supported this motion and the importance of broadband to the area.

Cllr. R. Beasley supported this motion.

4. Proposed Extension of the SPA designation of Castlemaine Harbour

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

"I propose that the members of Kerry County Council object to the proposed extension of the S.P.A. designation of Castlemaine Harbour because of the detrimental effect it would have on local farmers, landowners and fishermen."

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

Cllr. M. Cahill said one of Ireland's obligations as an EU member state is to protect areas and their bird life. The proposed SPA Designation has implications for landowners and users of the Castlemaine Harbour and it has consequences for planning permission. There is also an issue of concern regarding scientific grounds. There is no scientific listing on this. Dredging mussel seed is good for the bird life. It is proposed to extend the designation as far as Kells and Annascaul. Permission is required for planting, fishing by net and reclaiming land for agricultural purposes. Landowners are extremely concerned and it is unfair to expect landowners to object only on scientific grounds. The Department should produce the scientific evidence of the implications on the bird life.

Cllr. M. O'Shea said if this designation is introduced it will cause financial ruin for farmers and fishermen in the Castlemaine Harbour. The Minister for the Environment cannot be allowed ruin an area like this. He requested that someone from the Department of the Environment be invited to attend the October Council Meeting to explain what the implications are for the farmers and fishermen in this area. He called on TDs to meet with the Taoiseach and to meet with the Minister of the Environment regarding this matter.

Cllr. B. Griffin said he has also been contacted about this matter and shares the concerns expressed. He said it might be premature to object to the proposed designation. He said he has organised a public meeting on this matter next Thursday which will be attended by representatives of the NPWS and provides an opportunity for any landowner or member of public to have their queries dealt with by the members of the NPWS. He asked Cllr. Cahill to defer this motion to the October Council meeting. He said he would be slow to object to something without knowing the full facts.

Cllr. M. Cahill said the closing date for objections is 3rd November, 2010 and he agreed to defer the motion to the October Council meeting.

Cllr. M. O'Shea asked if it is possible to get someone from the Department of the Environment to attend the October Council meeting. The public meeting will be helpful but the elected members should also be informed on this.

Cllr. B. Griffin said he understands the planning implications arising from this proposal are not significant. To put people at ease it would be useful if a representative from the Planning Department attended the public information evening.

Mr. G. O'Brien, Meetings Administrator, said if the members provide a name of someone dealing with this matter a letter will issue to them inviting them to attend the October Full Council meeting.

Mr. J. D. Flynn, Director of Corporate Services, said the Planning Department cannot attend this meeting as it is not an official meeting of Kerry County Council rather it is a privately organised meeting arranged by an elected member.

5. Erection of Mobile/Broadband Masts

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

"To request in light of the constant difficulties regarding the erection of Mobile/Broadband Masts in our county can Kerry County Council's Forward Planning Department prepare a map for consideration, identifying suitable locations which are not in close proximity to residential developments schools/hospitals etc that could be examined as more favourable sites for masts similar to areas identified and zoned for wind turbines in our current County Development Plan."

The following report issued:

The identification of sites or areas suitable for masts is a matter for the Telecommunications Provider as it is only the provider that is aware where deficiencies in the particular service exist and will have carried out an assessment, including operational tests, in order to identify the optimum location for the proposed mast.

The Local Authority does not have the expertise or knowledge to carry out such an assessment.

The areas "in compliance" with the 1km rule in the County Development Plan 2009–2015 are also the preferred option for the Telecommunications Providers as they would probably avoid the time delay associated with an appeal. However, in reality there are very few areas of the county where the 1KM rule does not come into play and this is reflected in the fact that most of the applications are rejected on this basis.

Cllr. B. Cronin thanked the executive for the reply. He said this Notice of Motion related to areas with schools/hospitals. This has been a long debate on many occasions. He said he recognises the importance of proper mobile coverage and modern high speed broadband as vital for businesses in the county. Many people work from home to compete in the market and the availability of broadband is a necessity as well as being required for attracting investors to the county. The principle seems that mobile companies and broadband providers apply for permission where it suits them, for example near roads and high density residency areas. He said he chaired the Planning SPC for years and listened to people's experiences. The broadband companies say there is no danger from masts. The 1Km rule and the County Development Plan is now being treated in a cynical way by An Bord Pleanála. People have said in this chamber, including the County Manager, that the 1Km rule is having a negative impact. He said he wants to ensure that health concerns are looked after and to find a middle ground on this issue. In previous County Development Plans areas were identified for the development of wind farms. Applications will be made for masts on any high vantage point. He said he believes areas can be mapped using GPS mapping, satellite imagery or other

technology. It is worth considering to determine a list of places that are more favourable or less favourable for the location of telecommunication masts. The current impasse must be addressed and people's health must also be protected.

Cllr. M. Moloney supported the motion, however, it may be coming too late as broadband must be rolled out by October, 2010. The mast in Kilcummin, for example, is surrounded by vast open country side and there is no excuse why the mast could not be moved. The service providers did not meet with the people of Kilcummin until it was too late. There was 105 objections to the planning application for that mast. She said she supports the provision of broadband and it is essential for jobs and job creation. However, she objected to the particular location of masts. There are areas where masts are within 300 metres of a dwelling. The argument about mobile phones emissions is given but you can turn off a mobile phone, you cannot turn off the emissions from a mast.

Mr. M. McMahon, Director of Planning, said he appreciated the sentiment of the motion, however, comparing the masts to the Wind Farm Policy is not a fair comparison. In the Wind Farm Policy the wind speed is an issue as well as landscape and availability to the network. There are huge swards of the county where the development of wind farms is prohibited. To follow a similar policy for masts there would be huge areas of the county which would not have coverage. Meetings have been held with the communication providers. Their preferred location is outside the 1Km rule but in many cases the 1Km rule applies. There is practically no part of the county which is not affected by the 1Km rule. If areas were mapped all towns and urban areas would be excluded. The advice available is that it is not possible to identify specific areas that could be mapped as a preferred or not preferred location for masts. The County Development Plan does not comply with Government Policy and this will have to be addressed when the relevant sections of the planning act are commenced.

Cllr. B. Cronin acknowledged the difficulty with the 1Km rule. This mapping proposal would go a long way to addressing this. He expressed disappointment with the approach being taken.

6. Removal of the 7 Year Clause from Full Planning Permissions

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

"That Kerry County Council would with immediate effect remove the 7 year clause from plannings with full planning permission."

The following report issued:

There is no provision in planning legislation to vary a condition of an existing planning permission. Anyone who wished to alter the nature or extent of an existing permission must apply for planning permission for the new or altered development. This will entail a complete planning application will full drawings. Any such application will be determined in accordance with the provisions of the County Development Plan in force at the time of application.

In determining an application for a house in a rural area, the Planning Authority must have regard to the Ministerial guidelines entitled 'Sustainable Rural Housing 2005' which recommends the imposition of an occupancy clause.

Cllr. J. Sheahan said he is aware of many people in dire financial situations and the removal of this clause would be of great assistance. It is regrettable that this council cannot remove this clause. It must be remembered that this clause was put in place when there was high speculative activity going on and this clause was introduced to counteract this activity. There is no longer a need for this clause. Kerry County Council must try and help people with the very difficult situation that they find themselves in.

Cllr. M. Healy-Rae said it must be remembered that there were proposals at the time to have a "2-year clause" and "no clause" and at the time there was a majority agreement on the 7-year clause. He supported this motion.

Cllr. T. Ferris said it is my understanding that anyone who finds themselves in difficulty can apply to the Planning Department to have the planning permission transferred to the new purchaser. She asked if the provision still exists whereby when there is a threat of a house being taken that the house owner could apply for a new purchaser to have the occupancy clause transferred.

Mr. M. McMahon, Director of Planning, said there is no provision to amend the conditions of a planning permission. A new planning application would be required and if there is a proven, genuine, local need the application will be considered and dealt with in accordance with the County Development Plan.

7. Planning Permission on Family Owned Land

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

"That we the members of Kerry County Council ask the Planning Department to remove the obstacle from the County Development Plan that is preventing family members from being considered for planning permission on family owned land, we are now being told by our Planners that if the applicant is not from the townland he or she is applying on or the neighbouring townland they cannot be considered"

The following report issued:

The Sustainable Rural Housing Guidelines issued by the Department of Environment, Heritage & Local Government (and now incorporated into the County Development Plan 2009-2015) along with the Settlement Policy introduces the 'need' and 'link' concept to the assessment of Applications for one-off houses in rural areas.

The Planning Authority was directed by the Department of Environment, Heritage & Local Government to identify and designate Areas within the county as,

- (1) under strong urban pressure,**
- (2) strong areas and**
- (3) weak rural areas.**

Only 'weak' rural areas were mapped in the County Development Plan.

The level of 'need' and 'links' required to be displayed in the context of an application for a house in a rural area varies in relation to the designation with no 'need' or 'link' required in 'weak' areas and significant need and link required in 'areas under strong urban pressure'.

Section 3.6 to Section 3.8 of the County Development Plan outlines the requirements and standards associated with each of the designations.

The Planning & Development (Amendment) Act 2010 states that Planning Authorities must demonstrate compliance with Ministerial Guidelines and significantly increases the Minister's powers in that regard.

The circumstances of each Applicant will vary in the context of 'need' and 'link' and it is therefore a matter for the Planning Officials to endeavour to be consistent in assessing applications and to apply the policies and guidelines in as equitable a manner as possible.

Cllr. D. Healy-Rae said members can table two Notices of Motion for each monthly meeting. He said he uses one Notice of Motion every month to highlight a problem with planning. He said he has a few planning applicants where the house is proposed to be built on the family landholding. If the applicant is not from the same townland or neighbouring townland they will not get consideration and they are not compliant with the County Development Plan. Only "weak" rural areas were mapped in the County Development Plan. He asked how the Planners know which areas are (1) under strong urban pressure, and (2) strong areas. If the areas are not mapped how can the planners know. He sought clarification on this issue. People are now being told a small landholding is not suitable. People are depending on getting planning permission. He asked the County Manager if there is some strategy to deprive people from getting planning permission and if there is some direction from Government that all houses in 'ghost estates' will have to be occupied first.

Cllr. T. Fleming SECONDED this motion. There is an onus on Kerry County Council not to deprive people from getting planning permission. The parish rule at least should apply. It is great to see people living in their local area.

Cllr. M. Healy-Rae said this policy must be removed from the County Development Plan.

Mr. M. McMahon, Director of Planning, said there are Notices of Motion at every Council meeting on this matter. The members debated the County Development Plan between 2007 and 2009 and it has been re-visited time and again. He said during the debate he pointed out that notwithstanding whether areas were mapped or not mapped as areas under intense urban pressure that these areas exist. Members decided they did not want these areas mapped in the County Development Plan. Mr. T. Sheehy, SE Planning, said at the time that it was unfair to give the impression in the County Development Plan that there was hope of getting planning permission in an area when there was no prospect whatsoever unless the applicant was from the area. Members are aware of the areas under intense urban pressure. The question of being from the townland was also debated in the preparation of the County Development Plan. A "local" was defined as someone from the townland or adjoining townland. This was approved by the elected members. The Rural Housing Guidelines set out the requirement for ties to an area or living in an area. This policy has been applied as fairly as possible based on the information presented. One-off houses in rural areas are being granted if they meet the other criteria of traffic safety and effluent.

Cllr. D. Healy-Rae PROPOSED a variation to the County Development Plan to remove the requirement that an applicant be from the townland or the neighbouring townland.

Cllr. M. Healy-Rae SECONDED this proposal.

Mr. T. Curran, County Manager, said a discussion was held this morning on the new Planning & Development (Amendment) Act. The Kerry County Development Plan is not adhering to national guidelines.

9. Dingle Community Hospital

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

“That Kerry County Council call on the HSE and HIQA to immediately open the new state of the art Community Hospital which is built and lying idle in Dingle with the last 2 years.”

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

Cllr. S. Fitzgerald said there has been a 20 year campaign for this hospital which has been built and completed for 2 years and is a top class facility. The last announcement was that it would open at the end of July, 2010. HIQA has again said the hospital cannot be opened. HIQA cannot register this hospital in order to open it. It is beyond belief that HIQA and the HSE cannot open the hospital. He requested that a letter issue to HIQA and the HSE requesting that the hospital be opened.

Cllr. B. Griffin SECONDED the motion. This committee has been working for years on this. It is a disappointment for everybody that the hospital remains closed. He said he has this motion listed for the Regional Health Forum meeting. We need to know when the hospital will be opened and who is responsible for the delay in opening it.

10. Waterville Water and Waste Water Treatment Plant

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

“That Kerry County Council advise us of the up to date position in relation to negotiations between the Council and the Department of Environment, Heritage and Local Government concerning the funding for the remaining works required to the Waterville Water and Waste Water Treatment Plant.”

The following report issued:

Kerry County Council have been in discussions with the Department of the Environment, Heritage and Local Government with regard to the local funding contribution which is required according to the Department's Water Pricing Policy and the Polluter Pays Principle.

Waterville Water Supply and Sewerage Scheme is estimated to cost approximately €21 million for which Kerry County Council obtained budget approval in December 2007. Kerry County Council first submitted a Water Pricing Policy Report at Preliminary Report stage when we estimated that the local contribution should be about 11% but this had risen to estimated that the Local Authority contribution to the scheme would be 22.6% (€4.75m) in

December 2007 due to changes in the WPP rules. However, in May 2009, we were informed that the Department were seeking a 52% contribution (€10.9m) from Kerry County Council towards the cost of the scheme.

This level of contribution is unrealistic and unaffordable for Kerry, especially in the current economic situation.

We do not agree with the Department's basis for calculation and a number of meetings have been held and reports submitted in relation to this issue to. We are continuing to work with the Dept to try to reach a resolution.

Cllr. P. O'Donoghue said the Department's position on this matter is outrageous. In 2007 Kerry County Council was told budget approval was obtained and proceeded with work in good faith. A lot of work has been done on this plant. In trying to complete the work the Department are advising Kerry County Council will have to source 52% of the costs. He questioned the right of the Department to change the rules and said he believes the Department is bound by the figure of 11%. The Department is well aware that there are no circumstances in which Kerry County Council can source this funding. Management or members should meet the Minister to rectify this situation. The Department is seeking a figure which has gone from €4.7m to €11m in 4 years. He said he hopes the Director of Water Services will be in a position to report something better shortly. It is legally questionable for the Department to change the criteria. Kerry County Council have had expense at its detriment.

Cllr. P. Connor-Scarteen said he agreed with the sentiments expressed. The people of Waterville deserve better and Waterville is a premier tourist location. Changing the contribution required from Kerry County Council is outrageous. Kerry TDs should intervene with the Minister along with management on this issue. The council acted in good faith on this.

11. Commercial Tax on Vehicles

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

"That this Council calls on the government not to punish already struggling households by implementing its catch all policy in relation to Commercial Tax on vehicles."

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

Cllr. R. Beasley said this legislation was introduced many years ago and revised. These vehicles are used by small builders and small businesses. He asked that a letter issue to Government requesting that this policy not be implemented.

Cllr. J. Finucane SECONDED this motion.

12. Designation of County Kerry as European Entrepreneur Region for 2011

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

"That Kerry County Council will do everything it can to promote the fact that Kerry has been designated European Entrepreneur Region for 2011 and to help Kerry capitalise from the benefits that will come"

The following report issued:

Kerry County Council provided a letter of support and endorsed the application for the European Entrepreneur Region designation for 2011. An advisory group has been set up by the ITT and Shannon Development who are the lead agencies in this project. A number of councillors have been invited to sit on this advisory group.

Kerry County Council will continue to support this initiative as specific requests are received through the advisory group and as resources allow us to do so.

Kerry County Council has already taken steps to promote the fact of the County having received the designation for 2011 in presentations made to members of the Kerry & Irish Diaspora in both Chicago and New York as part of the St. Patrick's Day visit to the U.S.A. in March of this year.

It is hoped that there will be positive benefits to this designation, through investment and job creation in the County.

Cllr. T. Ferris welcomed the response and the fact that this achievement for the county has been used in the United States and sending the delegation to Brussels. She gave credit to the IT Tralee and Shannon Development. The European Entrepreneur Region application was endorsed by Kerry County Council. This designation is positioning Kerry to be one of the leading start up locations for businesses in Europe and partnerships can be built with other locations. The designation of Kerry as European Entrepreneur Region for 2011 must be promoted and used to its full potential.

Cllr. J. Finucane SECONDED this motion.

Mr. G. O'Brien, Meetings Administrator, said Notice of Motion No. 13 & 19 are similar and could now be moved.

13. 5% Increase in the Cost of Electricity from October 2010

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

"That Kerry County Council condemns the recent decision by the Commission for Energy Regulation to increase the cost of electricity by 5% from October and condemns the Government Parties and the Deputies propping up the Government for standing over this hammer blow to business and householders throughout Ireland."

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

"To call on Minister Eamon Ryan to reverse the 5% levy increase on electricity charges which he recently sanctioned as it will have a devastating crippling effect on business, industry, tourism sectors trying to survive and compete in this strained economic climate."

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

Cllr. B. Griffin said the decision to increase electricity costs by 5% is regrettable. In the first seven months of this year 10,000 people had their electricity supply disconnected. People are struggling to pay electricity costs and will have to pay 5% more in October. This is scandalous. The impact on business, industry and

farmers will be sorely felt and will result in the loss of jobs. In a recent survey 60% of businesses said the cost of energy provision was the biggest problem. The Kerry Oireachtas members must know that this increase in electricity costs will result in the loss of jobs and is a terrible decision. Ireland is in this recession for a long time and is badly exposed. When the economies start to grow again there will be an increase in oil prices and electricity prices. Ireland is already the second or third highest for electricity prices. Competitiveness is being undermined through this action. This action must be contested and a message sent to government. He called on TDs not to support this action which will cost jobs.

Cllr. B. Cronin supported this motion and moved Notice of Motion No. 19. This is an appalling financial attack, particularly on rural Ireland. It will put a strain on businesses, hotels, farmers, pubs, shops, etc., where there are substantial electricity costs. These businesses are trying to survive, meet bills and keep people in employment. This "green" mentality is costing the country. Energy costs in Ireland are among the highest across Europe. He objected to the Kerry TD supporting government on this issue.

Cllr. J. Finucane said Kerry County Council received a presentation from Enterprise Ireland on competitiveness. SMEs are struggling to survive. Government could have assisted SMEs by reducing electricity costs. Prior to an Energy Regulator being nominated there is no regulation. The cost of this is being borne by businesses who are not being supported. The introduction of this increase at this particular time, prior to a budget, is critical when the cuts in this year's budget will be hard.

14. Disabled Drivers Parking Stickers

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

"That Kerry County Council request the Disabled Drivers Association Ireland to be more flexible in issuing Disabled Parking Stickers to genuine applicants such as Operators of Nursing Homes and Sheltered Housing Schemes who may need more than one sticker."

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

Cllr. P. Connor-Scarteen said he was contacted by operators of nursing homes who are experiencing difficulty when bringing people to doctors, etc. Perhaps the Disabled Drivers Association could be a bit more flexible on this issue. He condemned the abuse of the use of these cards.

Cllr. T. O'Brien said the Disabled Drivers Association issues these cards. These cards are being highly abused. Only the person whose name is on the card can use the card. It is important that it is issued to an individual person. This matter is being reviewed by Government.

15. Road Safety Programme for Primary, Secondary & Third Level Schools

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

"That Kerry County Council in conjunction with the Road Safety Authority and the Department of Education and through our Road Safety Officer initiate and develop a comprehensive programme for all primary, second and third level schools in the County fully encompassing road safety education as part of the school curriculum

and also that we request the RSA that the interactive Road Safety Shuttle Bus would visit Kerry and be fully accessible to schools and the adult public also.”

The following report issued:

The RSA have initiated a comprehensive programme on Road Safety and have distributed it to all schools, primary and second level in the County so that Road Safety is incorporated in the School Curriculum.

The Road Safety Shuttle Bus is provided by the RSA to Festival Events around the Country. Its provision is dependant on the RSA having adequate funding to supply this bus for 3 days at a time. The last request by the County Council for the bus to attend at an event in the County was the 2009 Rose of Tralee Festival. Unfortunately due to inadequate funding within the RSA it was not able to attend. Notwithstanding this, we can also submit a request to the RSA that it be made available to all schools in the county.

Cllr. T. Fleming said Kerry County Council should be more proactive with the Department of Education and the Road Safety Authority regarding road safety. Kerry County Council has an excellent Road Safety Authority Officer. More visits to schools should be organised as road safety is not being promoted enough on the curriculum. Seventeen year olds are the new generation of drivers. In Kerry there were 13 road deaths in 2007, 19 deaths in 2007 and 11 in 2009. Every year we should strive to decrease the number of deaths on the roads. He requested that a letter issue to the RSA asking that the Road Safety Shuttle Bus visit County Kerry.

Cllr. M. Gleeson SECONDED this motion.

16. Irish Emigrants to Vote in all Dáil Elections

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

“That in view of the large scale emigration of Irish citizens that has occurred in recent years, the Government would allow Irish emigrants their due entitlement as citizens to vote in all Dáil elections.”

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

Cllr. M. Gleeson said Polish people living in Ireland were able to vote in their recent homeland elections. Australians can also vote in homeland elections. There is an ongoing refusal to allow Irish emigrants to vote in Dáil elections. There should be no difficulty allowing Irish emigrants access to Irish embassies to vote.

Cllr. R. Beasley SECONDED this motion.

17. Exemption from Water Charges for Non-Profit Organisations

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

“To ask the County Manager that community non-profit organisations be exempt from water charges and furthermore, that no community centre be cut off from water and be dealt with on a fair and case by case basis”

The following report issued:

The EU Water Framework Directive and Government Policy require Local Authorities to recover the cost of providing water services from all users with the exception of households using services for solely and exclusively

domestic purposes. Kerry County Council has no option therefore but to levy water charges in accordance with this policy and pursue collection accordingly. On that basis it is not open to the Council to exempt the organisations mentioned in the notice of motion from charges. Invoices are calculated by means of a metered charge on the volume of water used by the facility. The Council is always open to review individual cases, in exceptional circumstances, and where the user has implemented water conservation measures and is making an effort or showing a willingness to pay outstanding water charges. However, where a customer is not addressing the settlement of outstanding monies, the Council must implement recovery measures including disconnection of supply where all other avenues have been exhausted.

Cllr. M. Healy Rae said that this motion was tabled because he had been contacted by many non-profit organisations with concerns regarding water charges. He asked what help Kerry County Council can give these organisations and if there is any assistance by wavier.

Mr. J. O'Connor, Head of Finance, said Kerry County Council has no option but to levy water charges as it is governed by EU Water Directive. These organisations should help themselves by conserving water in the first instance. Where there is a genuine voluntary organisation with small activity the Local Authority will talk to them provided they are making a contribution for the water they are using. It is not within the law to waive these charges.

18. Local Authority Housing List

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

"What implication has the boom/recession had on the Local Authority Housing List, how many Local Authority houses were allocated in 2007/2008/2009 and to date this year? How many houses were one bed, 2 beds, 3 beds etc? How many were allocated to local families, how many allocated to non-national families and how many local and non-national families remain on the current waiting list."

The following report issued:

There has been a steady increase in the number of social housing applications being received by Kerry County Council over the last 18 months. Obviously this is in part attributable to the recent downturn in the economy in that more households are finding it increasingly difficult to meet their housing needs from their own resources. Also it is now a requirement that in general, households seeking rent allowance must first have their housing need determined by the local authority. As can be seen from the information requested the Housing Department of Kerry County Council has made significant progress in meeting social housing need in the county through an active social housing construction and acquisition programme and through the filling of casual vacancies throughout this period. The challenge going forward is to continue to meet social housing demand with significantly reduced capital spending available for our Social Housing Construction & Acquisition programme. Obviously the continued utilization of the Rental Accommodation Scheme which to date has accommodated over 400 households throughout the county (and not included in the figures below) and the more recent Social Housing Leasing Initiative will be the main mechanism of meeting social housing need over the next number of years in accordance with current government policy.

Specifically in relation to the information sought between 2007 to date 730 new tenancies commenced broken down per number of bedrooms as follows:

Tenancy Start Year	Number of bedrooms					Total
	Demountable Units	1	2	3	4	
2010 to date	1	18	58	45	3	125
2009	7	15	54	116	6	198
2008	20	22	55	73	9	179
2007	19	35	55	114	5	228
Total	47	90	222	348	23	730

Of these 730 new tenancies 116 were in respect of non-Irish citizens which represent just under 16% of the total new tenancies. Based on the most current available data there are currently 1067 qualified housing applicants, out of which a total of 264 are non-Irish citizens which represents 25% on all qualified applicants. As we review our existing qualified applicants this percentage may change as a result of factors such as the apparent reduction in the number of non-Irish citizens residing in the country in general.

Cllr. M. Cahill said the figures are interesting and thanked the executive for the information provided.

21. Chapter 8 Requirements

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

“To ask Kerry County Council if the Chapter 8 requirements as requested on local roads are (a) necessary in their entirety and (b) what percentage of each job do the safety requirements cost.”

The following report issued:

The Minister for Transport gave a ministerial direction to road authorities under Section 95(16) of the Road Traffic Act 1961, specifying the temporary traffic measures to be used at work sites to warn, instruct and guide road users in the safe negotiation through or around the road works site, the circumstances in which road works traffic signs and other traffic signs may be used and guidance on the technical and other standards to be followed when they are provided. This directive was in relation to a revised Chapter 8 document as the previous directive was inoperable for many roads in Kerry. The directive came into effect on the 31st March 2009.

These measures are for the safety of our road workers and contractors on site and also for the safety of pedestrians and motorists passing through the road work sites. The guidance documents associated with Chapter 8 outline the various requirements on site based on traffic volumes, speed limit, road geometry and location and road class. Kerry County Council staff has been trained on these requirements and to fulfil our legal obligations these requirements must be applied in their entirety.

The safety element of any job or road work has an associated cost to it and always had. Historically we did not evaluate this cost, but current estimates show that the present day requirements can vary between 10% and 20% of the overall cost depending on the nature of the job in hand.

Cllr. D. Healy Rae said he has been asked numerous times regarding the Part 8 requirements, even when only filling potholes. There are many aspects of the new regulations that appear to be creating extra expense and the job as a result is being short changed because there is so much expense and time being put into the Part 8 requirements. The same rules apply for work on large roads as apply for work on a small road with no traffic on it. While compliance with safety is important it seems to be over done. He asked if any discretion be used for work on small roads.

Mr. C. O'Sullivan, Director of Roads and Transportation, said Kerry County Council has to comply with the law. Staff are trained in putting out signage in accordance with requirements and are becoming familiar with procedures. Private contractors working for Kerry County Council must also comply with this law. Kerry County Council will not be found wanting in complying with health and safety legislation.

23. Cost Analysis of the Commercial Rate

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

"That Kerry County Council, given the difficulty it is having in collecting rates from struggling businesses, would do a cost analysis of its current Commercial Rate with a view to the possibility of reducing it."

The following report issued:

For the purposes of the preparation of the Council's Budget each year we carry out a detailed review of all our services and their costs with a view to keeping all our charges, including rates, to the minimum necessary to maintain our core services to a reasonable standard. It was with great difficulty that we retained the rates and water charges for 2010 at the same levels as 2009 – not to mention a reduction - given the pressures arising from ever increasing standards for services such as water, development management/enforcement, and environmental controls in particular, together with additional costs such as energy. As heretofore all services and associated costs will be critically reviewed in the preparation of Budget 2011 and in turn will be considered fully by the elected Council.

Cllr. R. Beasley said he respected the reply. Every councillor will have similar cases with regard to the amount of businesses closing down. He said he would like the Council to review the rates with a view to reducing them. The level of rates are crimping. Businesses operating in rural parts of the county should be viewed with leniency.

24. Foreign Leaders visiting County Kerry

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

"That Kerry County Council would support efforts in the County to invite foreign leaders to the County, so that we, as citizens of a mature and independent state, can extend a warm Kerry welcome to such visitors."

The following report issued:

Kerry County Council are not aware of any efforts at present to invite foreign leaders to the County and until we are aware of the details of any such visits, we cannot comment as to what support we could give.

Cllr. B. Griffin said in the past Kerry has a rich history of visits from foreign leaders. All of these visits helped to promote Kerry as a holiday destination and build links in

the business world also. There should be a message from Kerry County Council that Kerry is open to foreign leaders visiting the county.

26. Development Levy Charges on Commercial & Tourism Based Developments

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

“That Kerry County Council review existing development levy charges on commercial and tourism based developments as current charges are inhibiting viable proposals coming forward and therefore a huge barrier exists for entrepreneurs to advance job creating projects in the County.”

The following report issued:

Kerry County Council provides critical infrastructure such as road, car-parks, public lighting and water and wastewater facilities which enable commercial and tourist related developments to be carried out. The absence of such facilities would be a barrier to development.

As Members are aware, the cost of providing such facilities is a burden on the Council. The Development Contribution Scheme requires developers to make a ‘contribution’ to these costs which would otherwise have to be funded from other resources or not provided at all. The level of charges applying in Kerry compares more than favourably with the charges applying in other counties and there is no evidence to suggest that developments have not taken place because of the charges imposed by the Council.

It should also be pointed out that while the current scheme does provide for annual increases, in accordance with the Wholesale Price Index for Capital Goods Building and Construction as published by CSO, no increase has been applied in 2009 or 2010 in an effort to stimulate development.

As the existing scheme will expire at the end of the current year a new scheme is currently being drawn up and will be considered at the October Council meeting.

Cllr. T. Fleming said incentivising enterprise would be of benefit to the county and communities. Kerry County Council should be more practical and provide some flexibility in the conditioning of planning permissions. Consideration should be given to allowing businesses to make the payment of development levies over five years.

27. Coastal Erosion at Rossbeigh Beach

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

“That Kerry County Council take the necessary action to save Rossbeigh Beach which is being decimated by coastal erosion and give a detailed report on same.”

The following report issued:

The erosion problem at Rossbeigh is as a result of natural phenomena. The very nature of the sand spit makes the area very susceptible to erosion and a very difficult form of erosion to counteract. As has been explained previously there are no obvious means of preventing the erosion that has occurred at Rossbeigh. The only possible alternative would require a large scale and very expensive sand dredging and beach nourishment programme that would need to be repeated at regular intervals. Consultations with European experts

during a recent site visit to Rossbeigh confirmed the Kerry County Council view that there is no practical remediation option available. Kerry County Council has been monitoring the erosion and will continue to do so.

Cllr. M. Cahill thanked the executive for the report and asked is it possible that an application be made for funding from the EU on this.

Cllr. R. Beasley said this is very important for the locality.

Cllr. T. Fleming supported this request.

Mr. C. O'Sullivan, Director of Roads and Transportation, said any funding applications received from the Department have been contingent on the Local Authority doing a detailed cost analysis and identifying at least 25% of the required funding from own resources. Given the scale of the requirements at Rossbeigh Kerry County Council cannot identify this funding. The measures that have been identified by international experts on this would be continuously ongoing dredging and a beach nourishment programme at a cost of millions.

Cllr. M. Cahill asked is cheaper measures could be considered and asked if LIFE regulation co-financing could be investigated.

Mr. C. O'Sullivan, Director of Roads and Transportation, said if funding is provided for coastal protection works it will be payment of what is owed to Kerry County Council for works at Inch. LIFE co-financing will require own resources.

Mr. J. O'Connor, Head of Finance, said considering the financial structure at present funds will only be available for core services in Kerry County Council, i.e. water, wastewater and essential roads infrastructure. This is the reality.

Cllr. B. Griffin asked what is the situation with regard to monies owed for Inch.

Mr. C. O'Sullivan said funding is awaited from the Department. This has been outlined in budget reports for the last 4-5 years. Some funding was received at the time, however, Kerry County Council is carrying a loan on this.

30. Hotels owned by Financial Institutions

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

"That the Council calls on the government to immediately address the practices of hotels now owned by financial institutions, many of which were built with generous tax exemptions, and prevent them from undermining long established and family owned hotels which is causing job losses in the sector."

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

Cllr. T. Ferris said as of today there are NAMA hotels and the IHF is concerned there will be an unfair market because NAMA hotels can market their products below the market price. These hotels are being sold off cheaply. 4,500 jobs were lost last year and this is expected again this year. She requested that a letter issue to Government on this matter.

Cllr. R. Beasley SECONDED this motion.

10.09.13.17 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. T. Fleming, it was agreed to authorise the attendance of Cllrs. P. O'Donoghue and M. O'Shea at the "How to be an effective Mayor or Chairperson" Training Seminar to be held in Athlone, Co. Westmeath, from 30th September – 2nd October, 2010.

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

- (b) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllrs. P. McCarthy and Cllr. B. Cronin at the Local Democracy in Changing Times Seminar to be held in Greystones, Co. Wicklow, from 1st – 3rd October, 2010.

Cllr. P. McCarthy was nominated to report to Council on this conference.

- (c) On the PROPOSAL of Cllr. T. Fleming, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. T. Fleming, P. Connor-Scarteen and B. Griffin at the Getting a Grip 2010 National Conference on substance and alcohol misuse on the theme "Building a Social Response" to be held in Killarney, Co. Kerry, from 7th-8th October, 2010.

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

- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Fleming, it was agreed to authorise the attendance of Cllrs. P. Connor-Scarteen, B. Cronin, P. O'Donoghue and M. O'Shea at the LAMA Autumn Seminar 2010 on the theme "Local Government Efficiency and Financing" to be held in Listowel, Co. Kerry, from 8th-9th October, 2010.

- (e) On the PROPOSAL of Cllr. T. Fleming, SECONDED by Cllr. B. Griffin, it was agreed to authorise the attendance of Cllr. M. O'Shea at the Douglas Hyde Conference 2010 on the theme "Inside Creativity: Education, Innovation, Economy and Society" to be held in Ballaghaderreen, Roscommon from 15th - 18th October, 2010.

Cllr. M. O'Shea was nominated to report to Council on this conference.

- (f) On the PROPOSAL of Cllr. T. Fleming, SECONDED by Cllr. B. Griffin, it was agreed to authorise the attendance of Mayor P. Leahy at the Seminar on the Housing (Miscellaneous Provisions) Act 2009 held in Maynooth, Co. Kildare, from 16th-18th July, 2010.

- (g) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. T. Fleming, it was agreed to authorise the attendance of Mayor P. Leahy, Cllr. A.J. Spring and Cllr. J. Brassil at the EER (European Entrepreneurial Region) Open Days event to be held in Brussels from 4th-7th October, 2010.

10.09.13.18 Correspondence General

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

1. Letter dated 5th May, 2010 from the Minister for Agriculture, Fisheries & Food regarding the delay in processing payments under REPS in Co. Kerry.
2. Letter dated 9th July, 2010 from the Water Services Section, Department of the Environment, Heritage & Local Government regarding Kilcummin Sewerage Scheme.

September Ordinary Meeting 2010

3. Letter dated 12th July, 2010 from the Office of the Minister for the Environment, Heritage and Local Government regarding the publication of the legislation on the naming of Dingle.
4. Letter dated 13th July, 2010 from the Office of the Minister for Finance regarding amending legislation to allow the operation of a lottery by Local Authorities.
5. Letter dated 14th July, 2010 from Deputy Jimmy Deenihan enclosing letter from the Water Services Section, Department of the Environment, Heritage & Local Government, regarding Kilcummin Sewerage Scheme.
6. Letter dated 15th July, 2010 from the HSE South regarding new community hospital in Kenmare.
7. Letter dated 15th July, 2010 from the HSE South regarding St. Anne's Hospital, Caherciveen.
8. Letter dated 15th July, 2010 from the Office of the Minister of Tourism, Culture and Sport regarding request for the Minister to negotiate a competitive low fare for flights to Ireland and the removal of the €10 departure tax.
9. Letter dated 16th July, 2010 from Deputy John O'Donoghue enclosing letter from the Water Services Section, Department of the Environment, Heritage & Local Government, regarding Kilcummin Sewerage Scheme.
10. Letter dated 16th July, 2010 from HSE South regarding new Dingle Community Nursing Unit.
11. Letter dated 26th July, 2010 from Minister for Communications, Energy & Natural Resources regarding the Third Postal Services Directive.
12. Letter dated 28th July, 2010 from the HSE regarding Lyme disease.
13. Letter dated 4th August, 2010 from the Department of the Environment, Heritage & Local Government regarding head shops.
14. Letter dated 18th August, 2010 from the Department of the Environment, Heritage & Local Government regarding lowering the voting age in Ireland from age 18 to age 16.
15. Letter dated 23rd August, 2010 from the office of the Minister for Health & Children regarding ambulance services in Kerry.
16. Letter dated 23rd August, 2010 from An Bord Pleanála regarding the application of Kerry County Council's Development Contribution Scheme.
17. Letter dated 24th August, 2010 from the HSE regarding staffing arrangements for Dingle Community Hospital.
18. Letter dated 24th August, 2010 from the Minister for Communications, Energy & Natural Resources regarding Broadband MANs.
19. Letter dated 25th August, 2010 from the HSE regarding ambulance cover in Kerry.
20. Letter dated 31st August, 2010 from the National Treasury Management Agency regarding the national solidarity bond.
21. Letter dated 31st August, 2010 from the Minister for Enterprise, Trade and Innovation regarding the Shannon LNG project in Ballylongford.
22. Letter dated 1st September, 2010 from the Minister for Community, Equality and Gaeltacht Affairs regarding the Rural Social Scheme (RSS).

23. E-mail dated 5th September, 2010 from Open Door Network regarding the "Violence against Women 365 International Exhibition".
24. E-mail dated 28th July, 2010 from Cork County Council regarding a resolution adopted by that authority calling on the Government and the Catholic church to (a) issue formal apologies for the abuse inflicted on women and young girls in the Magdalene Laundries and (b) establish a distinct redress scheme for all survivors.

Votes of Sympathy

The following Votes of Sympathy were noted from the Vote 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 Michael J. Hoare.
- (b) Cllrs. D. Healy-Rae, M. Healy-Rae, T. Flemin and M. Moloney proposed that a vote of sympathy would be extended to the family of the late Jerry McGillicuddy.
- (c) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Michéal O'Callaghan.
- (d) Cllrs. D. Healy-Rae, M. Healy-Rae and T. Fleming proposed that a vote of sympathy would be extended to the family of the late Aine Riordan.
- (e) Cllrs. M. Healy-Rae, D. Healy-Rae, T. Fleming and M. Moloney proposed that a vote of sympathy would be extended to the family of the late David Breen.
- (f) Cllrs. M. Healy-Rae, D. Healy-Rae, T. Fleming and M. Moloney proposed that a vote of sympathy would be extended to the family of the late Kevin Breen.
- (g) Cllrs. D. Healy-Rae, M. Healy-Rae and M. Moloney proposed that a vote of sympathy would be extended to the family of the late Brian Coffey.
- (h) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Patrick Kelliher.
- (i) Cllrs. D. Healy-Rae, M. Healy-Rae and T. Fleming proposed that a vote of sympathy would be extended to the family of the late Mike Mitchell.
- (j) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Mary O'Sullivan (Tim).
- (k) Cllrs. D. Healy-Rae, M. Healy-Rae and M. Moloney proposed that a vote of sympathy would be extended to the family of the late Shane O'Regan.
- (l) Cllrs. M. Healy-Rae, D. Healy-Rae and M. Moloney proposed that a vote of sympathy would be extended to the family of the late Brendan McEnery.
- (m) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Danny Healy (Jimmy Dan).
- (n) Cllrs. D. Healy-Rae, M. Healy-Rae and T. Fleming proposed that a vote of sympathy would be extended to the family of the late Una Hanrahan.

10.09.13.19 Any Other Business

Ross Products

Cllr. T. Fleming asked that a letter issue to the HSE regarding the proposed closure of Ross Products in Killarney. 25 residents are participating in that business. Write to the new CEO of the HSE opposing any closure and that funding be provided to maintain it.

Cllr. D. Healy Rae SECONDED this.

SEI Grant

Cllr. T. Ferris said there is a tenant of Kerry County Council who is unable to apply for an SEI grant because they are a local authority tenant. She asked if anything can be done to assist this tenant.

Mr. J. Breen, Director of Housing and Community & Enterprise undertook to review this case with Cllr. Ferris.

Local Improvement Scheme

Cllr. B. Griffin referred to previous Notice of Motion regarding the Local Improvement Schemes. He asked if the Minister of the Environment has responded to the letter that issued regarding that motion.

Mr. G. O'Brien said if a reply had been received it would have been circulated with general correspondence.

The meeting concluded at 5.05 p.m.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry