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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 20 NOLLAG, 2010

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 20 DECEMBER, 2010

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	B. Cronin
P.J. Donovan	T. Ferris	J. Finucane
S. Fitzgerald	T. Fleming	N. Foley
M. Gleeson	B. Griffin	D. Healy-Rae
M. Healy-Rae	P. Leahy	P. McCarthy
A. McEllistrim	M. Moloney	T. O'Brien
B. O'Connell	M. O'Shea	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. J. Breen, Dir. Hsg. & Comm&Ent.	Mr. G. O'Brien, Meetings Administrator
Mr. P. Corkery, Press & Comm.	Ms. B. Reidy, SSO Corporate Affairs
Ms. O. O'Shea, CO Corporate Affairs	Ms. T. Keane, CO Corporate Affairs

The meeting commenced at 11.10 a.m.

The Mayor Cllr. P. Leahy took the Chair.

The Mayor said that following the very severe weather recently he wanted to acknowledge the excellent work carried out by Kerry County Council to keep the county open. He also thanked Mr. P. Corkery, Communications Officer for keeping the public informed of road conditions.

Cllr. B. Cronin acknowledged the work of all Council staff many of whom are working day and night. The present weather conditions are very frustrating for them because of the enormity of the task involved. Many hills are extremely dangerous and the grit supplies need to be replenished, in particular in Ballyhar. He also commended local communities who spread the grit on minor roads.

Cllr. M. Gleeson concurred with the tributes paid to Council staff and local communities. He asked if the Council could import salt through Fenit.

Cllr. M. Moloney concurred with the tributes paid to Council staff and said an excellent community spirit is evident in the way local communities are coming together to grit roads etc. She also commended the farming sector for their involvement in this work.

Cllr. D. Healy-Rae thanked all road workers and also local people who grit roads in isolated areas. He asked that grit supplies would be replenished.

Cllr. T. Ferris concurred with the tributes paid to Council staff and local communities. She said the NRA said they were not expecting this severe weather yet during the last cold spell it was forecast that there would be a break for a few days before the severe weather conditions would return. She PROPOSED that a letter would be sent to the Minister for Transport and the NRA expressing member's dissatisfaction with the current arrangement for salt supplies and calling for a return to the previous arrangement whereby each local authority secured their own salt supplies.

Cllr. R. Beasley SECONDED this proposal.

Cllr. P. McCarthy PROPOSED that a letter of thanks would be sent to all Council outdoor workers from the County Manager, Mayor Leahy and the members.

Cllr. N. Foley SECONDED this proposal and it was unanimously agreed.

Cllr. M. Cahill complimented the Council staff on the excellent work they are doing on the county's roads. The general public understand that not every road can be treated, however the Lyre and the Dromin Roads at the Milltown Civic Amenity Centre are very dangerous and he asked that they would be treated. The Ring of Kerry Road is in a very poor state of repair and there are a lot of potholes on the Killorglin to Killarney road. He asked that a special case for funding for the Ring of Kerry road would be made to the NRA. He asked is it possible to get salt from Northern Ireland.

Cllr. M. Healy-Rae complimented Council staff on their excellent work and also private individuals who grit roads etc. He asked that consideration would be given to calling in the Defence Forces to assist during the very severe cold spell. Many houses in South Kerry are very remote and these people have been very isolated.

Cllr. N. Foley commended all Council workers and the Civil Defence who are transporting nurses to patients in the community. She also acknowledged the work of individuals in the community who clear footpaths etc. She asked where possible that footpaths would be cleared. Cllr. Foley suggested that in February a review would be carried out to ensure we are in a stronger position to deal with these weather conditions in future. The transfer of responsibility for the securing of salt supplies to the NRA is a further diminution of local authority powers and we should have autonomy over our salt supplies.

Cllr. M. Gleeson supported the views expressed by Cllr. Foley.

Cllr. J. Finucane concurred with the views expressed by Cllr. Ferris and said that the West coast has seen a greater impact than the rest of the country. The control of salt supplies by the NRA is an attempt by the NRA to take control of secondary roads. Local authorities are better placed to estimate their requirements for salt. This is the second year of severe weather conditions and problems are still being experienced.

The County Manager thanked members for their kind words to staff and also commended staff for their dedication and hard work. He also thanked traders who cleared footpaths in front of their premises and the Community and Voluntary Forum who did a lot of work with communities. During the first week the Council had the treatment of roads under control until the reserves of salt reduced. The NRA advised local authorities to reduce the amount of salt being put out and to add 50% grit. Other roads are deteriorating because they have not been treated with salt. Under normal circumstances 90 to 100 tonnes of salt would be spread on roads per night but this is now restricted to 50 tonnes per night. We did not have this problem last year when the Council had responsibility for securing its own salt supplies. However some local authorities did not do so well last year and as a result it was decided to manage salt supplies centrally. The NRA has a framework agreement with a number of suppliers. The NRA is responsible for national roads while local authorities have responsibility for all other roads. The Council had to send trucks to the North to collect 60 tonnes of salt in recent days and this is just enough for one night. He said Management are not at all satisfied with the level of service from the NRA in supplying adequate quantities of salt.

Cllr. T. Ferris said there are businesses in Kerry who rely on the business prior to Christmas to keep them going during January and February. They have suffered losses because of the failure of the NRA to provide enough salt. Last summer this severe weather was predicted and it is also predicted that January will be very severe.

Cllr. M. Gleeson said what is happening is the ongoing diminution of local authority powers. As a result the economies of counties on the West coast are suffering.

Cllr. J. Finucane PROPOSED that we would return to the system that prevailed last year i.e. each local authority would have control over their salt supplies. Last year Kerry County Council imported salt through Foynes and Waterford and it was very successful.

Cllr. T. Ferris SECONDED this proposal.

Cllr. M. Moloney also supported this proposal and said she predicted this situation in November.

Cllr. N. Foley asked who is covering the cost of sending trucks to the North for salt supplies.

Mr. C. O'Sullivan informed the meeting that last January works carried out in response to the very severe weather conditions cost Kerry County Council €1.3m. A grant allocation of €680,000 was received from the NRA but the Council is experiencing difficulties in recovering the balance of approx. €750,000. Last January the Council put out 120 tonnes of salt per night while salt supplies ran out in other counties. As a result a decision was taken nationally that the NRA would take over responsibility for securing and supplying salt to all local authorities in the country. Last year Kerry County Council secured salt through Foynes, Cork and Waterford. No salt has come in through Cork over the past 2 weeks and it has been necessary to send trucks to Gweedore and Carrick Fergus for salt.

10.12.20.01 Mayor's Report on the CPG Meeting held on 14th December 2010
Mayor P. Leahy read the following report into the record of the meeting.

Item 1 "Agenda for the December Council Meeting"

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

Item 2 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise, briefed the meeting on the following issues relevant to the County Development Board:

- Agriculture-Food Harvest 2020 Report.
- Kerry Integration Strategy.
- One Step Forward Event.
- Kerry Tourism Development
- Childrens Services Committee
- Community and Voluntary Forum Work Programme
- RAPID – Quality of Life Index
- Directors Report
- Training Day

Mr. Breen's detailed report is attached to the Mayor's Report.

Item 3 Update from Chairs of SPCs

Roads and Transportation SPC

Cllr. P. Connor Scarteen said the Roads & Transport SPC met the previous day and the topics discussed included Rural Transport, the Draft Tarbert By-Laws, Road Safety and the provision of Taxi Ranks in the county. A detailed report will be presented to the December Council Meeting.

Cllr. M. Cahill requested that the public would be consulted before any taxi ranks are provided as he believed it could be a contentious issue.

Mr. C. O'Sullivan, Director of Roads and Transportation said if taxi ranks are provided parking spaces will be lost. The only towns where there are designated taxi ranks in the county is in Tralee and Killarney. Additional information is awaited from the Taxi Regulator and it will be necessary to establish how many taxi licences have been issued and what demand there is for taxi ranks.

Environment and Water Services SPC

Cllr. B. Cronin said the following issues were considered at the last Environment and Water Services SPC meeting:-

- Illegal dumping
- Overt and Covert Cameras to deal with illegal dumping
- River Management Plans
- The Sheen River Water Abstraction Proposal
- Waste Management.

Housing and Social Support SPC

Cllr. A.J. Spring said the Housing and Social Support SPC met on the 8th December and the following issues were considered:

- Shared Ownership Scheme
- Tenant Purchase Scheme
- South West Framework Homelessness Action Plan
- Statutory position regarding minors who are in need of housing
- Update on the Housing Adaptation Grant Schemes for Older People and People with a Disability.
- Retro-fitting Voids – Energy Efficiency Measures
- Local Traveller Accommodation Consultative Committee

Community, Culture and Tourism SPC

Cllr. M. Cahill informed the meeting that the following issues were discussed at a recent meeting of the Community, Culture and Tourism SPC:

- Kerry Local Authority Irish Language Scheme 2010-2013.
- Kerry Integration Strategy Launch
- Update on the Public Art Projects.
- Community Communications Network Project.
- Update on Kerry Tourism
- Community Engagement Strategy – Next Steps
- Report from Kerry County Library Service.

Planning SPC

Cllr. P. McCarthy informed the meeting that the Planning SPC did not meet recently.

Cllr. A.J.Spring asked if there was any development on the Chairs of the SPC's accessing a public forum to outline the work of SPC's.

Mr. G. O'Brien, Meetings Administrator, said Mr. P. Corkery is in discussions with Radio Kerry to agree a format.

Item 4 Council's Revenue Budget 2011

Mr. J. O'Connor, Head of Finance informed the meeting that notification was received of the Local Government Fund allocation for 2011. This allocation is €23.2m which is a reduction of €2.334m, or 9.1% on the 2010 figure. In 2009 local authorities had to return any savings on staff costs arising from a reduction in salaries and this amounted to approx. €600,000 but it will not be necessary to do so this year.

Energy costs continue to increase and under the Remedial Action Programme we are commissioning a number of small water treatment plants and this will result in additional energy costs. Water Services will be commandeering a sizable increase in their budget allocation and this is being driven by the standards required for drinking water. Mr. O'Connor said he would not like to see a substantial increase in water charges but some increase maybe unavoidable. Arising from the national Budget there will be no domestic water charges for 2011.

Over the past number of years the 'own resources' provision in the Budget has been maintained at the same level but we are now in more challenging times and it maybe necessary to reduce this in 2011.

Kerry has one of the highest allocations in the country for the Essential Repairs Grants and the Disabled Persons Grants and our contribution to these Schemes is also one of the highest in the country. It appears that there will be a sizable reduction in funding for these Schemes in 2011 and there will be a corresponding reduction in the Budget for our contribution to these Schemes.

There is a very challenging year ahead for our Refuse and Waste Service. If there is any hope of retaining the refuse service for the four local authorities there will need to be significant restructuring. Discussions have begun with the unions and a meeting was held with staff recently and there seems to be a positive response from staff. Transfer Stations and Bring Banks are very costly to maintain and in the current difficult economic climate it will be very difficult to maintain the level of service which we currently provide. Every effort is being made to achieve better cost efficiencies.

In relation to 2010 at present our expenditure and income are in accordance with the Budget provision and there will not be any overdraft carried forward to 2011. Mr. O'Connor referred to a recent meeting organised by the Irish Hotels Federation in Killarney and said there is no point in one sector thinking they can get special provision over another sector. The Hotels Federation are seeking a 30% reduction in rates for their sector. The Valuations Office is responsible for carrying out valuations and Kerry County Council has responsibility for the collection of rates. He added that he examines a cross section of accounts from hotels and companies and a number of them are doing well. In an effort to assist rate payers the Revenue Department promoted payment plans whereby rates were paid over 10 months. He was encouraged by the number of rate payers who availed of this option. The income from rates will be as projected in the Budget. He acknowledged that in some cases there has been a severe reduction in income and the Revenue Department will examine their accounts for the current year and also their historical accounts. If the rate payer makes a reasonable effort to pay rates we will come to an arrangement with them. 42% of income from rates comes from global enterprises i.e. the ESB, Meteor, ESB Generation and the telecom networks. Members should be mindful that the bulk of rates are not coming from the general population of rate payers. He acknowledged that they make a contribution but said it is important to keep it in perspective. Almost 60% of our rate payers pay €3m or 16% of rates. The average payment is €2,500 but many rate payers pay less than this. It is important to be mindful of the burden of rates and it is not lying as heavily as is made out on the small business person. Also a sizable portion of rates comes from financial institutions i.e. Bank of Ireland, AIB etc.

Mr. O'Connor then referred to water customers and said that most have addressed leakages. It is the duty of elected council to adopt the Budget and the responsibility of the executive to collect charges.

Cllr. B. Cronin said the Hotels Federation made a strong case and he was concerned that they claim a certain number of hotel owners got a 30% reduction from the Council. All hotels are now looking for this reduction. He asked Mr. O'Connor how the Hotels Federation came to this conclusion.

In response Mr. J. O'Connor said there has been a fundamental revaluation in the three Dublin authorities and as a result the hotels got a 30% reduction while other sectors got an increased valuation. They want this reduction to apply to the entire country. It is not possible to draw acceptable conclusions from the revaluation of three out of thirty four local authorities.

Cllr. M. Cahill asked why was the revaluation carried out?

Mr. O'Connor said the entire country will be re-valued in time. There is no foundation to their claim that any part of their sector got a 30% reduction. One or two hotels whose accounts supported their claim may have got a 50 – 60% remission. This also applied to a small number of shop keepers. There was no such thing as a universal 30% reduction. Some businesses object when they are asked to produce accounts for 3 years.

Item 5 Proposed Training Programme for Elected Members for 2011

Mr. J.D. Flynn, Director of Corporate Services informed the meeting that local authorities are required to adopt a Training and Development Programme for Councillors. The Programme should have regard to, amongst other issues, the key policy issues and challenges facing the councillors and the local authority generally. Provision is made for the attendance of councillors at the three local government associations' annual seminars/conferences. He asked the Chairs and the Directors of the SPC's to identify two or three key policy areas that should be included in the Programme. He asked that each of the SPC's would have identified the key policy areas for the January CPG Meeting.

Item 6 Planning and Development Act 2010 – Core Strategies

Mr. P. Stack, SE Planning said that in accordance with the Planning and Development Act 2010 planning authorities must incorporate a Core Strategy into the County Development Plan within one year of the adoption of the relevant regional planning guidelines. In Kerry's case the relevant date is 26 July 2011. To facilitate meeting this deadline, a Draft Core Strategy will have to be presented to the Elected Council early in March, 2011 in order that the statutory procedure relating to the variation of the County Development Plan can be achieved within the time limit set. The Core Strategy must incorporate into the Development Plan the population targets which have been set nationally and which have been incorporated into the Regional Planning Guidelines. Land to be zoned for residential purposes in subsequent Local Area Plans must correlate with these figures. To incorporate the Core Strategy into the County

Development Plan requires a variation to the Plan and in order to meet the July deadline the Draft Core Strategy will be presented to Council in early March 2011.

The purpose of the Core Strategy is to articulate a medium to long term evidence based strategy for the spatial development of the area of the Planning Authority and in doing so, to demonstrate that the Development Plan and its objectives are consistent with national and regional objectives set out in the National Spatial Strategy and the Regional Planning Guidelines. Land will have to be de-zoned arising from the population targets and growth targets.

There are a number of other key tasks to be undertaken as part of the formulation of the Core Strategy and subsequent variation to the Plan, namely:-

1. The Core Strategy must demonstrate consistency with higher level plans and policy guidance issued under Section 28 of the Act. These include EU Directives such as the Strategic Environmental Assessment Directive and Habitats Directive and Water Framework Directive. Planning Authorities are required to use the opportunity of the variation to address overall compliance.
2. In formulating the Core Strategy and identifying the quantum, location and phasing of development, it must be demonstrated that future developments support public transport and existing service provision.
3. The Housing Strategy and the Retail Strategy must be reviewed to ensure compliance with the Core Strategy. Retail objectives in the County Development Plan and in the Town Council Development Plans must also comply with the terms of the Core Strategy.
4. The Core Strategy must contain the classification of different rural area types required under the 2005 planning guidelines for sustainable rural housing, i.e.
5.
 - Areas under urban influence
 - Strong rural areas
 - Structural weak areas and
 - Areas of distinctive settlement pattern.

These areas must be depicted on the Core Strategy Map and the Core Strategy must outline the evidence basis upon which the classification has been arrived at.

In conclusion Mr. Stack said the Planning and Development (Amendment) Act, 2010 also provides that within one year of the adoption of the Core Strategy, any Local Area Plan which is not consistent with the Core Strategy must be reviewed.

The County Manager informed the meeting that the review of all Local Area Plans is suspended pending adoption of the Core Strategy.

Mr. P. Stack informed the meeting that work on the Core Strategy commenced that week and the Draft must be presented to Council the first week in March. There are approximately ten different tasks to be undertaken in preparing the Core Strategy. Following consideration of the Draft Core Strategy by Council in March it will be put on public display and a subsequent report will be prepared on the submissions/observations received. The Core Strategy must be adopted in July 2011.

Cllr. B. Cronin referred to No. 2 above in relation to future developments supporting public transport and said there are only four train stations in Kerry. He asked if the Core Strategy would be urban based.

Mr. Stack said that buses also provide public transport. Some of the Strategy will be urban based and reference must be made to the availability of public transport. A certain amount of land zoned in the past must now be de-zoned and it will be evidence based.

Cllr. P. Connor-Scarteen referred to suggestions that zoned land maybe taxed and he asked was there any update on this proposal.

Mr. P. Stack said this has been mentioned nationally on a number of occasions and there is a strong possibility that it will be introduced.

Item 7 Update on Tralee By-Pass

Mr. C. O'Sullivan, Director of Roads and Transportation informed the meeting that approval to go to tender for the Tralee-By-pass was received from the NRA and the original closing date was the 8 December. Other contracts, including the fencing contract and archaeological services contract were underway at this time also. A number of artefacts were discovered in the archaeological digs and until such time as the follow up investigation is complete the NRA asked that the tender would be delayed. The Department of Transport issued a Press Release and the Tralee By-Pass is listed as a project that will proceed in 2011. It is anticipated that the archaeological investigation will be complete by the end of January and the tender can then proceed. The tendering process should take approx. 6 weeks and it will be a 20 month contract.

Item 8 Civic/Mayoral Receptions

Mr. G. O'Brien informed the meeting that Micheál Ó Muircheartaigh has agreed to the holding of a Civic Reception in his honour at 1pm on Monday 21 February 2011 which is the day of the February Council meeting.

Cllr. M. Cahill requested that a letter of congratulations would be send to Edel Murphy, the Kerry goalkeeper who won a 2010 O'Neills/TG4 Ladies Football All Star Award recently.

Cllr. Cahill also requested that a letter of congratulations would be send to Charlie Purcell who won the Bobby Charlton World Soccer Skills competition recently.

It was agreed that letters of congratulations would be sent to both these people.

Item 9 Any other business

Smart Metering Programme

Cllr. A.J.Spring said that Sustainable Energy Ireland is asking local authorities to propose towns for inclusion in the Smart Metering Programme and he asked that consideration would be given to submitting a proposal from Kerry County Council.

The County Manager said that Kerry County Council has a framework agreement with SEI and work very closely with them. He said he would revert to Cllr. Spring when he established the details.

Notices of Motion

Mr. J. D. Flynn said that a practice has crept in whereby area specific notices of motion are simultaneously being submitted for Area Meetings and for the full Council meetings. The same reply is given at both meetings. The intention was that local issues would be dealt with at area level. He asked if the CPG has any view on this issue.

Mayor P. Leahy pointed out that it was agreed that if a satisfactory answer was not received at the Area Meeting it could be considered by the full Council.

Mr. J.D.Flynn said there are 37 motions on the agenda for the December meeting and at least 6 of these were dealt with at Area Meetings in the past few weeks. Manager's items are now being brought to Area Meetings to brief members on progress on various issues. The spirit of Standing Orders is that local issues would be dealt with at area level and would not be on the agenda for full Council meetings.

Cllr. B. Cronin said he would be very concerned if changes were made which would prevent a councillor raising a local issue at the full Council meeting. Members should have the right to raise a local issue at full Council meetings”.

Cllr. D. Healy-Rae asked that contact would be made with the relevant Department with a view to having hotels etc in Kerry re-valued as the county is very dependent on tourism.

10.12.20.02 Confirmation of Minutes

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley it was resolved that the minutes of the November Ordinary Meeting of Kerry County Council held on 15 November, 2010 be confirmed.

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

Mr. C. O’Sullivan referred to his report dated 13 December, 2010 on this item which was circulated and he briefed members on his report.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was agreed to note the Manager’s Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the construction of a 439m² salt barn and construction on a phased basis to coincide with the completion of the Eastern By-pass section of the Tralee Relief Road, a 117m² site office building, a 320m² machinery shed, chip wash and chip wash storage ponds, mechanical aeration treatment unit and percolation area, road making material storage cells, surface water drainage and ancillary site works at Ballymachthomas, Ballyseedy, Tralee, County Kerry.

10.12.20.04 County Manager’s Report on Proposed Variation No. 4 to the Kerry County Development Plan 2009 – 2015

Mr. M. McMahon, Director of Planning referred members to the County Manager’s Report dated 7 December 2010 on this item which was circulated. This variation arose as a result of a Notice of Motion regarding the zoning of lands in Ardfert which are owned by Ardfert GAA Club. Planning was granted on these lands by Kerry County Council but it was subsequently refused by An Bord Pleanala. One of the reasons for refusal was the zoning of the land. A number of submissions on the proposed variation were received and all were not in favour of the proposed variation. The Planning Department considers that it would be more appropriate to deal with the roads issue at planning stage.

Cllr. T. Ferris thanked the Planning Department for bringing this variation to Council. It is an outrage that the GAA want to provide a leisure facility for the young people of the area and An Bord Pleanála went against their Inspectors report. The only difficulty she had with the proposed variation is Objective No. 1 which reads as follows: *“That any proposed development on these lands shall include provisions for pedestrian and cycle linkage and connectivity to Ardfert village to the satisfaction of the council.”* Cllr. Ferris pointed out that there are no cycle lanes in Ardfert and this objective is not reasonable. She agreed that adequate pedestrian access should be provided. She PROPOSED the recommendations in the Manager’s Report but that the wording of the objectives would be amended to take the burden from the GAA Club. If the Council wants to include it as an objective they want to achieve that would be acceptable but if the proposed objective remains permission may be refused again. In conclusion Cllr. Ferris PROPOSED the variation with the amendment she outlined.

Cllr. P. McCarthy SECONDED this proposal and said there is very little room on that road for pedestrians and a cycle lane. He asked would the ditch on this road have to be removed to facilitate pedestrian access to the lands. If this is the case it could be problematic as the land is not owned by the GAA Club.

Cllr. J. Finucane supported the proposal and said that it should be an aspiration that a cycle lane would be provided.

Mr. M. McMahon informed members that this objective was included because all submissions point to the difficulty with the location of the site and his Department also see this as a potential hazard. He wanted to ensure safe pedestrian and cycle access to the lands. It is important, from the planning authority’s point of view, that an objective is included that the developer must make provision for pedestrian and cycle access to the site. The Management Team are not convinced that the adoption of this variation will make any difference to the granting of permission. The variation addresses the issue of zoning but will not overcome the other issues regarding access.

Cllr. A.J. Spring asked would it not be prudent to zone the land and then provide the facilities?

Mr. M. McMahon said the planning authority is proposing to zone the land but the Council will not take responsibility for the provision of the infrastructure as the funding is not available.

Cllr. T. Ferris said she and other councillors committed to allocate funding from Councillors Allocations to assist in the provision of pedestrian access to the lands. She requested that the objective would be amended to read *“It shall be an objective of the Council that these lands would be serviced by cycle and pedestrian access”*. If the proposed objective is retained it will make it more difficult to secure permission. Many housing estates are granted permission and a condition is not imposed that they must provide pedestrian access to the nearest town/village. She believed the same result can be achieved but the burden will be removed from the Club.

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

Mr. McMahon said the planning authority is not stating that the GAA Club must provide these facilities. He added that he had no difficulty with Cllr. Ferris's proposal.

On the PROPOSAL of Cllr. T. Ferris, **SECONDED** by Cllr. P. McCarthy, we the members of Kerry County Council hereby resolve, that in accordance with Section 13 of the Planning & Development Act 2000, to vary the Kerry County Development Plan 2009 – 2015 as follows: (1) to rezone a portion of land at Killeacle/Commons North, Ardfer, as outlined on the attached Map 12.1b, from Rural General to Active Open Space, (2) to include an additional zoning designation 'Active Open Space' (3) to include a new paragraph, referenced 12.2.11 as follows: *"This zoning is intended solely for the provision of recreational uses. Active uses include the provision of playing pitches, tennis courts etc. Unrelated uses, such as shops and houses, will not be permitted. The development of recreational buildings and car parks necessary for the use of the amenity will be considered. These uses, however, shall not detract from the primary use as active open spaces (section 12.2.11)"* and subject to an amendment to Objective 1 as follows: *"that it be an objective of this Council that these lands shall be accessed by adequate pedestrian connectivity to the village"*.

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

For: Cllrs. Beasley, Buckley, Cahill, Cronin, Donovan, Ferris, Finucane, Foley, Gleeson, D. Healy-Rae, M. Healy-Rae, McCarthy, McEllistrim, Moloney, O'Brien, Spring, Leahy **(17)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Brassil, Connor-Scarteen, Fitzgerald, Fleming, Griffin, O'Connell, O'Donoghue, O'Shea, Purtill, Sheahan **(10)**

The Mayor declared the proposal **CARRIED**.

10.12.20.05 Taking in Charge of Estates

Mr. M. McMahon, Director of Planning, referred members to report dated 10 December 2010, which had been circulated. Notice of Kerry County Council's intention to declare the roadways listed in the report was published and no written objection or submission was received. It is recommended that the Council make an Order in accordance with Section 11 of the Roads Act 1993 to declare as a public roadway, the roadways outlined in the report.

- (a) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Finucane, it was agreed to make an Order declaring the road at Boherboy, Caherciveen, from its junction with the Local Road (L-4007) to all terminal points within the estate, serving houses 1 to 4 in Boherboy, Caherciveen, to be a public road pursuant to Section 11 of the Roads Act, 1993.
- (b) On the PROPOSAL of Cllr. A.J. Spring, SECONDED by Cllr. J. Finucane, it was agreed to make an Order declaring the road at Killeen, Tralee, from its junction with the Killeen Road (U-66) to all terminal points within the estate, serving houses 1 to 35 in Cul Doire Estate, Killeen, Tralee to be a public road pursuant to Section 11 of the Roads Act, 1993.
- (c) On the PROPOSAL of Cllr. A.J. Spring, SECONDED by Cllr. T. O'Brien, it was agreed to make an Order declaring the road at Killeen, Tralee, from its junction with the Killeen Road (U-66) to all terminal points within the estate, serving houses 1 to 56 Woodview Park Estate, Tralee, to be a public road pursuant to Section 11 of the Roads Act, 1993.
- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. A.J. Spring, it was agreed to make an Order declaring the road at Lacca East, Ballyduff, from its junction with the Regional Road (R-551) to all terminal points within the estate, serving houses 1 to 26 in Meadow Lane Estate, Lacca East, Ballyduff to be a public road pursuant to Section 11 of the Roads Act, 1993.
- (e) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Moloney it was agreed to make an Order declaring the road at Shinnagh, Rathmore from its junction with the Regional Road (L-7057) to all terminal points within the estate, serving houses 1 to 31 in Clarin Wood, Shinnagh, Rathmore, to be a public road pursuant to Section 11 of the Roads Act, 1993.

10.12.20.06 Kerry Integration Strategy 2010 – 2012

Mr. J. Breen, Director of Housing and Community & Enterprise referred members to his report dated 6 December 2010 on this item which was circulated. The Kerry Integration Strategy 2010 – 2012 is an initiative of the Kerry County Development Board and it focuses on actions supporting the integration of immigrants into the county. The Strategy is available in English, Polish and French and the various lead agencies involved are set out in the Strategy.

Cllr. M. Gleeson welcomed the Kerry Integration Strategy and said having worked with foreign nationals it is wonderful to see the commitment of the Council to an integration strategy. Integration is an overall national policy and there is an intention to eliminate the role of language support teachers. There is a contradiction between the local authority's noble intention for integration and the Department's intention. He PROPOSED that the Department would be requested to withdraw this intention.

Cllr. J. Finucane **SECONDED** this proposal and it was unanimously agreed.

On the PROPOSAL of Cllr. M. Gleeson, **SECONDED** by Cllr. J. Finucane it was agreed to note the Kerry Integration Strategy 2010 – 2012.

10.12.20.07 Report on the Southern Regional Drugs Task Force

It was agreed to note Mayor P. Leahy's written report on the operations and activities of the Southern Regional Drugs Task Force which was circulated.

10.12.20.08 Summary of proceedings at Conferences

- (a) It was agreed to note Cllr. S. Fitzgerald's written report on behalf of the delegates that attended the Colmcille Winter School 2010 held on 27 and 28 February 2010 which was circulated.
- (b) It was agreed to note Cllr. B. Cronin's written report on behalf of the delegates that attended the 22nd National Tourism Conference held from 25 to 27 November 2010 which was circulated.
- (c) It was agreed to note Cllr. P. Connor-Scarteen's written report on behalf of the delegates that attended the Total Waste Prevention Conference held on 25 November 2010 which was circulated.
- (d) It was agreed to note Cllr. N. Foley's written report on behalf of the delegates that attended the Health and Safety Seminar 2010 held from 26 to 28 July, 2010 which was circulated.

10.12.20.09 Report by Cllr. P. Connor-Scarteen, Chair of the Transport SPC

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

10.12.20.10 Report by Cllr. A.J. Spring, Chair of the Housing & Social Support SPC

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

10.12.20.11 Report by Cllr. M. Cahill, Chair of the Community, Culture and Tourism SPC

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

10.12.20.12 Report by Cllr. B. Cronin, Chair of the Environment and Water Services SPC

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

10.12.20.13 Dates for the next round of Electoral Area Meetings

It was agreed that the next round of Electoral Area Meetings would be held as follows:

Area	Date	Location	Time
Tralee	Monday 14 Feb. 2011	Council Chambers	10.40am
Killarney	Wednesday 9 Feb. 2011	Town Hall, Killarney	10.00am
An Daingean	Wednesday 23 Feb 2011	Farranakilla House, Dingle	10.30am
Listowel	Monday 28 Feb. 2011	Listowel	10.00am
Killorglin	Friday 4 March 2011	Kenmare	10.30am

10.12.20.14 Reception of Deputations

- (a) Cllr. S. Fitzgerald requested that a deputation be received from Camp Community Council regarding roads issues. It was agreed that this deputation would be received at the next An Daingean Electoral Area Meeting.
- (b) Cllr. S. Fitzgerald requested that a deputation be received from Green Street Traders and Residents regarding speeding traffic. It was agreed that this deputation would be received at the next An Daingean Electoral Area Meeting.
- (c) Cllr. M. Healy-Rae requested that a deputation be received from Harbour View Residents, Portmagee regarding road safety issues in their estate. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.
- (d) Cllr. M. Cahill requested that a deputation be received from Beaufort Tidy Towns regarding roads, footpaths and public lighting. It was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

10.12.20.15 Opening of Tenders

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for the Supply and Delivery of Refuse Vehicles to Kerry County Council: Closing Date Wednesday 15 December 2010 at 16.00.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for Temporary Traffic Management Design Services for the N86 Tralee to An Daingean Road Improvement Scheme: Closing Date Friday 14 January 2011 at 16.00.
- (c) On the PROPOSAL of Cllr. A.J. Spring, SECONDED by Cllr. P. Connor-Scarteen it was agreed to approve the opening of tenders for the Construction of a new reinforced concrete Salt Barn, measuring 14m x 28m along with associated site works at Ballymachthomas, Ballyseedy, Tralee, Co. Kerry: Closing Date Friday 17 December 2010 at 16.00.
- (d) On the PROPOSAL of Cllr. A.J. Spring, SECONDED by Cllr. P. Connor-Scarteen it was agreed to approve the opening of tenders for IP Telephony – Kerry Local Authorities 2011: Closing Date Friday 14 January 2011 at 14.00.

10.12.20.16 Notices of Motion

1. Responsibility for lakes, rivers and watercourse

Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

In light of the E.U. directive on water quality and of the River Basins Management schedule that the Council would detail the name of the statutory body who has legal responsibility for each individual lake, river and watercourse.

The following report issued:

Responsibility for the management and protection of water bodies in County Kerry rests with a number of public authorities: Kerry County Council has principal responsibility for the protection of water quality in our rivers and lakes and also carries out a significant amount of water quality monitoring activity in the County. Inland Fisheries Ireland is responsible for the protection and promotion of fisheries within the County, while the National Parks & Wildlife Service (DoEHLG) is responsible for the management of all water-based Special Areas of Conservation. The Environmental Protection Agency (EPA) has responsibilities for a wide range of licensing, enforcement, monitoring and assessment activities associated with environmental protection which include or relate to surface and ground waters. Finally, the Office of Public Works is responsible for drainage issues in a small number of catchments in the county, namely those of the Feale and Maine Rivers.

Cllr. M. Gleeson said as a multiplicity of agencies has responsibility for our rivers there appears to be a lot of confusion. Angling Clubs want to know who is responsible for rivers in the county as do home owners who are concerned regarding flooding. A collapsed bridge in the River Flesk has caused flooding. He wrote to the OPW to establish who was responsible but they replied that they did not have any funding but they would supply a boat. It is now time that this issue was clarified at national level.

Mr. O. Ring, Director of Water Services said it is hoped that the River Basin Management Boards will bring clarity on this issue. Kerry County Council is responsible for water quality and any person responsible for pollution can be pursued by a number of bodies.

Cllr. M. Gleeson said he wanted to record his gratitude to the Council for achieving every improving water quality.

2. Availability of successful Plant Tender prices, Company Names and total payments made

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

In light of the ground breaking findings of the Office of the Information Commissioner on July 12th, in favour of my appeal to have all details of successful historical tender prices made available to me, I now propose that in the interest of openness and transparency that all successful plant tender prices, company names and total payments be made available to members on a yearly basis when full payments have been made.

The following report issued:

The decision of the Information Commissioner in this case, Case Number 090267, sets out a very detailed assessment of the grounds for and against the release of the type of records mentioned in this notice of motion, and concluded that the public interest is better served by the release of the records involved, they being historical records. In recognition of the decision of the Information Commissioner, the Council has no objection to the submission of a report to the Elected Council containing the information outlined as soon as the Annual Financial Statement for that year is finalised.

Cllr. B. Cronin said each year he sought details of amounts paid to private plant hire contractors. He represented the small plant hire person who had one or two machines and tendered for work with the Council but failed to secure any substantial volume of work. Many of these people felt they submitted competitive tenders. In 2009 he submitted a request for specific information for three years under the Freedom of Information Act. At that time the Council part granted his request and gave him the names of tenderers only. He appealed this decision and then received the total amount paid to each person but not the rate tendered. Kerry County Council pays between €6m and €10m annually to plant hire contractors and he believes in openness and transparency for the public and the firms who failed to secure work. As he was not given the hourly rate he appealed to office of the

Information Commissioner. A very detailed investigation was carried out and he welcomed this. During the investigation he was contacted by two firms who informed him there was a campaign to stop him getting this information. The Commissioner invited a number of contractors to make submissions and he received 10 responses. Cllr. Cronin welcomed the response to the motion and asked as the information would be historical for the name, total sum paid to each individual and the hourly rate. In conclusion Cllr. Cronin said he has the information the subject of the FOI decision and he would make it available to any firm that would like to view it.

Mr. J.D. Flynn, Director of Corporate Services informed the meeting that he dealt with Cllr. Cronin's appeal. He had three weeks within which to decide on the appeal and he refused to release the hourly rates. The Freedom of Information Commissioner had nine months to reach a decision. The decision of the Information Commissioner in this case sets out a very detailed assessment of the grounds for and against the release of the type of records mentioned in this notice of motion, and concluded that the public interest is better served by the release of the records involved, they being historical records. In accordance with Section 27 of the Freedom of Information Act, 1997 a request can be refused under Section 7 if the record concerned contains -

- “(a) trade secrets of a person other than the requester concerned,
- (b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in this or her occupation, or
- (c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.”

Mr. Flynn pointed out that tender prices have reverted to the 2007 rates. In relation to tender rates the issue is one of 'trade secrets'. The issue of the disclosure of trade secrets and whether their disclosure would cause real harm to the owner of the trade secret was the issue. The standard of proof in relation to harm is relatively low in the sense that the test is not whether harm is certain to materialise, but whether it might do so. It was in this context that he did not release the tender rates. The FOI Commissioner considered that the public interest, given that they were historical records, was best served by releasing them. The Commissioner then informed all parties affected by his decision and allowed them 8 weeks to appeal his decision to the High Court. This mechanism is not available to me as the decision maker. The decision of Kerry County Council in response to this Notice of Motion to release the tender rates is still open to challenge in the Courts.

4. Coastal Protection works at Rossbeigh

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

It is now a full two years from the date that the sand dunes were breached at Rossbeigh with in excess of 5 million tonnes of sand being washed away. I request Kerry County Council to furnish a detailed progress report in relation to

what measures have been carried out to date to protect this wonderful amenity for residents, visitors, tourism, wildlife etc. by (a) Kerry County Council as the owner of these lands (b) the Office of Public Works who are supposed to be responsible for coastal protection works (c) The National Parks and Wildlife Service who are supposed to be responsible for the protection of the important wildlife habitats.

The following report issued:

It is estimated that there has been a loss of approximately 2 million cubic metres of material from the Rossbeigh spit since the year 2000 and there are indications of continuing erosion.

The erosion of a sand spit, such as Rossbeigh, is a complex process and is incredibly difficult to prevent. The HMRC (Hydraulic and Maritime Research Center), a research center of excellence based at University College Cork, is undertaking a detailed study of the erosion with a view to understanding what has and is causing the erosion, outlining the future for Rossbeigh, and possible effective remediation.

Kerry County Council has already consulted with a number of experts on the erosion at Rossbeigh and the common consensus is that there is no ready remedy to the problem, barring possibly an extensive beach nourishment programme, that would be extremely costly and would in all probability need to be undertaken at regular intervals.

The OPW has been made aware of the erosion at Rossbeigh and, in their role as the funding agency for coastal protection, will examine any proposal brought to them to deal with Rossbeigh. However they are also governed by funding constraints and it is most unlikely that they will fund a project that cannot demonstrate is workable and delivers value for money. They will also need to be satisfied on any environmental impacts that may arise with any project undertaken. The funding by the OPW of any coastal protection project is governed by a set of clearly laid out criteria and they have indicated that they will examine any project submission on Rossbeigh once those criteria are addressed. The Council will have to await the results of the HMRC study before it can determine if these criteria can be addressed.

Likewise the NPWS cannot sanction, from an environmental perspective, any proposal until such time as the effects of any proposal are fully understood. Due to the sensitive nature of the eco-system in Rossbeigh and due to its location, at the very least, an Appropriate Assessment would need to be conducted on any proposal. Key to the assessment would be an understanding of the natural processes at play in Rossbeigh and an understanding of the impact on the environment of any proposal to halt the erosion and reinstate the eroded sections. Kerry County Council is not in a position to do that until the HMRC has completed their works.

It is important to reiterate that the erosion occurring in Rossbeigh is an entirely natural phenomenon. The erosion is as a result of the complex interaction of a number of processes that need to be understood fully. Failure to understand these processes could lead to the implementation of a strategy that could worsen the erosion problem or give rise to more significant issues elsewhere. There is no easy solution to the Rossbeigh problem. Rock armour will not work there and would worsen the problem.

Cllr. M. Cahill said he raised the breach of Rossbeigh Spit two years ago and he was now raising it because of the lack of progress. In the intervening two years the situation has deteriorated at a very fast pace. He met with those carrying out this research and he also contacted the relevant EU Commissioner. He understood it is a matter of funding but he said the various bodies responsible cannot stand by and not take action. The OPW who has responsibility for coastal erosion have ignored this problem and the NPWS who have responsibility for habitats have also ignored it. He pointed out that Kerry County Council owns the property. Cllr. Cahill said he cannot accept that funding cannot be allocated to at least slow down the erosion. Rossbeigh is the county's finest beach. He called for a Management Plan to be prepared for Rossbeigh yet the Government has ignored this issue. Cromane, Dooks and Incharee have all suffered flooding because of the breach and some houses were flooded to a depth of three feet. He appealed to the County Manager to take an interest in this project as it will not go away. He asked if all the agencies involved could be brought together or should a request be sent to Government for a meeting with the relevant Minister.

Mr. C. O'Sullivan, Director of Roads and Transportation said there have been a number of discussions at area level on this issue. This is a significant breach and any remedy would entail significant costs. Funding is the main issue and this is a matter for the OPW. Funding for coastal protection works at Inch is still outstanding.

Cllr. Cahill said if this matter is not addressed the consequences will be far greater. He understood a case was taken regarding flooding at Callinafercy and it was settled before going into court and the work was subsequently done. He asked for the assistance of Management on this very important issue.

Cllr. R. Beasley supported the motion and the views expressed by Cllr. Cahill and said that this breach will have serious consequences for the people of the area and for tourism. He visited the area and saw the erosion that took place. He supported Cllr. Cahill's call for support from Management in addressing this issue.

Mr. C. O'Sullivan said if it is the wishes of members the relevant bodies can be contacted. However, this was already done. It would take millions of euro to address this problem and it would involve a substantial local contribution from Kerry County Council. It is considered that rock armour is not the solution in this case. The OPW are awaiting the final report from HMRC.

Cllr. M. Cahill asked that Minister Manseragh would be requested to meet with a deputation from Kerry County Council to discuss this issue as a matter of urgency.

This was agreed.

5. Introduction of a crime called "Economic Treason".

Pursuant to notice duly given Cllr. P. McCarthy duly PROPOSED:

That this Council calls on the Minister for Justice to introduce legislation leading to the introduction of a crime called "Economic Treason". That this crime would have different levels of sentence to correspond with the level of crime.

This is a matter for consideration by the members.

Cllr. P. McCarthy said he hoped there would be cross party support for his motion. Less than 100 people are responsible for the ruination of this country. Some experts say the down turn in the economy is due to global events but nothing was done in Ireland to prevent it. A small number of people are committing economic treason and there is no legislation covering such activities. These people knowingly put this country in debt. Free advice was available a few years ago from able economists who said if you want to find the wild west of banking go to a small island on the west of Europe. 432 people are employed in the Financial Regulators office yet there was no regulation of the financial sector and now a few years later there is still no suggestion of regulation. It is now up to the Minister for Justice to move a Bill through the Oireachtas to address this issue. The people of Ireland want to ensure that the banking disaster will not reoccur and they are concerned for their future and that of their children. In conclusion Cllr. McCarthy called for the introduction of a crime called 'Economic Treason' with a maximum penalty of 40 years in jail.

Cllr. M. Gleeson SECONDED the motion and said society cannot exist unless there is equitable behaviour and it is all about accountability. If there is no ethical behaviour society disintegrates and the ordinary person will suffer. One elderly person recently wrote to a newspaper and said they had savings of €300,000 but now it is gone. If people are mislead financially it should be deemed a criminal act. Ireland has the crime of economic treason and it must now show its intent on pursuing those responsible.

Cllr. T. Ferris said the only crime that exists is fraudulent trading and she supported the motion on condition that it can be used against politicians.

The Mayor informed the meeting that Notice of Motion Nos. 3 and 6 are similar and would be taken together.

6. Outstanding monies from the Department of Marine and the OPW for coastal protection works.

Pursuant to notice duly given Cllr. S. Fitzgerald PROPOSED:

Can Kerry County Council outline in detail the monies owed to them from the Department of Marine and the O.P.W. in relation to marine and coastal protection works which have been undertaken, plus the places where the development works were carried out. Because of slow payment or no payment this in my opinion has curtailed any plans Kerry County Council may have in upgrading piers and slipways under our control.

The following report issued:

I have set out below the details of funding for works on marine and coastal protection works, where there are major capital deficits on our accounts. The funding agencies are the Department of Environment, Heritage and Local Government (DoEH&LG); Department of Community, Equality and Gaeltacht Affairs (DCEGA); the Department of Agriculture, Fisheries and Food (DAFF) and the Office of Public Works (OPW) :-

<u>Project</u>	<u>Total Cost (Construct)</u>	<u>Local Contribution</u>	<u>Grants Received</u>	<u>Outstanding monies sought</u>
Inch Coastal Protection Works	€ 3.91 m	€ 1m	DoEH&LG (Roads) - €945 k DAFF - €900 k DCEG - €150k	OPW - €915 k
Knighstown Harbour	€4.9 m	RNLI - 750k Council - 475k	DAFF - €671,449 DCEG -€950 k (to come)	DAFF - 1.166m DCEG - €887 k
Bunavalla & Ballinskelligs	€ 2.094 m	€381,000	DCEG - €1.21 m	DCEG - €503k

As previously outlined to members, given the current economic climate and the demands on Councils own resources, we are not in a position to commit to any further developments on coastal protection measures or fisheries infrastructure, until our outstanding capital deficits on these projects are addressed.

Cllr. S. Fitzgerald said he recently met Pascal Hayes and he made enquiries regarding funding for Maharees Pier as €500,000 was expended on it two years ago. Mr. Hayes informed him that Kerry County Council made no application for funding for these works. Kerry County Council have said that they cannot apply for funding until outstanding monies owed for coastal protection works is received. He expressed his surprise that funding is owed for Bunavalla Pier for approx. 5 years. He asked why the Department have not paid Kerry County Council for these works.

Mr. C. O'Sullivan said it is disingenuous of a Department official to say that Kerry County Council has not applied for funding. Notification of funding can be received as late as October and work must be complete by the end of November to enable the application for recoupment to be submitted to the Department in early December. The Department have not addressed the loan application for Inch coastal protection works. The funding outstanding for a number of works must be paid before any further works can be undertaken. In relation to Bunavalla there was a delay in getting approval and getting the works done. There were unforeseen ground conditions there and this resulted in additional costs and the Department refused to acknowledge they are responsible for the over runs.

Cllr. J. Finucane asked if a request for a meeting with the Minister should be considered.

3. Recoupment of expenditure on emergency coastal protection works

Pursuant to notice duly given Cllr. B. Griffin PROPOSED:

That Kerry County Council would call on the relevant Government Department to meet with a delegation from Kerry County Council with a view to reimbursing this Council with some or all of the €8.9 million expended on emergency coastal protection works at Inch and pier development works at Knightstown, Valentia.

The following report issued:

This is a matter for resolution by the members and I have set out the background to the funding of these projects below:-

The total cost of the works completed at Inch in 2007 was €3.91 million and the projected outturn for the pier development works at Knightstown is €5 million.

Inch Coastal Protection Works

In late 2006, following a survey of the coast at this location, it was noted that there was substantial erosion, after a period of high tides and on-shore winds. The Council had no option but to commence the installation of a rock armour sea defense, as there was an imminent risk of danger to road users. Applications were made to the Department of Environment, Heritage and Local Government and the Department of Communications, Marine and Natural Resources for funding, which outlined the emergency nature of the works.

The total cost of the works, completed in early 2007, was €3.91 million and the Roads Division of the Department of Environment, Heritage and Local Government provided grant aid of €945,000 in 2007, under the Specific Improvement Grant programme. However they advised that as these were essentially coastal protection works, the primary funding should be provided by the Department of Communications, Marine and Natural Resources. The Council made a number of representations to the Department for funding in 2007 but was informed that the Department had already allocated the limited funding available for other projects nationally.

Since 2007, the responsibility for Coastal Protection funding has transferred, firstly to the Department of Agriculture, Fisheries and Food, then the Department of the Environment, Heritage and Local Government and to the OPW since January 2009.

To date we have received €900,000 towards the works from the Department of Agriculture, Fisheries and Food, with a further €150,000 from the Department of Community Rural and Gaeltacht Affairs, under the “Joint Coastal Development Measure in CLÁR areas”.

In August 2009, the Council submitted an application for funding to the OPW for 4 schemes and this included the shortfall in funding for the works at Inch. The OPW only offered funding for one scheme, under this programme, on the Tralee – Fenit Road.

In February 2010, the Council made a further submission to the OPW for funding for the outstanding balance of monies at Inch but no funding was approved.

Under the various grant schemes for coastal protection measures, it is normal practice for the the local authority to provide 25% of the funding and at the June 2008 Ordinary meeting of Kerry County Council, the members unanimously agreed to approve the raising of a loan of €1m in respect of the Council's contribution towards the Inch Coastal protection works. The Council made an application to the Department of Communications, Marine and Natural Resources in July 2008, seeking the sanction of the Minister to our proposal. The Department did not respond favourably to the request at the time but it is proposed to make a further request in 2011, to the Department of Finance.

We are seeking the recovery of the balance of the funding of €915,000 from the OPW.

Knightstown Harbour

This project was initiated through a need to provide safe berthage for the Valentia Lifeboat, to allow it be launched in all weather and in all tidal conditions. Local fishermen had similar problems with launching in low tide.

Following initial discussions, a funding promise of €1 million from the former Department of Communications, Marine and Natural Resources, €1 million from the former Department of Community Rural & Gaeltacht Affairs and €0.5 million from the RNLI was given towards the project. A design for a floating breakwater was proposed, which would have involved dredging within the breakwater, and the lowest tender received for the project was €3.6 million.

However, difficulties were identified with dredging the Harbour due to its proximity to an EU Directives protected area. An analysis was undertaken to assess the costs of extending the harbour, which would allow us to overcome the issue of dredging and address the needs of the RNLI and local fishermen. The extended harbour also offers the potential for the development of a 220 berth marina, which would contribute to the sustainable development of the area. The revised tender cost for the extended harbour was €4.9 million.

Applications were submitted to the relevant Departments for an increase in funding from €1 million to €1,837,500, towards the cost of the project and favourable consideration was received from the Minister for Community Rural and Gaeltacht Affairs.

Following these discussions, it was agreed to proceed with the enlarged harbour at a total construction cost of € 4.9 million in June 2008. There are additional costs for license fees etc. which will bring the total funding requirement to €5 million.

The Council received €671,449 in funding, from the Department of Agriculture, Fisheries and Food, for the project in 2007. We also received a separate grant of €63,568 from the Department of the Marine and €63,567 from the Department of Community Rural and Gaeltacht Affairs in 2004, towards the initial feasibility study for the project. The RNLI have also increased their commitment to €750,000, which would be part of the local contribution, and the balance of the funding is to be provided by the Council.

Within the past week we have been advised that the Department of Community, Equality and the Gaeltacht is proposing to make a payment of approximately €950,000, before the end of the year. This will bring the total grant payments, to date, for the construction element of the project to €1.62 million (out of a commitment of €3.675 million).

As previously outlined to members, given the current economic climate and the demands on Councils own resources, we are not in a position to commit to any further developments on coastal protection measures or fisheries infrastructure, until our outstanding capital deficits on these projects are addressed.

Cllr. B. Griffin PROPOSED that an urgent meeting would be arranged with Minister Manseragh with a view to resolving this issue. He pointed out that work at Brandon Pier cannot proceed until this issue is resolved.

Cllr. J. Finucane SECONDED this proposal.

Cllr. S. Fitzgerald then moved Notice of Motion No. 36.

36. Deputation with Minister Carey to discuss the reconstruction of Brandon Pier

Pursuant to notice duly given Cllrs. S. Fitzgerald and M. O'Shea PROPOSED:

That a resolution be passed by Kerry County Council to ask that Minister Patrick Carey, Minister for Community, Equality & Gaeltacht Affairs meet a deputation from Dingle Electoral Area to discuss the reconstruction of Brandon Pier.

This is a matter for consideration by the members.

Cllr. S. Fitzgerald said there is no point in meeting the current Minister as it is likely there will be a new Government early in 2011.

Cllr. J. Finucane said it is important to set up a meeting with the Minister.

Cllr. B. Griffin suggested that a letter should issue to the relevant Minister calling on him to arrange payment of all outstanding monies to Kerry County Council.

This was agreed.

8. Amalgamation of VEC's

Pursuant to notice duly given Cllr. J. Brassil PROPOSED:

That Kerry County Council would call on the Minister for Education not to proceed with the amalgamation of the Kerry Education Service with the Limerick Education Service, that Kerry should remain as a stand alone Education Service.

This is a matter for consideration by the members.

Cllr. J. Brassil said the amalgamation of VEC's as proposed by the Minister for Education is not in line with the Carter report and does not make sense. The Limerick VEC's can amalgamate but the Kerry Education Service should be a stand alone entity as they have a proven track record and give good value for money.

Cllr. J. Finucane said Kerry Education Service employs in excess of 1,000 people including teachers and caretakers. There is no logical reason why Kerry should be amalgamated with Limerick and there are no efficiencies to be gained from it. It would be a retrograde step.

Cllr. A.J. Spring concurred with the views expressed by the two previous speakers but said the Minister is not listening to anyone.

Cllr. M. Moloney PROPOSED that a letter would issue to the Minister for Education calling on her to suspend a decision on this issue until after the election.

Cllr. A.J. Spring SECONDED this proposal and it was agreed.

10. Provision of pedestrian crossings at Rathmore

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:

To ask Kerry County Council to provide two zebra crossings at Rathmore Village. The type which are fitted with stop lights to stop traffic when pedestrians are using the crossing - particularly mothers with their children and the elderly, similar to the type that is successfully being used at the Grotto at Rock Road, Killarney. The crossings are required at the location of the community hall and credit union.

The following report issued:

Similar motions have been moved by Cllr's Gleeson, Moloney and Fleming at previous meetings of the Killarney Electoral Area Committee and the response given was as follows:- "This matter has been referred to the Road Design Office to examine the feasibility of constructing a pedestrian crossing on the N72 National Secondary Road at Rathmore. If the Design Office determines that a pedestrian crossing is warranted and can be safely constructed at this location then the funding of the work will be examined in the context of funding available in the National Secondary Road Maintenance Allocation" Members were also advised, at the meeting, that due to the lack of resources in our current budget and pressure to deliver the Roads Programme, we are not in a position to carry out a detailed survey at present. They were further advised that there has been a substantial reduction in funding for National Secondary Maintenance and it is unlikely that funding would be available for these works.

Cllr. J. Sheahan said he also wished to move Notice of Motion No. 24 as it is similar to No. 10.

24. Provision of traffic calming measures in Rathmore

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED: That Kerry County Council put traffic calming measures in place at Rathmore Village in order to slow down the traffic which is inclined to travel too fast through the village.

The following report issued:

This motion was previously moved at a Killarney Electoral Area meeting at which the members were advised that a proposal for Traffic Calming measures in Rathmore Village will be submitted to the National Roads Authority for consideration of funding under the 2010 Safety Remedial Measures Grant. A proposal for Traffic Calming measures in Rathmore Village was discussed with the Road Safety Officer of the National Roads Authority. However due to inadequate funding available and the necessity for improvements at other more dangerous locations, a Traffic Calming Scheme was not developed. The monitoring of speed on the roads is a function of the Garda Síochána. The N72 from Killarney towards Rathmore has been identified as a location of the new speed cameras. If it is felt that traffic is speeding through the village, then Kerry County Council can contact the Gardaí and can ask them to consider extending the speed camera location through the village.

Cllr. Sheahan said the residents of Rathmore are calling for the provision of these safety measures and they cannot understand why the works are not proceeding. The pedestrian crossing is urgently required before there is a fatality. Leader funding has been secured to carry out village improvement works and he asked that the pedestrian crossings and traffic calming measures would be provided at the same time as the village renewal works.

Cllr. M. Moloney **SECONDED** the motion and said the pedestrian crossing adjacent to the Bus Stop is essential.

Cllr. B. Cronin **SECONDED** Notice of Motion No. 24 and said the cross is very dangerous for families because of speed. This road is a major link to East Kerry from Mallow and he asked that these works would be given priority.

11. Financial support in 2011 for Kerry Life Education

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

That Kerry County Council continue to financially support in 2011 Kerry Life Education who assist 16,000 primary school children and 10,000 post primary students annually throughout Kerry.

The following report issued:

An application for funding has been received from Kerry Life Education together with applications from very many other agencies. They are being examined in the context of the preparation of the Council's Draft Budget for 2011. Pending completion of the Draft Budget and consideration and adoption by the Elected Council no commitments can be given to anybody on funding for 2011. Quite obviously the current very difficult economic climate is impacting on the Council's income sources and this will affect our opportunities for expenditure in the coming year.

Cllr. P. Connor-Scarteen asked when the 2011 Budget is being prepared consideration would be given to providing funding for Kerry Life Education as they provide an excellent service through their mobile learning service. They provide education on alcohol, substance misuse, exercise and general health and they hope to reach 10,000 students in 2011.

Cllr. B. Griffin **SECONDED** the motion and said this is a very progressive group.

12. Change in pensions and lump sums for senior civil servants

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

That this Council would call on the Government to immediately change the financial arrangements where senior civil servants are paid large pensions and lump sums on retirement, at a time when social welfare and disability payments will be reduced by 5% in the upcoming budget, with a total of 30% being taken off those recipients over the next four years.

This is a matter for consideration by the members.

Cllr. R. Beasley said he was referring to senior civil servants some of whom are on similar salaries to Ministers. It is proposed to reduce social welfare payments by up to 30% over the next four years and a pension of €50,000 is adequate for anyone. He called on all members to support his motion.

Cllr. B. Cronin SECONDED the motion and said he had serious concerns for the poorer people in our society whose social welfare payments are being reduced at a time when huge sums of money are being paid to management.

13. Change to the name of the 'Barrack Field' to the 'Mick O'Dwyer Park' in Waterville

Pursuant to notice duly given Cllr. P.J. Donovan PROPOSED:

Would Kerry County Council be in agreement to change the name of the field in Waterville known as the "Barrack Field" to the "Mick O'Dwyer Park". Kerry County Council have checked out the registered ownership of same field.

The following report issued:

This matter was discussed at the last Killorglin Electoral Area Meeting and the members unanimously agreed to the naming of the park after Mick O'Dwyer. I can confirm that Kerry County Council is the registered owner of all but a small area of the park. It is a matter for the members of Kerry County Council to decide to name the park after Mick O'Dwyer.

Cllr. P.J. Donovan PROPOSED that the Barrack Field be renamed 'The Mick O'Dwyer Park'.

Cllr. T. Ferris SECONDED this proposal and it was agreed.

14. Protection of Rural Post Offices and the Postal Service

Pursuant to notice duly given Cllr. T. Fleming PROPOSED:

That Kerry County Council request Mr. Eamon Ryan, Minister for Communications to protect rural post offices and the existing postal structures in the current review of postal services and proposals regarding liberalisation which, if introduced would have a huge detrimental effect on the survival of post offices and the postal network which in its existing format is most effective.

This is a matter for consideration by the members.

Cllr. T. Fleming said it is proposed to deregulate the postal service and this will be detrimental to the service. At present the lucrative areas are supporting the weaker areas. There are fears there will be job losses and that this proposal will accelerate the closure of many rural Post Offices. The present postal system is very effective and the Post Man is the only contact some people have in a day. He requested that his recommendation would be forwarded to Government for consideration.

15. Funding for emergency and temporary accommodation

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

To ask Kerry County Council's Housing Department to ensure that funding is maintained to provide emergency and temporary accommodation for unfortunate people and where these people would be able to provide a site by siting a demountable home.

The following report issued:

The Housing Department, through its Homeless Information Centre, continues to make available emergency short term accommodation to people who present as homeless in the county while establishing how best to meet their more long term housing need. This is largely met through the provision of emergency hostel accommodation provided by an approved housing body or emergency private B&B accommodation for a limited duration. In more rural areas of the county these options may not exist. In a limited number of circumstances, where an emergency need exists and where no other viable housing options having been considered are available, a demountable dwelling may be provided. It is not the intention of the Housing Department to curtail the availability of these emergency housing services where their necessity has been fully established in each case.

Cllr. D. Healy-Rae welcomed the report and said this is a very important service and it is important that it is maintained.

16. Payment of the Single Farm and Disadvantaged Area Payments

Pursuant to notice duly given Cllr. T. Buckley PROPOSED:

That Kerry County Council call on the Minister for Agriculture to release the delayed Single Farm and Disadvantaged Area Payments to farmers as soon as possible.

This is a matter for consideration by the members.

Cllr. T. Buckley said while a number of farmers received their payments recently some are still outstanding. He called on the Minister to take action to ensure that all remaining payments are made as soon as possible.

Cllr. J. Finucane SECONDED this motion.

18. Securing of 'Disadvantaged Status' for Kerry

Pursuant to notice duly given Cllr. A.J. Spring PROPOSED:

One of the major difficulties which Kerry has in attracting new business to the area is the fact that our European Region Status, that of the South West Region - is not considered a disadvantaged area. However, if considered in isolation of our regional partners Cork, Kerry would merit Disadvantaged Status. The crux of the matter is that Kerry would be able to provide start up grants for new businesses aspiring to locate in the County. At the moment Kerry is at a competitive disadvantage to areas such as the BMW region who have rightly so achieved Disadvantaged Status. I propose that Kerry County Council write to the EU's Committee of Regions in conjunction with our Department of the Taoiseach for the purpose of seeking an appropriate status to enable job creation in Kerry.

This is a matter for consideration by the members.

Cllr. A.J. Spring said that Kerry is at a disadvantage when it is linked to Cork and he believed the IDA is not advocating on our behalf as they are focussing on Cork. The Committee of the Regions and the Taoiseach can resolve this situation. The Committee of the Regions has indicated that they would consider establishing Kerry as a sub-region. He asked that a letter requesting this would be forwarded to the Taoiseach and the Committee of the Regions.

Cllr. J. Finucane said the fact that Kerry County Council adopted a Development Levy to fund the Tralee By-pass was a critical factor in securing funding for the Eastern By-pass.

Cllr. A.J. Spring agreed that the By-pass is required but said the levy is not a stimulus. If Kerry was established as a sub-region it would have enormous benefits for the county.

Cllr. T. Ferris said Kerry must get behind the Global Pharmaceuticals Company as this is the first real opportunity for job creation in Kerry.

19. Areas in Kerry that have a Public Sewerage Scheme

Pursuant to notice duly given Cllr. M. Moloney PROPOSED: That Kerry County Council would give details of what areas in Kerry have the facility of a Public Sewerage Scheme excluding towns and villages.

The following report issued:

It is difficult to provide an unambiguous reply to the Notice of Motion given the uncertain definition of a “village”. Therefore, for the sake of completeness and for the general information of members, the full list of public sewerage schemes in Co. Kerry is set out in the following table:

Public Sewerage Schemes in Co. Kerry by Population Equivalent (P.E.)				
<i>P.E. > 10,000</i>	<i>P.E: 2,001 – 10,000</i>	<i>P.E: 1,001 – 2,000</i>	<i>P.E: 500 – 1,000</i>	<i>P.E. < 500</i>
Killarney	An Daingean	Ardfert	Abbeydorney	An Clochán
Tralee	Ballybunion	Barraduff	Ballyduff	An Fheothanach
	Ballyheigue	Fenit	Ballylongford	An Mhuiríoch
	Caherciveen	Glenbeigh	Castlegregory	Annascaul
	Castleisland	Milltown	Fieries	Baile an Fhírtéaraigh
	Kenmare	Sneem	Knightstown	Baile na nGall
	Killorglin	Tarbert	Lixnaw	Ballinskelligs
	Listowel	Waterville	Rathmore	Brosna
				Castlemaine
				Causeway
				Ceann Trá
				Duagh
				Farranfore
				Gneeveguilla
				Kilfenora
				Kilflynn
				Kilgarvan
				Knocknagoshel
				Moyvane
				Portmagee
				Rossbeigh

Cllr. M. Moloney said those availing of the public water supply only are not getting the benefit of the reduction in the development levies. It is disingenuous to say there is a substantial reduction in development levies when it only applies to those who can connect to the public sewer.

Cllr. M. Cahill asked what implications for the 2011 programme will the Minister for Environment's statement have regarding the promotion of constructed wetlands.

In response Mr. O. Ring said there is an understanding in the Department that constructed wetlands have a lot to contribute in particular in smaller villages. Constructed wetlands require the wettest of lands and in the past there was difficulty in acquiring suitable land for this purpose.

Cllr. Cahill said there should be a huge cost saving in the use of constructed wetlands and he asked if additional schemes would then be funded.

Mr. Ring said no official notification has been received from the Department on this issue to-date.

20. Responsibility for the removal of shredded tyre parts on roads

Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

As there is an ever- increasing prevalence of shredded tyre parts on the roads that the Council would clarify if the owners/ drivers of the responsible vehicles have a legal obligation to collect and safely dispose of that unsightly and dangerous litter.

The following report issued:

The responsibility for the collection and safe disposal of this material rests with the owners/drivers of those vehicles responsible for depositing it on the roadway in the first instance. It would be classed as litter and would fall under the remit of the Litter Act. The understanding of the matter is that shredded tyre parts arise in two instances, one being a blow out scenario and the other being the stripping or carpeting of a reconstituted or re-moulded commercial tyre. In either case it is felt that if and when a truck driver notices either of the two events having occurred, the vehicle has travelled some distance from the location where the failure occurred before it can be brought to a halt. It is very unlikely that the vehicle will be turned around to allow collection of the debris. Equally it would be highly unlikely that a successful prosecution could be brought against any driver/vehicle owner. And it remains that the clearance of such material from the public road falls to the Local Authority and is part of normal maintenance.

Cllr. M. Gleeson said this is a relatively new phenomenon but he has seen many instances of it on the new dual carriageway near Portlaoise. It is unsightly and puts the responsibility and cost on the local authority to remove this debris. The driver responsible should remove this debris.

Mr. C. O'Sullivan, Director of Roads said private contractors have responsibility for the maintenance of motorways.

21. Funding for traffic calming, pedestrian crossing and road re-surfacing of the main Fossa Road.

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:
To again, request the N.R.A. to provide funding for traffic calming, pedestrian crossing and road re-surfacing of the main Fossa road.

The following report issued:

This motion was previously moved at a Killarney Electoral Area meeting in November 2008 and the members were advised that a submission had been made to the National Roads Authority requesting an allocation in 2009 for a Traffic Calming Scheme on the N72 National Secondary Road in Fossa. It was also agreed that if sufficient funding was received, the provision of a pedestrian crossing at this location would be examined as part of the detailed design. €25,000 in funding was received in 2009 and a further €10,000 was received in 2010 under the National Secondary Road Safety Programme. These allocations were for the design of the scheme only. The total estimated cost for the complete traffic calming scheme at Fossa, including improvements to drainage, is €600,000, and a submission has been made for funding in 2011.

Cllr. B. Cronin said this section of road is extremely busy with a Parish Church, National School, busy Caravan Park, guesthouses, shops etc. There is also a problem with flooding on this section of road. The provision of a pedestrian crossing is vital. He acknowledged the allocation secured for improvements to this road in 2009 and 2010. It is very important that the safety issue involved at this location is highlighted to the NRA. There has also been a difficulty with poor water pressure in this area from the Golden Nugget to Beaufort and he would pursue this issue until it is resolved. He acknowledged the improvements carried out at the Golden Nugget and said it shows how improvements can be made. When the snow and ice thaws there will be a major flooding problem in this area.

Cllr. M. Moloney **SECONDED** the motion.

Suspension of Standing Orders

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

On the **PROPOSAL** of Cllr. M. Cahill, **SECONDED** by Cllr. T. Fleming it was agreed to suspend Standing Orders to allow the meeting to continue.

22. Traffic Management Plan for Killorglin

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:
That Kerry County Council would address the major traffic problems in Killorglin town by carrying out a traffic management plan as a matter of urgency.

The following report issued:

The subject of this motion was extensively discussed at the Killorglin Area Meeting on December 3rd last. The reply given is as follows: “The management of traffic in Killorglin is being dealt with on an ongoing basis and over the past number of years a number of improvements have been made on the road network including the construction of a roundabout at the Mill Road/ Sunhill Road/ Iveragh Road/ junction, changing the priority at the Main Street/Langford Street junction and the creation of wider lanes and improvements to the pedestrian crossing on Mill Road. However congestion still occurs on the approach roads to the town particularly during the months of July and August, with the N70 Iveragh Road generally being the worst affected. The solution to the traffic congestion issues in Killorglin can only be addressed satisfactorily by the provision of additional road infrastructure and routes have been identified for an Inner Relief Road between the Iveragh Road and the Caragh Lake Road and also for an external Bypass of the town. However, given the present economic situation it is unlikely that the bypass will receive significant funding from the NRA in the short to medium term. It is expected that the development of the Relief Road will require at least part funding by the NRA under the Regional and Local Road Specific Improvement Grant. The introduction of a Roads Levy in the Councils Development Contribution Scheme would also greatly assist in the development of this type of infrastructure within the County”.

Cllr. M. Cahill said that Killorglin and in particular Iveragh Road is a bottle neck. He accepted that it is unlikely that funding for a By-pass will be provided in the current economic circumstances. However he asked that consideration would be given to preparing a Traffic Management Plan for Killorglin and that the view of locals and business people would be invited. Boyle's yard is now vacant and this should be considered. He welcomed the proposed works for Iveragh Road which will make the exits from the housing estates safe. He asked that consideration would be given to the provision of a pedestrian crossing on the Killarney side of Laune Bridge. Many of the residents at Laune Estate are elderly and find it difficult to cross the road. He also asked that additional car parking would be provided.

Cllr. P. Connor-Scarteen supported the motion and said there is huge congestion coming into Killorglin in the summer. Laune Bridge is the only access to South Kerry and there is severe congestion in Langford Street and Iveragh Road.

25. Tourism Strategy for the Future

Pursuant to notice duly given Cllr. P. Connor-Scarteen PROPOSED: That Kerry County Council calls upon the boards of All Kerry Tourism and Failte Kerry to meet shortly to discuss their strategy for the future and co-operate and assist each other for the benefit of tourism in the County.

The following report issued:

“All Kerry Tourism (AKT) was set-up in December 2009, to promote Kerry as the premier tourist destination. A steering committee of 18 people representing tourism and community groups with a countywide geographical spread was set-up. This AKT body will be working closely with all tourism operators to develop their product and to market it on a cluster basis. The Kerry Tourism Forum was set-up by Failte Ireland specifically to deal with tourism issues in Kerry. Prior to this, Kerry was part of Failte Ireland South West, representing both Cork & Kerry. The Kerry Tourism Forum has only recently been set-up and its first task is to produce a Tourism Strategy for Kerry, which it hopes to be in place by end of January 2011. These are 3 members of the All Kerry Tourism Steering Group on the board of the Kerry Tourism Forum. This will facilitate both co-operation and information flow between the two bodies. The links between the two bodies will be developed further in 2011”

Cllr. P. Connor-Scarteen welcomed the co-operation between these two organisations. He also welcomed the fact that three members of the All Kerry Tourism Steering Group are on the board of the Kerry Tourism Forum. There is an urgent need to establish one good website for the county. He also welcomed proposals to market Kerry at the airports that offer flights into Kerry. He also supported the suggestion that school tours should remain in the county.

27. Pedestrian crossing in Rathmore

Pursuant to notice duly given Cllr. T. Fleming PROPOSED: That Kerry County Council cooperate with regarding the need for pedestrian access via the graveyard from Holy Family School, Rathmore to the Church and Teach Iosagain Centre in the interest of health and safety of the school pupils.

The following report issued:

It is the Council's intention that a pedestrian access from the Holy Family National School, through the Council's land and cemetery, to the Church area will be provided.

The pedestrian right of way will be of benefit to all the community.

Cllr. T. Fleming welcomed the report.

Cllr. D. Healy-Rae also welcomed the report.

Cllr. M. Moloney said that the land for the graveyard is included in the Folio for the school and she asked that this would be rectified through the County Solicitors Office.

28. Extension to St. Anne's Hospital, Caherciveen.

Pursuant to notice duly given Cllr. P.J. Donovan PROPOSED: What reply did Kerry County Council get from Ms. Mary Harney, Minister for Health, regarding the extension to St. Anne's Hospital, Caherciveen.

Mr. G. O'Brien said Minister Harney's reply indicated that our letter was referred to the HSE for reply.

Cllr. P.J. Donovan said that initially HIQUA recommended that ten beds would be removed from St. Anne's Hospital and then that number was increased to twelve and now to fifteen. He asked that a letter would again be sent to Minister Harney seeking funding for an extension to this hospital to provide for the reinstatement of the beds previously removed.

Cllr. M. Cahill supported the motion and said what is happening is a disgrace. The same happened at Kerry Community Hospital and these issues should have been resolved at the planning stage. St. Anne's Hospital serves a huge area very well and he welcomed the investment of €250,000 in the hospital. Mr. M. Fitzgerald, Manager of Community Care in Kerry says the future of St. Anne's Hospital, Caherciveen is safe. Cllr. Cahill called on the HSE to provide funding to allow the fifteen beds to be re-instated.

29. Provision of signage indicating Castleisland Town at the Limerick Roundabout

Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:
To again ask the NRA to erect signage indicating Castleisland Town at Limerick Roundabout - this signage should also indicate 'services' available as is shown in any other bypass road in the Country.

The following report issued:

This motion was previously moved at the most recent Killarney Electoral Area meeting, on the 10th November 2010 and the following response was given:-

"As part of the development of a Major Road Scheme, designers must carry out Road Safety Audits on the proposed scheme. Part of the audit process involves examining the characteristics and accident history of the existing road.

In 2008, two Road Safety Audits (Stage F and Stage 1) were carried out on the preliminary design of N21 Castleisland Bypass Road Improvement Scheme. Both audits identified the following problem and resulting hazard at Limerick Road Roundabout:

The provision of the proposed roundabout will promote a main access to Castleisland Town via a long section of the old N21. This will result in a substantial volume of traffic accessing a very long section of the 'old' N21 which has a high frequency of direct accesses coupled with a poor standard horizontal alignment.

In both Road Safety Reports the Auditors recommendation was as follows:

It is recommended that the 'old' N21 at this junction be signposted for Local Traffic only and that the main access to the town be via the N21 Tralee Road Roundabout and along a shorter and high quality approach to the town.

Designers are required to comply with the NRA Traffic Signs Approvals Procedure when devising the Scheme Signage Strategy. The above Safety Audit recommendations were taken into consideration when the Signage Strategy for the scheme was prepared. In response to a submission made under Phase A of the Signage Strategy Approval Procedure the National Roads Authority recommended that the destination “Local Traffic Only” should be replaced by the Road Number and Townland on the existing N21.

The current signage directs traffic to Castleisland town along the safer route without increasing journey times. It complies with the Road Safety Audit Requirements and the NRA Traffic Signs Approval Procedure and any proposals to vary the current provisions should comply with the Road Safety Audit Recommendations referred to above”.

Following discussions arising from this motion, the Council has agreed to re-examine the issue to determine if appropriate signage could be provided, which does not compromise the findings in the road safety audits. The results of this will be advised to the members at the next Area meeting.

Cllr. D. Healy-Rae welcomed the report and the fact that the Council has agreed to re-examine this issue. Traders in the town are very disappointed no signage for the town or its services is provided at the Limerick Road roundabout and they consider this very unfair. Traffic travelling from Limerick will not go into Castleisland when the By-Pass brings it onto the Tralee side of the town. He said the safety audit is being used as an excuse for not providing this sign. All traffic travelled that road until the By-Pass was opened. In conclusion he called for a positive response to his motion.

Cllr. T. Fleming **SECONDED** the motion and said that common sense should apply. In all By-Passes the town centre is indicated and this should also apply to Castleisland.

31. Zoning of suitable industrial areas in Tralee

Pursuant to notice duly given Cllr. A.J. Spring PROPOSED: Due to the IDA's observations that Tralee's industrial zones are deemed "unsuitable" to attract new businesses, I propose that Kerry County Council consider re-examining the development plan with the assistance of the IDA in an effort to eliminate any potential barriers to economic growth.

The following reply issued:

The Tralee / Killarney Hub Settlements Local Area Plan will be reviewed within the next 12 months and full discussions with the I.D.A. will take place at that stage.

Cllr. A.J. Spring said it is not just the IDA who considers the industrial site in Tralee to be unsuitable. When prospective developers are shown the industrial estate in Monavalley they think it is unsuitable. With the development of the Tralee By-Pass it is essential to locate business parks at good locations nearby.

Cllr. J. Finucane said this could be achieved with the review of the Tralee/Killarney Hub Local Area Plan. The Hub was not successful and in any review of this plan Tralee must be treated as a town in its own right.

32. Introduction of Fuel Vouchers

Pursuant to notice duly given Cllr. M. Moloney PROPOSED: That in light of the recent freezing weather that Kerry County Council would write to the Minister for Social Welfare and the Minister for Finance to introduce the fuel vouchers for people who are now financially struggling to heat their homes due to the extraordinary cold weather and the increased cost of fuel and electricity. This measure was promised last year but never materialised.

This is a matter for consideration by the members.

Cllr. M. Moloney said it cost €40 for two bags of coal and there are very strict income limits for the fuel allowance. With the very low temperatures the cost of heating a home is enormous. The Christmas Bonus for social welfare recipients was abolished and many families are in difficulty. She requested that the motion would be referred to the Ministers for Social Welfare and Finance asking them to increase the fuel allowance to €100.

Cllr. A.J.Spring **SECONDED** the motion.

33. Anti Social Behaviour at playgrounds

Pursuant to notice duly given Cllrs. M. Cahill and T. Fleming PROPOSED: That Kerry County Council address the anti social behaviour issues related to the public playground in Killorglin by entering into an arrangement whereby the playground is locked every night and reopened each morning.

The following report issued:

“The playground located adjacent to the civic centre at Railway Place, Killorglin operates similar to all other playgrounds in County Kerry. As members are aware, all of our public playgrounds are operated in accordance with the playground bye-laws which were adopted by Council. These bye-laws provide that playgrounds are not locked and

re-enforce that they are provided at well located, suitable and safe play areas for children, whom at all times must be accompanied by an adult. If anti-social behaviour is occurring in the playground as outlined, we can examine the possibility of some interventions in discussions with the local Gardaí to alleviate this behaviour”

Cllr. M. Cahill said this issue is ongoing for some time. He was contacted by parents, teachers, business people etc. regarding this problem. Bottles and litter are strewn all over the playground and it is an area out of sight behind another building. He suggested that the playground should be locked by night and one of the committee members could take responsibility for the key.

Cllr. T. Fleming **SECONDED** the motion and asked that the policy in relation to the locking of playgrounds would be reviewed.

Cllr. J. Brassil said this is an issue all over the county. The Play Policy should be reviewed either by the Housing SPC or by the CPG as it is not working. It can be resolved if a member of the committee takes responsibility for opening and closing of the playground morning and evening.

It was agreed that the Play Policy would be referred to the Housing SPC to be reviewed in the light of problems outlined by members.

34. Garda vetting for employment

Pursuant to notice duly given Cllrs. D. Healy-Rae and M. Healy-Rae PROPOSED:

That we the members of Kerry County Council highlight to young people the importance of not coming to the attention of Gardaí or Courts as any indiscretion may come against them in gaining employment in areas where Garda vetting is a requirement.

This is a matter for consideration by the members.

Cllr. D. Healy-Rae said if young people come to the attention of the Gardaí it can deprive them of career prospects. Members should try to highlight this. Garda vetting applies to most jobs now and many young people do not realise this.

35. Introduction of an equitable system of rates for hotel and guesthouse sector.

Pursuant to notice duly given Cllrs. J. Finucane and B. Griffin PROPOSED:

That Kerry County Council would call on the Government to introduce an equitable system of rates for the hotel and guesthouse sector, where calculations would be based on occupancy rates/bed nights rather than the crude system which is currently strangling many operators in Kerry and throughout Ireland.

The following report issued:

Any review of the rates system would need to be based on an examination of the Valuation System which is set out in legislation. It would be important that the review would relate to all sectors subject to rates and that the income to local authorities be protected in view of the importance of rates as a substantial local income source.

Cllr. J. Finucane said this system is used in the US and many hotels only have 40% occupancy. The tourism industry is a critical industry for Kerry and the measure he outlined is in recognition of this.

Cllr. B. Griffin said the tourism industry is recognised as the best means of recovery in Kerry. At a recent meeting with the Killarney Hotels Federation they expressed their concern at the level of rates they have to pay and many of them feel they are being overcharged. They said they did not object to paying rates when the economy was booming but rates should be reduced now. He PROPOSED that in the 2011 Budget a substantial reduction would be considered for ratepayers in the tourism sector. He also PROPOSED that those involved in tourism in Kerry would be given a grant of 10 to 15% of the value of their rates to market their business.

Mr. J. O'Connor, Head of Finance, informed the meeting that there cannot be favourable treatment for any one sector. The hotel and hospitality sector is one of the big drivers for Council services ie water, waste water, beach cleaning, street cleaning etc. The Council is making a substantial contribution in this area. He made it clear to members that Cllr. Griffin's proposal will not be contained in the Budget.

Cllr. B. Griffin said he was seeking acknowledgement of the potential of the tourism sector to get us out of this recession and to allow those involved to market themselves abroad.

Cllr. P. McCarthy asked if it is the Valuations Office that provides the valuations and the local authority only collects rates.

Mr. J. O'Connor confirmed that this is the case. He accepted the spirit of the motion but said the Council must protect its income. He again stated that in the three local authorities where the review of valuations has taken place a number of premises got increased valuations.

37. Implementation of the full PSO contract for the Kerry-Dublin route.

Pursuant to notice duly given Cllrs. M. Moloney and A.J. Spring PROPOSED:

We propose that Kerry County Council recommend to the Department of Transport that the full PSO contract for the Kerry - Dublin route be implemented in full.

This is a matter for consideration by the members.

Cllrs. A.J. Spring said there are 150 jobs at stake at Kerry Airport but the Minister has not re-instated the PSO or renegotiated the contract with Ryanair. Kerry Airport does not receive a subsidy and it provides €2m in taxes to the Exchequer each year. He emphasised the need to have the PSO reinstated otherwise jobs will be lost.

Cllr. Moloney said it is vital that the future of Kerry Airport is secured. She asked that a letter would be sent to the Minister for Transport outlining the views of members.

10.12.20.17 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. P. Connor-Scarteen it was agreed to authorise the attendance of Cllrs. Brassil and Cronin at the TJK Conferences Ltd. Economic Conference for Councillors on the theme "The Role of State Institutions & Law Reform in Promoting Ireland's Economic Future" to be held in Thomond Park Stadium, Limerick on 28 and 29 January, 2011.

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

- (b) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. P.J. Donovan it was agreed to authorise the attendance of Cllrs. Cronin and Fleming at the AMAI Spring Seminar 2011 to be held in Bantry, Co. Cork on the 11 & 12 February 2011.

Cllr. B. Cronin was nominated to report back to Council on this Seminar.

- (c) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. T. Fleming it was agreed to authorise the attendance of Cllrs. O'Connell, Buckley, Brassil, Leahy, McCarthy and Donovan at the 22nd Colmcille Winter School on the theme "The Future of the Irish Education System" to be held in the Colmcille Heritage Centre, Gartan, Churchill, Co. Donegal on the 25 and 26 February, 2011.

Cllr. Buckley was nominated to report back to Council on this Winter School.

10.12.20.18 Correspondence General

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

1. Letter dated 9 November, 2010 from the Office of the Minister for Communications, Energy and Natural Resources regarding the PSO Levy.
2. Letter dated 24 November 2010 from Deputy Jackie Healy-Rae regarding a decision by the NRA in relation to the procurement of works and changes to guidelines on the chargeability of expenditure on grants.
3. Letter dated 1 December 2010 from the Office of the Minister for Transport regarding the oil spillage in the Gulf of Mexico.
4. Letter dated 3 December 2010 from the HSE regarding the construction of a new hospital in Kenmare.
5. Letter dated 8 December 2010 from the Minister for Health and Children regarding the provision of funding for an extension to St. Anne's Hospital, Caherciveen.
6. Letter dated 6 December 2010 from the Office of the Minister for Finance regarding Budget cuts for the disadvantaged.
7. Letter dated 7 December 2010 from the Minister for Tourism, Culture and Sport regarding the National Campaign for the Arts.
8. Letter dated 13 December 2010 from Deputy Jackie Healy-Rae regarding the changes to guidelines on the chargeability of expenditure on grants.

9. Letter dated 13 December 2010 from the Office of the Minister for Environment, Heritage and Local Government regarding voting by Irish citizens living abroad.
10. Letter dated 4 November 2010 from Monaghan Town Council regarding a resolution adopted by that authority calling on the Government to address the plight of the self-employed who are now unemployed.
11. Letter dated 9 November 2010 from Carrick on Suir Town Council regarding a resolution adopted by that authority calling for a review of the powers of HIQA.
12. Letter dated 10 November 2010 from Offaly County Council regarding a resolution adopted by that authority calling for the introduction of a rain water harvesting grants scheme.
13. Letter dated 10 November 2010 from Offaly County Council regarding a resolution adopted by that authority calling on the Government to implement a new scheme for Medical Cards for people who are diagnosed with cancer.
14. Letter dated 10 November 2010 from Offaly County Council regarding a resolution adopted by that authority regarding the proposed ESB increases.
15. Letter dated 25 November 2010 from North Tipperary County Council regarding a resolution adopted by that authority calling for the amalgamation of Joint Policing Committees in a County.
16. Letter dated 25 November, 2010 from Monaghan Town Council regarding a resolution adopted by that authority calling for an increase in the fuel allowance.

Votes of Sympathy

- (a) Cllrs. D. Healy-Rae, M. Healy-Rae and M. Moloney proposed that a vote of sympathy would be extended to the family of the late Neil Fleming.
- (b) Cllrs. M. Healy-Rae, D. Healy-Rae, M. Moloney and M. Gleeson proposed that a vote of sympathy would be extended to the family of the late Christopher Coffey.
- (c) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Dan Daly.
- (d) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Margaret Healy.

- (e) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Norah Hyde.
- (f) Cllrs. D. Healy-Rae and M. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Peggy Kelliher.
- (g) Cllrs. M. Gleeson and M. Moloney proposed that a vote of sympathy would be extended to the family of the late Con Randles.
- (h) Cllrs. M. Gleeson and M. Moloney proposed that a vote of sympathy would be extended to the family of the late Bridie Cahill.
- (i) Cllrs. M. Moloney and M. Gleeson proposed that a vote of sympathy would be extended to the family of the late Noreen Whealan.
- (j) Cllrs. M. Moloney and M. Gleeson proposed that a vote of sympathy would be extended to the family of the late Neil Fleming.

The Mayor wished all Councillors, officials and the Press a very Happy Christmas.

The meeting concluded at 2.20pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry