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

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN, 18 DEIREADH FÓMHAIR, 2010**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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. 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. C. O'Sullivan, Dir. of Roads
Mr. L. Quinlan, A/Dir. Housing	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. E. Kelleher, Assistant Planner

The meeting commenced at 10.35 a.m.

Deputy Mayor M. Moloney took the Chair. Deputy Mayor Moloney conveyed apologies from Mayor Leahy who was unable to attend the meeting due to circumstances beyond his control.

Tribute to Mary Horan

Cllr. M. Healy-Rae paid tribute to Ms. Mary Horan, former receptionist with Kerry County Council for 15 years who has recently made a decision to retire. He said her service must be acknowledged and the work she did appreciated. She was always very cheerful and pleasant on the telephone and was an ambassador for the Council. He wished her good luck and good health.

Cllr. P. McCarthy **SECONDED** this proposal.

All members supported this proposal.

Amalgamation of VECs

Cllr. B. Griffin requested that the Deputy Mayor would facilitate a discussion on the proposed amalgamation of VECs.

Deputy Mayor Moloney said this would be dealt with before the Notices of Motion item on the agenda.

Tribute to Keith Parrott

Cllr. J. Brassil PROPOSED a tribute to Mr. Keith Parrott, A/SEE Corporate Affairs, who is retiring. He thanked him for his work and wished him well.

Cllr. B. Cronin SECONDED this proposal.

All members supported this proposal.

Vote of Congratulations

Cllr. J. Sheahan PROPOSED a vote of congratulations to Dr. Corkes, 2010 County Champions. They are worthy champions and won the County Final in style. He wished Dr. Crokes well in the Munster Championship.

Deputy Mayor Moloney SECONDED this proposal. She also congratulated Kilcummin on winning the Minor County Championship.

Vote of Congratulations

Cllr. D. Healy-Rae PROPOSED a vote of congratulations to the Kenmare Minor Hurling Team on winning the Minor County Hurling Championship.

Cllr. M. Healy-Rae SECONDED this proposal.

10.10.18.01 Mayor's Report on CPG Meeting held on 12th October, 2010

Deputy Mayor M. Moloney read the following report into the record of the meeting.

Item 1 Agenda for the October Council Meeting

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

With regard to Item No. 5, Revised Policy on Naming and Marking of Roundabouts/Bridges/New Roads, Mr. C. O'Sullivan, Director of Roads & Transportation, outlined that a number of issues arose previously in this area. The existing procedure was drafted in 2005 and revised procedures have now been prepared. A detailed report is being presented to the October Council meeting.

With regard to Item No. 6, Casual Trading area in Killorglin, Mr. C. O'Sullivan, Director of Roads & Transportation, said there have been difficulties in this area. Extensive consultation was undertaken regarding the designation of casual trading bays within a portion of the Fair Field, Killorglin. Bye-Laws have been drafted to regulate the casual trading. A detailed report is being presented to the October Council meeting.

With regard to Item No. 7, Provision of a Supplementary Water Supply for Kenmare, Mr. O. Ring, Director of Water Services, outlined that an update will be provided to the October Council meeting on this matter along with a request to approve the next steps in the process. The update report advises on the outcome of the screening for the Appropriate Assessment and outlines the options now available and the procedures required.

Item 2 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise, outlined that a meeting of the Kerry County Development Board was held on 24th September last at which the new Chairman, Cllr. Patrick Connor-Scarteen was ratified and chaired the meeting. The following matters were discussed at the County Development Board meeting:

Information Updates

Updates were given on the development of Kerry tourism and the imminent holding of the first meeting of the board of the new Fáilte Kerry group.

Integration Strategy

It was outlined that the County Development Board had completed an Integration Strategy which was being launched by the Mayor on 27th September.

Establishment of Local Sports Partnership

It was outlined that that Local Sports Partnership staff are now under the auspices of Kerry County Council and a meeting was scheduled with the relevant agencies to re-establish the Local Sports Partnership and consider its re-branding as the Local Sports & Recreation Partnership.

Appointment of Executive Committee

An executive comprising six members of the County Development Board was appointed to act on behalf of the board on matters which may arise between board meetings and also to consider and set the agenda for board meetings. Mr. J. Breen requested that each of the board members would provide relevant items for the agenda on an ongoing basis.

Presentation on the Quality of Life Index Project

The County Development Board was updated on this project which is seeking to measure the quality of life in the RAPID area in Tralee with a view to establishing measures which can then be considered in terms of the improvement or otherwise in living conditions for persons. It was outlined the difficulties in receiving data from certain statutory agencies and these agencies were requested to co-operate and provide the data necessary to provide a full picture for Tralee. It was outlined that such a project could be rolled out to the county generally to measure and establish, within European and world norms, the quality of life indices.

Children's Services Committee

Mr. M. Fitzgerald of the HSE updated the County Development Board on the Children's Services Committee which is a co-ordination of services seeking to improve the delivery of service to children. He outlined that the first meeting of the Committee had recently taken place and the details of data gathered to date. The Committee is being chaired by the HSE.

Music Networks Education Programme

This is a philanthropic donation by U2 supported by the Arts Council towards the provision of both instruments and music tuition to children. The County Development Board were requested to support an application through the Kerry VEC to seek funding for the county. This was agreed.

Board Training

Mr. J. Breen outlined that given the number of new members on the board and the challenges facing the board in a vastly different world there was a need to have at least a half day's training on being a member of the board and the board's priorities for the county. It was agreed that this would be facilitated through a half day training session at the next board meeting on 26th November wherein the board meeting would be followed by a training session facilitated as necessary. Members were requested to put forward their views/requirements for this training session.

Kerry Airport

A substantial discussion took place on the announcement which had only been made that morning that the daily flight schedule to and from Dublin and Kerry airport was being amended. It was outlined that the County Development Board needed to take an active part in addressing this issue and the Chairman outlined that he, along with a number of the members, would as necessary make the relevant approaches to the Minister and the airline as appropriate. It was agreed, however, that this should be done following consideration of the views of the board of Kerry Airport.

Department of Education Representative on CDB

It was highlighted that the Department of Education had written to County Development Boards nationally outlining that they would not be in a position to have a member on the board as heretofore given the staffing resource cutbacks. This matter was broadly discussed and it was felt collectively by the board that this matter needed to be raised at national level as if a service provider as important as the Department of Education had decided to remove their member arbitrarily from the County Development Board this did not give out a positive message and did not augur well for the work which needed to be done in Kerry.

Next CDB Meeting

The next County Development Board meeting is due to take place on 26th November, 2010.

Item 3 Update from Chairs of SPCs

Cllr. P. Connor-Scarteen outlined his report from the Transport SPC. A full report from the Transport SPC will be presented to the October Council Meeting.

It was noted that no Planning SPC meeting has been held since the report to the September Council meeting. Reports from the Housing SPC and Culture SPC will be presented to the November Council meeting.

Item 4 Update from CPG Members on proposed Training Programme for 2011

Mr. J.D. Flynn, Director of Corporate Services, requested Chairs of the SPCs to identify issues arising in order to inform the Training Programme for 2011 which is required to advise elected members of courses and seminars which they should consider attending in 2011.

Item 5 Update on the Land Aggregation Scheme Application

Mr. J. Breen, Director of Housing and Community & Enterprise, said at the July meeting a proposal was before Council to make an application under the Land Aggregation Scheme. It was decided to include portions of land in Listowel and Dingle with the application. Subsequently the Land Aggregation Scheme application was made to the Department of the Environment, Heritage & Local Government. The loans on the lands in Listowel and Dingle have not yet expired, therefore, they will not be included in the scheme. When the loans on these lands have expired (in 2012 and 2015) the Department will consider these lands for inclusion in the scheme.

Item 6 Civic/Mayoral Receptions

Kerry Under-21 Hurling Team

CPG members agreed to host a Civic Reception at the November Council meeting to honour the success of the Kerry Under-21 Hurling Team in the All-Ireland B Final.

Kenmare Minor Hurling Team

CPG members agreed that the Mayor would issue a letter of congratulations, on behalf of Council, to the Kenmare Minor Hurling Team on their victory in the County Minor Hurling Final 2010.

Ballyduff Senior Hurling Team

CPG members agreed that the Mayor would issue a letter of congratulations, on behalf of Council, to the Ballyduff Senior Hurling Team on their victory in the County Hurling Final 2010.

Item 7 Any Other Business

Mayor P. Leahy referred to the LAMA Conference on the theme "Local Government Efficiency and Financing" held on 8th & 9th October, 2010, in Listowel. This was a very successful conference with a large number of attendees and excellent speakers. The delegates attending the conference were extremely pleased with the organisation of the event. The conference was a boost to the economy of Listowel. He thanked the staff of the Corporate Affairs Department for their work in organising the conference.

10.10.18.02 Confirmation of Minutes

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. P. Connor-Scarteen, it was resolved that the Minutes of the September Ordinary Meeting of Kerry County Council held on 13th September, 2010, be confirmed.

10.10.18.03 Amendment to Standing Orders in accordance with Schedule 10, Section 16 of the Local Government Act 2001

Mr. G. O'Brien referred elected members to report dated 12th October, 2010 which had been circulated. As discussed and agreed at the July Corporate Policy Group meeting it is proposed to amend Kerry County Council Standing Order No. 1 to read as follows:

"The Ordinary Meeting of the Council shall be held on the third Monday of each month with the exception of September where it will be held on the second Monday. No meeting will be held in August."

Mr. G. O'Brien informed members that a vote would now be taken.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. B. O'Connell, that we the members of Kerry County Council hereby resolve to amend Kerry County Council's Standing Orders, Standing Order No. 1, to read as follows:

"The Ordinary Meeting of the Council shall be held on the third Monday of each month with the exception of September where it will be held on the second Monday. No meeting will be held in August."

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

For: Cllrs. Buckley, Connor-Scarteen, Cronin, Ferris, Finucane, Griffin, D. Healy-Rae, M. Healy-Rae, McCarthy, McEllistrim, O'Brien, O'Connell, Sheahan, Spring, Moloney **(15)**

Against: **(0)**

Not Voting: **(0)**

Absent: Cllrs. Beasley, Brassil, Cahill, Donovan, Fitzgerald, Fleming, Foley, Gleeson, O'Donoghue, O'Shea, Purtill, Leahy (12)

The Deputy Mayor declared the PROPOSAL CARRIED.

**10.10.18.04 Dréacht Scéim Gaeilge II d'Udaráis Áitiúla Chiarraí (2010-2013)
de réir Mír 11 d'Acht na dTeangacha Oifigiúla 2003**

**Kerry Local Authorities Draft Irish Scheme II (2010-2013) in
accordance with Section 11 of the Official Languages Act 2003**

Tharraing an Riarthóir Cruinnithe, an tUasal G. Ó Briain, aird na mball tofa ar an Dréacht-Scéim Gaeilge 2010–2013, tuairisc ón 14ú Deireadh Fómhair 2010 agus dúirt sé:

“D’ullmhaigh Údaráis Áitiúla Chiarraí Dréacht-Scéim Gaeilge a Dó faoi Alt 11 d'Acht na dTeangacha Oifigiúla 2003. Mar chuid d’ullmhúchán na scéime seo, tugadh fé comhairliúchán poiblí agus tá tuairisc iniata, ar an 3 aighneacht a fuaireamar. Dhein an CPS Turasóireachta, Cultúir agus Pobail an scéim a mheas, ghlacadar leis agus táid anois á mholadh don gComhairle glacadh leis go foirmeálta.

Tógann Scéim Gaeilge a Dó ar an méid a bhaineadh amach go dtí seo maidir le na seirbhísí a chuireann Comhairle Contae Chiarraí ar fáil don bpobal trí Ghaeilge. Is iad príomh-aidhmeanna na scéime seo ná pobal na Gaeilge, sa Ghaeltacht agus ar fud Chiarraí chomh maith céanna, a spreagadh chun Seirbhísí Gaeilge na Comhairle Contae a húsáid, agus ‘Oidhreacht theangeolaíoch agus chultúrtha na gceantar Gaeltachta a chosaint, agus an Ghaeilge a chosaint mar theanga an phobail’ (Plean Forbartha Chontae Chiarraí 2009-2015).

Tá formhór na gcuspoirí i Scéim Gaeilge a hAon bainte amach againn agus tá roinnt oibre fós le déanamh againn ar ár suíomh idirlín roimis deireadh 2010. Diríonn Scéim Gaeilge a Dó ar ár gcuid Seirbhísí Gaeilge don bpobal a dhaingniú agus a bhuanú. Tá ár gceangaltas do thréimhse 2010-2013 leagtha amach i Mír 3 den Dréacht-Scéim. Táim ag iarraidh oraibh anois glacadh go foirmeálta leis an Scéim.”

Mr. G. O'Brien, Meetings Administrator referred elected members to report dated 14th October, 2010, which had been circulated and said the Draft Scéim Gaeilge II has been prepared in accordance with Section 11 of the Official Languages Act 2003. Public consultation was undertaken as part of the process in preparing the scheme and a report was attached to the scheme which was circulated on the three submissions which were received. The scheme was also considered by the Community, Culture & Tourism SPC. The SPC endorsed the scéim and recommended it to the Council for formal adoption.

Scéim Gaeilge II builds on what has been achieved to date in respect of the provision of services through Irish by Kerry County Council. It is the aim of this scheme to promote the use of services through Irish among Irish speaking communities both inside and outside the Gaeltacht and in particular “To protect the linguistic and cultural heritage of the Gaeltachta areas and promote Irish as the community language” (Kerry County Development Plan 2009-2015).

The majority of our objectives in Scéim Gaeilge I have been completed with some work still to do on our website which will be completed by the end of 2010. The Council's main focus for Scéim Gaeilge II is to stabilise and engrain the provision of Irish Language Services for the public. Our commitments for 2010-2013 are outlined in Section 3 of the Draft Scheme. Formal approval is sought to adopt the Scéim.

‘Cé go raibh mórán oibre déanta ag Comhairle Contae Chiarraí’ adúirt an Clr. T. Ní Fhearaíosa ‘bhí roinnt le déanamh fós’. Mar shampla, faigheann daoine comhfhreagras Tithíochta nó Pleanála i mBéarla ainneoin go gcuireann siad litreacha isteach i nGaeilge. Níl sé seo sásúil. Mhol sí glacadh le Scéim Gaeilge II d’Údaráis Áitiúla Chiarraí (2010-2013) mar atá. Ghabh sí buíochas leis an Oifigeach Gaeilge, Roibeard Ó hEartáin, as a chuid oibre.

Cllr. T. Ferris said while Kerry County Council has a lot done there remains some work to be done. For example, people submitting correspondence regarding Planning or Housing issues and they receive a standard reply in English despite their letter being submitted in Irish. That is not acceptable. She PROPOSED the adoption of the Kerry Local Authorities Irish Scheme II (2010-2013) as presented. She thanked Roibeard Ó hEartáin, Oifigeach Gaeilge, for his work.

D’fháiltigh an Clr. S. Mac Gearailt leis an tuairisc agus chuidigh le glacadh na Scéime. Dúirt sé gur thacaigh an Bainistíocht go mór leis na nGaeilge agus gur dhein na hinnealtóirí áitiúla ana-iarracht. Bíonn cruinnithe toghcheantar trí Ghaeilge anois le tacaíocht ón Oifigeach Gaeilge.

Cllr. S. Fitzgerald welcomed the report and SECONDED the proposal to adopt the scheme. He said management greatly support Irish and great effort is made by the area engineers also. Local area meetings are held through Irish now with the help of the Irish Officer.

Dúirt an Bainisteoir Contae, an tUasal T. Ó Corráin, nach raibh sé ar an eolas fé freagraí Béarla ar litreacha trí Ghaolainn. Dúirt sé go bhfreagraíonn sé gach litir i nGaeilge le freagra Gaolainne de réir na Scéime Gaeilge. Déileáilfear leis an gceist seo.

Mr. T. Curran, County Manager, said he was not aware of letters being issued in English in response to a letter received in Irish. He said he replies to each letter he receives in Irish with an Irish response as per the Irish Scheme. He said this matter will be addressed.

Glacadh le Scéim Gaeilge II d’Údaráis Áitiúla Chiarraí (2010-2013) de réir Alt 11 de Acht na dTeangacha Oifigiúla 2003 ar mholadh na Clr. T. Ní Fhearaíosa agus cuidiú na Clr. S. Mac Gearailt.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. S. Fitzgerald it was agreed to adopt the Kerry Local Authorities Draft Irish Scheme to (2010–2013) in accordance with Section 11 of the Official Languages Act 2003.

10.10.18.05 Revised Policy on Naming and Marking of Roundabouts/Bridges/New Roads

Mr. C. O’Sullivan, Director of Roads and Transportation, referred elected members to report dated 8th October, 2010 regarding Revised Policy on Naming and Marking of Roundabouts/Bridges/New Roads. He said the existing policy on the naming of new roundabouts, constructed in the county, in honour of particular people, was adopted by Council in March, 2005. The purpose of the policy was to ensure that this well meaning gesture would not be brought into disrepute and cause embarrassment to the families involved.

The policy was drafted in the context of the naming of a road/roundabout, constructed by the County Council, within the boundary of a town council. A trend has developed in recent times for the naming of new Roads Infrastructure (roads/ roundabouts/ bridges) in the county which has necessitated a review of the policy.

Issues have also arisen recently, which have identified difficulties with the existing policy, in relation to:-

- road infrastructure which could traverse through more than one electoral area or Town Council administrative area, and
- consultation with the person (or his/her immediate family where the person is deceased) after whom the infrastructure is to be named/dedicated.

The Transport SPC, at its meeting of 20th September 2010, considered these issues, and the revised procedure has been prepared having regard to the principles agreed by the Committee Members and is now recommended to Council for adoption.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. P. Connor-Scarteen, it was unanimously agreed to adopt the Revised Policy on Naming and Marking of Roundabouts/Bridges/New Roads.

10.10.18.06 Extinguishment of the Market Rights in Killorglin, the designation of the Fairfield in Killorglin as a Casual Trading area and the making of Bye-Laws for the control, regulation, supervision and administration of Casual Trading at the Fairfield, Killorglin, in accordance with the statutory provisions of Section 6 of the Casual Trading Act 1995 as amended by Section 98 of the Consumer Protection Act 2007

Mr. C. O'Sullivan, Director of Roads and Transportation, referred elected members to report dated 11th October, 2010, which had been circulated regarding the Extinguishment of Market Rights in Killorglin, designation of the Fair Field, Killorglin as a casual trading area and the making of the County of Kerry Draft (Casual Trading) Bye-Laws 2010 (Fair Field, Killorglin, Co. Kerry). He outlined that Kerry County Council proposes to extinguish the Market Rights in Killorglin which were acquired in 2003, to designate an area in the Fair Field in Killorglin as a casual trading area and to make bye-laws in relation to the control, regulation, supervision and administration of casual trading in this area.

Casual trading is regulated under the Casual Trading Act 1995 and the existing Bye-Laws [County of Kerry (Casual Trading) Bye-Laws 1997] were made by Kerry County Council in 1997. The bye-laws made specific locations within the county where casual trading, by licensed traders, can take place which included the Fair Field in Killorglin. Market rights also exist by Royal Charter or Letters Patent in Killorglin. The Council is the registered owner of the Market Field in Killorglin.

Notwithstanding the existing provisions of the 1997 bye-laws there have been difficulties in the control of casual trading in the Fair Field in recent years. The Council has been through advance public consultation with the existing traders, the community council and the Electoral Area members in Killorglin and a designated casual trading area of 11 bays has been identified. It is now the Council's intention to progress the matter to a stage that a controlled designated trading area with licensed traders will be in place, following agreement with the consulted parties.

Furthermore, having regard to "EU Directive 2006/123/EC: Services in the Internal Market", the Council is required to have procedures in place not to discriminate against

free trade and, specifically, is required to ensure that it has procedures in place in relation to the allocation of bays and that the fees are non-discriminatory.

In order for the Council to formalise casual trading in the Fair Field in Killorglin the following is now required:

- The designation of an area in the Fair Field, Killorglin, Co. Kerry as a casual trading area.
- The making of Bye-Laws for the control, regulation, supervision and administration of casual trading, following the statutory public consultation process, and
- The extinguishment of the Market Rights in the Fair Field, Killorglin.

An area has been identified which specifies 11 casual trading designated bays in the Fair Field. The Council proposes to resurface the Fair Field car park and prepare a revised layout which will enhance the area and optimise the area of available car parking spaces.

The Draft (Casual Trading) Bye-Laws were considered by the Transport SPC who has recommended that the Council proceed with the statutory process for the making of the Bye-Laws. Following the preparation of the bye-laws through the Transport SPC, the bye-laws were presented to the members of the Killorglin Electoral Area who concurred with the recommendations of the SPC but requested that further legal advice be sought, particularly on the weighting scheme for the allocation of trading bays in accordance with Bye-Law No. 5.2. In endeavouring to promote the sale of local produce, the Transport SPC had recommended that "local" be defined by bye-law 5.2(c) as being "within 60 km radius of the trading area. Having regard to the legal advice now received, this is considered to be in breach of EU regulations and this statement has been removed from the draft considered by the SPC.

The extinguishment of Market Rights, owned by the Council, is prescribed under Section 8 of the Casual Trading Act 1995. A market right cannot be extinguished unless there is a practical realistic alternative casual trading facility in place. Thus, the extinguishment of the market rights will require a separate resolution by Council following the designation of the casual trading area and the making of the proposed bye-laws.

It is proposed to publish the notice of our intension to extinguish the market rights in conjunction with placing the Draft Bye-Laws on public display. A report on any submissions received on the above will be brought before the members following the completion of the statutory processes, as prescribed under Section 6 and 8 of the Casual Trading Act 1995 (as amended by Section 98 of the Consumer Protection Act 2007) for consideration and to provide for the adoption of the Bye-Laws and Extinguishment of the Market Rights in the Fair Field in Killorglin.

Cllr. P. Connor-Scarteen said this is a long and complex procedure. He thanked the Director of Roads and Transportation and the Director of Corporate Services/Killorglin Area Manager for the time and effort put into preparing these Bye-Laws which should result in benefits for casual traders and business people in Killorglin. The Bye-Laws for Killorglin were discussed at length and the Transport SPC and local area meetings which were delighted with progress. The situation in Kenmare is a bit more complex but work will continue on the casual trading issues and the preparation of Bye-Laws.

Cllr. M. Healy-Rae welcomed the draft Bye-Laws as they have been awaited for a long time. He said people are most anxious to see this matter progress as issues in Kenmare could not progress until Killorglin was dealt with first. The Bye-Laws are also welcome as there is the issue of resurfacing and lining the Fair Field itself which could not be done until the Bye-Laws were adopted.

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Cllr. A. McEllistrim referred to the size of the trading bays and said there are only three bays that are 4.5m x 8m and she asked if any difficulties will arise because there are only three big bays. She also asked if priority would be given to long term traders.

Mr. C. O'Sullivan, Director of Roads & Transportation, said in designing the layout of the bays consideration was given to the existing demands as well as catering for future demands. The bays are designed to facilitate the existing traders in the area.

Cllr. T. Ferris said while she understood what the Council is trying to achieve she requested a summary of the rights that are being extinguished. She asked what is the current situation and how will the bye-laws encroach on those rights. This must be considered in more detail.

Mr. J.D. Flynn, Director of Corporate Services/Area Manager Killorglin, said Kerry County Council acquired the old chartered rights by Compulsory Purchase Order. The old rules are archaic. The legal position across the country is to prepare Bye-Laws which modernises casual trading.

Cllr. T. Ferris asked if there are established practices over the last few years.

Mr. J.D. Flynn, Director of Corporate Services/Area Manager Killorglin, said regulation was required for casual trading in this area. Meetings were held with rate payers and casual traders who want modern regulation and all parties are agreeing to the introduction of bye-laws.

Cllr. M. Cahill welcomed this process and said this is something the Council has been working towards for a number of years. Meetings were held the traders and with local businesses on a number of occasions. The Fair Field is the main car park in Killorglin town and the current situation is no longer acceptable. The lining on the Fair Field virtually gone and on occasion this car park is taken over by traders. These bye-laws will ensure the area is regulated and there is a designated trading area. He noted that following the adoption of the bye-laws the car park will be resurfaced and relined. The people of Killorglin will very much welcome this as it is key to the future success of Killorglin and the Fair Field is a most important facility in the middle of the town.

Cllr. PJ Donovan said at the last Killorglin Electoral Area meeting he had a Notice of Motion regarding casual trading in Caherciveen where he requested that it be addressed, but nothing has been done to date. He asked that casual trading in Caherciveen be addressed and that the Fair Field in Caherciveen to be used for casual trading. The casual trading sign was removed and should be replaced.

Mr. C. O'Sullivan, Director of Roads and Transportation, said there is a designated area for casual trading in Caherciveen. There is a process involved and the matter will be followed up.

On the PROPOSAL of Cllr. P. Connor-Scarteen, **SECONDED** by Cllr. M. Healy-Rae, report on the extinguishment of the Market Rights in Killorglin the designation of the Fair Field in Killorglin as a casual trading area and the making of Bye-Laws for the control, regulation, supervision and administration of casual trading at the Fair Field, Killorglin, in accordance with the statutory provisions of Section 6 of the Casual Trading Act 1995 as amended by Section 98 of the Consumer and Protection Act 2007 was noted.

10.10.18.07 Report on the provision of a supplementary Water Supply Scheme for Kenmare and approval of the next steps in the process

Mr. O. Ring, Director of Water Services, referred elected members to report dated 12th October, 2010, which had been circulated. He outlined that this report deals with the current proposals to obtain a supplementary water supply source for Kenmare Water Supply Scheme, including an update of Members' request to investigate the options of using certain lakes in the area.

The report sets out the issues as follows:

1. 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,
2. the next steps to be followed if the lakes options are to be pursued, and their consequences
3. other considerations
4. conclusions and recommendation

A direction is now required from the Members as to how to progress the matter of procuring a supplementary water source for Kenmare, having considered this report.

1.1 Stage 1 - Screening for Appropriate Assessment

It was explained in a June report to Council that an Appropriate Assessment (AA) procedure is 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 which provides a preliminary assessment as to whether a project could have significant effects on a Natura 2000 site.

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 Screening Reports were sent on 23rd July to the Development Applications Unit (DAU) of the Department of Environment, Heritage and Local Government (DEHLG) for formal consultation. A response (attached) was received on 8th September which states that the DAU *"agrees that an Appropriate Assessment be required for the above scheme"*

2.1 Stage 2 AA - Natura Impact Statements

The next step would be to prepare Natura Impact Statements (NIS) for the three lake options.

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

The NIS would be sent to An Bord Pleanála, the Competent Authority in this case, to carry out the Appropriate Assessment.

2.2 Appropriate Assessment by An Bord Pleanála

In simple terms, there are two possible outcomes:

- a) Rejection of one or more of the lake options proposals on the grounds of
 - significant impact to Natura 2000 designation objectives
 - non-Natura site options available, i.e. Sheen River and Roughty River⇒ ***Stop the process or proceed on Imperative Reasons of Overriding Public Interest (IROPI) route***
- b) No rejection of the proposals because impact(s) not significant - for one or more lakes:
⇒ ***Proceed on Abstraction Order route***

2.3 Lake Options - IROPI route

In general, if the AA outcome is rejection of a proposal, it is open to the council to consider the IROPI (*imperative reasons of overriding public interest*) route.

The Habitats Directive allows consideration of proposals which might be harmful to Natura 2000 sites, within the context of IROPI, whereby compensatory measures/habitat would have to be provided elsewhere so as to protect the overall coherence of the Natura 2000 network.

DEHLG guidance is "*every effort should be made to avoid recourse to IROPI, as this is a legally difficult, expensive, lengthy and complex process, with no guarantee of a successful outcome and with a serious risk of legal challenges.*"

Note that IROPI cannot be availed of where alternative solutions exist which would be less harmful to Natura 2000 sites e.g. Sheen River and Roughty River.

2.4 Lake Options - Abstraction Order route

If the AA outcome is not rejection of one or more lakes, we would proceed as follows:

- Decide best lake to develop, assuming a choice of lakes.
 - Draw up Water Abstraction Order Proposal and ask Council to adopt
 - Publish Order in newspapers for public submissions
 - If there is any objection from any source, apply to An Bord Pleanála for adjudication
- Ask An Bord Pleanála to determine whether an Environmental Impact Statement (EIS) would also be required for the project
 - If yes, carry out an EIS
- If the EIS is negative, end the process
- If the EIS is positive, agree the new scope of works with the Department
 - Carry out preliminary design, including extensive site investigations
- Get Planning approval
 - If EIS not required, apply for Part 8 permission for dam structure, intake works etc.

- If EIS is required, apply to ABP under the Strategic Infrastructure Act (SIA) for “planning permission” for the works
- Carry out detailed design
 - Prepare Contract documents
 - Submit the contract documents to the Department for approval
 - Go to tender with approved documents

Timescales

Natura Impact Statement & Appropriate Assessment – 1 year minimum

Abstraction Order - minimum of 4 months with at least a further 6 months for determination by ABP, say 1 year.

EIS/SIA - at least 1½ years

Contract Documents, tender and contract award - 2½ years.

=> 2016 at the very earliest before construction of a lake dam and water treatment plant for Kenmare could commence.

Costs

Natura Impact Statement - at least €110,000

EIS/ SIA - at least €200,000

3.1 Other Considerations

Quality Risk

The existing Kenmare Water Scheme has disinfection facilities only and no physical treatment. This exposes the supply to the risk of contamination by *cryptosporidium*. The EPA requires the Water Authority to provide a barrier water treatment system, either permanent or temporary, as soon as possible, as an urgent public health measure. The HSE is also pressing for an early resolution of the problem.

Kerry County Council may have to spend over €500,000 to provide a temporary measure if the supplementary supply is not secured in the near future and KCC is exposed to the risk of criminal prosecution while the current situation pertains.

Supply Risk

The existing Kenmare Water Scheme is not capable of producing a guaranteed supply in dry summers to meet current demands, never mind future growth. This means that planning permissions are now severely restricted and generally confined to minor infill situations.

Both the quality risk and the supply risk have the potential to be extremely damaging for the reputation of the town with obvious serious consequences for the tourism and commercial sectors.

Funding Risk

The DEHLG wrote to Kerry County Council on 24th September (copy enclosed) stating that it cannot approve the procurement of the proposed Water Treatment Plant because Kerry County Council has not secured an Abstraction Order for the Sheen source.

3.2 River Sheen Option

The original Preliminary Report on the Kenmare Water Supply Scheme in 2002 recommended the Sheen River as the preferred supplementary supply source. This report was reviewed and updated in 2006 and again in 2009. An independent review on behalf of the Councillors was carried out in 2010 by Mr. Jim Oliver of Nicholas O'Dwyer Consulting Engineers.

All reviews confirmed the original recommendation of the Sheen River, although Mr. Oliver proposed some amendments to the original Abstraction Proposal to give improved abstraction management.

Part 8 Planning for the Sheen River option is already in place and a Water Abstraction Proposal could be with An Bord Pleanála (ABP) for determination within three months of adoption by the Council. The concerns which some parties have about the River Sheen proposal could be laid before ABP in this way and an objective assessment of the various points of view would be made by ABP as part of making a determination on the Abstraction Proposal.

This would be the quickest way of finding out whether the Sheen River option is an acceptable proposal and, in the event of ABP finding against the proposal, relatively little time would have been lost.

In the event of a positive finding for the Sheen River proposal, we would be able to advance the project without further delay.

4.1 Conclusions

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

- There is a strong likelihood that the Appropriate Assessment process would indicate that there would be significant impacts for the lakes resulting in An Bord Pleanála not approving any of the lakes proposals
- There is a serious risk that An Bord Pleanála would not approve any of the lakes proposals on the basis that viable options exist which are unlikely to impact on Natura 2000 sites i.e. Sheen River and Roughty River
- Proceeding with the Appropriate Assessments route for the lakes options would be time consuming and expensive with limited chances of success
- Pursuing the lake options would delay the delivery of this scheme by at least 4 years during which time Kenmare town
 - would have an inadequate, unreliable supply to meet demands in a dry period and
 - would continue to have a sub-standard quality of supply.
- The IROPI route is not advisable as it is a legally difficult, expensive, lengthy and complex process, with no guarantee of a successful outcome and with a serious risk of legal challenges
- IROPI cannot be availed of where alternative solutions which would not be harmful to Natura 2000 Sites exist.
- A barrier Water Treatment Plant is urgently required to satisfy the public health concerns of the EPA and the HSE.

- A Water Abstraction Order must be in place before the Department of the Environment will provide funding for the proposed water treatment plant.

Recommendation

The management of Kerry County Council considers that the River Sheen option almost certainly provides the shortest timeframe for achieving an adequate, secure and safe water supply for Kenmare and it strongly recommends that the Council adopts the amended Water Abstraction Proposal for the River Sheen as soon as possible.



Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



8th September 2010

Water Services Capital Unit,
Area Services Centre,
Station Rd,
Castleisland,
Co. Kerry

Our Ref: G2010/434

Re: Kenmare Water Supply Scheme Appropriate Assessment

A chara,

I refer to your letter of 23rd July 2010 seeking observations in relation to the Appropriate Assessment (AA) Screening report in relation to the Kenmare Water Supply Scheme. Please find outlined below the nature conservation recommendation of the Department of the Environment, Heritage and Local Government.

The National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government agrees that an Appropriate Assessment be required for the above scheme.

Kindly forward any further information to the following address:

The Manager,
Development Applications Unit,
Department of the Environment, Heritage and Local Government,
Newtown Road,
Wexford.

In addition, please acknowledge receipt of this submission and forward the relevant receipt to the above address.

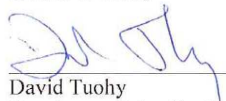
Finally, the above observations and recommendations are based on the papers submitted to this Department on a pre-planning basis and are made without prejudice to any observations the Minister may make in the context of any consultation arising on foot of any development application referred to the Minister, by the planning authority, in his role as statutory consultee under the Planning and Development Act, 2000 as amended.

Please note – our new address for all correspondence is:
The Manager,
Development Applications Unit,
Department of the Environment, Heritage and Local Government,
Newtown Road,
Wexford



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David Tuohy
Development Applications Unit
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David.tuohy@environ.ie

*Please note – our new address for all correspondence is:
The Manager,
Development Applications Unit,
Department of the Environment, Heritage and Local Government,
Newtown Road,
Wexford*

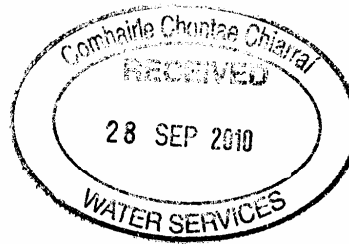


Comhshaol, Oidhreacht agus Rialtas Áitiúil
Environment, Heritage and Local Government



24th September 2010

Mr. Oliver Ring,
Director of Services
Kerry County Council,
Áras an Chontae
Tralee
Co. Kerry



Re: Kenmare Water Supply Scheme

Dear Director,

I refer to the Council's submission of 8 April 2010 and previous correspondence in relation to the above scheme.

I am to advise you that as Kerry County Council has not secured the required Abstraction Order for the Sheen Falls source and, therefore, cannot provide a Certificate of Completion of Planning for this contract, it would not be appropriate for the Department to approve the procurement of a plant for a future capacity for which there is no authorisation to abstract the water. The Department, therefore, cannot approve the Contract Documents for Contract No. 1 (Water Treatment Plant) for the Kenmare Water Supply Scheme at this time. However, the Department is aware that there is a current water quality/risk issue to be addressed in relation to the Kenmare Water Supply.

In recognition that the Council are under direction from the EPA to provide a barrier to cryptosporidium for the existing source at Lough Erik, the Council is requested to submit a revised proposal that can be considered appropriate for approval to advance to tender.

Yours sincerely,

Tom Walsh
Assistant Principal
Water Services Investment Programme

Department of Environment, Heritage and Local Government
Block 1, Floor 2, Irish Life Buildings, Lower Abbey Street, Dublin 1
Tel: 353 1 888 2000 LoCall: 1890 20 20 21 Fax: 353 1 888 2687 Web: www.environ.ie



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Cllr. P. Connor-Scarteen said a vote was taken by Council some months ago and the members voted against pursuing the River Sheen option. This report and recommendation is democracy being eroded on a huge scale with the suggestion that the River Sheen option be revisited. The current report is full of opinion, conjecture and scare mongering but very light on facts. This is not good enough. Councillors instructed council management to look at all the lake options, they have returned with a report that concentrates on all the obstacles rather than the solutions. No real effort has been made to use the lakes as a solution. They have continued to ignore the factual advice given by Dr. Skilling. Sheen Valley Community & Kenmare Chamber of Commerce & Tourism have always stated that they want a clean, plentiful and reliable water source for Kenmare and we have shown that there are a number of options in the lakes. It can be proved that there is enough water in the existing lakes being used, (Eirk, Cummer and Gullaba) to supply the greater Kenmare area well into the future. This can be achieved without expensive dams. This will require an increase in some of the pipe work leaving the lakes. This has the added advantage in that you have three different sources of gravity supply rather than concentrating on an unreliable river source which will have to be pumped to the purification plant. If the Council is excluding the use of Gullaba Lake on the grounds that it is flowing into as SAC then the Sheen should also be excluded on the same grounds as it is flowing into Kenmare Bay which is also an SAC. The Council has taken no account of the land dezoned around Kenmare, this will show a reduced requirement for water in the medium to long term. This year the lakes were checked after three months of practically dry weather and the outflow from the lakes was strong while there was only a small trickle leaving the Sheen pool. At that point in time the lakes could have continued to supply Kenmare area with water for another four months without rain and we would still only have used 1 meter from each of the lakes. The lakes would be replenished with winter rainfall. At the same time we will recall that there were reports of the Feale River running low and possible water shortages in the North Kerry area. The concerns of the fisheries board have not been addressed. They are still concerned that removing water from the Sheen pool will have a devastating effect on the salmon stocks of the Sheen. Salmon are a protected species. An Taisce also has objections lodged to using the Sheen River as a water source, no credence has been given to their concerns. The Sheen Valley Community sees this proposal as an attack on their livelihood and their future. This abstraction order has the potential to close down the Sheen Valley; it will kill development and planning. This proposal will be resisted by any and every means at our disposal. We are concerned that the democratic voice and vote of the councillors is being ignored by council management. The proposal to use the lakes was clear but they expended all their energy to prove the lakes would not work. They even include the Clonee Lakes; this was never a sensible option. Dr Skilling and the Bonane Community Council presented a number of options which were never fairly or fully examined. Members instructed Management. There is an ample supply of water. It is ridiculous to come back with this option again. He asked all members to reject this proposal.

Cllr. M. Healy-Rae expressed disappointment with this report because the one thing that was completely ignored in the report was the democratic vote taken by members a short number of months ago. Management are trying to chip away at the decision of the vote, keep coming back on the River Sheen and are taking no consideration of the members direction when they rejected the River Sheen proposal. Meetings were held over the weekend on this matter. He said he was very interested in Item 2.2 which states "Non-Natura site options available, i.e. Sheen River and Roughty River". There was a dry summer and Kenmare had many tourists, yet did not run short of water. Other places in the county were in trouble with water but Kenmare was not. It will not take much additional amounts of water to secure water for Kenmare, because neither

projected growth nor projected development are an issue now. Management keep going back to the River Sheen option. He said he believes this is where management started and do not want to move from that option. The cost of €500,000 has also been taken into consideration. During this summer there was a plentiful supply of water in the Lakes but there was not such a supply in the River Sheen. Local people with a knowledge of the history of the river, saw the Sheen with remarkably low levels. Despite this, management are recommending the River Sheen option. This is not just about the people of Bonane Community being against this option. The whole River Sheen catchment area is against this option. He referred to a letter he circulated at the meeting from Kenmare Chamber of Commerce which states that in their opinion they do not want the abstraction order to go ahead from the River Sheen. He welcomed the deputation from the River Sheen catchment area and also representing the Kenmare Chamber. The elected members are expressing the views of the local people. He asked members to consider the dry summer and the fact that Kenmare had an adequate water supply. He said he cannot express strongly enough that he cannot understand why management keep going back to the River Sheen option.

Cllr. J. Sheahan said he believes Kerry County Council must listen to the Kenmare community on this issue. They believe the River Sheen and River Roughty are not a suitable option. It is duly noted that this area is an SAC. The needs of the community must take precedence in this case. A decision must be made on this issue. Consideration should be given to building an extension to the existing reservoir to provide the required water supply. He said he wants to see this issue resolved and believes the way forward is by listening to the community.

Cllr. J. Brassil said the options are being presented to members regarding how to proceed with the issues in Kenmare. Cllr. M. Healy-Rae said there are no problems in Kenmare as there was enough water in Kenmare this summer. Cllr. Brassil said this report sets out the process that will have to be followed if the lake options are pursued. Management is putting members on notice that there is a high possibility of rejection of the Lakes options at the various stages of the process. There are costs involved with a high possibility that the proposal will be rejected. The River Sheen option has been put before members on several occasions and there is not a huge cost or time required in getting it through the An Bord Pleanála process. It is a matter for the members to decide whether to take the Lakes option, with a possibility of rejection, or the River Sheen option. Almost €500,000 has been spent already on this. There are many areas with water needs in the county. He said he is not going to vote for something that will cost this Council more money than it already has. If the Council ignores the advice that is presented it will cost the taxpayer unnecessary money. He requested an explanation of the significance of the letter attached to the report from the Department of the Environment regarding Kenmare Scheme which states "In recognition that the Council are under direction from the EPA to provide a barrier to cryptosporidium for the existing source at Lough Eirk, the Council is requested to submit a revised proposal that can be considered appropriate for approval to advance to tender". The mention of cryptosporidium is alarming. He said he does not want to make a decision which could endanger the public.

Cllr. B. Cronin welcomed the residents of Bonane and the Kenmare area. This issue is again before the members for debate and may be causing people frustration. He said as Chair of the Environment SPC he has had an involvement. Following the request from the elected members the Environment SPC was requested to nominate an independent expert to oversee the preparation of an overview and detailed report to be

presented to members regarding an assessment of the Malachy Walsh Report, the steps going forward and, critically important, securing a safe supply of water for Kenmare. He said if he considered there was a waste of finance or there was something dubious about a proposal that was presented to Council he would not support it. The task for the independent review was to ensure that the concerns of members, the restrictions of planning permission and the consequences for the Bonane area were assessed and the assessment presented to the members. Nicholas O'Dwyer Ltd. was appointed to conduct the independent assessment. The assessment was carried out and the independent report was presented to the members. Aspects regarding the lakes have been comprehensively examined. There is no dispute regarding the volume of water. The issue is the sensitivity of the location of the source. It must be recognised that there is a huge issue regarding the cost and timeframe involved in proceeding with any of the lake options while at the same time the River Sheen option is ready to be submitted to An Bord Pleanála. If it is decided to submit the River Sheen option to An Bord Pleanála and it is rejected that opens consideration of the lakes option. He asked members to recognise this. The fact of the matter is that there are options available other than the lakes. The most important issue is deciding on how to proceed. It is clearly outlined in today's report to Council that members will have to make a decision. The provision of a safe and adequate water supply is one of the most important core functions of this Council for the county and Kenmare. A speaker at the LAMA conference said elected members must "act responsibly". There are concerns from people and these were brought before the members. The only restrictions would apply in the 200 metre area around the proposed abstraction of the River Sheen. This is the only area where farming and planning restrictions would apply. He said he believes there is a huge onus of responsibility and duty on elected members to make a responsible decision considering the financial input already made. Democracy and the vote taken in this chamber was mentioned. He said if he had any suspicion about content of the Nicholas O'Dwyer report he would have questioned it thoroughly. To those members who referred to democracy he said he was in the chamber when votes were taken on zoning. As Chairman of the Environment SPC who oversaw the Nicholas O'Dwyer report he expressed confidence that the information was accurate and the best information that could be presented to this local authority. Kerry County Council provides 26 million gallons of water per day and is trying to provide Kenmare with an adequate water supply so businesses and tourism can survive. He said he understands there is political pressure. Members must act responsibly and recognise the implications of the report presented today. He recognised Dr. Skilling's submissions on this matter. In making a decision on a vote he asked elected members to remember that Kerry County Council provides 26 million gallons of water to the county which is monitored by the EPA and he urged members, as governors, to act responsibly.

Cllr. J. Finucane said there are a number of issues. Inaction is not an option for the Council. One of the serious issues is that Kerry County Council is under direction from the EPA regarding cryptosporidium and public health. If a situation arose in this regard, like it did in other areas of the country, it would cause great stress to people and cost. The appointment of Nicholas O'Dwyer consultants was on the basis that it was independent advice to the elected members. He said he understands that if a proposal goes before the DoEHLG it will end up before An Bord Pleanála where a decision will be made. Today's report outlines the process to be undertaken to eliminate water source options. Documentation is being received from the HSE and other agencies that there is a risk to providing drinking water. Kerry County Council must act on this. This is not simply a matter of a political decision. There are issues where other agencies

have Kerry County Council under notice regarding particular concerns. Without action this local authority could appear negligent. Elected members must make decisions for the good of the county and provide services we are duty bound to provide. Action is required.

Cllr. D. Healy-Rae expressed disappointment that this matter is before the members again today. He said he understands the annoyance of this matter taking up time again for members. It is unfortunate that management did not understand what the members wanted. It was not expected that the River Sheen option would be before the members again. A vote was taken last March and the majority of the members voted in favour of pursuing to the lakes option. He said he took exception to the comment that members acted irresponsibly. Elected members are acting responsibly. The lakes are the only real and safe option to pursue. If water becomes scarce the Sheen river will not be able to provide the water because it goes so low. There would be pumping costs attached to the River Sheen option. Very little work needs to be done to implement the suggestions from Dr. Skilling and in pursuing the lakes option. At present, water is extracted from Lough Eirk and comes down stream before it is tapped to the reservoir. This could be supplemented with Coomclohane and this would supply ample water to Kenmare. Cryptosporidium invariably occurs in rivers. A developer has a proposal regarding a hydro-electric scheme in the valley wherein they suggest laying a pipe from the Clonee lake. The developer is seeking advice from the Planning Department on this proposal. That will also be an option. He welcomed the local people attending the meeting today. Management were given direction to pursue the lakes option but did not do this. There was a majority decision last March to pursue the lakes option.

Mr. O. Ring, Director of Water Services, said Kerry County Council management is being accused of ignoring democracy by presenting this report. Management has been following the Council's instructions by investigating the lake options. Of the six pages in today's report half of one page deals with the Sheen, everything else deals with the lakes options and the full details regarding costs and time scales and the steps to be undertaken. It is a matter for Council to decide how to proceed. This was not a dry summer and the current water supply was not affected. With regard to the Department of Environment letter, it says the Department will not support Kerry County Council. In January 2008 full water treatment plant plans were submitted to the Department of the Environment for the current and future demand. Kerry County Council could not provide a certificate of completion of planning because while planning permission with PART 8 had been acquired the abstraction order for the supplementary water supply was not finalised. The Department will not consider approving Kerry County Council's application to go to tender for this plant until the supplementary source is finalised. A water treatment plant must be built there as soon as possible.

Cllr. J. Brassil said apart from future water supplies and the source of same, the current treatment system is not the standard. The Department is saying that without resolving the supply source issue they will not give sanction to build a treatment system.

Mr. O. Ring, Director of Water Services, said the Department wants a resolution that will address all issues. It is a matter for Kerry County Council to decide how to address these issues. Kerry County Council wants to build permanent infrastructure that will provide a long term solution. The Department will not consider funding the scheme as proposed until the water abstraction order is addressed. Three reports plus an independent report have been prepared all of which say that the supplementary supply source should be provided from the River Sheen. He recommended that a submission

be made to An Bord Pleanála. The report presented to members today details all the options. No matter which abstraction route is taken it will be difficult and there will be options. It is important now that the environmental issues are recognised. The Natura Impact Statement and Appropriate Assessment will pose the biggest difficulties. There is a clear route to deal with this, i.e. make a submission to An Bord Pleanála regarding the River Sheen option. There are two choices now: continue with the Appropriate Assessment route, timescales and costs and an uncertain end or pursue the River Sheen option.

Cllr. D. Healy-Rae sought clarification and asked if a costing has been done for abstracting water from the River Sheen vis-à-vis increasing the outtake from Lough Currane.

Mr. O. Ring said this was clarified previously as well as in the independent report requested by members in the Nicholas O'Dwyer Report. The biggest issue is the difficulty of dealing with environmental issues.

Cllr. D. Healy-Rae asked if the constant cost of pumping water from the River Sheen was taken into account.

Mr. O. Ring said this was also taken into account. The River Sheen would only provide a supplementary source. The main source will continue to be Lough Eirk.

Cllr. D. Healy-Rae asked if Corrig Lake should first be used to its fullest capacity then minimum works would suffice. He asked if management agree that Lough Corrig is not being used to its maximum.

Mr. O. Ring said only a small increase would be achieved at Lough Corrig unless a dam was built.

Cllr. J. Finucane said today a decision must be made on a particular course of action that will address public health issues and the standard of water being provided to Kenmare. Based on the report presented to today's meeting he PROPOSED that this matter be listed on the November agenda for a final decision. Action is required. Kerry County Council is responsible for the quality of the water to the citizens of the county.

Mr. O. Ring said the executive are seeking a decision today as to whether the lakes option with the Natura Impact Statement/Appropriate Assessment route or the River Sheen route be pursued and revert to Council in November with the water abstraction proposal.

Cllr. M. Healy-Rae sought clarification as to the purpose of placing this report on the agenda today. He asked what management wanted to achieve. He asked what Standing Orders provide if this proposal were to go to another vote considering a vote was already taken on the matter. Will a two-thirds majority be required considering this has already been voted on. He said he respects the opinions of the members of the chamber and asked that speakers be fair and thoughtful in their presentations.

Cllr. B. Cronin said this matter has been debated in detail. Expert advice has been received and this is not being recognised by a small number of elected members. He said he is not prepared to proceed with another €500,000 cost on the ratepayers of the county when there are other areas in the county, including in his own electoral area without adequate water. There are old and broken pipes in the county which need

attention. He said he is not prepared to proceed with more investigations just to placate a few members when there is a clear alternative backed by evidence from experts in the field. If the River Sheen option is to be proven wrong there is a simple route, i.e. making the submission to An Bord Pleanála, and I PROPOSE based on the further costings which have been shown to us today to proceed with the River Sheen abstraction.

Cllr. J. Brassil said that when the vote was taken on the River Sheen option a number of months ago there was a clear decision to pursue the lakes option. The report presented to members today advises of the consequences and costs if the lakes option is pursued. It again points out that because an SAC is involved there has to be a very strong reason for over riding public interest and pursuing this option. One of the things that will come back in pursuing the lakes option is that the other option was not exhausted, i.e. the River Sheen. Kerry County Council must take action on this matter. He said he could not support a vote to pursue an option which will cost the Council more money for nothing. This matter must be put to An Bord Pleanála.

Mr. O. Ring, Director of Water Services, said the purpose of today's report is to provide an update to elected members and explain what is involved in pursuing the lakes option. It appears uncertain that pursuing the lakes option would be successful. The process involved in pursuing the River Sheen option has also been outlined along with the conclusions and recommendations. It is recommended that Council adopt the amended Water Abstraction Proposal for the River Sheen.

Cllr. M. Healy-Rae said the members asked management to fully pursue the lakes option. This option has been pursued so far and now management is asking if investigation of this option should continue.

Mr. O. Ring said the Water Abstraction Order was defeated at the March 2010 Council meeting. No other decision was taken by Council. The matter was then discussed with the Environment SPC and it was agreed that it appeared to be the wishes of the Council to pursue the lakes option. Management reverted to Council to confirm that this was the case. At the time the vote was taken there was no direction to pursue the lakes option. Regular updates have been provided to the members. Since the September Council meeting two important updates have been received regarding (1) the DAU has advised that an AA is required and (2) the Department of the Environment explaining the difficulty with funding and the EPA requirements.

Cllr. M. Healy-Rae said it is being said that management left the March meeting unclear of the members' wishes after taking the vote. Management could not have left that meeting in a confused state.

Cllr. M. Cahill said during the presentation from the NPWS later today the members will see the implications of the Natura site on the proposed extension to the SAC at Castlemaine. He said he has been against pursuing the River Sheen option and is surprised there has not been any break away group from the campaign against the River Sheen as this has serious consequences for the businesses. He said he believes An Bord Pleanála are independent and adjudicate on decisions Kerry County Council made. He said he is inclined towards submitting the matter to An Bord Pleanála for decision.

Cllr. B. Cronin said following the meeting where Nicholas O'Dwyer's report was presented and a vote taken an SPC meeting was held and the main issue of debate was "where do we go from here". The decision was taken at that SPC meeting to

proceed to examine the environmental requirements, tests, time frame and costing. Today's report to Council addresses these issues. He PROPOSED because of the costs involved and environmental implications that Kerry County Council proceed with the River Sheen water abstraction order. This option should be exhausted before proceeding with the lakes option.

Mr. T. Curran, County Manager, welcomed today's debate on this matter as it is important that Council be very clear on how this matter is progressed. He said he appreciated it is a difficult decision for local members to do the pragmatic thing against the wish of locals. It is not fair to say democracy is being eroded. After the March Council meeting management had no direction on this matter. Taking no action was an option but management took the approach to take this matter through the democratic process to the Environment SPC. There is a clear report before members today. He said his job as County Manager is to advise Council. Another €400,000 and 2-3 years could be spent on this matter and it would not get one step forward while at the same time there is a risk that there will not be quality water for the people of Kenmare in the coming years. The Department requires a decision on the provision of a supplementary water source before considering the provision of funding for a treatment plant in Kenmare. He supported and endorsed Oliver Ring's proposal that the River Sheen option be exhausted and the environmental issues addressed. Ballyseedy Wood is an example of not intruding on a Natura site when there is another option. He said based on his experience of the Ballyseedy Wood case which went to the European Commission, if there is an alternative the Natura site cannot be imposed upon. He advised against pursuing the lakes options at this time.

Cllr. M. Healy-Rae PROPOSED that this matter should be listed on the agenda for the November meeting in order that there is proper notice for taking a vote.

Cllr. D. Healy-Rae SECONDED this proposal.

Cllr. M. Healy-Rae sought clarification regarding voting on this matter.

Mr. G. O'Brien, Meetings Administrator, said the members are not revoking a motion.

Cllr. M. Healy-Rae said the members are being asked to vote on the same issue.

Cllr. B. Cronin said his proposal to vote today is based on additional information now available.

Mr. J.D. Flynn, Director of Corporate Services, said the item on today's agenda requested the members to make a decision on the next steps in the process.

Cllr. M. Healy-Rae said the same question is being asked. He asked if a two-thirds majority is required.

Mr. J.D. Flynn, Director of Corporate Services, said a simple majority is required.

Cllr. M. Healy-Rae said this matter should be deferred to the November Council meeting.

Mr. G. O'Brien, Meetings Administrator, said that the water abstraction order can be considered at the November meeting if the members so decide.

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Cllr. B. Cronin said only a small number of members are absent from the chamber at this point. The situation has been set out clearly for the members. He PROPOSED the vote proceed today.

Mr. J.D. Flynn, Director of Corporate Services, asked if it is the wish of the Council, based on the information today, to make the water abstraction order in accordance with the report before members today.

Cllr. B. Cronin PROPOSED that the vote be taken on this basis.

Cllr. S. Fitzgerald SECONDED this proposal.

Cllr. M. Healy-Rae said that this was unfair.

Mr. J. D. Flynn, Director of Corporate Services, said the item on the agenda was to approve the next steps in the process.

Mr. G. O'Brien informed members that a vote would now be taken on Cllr. M. Healy-Rae's proposal.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. D. Healy-Rae, that we the members of Kerry County Council resolve to defer the decision on the water abstraction order for the River Sheen to the November 2010 meeting.

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

For: Cllrs. Buckley, Connor-Scarteen, Donovan, Foley, D. Healy-Rae, M. Healy-Rae, O'Shea, Sheahan, Moloney **(9)**

Against: Cllrs. Brassil, Cahill, Cronin, Ferris, Finucane, Fitzgerald, Gleeson, Griffin, McCarthy, O'Brien, Purtill, Spring **(12)**

Not Voting: (0)

Absent: Cllrs. Beasley, Fleming, McEllistrim, O'Connell, O'Donoghue, Leahy **(6)**

The Deputy Mayor declared the proposal DEFEATED.

Mr. G. O'Brien, Meetings Administrator, informed members that a vote would now be taken on Cllr. Cronin's proposal.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. S. Fitzgerald, that we the members of Kerry County Council hereby resolve to make the water abstraction order in accordance with Section 2 of the Water Supplies Act 1942 to take water from the River Sheen as a source for the Kenmare Water supply Scheme, having considered the water abstraction order which was circulated at the March 2010 Council meeting, the report presented to Kerry County Council today and previous reports.

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

For: Cllrs. Brassil, Buckley, Cahill, Cronin, Ferris, Finucane, Fitzgerald, Gleeson, Griffin, McCarthy, O'Brien, O'Shea, Purtill, Spring **(14)**

Against: Cllrs. Connor-Scarteen, Donovan, Foley, D Healy-Rae, M. Healy-Rae, Sheahan, Moloney (7)

Not Voting: (0)

Absent: Cllrs. Beasley, Fleming, McEllistrim, O'Connell, O'Donoghue, Leahy (6)

The Deputy Mayor declared the proposal CARRIED.

10.10.18.08 Report from Chair of Transport SPC

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

10.10.18.09 Presentation from Mr. Pat Foley, Deputy Regional Manager, NPWS regarding the proposed extension of the SPA designation of Castlemaine Harbour

Deputy Mayor M. Moloney welcomed Mr. P. Foley, NPWS, to the meeting to make a presentation.

Mr. P. Foley thanked the elected members for the opportunity to make a presentation. Castlemaine Harbour SPA has been designated recently and when land owners were advised of the designation it caused debate in the harbour catchment area. Letters that issued were confusing as it is a standard letter. The NPWS was accused in the past of not notifying landowners of designations. Many threatened species can be found in this harbour. This is a Natura 2000 site and the NPWS is obliged by law to preserve and protect the site. There is a lot of activity happening in the harbour. In 1998 it was designated an SAC and the shellfish industry in Cromane was concerned for its future. An agreement still exists with the shellfish industry in Castlemaine Harbour. The fishermen are sticking to that agreement and the NPWS has had no complaints or objections. The harbour is made up of mud flats and sandbars. The NPWS is obliged by EU law to designate the site. In large the harbour is made up of low tidal area. The objective of the designation is to protect the winter wild fowl. The designation was signed into law by the former Taoiseach. This legislation has been in place for quite a time. He said he is on an EU group for the management of Natura 2000 sites. The EU uses these sites as a marketing tool. In France there is a competition for the best management of the sites. Produce developed or grown in a Natura 2000 site should be marketed as such to add value to the product. There are many crops/animals produced in these Natura sites which are directly "green". It is a marketing tool that these are produced in an environmental friendly habitat.

Cllr. J. Finucane said a New Zealand lecturer spoke in Tralee recently and said the New Zealand approach to tourism is specifically about sites of conservation. On the basis of how these sites are marketed there can be significant tourism benefits as people follow "star" designations and protected sites. People want a distinctive and authentic experience for the money they are spending. He thanked Mr. Foley for his presentation.

Cllr. M. Gleeson welcomed Mr. Foley and thanked him for his presentation. Green tourism will become the essence of what tourism is about. At the outset there was confusion from the letter that issued from the NPWS. He asked if the confusion has been allayed and dissipated.

Mr. P. Foley said there was a lot of confusion arising from the letter. The NPWS has had a lot of contact with local people individually and at a local meeting to advise them and explain the situation to them. He said he believes the fears of the people were allayed and they accepted the implications.

Cllr. A.J. Spring thanked Mr. Foley for his presentation and queried Mr. Foley's reference to 60% of the county being an SAC.

Mr. P. Foley said all the sites are candidate SACs at present and are protected by EU law. The EU Commission designates the sites. The reference to 60% covers both SAC and SPA designations.

Cllr. AJ Spring said in the UK cycling routes are allowed to be developed through these designated areas. He asked how these sites are managed elsewhere. He asked if there are any plans to develop activity routes in these areas with the county.

Mr. P. Foley said that different habitats are managed in different ways. The farmers are managing these areas. From a government point of view there is a need to progress nominations on sites.

Cllr. AJ Spring said he would welcome the engagement of the NPWS with the public to develop these areas to be utilised for tourism.

Mr. P. Foley said any development in a designated site or proposed site can only proceed if the development will not have an impact on the site. The EU Commission would have to be satisfied that any plan would not have a negative impact on the site.

Cllr. M. O'Shea thanked Mr. Foley for his presentation. With regard to Castlemaine Harbour he asked if there are additional parts of the country being designated as SPAs. People in Castlemaine were confused by the letters received. He asked will there be compensation for farmers/fishermen whose activities are under this designation. He asked what is the future for Inch.

Mr. P. Foley said there are similar designations on similar sites throughout the country. He said he was not aware of compensation available for landowners. This designation affects only the fishermen at present and shellfish in particular. Licences are granted by the Department of the Marine and the NPWS does not have any conflict with them. He said he could not comment on the status of Inch Golf Course as this is a matter for the developers and owners. A number of Ministers have requested a proposed plan for the site before a decision can be made. The habitat regulation requires a plan for the area.

Cllr. M. O'Shea asked if the SPA designation would further restrict the golf course.

Mr. P. Foley said he could not say if it would.

Cllr. Cahill welcomed Mr. P. Foley to the meeting. He said he raised this matter at the September 2010 Council meeting. He moved Notice of Motion No. 3 which was listed on the agenda.

3 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 members are aware of the implications SPAs/SACs have had on planning decisions previously particularly resulting in refusals. Landowners must be put at ease. The designation of Rossbeigh and the sand dunes led to the closure of the caravan park at Rossbeigh. He accepted that the wild bird life must also be protected. There are no difficulties arising from the fishing industry and NPWS working together. The greatest difficulty is arising for the mussel seed fishery industry in Castlemaine Harbour. He referred to a letter from the fishermen to the Minister regarding the opening of the 2010 season which was delayed because the finalisation of a report was awaited. The season finally opened on the 31st August, 2010. The delay presented a huge risk to the mussel seed and the loss in the export market will be millions. There is still confusion for people in Castlemaine harbour. The bird life did not benefit from the delay in opening the fishing season. This designation will have serious implications for the development of a golf course at Inch. He said he would like to see a clear statement on this matter so the fishermen can work with the Department. He said he believes there will be continued problems for the fishermen and their markets.

Mr. P. Foley said the harvesting of the mussels was stopped and an appropriate assessment was carried out. He said there was an awareness of the seriousness of the situation and his understanding is fishermen will be allowed to dredge in this area.

Cllr. M. Cahill said the season should be opened much earlier. The fishermen are contacting the Department every year. This is the only livelihood for Cromane.

Cllr. S. Fitzgerald welcomed Mr. Foley and thanked him for his presentation. He said there will always be concern and confusion regarding designations. Some designations have been beneficial such as for farmers who got extra grants. A lot of payments will be based on the environment. With regard to Inch and the development of a golf course it is proposed to designate 140 acres towards the development of a golf course and the remaining area to be designated. It would be helpful if the development could proceed in this way.

Cllr. B. Griffin thanked Mr. Foley for his presentation and for agreeing to facilitate the public information meeting which was held recently. It was helpful for people who had attended on the day as they found it a good way of clarifying issues they had. It was a progressive meeting. He said he hopes the designation will not be another barrier to the development of the golf course at Inch. A fisherman has concerns that an existing licence holder may have difficulty renewing their licence. Any new applicant would find it difficult to obtain a licence. The NPWS did not carry out an Appropriate Assessment.

Mr. P. Foley said that the Department of Marine licences activities in Castlemaine Harbour in conjunction with the NPWS. He said he could not comment on new licences. The AA should be carried out by the person carrying out the development.

Cllr. M. Healy-Rae thanked Mr. Foley for his presentation. Observations or objections can only be made on scientific grounds and this is unfair on people. He said the delay in opening the mussel seed season in Castlemaine Harbour and the hardship caused to fishermen is shameful. This matter must be addressed in order to allow fishermen harvest the mussel seed without delays.

Deputy Mayor M. Moloney thanked Mr. Foley for attending the meeting and making his presentation.

The meeting adjourned for lunch at 1.40 pm.

The meeting resumed at 2.45 pm.

Amalgamation of VECs

Cllr. B. Griffin said last week it came as a great shock that an announcement was made to amalgamate Kerry VEC with Limerick VEC. This announcement brings uncertainty, annoyance and fear in the county. He said since he became a member of Kerry Education Services last year he has seen the great work provided by this body. The Kerry Education Service is one of the most progressive and successful providers of an education service in the country. It is now proposed that it be amalgamated with Limerick. It is uncertain whether provision of services in a physical sense will remain in County Kerry. People are concerned they will have to travel to Limerick to meet a representative of the VEC and deal with their grant application. The peripheral nature of the county must be taken into account. The VEC was retained in Donegal and a similar case can be made for Kerry. This proposal must be opposed. He requested that a letter issue to the Minister for Education and the Taoiseach opposing this proposal, asking for a review of the proposal and to retain Kerry's education service as it exists as present. It must be acknowledged that the Kerry Education Service has a significant number of employees in the county. These jobs would be in jeopardy if the service moved out of the county.

Cllr. M. O'Shea asked if the service will be relocated outside the county.

Cllr. B. Griffin said this is unclear.

Deputy Mayor M. Moloney thanked Cllr. Griffin for his statement on this issue and welcomed Dr. B. O'Reilly, CEO, Kerry Education Service, to the Council Chamber to listen to the debate.

Cllr. T. Buckley said this is a shocking announcement as there has already been amalgamation of KES services within the county. This proposal is coming at a time when demand for the service is at an all time high and people without work are going back to education. Implementation of this proposal will have a disastrous effect on the services being offered in Kerry. This proposal must be opposed.

Cllr. M. Gleeson said the abolition of the VEC service has been spoken of but has not been clarified in its entirety. Donegal maintained its VEC while it is proposed Kerry will become part of the Limerick service. Education to the highest and best possible level is required and it must be provided at a local and accountable level. There has been suggestions about an expanded role for VECs and education services over the years including the VECs assuming responsibility for the running of national schools. That reality needs a hands on approach with people in a position to run the service to a high standard. This will not happen for the overall good and for the betterment of Kerry if it is run from Limerick. He supported the request to issue a letter to the Taoiseach and the Minister for Education on this matter.

Cllr. M. Healy-Rae said the most worrying aspect of this proposal is the lack of clarity received. There is a void of information. The great work being done by the VECs is

acknowledged and respected. Full clarity on the implications of this proposal for the county are required. He asked if this proposal will cost the county jobs and services in the future. He welcomed Dr. O'Reilly to the Council Chamber.

Mr. G. O'Brien said a letter will issue to the Minister seeking clarification on the implications of this proposal for County Kerry.

10.10.18.10 Summary of Proceedings at Conferences

(a) AMAI 97th Annual Conference – 9th September, 2010

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

10.10.18.11 Dates for Council Meetings

(a) It was agreed to hold the next round of Electoral Area Meetings as follows:

Area	Date	Location	Time
Tralee	Mon 8 th Nov 2010	Council Chambers	10.40am
Killarney	Wed 10 th Nov 2010	Town Hall, Killarney	10.00am
An Daingean	Wed 17 th Nov 2010	Killorglin Golf Club	10.30am
Listowel	Mon 29 th Nov 2010	Áras an Phiarsaigh, Listowel	10.00am
Killorglin	Fri 3 rd Dec 2010	Killorglin Area Services Centre	10.30am

(b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley, it was agreed to hold a Briefing on the Council's Budget 2011 on Monday, 22nd November, 2010, at 10.30 a.m.

(c) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. T. Ferris, it was agreed to hold Kerry County Council's Budget 2011 meeting on Monday, 10th January, 2011, at 10.30 a.m.

Official Opening of Castleisland Bypass

Mr. G. O'Brien, Meetings Administrator, said the official opening of the N21 Castleisland Bypass Road Improvement Scheme by Mr. Tony Killeen, TD, Minister for Defence, will be held on Friday, 22nd October, 2010 at 11.00 a.m.

European Entrepreneurial Region (EER) Jury Delegation Mayoral Reception

Mr. G. O'Brien, Meetings Administrator, issued a reminder to members that the Mayoral Reception for the EER Jury Delegation will be held on Wednesday, 20th October, 2010 at 1.00 p.m.

10.10.18.12 Reception of Deputations

(a) Cllr. M. O'Shea requested that a Deputation would be received from Derryquay National School Board regarding safety issues surrounding the school at Derryquay.

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

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- (b) Cllr. M. Cahill requested that a Deputation would be received from Glenbeigh Community Council regarding roads, public lighting, etc.

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

- (c) Cllr. B. Griffin requested that a Deputation would be received from Brandon Fishermen regarding Brandon Pier.

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

- (d) Cllr. S. Fitzgerald requested that a Deputation would be received from (name withheld for data protection purposes) regarding Gallarus, Baile na nGall.

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

- (e) Cllr. P.J. Donovan requested that a Deputation would be received from residents of Cromane regarding flooding at Cromane.

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

- (f) Cllr. M. Healy-Rae requested that a Deputation would be received from Taxi Operators in Killorglin regarding a taxi rank.

It was agreed that this deputation would be received at a future Killorglin Electoral Area Meeting following receipt of correspondence from the Taxi Regulator and consideration of same by the Transport SPC.

10.10.18.13 Opening of Tenders

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Griffin it was agreed to approve the opening of Tenders for Supply of Treated Water Turbidity Meters - Closing Date: Thursday, 28th October, 2010 at 4.00 p.m.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. O'Shea it was agreed to approve the opening of Tenders for Appointment to a multi-party framework agreement for the supply of Water Treatment and Chemicals - Closing Date: Monday, 1st November, 2010 at 3.00 p.m.
- (c) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of Tenders for Appointment to a multi-party framework agreement for the supply of Road Markings - Closing Date: Monday, 1st November, 2010 at 3.00 p.m.
- (d) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of 3 No. Interagency Emergency On-Site Co-ordination Support Vehicles - Closing Date: Friday 12th November 2010 at 3.00 pm
- (e) On PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of Tenders for Kerry Graveyard Records Heritage Project – Closing Date: Tuesday, 16th November, 2010 at 3.00 p.m.

10.10.18.14 Notices of Motion

“Community Gain” from Development Levies

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

“Where a financial contribution is accepted from a developer/landowner, by way of community gain, this council resolves that:

A. The money is spent in the electoral area where it is collected.

B. That the money be spent following agreement with the local area Councillors as with Discretionary Road Grants.”

The following report issued:

In so far as this Council is concerned, at present “community gain” may apply only to developments approved by An Bord Pleanála under the Planning and Development (Strategic Infrastructure) Act 2006. Because of the very sizeable nature of developments that qualify for decision under the Strategic Infrastructure Act, very few project proposals will fall to be decided under the Act. The Council’s experience to-date is that the decision of An Bord Pleanála sets out the details for the administration of any “community gain” contribution levied and, consequently, there is no discretion left for the kind of methodology outlined in this notice of motion.

Cllr. M. Healy-Rae said this Notice of Motion was tabled because it is not right to have a financial contribution made in one part of the county and spent in another part of the county. He said he appreciates that this is relevant for developments approved by An Bord Pleanála only and accepted the reply to the Notice of Motion.

Oil Spill in the Gulf of Mexico

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

“That this Council calls on the Department of the Environment and Local Government to remain in regular contact with the United States Government to ensure that any escape of crude oil from the Mocondo Well in the Gulf of Mexico into the North Atlantic is dealt with long before it can reach the west coast of Ireland.”

This is a matter for consideration by the members.

Cllr. Gleeson said this is listed as a precautionary Notice of motion. Pollution has ensued from the oil spill in the Gulf of Mexico and it is unlikely all this oil will remain within the gulf. If oil does escape it is likely it will be carried across the Atlantic and could end up on the West Coast of Ireland and Kerry. He asked that the Department of the Environment take this matter seriously and request regular updates on the containment of the barrels of oil. This situation must be closely monitored.

Camphill facility at Doonsheane, Dingle

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

“Can Kerry County Council write to Minister Finneran with special responsibility for special needs housing and ask him to expedite the application that Camphill have made for funding to construct a special needs facility at Doonsheane, Dingle.”

The following report issued:

An application has been submitted directly to the DoEHLG by Camphill Communities of Ireland Ltd in accordance with a framework it has developed with the voluntary housing sector to roll out long term leasing. A ten bedroom

house is being proposed to be built for individuals with intellectual disabilities and other eligible persons living together in a community setting at the above location by this approved housing body. The comments of the local authority were sought and were returned to the DoEHLG in April of this year. We have already been in contact with the relevant officials in the Department and it is our understanding that a decision is still awaited on the funding for project.

Cllr. S. Fitzgerald thanked Kerry County Council for supporting this project. The Camphill organisation had a meeting with housing staff and they were very supportive. He expressed disappointment by the lack of progress being made by the Minister. There are very few organisations who care for adults with disabilities. Camphill is a great facility for adults with disabilities. They applied for funding to build a house because at present they are in rented accommodation. They want to build a purpose-built house. Unfortunately they are still waiting for funding. He requested that a letter issue to the Minister to approve grant aid for this organisation.

Committee for the development of Tralee Bay area

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

“That this Council consider setting up of a committee drawn from various sectors to look at enhancing and developing the Tralee Bay area as a whole.”

The following report issued:

The existing Strategic Policy Committee structure was put in place under Section 48 of the Local Government Act 2001. It was envisaged that the SPC structure would allow for the opportunity to consider policy issues including sustainability principles in planning policy.

The SPC Committees with the Chairs forming part of the CPG and reporting directly to Council monthly, would appear to be the best structure for dealing with the issue of Tralee Bay. Under the circumstances, this matter may best be dealt with by a Planning & Development SPC.

Cllr. J. Finucane said Tralee Bay must be considered from a maritime perspective. The harbour is beautifully scenic and it would be useful to have a co-ordinated approach to marketing the area. Shannon Development has been approached with regard to renting a vessel which proved the voyage of St. Brendan. He accepted the reply but Kerry County Council must be more flexible. meeting of all interested groups should be called regarding the potential of Tralee Bay to develop leisure tourism.

Mr. J.D. Flynn, Director of Corporate Services, said this would be best catered for within the Culture SPC. These groups could be invited to attend a meeting of the Culture SPC.

Cllr. J. Finucane said he was satisfied with this approach.

Treatment and Reinstatement of Historic Landfill dumps

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

“To request an up date regarding the current status of treatment and reinstatement of all old historic landfill dumps used by Kerry County Council and Local Town Councils identifying (a) the location of all old landfill waste dumps, (b) when approx,

waste was last dumped at these sites, (c) are these sites Council owned or leased, (d) what stage treatment and reinstatement is currently at on these sites.”

The following report issued:

Kerry Local Authorities

List of Former Disposal & Waste Recovery Sites Within the Administrative Area of the Kerry Local Authorities

(a)	Name	Coolcaslagh	Milltown	Kenmare	Caherciveen	Tralee	Rockfield
(b)	Year Closed	1999	1999	1999	1999	1994	1988
(c)	Ownership	Kerry County Council	Private\ Leased	Kerry County Council	Kerry County Council	Tralee Town Council	Private\ Leased
	Local Authority	Kerry County Council	Kerry County Council	Kerry County Council	Kerry County Council	Tralee Town Council	Killarney Town Council
	Usage	Grassland	Grassland	Grassland	Grassland	Horse Project	Private Grazing
(d)	Current Physical Status	Remediated to EPA Standards	Remediated to EPA Standards	Remediated to EPA Standards	Remediated to EPA Standards	Fenced Off, Vented, Temporary Capped	Fenced Off, Temporary Capped
	Status - Information	Remediated to EPA Standards	Remediated to EPA Standards	Remediated to EPA Standards	Remediated to EPA Standards	Tier 1 Assessment Completed, Awaiting Funding for Tier 2 Assessment	Tier 1 Assessment Completed, Awaiting Funding for Tier 2 Assessment
	Possible Works Required dependent on Risk Assessment	None Required	None Required	None Required	None Required	Type A	Type A

Kerry Local Authorities

List of Former Disposal & Waste Recovery Sites Within the Administrative Area of the Kerry Local Authorities

(a)	Name	Dingle	Ahascra	Sneem	Ardfert	Leanmore	Listowel	Castleisland
(b)	Year Closed	1996	1997	1990	1980	1996	1989	1980's
(c)	Ownership	Kerry County Council	Kerry County Council	Kerry County Council	Private	Private	Listowel Town Council	Private
	Local Authority	Kerry County Council	Kerry County Council	Kerry County Council	Kerry County Council	Kerry County Council	Listowel Town Council	Kerry County Council
	Usage	Private Grazing	Private Grazing	Private Grazing	Scrub Land	Forestry	Town Park	Grazing\ Sillage
(d)	Current Physical Status	Fenced Off, Vented, Temporary Capped	Fenced Off, Vented, Temporary Capped	Fenced Off, Vented, Temporary Capped	Temporary Capped	Fenced Off, Vented, Temporary Capped	Capped	Capped
	Status - Information	Tier 1 Assessment Completed, Awaiting Funding for Tier 2 Assessment	Tier 1 Assessment Completed, Awaiting Funding for Tier 2 Assessment	Tier 1 Assessment Completed, Awaiting Funding for Tier 2 Assessment	Tier 1 Assessment Completed, Awaiting Funding for Tier 2 Assessment	Tier 1 Assessment Completed, Awaiting Funding for Tier 2 Assessment	Tier 1 Assessment Completed, Awaiting Funding for Tier 2 Assessment	Tier 1 Assessment Completed, Awaiting Funding for Tier 2 Assessment
	Possible Works Required dependent on Risk Assessment	Type A	Type A	Type B	Type B	Type B	Type B	Type B

EPA Code of Practice - Environmental Risk Assessment for Unregulated Waste Disposal Sites - requires the following assessments

Tier 1 Assessment - Desk Top & Walk Over Survey Risk Assessment

Tier 2 Assessment - Site Investigations & Testing

Tier 3 Assessment - Refinement of Conceptual Site Model and Quantitative Risk Assessment

Type A Works for Class A Sites, involves the following breakdown of works

Site Investigation Works, Landfill Closure Plans prepared by Consultants, Design, Contract Documents & Tendering Process for Remediation Works, & Remediation Works

Remediations would include, Construction of Monitoring Wells, Earthworks, Gas Collection Layer & Vents, **LLDPE Liner**, Geocomposite Drainage Layer & Surface Water Drainage, Top Soiling & Seeding Perimeter Fencing

Type B Works for Class B Sites, involves the following breakdown of works

Site Investigation Works, Landfill Closure Plans prepared by Consultants, Design, Contract Documents & Tendering Process for Remediation Works, & Remediation Works

Remediations would include, Construction of Monitoring Wells, Earthworks, Gas Collection Layer & Vents, **GCL Layer**, Geocomposite Drainage Layer & Surface Water Drainage, Top Soiling & Seeding Perimeter Fencing

Cllr. B. Cronin thanked the executive for the reply. He noted that in total there are 13 old landfill sites. 4 have been remediated to EPA standards and 9 are still not completed to EPA standards with different variations of assessments status. A substantial body of work is required to remediate these sites. The Rockfield site in Killarney was closed in 1988. He asked if this site is still leased by the Council. He asked whose responsibility it is to proceed with the proposed remediation works, what level of funding is required for the work on the 9 sites and what is the time frame for the works. Residents of Rockfield are concerned regarding the site.

Cllr. D. Healy-Rae supported the Notice of Motion and agreed that a lot of work is required to bring these sites to acceptable standards. With regard to Rockfield he said he had a Notice of Motion at area meeting on two occasions and in excess of €2m is required to bring this site up to standard. He requested that remediation work be completed at Rockfield as soon as possible because as stated it is of concern to the residents of the area. Other sites like Sneem are in a similar position. This matter needs to be addressed.

Mr. O. Ring, Director of Environmental Services, said Tier 1 Assessment works have been undertaken on some sites, Tier 2 Assessment requires procedures to undertake this work, for example checking for gas or leachate coming out from the site. The EPA is undertaking a pilot study to produce guidance documents for Tier 2 works. The cost of Tier 2 works cannot be estimated until an EPA pilot project is complete. This matter can be brought to an Environment SPC meeting when the EPA guidance becomes available. A report can then come back to Council from the Environment SPC.

Cllr. B. Cronin expressed concern that the cost of the works cannot be estimated. He said thousands of tonnes of waste was deposited at the Rockfield site and there is serious concern locally. He asked how long will it be before these sites are properly reinstated and checked for gas/leachate. There is a health issue there and there are houses in close proximity. It is important that the cost is estimated and the time frame for the works determined.

2011 funding for N70 from Blackwater Bridge to Caherdaniel

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

"That we the members of Kerry County Council urgently request the NRA and the Department of Transport to include the N70 from Blackwater Bridge to Caherdaniel for substantial funding in 2011, many sections of the roads are in a shocking state."

The following report issued:

There are 336 kilometers of National Secondary Network in the County and this section measures approximately 35 kilometers. The National Roads Authority has allocated approximately €4.3million of funding to this section of the Ring of Kerry for pavement and re-alignment improvements works over the last 6 years.

Each year, Kerry County Council submits a list of roads to be improved countywide, based on a number of criteria, including the existing condition of the road pavement, road safety issues, environmental issues and also having regard to our capacity to undertake the works with our existing resources. The decision in relation to the roads to be funded for improvements is made

by the NRA, having regard to the availability of funding and on the basis of the engineering reports submitted by the Council and independent surveys carried out by the NRA.

The Council will continue to seek funding for improvements to the national road network in the county.

Cllr. P. Connor-Scarteen thanked the executive for the reply. Funding is required from the NRA for these works. He thanked Mr. C. O'Sullivan, Director of Roads and Transportation, Mr. P. Teahan, A/SEE Roads, South Kerry and Mr. V. Horgan, Area Engineer, Kenmare, for work on improving the Blackwater Road this year. This was not due to extra funding, rather it related to outstanding issues where the Council had intended carrying out work. He asked that works proceed to complete the works near to Tahilla. There are some bad sections of road between Sneem and Castlecove near Coad. He urged Council to contact the NRA for funding for this section of the road as it is on the Ring of Kerry.

Cllr. B. Griffin **SECONDED** this motion. This is a very busy and important road and deserves the funding being requested.

Network Management Charge on Water Meters

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

"That Kerry County Council furnish full and detailed particulars in relation to the Network Management Charge which is now being levied on those who have had Water Meters installed. The report should outline as to how this charge is computed and to whom it is paid. The Council are also asked to review this system which is causing severe hardship for many people."

The following report issued:

The Government Water pricing Policy in accordance with the requirements of Article 9 of the EU Water Framework Directive requires the recovery of the cost of providing water services to users except in the case of connections used solely and exclusively for domestic purposes. Metered charges for users are based on a variable charge in accordance with volume of water used and a fixed Network Management Charge. The Network Management Charge is designed to recover from users a contribution towards the fixed costs associated with the provision of water services to the non-domestic sector (connections not used solely and exclusively for domestic purposes). The fixed costs include expenditure on such items as the repair and maintenance of the water services infrastructure, and the metering system together with billing and collection. Due to the nature of fixed charges, they do not vary significantly according to consumption. In those circumstances it is only fair and reasonable that all users except the specifically excluded sector of the solely and exclusively domestic connections make a contribution. A Network Management Charge has applied to Kerry County Council metered connections for several years. Almost all (if not indeed all at this stage) county councils levy a network management charge.

The Kerry County Council Network Management Charge amounts to only €26.25 per quarter per metered connection. Furthermore, a discounted Network Management Charge at a rate of €5.00 per second or subsequent metered connection is allowed in cases where a property has two or more

metered connections attached. There is no evidence in our Revenue Department that the charge is causing any hardship. The income from the charge is estimated at €0.800m for 2010 and is included in the overall budgeted income of €6.984m from water charges in the adopted Council Budget 2010. If that income were lost, an increase in the metered volume charge would be needed to compensate for the reduction and this would further narrow the base for the payment of charges.

The Council is open to review any specific case on its merits where exceptional personal circumstances exist as distinct from unwillingness to pay.

Cllr. P. O'Donoghue asked if the network management charge is paid to Kerry County Council.

Mr. J. O'Connor, Head of Finance, confirmed that the network management charge is paid to Kerry County Council.

Cllr. P. O'Donoghue outlined a case where a customer has a meter but is a domestic water user only.

Mr. J. O'Connor undertook to discuss this case with Cllr. P. O'Donoghue.

Cuts to Funding for Agencies and Programmes related to Gaeltacht Areas

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

"That Kerry County Council, acknowledging the importance of state financial support for Gaeltacht areas of the county, would call on the Government not to implement any further cuts to funding for agencies and programmes related to Gaeltacht areas."

This is a matter for consideration by the members.

Cllr. B. Griffin said there is concern in the Gaeltacht regarding the proposed 80% reduction in funding of services. It has been said that the Gaeltacht will disappear within 5 years if these measures are introduced. These cuts would be devastating for these areas. He opposed any further cuts to funding in Gaeltacht areas. The number of jobs supported by Gaeltacht organisations is significant as well as the social benefits provided. These organisations provide great services. This proposal must be opposed and services in Gaeltacht areas protected.

Cllr. S. Fitzgerald supported the motion. In 2009 there was a budget of €149m, in 2010 the budget was €105m and it is expected to decrease to €35m in 2011. This will have a negative impact on the Gaeltacht services. There is a 20 year strategy in place for the Irish language yet the Department of Finance are forecasting this budget cut for the Irish language.

Private Water Supplies

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

"That the Council Water Services Department clarify what implications lie in store for the private owned water schemes who are intent on holding on to their private status. Would the reply please list advantages against disadvantages?"

The following report issued:

Private Water Supplies are categorised under the following headings:

1. Public Group Water Schemes:

These are schemes where the treated water is provided by the Water Services Authority (WSA) but the responsibility for distribution of the treated water rests with the privately managed group scheme.

2. Private Group Water Schemes:

These are schemes where the water is privately sourced, treated and distributed to the members by a Management Committee.

3. Small Private Supplies:

This is a large group of different types of supply serving individual industrial and commercial premises

The Drinking Water (No. 2) Regulations of 2007 apply to Group Schemes that

- **use greater than 10 cubic metres per day or serve 50 people or more.**
- **serve less than 50 people but with one or more commercial activities on the scheme (e.g. Guesthouses, Bed and Breakfasts etc.).**

The Regulations make it an offence for private water suppliers to fail to meet certain requirements and provide for prosecution of offences either summarily or on indictment.

A number of issues arise:

- 1. None of the Private Group Water Schemes have treatment / filtration barriers installed to remove the risk posed by cryptosporidium.**
- 2. A treatment barrier for surface water supplies costs about €400,000.00**
- 3. Modern water treatment plants require sophisticated specialist management and maintenance to be sure of meeting the Drinking Water Standards**
- 4. Each private Group has to pay a minimum of 15% of the cost**

Advantages of Groups retaining control of the schemes:

- **No metered water charges for non-domestic consumers**
- **Ability to draw down subsidy of €140 per annum per domestic house**

Disadvantages:

- **Metered water charges for non-domestic consumers**
- **Major capital outlay required to install treatment systems, at least 15% of which must be funded by the members**
- **Trustees are legally responsible for providing a wholesome and clean drinking water supply.**
- **Responsible for cost of operations and repairs and maintenance.**
- **Possibility of prosecution should difficulties arise in providing a drinking water supply that is wholesome and clean.**
- **Obligations to perform all duties required under the Drinking Water Regulations**

Cllr. John Sheahan thanked the executive for the reply. He expressed concern for communities who are dependent on private schemes for their water supply. He asked if private waters supply groups are aware of standards that have to be met in the future. What will happen if these standards are not met? These groups need to

know this information. With the introduction of new EPA guidelines there will be high standards which will have to be stringently enforced. Communities must be informed of the requirements in order to make the correct decisions. There is an opportunity now for those schemes to join Kerry County Council who will provide all the infrastructure and machinery to operate high tech equipment and facilities which meet all requirements and benefit from infrastructure upgrades. He requested that the information provided in the reply to the Notice of Motion would be circulated to the private group schemes and that they be made aware of requirements they will have to meet.

Cllr. B. Cronin **SECONDED** this motion and said it is relevant to the earlier debate on the water supply in Kenmare. The forthcoming requirements are very serious for group schemes. The body of work which this local authority is doing is significant and a lot of water schemes are being taken over. He supported the sentiments of Cllr. Sheahan and the request to supply a copy of the reply to the Notice of Motion to the secretaries of the group schemes. He also requested that a copy of the reply be circulated to the elected members.

Mr. O. Ring, Director of Water Services, said this is a timely Notice of Motion. If group schemes understood the obligations on them they would join Kerry County Council infrastructure. He undertook to circulate the reply to the Notice of Motion to the secretaries of the group schemes and to elected members. Kerry County Council has always encouraged group schemes to go through the takeover process. The difficulty now is that funding is scarce and without funding Kerry County Council cannot take over group schemes. This is a worry for next year in particular.

Bus Shelter at Lower Main Street, Castleisland

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

“That Kerry County Council ask Bus Eireann to provide a bus shelter outside Tomo Burke's at Lower Main Street, Castleisland.”

This is a matter for consideration by the members.

Cllr. D. Healy-Rae asked for the support of the members for this request and that a letter would issue to Bus Eireann regarding this matter.

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

Update on Special meeting held in February, 2009, regarding jobs crisis in Kerry

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

That this Council be furnished with an up to date report on progress by the County Manager, Co. Development Board and the State Agencies following the special jobs crisis meeting in Killarney in February 2009, that they attended with Oireachtas members and Councillors.”

The following report issued:

At the Special Meeting held in Killarney in February 2009, the key job creation/support agencies who are members of KEAT (Kerry Enterprise Action Team) made presentations. In these presentations, they outlined their roles in supporting business and also what initiatives they had towards the creation of new jobs and businesses.

Since February 2009, KEAT has been meeting on a quarterly basis. At each Meeting, Agencies give an update in relation to their respective organisations. A number of initiatives are being developed on a Partnership basis such as a Kerry website “Kerry.ie” and the “Kerry Welcome Pack” geared to attract new business start-ups. Work is continuing on the “Kerry Ambassador” project, where Kerry Diaspora are being asked to promote the County and provide contacts to International Companies to enable a business case to be presented on investing in Kerry.

In late 2009, it was agreed with the CPG that, during 2010, each of the Agencies involved in job creation and support would be invited to make a presentation at a monthly meeting of Kerry County Council, where Members could be appraised of their activities and raise issues with them.

To date, the following presentations have been made:-

18 th January, 2010	County Enterprise Board
22 nd March, 2010	Shannon Development
19 th April, 2010	Udaras na Gaeltachta
17 th May, 2010	IDA
13 th September, 2010	Enterprise Ireland

Cllr. T. Fleming welcomed the reply to the Notice of Motion and commended the Manager and KEAT for the work being undertaken. He asked that the elected members be updated on the business of KEAT on a regular basis. He asked if there is any progress regarding the ambassador project. He also asked if there is a reduction or increase in the number of people employed since 2009 and if there is a breakdown of the various categories of where people were employed in the past and where they are now. He asked if figures are available from the Department of Social, Community and Family Affairs and if there has been contact with the Department of Enterprise, Trade and Employment. It was very informative for the members to have presentations from the employment agencies. He asked if a presentation could be received from the banks on what they are doing to help businesses.

Cllr. M. Cahill **SECONDED** this motion.

Mr. T. Curran, County Manager, said one of the benefits of KEAT is that the job creation agencies are meeting regularly and keeping each other informed. One of the initiatives KEAT is working on is the Redundant Apprentices Scheme aimed at apprentices who are 12 months to 2 years from finalising their apprenticeship. Local Authorities may be in a position to assist these apprentices through their final training period. Work is ongoing with FÁS on this initiative and a national programme is now being developed. Within the proposed scheme it must be ensured that there is no displacement of permanent staff. The live register is being monitored on a monthly basis. There were 14,999 people on the Live Register in Kerry in September 2010. This represents a decrease of 6.4% (1,030) when compared to the August figure of 16,029. KEAT reports to the County Development Board and members can be updated by way of the monthly report on County Development Board issues at the CPG meeting. Meetings have been held with the Department of Enterprise, Trade and Employment at national level to form a structure. Mr. T. Hayes, CEO, Kerry County Enterprise Board, has had meetings with Banks and Credit Unions regarding support for SMEs and micro enterprises.

Head Shops in Kerry

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

"To call on the County Manager to prepare a report on Head Shops in Kerry

1. What bye laws are at the Council's disposal and discretion in this regard?
2. Has the Council received any applications for the change of use for the premises been used for the sale of those products?
3. What action does this Council intend taking to allay the fears and concerns of the public, parents and family members?"

The following report issued:

At the outset, it is important to point out that there is no specific definition of 'head shop' in Planning Law. Any premises which has planning permission to operate as a 'shop' or was last used as a 'shop' can operate as a head shop. No change of use has occurred. Accordingly, the Council has not received any application for planning permission for change of use.

Earlier this year, the Criminal Justice (Psychoactive Substances) Act, 2010 came into effect. The Act makes it an offence, punishable by up to five years in jail, to sell or supply for human consumption, substances which are not specifically prescribed under the Misuse of Drugs Act, but have psychoactive effects.

The Act gives power to An Garda Síochána and the Courts to intervene to prevent outlets from selling these products by way of prohibition order. Failure to comply with an Order can lead to the closure of the outlets in question. The Act also provides full search and seizure powers to the Gardaí and the Revenue's Customs Service.

Accordingly, the control of such substances and outlets is a matter for the Gardaí and the Customs Services

Cllr. M. Healy-Rae asked if there is some way the local authority can prevent Head Shops being opened. Young people have enough to contend with besides trying to cope with additional pressure from these shops. These shops are a big problem for young, vulnerable people.

Cllr. J. Finucane supported this motion. He suggested that under planning guidelines the application for retail could specify what the end selling product is. There should be some means whereby the local authority can ask what the retailer is selling. If the retailer misrepresents what is being sold it would be in breach of planning.

Cllr. P. O'Donoghue said the County Development Plan could be amended to prevent something that would be "sociably undesirable".

Mr. M. McMahon, Director of Planning, said the difficulty is that planning legislation clearly defines what is a shop and what is not a shop, for example, for a change of use all retail other than those specified is covered. Head Shops do not appear in the legislation. Putting something into the County Development Plan would not work because the retailer would not have to apply for planning permission for change of use.

Future of Local Authorities

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

"That this Council calls on Rialtas na h-Éireann to refrain from its pathetic threats to the future of Local Authorities and would rather, in consultation with those Authorities, determine proper, just and meaningful sources of funding that would allow Councils to provide for the real needs of their people in and from their own areas."

This is a matter for consideration by the members.

Cllr. M. Gleeson said Article 28A formally recognises the role of Local Authorities in giving democratic representation to local communities. Other than that formal recognition the constitution is unspecific regarding Local Authorities. This lack of clarity has allowed Central Government to adopt an attitude towards local authorities that could at best be described as inconsistent. This was very clearly exemplified in 1977 when domestic rates were abolished. There was then a commitment that domestic rates would be replaced by an index linked rate support grant. Local Authorities have historically served their communities well and given immediate voice to people through their elected representatives. In an era when the centralisation of power to Europe is growing ever greater it is correspondingly imperative that individual communities would continue to have their own voice otherwise their aspirations and concerns will very often be overlooked and forgotten. Kerry's larger towns are central to the economic life of the county. This is especially so in the area of tourism. These towns have fared well in the nation Tidy Towns competition and these improvements would most definitely not have occurred if the local councils did not assist to give focus to the efforts and projects required to advance those towns and their attractiveness. He referred to the amalgamation of the VECs and provision of education services. Proper sustainable funding for Local Government that is required. In that way Local Government will cost-effectively be able to provide for the real needs of their people. These are needs that vary from place to place and cannot be satisfied by the one size fits all approach of national policy. Central Government should deal with national issues such as health and national roads and let properly funded Local Government deal with local cases and that will be real democracy.

Cllr. J. Finucane SECONDED this motion. It is at national level that Government failed. National Government looks to local government to achieve savings rather than looking to themselves. This happened with the health boards and now there is no responsibility within the health structure. When local government is mentioned it is about removing local means of raising funds.

Increased 'car boot' charge landfill sites

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

"That KCC immediately reverse the decision to increase the carboot refuse charge to 17 Euro as it is having a devastating impact on the service with customer nos dropping all over the county at an alarming rate."

The following report issued:

The Environment Section increased the charge for 'carboot' from 15 to 17 euro as a result of the requirement for Local Authorities to account for VAT on Refuse and Landfill Services on 1st July 2010. An analysis of 2008 – 2010 customer patterns at the transfers stations/landfill reflect a significant decrease in the number of customers using the landfill site and transfer

stations. This is due to a number of factors including the increased competition from the private sector as well as the downturn in the economy generally. Taking into account this existing trend in loss of customers as mentioned, the introduction of VAT has not resulted in a significant additional loss of customers. Absorbing the new VAT charges would lead to increased additional losses in the operation of these facilities.

Cllr. M. Cahill thanked the executive for the report and also referred to the increase to €7 of the cost of depositing a bag of rubbish at landfill. He said the increases in charges will have a serious and dramatic impact on Kerry County Council's services and customer numbers. Kerry County Council charges are too expensive and must be addressed. All other local authorities have absorbed the new VAT charges. He requested that a letter issue to the Department explaining the impact of the new VAT charges on Kerry County Council's services.

Cllr. D. Healy-Rae supported the Notice of Motion and said anything that can be done to encourage people to take their rubbish to the dump is important. The transfer stations are important facilities. The old charge of €15 was too expensive. He asked that this matter be reviewed again. €5 is enough to charge for depositing a bag of rubbish.

Mr. J. O'Connor, Head of Finance, said VAT is being applied to a number of services following an EU decision. Services that could absorb the cost were reviewed. Waste disposal charges was one of the areas where the cost could not be absorbed. Waste disposal charges will be reviewed in the context of the 2011 budget. He said he understands that most local authorities applied VAT to waste disposal charges and did not apply VAT to waste collection charges. The increased cost was absorbed but there is an impact on the income side.

Cllr. M. Cahill said many of Kerry County Council's customers are travelling at a cost from areas in the county where there is no refuse collection service. The charges of €7 per bag or €17 per 'carboot' cannot be justified.

Legal Claims taken against Kerry County Council

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

"How many legal claims have been taken against Kerry County Council over the past twelve months and to clarify the details and amounts of settlements and cases brought before the courts."

The following report issued:

a) Legal Claims taken against Kerry Co. Co. from 01/10/2009 - 01/10/2010

Claims	No of Claims
Claims Closed/Denied	157
Claims Ongoing	62
Claims Settled	122
Total Claims Received	341

**b) Details & Amounts of Settlements & Cases Settled in the period
01/10/2009 to 01/10/2010**

Claims	No of Claims	Settlement
Cases Settled in this period ¹	139	€132,573
PIAB Cases Settled in this period	6	€163,025
Court Cases from previous years Settled in this period ²	10	€152,267
Other Cases from Previous Years Settled in this period	8	€36,456
Total Amount Settled	163	€484,321

1 Includes €37,076 settlement inc Costs for a Serious Road Traffic Accident

2 Includes €60,881 all-in settlement for elderly gentleman who sustained broken hip on slipway.

TOTAL AMOUNT PAID OUT OCT 2009 - OCT 2010

€484,321

The Council's liability for third party damages is covered by our Public Liability Insurance policy.

Cllr. B. Cronin requested that a copy of the reply to this Notice of Motion be circulated to all elected members. He asked what number of these settlements relate to damage to cars and if there was an increase in claims as a result of the severe weather experienced early in 2010. He asked how the total amount paid out compares to previous years claims.

Mr. J. O'Connor, Head of Finance, said there was an increase in claims early in 2010 arising from alleged damage to cars during the severe weather. Most of those claims were denied for one reason or another. The Council's liability for third party damages is covered by its public liability insurance policy. Damage from an attempted repair to a road is liable. Damage from wear and tear on the road is not liable.

Cllr. B. Cronin asked what is the position regarding loose chippings.

Mr. J. O'Connor said in principle where the necessary notices are in place advising that road works are underway, then the Local Authority is not liable.

Delays in Direct Payments to Farmers

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

"That Kerry County Council request the Minister for Agriculture to put in place arrangements in the local Department offices to help farmers deal with the delay in direct payments. This would allow Kerry Farmers travel to the Tralee Office and view their details and make the required amendments there and then. It is vital Kerry Farmers receive their payments without delay."

This is a matter for consideration by the members.

Cllr. P. Connor-Scarteen said there are over 7,500 farmers in Kerry experiencing delays with payments worth nearly €100m. It would be of great benefit to farmers if a system was set up in the county to assist farmers apply for payments online. He requested that a letter issue to the Minister of Agriculture regarding this matter as there are significant delays in farmers receiving payments. He complimented the chairman of the Kerry IFA who has assisted in relation to this.

Cllr. T. Buckley SECONDED this Notice of Motion.

Bye-Laws for Piers and Harbours

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

"That Kerry County Council advise of the up to date position in relation to the proposal to have Bye-Laws implemented for our Piers and Harbours. Also the Council might report as to when if ever it is proposed to appoint a Harbour Master for the Piers and Harbours in the South West Kerry area."

The following report issued:

It is proposed to bring the bye-laws before the Transport SPC meeting in December, for consideration. The delays, in preparing the draft bye-laws, are due to the lack of available resources to prepare a large number of detailed maps on the areas to be regulated by the proposed bye-laws.

The reduction in staffing, due to the embargo on public service recruitment and the termination of temporary contracts since 2009, by the Department of Finance, has severely impacted on our ability to progress such worthwhile projects. Having regard to available resources in our Design Office, priority has been given to design work for projects for which available grant aid has been committed and where there are time constraints for the drawdown of available funding.

Whilst a significant amount of the mapping has now been prepared, the Council is not in a position to present the final draft bye-laws for public consultation, until all the maps have been prepared and the proposed designated areas prescribed in accordance with statutory provisions.

In relation to the appointment of a Harbour master to the piers in the South West Kerry area, unfortunately the embargo on staff recruitment means that we are not in a position to make such an appointment and the Council will have to consider if these duties can be assigned within existing resources and the level of service that can be provided.

Cllr. P. O'Donoghue expressed dissatisfaction with the reply to the Notice of Motion. He said he brought this matter to the attention of Council four years ago. There is mayhem at the piers in the county. Unwanted vessels are being left in harbours which are not regulated. He queried that need for detailed maps of the piers and harbours in the county. This is a very serious issue. Surely OSI maps are available detailing the piers and harbours. With regard to lack of resources in the Department he asked if staff could be redeployed to deal with this issue. There is no regulation at piers and harbours which is having a big effect on maritime tourism. The county's ports, harbours and piers are very important.

Cllr. J. Finucane said he is aware that proposals are being drafted at the moment where Fenit will come under the auspices of Foynes or Kerry County Council. It is in the interest of this area that Fenit Harbour Board come under the auspices of Kerry County Council. There is potential for developments in harbours, e.g. wave power.

Mr. C. O'Sullivan, Director of Roads & Transportation, said mapping must be done to define the areas to which the bye-laws would apply. He said he appreciated that this matter has been with the Roads Department for some time. The fact is there have been staff losses and resources have been affected. Notwithstanding that he

said he appreciated the difficulties in Caherciveen. It is intended to present bye-laws to the Transport SPC in December and to full Council in early 2011.

Cllr. M. Cahill asked if the Fisheries Committee should be re-introduced to deal with issues such as piers, harbours and fishing. It is not adequate to incorporate these issues under the SPCs.

Cllr. P. O'Donoghue agreed with this suggestion.

Mr. C. O'Sullivan, Director of Roads and Transportation said the Transport SPC is the most appropriate for this issue and this was agreed through the reform of local government.

Domestic Water Allowances for Permanent Residents of Nursing Homes

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

"That Kerry County Council would provide domestic allowances in respect of permanent residents of nursing home facilities in the county, given that these people do not avail of any free water since leaving their own homes."

The following report issued:

The Government Water pricing Policy in accordance with the requirements of Article 9 of the EU Water Framework Directive requires the recovery of the cost of providing water services to users except in the case of connections used solely and exclusively for domestic purposes. Nursing Homes are regarded as commercial premises for the purposes of the Water Pricing Policy; so, they are not exempt from charges and must be treated the same as other commercial properties.

Kerry County Council allows an allowance of 57m³ per quarter in respect of commercial properties where a domestic element exists. This allowance is applied per property against quarterly water consumption on the property. Only one domestic allowance is allowable per commercial property. This quarterly allowance would also therefore apply to nursing home facilities.

Cllr. B. Griffin said some people are residing permanently in nursing homes and are not getting the same allowance as people living in their own homes. He acknowledged the allowance to commercial properties of 57m³ per quarter where a domestic element exists. The cost of water is an additional cost which is being passed on to the families of nursing home residents. This matter should be reviewed as it would reduce costs to families.

Mr. J. O'Connor, Head of Finance, said national legislation determines that nursing homes are regarded as commercial undertakings and are not exempt from water charges.

Road Works during Peak Traffic Times of the Year

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

"That the Roads Department of Kerry County Council endeavour in as much as possible, to avoid carrying out road works in peak traffic times of the year i.e. in the months of July and August, so as not to conflict with local festivals and events like i.e. The Rose of Tralee, where Kerry County Council seek to close roads accessing the town on this busy weekend."

The following report issued:

The Roads Department makes every effort to minimize traffic disruption when planning and carrying out roads works under the Roads Programme. In particular we make every effort to ensure that no major road works are carried out on heavily trafficked tourist routes during the peak tourist season. There are numerous examples where this has been put into practice around the county.

However, in very exceptional circumstances, this is not always possible, for example where the proposed works are in the vicinity of facilities such as schools, and it is more effective to execute the works during the holiday period, having regard to the safety of other road users

Cllr. D. Healy-Rae said works seem to take place at peak times of traffic in the county. He acknowledged that it is not always easy to plan work but much more work could be done in the quieter months of the year. He asked that works be planned so as not to conflict with the peak traffic times of July and August. Where agreement must be reached with landowners, this work should be done during the quieter time of the year when money is available. When money is allocated the landowner may know there is a certain amount of money available and will hold out for larger amounts of compensation.

Mr. C. O'Sullivan, Director of Roads and Transportation, said this would be the ideal way to operate. Some projects have been delayed by land negotiations. Projects also require contract documents. The difficulty rests at national level as if funding were available earlier it would allow preparatory works to be completed well in advance of the commencement of road works.

Cllr. M. Healy-Rae **SECONDED** this motion.

Directional Sign for Lough Guittane Lake

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

"When does this Council intend on replacing the directional sign for Lough Guittane Lake, this sign has been missing for over a year."

The following report issued:

This motion was previously moved at the Killarney Electoral Area meeting, on the 9th June, 2010 and the following clearly definitive response was given to the members:-

"With regard to provision of a directional sign on the N22 National Primary Route, this matter will be forwarded to the National Roads Authority for inclusion in their signage maintenance programme, as the National Roads Authority is no longer providing funding to Local Authorities for this work".

Cllr. J. Sheahan said there are many people in the tourism sector in Lough Guitane and Muckcross. They are without this sign and the areas are being passed over and other areas are benefiting. He expressed disappointment with the response.

Cllr. D. Healy-Rae supported this motion.

Mr. C. O'Sullivan, Director of Roads and Transportation, said signage requires the approval of the NRA and this matter will be pursued.

Global Pharmaceutical Centre of Excellence in Kerry

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

"That we the members of this Council give every support and encourage every State agency and the Oireachtas Members for County Kerry to leave no stone unturned to create the correct infrastructure and to work in creating the right environment so that the proposed Global Pharmaceutical Centre of Excellence will come to fruition."

This is a matter for consideration by the members.

Cllr. M. Healy-Rae said a briefing session was recently held on this proposal. It is a vital importance that this project receives good will and support. If this proposal came to fruition to would provide an economic lift and morale boost to the county. The Castleisland By-pass is being opened this Friday and that is a factor in Kerry being considered for this project.

Cllr. D. Healy-Rae supported the motion. All parties must work together to ensure this happens because it will have significant benefits for the county.

Disposal of Land to the CYMS, Killorglin

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

"That Kerry County Council would furnish a detailed progress report in relation to the disposal of land to the CYMS Killorglin and also furnish the reasons for the huge delay in relation to the disposal of this land."

The following report issued:

In accordance with the terms of notice issued on 1st October, 2004, pursuant to Section 183 of the Local Government Act, 2001, it was agreed by resolution at the full Council meeting held on 18th October, 2004 to dispose of a plot of ground measuring 63.33m² (0.016 acres) at Castleconway, Killorglin to St. Brendan's Trust, Killarney (owners of Killorglin CYMS), in exchange for 115.35 sq.m (0.029 acres) of ground, for the purpose of widening the adjoining public road.

There were substantial delays in certifying the plots to be transferred and in resolving legal issues by the legal representatives of both parties.

All legal documentation in connection with the exchange of properties was furnished to the Solicitors acting for St. Brendan's Trust on 12th April, 2010 and we are awaiting their return to allow the Seal of Council to be applied. The exchange of properties has taken place on the ground, however, the legal formalities between Kerry County Council and St. Brendan's Trust have not yet been finalised.

Cllr. M. Cahill thanked the executive with the report and expressed outrage regarding the length of time it is taking to process the disposal of this plot of land. He said he proposed the disposal of this plot of land at the October 2004 meeting to accommodate a voluntary group in Killorglin who are responsible for the CYMS and to carry out necessary works. In 2007 the group received the commitment of €180,000 from the Department of Arts, Sports and Tourism and they cannot draw down that money until this exchange of land is registered. That group has lost €40,000 in interest at this stage. He complimented Mr. V. Kearney of the County Solicitor's Department for his work on this matter. The requested that contact be made with St. Brendan's to finalise this matter.

Cllr. P. O'Donoghue said a deed of exchange should not take this long. It is disgraceful that the group has lost €40,000 on interest.

Mr. C. O'Sullivan, Director of Roads and Transportation, said he contacted the County Solicitor's Department last week and a reminder has issued to St. Brendan's requesting that documentation be submitted. There were initial delays due to mapping the title registrations but since then return is awaited from St. Brendan's. He undertook to pursue this matter.

Cllr. P. O'Donoghue said it is a difficulty for a lot of community projects in the county where the Department of Arts, Sports and Tourism are seeking guarantees from the local authority before grants will be paid. He said he understands the Attorney General's office were to contact local authorities on this matter.

Mr. T. Curran, County Manager, said no correspondence has been received regarding this matter. Local authorities are forbidden from giving guarantees. He acknowledged that it is an unsatisfactory position for the community groups.

Flashing Safety Lights at Schools

26. Pursuant to Notice duly given, Cllrs. B. Griffin/P. McCarthy PROPOSED:-

"That Kerry County Council would as a matter of urgency, resolve the situation at a number of schools around the county, where flashing safety lights are out of order."

The following report issued:

Kerry County Council is currently carrying out a survey of our advance school warning lights. In recent times we have been advised of a number of locations where these warning lights have been vandalised and essential elements such as solar panels have been stolen. The theft of this infrastructure, which has been provided by the Council from its own resources, for the safety of local children attending these schools, is being referred to the Gardaí.

The replacement of damaged parts has to be procured from specialist suppliers and there is a significant lead in time between order and delivery. There is also significant costs involved, which will impact on available funding for other roads projects.

We would appeal to local communities, who are the primary beneficiaries of this infrastructure, to report any unusual activity if they witness anybody interfering with these systems.

Cllr. B. Griffin said this is a serious issue as there are a number of schools where the solar panels have been removed from the flashing lights. These are safety signs for children at national schools and it is wrong to interfere with this very important infrastructure. A school at Ballyfinnane is still without safety lights.

Mr. C. O'Sullivan, Director of Roads & Transportation, undertook to revert to Cllr. Griffin on this case.

Cllr. J. Sheahan **SECONDED** this motion and said these lights should be located at every school. Infrastructure like this which has a useful component should have a tracker device fitted to it.

Naming of Bridges in the Hag's Glen, Beaufort

27. Pursuant to Notice duly given, the members of the Killorglin Electoral Area PROPOSED:-

"That the two bridges recently constructed in the Hag's Glen, Beaufort be named as follows:

1. The lower bridge to be named after Angela Kenny who died at the crossing in 1987.
2. The upper bridge to be named after local community activist, Patie O'Shea RIP. The Beaufort Community Council fully supports this proposal and the families are also in agreement."

This is a matter for consideration by the members.

Cllr. M. Cahill PROPOSED this Notice of Motion. This matter was before the last Killorglin area meeting. The local community council and families have been contacted and consulted. He welcomed the naming of these bridges.

Cllr. M. Healy-Rae SECONDED this motion and said there was unanimous agreement at the Killorglin Electoral Area meeting. He welcomed the naming of these bridges.

Cllr. P. O'Donoghue thanked Cllr. Cahill for his work on this matter.

10.10.18.15 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Healy-Rae, it was agreed to authorise the attendance of Cllrs. T. Fleming and M. Cahill at Oireachtas na Samhna 2010 to be held in Killarney, Co. Kerry, from 27th–31st October, 2010.

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

- (b) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. B. Griffin, it was agreed to authorise the attendance of Cllr. M. O'Shea at the Mastering the Art of Secure On-line Communication Training Seminar to be held in Letterkenny, Co. Donegal, from 5th–7th November, 2010.

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

- (c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Mololey, it was agreed to authorise the attendance of Cllrs. B. Cronin, J. Brassil, M. O'Shea and P. O'Donoghue at the Achieving World Class Tourism – A National Tourism Conference to be held in Ennistymon, Co. Clare, from 25th–27th November, 2010.

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

- (d) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. O'Donoghue, it was agreed to authorise the attendance of Cllr. B. O'Connell at the Seminar "A Tale of Two Cities" held in Dublin on 19th May, 2010.

- (e) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Mayor P. Leahy at the Seminar "Housing (Miscellaneous Provisions) Act 2009 held in Maynooth, Co. Kildare, from 16th-18th July, 2010.

- (f) On the PROPOSAL of Cllr. M. Moloney, **SECONDED** by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllr. B. O'Connell at the Conferment of Honorary Degrees held in University College Cork on 4th June, 2010.
- (g) On the PROPOSAL of Cllr. J. Finucane, **SECONDED** by Cllr. B. Griffin, it was agreed to authorise the attendance of Cllr. B. O'Connell at the IPH Physical Activity Seminar held in Dublin on 10th June, 2010.

10.10.18.16 Correspondence General

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

1. Letter dated 1 July 2010 from the Department of Environment, Heritage and Local Government regarding Litter Offences – Publication of Names of those fined.
2. Letter dated 8 September 2010 from the Commission for Taxi Regulation regarding the response to a public consultation process on the national maximum taxi fare.
3. Letter dated 14 September 2010 on behalf of the Minister for Finance regarding Banking Institutions.
4. Letter dated 20 September 2010 from the Office of the Minister for Agriculture, Fisheries and Food regarding the Young Farmers Installation Scheme (YFIS).
5. Letter dated 28 September 2010 from Iarnród Éireann regarding Minish Level Crossing.
6. Letter dated 6 October 2010 from the Office of the Minister of State at the Department of Agriculture, Fisheries and Food regarding the opening of Castlemaine Harbour Mussel Seed Fishery.
7. Letter dated 17 September 2010 from Tralee Town Council regarding the International Rose of Tralee Festival Reception 2010.
8. Letter dated 23 September 2010 from Monaghan Town Council regarding a resolution adopted by that authority in relation to increases in ESB charges.
9. Letter dated 4 October 2010 from Waterford City Council regarding a resolution adopted by that authority calling for the publication of the National Carers Strategy.

Votes of Sympathy

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

- (a) Cllrs. D. Healy-Rae, M. Healy-Rae and P. Connor-Scarreen proposed that a vote of sympathy would be extended to the family of the late William Herlihy.
- (b) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Pádraig Cronin.
- (c) Cllrs. M. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Edward Sheehy.
- (d) Cllr. M. Cahill proposed that a vote of sympathy would be extended to the family of the late Michael Ahern.
- (e) Cllrs. M. Cahill, P. Connor-Scarreen and B. Griffin proposed that a vote of sympathy would be extended to the family of the late Maurice Nelligan.
- (f) Cllrs. D. Healy-Rae, M. Healy-Rae, P. Connor-Scarreen and B. Griffin proposed that a vote of sympathy would be extended to the family of the late John Downing.

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- (g) Cllr. M. Moloney proposed that a vote of sympathy would be extended to the family of the late Paudie Moynihan.
- (h) Cllr. M. Moloney proposed that a vote of sympathy would be extended to the family of the late Donie Fitzgerald.
- (i) Cllrs. B. O'Connell and P. McCarthy proposed that a vote of sympathy would be extended to the family of the late Mary Griffin.
- (j) Cllrs. P. Connor-Scarteen and B. Griffin proposed that a vote of sympathy would be extended to the family of the late Bridget O'Connell.
- (k) Cllrs. P. Connor-Scarteen and B. Griffin proposed that a vote of sympathy would be extended to the family of the late Billy McCarthy.
- (l) Cllrs. J. Brassil and N. Foley proposed that a vote of sympathy would be extended to the family of the late Vera Healy.
- (m) Cllr. P. Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late John O'Leary.

The meeting concluded at 5.00 p.m.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry