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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,
21 MARCH, 2011**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN, 21 MÁRTA, 2011**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	J.J. Culloty
B. Cronin	P.J. Donovan	T. Ferris
S. Fitzgerald	N. Foley	M. Gleeson
M. Griffin	D. Healy-Rae	J. Healy-Rae
P. McCarthy	A. McEllistrim	T. O'Brien
B. O'Connell	M. O'Shea	L. Purtill
J. Sheahan	G. Wharton-Slattery	

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. C. O'Sullivan, Dir. of Roads
Mr. T. Sheehy, A/Dir Water & Env Servs	Mr. L. Quinlan, A/Dir Hsg & Comm & Ent
Mr. P. Stack, A/Director of Planning	Ms. A. McAllen, Fin. Mgmt. Acct.
Mr. G. O'Brien, Meetings Adminr.	Mr. P. Corkery, Press & Comm.
Ms. D. Griffin, SO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs
Ms. T. Keane, CO Corporate Affairs	Mr. B. Looney, Head of IT
Ms. J. McCarthy, SEO Planning	Mr. J. Kennelly, A/SE Water Services
Ms. H. Switzer, AO Environment	Mr. L. Brosnan, AO Planning

The meeting commenced at 10.40 a.m.

Due to the unavailability of Mayor P. Leahy and Deputy Mayor M. Moloney and as approved by the members at the special meeting of Kerry County Council held on 14th March, 2011, Cllr. T. Ferris PROPOSED Cllr. T. O'Brien as chairperson for the March Ordinary Meeting.

Cllr. N. Foley SECONDED this proposal.

Chairman T. O'Brien took the Chair and welcomed everyone to the meeting.

Visit of President Obama to Ireland

Cllr. P.J. Donovan congratulated Taoiseach Enda Kenny on securing the visit of US President Obama to Ireland. He PROPOSED that Kerry be included on President Obama's itinerary as this would provide a boost to the tourism economy of the county.

Cllr. D. Healy-Rae SECONDED this proposal

11.03.21.01 Mayor's Report on CPG Meeting held on 15th March, 2011

Cllr. P. McCarthy read the following report into the record of the meeting.

Item 1 Agenda for the March Council Meeting

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

With regard to Item No. 13, Manager's Report on submissions received to the Kerry County Council Draft Development Contribution Scheme 2011, Mr. P. Stack, Acting Director of Planning, outlined that the draft Scheme was on public display with a closing date for submissions of 31st January, 2011. A detailed report is being presented to the March Council meeting.

With regard to Item No. 16, Request for Investment in respect of the Cork-Swansea Ferry Service, Mr. J. O'Connor, Head of Finance, outlined that a request has been received from the operators of the ferry service. A detailed report is being presented to the March Council meeting. The CPG indicated their support for this investment.

Item 2 County Development Board Update

Ms. S. Griffin, Community/Voluntary Sector Involvement Facilitator, outlined that a meeting of the County Development Board was held on Friday, 11th March in the Council Chambers, County Buildings. The Board has decided to hold its meetings in premises owned by Member Authorities as a cost saving measure.

There was a high attendance at this meeting which considered the following matters:

- Review of CDB Structures and Operations based on the findings of the review of Kerry CDB carried out by Mr. Seán Ó Riordáin.
- Guidelines on the operation of the Executive Committee.
- Presentation from Mr. James Conway, Department of Agriculture on the Harvest 2020 Agriculture Strategy.
- Presentation from County Manager on operation of KEAT.
- Presentation from Ms. Fiona Buckley of Fáilte Ireland on tourism challenges.

Discussion groups formed part of the meeting where groups considered the Boards previous priorities and, in light of the present economic cycle, whether these priorities needed to be updated particularly in the areas of:-

- Economic Activity
- Agriculture and Aquaculture
- Tourism

Following discussion on these topics it was agreed to summarise the detail and for the Executive Committee to consider how the Board may action the new priorities.

Following the board meeting, the monthly meeting of the CDB Executive convened and discussed the future work programme and agenda for the next CDB meeting.

Item 3 Update from Chairs of SPCs

Cllr. P. McCarthy outlined that his report from the Planning SPC will be presented to the March Council Meeting.

It was noted that a report from the Environment SPC will be presented to the April Council meeting.

Item 4 Corporate Plan Review

Mr. J.D. Flynn, Director of Corporate Services, outlined that a review of the Corporate Plan 2009-2014 is due. This review of the Key Directorate Objectives should be undertaken by the Strategic Policy Committees and reported on to the CPG. The review will be listed as an agenda item for each of the next SPC meetings.

Item 5 Mobile Phones in the Council Chamber

Cllr. P. McCarthy said the Mayor clearly outlined the position regarding mobile phones in the Council Chamber at the meeting held on 14th March. All mobile phones are to be switched to silent and calls should not be answered in the Council Chamber. The CPG reiterates this position.

Item 6 Civic/Mayoral Receptions

CPG members agreed to host a Civic Reception to honour the success of the St. Mary's Football Team, Caherciveen, in the Junior All-Ireland Football Final 2010.

Chairman T. O'Brien referred to Item 5 of the report regarding 'Mobile Phones in the Council Chamber' and said the use of mobile phones must be discussed. Standing Orders state clearly that mobile phones shall not be used in the Council Chamber at any time.

Cllr. T. Ferris PROPOSED that all phones be on silent mode and if elected members have to take an emergency or important calls they can move outside the Council Chamber. If this rule is flouted a financial fine could be imposed and the money given to charity or the elected member should leave the Council Chamber for a period of time.

Cllr. M. Gleeson SECONDED this proposal. Elected members attend Council meetings once a month and it is incumbent on us to concentrate on the business of the meeting. Phones are a distraction and discourtesy. He said it would be appropriate that elected members flouting the mobile phone rule leave the Chamber for 10 minutes as was previously enforced.

Cllr. J. Brassil supported this proposal. He said at a recent Civic Reception a phone rang three times during the speech and it was embarrassing. This must be avoided out of respect for the Chamber and visitors to the Chamber.

Chairman T. O'Brien asked if members agreed that the elected member should leave the Council Chamber for 10 minutes.

Cllr. N. Foley supported this proposal.

Cllr. B. Cronin supported this proposal and said it was dealt with previously in an appropriate and fair manner by Cllr. Ferris when she was Mayor. Council is dealing with very important business. Use of mobile phones at a meeting shows a lack of respect to a meeting and is a poor reflection on elected members. If the 10 minute period is not adhered to a substantial donation to a charity should be imposed.

Cllr. P. McCarthy supported the proposal and added that a member of staff is taking minutes at meetings and it is difficult to record minutes when there are diversions. It is important from this respect also that mobile phones be on silent mode.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. M. Gleeson, it was unanimously agreed that should an elected member's mobile phone ring they are to leave the Council Chamber for a period of 10 minutes.

11.03.21.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. N. Foley, it was resolved that the Minutes of the Special Meeting of Kerry County Council held on 11th February, 2011, be confirmed.
- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin, it was resolved that the Minutes of the February Ordinary Meeting of Kerry County Council held on 21st February, 2011, be confirmed

11.03.21.03 Filling of Casual Vacancy following the election of Deputy Tom Fleming to Dáil Éireann

Chairman T. O'Brien said nominations will be accepted for the four casual vacancies and the co-opted members will then be invited to take their seats.

Mr. G. O'Brien, Meetings Administrator, said all the relevant paperwork has been received and in order from a procedural point of view.

Chairman T. O'Brien called for nominations for the filling of the casual vacancy on the Council following the election of Deputy Tom Fleming to Dáil Éireann in accordance with Section 19 of the Local Government Act 2001 and Kerry County Council Standing Orders.

Cllr. J. Brassil said it gave him great pleasure to nominate Mr. John Joe Culloty, Knocknaskeha, Killarney. John Joe is a native of Currow and an active member of the community. He welcomed John Joe's family to the Council Chamber and wished him every success as an elected member of Kerry County Council.

Cllr. N. Foley SECONDED this proposal.

Chairman T. O'Brien declared Cllr. John Joe Culloty co-opted to fill the casual vacancy on the Council following the election of Deputy Tom Fleming to Dáil Éireann.

11.03.21.04 Filling of Casual Vacancy following the election of Deputy Brendan Griffin to Dáil Éireann

Chairman T. O'Brien called for nominations for the filling of the casual vacancy on the Council following the election of Deputy Brendan Griffin to Dáil Éireann in accordance with Section 19 of the Local Government Act 2001 and Kerry County Council Standing Orders.

Dúirt Comh. S. Mac Gearailt gurb mór an onóir dó Matthew Ó Gríofa, Ard Cánachta, An Chill, Caisleán na Mainge a ainmniú. D'fháiltigh sé roimhe agus a chlann go dtí Seomraí na Comhairle agus ghuí sé gach rath air mar bhall tofa ar Chomhairle Contae Chiarraí.

Cllr. S. Fitzgerald said it gives him great honour to nominate Matthew Griffin, Ardcanought, Keel, Castlemaine. He welcomed Matthew and his family to the Council Chamber and wished him well as an elected member of Kerry County Council.

Cllr. B. O'Connell SECONDED this proposal.

Chairman T. O'Brien declared Cllr. Matt Griffin co-opted to fill the casual vacancy on the Council following the election of Deputy Brendan Griffin to Dáil Éireann.

11.03.21.05 Filling of Casual Vacancy following the election of Deputy Michael Healy-Rae to Dáil Éireann

Chairman T. O'Brien called for nominations for the filling of the casual vacancy on the Council following the election of Deputy Michael Healy-Rae to Dáil Éireann in accordance with Section 19 of the Local Government Act 2001 and Kerry County Council Standing Orders.

Cllr. D. Healy-Rae PROPOSED Johnny Healy-Rae, Main Street, Kilgarvan, to fill this vacancy. He said Johnny, as his son, knows what is involved in being an elected member. He is capable and able to represent the Killorglin Electoral Area. This vacancy arose from the election of Deputy Michael Healy-Rae to Dáil Éireann. Michael served the Killorglin Electoral Area for the last 12-13 years. As Director of Elections Michael helped Jackie Healy-Rae secure a seat in Dáil Éireann. He said Michael was a great help to him when he became a member of Kerry County Council in 2003. Michael richly deserves to represent the people of South Kerry in Dáil Éireann. He thanked the Healy-Rae campaign supporters, workers and families. Without Jackie Healy-Rae we would not be here as members of Kerry County Council and Dáil Éireann. In 1973 Jackie was co-opted and was an extremely hard worker. He was honest with people and let them know where they stood. If they were entitled to something he told them and if they were not entitled to something he told them. He said he is grateful and proud of what Jackie Healy-Rae did for the people of Kerry. Whatever the issues the Healy-Raes will continue to work diligently for the people in our constituency.

Cllr. T. Ferris SECONDED this proposal and said it was a great pleasure to have been asked to support the co-option of Johnny Healy-Rae. She said she has immense respect for Deputy Michael Healy-Rae. She said anytime she had a disagreement with Michael in the Chamber it was left in the Chamber afterwards. You always knew where you stood with Michael Healy-Rae. It is great to see a second father and son team in the Chamber. There was Jackie Healy-Rae and Michael Healy-Rae and now Danny Healy-Rae and Johnny Healy-Rae. She said she is sure Johnny will serve his constituency well as there is a high level of commitment from the Healy-Raes. She said she is also delighted that there is another young member in the Council Chamber. There is a huge workload and level of commitment required which you Johnny is aware of. She wished Michael Healy-Rae the best in the future. She congratulated Johnny Healy-Rae and the Healy-Rae family.

Chairman T. O'Brien declared Cllr. Johnny Healy-Rae co-opted to fill the casual vacancy on the Council following the election of Deputy Michael Healy-Rae to Dáil Éireann.

Chairman T. O'Brien welcomed Deputies Tom Fleming, Brendan Griffin and Michael Healy-Rae and former Deputy Jackie Healy-Rae to the Council Chamber.

11.03.21.06 Filling of Casual Vacancy following the election of Deputy Arthur Spring to Dáil Éireann

Chairman T. O'Brien called for nominations for the filling of the casual vacancy on the Council following the election of Deputy Arthur J. Spring to Dáil Éireann in accordance with Section 19 of the Local Government Act 2001 and Kerry County Council standing orders.

March Ordinary Meeting 2011

Chairman T. O'Brien PROPOSED that Gillian Wharton-Slattery fill this seat vacated by Deputy Arthur J. Spring. He said he has worked with Gillian as Mayor of Tralee and her work ethic is tremendous. He said he was delighted to nominate her for this casual vacancy.

Cllr. B. O'Connell SECONDED this proposal.

Chairman T. O'Brien declared Cllr. Gillian Wharton-Slattery co-opted to fill the casual vacancy on the Council following the election of Deputy Arthur J. Spring to Dáil Éireann.

Chairman T. O'Brien said the four casual vacancies have been filled and he invited the newly elected members to take their seats.

Cllr. John Joe Culloty, Cllr. Matt Griffin, Cllr. Johnny Healy-Rae and Cllr. Gillian Wharton-Slattery took their seats.

On behalf of all elected members Chairman T. O'Brien congratulated the newly elected members on their co-option to Kerry County Council. He invited Deputy Tom Fleming, Deputy Brendan Griffin and Deputy Michael Healy-Rae to say a few words.

Deputy Tom Fleming thanked management and staff of Kerry County Council for their co-operation and help through the years. He said Kerry County Council is a wonderful organisation to be involved in and the newly elected members will find their work most interesting. He said the newly elected members are all very capable of interacting with the general public, management and staff in carrying out their duties. He paid special tribute to John Joe Culloty who was co-opted to his seat. John Joe is a very reliable person and an outstanding person in the community. The same applies to the other members co-opted who he knows through the political field. He wished the elected members all the best for the future.

Deputy B. Griffin thanked the members of staff of Kerry County Council for their co-operation and assistance during his tenure as an elected member for the Dingle Electoral Area. He thanked his fellow members for their co-operation. He said he enjoyed his time in Kerry County Council and while it was brief he said he is happy with what he achieved. He wished Kerry County Council the best going forward. There is a difficult job to do nationally. He said he intends to keep strong links with Kerry County Council in the future. He wished the newly elected members the best in their endeavours. It is a proud day for the members and their families. He wished them success into the future. He also thanked the people of Kerry South for giving him the opportunity to represent them in Dáil Éireann. With regard to Matt Griffin filling his seat, he said that Matt has worked with him since 2003 and he has no doubt that Matt will do an excellent job in the Dingle Electoral Area along with the other members of the Fine Gael party and the members of Kerry County Council. He welcomed Matt's family to the Council Chamber.

Deputy M. Healy-Rae said he wished to pay a special tribute to Johnny Healy-Rae and wish him good luck and success in serving the people of the Killorglin Electoral Area. He said Johnny will be more than able to fulfil this role as he has a great understanding of the problems of people because he has these problems and experiences himself. He welcomed Jackie Healy-Rae to the Council Chamber and said, as Danny Healy-Rae had stated, it was Jackie that started us the Healy-Raes in politics. He thanked the people that elected him to Dáil Éireann, Danny Healy-Rae as Director of Elections and

everyone that helped on the campaign. He paid a special word of thanks to (Name withheld for data protection purposes) who has been campaigned with him for many years. With regard to the management team of Kerry County Council over the years, he said there were times he got on with them and times when he did not get on with them. County Kerry is very lucky in the management team it has at present and while we did not always agree he said he always respected the positions management had. No matter the staff member, the calibre of people working for this Local Authority are second to none. He said the Healy-Raes pride themselves on being honest with people and if there is bad news on an issue telling people straight. He paid a special word of thanks to the hard core group of people who support the Healy-Raes and remember those who were with us in the past and are gone to their eternal reward. He wished Johnny Healy-Rae and the other newly elected members luck and hoped they will be as happy on the Council as he was. He said he loved being an elected member of Kerry County Council and as you never know what is around the corner not to rule him out to be back as an elected member in the future. He said he hopes that the TDs for Kerry will work together for the County to the best of their ability at all times.

Chairman T. O'Brien invited Mr. T. Curran, County Manager, to say a few words.

Mr. T. Curran, County Manager, addressed the Chairman, Deputies and Councillors and congratulated the TDs on their election to Dáil Éireann. He said having worked with them in this Chamber they will do Kerry proud in Dublin. He said party politics are left outside the Council Chamber door in order to take important decisions on behalf of the County. He said he will maintain his contacts with the Deputies on behalf of Kerry and it is important in relation to making contacts and working on behalf of County Kerry. He congratulated the newly elected members to Kerry County Council and said he looks forward to working with them on behalf of the people of Kerry. A meeting will be arranged with senior staff and to introduce them to the key staff around County Buildings with whom they will be dealing with on a regular basis. He said he is available to the members. It is difficult starting off in this new job and the management and staff aim to help members. He reiterated his congratulations and wished the new members a long service in the Council.

11.03.21.07 Filling of Casual Vacancies on Boards/Committees

Chairman T. O'Brien called for nominations for the filling of casual vacancies on the following Boards/Committees:

(a) Audit Committee – 1 Vacancy

(Arising from the election of Deputy Arthur J. Spring to Dáil Éireann)

Cllr. G. Wharton-Slattery PROPOSED that Cllr. T. O'Brien be nominated to fill this casual vacancy.

Cllr. M. Gleeson SECONDED this proposal and it was unanimously agreed.

(b) Kerry County Rural Water Committee – 2 Vacancies

(Arising from the election of Deputy Brendan Griffin and Deputy Arthur J. Spring to Dáil Éireann)

Cllr. B. O'Connell PROPOSED that Cllr. M. Griffin be nominated to fill one of these casual vacancies.

Cllr. S. Fitzgerald SECONDED this proposal and it was unanimously agreed.

Cllr. T. O'Brien PROPOSED that Cllr. G. Wharton-Slattery be nominated to fill one of these casual vacancies.

Cllr. B. O'Connell SECONDED this proposal and it was unanimously agreed.

(c) Local Traveller Accommodation Consultative Committee – 3 Vacancies

(Arising from the election of Deputy Tom Fleming, Deputy Brendan Griffin and Deputy Arthur J. Spring to Dáil Éireann)

Cllr. J. Brassil PROPOSED that Cllr. J.J. Culloty be nominated to fill one of these casual vacancies.

Cllr. A. McEllistrim SECONDED this proposal and it was unanimously agreed.

Cllr. B. O'Connell PROPOSED that Cllr. M. Griffin be nominated to fill one of these casual vacancies.

Cllr. S. Fitzgerald SECONDED this proposal and it was unanimously agreed.

Cllr. T. O'Brien PROPOSED that Cllr. G. Wharton-Slattery be nominated to fill one of these casual vacancies.

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

(d) Kerry County Enterprise Board Limited – 2 Vacancies

(Arising from the election of Deputy Brendan Griffin and Deputy Arthur J. Spring to Dáil Éireann)

Cllr. B. O'Connell PROPOSED that Cllr. M. Griffin be nominated to fill one of these casual vacancies.

Cllr. S. Fitzgerald SECONDED this proposal and it was unanimously agreed.

Cllr. T. O'Brien PROPOSED that Cllr. G. Wharton-Slattery be nominated to fill one of these casual vacancies.

Cllr. B. O'Connell SECONDED this proposal and it was unanimously agreed.

(e) Kerry Education Service – 1 Vacancy

(Arising from the election of Deputy Brendan Griffin to Dáil Éireann)

Cllr. B. O'Connell PROPOSED that Cllr. S. Fitzgerald be nominated to fill this casual vacancy.

Cllr. P. McCarthy SECONDED this proposal and it was unanimously agreed.

(f) North and East Kerry Development Company – 2 Vacancies

(Arising from the election of Deputy Tom Fleming and Deputy Arthur J. Spring to Dáil Éireann)

Cllr. R. Beasley PROPOSED that Cllr. T. Ferris be nominated to fill one of these casual vacancies.

Cllr. J. Healy-Rae SECONDED this proposal.

Cllr. J. Brassil PROPOSED that Cllr. J.J. Culloty be nominated to fill one of these casual vacancies.

Cllr. N. Foley SECONDED this proposal.

Mr. G. O'Brien, Meetings Administrator, said he understood that this casual vacancy would be filled on the basis of the original grouping.

Cllr. T. Ferris said Sinn Féin has been excluded from nomination to every representative body. There was no objection to the proposal.

Cllr. T. O'Brien PROPOSED that Cllr. G. Wharton-Slattery be nominated to fill one of these casual vacancies.

Cllr. B. O'Connell SECONDED this proposal.

Cllr. N. Foley said the nomination from Sinn Féin is a break with tradition. As a matter of record it has been traditional that the outgoing member would be replaced by the newly co-opted member.

Cllr. T. Ferris said a number of other members have been co-opted to boards/committees aside from the newly co-opted members.

Cllr. J. Brassil said at the time of the first meeting after the 2009 Local Elections there were groupings and as a block Fianna Fáil was entitled to take this seat. He PROPOSED Cllr. J.J. Culloty to replace Deputy Tom Fleming. He said this is not open to a vote.

Mr. G. O'Brien, Meetings Administrator, said if there are three proposals for nominations to fill the casual vacancies legislation requires grouping for the filling of the seat.

Cllr. J. Healy-Rae said while he had seconded the nomination of Cllr. Ferris he did not want to cause a row in the Chamber. He withdrew his seconding of the nomination of Cllr. Ferris for one of these casual vacancies.

Chairman T. O'Brien declared as Cllr. J. Healy-Rae had withdrawn his seconding of the nomination of Cllr. T. Ferris, that Cllr. J.J. Culloty and Cllr. G. Wharton-Slattery would fill the casual vacancies on the North and East Kerry Development Company. This was unanimously agreed.

(g) Regional Health Forum – South – 2 Vacancies

(Arising from the election of Deputy Tom Fleming, Deputy Brendan Griffin and Deputy Michael Healy-Rae to Dáil Éireann)

Cllr. B. O'Connell PROPOSED that Cllr. M. Griffin be nominated to fill one of these casual vacancies.

Cllr. S. Fitzgerald SECONDED this proposal and it was unanimously agreed.

Cllr. J. Brassil PROPOSED that Cllr. D. Healy-Rae be nominated to fill this casual vacancy for the period to June 2011 and that Cllr. J.J. Culloty take the seat from June 2011 to June 2014.

Cllr. A. McEllistrim SECONDED this proposal and it was unanimously agreed.

(h) South West Regional Authority – 1 Vacancy

(Arising from the election of Deputy Arthur J. Spring to Dáil Éireann)

Cllr. T. O'Brien PROPOSED that Cllr. G. Wharton-Slattery be nominated to fill this casual vacancy.

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

(i) Kerry Recreation and Sports Partnership – 1 Vacancy

(Arising from the election of Deputy Brendan Griffin to Dáil Éireann)

Cllr. B. O'Connell PROPOSED that Cllr. M. Griffin be nominated to fill this casual vacancy.

Cllr. S. Fitzgerald SECONDED this proposal and it was unanimously agreed.

(j) Joint Policing Committee – 3 Vacancies

(Arising from the election of Deputy Tom Fleming, Deputy Brendan Griffin and Deputy Arthur J. Spring to Dáil Éireann)

Cllr. J. Brassil PROPOSED that Cllr. J.J. Culloty be nominated to fill one of these casual vacancies.

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

Cllr. B. O'Connell PROPOSED that Cllr. M. Griffin be nominated to fill one of these casual vacancies.

Cllr. S. Fitzgerald SECONDED this proposal and it was unanimously agreed.

Cllr. T. O'Brien PROPOSED that Cllr. G. Wharton-Slattery be nominated to fill one of these casual vacancies.

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

11.03.21.08 Filling of Casual Vacancy on the Environment & Water Services SPC

Chairman T. O'Brien called for nominations for the filling of the casual vacancy on the Environment and Water Services SPC following the election of Deputy Brendan Griffin to Dáil Éireann.

Cllr. B. O'Connell PROPOSED that Cllr. M. Griffin be nominated to fill this casual vacancy.

Cllr. S. Fitzgerald SECONDED this proposal and it was unanimously agreed.

11.03.21.09 Filling of Casual Vacancies on the Housing & Social Support SPC

Chairman T. O'Brien called for nominations for the filling of the casual vacancies on the Housing and Social Support SPC following the election of Deputy Tom Fleming and Deputy Arthur J. Spring to Dáil Éireann.

Cllr. J. Brassil PROPOSED that Cllr. J.J. Culloty be nominated to fill one of these casual vacancies.

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

Chairman T. O'Brien PROPOSED that Cllr. G. Wharton-Slattery be nominated to fill one of these casual vacancies.

Cllr. B. O'Connell SECONDED this proposal and it was unanimously agreed.

11.03.21.10 Filling of Casual Vacancy on the Transport SPC

Chairman T. O'Brien called for nominations for the filling of the casual vacancy on the Transport SPC following the election of Deputy Michael Healy-Rae to Dáil Éireann.

Cllr. J. Brassil PROPOSED that Cllr. J. Healy-Rae be nominated to fill this casual vacancy.

Cllr. R. Beasley SECONDED this proposal and it was unanimously agreed.

11.03.21.11 Selection of Chairperson of the Housing & Social Support SPC

On the PROPOSAL of Chairman T. O'Brien, SECONDED by Cllr. G. Wharton-Slattery, it was unanimously agreed to nominate Cllr. M. Moloney as Chairperson of the Housing and Social Support SPC.

11.03.21.12 Disposal of Property

(a) Plot of land at Clashedmond (Pierse)

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin, it was agreed to approve the disposal of a plot of land measuring 0.683 Hectares (1.688 Acres) situate in the townland of Clashedmond, DED of Ballyseedy to (Name & Address withheld for data protection purposes), or his nominee, in accordance with the terms of the Notice issued on 3rd March, 2011, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

(b) Plot of land at Ballyseedy

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. P. McCarthy, it was agreed to approve the disposal of a plot of land measuring 0.436 Hectares (1.077 Acres) situate in the townland of Ballyseedy, DED of Ballyseedy to (Name & Address withheld for data protection purposes), in accordance with the terms of the Notice issued on 3rd March, 2011, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

(c) Plot of land at Clashedmond (Sugrue)

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson, it was agreed to approve the disposal of a plot of land measuring 0.683 Hectares (1.7 Acres) situate in the townland of Clashedmond, DED of Ballyseedy to (Name & Address withheld for data protection purposes), in accordance with the terms of the Notice issued on 3rd March, 2011, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

(d) Affordable House No. 25 Cathair Lakes, Killorglin

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P.J. Donovan, it was agreed to approve the disposal of Affordable House at No. 25 Cathair Lakes, Killorglin, Co. Kerry, together with its plot of land, situate in the townland of Ardmoniel, in the DED of Killorglin to (Name & Address withheld for data protection purposes), in accordance with the terms of the Notice issued 7th March, 2011, pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations 2001.

11.03.21.13 Kerry County Council Draft Development Contribution Scheme 2011

Chairman T. O'Brien invited Mr. P. Stack, A/Director of Planning, to outline the Manager's Report on submissions received to the Kerry County Council Draft Development Contribution Scheme 2011.

Mr. P. Stack, A/Director of Planning, outlined that at the November meeting of Kerry County Council, held on 15th November 2010, it was agreed that the Draft Development Contribution Scheme 2011 would go out for public consultation in accordance with the provisions of Section 48 of the Planning & Development Act 2000. Notice of the preparation of the Draft Scheme was published in 'The Kerryman' newspaper on Wednesday 8th December 2010 and in 'Kerry's Eye' on Thursday 9th December 2010 outlining details of the Draft Scheme and notifying the public that the scheme would be on public display until Monday 31st January 2011 and that submissions/observations, on the scheme, could be made in writing to the Planning Authority up to 4.00 pm on 31st January 2011. The Draft Scheme was also published on the Council's website. A similar notice and a copy of the scheme were forwarded to the Minister for Environment, Heritage & Local Government and the Chairman of the County Development Board, as required by Section 48(5)(a) of the Act.

In all, four (4) no. submissions/observations were received from the following:-

- Mr. Ciaran Cuffe, Office of the Minister for State for Planning, Sustainable Transport and Horticulture
- ESB Telecoms Ltd
- Telefonica 02
- Irish Rural Dwellers – Kerry Branch

The following is a summary of the issues raised in each submission/observation and response and recommendation in each case.

(1) Office of the Minister for State - Planning, Sustainable Transport and Horticulture

The **Minister** has requested that the Council take the following issues into consideration when adopting the scheme:-

- (a)** The Planning Authority should provide the Department with a copy of any review of their existing scheme.
- (b)** The Planning Authority should be satisfied that 'double charging' should not occur.
- (c)** The Planning Authority could provide further information on how rates were settled upon and how potential developments were calculated.
- (d)** Scheme should be forwarded to the County Development Board for comment.

- (e) Scheme should be made available on Council website and copy of Scheme should be sent to the Minister when adopted.
- (f) The Council should satisfy itself that due consideration has been given to what measures, if any, could be included to support new or existing enterprises in their area by, for example, reducing development levies, deferral of payment etc. having regard to:-
 - the overall funding position,
 - contractual commitments entered into and,
 - the importance of projects funded through development contributions in supporting local employment. In this regard the recently adopted scheme by Louth County Council is a good example.
- (g) It is noted that certain developments are exempted under the scheme. Consideration should also be given to reduced contributions in certain instances.

RESPONSE

- (a) A copy of the review of the existing scheme has already been forwarded to the Minister with the Draft Scheme.
- (b) See comments below in relation to submissions from ESB Telecoms Ltd. and Telefonica O2.
- (c) I am satisfied that the existing Draft Scheme clearly sets out the projects to be funded under the scheme, the proportion of funding to be provided from development contributions and the level of charge proposed.
- (d) The Draft Scheme was forwarded to the County Development Board.
- (e) The Scheme, when adopted, will be forwarded to the Minister and published on the Council's website.
- (f) It must be pointed out that the projects to be part-funded from Development Contributions such as water & sewerage, infrastructure, relief roads, footpaths, car parks and recreational facilities are a vital support to and facilitate new and existing enterprises. The Development Contribution Scheme is an essential funding mechanism to meet the Council's contribution to the cost of the facilities and if this source of funding was not available the Council would be unable, from its own resources, to provide the matching funds required to avail of many National funding streams such as the WSIP, Road Grants, Urban Renewal initiatives and grants available from such bodies as Bord Fáilte for amenity works.

Notwithstanding the above and having consulted the recently adopted Louth County Council Scheme, I would suggest that consideration be given to reduced contributions, as follows, to stimulate manufacturing/industrial development.

CATEGORY	% Reduction
• Expansion to authorised industrial and manufacturing operations	50
• Manufacturing/Internationally tradable/financial services supported and certified by IDA and or Enterprise Ireland	50
• Businesses grant-aided by the Kerry County Enterprise Board or other recognised local development Agencies.	50
• Change of Use	50

Reductions will **not** apply to Retention applications.

- (g) See (f) above.

(2) ESB Telecoms Ltd

The submission made by **ESB Telecoms Ltd.** relates to the proposed contribution for telecommunications developments. While pointing out that the company has a strong corporate responsibility and appreciates the need for funding, to assist Local Government Bodies to provide services, it points out that the proposed contribution of €14,000 is not reflective of the benefits that will be gained by the development and will act as a deterrent to telecommunications operators upgrading vital infrastructure such as broadband. They suggest reducing the rate to €7,000.

They also argue that the repeat application of the levy to retention applications every five years constitutes 'double charging'. They point out that Bord Pleanála, in a recent appeal decision (ref. PL.23.235434) in South Tipperary County Council area for the retention of a telecommunications structure, states that where the existing structure has been subject to a development contribution under a previous grant of permission "*the retention of same for a further 5 years should not attract a further contribution*".

RESPONSE

The proposed combined development levy of €14,000 per mast in the Draft Development Contribution Scheme 2011 is the same as that included in the previous scheme adopted in 2008 and no increase is proposed.

However, as Members may recall, the Draft Scheme which was published in 2008 included a clause, whereby the levy would be charged on a 'once-off' basis and would not be levied on subsequent retention applications, but this was deleted by the Elected Council when adopting the scheme.

Accordingly, in order to address the issue of 'double charging' I now recommend that the following clause be inserted into the Scheme in so far as it relates to masts:-

'A once-off charge shall apply for the first permission/retention issued. Repeat applications for the same mast will not be subject to the provision'.

I also recommend that the charge that applies at present be maintained.

(3) Telefonica 02

The submission from **Telefonica 02** makes similar points to the submission made by ESB Telecoms Ltd. In particular they argue that not alone are they of themselves too high, but also that the levies are disproportionate to other similar forms of development. Having compared levies charged for wind turbines and light industrial buildings they argue that an appropriate rate would be in the order of €2,560 per mast.

Telefonica 02 also raises the issue of the repeated application of levies to retention applications which only arise due to the policy of granting temporary permissions for telecommunications infrastructure. They request that the scheme be amended to provide that the charge only apply to the first permission/retention issued.

RESPONSE

See response to submission No.2 above.

(4) Irish Rural Dwellers – Kerry Branch

The submission from the **Irish Rural Dwellers (Kerry Branch)** makes no specific proposals in relation to the scheme content other than to point out that they are opposed to the imposition of further financial burdens on rural dwellers. They express concern regarding the difficulties and costs associated with planning for a single rural house and request that the County Manager meet them on this issue.

RESPONSE

All dwellers, urban and rural, are only required to pay development contributions in respect of the services that are available to them and which facilitate their development. Most rural dwellings now avail of public water, public roads and amenities which facilitate their development and it is reasonable that they would make a contribution to the cost of providing these services.

RECOMMENDATION

I therefore recommend that the Members adopt the Draft General Development Contribution Scheme 2011 subject to the following amendments:-

1. The following additional section be included in the Scheme after the section dealing with exemptions:-

Reduced Contributions

In order to stimulate economic development, a reduced contribution will apply to the categories of development set out below and at the rate set out.

CATEGORY	% Reduction
Expansion to authorised industrial and manufacturing operations	50
Manufacturing/Internationally tradable/financial services supported and certified by IDA and or Enterprise Ireland	50
Businesses grant-aided by the Kerry County Enterprise Board or other recognised local development Agencies.	50
Change of Use	50

Reductions will **not** apply to Retention applications.

2. In relation to Class 13 Telecommunications Mast, the development levies to apply will be as follows:-

WATER	SEWERAGE	ROADS	AMENITY
Nil	Nil	€7,000	€7,000

The following clause should also apply to Class 13:-

*“A once off charge shall apply for the first permission/retention issued. Repeat Applications for the same mast will **not** be subject to the provision”.*

Cllr. J. Brassil said the unfortunate situation is that as a Local Authority Kerry County Council has to generate income in order to part-fund any Government schemes. Without this income Kerry County Council will not be able to proceed with key infrastructure. Development Levies are one of the few ways to raise this income. He said he will be supporting the Development Contribution Scheme. He welcomed the 50% reduction on levies in four areas which recognises the market conditions at present. He asked if it is within the Council's legal rights to impose a levy for a retention application for one particular part of planning, i.e. telecommunication masts, and not others. Would the Council be subjecting itself to legal challenge? Development levies are being charged on planning applications granted in the last 5 years based on the market value at the time. He asked that substantial reductions would apply to the development levies on any development proceeding in the next few years to reflect the market conditions. Any development with substantial levies should be reconsidered and substantial reductions granted. He said while he is in support of the Development Contribution Scheme he would premise this support on it being speculated that a property tax is to be introduced on every property owner. Should such a tax be introduced within the lifetime of this County Council he would propose that this Development Contribution Scheme be abolished as it would be substantially replaced by the property tax.

Cllr. M. Gleeson said he has spoken and written at length about the public funding of Local Authorities and the questionable and arbitrary nature of development levies. He said he is satisfied that particular developments, particularly larger developments, should make a development contribution. Local Authorities must have sources of funding, however, those sources of funding must not be selective. Funding sources must be capable of universal application. It is possible that in the lifetime of this Government that some form of universal funding of Local Authorities will be introduced. He appealed to Dáil Deputies to seek a meaningful review of the role, functions and financing of Local Authorities. It would be far more beneficial to communities if Dáil Éireann pursued this avenue rather than considering the abolition of some Local Authorities which are functioning excellently and providing a wonderful service to the local communities. He said he will have to oppose this Development Contribution Scheme.

Cllr. T. Ferris referred to Amendment No. 1 of the recommendations regarding reduced contributions and asked why the reduction will not apply to retention applications. She said while she understands the work involved in a retention application was not authorised, there are genuine cases where the change of use is not obvious, e.g. changing use of a premises from a restaurant to a take away. She said she is not comfortable that the reduced contribution applies to a special category of development, i.e. those being grant-aided. There are cases where despite the best efforts of the County Enterprise Board they could not grant-aid some genuine applications and now the businesses will not be able to avail of a reduction in development levies. Businesses should be granted this reduction if they get a letter of support from the County Enterprise Board.

Cllr. Ferris opposed the recommendation that retention applications for telecommunication masts will not be subject to a development levy. Planning applications for an extension to a private domestic house will be charged a levy. She said she fails to see any strength in the argument that a levy should not apply to each application for a telecommunication mast. A retention application for a mast is looking for permission. She urged the elected members to maintain the levy for masts as it is. Any private individual has to pay a contribution and telecommunication companies should also pay. She asked if the wording of Amendment No. 1 could be changed so it is not unduly restrictive on the reduction in development levies being applied to genuine businesses.

Cllr. B. Cronin agreed with the request that the 50% reduction in Development Levies apply for those grant-aided or with a letter of support. This is especially important where there is a possibility of creating employment and in that instance the Local Authority should give some assistance to businesses.

Cllr. Cronin agreed that a development levy should apply for retention applications for telecommunication masts. Telecommunication companies are major multi-nationals and the location of masts are controversial and they are eyesores. A charge should be applied to retention applications for masts, even a reduced charge. The application of a Development Contribution Scheme is a difficult decision for elected members and it must be considered in a balanced way. The Local Authority requires local contributions. 11 projects have been identified where the Local Authority contribution is €33m. These projects relate to water and sewerage schemes which are critical items of infrastructure in our county. The criticism that has been levied in the county in general is where developments have been granted and there may not be adequate water or sewerage facilities in place to service same. There is a critical need for the Local Authority to secure the local contribution to develop those vital parts of infrastructure. Essentially the Local Authority is trying to address the provision of public water, sewerage and treatment facilities and adequate capacity of pipes for water and critical supplies for towns and villages. He PROPOSED that in order to assist people in adding extensions to their homes that the exemption from levies for a domestic extension be increased from 40m² to 80m² which would accommodate an extension of a couple of rooms to a house.

Cllr. R. Beasley SECONDED this proposal.

Cllr. P. McCarthy said elected members do not want to impose charges on people. In relation to the qualifying criteria for reduced contributions, i.e. support from the IDA/Enterprise Board, there are cases where the County Enterprise Board would like to support a project but due to the current qualifying criteria it cannot. He supported Cllr. Ferris' suggestion that if the County Enterprise Board provides a letter of support the business could avail of reduced development levies. There is no property tax at present and if one were introduced he said he would support the abolition of the Development Contribution Scheme.

Cllr. D. Healy-Rae said people are being charged a development contribution for the provision of car parking spaces and while that is acceptable if Kerry County Council provides car parking some consideration must be given to this charge. He supported Cllr. Cronin's proposal to increasing the exemption for domestic extensions from 40m² to 80m². There are many difficulties relating to garages and 25m² is very small for a garage. This area should also be increased. He welcomed the reduction of 50% for the particular categories listed as these are difficult times for businesses.

Cllr. M. O'Shea referred to industry, business and creating jobs. To create a job in Kerry in the current economic climate would be a major achievement. He PROPOSED that Kerry County Council consider suspending development charges for new industry coming into the county. Immigration is high in Kerry and suspension of these charges would entice companies to the county. This should be reviewed.

Cllr. D. Healy-Rae said if charges were to be suspended for new industry coming into the county they would also have to be suspended for business within the county.

Cllr. M. O'Shea said the suspension of charges would apply for all new industry.

Mr. P. Stack, A/Director of Planning, responded to the members comments as follows:

- With regard to the possibility of a legal challenge, he said he has no concerns in this regard as it is a matter for the elected members to adopt a Development Contribution Scheme. The scheme adopted by Kerry County Council is applicable in Kerry. Other Local Authorities adopt their own Development Contribution Schemes. There is no consistency with Development Contribution Schemes across the country.
- House prices have reduced but it is hoped they will increase again. He said the Development Contribution Scheme should not be changed in line with fluctuations in the property market.
- Domestic Extensions – a domestic extension of 40m² is a sizable extension. Up to 40m² is exempt and is reasonable.
- Fee for retention applications for Telecommunication Masts - most planning permissions have a levy. A levy on a retention application is unprecedented and the planning permission for a mast is for 5 years only and the applicant has already been charged for any damage to infrastructure. In the retention application 5 years later they will not be damaging infrastructure again. It is a bit disingenuous and this is what An Bord Pleanála refers to in a recent appeal decision in South Tipperary County Council area. Kerry County Council has been asked to take cognisance of this decision.
- Recommendation Amendment No. 1 and concerns that the 50% reduction in the development contribution for businesses granted aided is not broad enough. The Planning Authority would support the change to Recommendation Amendment No.1 that the reduction would apply to businesses which are grant-aided or supported by the Kerry County Enterprise Board or other recognised local development agencies.

Mr. J. O'Connor, Head of Finance, said there is a value on the income from development contributions for Kerry County Council's delivery of national schemes. In Budget 2011, which was adopted, Kerry County Council took into account €4m worth of income from development contributions. Without that level of income, there is absolutely no way this Council could agree to continuing the Water Services Investment Programme in particular. The law of the land at the moment, which has been in place since the early part of the last decade, states there must be a local contribution of 33%-40% and in the odd Scheme up to 50%. While the Development Contribution Scheme sets out to recognise the value of employment creation and employment retention through certain manufacturing and industry, there is no doubt that what is important to the retention of industry or the creation of additional jobs is reliable water and waste water services. Survey after survey has shown that the availability of reliable quality services is essential. The consideration is much wider than funding, it is about services and Kerry County Council's capacity to be able to provide services in the first instance. Kerry County Council would not like to be in a position where it is unable to sign contracts due to no funding being available.

Cllr. T. Ferris asked if the recommendation that "Reductions will not apply to retention applications" will remain in the Development Contribution Scheme. With regard to retention applications for telecommunication masts she PROPOSED that the development levies for the first permission remain at €7,000 for Roads plus €7,000 for Amenity and that the charge for retention applications be an Amenity charge of €14,000. Kerry County Council has no control over the location of telecommunication masts because of An Bord Pleanála decisions.

Cllr. B. Cronin acknowledged the statement from the Head of Finance regarding infrastructure. As Chair of the Environment and Water SPC he said he is aware of the huge progress Kerry County Council is making as a result of local contributions. With regard to extensions of 80m² being exempt he said he would modify his proposal and propose that extensions of 60m² be exempt from development levies.

Cllr. D. Healy-Rae acknowledged the statement from the Head of Finance and said if services are to be provided funding is required. With regard to the development levy on quarries he asked if this levy has increased from heretofore.

Mr. P. Stack, A/Director of Planning, said the levy for quarries has not increased.

Cllr. M. O'Shea said he had PROPOSED the suspension of levies for new businesses. He asked if this can be implemented.

Mr. P. Stack, A/Director of Planning, said it would be unorthodox and unfair on other businesses to implement this proposal. The reduced contribution of 50% applying to categories of development set out in Recommendation No. 1 is very significant. Kerry County Council does have to provide infrastructure in the county.

Mr. G. O'Brien, Meetings Administrator, said a resolution to make the Kerry County Council Development Contribution Scheme 2011 subject to the following amendments, is required in accordance with Section 48.8(a) of the Planning and Development Act 2000:

1. Businesses grant aided or supported by Kerry County Enterprise Board or other recognised local development agencies.
2. Exemption from development contributions for domestic extensions permissions to be increased from 40m² to 60m².
3. Retention applications for telecommunication masts to be €14,000 in total, all for amenity purposes.

Cllr. T. Ferris referred to the recommendation that "Reductions will not apply to retention applications" and said there are genuine cases, e.g. restaurants changing use to a takeaway.

Mr. J.D. Flynn, Director of Corporate Services, said assisting a business that has not complied with planning cannot be supported.

Mr. G. O'Brien, Meetings Administrator, said a vote would now be taken on the PROPOSAL of Chairman T. O'Brien, SECONDED by Cllr. B. O'Connell, that Kerry County Council, having considered the County Manager's Report on submissions received to the Kerry County Council Draft Development Contribution Scheme 2011 resolves to make the Scheme in accordance with Section 48.8(a) of the Planning and Development Act 2000, subject to the following amendments:

1. The following additional section be included in the Scheme after the section dealing with exemptions:

Reduced contributions

In order to stimulate economic development, a reduced contribution will apply to the categories of development set out below and at the rate set out.

Category	% Reduction
• Expansion to authorised industrial and manufacturing operations	50%
• Manufacturing/Internationally tradable/Financial services supported and certified by IDA and or Enterprise Ireland	50%
• Businesses grant-aided or supported by the Kerry County Enterprise Board or other recognised local development Agencies	50%
• Change of Use	50%

Reductions will **not** apply to retention applications.

2. Exemption for Domestic Extension Permissions to be increased from 40m² to 60m².
3. In relation to Class 13 Telecommunications Mast, the development levies to apply will be as follows:-

The following charges shall apply for planning permission issued:

Water	Sewerage	Roads	Amenity
Nil	Nil	€7,000	€7,000

The following charges shall apply for retention issued for the same mast:

Water	Sewerage	Roads	Amenity
Nil	Nil	Nil	€14,000

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

For: Cllrs. Brassil, Cahill, Connor-Scarteen, Culloty, Cronin, Donovan, Ferris, Fitzgerald, Griffin, D. Healy-Rae, J. Healy-Rae, McCarthy, McEllistrim, O'Connell, Sheahan, Wharton-Slattery, O'Brien **(18)**

Against: Cllrs. Gleeson, O'Shea **(2)**

Not Voting: (0)

Absent: Cllrs. Beasley, Buckley, Finucane, Moloney, O'Donoghue, Purtill, Leahy **(7)**

Chairman T. O'Brien declared the proposal CARRIED.

Chairman T. O'Brien said apologies had been received from Cllr. J. Finucane and Cllr. M. Moloney for today's meeting.

Mr. G. O'Brien, Meetings Administrator, advised the newly co-opted members that they are required to sign in for meetings.

11.03.21.14 Tenant Purchase Scheme in accordance with 2011 Fixed Term Tenant Purchase Scheme for Long Standing Tenants

Mr. L. Quinlan, A/Director of Housing, outlined that a new Tenant Purchase Scheme was recently announced by the Minister. This new Scheme gives a discount of up to 45% of the market price of the property to long standing tenants and is open for applications only to the end of 2011. The main features of the Scheme are:-

- Applies to tenants of 10 years standing or longer.
- Open for applications only until the end of this year 2011.
- The Scheme provides for a maximum discount of 45% on market price based on 3% discount for each year of tenancy up to 15 years.
- Discount of €3,810 available under the 1995 Scheme does not apply.
- Closing date for applications is 31st December, 2011.
- Houses will be sold in accordance with Section 90 of the Housing Act 1966 and the Housing (Sale of Houses to Long Standing Tenants) Regulations 2011.

The Scheme has been prepared in the context of the guidance received from the Department of the Environment, Heritage and Local Government and in accordance with the 2011 regulations as stated. Members are requested to consider and adopt the Scheme in accordance with Section 90 of the Housing Act 1966.

A number of exemptions from sale which were contained in the 1995 Scheme (the present Scheme) have been continued in this Draft Scheme, in particular dwellings specifically designed for occupation by elderly tenants.

Once adopted by Council, the Housing Directorate will communicate the details of the new Scheme to all qualifying tenants and will also remind them of the intention of the Department to cease the present Scheme in 2012 when planned legislation is enacted providing for the introduction of a Discount Scheme based on the Incremental Purchase Model. It is anticipated a number of applications will be received under this new Scheme, given the generous discounts available, however, the present lack of credit facilities may impact on the numbers availing of the Scheme.

Cllr. M. Cahill welcomed the scheme and said it gives tenants an opportunity to purchase their own homes. The old scheme provided 3% per year x 10 plus the equivalent of the First Time Owner Occupier Grant. The new Scheme provides tenants of 15 years or longer a discount of 45% and puts these properties within the scope of some of our tenants. There is hope for some tenants. From Kerry County Council's perspective the money stays within the county and he PROPOSED that when the sales go through that the money raised goes towards the purchase of existing houses in the county and towards disabled persons grants and grants for older people. He encouraged tenants to avail of this scheme if they can. He PROPOSED the adoption of this 2011 Fixed Term Tenant Purchase Scheme for Long-Standing Tenants.

Cllr. M. Gleeson SECONDED this proposal. He welcomed the introduction of this Scheme which affords individuals and families the possibilities of purchasing their home and allows estates to grow and become communities. There are benefits to this as there is an increased sense of community develops from ownership of the houses. It also gives stability and enrichment to communities. He said he hopes the income from the sale of houses will remain with the Local Authorities and that the financial institutions will make finance available to people who are intent on purchasing their houses.

Cllr. T. Ferris said she could not understand why members are welcoming this scheme. This scheme would be great if people could get mortgages but they cannot get finance.

The 1995 Scheme was the Rent to Buy Scheme and would be useful now so tenants would not be dependent on banks to come to own their property. She requested that a letter issued to the Department asking that a scheme that people can avail of be provided.

Cllr. D. Healy-Rae said it appears like a great scheme to be welcomed and some people will be able to benefit from it but not as many as we would like. Credit facilities are not available from financial institutions. Consideration should be given to reintroducing the Rent to Buy Scheme. Hopefully some tenants will be able to avail of this new scheme.

Cllr. M. O'Shea welcomed the scheme and asked what the take up there was in 2010 for Tenant Purchases. He asked if applicants are finding it difficult to secure funding.

Cllr. P. McCarthy said he broadly supported the scheme. Small businesses and private individuals are finding it difficult to get credit. Elected members are being asked to decide on whether or not this is a reasonable scheme. The difficulty with the availability of finance is a different issue and hopefully it will improve soon.

Mr. L. Quinlan, A/Director of Housing, said up to 2008 Kerry County Council was selling 50-80 Local Authority dwellings and the capital receipts were being put back into housing stock. In 2009 26 houses were sold. In 2010 2-3 houses were sold. The decline in sales is due to the lack of availability of finance. Unfortunately, under the scheme Kerry County Council is advised that other alternatives are not available and purchases must be funded from a tenants own resources, mortgage or Local Authority loan. The 2011 Tenant Purchase Scheme reduces the net sale price for the tenant. Kerry County Council is anticipating a significant amount of interest in the Scheme, however, the number of sales may be reduced due to the issue of finding finance.

Cllr. M. Cahill said house prices have dropped significantly. He PROPOSED that any houses that have been valued be revalued because there is a huge difference in market prices now.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. Gleeson, it was agreed to adopt the 2011 Fixed Term Tenant Purchase Scheme for Long Standing Tenants.

11.03.21.15 Approval for the raising of a Loan of €5m from the HFA

Mr. J. O'Connor, Head of Finance, referred Members to his report dated 14th March, 2011 on this item which had been circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed to approve the raising of a loan of €5m from the Housing Finance Agency for onward lending to individual borrowers for housing purposes such as house purchases under the Housing Acts together with house acquisitions in accordance with the Affordable, Shared Ownership and Tenant Purchase Schemes.

11.03.21.16 Request for Investment in respect of Cork-Swansea Ferry Service

Mr. J. O'Connor, Head of Finance, referred elected members to his report dated 14th March, 2011, and said members will be familiar with this from a discussion at the Budget 2010 meeting. At that time Kerry County Council invested €50,000 in a secured bond. Fastnet Line Limited has applied to the Council to commit a further €50,000 in the secured bond as per letter dated 28th February, 2011 which was circulated to the

members. He quoted from the letter which states "At present there is a joint commitment to further funding which has been agreed and signed off on by both Enterprise Ireland and Finance Wales, which is contingent upon Fastnet Line raising further funding which we are requesting from our other bond holders, Cork County Council, Cork City Council and the Port of Cork Company". Four bond holders have been asked to consider an additional investment. The report circulated refers to the business risks which were identified in 2009/2010 which are usual business risks. At present the general global economic climate continues to be very challenging. The proposed visits to Ireland of the President of the USA and the Queen of England will be a boost for the tourism economy. Notwithstanding the business environment he recommended that Kerry County Council invest a further €50,000 in a secured bond offer on condition that the ferry operates for the remainder of 2011 and that the present request for funding, if approved by Council, be the limit for funding for this service.

Cllr. P. Connor-Scarteen PROPOSED that Kerry County Council approve this request for €50,000 in bonds in the Cork-Swansea Ferry Service. He thanked the County Manager and Head of Finance and elected members for their positive response to his proposal last year to invest €50,000 in the Fastnet Line. In its first year, the ferry service exceeded its targets for passengers and vehicles and over 80,000 people travelled between March and September. It is a cost effective route given rising fuel prices. This request for funding should be a final request. In replying to Fastnet Line Ltd. request that Kerry be promoted on par with other counties. The ferry service has been of great benefit to tourism in the county. The UK and EU are Ireland's biggest tourism market and the ferry service is a great assistance in this regard.

Cllr. P. McCarthy SECONDED this proposal.

Cllr. D. Healy-Rae supported this proposal and said this service has made an improvement to the tourism sector with extra visitors to the county. He thanked the Manager and Head of Finance for supporting this request.

Cllr. R. Beasley supported this proposal and said anything that will help expand tourism must be recommended. He said he has been talking about this for 3-4 years. Last year Kerry had 80,000 visitors and it was a difficult year for tourism. Any addition to visitor figures is welcomed.

Cllr. B. Cronin supported the sentiments regarding Kerry County Council's involvement in the shipping industry. This is critically important because this service is a huge advancement for the tourist industry. Like Kerry Airport it is critically important. A €50,000 contribution puts into context the funding that was put into the Jeanie Johnston Ship.

Cllr. N. Foley endorsed the investment in the Cork-Swansea ferry service and said this must be the final payment. Tourism is a huge driver in Kerry's economy. Fastnet Line Ltd. must be requested to provide a report at the end of the year which would include details of the number of passengers carried. It has been a fine service to the county and has potential to improve tourism numbers to the county.

Cllr. G. Wharton-Slattery welcomed this particularly given that the Kerry Bus is in the UK at present. She said having worked in the walking, hiking and cycling sector the ferry service is very important to the tourism sector as it is a low-budget means of travel.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. P. McCarthy, it was unanimously agreed to approve the further investment in the Cork-Swansea Ferry Service of €50,000 in the secured bond on the conditions outlined in report from the Head of Finance dated 14th March, 2011, and pursuant to Section 66 of the Local Government Act, 2001.

11.03.21.17 Operation of the Litter Pollution Acts

Mr. T. Sheehy, A/Director of Environmental Services, referred elected members to report on the Operation of the Litter Pollution Acts dated March 2011 which had been circulated. He outlined that in accordance with the requirements of the Litter Pollution Acts this report has been prepared for the consideration of the Council to outline the measures taken during the past year in relation to the prevention and control of litter within the functional area of Kerry County Council. The report is structured to assess:

- the litter prevention and control programmes undertaken.
- the extent of enforcement action taken.
- the measures taken to promote public awareness including educational and information initiatives.
- the co-operation and assistance given by persons other than the Local Authority for the purposes of preventing and controlling litter.

He highlighted the following initiatives:

- The 'Adopt a Road' Scheme was introduced in co-operation with the Glenflesk Community Group. This initiative has been very successful and has resulted in this stretch of access roadway to the county being maintained in a litter-free status. It is proposed to expand the scheme to strategic roads in the county during 2011. He thanked the Glenflesk Community Group for their work with Kerry County Council.
- The 'Adopt a Bring Bank' Scheme continued to operate and 30 sites were monitored by local communities during 2010. He thanked the members of the local communities for their assistance on this scheme.
- Litter enforcement action requires the Environment Department to secure evidence of the people responsible for illegal dumping. It is proposed to install overt and covert surveillance at identified litter 'black-spot' areas. Hidden cameras have been installed in North Kerry and the Environment Department has already secured evidence of illegal dumping and will be proceeding with prosecutions in these cases.

Cllr. M. Gleeson said the stretch of road from county bounds to Killarney town boundary is cleaned on a regular basis by Glenflesk Community Group and others near Killarney, as is the road from Ballaugh Cross to Lissivigeen Cross on the N71. This is wonderful to see. Recently 200 people from Beaufort did a litter clean up and this is an incredible achievement of community effort. The 'Adopt a Road' Scheme is very successful and communities must be congratulated. Micheál Ó Coileáin, Environmental Awareness Officer, must be congratulated for his work. There is a failure at second level schools. There is a particular problem with chewing gum. There is a machine available which can remove chewing gum from footpaths and at least one machine should be hired on an experimental basis. Dog fouling remains a problem and there is insufficient provision of pooper scoopers in the county. He

congratulated all the candidates in the General Election for the ready removal of posters. This is appreciated. However, cable ties from the election posters are littered all over the place. He urged every candidate to revisit the site at which they had their posters and collect the cable ties. Every candidate/party should be allocated a particular colour of cable tie for the elections. He said he did not use posters in his campaign and this earned him kudos in the election. He said election material was littered near his home and this shows the difficulty in dealing with littering.

Cllr. J. Brassil said his Notice of Motion is relevant to this issue and moved Notice of Motion No.16.

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

“That Kerry County Council would adopt a policy to ensure that when election posters are taken down from their location after elections that the plastic tie straps are also removed”.

The following reply issued:

The problem of plastic tie straps remaining on poles after posters have been removed is particularly evident after election campaigns. It has been proposed that such ties would only be allowed if there were identifiably linked to a party or candidate e.g. by colour coding. It may be possible to deal with the matter by means of a by-law but since the issue is essentially a national one, it may be better to have a national solution.

It is recommended that the matter be referred to the Environment SPC for further consideration.

Cllr. J. Brassil accepted the proposal made by Cllr. Gleeson regarding colour coding of tie straps for election posters. However, while it might be helpful it might not be possible to enforce. He suggested that the Litter Prevention Officer of Kerry County Council take photographic evidence of elections posters for every candidate around the county and at the end of the election that the same officer would check each of those photos to prove the tie straps have been removed. If tie straps have not been removed a substantial fine would follow. Those erecting and removing the election posters should be made aware of the consequences of not removing the tie straps.

Cllr. M. Gleeson SECONDED this proposal.

Cllr. M. O'Shea said his Notice of Motion is relevant to this issue and moved Notice of Motion No.20.

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

“That Kerry County Council formulates a system of identifying locations adjacent to towns/villages for the erection/display of election posters.

Such a system would eliminate the littering throughout the County during election campaigns of posters on fencing, poles, trees and erected palates.

We ask that Kerry County Council being now to plan for the next Local Election”.

The following reply issued:

It would be clearly desirable to move to a system which would provide dedicated, limited facilities for the adequate display of election posters rather than the uncontrolled proliferation of posters which currently pertains.

It is recommended that the matter be referred to the Environment SPC for consideration.

Cllr. M. O'Shea said an election poster is part of the election atmosphere. For the next Local Election he suggested that a pilot programme be introduced where an agreed location would be identified in towns and villages for election posters instead of sporadic poster erecting. It would be proper and just if everyone agreed to this proposal throughout the county.

Cllr. P.J. Donovan **SECONDED** this motion. Dedicated areas for election posters is best. He said he believed it is illegal to put posters up on ESB/Eircom poles. If ESB/Eircom took action against candidates it would be helpful.

Cllr. T. Ferris said some enforcement for destruction and removal of election posters is required as this happens with every election. The use of wooden pallets to display posters and a limit on the number of posters used should be enforced.

Cllr. B. O'Connell said he spoke about indiscriminate dumping at budget meetings several times. People who do not have a bin for their refuse collections are responsible for this indiscriminate dumping. The problem of indiscriminate dumping must be tackled. The Environment Department must go door to door and do an audit and ask householders what refuse collection they are using. If Kerry County Council is serious about tackling this problem this is the first thing to be done. Certain parts of this county cannot have a refuse collection because they are remote areas however the audit could be undertaken in the urban areas.

Cllr. B. Cronin supported Cllr. O'Connell's comments. This report was considered at a recent Environment SPC meeting. A huge amount of work has been undertaken with regard to education in schools and the introduction of hidden cameras to identify the offender. He asked what prosecution will be taken against an offender. The hidden cameras must be used in other locations in the county also e.g. Cockhill and Bannaglanna. He commended the 'Adopt a Road' Scheme and said excellent work being done by local communities. He thanked communities for the work they are doing. Kerry County Council must continue to promote the cleanliness of the county and protect it.

Cllr. M. O'Shea welcomed the report. Indiscriminate dumping of waste is widespread in the county. He referred to the location of the Milltown Bottle Bank which is particularly badly littered. Second level education on litter awareness must be addressed. He asked if Kerry County Council is visiting second level schools to promoting litter awareness. There are many community groups in the county who are very active. These groups should be allowed free access to transfer stations with the refuse that is collected in clean ups. The local media should be used to promote keeping Kerry clean. Kerry County Council is totally against widespread dumping of waste and every avenue should be used to promote keeping the county clean and advising of the fines.

Cllr. D. Healy-Rae deplored the littering of election material near Cllr. Gleeson's home. He said the Healy-Raes did not use tie straps to secure election posters. He commended the work of the Glenflesk Community Group for the work they do in keeping the area very clean. Young people must be educated to stop littering. A lot is being done at National School level but it must also be done at second level. There is bad littering from Mick the Bridges to Kilgarvan too. He agreed with Cllr. Cronin regarding littering at Cockhill and said the use of the hidden camera in this area would be helpful.

Cllr. P. McCarthy agreed with the previous speakers and thanked the staff of the Environment Department and particularly the Litter Wardens for their great work. Communities are doing great work and may this continue. Election posters are a major problem. He said he thinks election posters should not be allowed. There are people who take sadistic pleasure in removing posters and after the election re-erecting them. The proposal for door to door audits regarding the use of the refuse collection service is an excellent proposal. There are beautiful walks in Kerry which are littered.

Cllr. R. Beasley welcomed the report. Micheál Ó Coileáin, Environmental Awareness Officer and Ellen Daly, Litter Warden, do great work. He agreed with Cllr. O'Connell regarding the audit of people and how they dispose of their rubbish. People must account for where they dispose of the rubbish. The situation with littering has exacerbated in the last 18 months, particularly on side roads. Dog fouling is also an issue and there is a health and safety issue for children. People must be educated on this and clean up after their dogs.

Cllr. J. Brassil said the fine for littering is not adequate. The fine should be in excess of €1,000 for littering. It must be made clear that littering is not an activity that is allowed in this county. If people had a fine that they genuinely feared as opposed to a €150 fine they might think twice about their activities. He asked that County Council employees and the refuse collection service would pick up bags of rubbish that they see rather than letting the break up and make a bigger mess. With regard to the Spring Clean Campaign he re-iterated his call that every community in Kerry get involved in this campaign to make the county as pristine as possible.

Cllr. J. Sheahan thanked the Environment staff for their work. He congratulated communities involved in keeping their communities clean and keeping roads tidy. A number of very good points have been made and he supported Cllr. O'Connell's and Cllr. Cronin's proposals. Where a person has been found guilty of dumping they should be prosecuted and then be requested to show proof of signing up to a waste disposal company for 10 years.

Mr. T. Sheehy, A/Director of Environmental Services, said the door-to-door survey would cost a lot of money and it would have no benefit at the end of the day. This survey would not progress the issue. He said if it were to be useful he would undertake the audit but he does not think it would achieve anything. Bye-Laws are being considered for people on collection routes to be signed up to a collection service.

The meeting adjourned for lunch at 1.30 p.m.

The meeting resumed at 2.25 p.m.

11.03.21.18 Guidelines for the Setting of Special Speed Limits

Mr. C. O'Sullivan, Director of Roads and Transportation, referred elected members to his report dated 10th March, 2011 regarding Guidelines for the Setting of Special Speed Limits. The Department of Transport has issued revised "Guidelines for the Setting of Special Speed Limits" under Circular RST 02/2011 which replaced the previous 2005 guideline. The circular and the revised guidelines constitute a direction given by the Minister under Section 9(9) of the Road Traffic Act 2004. The main changes contained in the 2010 guidelines are as follows:

- New Technical Engineering Guidance in the form of a Speed Assessment Framework for the setting of special speed limits on rural single carriageway roads for the situations where the setting of speed limits is unclear or ambiguous and further guidance is required to aid the decision making process.
- Provision of a new 40km per hour special speed limit as provided for in the Road Traffic Act 2010 together with the associated criteria required for its use.
- Additional technical criteria provided in guidelines by road type to further assist the decision making process if roads are being considered for a change in the default speed limit.
- Contains new general updated research advice guidance.

The use of the new 40km per hour special speed limit sign must await the making of new road traffic sign regulations which are under preparation at present. The Department has indicated that it anticipates these regulations will be complete by mid year.

The guidelines also address some of the current existing inappropriate location of these limit signs, particularly on local tertiary roads, and give guidance in a general way on the proper locations for the rationalisation of signage. The Department has requested that an audit of the appropriateness and consistency of speed limits across the network be conducted with a number of tasks to be completed by the end of October 2011. The draft guidelines are currently being assessed in greater detail and a report will be presented to a future meeting, through the Transport SPC, on the schedule of actions to be carried out by the Roads Department and the proposed timeframe for same. The schedule of works proposed by the Roads Department will also have regard to available resources given the extensive Roadworks Programme that also has to be delivered.

Cllr. M. O'Shea said the experience of Members is that 50km per hour signs are in many cases inside town boundaries where development has taken place outside these limits. He asked if there could be 50km/h sections on parts of 100km/h roads.

11.03.21.19 Report from Chair of Planning SPC

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

11.03.21.20 Holding of the April Ordinary Meeting in Moyvane

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. T. Buckley, it was unanimously agreed to hold the April Ordinary Meeting of Kerry County Council in the Marian Hall, Moyvane, on Monday 18th April, 2011.

11.03.21.21 Dates for Electoral Area Meetings

Dates for the next round of Electoral Area meetings were agreed as follows:

Area	Date	Location	Time
An Daingean	Fri 1 st Apr 2011	An Daingean Area Office	10.30 am
Killarney	Wed 13 th Apr 2011	Town Hall, Killarney	10.00 am
Listowel	Mon 9 th May 2011	Áras an Phiarsaigh, Listowel	10.00 am
Tralee	Mon 23 rd May 2011	Council Chambers, Tralee	2.00 pm

11.03.21.22 Reception of Deputations

- (a) Cllr. P. O'Donoghue requested that a Deputation would be received from Laharn Residents Association, Killorglin, regarding roads issues.

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

- (b) Cllr. P. O'Donoghue requested that a Deputation would be received from Sneem South Square Business Association regarding Public Toilets in Sneem.

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

- (c) Cllr. P. Connor-Scarteen requested that a Deputation would be received from Residents of Ashgrove, Kenmare, regarding the condition of the road at Ashgrove.

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

11.03.21.23 Summary of Proceedings at Conferences

Carlow Tourism 9th National Conference – 3rd March, 2011

It was agreed to note Cllr. R. Beasley's written report on behalf of the delegates that attended the Carlow Tourism 9th National conference held from 3rd–5th March, 2011.

11.03.21.24 Opening of Tenders

- (a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for LAN Speed Connectivity to Government Networks #1 – Kerry Local Authorities 2011 – Closing Date: Friday, 1 April, 2011 at 2.00 p.m.
- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of Tenders for Cash-in-Transit Services – Closing Date: Monday, 11th April, 2011 at 3.00 p.m.

11.03.21.25 Notices of Motion

1. Bicycle Carrying Capacity on Iarnród Éireann Journeys

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

"In view of the ever increasing interest in cycling holidays and of the importance of that aspect of tourism to the economy of Kerry that this Council calls on

Iarnród Éireann to significantly increase its bicycle carrying capacity from its present maximum of two per journey.”

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

Cllr. M. Gleeson said it is a stipulation by Iarnród Éireann that it will carry only two bicycles per journey. This limits the number of cyclists getting to Kerry. The economy of Kerry would benefit if Iarnród Éireann would allow each train journey carry many more bicycles. The train service would be used widely by cyclists from the east of the country and it would facilitate people getting to the county and enjoying the county.

Cllr. B. Cronin SECONDED this motion.

2. Proposed route from Farranfore to Lissivigeen bypassing Killarney

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

“To ask the NRA for clarification for all land owners on the proposed major route from Farranfore to Lissivigeen bypassing Killarney, what now is the overall projected cost, in light of the current financial climate is this project abandoned for the foreseeable future and what are the long term implications for affected property owners.”

The following report issued:

The overall projected cost for the N22 Farranfore to Killarney Road Improvement Scheme (from Farranfore to Lissyvigeen) is in excess of €130M.

In the current financial climate this scheme is not likely to receive NRA approval to proceed with the Compulsory Purchase Order (CPO)/ Environmental Impact Statement (EIS) in the short term.

However, the development of the scheme is a stated objective (INF 8-15) of the Kerry County Development Plan 2009-2015. The prohibition of development on the lands needed for the construction of the route is also a stated objective (INF 8-16 and 8-17) of the plan.

A number of potential refinements to the original preferred route corridor are currently being examined and will be finalised in mid to late 2011. This will allow for the determination of the preferred final route, thereby reducing the amount of land affected by the development of the scheme.

Until such time as the CPO and EIS have been undertaken and completed no land acquisition in relation to the Road Improvement Scheme is likely to take place and the objectives of the Development Plan in relation to the scheme will prevail.

Cllr. B. Cronin said a large section of road and a number of farmers and landowners are involved in this route and have been waiting for 10 years for it to be completed. The route is no where near completion and farmers split land to provide for the road. People are caught because they are on the main road and they are being denied planning permission. If the proposed road went ahead this road would be downgraded and they could get planning. At present there is no room to develop

and there is no possibility of the road. At the annual Roads Meeting there is always an allocation of €140,000 for design. He asked will this road go ahead in the current financial climate and how much has been spent on this road to date.

Cllr. M. Gleeson said children of landowners on this land want to build but they are prevented from doing so by the possible future existence of a road. It is creating anti-social difficulties for some families. Some clarity is needed on the future of this proposed road.

Mr. C. O'Sullivan, Directors of Roads and Transportation, said management is also frustrated by the delay of the project. The delay is not of Kerry County Council's making. Funding of approximately €1m has been received to date. Such a project does take a substantial amount of time. He welcomed the funding received this year. The level of funding in the NRA will not be available for major routes over the next few years. He said he hopes the project will go ahead but he cannot say when. A review was carried out and the funding received this year will allow the route for the project to be finalised and free up land which has been tied up heretofore. It would be remiss of Kerry County Council not to retain the preferred route in the County Development Plan so that when funding becomes available the project can proceed.

3. Traffic Lights at Farranfore Village at the Currow/Firies Junction

Pursuant to Notice duly given, Cllr. B. O'Connell PROPOSED:-

"That Kerry County Council provide traffic lights at the centre of Farranfore Village at the Currow/Firies Junction."

The following report issued:

This issue has been raised on a number of occasions at Killarney Electoral Area Committee meetings. The NRA funded a design study of this junction in last year's Safety Allocation which considers numerous options such as traffic lights, roundabouts, realignment etc. for this junction. This study was undertaken by the Design Office and a report has been submitted to the Regional Road Safety Engineer of the NRA for consideration.

Two years ago the signage on the Regional Road approach to this junction was upgraded as part of a safety scheme. Any further changes that may be recommended by the NRA as a result of this study will have to be funded by the NRA.

Cllr. B. O'Connell said this is before Council having been considered at the Killarney Electoral Area Meeting and because it is a desperate situation. Motorists cannot access the N22 road safely. He said he cannot understand why something cannot be done at this junction. Drivers get frustrated at this junction and accidents have occurred here. He asked if the Roads Department knows what was in the report submitted to the NRA.

Cllr. B. Cronin **SECONDED** this motion. This motion has been tabled time and time again. This is an incredibly difficult junction to negotiate from Firies and even worse if you want to cross the road completely. To go straight through the junction the motorists must cross three lanes of traffic. He supported the motion.

Cllr. D. Healy-Rae supported the motion. He said he brought a deputation to an area meeting and also tabled motions on this matter previously. One of the property owners adjacent to this junction is agreeable to giving some land to provide a roundabout.

Cllr. J. Sheahan supported this motion.

Mr. C. O'Sullivan, Director of Roads and Transportation, said funding for the design study was received and the design study was undertaken in-house and did not go to consultants. The key issue is obtaining funding. Four options were considered for this junction:

1. No works to be undertaken at the junction
2. Install traffic lights with meeting full requirements regarding improved sight distance guidelines
3. Install traffic lights with minimum sight distance
4. Provide a roundabout

All of the options would involve some land take. The cost of the traffic lights ranged from €900,000 up to €1.3m to achieve full sight distance requirements. The provision of a roundabout would cost €1.7m. Traffic volumes from Currow were 0.65 of a vehicle per minute or one vehicle every minute. Traffic volume from Fries was one vehicle every 30 seconds. There are delays at this junction but it would be difficult to justify this expenditure on a cost based analysis. Accident statistics at this junction are 9 accidents; 1 fatality, 6 minor injuries and 2 material damage. Kerry County Council has submitted the report to the NRA for consideration and would be anxious to carry out some improvements at this location.

4. Funding for incomplete Estates

Pursuant to Notice duly given, Cllr. N. Foley PROPOSED:-

"That Kerry County Council apply as a matter of urgency for the recently announced funding for incomplete estates. This is a serious health and safety issue for a number of estates in the County and health and safety is the key guideline for the receipt of such funding."

The following report issued:

The Department of Environment have issued a circular to Local Authorities entitled 'Unfinished Housing Developments and Public Safety' which advises on a funding provision of €5m to deal with immediate safety issues on unfinished housing developments around the Country.

Estates which can be categorised as follows can be put forward for funding.

'Estates where there is no construction activity taking place, where efforts to contact the developer or site owner have been unsuccessful, where no receiver has been appointed, where serious public safety issues are present and efforts to compel the developer and or site owner to address such issues have been unsuccessful'.

As Council are aware, our estates team have been conducting full surveys on all housing estates in the County over the past eighteen months. The results of these surveys must now be analysed and where there are developments which qualify, they must be prioritised.

An application for funding will then be forwarded to the Department of the Environment with a full report on each estate attached.

Cllr. N. Foley said the funding provision of €5m will do a very minimum amount of work. She appreciated that Kerry County Council has completed its survey of estates. She requested that Kerry County Council do as much as it can to secure funding and that Kerry County Council request greater funding. This is a source of concern to the public.

Chairman T. O'Brien SECONDED this motion. It is terrible the number of estates in urban and rural areas which are left like this. He requested Kerry County Council to secure as much funding as possible.

5. Inclusion of the PR System in the Leaving Certificate Curriculum

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

"That Kerry County Council propose that the details of the PR system is taught as part of the curriculum in the Leaving Certificate Programme"

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

Cllr. P. McCarthy said an election has just finished and it is surprising and disappointing that adults and particularly young people have no idea of how the electoral system works, particularly with regard to proportional representation. Details of the PR system should be introduced as part of the Leaving Certificate programme. Many people have no idea of the importance of voting firstly, and also how they should vote and understanding it. He asked that this request be forwarded to the Minister for Education.

Cllr. N. Foley said in principle she supported this motion. She said she believes that the CSPE Programme exists to junior level and the electoral system is a core part of that programme. She said she could not see how there would be space in the Leaving Certificate programme to include this. There is also a need for active citizenship and that people would familiarise themselves with the working of the electoral system.

Cllr. G. Wharton-Slattery supported this motion and said it would be a good idea to introduce this system to the old style civic classes in schools.

6. Dangerous Lag on the N22 at Curraglass, Glenflesk

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

"That Kerry County Council ask the NRA to repair the dangerous lag on the N22 at Curraglass, Glenflesk. I had this motion down previously at a Killarney Area Meeting where I asked if this lag was caused by the fairies as it had been comprehensively repaired a few years ago."

The following report issued:

Repair works were carried out at this location in 2005, following a Notice of Motion raised at the Killarney Area Meeting. At that time a localised soft spot was excavated to a depth of between 2.5 to 3 metres. It would appear that there is some further settlement occurring in the vicinity of these repairs. The Roads Section intend having a geotechnical survey carried out at this location, to identify the underlying cause and will carry out the necessary repair works resulting from that survey.

Cllr. D. Healy-Rae said following works carried out in 2005 he had a Notice of Motion in 2008 because this lag on the N22 at Curraglass, Glenflesk had deteriorated. This is a national primary route. The lag on the road is considerably worse in recent times. He asked that something be done about this. He called for support of the elected members.

Cllr. M. Gleeson supported the motion and asked that this matter be addressed quickly.

7. Hedge Cutting in the County

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

“That Kerry County Council would provide an update to the members regarding their proposals to deal with the hedge cutting issue in the County which has now become critical.”

The following report issued:

The responsibility for cutting roadside hedges remains firmly with the landowner and our current policy in this regard complies with the 1993 Roads Act.

It is not accepted that the hedge cutting issue in the county has now reached a critical level and the majority of landowners do uphold the law and cut / maintain their hedges in a proper manner.

However there are a limited number of landowners, who despite our efforts to advise them of their statutory responsibilities, fail to maintain their roadside hedges. Last year, the Council issued 119 Notices under Section 70(2) of the Roads Act, 1993 to landowners, on foot of complaints from road users and reports from our Area staff. This represents about 2% of the 5,449 landowners, with roadside hedges, who are on our database. The majority of these 119 landowners subsequently complied with the direction given in the Section 70 Notice and legal proceedings were served on 4 landowners which resulted in a prosecution by the court.

In view of the issues raised by members in recent years, the Council’s policy was reviewed by the Transport SPC during 2010 and it was subsequently adopted by Council. With effect from the start of 2011, where landowners fail to comply with their statutory requirements, following notification by the Council, and where there is a threat to the safety of the road users, the Council will cut the hedge and pursue the landowner for the recovery of our full costs, including enforcement costs, through the Courts.

The Council will still continue with its policy of notifying all landowners of their responsibilities in this regard and will also outline the timescale during which hedge cutting has to be undertaken.

Cllr. J. Brassil said he fundamentally disagreed with the statement that “It is not accepted that the hedge cutting issue in the county has now reached a critical level and the majority of landowners do uphold the law and cut/maintain their hedges in a proper manner”. He said in the areas he travels there used to be ditches on the side of the road, now there are briars as the ditches are completely overgrown. Briar growth has overtaken the ditches. In the summer the briars grow out to the

middle of the road and litter gets caught in the briars. He welcomed the proposal that cutting will be carried out where landowners do not take on the responsibility. He questioned the report that only 2% of people are non-compliant. The policy that should be pursued is to set up a hedge cutting service in the county, cut hedges and charge appropriately, e.g. so much per metre. This should be done on a compulsory basis. Proper growth should be on the ditches as opposed to briars which are dangerous and unsightly.

Cllr. G. Wharton-Slattery agreed that hedge cutting is a critical issue. Many roads which have been upgraded with cycling lanes and landowners on these lanes must cut their hedges. Overgrown hedges is also creating litter. The proposal to employ a contractor to cut the hedges and bill people is a good idea.

Cllr. B. Cronin said he agreed with the compulsory element of hedge cutting. Hundreds of landowners have trimmed their roadside hedges over the years. There is a certain element of people who will not do this work. He said he has yet to read of a prosecution for non-compliance with a hedge cutting notice. He supported the statement that cutting of roadside hedges is the responsibility of the landowner. He said he would look positively at the compulsory element of hedge cutting and charging the landowner. The farming community is entitled to claim REPS and is being paid to maintain and trim roadside hedges. He said the Department of Agriculture has satellite images which could be used for comparison purposes. He said every landowner cannot be condemned because many landowners do this cut their roadside hedges.

8. Applicants who do not qualify for extensions of planning under Section 42A

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

"What solution will this Council be able to provide to applicants who do not qualify for extensions of planning under Section 42A."

The following report issued:

Applicants can re-apply in the normal fashion for planning permission for the development previously granted or a variation to the original proposal addressing the issues now pertinent to the site in the context of recent legislation and Ministerial Guidelines and Directives.

Cllr. R. Beasley said the new guidelines have serious implications for people granted planning permission in 2006/2007. The new EPA Guidelines were introduced and this will be a retrograde step if they will not be granted planning permission under normal practices.

Cllr. A. McEllistram requested that a letter issue to the Minister to reconsider matters arising from the applications and to review cases where people took mortgages to buy sites and because of the EPA guidelines are being refused planning permission.

Cllr. R. Beasley said something must be done to eliminate the hardship on these people. He agreed with Cllr. McEllistram's suggestion to issue a letter to the Minister.

9. Assistance for Mortgage Holders in Arrears

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

"That Kerry County Council asks the Government to put in place strict procedures for the banks to assist mortgage holders who find themselves in arrears. A NAMA style programme is required with mortgage arrears re payment options for instance

1. Extending mortgages either by a set time or by allowing the next generation to continue the mortgage repayments
2. Allow interest only mortgage re-payments for a set time
3. Re adjust repayments based on assessed current family income"

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

Cllr. M. O'Shea said this is the biggest issue facing families and a structure/system must be put in place to assist mortgage holders with their payment options, for example,

1. Extending mortgages either by a set time or by allowing the next generation to continue the mortgage repayments
2. Allow interest only mortgage re-payments for a set time
3. Re adjust repayments based on assessed current family income.

Cllr. O'Shea said people on Job Seekers Allowance must continue to support their family and pay the mortgage. Urgent action is required. Effort should be made to get the regional managers of the financial institutions to attend in this Chamber for a debate.

Cllr. D. Healy-Rae supported this motion and said it is a critical issue for a lot of people. He said he met many people in a critical state on the recent election campaign. People are in terrible difficulties trying to manage. Some countries have 70 year mortgages. The state owns two major banks and if they are going to insist on putting people out of their houses, it will be the tax payer who will have to pay for these unfortunate people in Local Authority housing. It makes sense that the mortgage be extended or at least that these financial institutions would accept a nominal rent for that area for the month and accordingly adjust the years as to when the mortgage will be paid. He supported the call to meet with the financial institutions in the Chamber.

10. Provision of Peep Holes in Kerry County Council Housing Stock

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

"That Kerry County Council would provide peep holes in it's housing stock especially where there are elderly or vulnerable people involved."

The following report issued:

Many of the Council's properties already have a narrow fixed side window beside the front door which allows visitors to be seen by the occupant. Funding constraints would not allow us to retrofit such a device to the remainder of our stock without this feature. However we will consider carrying out such works on a more limited basis subject to funding becoming available.

Cllr. T. Buckley welcomed the reply and said this is something which is being promoted by voluntary groups. Elderly people are living in fear and this is work that Kerry County Council should consider carrying out should funding become available.

Cllr. M. Gleeson SECONDED this motion.

11. Culling of Deer in Kerry

Cllr. J. Sheahan moved this motion on behalf of Cllr. P. Connor-Scarteen.

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

“That Kerry County Council obtains current policies, surveys and future plans regarding the culling of deer in Kerry from various bodies including the National Parks and Wildlife Service, IFA and the Irish Wild Deer Association. Too many deer are currently roaming the country side causing much damage to farms and residential properties particularly in areas throughout South Kerry.”

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

12. Carbon Monoxide Detectors

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

“That this Council, in light of recent tragic events from carbon monoxide poisoning, not enter into lease agreements unless carbon monoxide detectors are fitted.”

The following report issued:

Carbon monoxide detectors would provide an added safeguard but are not a requirement of current legislation on rental accommodation standards. The Regulations require that an adequate air supply is provided for combustion to heat producing appliances and that adequate provision is made for the discharge of the products of combustion from these appliances to the outside air. In the inspection of properties for leasing we will continue to ensure that these regulations are met. As an additional measure, based on technical advice we may require the fitting of carbon monoxide detectors in certain instances prior to entering into any leasing agreements under the social housing leasing initiative.

Cllr. J. Sheahan thanked the executive for the reply and said in recent times many fatalities have resulted from carbon monoxide poisoning. It has been claimed that the number of deaths per annum may be as high as 40. The time has long since passed when legislation should have been introduced to cover homes, rented accommodation and hotels. A template is available given that the installation of smoke alarms is obligatory in rented accommodation and they have saved many lives.

The Commission for Energy Regulation has not yet taken responsibility for safety regulation in this area. That is different from what happens in the case of similar regulators in other jurisdictions. Why has the regulator not taken such responsibility? When will legislation be in place to make it compulsory to have such alarms or detectors in one's home? Carbon Monoxide detectors are necessary to reduce the number of deaths being experienced. He said he is aware that people who have been bereaved following such accidents have been campaigning strongly for many years without success.

He PROPOSED that in light of recent tragic events from carbon monoxide poisoning that Kerry County Council would not enter lease agreements unless carbon monoxide detectors are fitted. This Council could lead the way on this issue. He PROPOSED that a letter issue to the Minister for the Environment to implement this policy. Kerry County Council must lead by example and do what's right.

Chairman T. O'Brien SECONDED this motion.

13. Provision of Signage in Advance of Junctions

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

“As directional Finger signs at junctions are of minimum value to speeding traffic and may indeed constitute traffic hazards that the Council would undertake a programme of erecting clear and unambiguous signage in advance of junctions. Such a development would be an invaluable aid to all road user and in particular to tourists to the County.”

The following report issued:

The National Roads Authority has begun a National Road Network Re-Signing Project which involves the review of directional signage on the national primary and secondary routes. This review is carried out under the NRA’s “Policy on the provision of Tourist and Leisure Signage on National Roads”. The routes currently under consideration within the County are the N21, N22, N23, N69 and N72.

An allocation of €180,000 has also been received from the National Roads Authority for a Regional Road Signposting Programme in 2011. This will predominately be used to improve signposting on those local roads which were reclassified as Regional Routes in June 2007. Such routes will include the Conor Pass, Sleah Head and Skellig Ring.

The signage upgrading that will follow on from the review on the National routes, as well as the Regional routes should result in a much improved suite of signs which will be of benefit to all road users.

Cllr. M. Gleeson thanked the executive for their reply. This is a tourist county and everything possible should be done to enhance the visitor experience. Inadequate road signage is a difficulty. Proper signage is an essential aid to tourism. Existing finger signage is not appropriate. It would be useful to provide clear signage in advance of junctions.

14. Unauthorised Quarrying

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

“That the Elected Members be provided with a full report of the location and identities of any unauthorised quarrying and the current status of all enforcement proceedings for same in the County.”

The following report issued:

Council received, in May, 2010 a list of quarries where enforcement proceedings had been initiated on quarry owners / developers where they were not in compliance with conditions imposed under the Section 261 registration process. In a number of cases, we were awaiting circuit court proceedings. However, legal advice was obtained stating that the law governing quarries as written in the 2000 Act failed to include a subsection within Section 261, which provided either that a failure to comply with the conditions renders the operation of the quarry unauthorised or that Section 160 can be used to force compliance with conditions. Similarly, neither Section 160 nor Section 34 or any other Section of the Act empowers a Court to make orders in relation to a breach of the conditions attached to a quarry registration.

Specifically, the Barrister stated 'If there is a failure to comply with a condition, there is simply no mechanism to remedy the breach'. As a result, proceedings to be brought to restrain the operation of a quarry can only be brought pursuant to Section 160. However, these proceedings must be focused primarily on the extension of the quarry and the intensification and / or a material change of use.

These are difficult cases to bring before a Court and can be protracted and expensive. In order to remedy the omission in the 2000 Planning Act, an amendment to Section 261 has been introduced under Section 74 of the Planning & Development (Amendment) Act, 2010. The amendment provides that, notwithstanding any other provisions in the Principal Act, failure to comply with conditions imposed on a pre '64 quarry will render the quarry unauthorised, so that a Planning Authority can take enforcement action. It has also provided that failure to cease operations, having been refused permission pursuant to an application under Section 261 (7) or failure to abide by provisions attached to a grant of permission under s.s. 7 will render the development unauthorised. .

Section 75 of the 2010 Act provides that each Planning Authority will have to examine all quarries in its area in the nine months following the commencement of the Section. A decision must be taken on whether an environment impact assessment or appropriate assessment was or were required and then a full assessment made on the planning status of each quarry.

A special team comprising of Mr. Damien Ginty, Executive Planner and Ms. Helen Burke, S.O. has been allocated the responsibility for this body of work and progress is being made. However, the relevant section of the Act has not commenced but we are advised from the Department of the Environment that it will commence over the next number of weeks. Hence, as the relevant legislation has not been brought into force the decision has been taken not to proceed at this time with any quarry cases through the Courts where Section 261 registration took place.

During a recent court case in relation to a registered quarry in the Circuit Court, the Judge referred to pending legislation and stated that he would await the outcome of that process, prior to making any further orders.

However, in the case of unauthorised quarries where registration did not take place and where it is felt that an EIA or AA is not warranted, enforcement proceedings are initiated and these are included in our list hereunder.

Quarry Reg. No.	Name of Owner/Developer	Address of Quarry	Comments
QY022	T & A Randles Ltd.	Upper Letter, Kenmare, Co. Kerry.	In order to quarry within red line area. To be reviewed in June 2011.
QY032	(Name & Address withheld for data protection purposes)		Subject to Enf. Not active. However technically not compliant. Awaiting commencement of new legislation relating to quarries.

Quarry Reg. No.	Name of Owner/Developer	Address of Quarry	Comments
QY035	(Name & Address withheld for data protection purposes)		Subject to Enf.- Working with owners re compliance issues.
QY046	M.F. Quirke & Sons	Ballymacadam, Castleisland	Subject to Enf. due to unauthorised entrance.
QY067	(Name & Address withheld for data protection purposes)		Subject to Enf. Not in compliance with conditions of registration. Awaiting commencement of new legislation relating to quarries.
QY082	Duggan Quarries Ltd.	Caher West, Kenmare.	Subject to Enf. Awaiting commencement of new legislation relating to quarries.
QY084	(Name & Address withheld for data protection purposes)		Quarry dormant. Awaiting commencement of new legislation relating to quarries.
QY096	(Name withheld for data protection purposes) & Kenmare Plant Hire Ltd.	Eirk, Muckross, Killarney.(Molls Gap)	Working with quarry operator to complete minor works.
QY101	(Name & Address withheld for data protection purposes)		Subject to enforcement in relation to entrance and landscaping. Awaiting commencement of new legislation relating to quarries.
U004/06	(Name & Address withheld for data protection purposes)		Subject to Enf. Court agreement in place. Being monitored for compliance.
U032/07	(Name & Address withheld for data protection purposes)		Dormant. Being monitored – not in compliance with conditions of planning permission.
U241/07	(Name & Address withheld for data protection purposes)		Awaiting issue of Circuit Court proceedings..
U270/07/ QY111	M.F. Quirke & Sons	Fermoye, B.skelligs	Dormant. Re-instatement of lands being pursued.
U180/06	(Name & Address withheld for data protection purposes)		Enforcement Notice served.

Quarry Reg. No.	Name of Owner/Developer	Address of Quarry	Comments
U295/10	(Name & Address withheld for data protection purposes)		Warning Letter served 26/01/2011 in relation to unauthorised operation of quarry. Listed for re-inspection.
Updated March 11th March, 2011.			

Cllr. B. Cronin thanked the executive for the reply and said it is a comprehensive and serious response. He said he fully supported the quarrying business as these materials must be provided within the county. He said he fully supported those businesses that have applied for planning permission and are properly registered. There are businesses who do not operate within the regulations and 15 different cases have been identified. Close to these quarries are access roads which may be destroyed or homes that are destroyed by dust and affected by irregular working hours. It is hard to believe that the 2000 Act excluded vital legislation resulting in a loophole in the legislation and the Council being with power. There is no mechanism to remedy the breach. The Council is often blamed but the individuals who omitted this particular clause from legislation are at fault. The Council is now awaiting the outcome of a case and pending legislation to address unauthorised quarries. Protection must be given to the households, the families and the road network. These quarries can operate once they register and operate properly and are considerate of adjacent landowners. It appears this applies only to intensification of work at quarries. The Council must take action as soon as legislation is enacted and progress can be made legally. It is only fair and right for the landowners adjacent to the quarries. He said his concerns are for the residents and general public. He said he fully supports all quarries working within regulations and planning conditions and which show respect for the people living around them.

15. Advertising Signs on Public Roads

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

“To ask Kerry County Council to allow businesses to properly advertise their products along our public roads - whether it is hotels, restaurants or commercial interests. In these enormously tough times they need to capitalise as much as possible from passing traffic.”

The following report issued:

There are National and local policies associated with the erection of signage along public roads. Advertising signs are only allowed in relation to tourist attractions which are likely to attract a substantial number of visitors e.g. in Kerry, Cragg Caves or the Aquadome. Fingerpost signs licensed by Kerry County Council are permitted to direct persons to businesses located off the main traffic routes. With regard to a number of businesses which are grouped together in an urban location or on approach roads, the Planning Authority have agreed to the erection of a communal notice board, identifying the various businesses at that location.

Paragraph 13.16 of the Kerry County Development Plan 2009-2015 gives general guidance on advertising and advertising signs.

There is also the health and safety issue of distraction of drivers by too many signs, it is acknowledged that a proliferation of signage on the public roads can give rise to distraction of drivers and possibly lead to accidents. It is essential therefore that any signage erected on the public roads is in accordance with the guidelines laid down by the Roads Authority and the Planning Authority. There is also the very important issue of tourism and the likelihood of a proliferation of signs scarring our landscape if enforcement action is not taken. Tourism is an industry which we are now more than ever dependant on.

Cllr. D. Healy-Rae thanked the executive for the reply. With regard to the health and safety issue an accident can also be caused by drivers stopping and starting as they try to figure out where they are going. The economic climate is difficult for small businesses that cannot erect signage to attract business. This is unsatisfactory. He accepted the guidance in the County Development Plan. It is unfortunate that a better system of signage is not allowed. He asked the executive to reconsider what must be done to improve this situation and which would help reduce the time spent on enforcement.

Mr. C. O'Sullivan, Director of Roads and Transportation, said he appreciated Cllr. Healy-Rae's viewpoint. Tidy Towns reports refer to the level of unauthorised signage. There is a proliferation of signs and business on the road into Tralee, with businesses parking vans and trailers with signs on them. Kerry County Council has no option but to comply with national legislation in terms of protecting the safety of road users by removing those signs.

17. Legislation to prevent Retired Civil Servants being employed by the state while in receipt of pension

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

"That this Council will contact the new Minister for Finance asking him/her to legislate to prevent the practice of 'retired' civil servants being employed by the state while in receipt of a generous full pension."

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

Cllr. R. Beasley asked that a letter be issued to the relevant Minister requesting him to legislate against the re-employment of retired civil servants. Students are coming out of college and have to leave the country or be put on social welfare due to the lack of jobs in the country.

18. Kerry County Council Affordable Housing Stock

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

"To ask Kerry County Council how many units are currently available for affordable housing and what is the current take up on affordable housing from interested parties?"

The following report issued:

Kerry County Council currently has 13 unsold affordable houses on hands. Unfortunately, while we have had a significant number of applicants, securing mortgage approval has proven a major difficulty. In accordance with DoEHLG requirements we are currently finalising arrangements for the transfer of the

first tranche of these unsold affordable units to a voluntary housing body under the Social Housing Leasing Initiative for letting to qualified social housing applicants.

Cllr. M. O'Shea thanked the executive for the reply and said financial institutions are not open for mortgage business. The response speaks for itself. It is horrifying that there are affordable houses available and people cannot avail of them. He requested that banking institutions be requested to attend this chamber. He asked when Kerry County Council last disposed of an affordable house. People are going through harsh times and cannot get help to purchase these houses.

Cllr. D. Healy-Rae **SECONDED** this motion. He said unsold affordable units are to be handed over to voluntary housing bodies. He asked if it would be possible that people allocated the affordable units by the voluntary housing body could be allowed to rent the house on the expiration of the lease to the voluntary housing body.

Mr. L. Quinlan, A/Director of Housing, said 25 affordable houses are on hand at present. Of those, 12 are in the process of being sold. Affordable houses continue to be sold. Approval was given by Council for such a disposal this morning. The difficulty relates to a lack of available funding. The Department of the Environment is not allowing Local Authorities to utilise affordable housing for social housing purposes. The Department of the Environment is requesting Local Authorities to lease these properties to voluntary housing bodies. Kerry County Council is in negotiations to do this. This will allow voluntary housing bodies to let these properties to eligible applicants, some of whom may have been unable to purchase under the Affordable Housing Scheme. The lease agreement with the voluntary housing bodies will be limited to a period of 5 years. When the lease agreement has expired there may be a possibility for the existing tenants to purchase those units.

19. Kerry Airport

Cllr. T. Buckley moved this motion on behalf of Cllr. P. Connor-Scarteen.

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

"That Kerry County Council obtain an update from Kerry Airport in relation to their plans to maintain their current flights and their plans to develop the Airport in the future. Kerry Airport is vital for Kerry businesses and tourism."

The following report issued:

The Winter Schedule of flights, until 28th March 2011 is currently operating as follows:

London Luton 1x daily

London Stansted, Frankfurt Hahn and Manchester 4 flights/week

Dublin 1 x daily.

From 28th March the aforementioned schedule will continue to operate with the following additions:

Faro and Alicante 2 x weekly.

The Airport is actively seeking additional services into Kerry both to other UK/Scottish destinations and other European destinations in Germany/Italy.

In 2010 the Airport was successful in getting Ryanair to provide a service to Dusseldorf but unfortunately this route was terminated after one season.

In the current economic climate it is proving difficult to get other airlines to provide services not only to Kerry but to Ireland generally. The close proximity of larger airports such as Shannon and Cork, with subsequent larger catchments, makes it all the more difficult to attract new airlines/services to Kerry. However, Kerry Airport will continue its endeavours to expand its connectivity.

In relation to future expansion of airport facilities, a plan to extend the arrivals and departure halls and other works has been drawn up. A capital grant of €17.7m was allocated in 2006/2007 for these works, but was subsequently withdrawn.

Over €400,000 of the Airports own funds has been spent on minor expansion works to alleviate congestion at flight times. Further investments are planned on a new fire station and an extension of the run-off area at the ends of the run way will be carried out as finances allow.

11.03.21.26 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. T. Buckley, it was agreed to authorise the attendance of Cllrs. M. Cahill and R. Beasley at the RESPOND! Workshop on the theme 'Community Development' to be held in Drumcondra, Dublin, from 30th– 31st March, 2011.

Cllr. R. Beasley was nominated to report to Council on this conference.

- (b) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. T. Buckley, it was agreed to authorise the attendance of Cllr. M. Cahill at the Rattoo Heritage Society – 20th Annual Kerry Environmental Conference to be held in Tralee from 7th-10th April, 2011.

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

- (c) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. T. Buckley, it was agreed to authorise the attendance of Cllrs. M. Moloney, M. O'Shea and J. Sheahan at the ACCC Annual Conference to be held in Tullamore, Co. Offaly, on 24th & 25th March, 2011.

- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. G. Wharton-Slattery, it was agreed to authorise the attendance of Cllr. S. Fitzgerald at the LAMA Spring Seminar to be held in Dundalk, Co. Louth, on 29th & 30th April, 2011.

11.03.21.27 Correspondence General

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

Letter dated 24 February, 2011, issued to the VEC Administration Section, Department of Education & Skills, regarding the amalgamation of VECs.

Letter dated 16 February, 2011, from the Minister for Community, Equality and Gaeltacht Affairs regarding funding for emergency coastal protection works at Inch and pier development works at Knightstown, Valentia.

March Ordinary Meeting 2011

Letter dated 21 February, 2011, from the European Commission regarding the European regional status of County Kerry.

Letter dated 28 February, 2011, from the OPW regarding the resolution adopted by Killarney Electoral Area Committee of Kerry County Council that the OPW carry out works on the Cullowa river in Rathmore to eliminate continuous flooding.

Letter dated 19 October, 2010, from Galway City Council regarding a resolution adopted by that authority calling on the Government and the Catholic Church to:

- (a) issue formal apologies for the abuse inflicted on women and young girls in the Magdalen Laundries and
- (b) establish a distinct redress scheme for all survivors.

Letter dated 14 February, 2011, from Galway City Council regarding a resolution adopted by that authority calling on the Government to lobby Iran to rescind the stoning to death of Sakineh Ashtiani for alleged adultery and furthermore makes it known that such killing is both barbaric and cruel.

Letter dated 24 February, 2011, from Monaghan Town Council regarding a resolution adopted by that authority calling on the incoming Government to instigate a system of granting the Irish Diaspora the right to vote in Irish elections.

Votes of Sympathy

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

- (a) Cllrs. P. Connor-Scarteen and P. McCarthy proposed that a vote of sympathy would be extended to the family of the late Eamon Walsh.
- (b) Cllrs. P. Connor-Scarteen, P. McCarthy, D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Joan O'Sullivan.
- (c) Cllr. P. Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late Bridget O'Connor.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Michael Price.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Eileen Moriarty.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Vivian Harte.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Sonny O'Sullivan.

The meeting concluded at 4.00 p.m.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry