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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN  
THE MARIAN HALL, MOYVANE, ON MONDAY, 18 APRIL, 2011**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I HALLA MHUIRE, MAIGH MHEÁIN, AR AN LUAN ,  
18 AIBREAN, 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
J. Finucane	S. Fitzgerald	M. Gleeson
M. Griffin	D. Healy-Rae	J. Healy-Rae
P. Leahy	P. McCarthy	A. McEllistrim
M. Moloney	T. O'Brien	B. O'Connell
P. O'Donoghue	M. O'Shea	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. O.Ring, Dir Water & Env Servs
Mr. J. Breen, Dir Hsg & Comm & Ent	Mr. P. Stack, A/Director of Planning
Mr. G. MacNamara, A/Dir. of Roads	Mr. G. O'Brien, Meetings Adminr.
Ms. D. Griffin, SO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs
Ms. T. Keane, CO Corporate Affairs	Ms. J. McCarthy, SEO Planning
Ms. S. Sheridan, SSO Finance	

The meeting commenced at 11.15 a.m.

Mayor P. Leahy took the Chair.

Mayor Leahy addressed the County Manager, Council Officials, County Councillors, members of the press and the public and the ICA. He welcomed everyone to the Marian Hall, Moyvane, and said this was an historic day for himself, his family and Moyvane. He thanked the elected members for agreeing to host the meeting in the Marian Hall, Moyvane. The last Chairman from Moyvane was Jackie Ahern for the period 1949-1950. He said he is delighted to be Mayor of the county and a public representative for the people of Moyvane and the Listowel Electoral Area. He thanked the Members of the ICA for the help and support given this morning with the refreshments and he also thanked (Name withheld for data protection purposes) for organising the set up of the hall.

**11.04.18.01 Mayor's Report on CPG Meeting held on 12<sup>th</sup> April, 2011**

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

**Item 1 Agenda for the April Council Meeting**

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

**Item 2 County Development Board Update**

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

- The next meeting of the County Development Board will be held in May.
- The Executive of the CDB continue to meet on a monthly basis.
- The Executive are presently considering the outcomes of the review carried out by Mr. Seán Ó'Riordáin and also the discussion at the March meeting to focus on the 3 priorities of:
  - Agriculture
  - Tourism
  - Enterprise
- The Executive will consider how it may prioritise the actions identified by the Board and critically the:
  - Role of each Sector
  - Lead agency on each action
  - Timeframe for action
  - Possible sources of funding
- Consideration will be given to how the Tourism Development Fora in the county can link more directly with the County Development Board.
- The SIM Working Group was reconvened on 5<sup>th</sup> April last and has commenced the task of seeking new members for the Social Inclusion Measures Group.
- It has been suggested by the Executive that **all** agencies should have their annual plans brought to the CDB for endorsement and **not** just the Local Development Agencies as has been the case heretofore. This matter will be discussed and a recommendation brought to the May CDB meeting.
- A full update on the situation of PSO flights at Kerry Airport has been requested from the airport management to brief all board members.
- Work is ongoing on developing a database of Kerry contacts abroad to assist in economic and tourism promotion.

**Item 3 Update from Chairs of SPCs**

Cllr. P. Connor-Scarteen outlined the key issues from the recent Transport SPC meeting. A full report will be presented to the April Council Meeting.

Mr. J. Breen outlined the key issues from the recent Housing SPC meeting. A full report will be presented to the April Council Meeting.

Cllr. B. Cronin outlined the key issues from the recent Environment SPC meeting. He commended the works programme being undertaken within the Water Services Department. He highlighted the difficulty being experienced with gorse fires at this time of year as was evidenced with the destruction of 10 miles of the National Park in Killarney. A full report will be presented to the May Council Meeting.

With regard to reports from Chairs of Strategic Policy Committees, Mr. T. Curran, County Manager, expressed concern that to date reports from the Chairs of the SPCs are being noted at Council meetings and he said he considered it important that the key issues discussed at SPC meetings be outlined to the full Council meeting.

CPG members unanimously agreed that the Chairs of the SPCs would outline the key issues discussed at SPC meetings to full Council meetings.

**Item 4 Mayor's Report on Visit to U.S. for St. Patrick's Day 2011**

Mayor Leahy referred to his report on the trip to New York for St. Patrick's Day celebrations 2011 and said this was an extremely beneficial trip for the purpose of promoting Kerry as a destination for investment, business and tourism. The visit of the Mayor of Kerry to the U.S. for St. Patrick's Day is a worthwhile initiative and he encouraged all future Mayors to consider availing of the opportunity to promote Kerry abroad. A detailed report is attached for the information of elected members.

**Item 5 Corporate Plan Review**

Mr. J.D. Flynn, Director of Corporate Services, said a review of the Key Directorate Objectives is being undertaken by the Strategic Policy Committees. When all reports are received from the SPCs they will be considered by the CPG.

**Item 6 Update on upgrading of Cork-Kerry Road and proposals for Macroom By-Pass**

Cllr. P. Connor-Scarteen said this matter was addressed at the Transport SPC meeting. There are two sections of road involved, Ovens to Macroom and Macroom to Ballyvourney including the Macroom By-Pass. Proposals for the road and by-pass are being discussed at NRA board level. He said all capital projects are under review by Government and while there is less certainty about proposals for this road it is understood that the Macroom-Ballyvourney section is still being considered. This route is very important for the promotion of tourism in Kerry.

**Item 7 Any Other Business**

Mr. M. McMahon, Director of Planning, outlined that funding for grants for protected structures has been paused by the Department of the Environment due to the economic situation. Work on protected structures listed in the Kerry County Development Plan, in excess of €1 million over the last 10 years, was funded by these grants. Applicants for these grants have been notified of the situation. An emergency fund of €650,000 is available for the entire country.

Each Local Authority must submit not more than two projects for consideration for this funding. Applications for this funding will be assessed and a submission made by the end of April.

Mr. G. O'Brien, Meetings Administrator, said the following press statement is being released in response to an incident that occurred over the weekend:

"Over the weekend, a quantity of material for shredding stored in a wheelie bin at the rear of County Buildings was stolen by persons unknown.

The matter is being investigated by the Gardaí at the moment. The material consisted of out of date waste receipt dockets which are no longer in use and renewal notices for dog licences.

At this stage, Kerry County Council are satisfied that they have recovered most, if not all, of the stolen materials.

As a precautionary measure, Kerry County Council are asking that if any member of the public is approached with or comes across any of the material that they would immediately contact the Corporate Affairs Department, Kerry County Council at 066 7183500."

**Report from Mayor of Kerry Cllr. Pat Leahy on New York Visit**

"I travelled to New York accompanied by the Director of Planning with the specific purpose of promoting Kerry as a destination for Investment, Business and Tourism.

During our trip we met with

1. Mr. Joe Byrne, Executive Vice President, North America and Canada for Tourism Ireland and Ms. Orla Carey, Marketing Manager. We were heartened to hear that the American market is improving and that there is hope that the level of visitors from the States will improve this year.
2. New York Police Commissioner Raymond Kelly. We discussed the issue of community policing and how we might strengthen links with the New York Police Department whose Pipe Band visit Kerry each year.
3. Mayor Michael Bloomberg. Mayor Bloomberg hosted a reception at Gracie Mansion, his official residence, where we also met with the Irish Consul, Noel Kilkenny and our Tánaiste Eamon Gilmore. Mayor Bloomberg was appreciative of the fresh Kerry Shamrock which I presented to him.
4. Mr Brian Horan, Marketing Manager, Palace Hotel. Mr Horan provided us with insight into the Travel and Leisure patterns of US residents and suggested that Kerry and Ireland should focus on trying to attract business and golf tourism for long weekend stays as we are closer to the east coast of the US than a similar weekend journey to the US west coast.
5. Mr Seamus Carroll and Mr Barry Healy, IDA. We discussed the opportunities available in the USA for investment opportunities in Kerry. We particularly stressed the availability of the workforce and facilities in Kerry for development and the fact that the Kerry Technology Park has been so successful in developing entrepreneurs. We were informed that bio sciences and computer gaming animation are the two emerging investment areas.

We attended the St Patrick's Day Parade following participation in mass at St. Patrick's Cathedral and marched with the Kerry association. We also accepted the invitation of the Kerryman's Association to attend their annual dinner where I spoke of the need to maintain linkages with our diaspora abroad.

I will conclude by outlining that this trip was most beneficial in promoting Kerry for tourism and business abroad. The many people whom I met and had the opportunity to talk with has expanded the "friends" of Kerry abroad. I certainly intend to follow up on the many contacts made and I feel that such a visit, particularly during the St. Patrick's Day celebrations affords an opportunity to promote Ireland abroad, which we should seize with both hands. I would encourage all future Mayors to give serious consideration to maximizing this opportunity particularly at this time when we need to do everything possible to re-establish our reputation abroad.

I wish to thank sincerely, all those whom I met and particularly Tourism Ireland for the excellent work they are doing on all our behalf abroad. The Kerryman's Association is a superb organization doing great work in keeping the Kingdom and its people first and foremost in their thoughts and whose welcome to me was so warm.

I would like to record my sincere thanks to the Kerryman's Association in New York and in particular to their chairman, Mr. Billy O'Sullivan (Address withheld for data protection purposes) and the President, Mr. Tom Kennedy of (Address withheld for data protection purposes), for their welcome and hospitality during our visit."

Cllr. M. Gleeson asked if formal approval has been given for the Macroom/Ballyvourney Outer Relief Road for a cost of €200m. If approval has been given he requested that a letter issue to the NRA requesting that this project be prioritised because it is a vital necessity to the economy of County Kerry.

Mr. T. Curran, County Manager, said it is his understanding that this project is still awaiting the decision of An Bord Pleanála and remains on the NRA list as a priority project. He said he endorses this proposal and supports it to ensure that this project comes to fruition.

### **Apologies**

Mayor P. Leahy noted apologies received from Cllr. L. Purtill and Cllr. N. Foley for today's meeting.

### **11.04.18.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T. O'Brien, it was resolved that the Minutes of the Special Roads Meeting of Kerry County Council held on 14<sup>th</sup> March, 2011, be confirmed.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson, it was resolved that the Minutes of the March Ordinary Meeting of Kerry County Council held on 21<sup>st</sup> March, 2011, be confirmed

### **11.04.18.03 Filling of Vacancies on Boards/Committees**

#### **(a) Local Traveller Accommodation Consultative Committee**

- (i) Cllr. J. Finucane PROPOSED that Cllr. M. Griffin be nominated to fill the vacancy arising from the resignation of Cllr. P. Leahy.

Cllr. G. Wharton-Slattery SECONDED this proposal and it was unanimously agreed.

- (ii) Mr. G. O'Brien, Meetings Administrator, referred to the filling of casual vacancies at the March Council meeting. The membership of the Local Traveller Accommodation Consultative Committee comprises the Chair of the Housing SPC plus four elected members from Kerry County Council. He said at the March Council meeting Cllr. G. Wharton-Slattery was nominated to replace Deputy A.J. Spring, however, he was unaware at the time that Cllr. Wharton-Slattery was already a member of the LTACC representing Tralee Town Council. Cllr. Wharton-Slattery will remain on the committee representing Tralee Town Council. Cllr. M. Moloney must be ratified as a member of the Local Traveller Accommodation Consultative Committee by virtue of her role as Chair of the Housing SPC.

Cllr. M. Gleeson PROPOSED the ratification of Cllr. M. Moloney as a member of the Local Traveller Accommodation Consultative Committee by virtue of her role as Chair of the Housing SPC.

Cllr. B. Cronin SECONDED this proposal and it was unanimously agreed.

**(b) Regional Health Forum, South – 1 Vacancy**

(Arising from the resignation of Cllr. T. O'Brien)

Cllr. T. O'Brien PROPOSED that Cllr. G. Wharton-Slattery be nominated to fill this casual vacancy for the period to June 2012, and as agreed at the Annual Meeting of Kerry County Council held on 19<sup>th</sup> June, 2009, Cllr. B. Cronin to take the seat from June 2012 to June 2014.

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

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

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. T. O'Brien it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the proposed upgrade of the N69 Listowel Bridge which includes the installation of pedestrian restraint system, reconstruction of footpaths, installation of rubbing strips, upgrade of crash barriers, installation and upgrading of the drainage system, installation of quality street lighting at Listowel, Co. Kerry.

**11.04.18.05 Disposal of Properties**

(a) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. M. Gleeson, it was agreed to approve the disposal of a house and plot of land, measuring 0.468 acres approximately in total, situate in the townland of Dromadda More, DED of Kilshenane to Saorgus Energy Ltd. in accordance with the terms of the Notice issued on 4<sup>th</sup> April, 2011, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning & Development Act 2000.

(b) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. R. Beasley, it was agreed to approve the disposal of a plot of land, measuring 0.217 acres approximately in total, situate in the townland of Aughacasla North, DED of Deelis to (Name & Address withheld for data protection purposes), in accordance with the terms of the Notice issued on 5<sup>th</sup> April, 2011, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning & Development Act 2000.

**11.04.18.06 Report on the progress achieved in securing the objectives of the Kerry County Development Plan 2009-2015**

Mr. P. Stack, Acting Director of Planning, referred elected members to the Kerry County Development Plan 2009-2015 Two Year Progress Report which had been circulated. He outlined that Section 15(2) of the Planning and Development Act 2000 requires the County Manager to report to the Council on the progress achieved securing the objectives of the Development Plan within 2 years of the adoption of the Plan. The Kerry County Development Plan was adopted on 6<sup>th</sup> April, 2009. The purpose of monitoring and evaluation is to assess the effectiveness or otherwise of policies and objectives in terms of achieving stated aims.

He highlighted the following from the report:

- **Overall Strategy**  
The Planning and Development (Amendment) Bill was enacted on 26<sup>th</sup> July 2010. A mandatory objective of the Planning and Development (Amendment) Act 2010 is the requirement to prepare an evidence-based Core Strategy, the purpose of which is to articulate a medium to longer term quantitatively based spatial strategy. The Core Strategy will be presented to the Elected Members at the May Council Meeting for consideration.
- **Settlement Strategy**  
The designation of the Tralee/Killarney corridor as a linked hub under the National Spatial Strategy marked a significant milestone for future development of the county. The Regional Planning Guidelines 2010 prioritise the hub town growth and key town consolidation. The Core Strategy provides a policy framework for land use zoning at local level as well as other policy matters. The Core Strategy is specific in setting population targets and housing requirements, to allow an accurate assessment of the amount of land required to facilitate population targets.
- **Natural Resources**  
The harnessing of the wind energy resource throughout the county for the production of electricity is beneficial to the environment as well as meeting the long term renewable energy requirements of the country. Kerry County Council has been very pro-active in facilitating wind energy development during the lifetime of this development plan. Planning permission has been granted for approximately 350 individual wind turbines (41 Wind Farms). To date approximately 50% of all permitted wind turbines are constructed generating in the region of 345Mw of electricity capacity.  
  
The Quarries Unit was set up in December 2010 as a subset of the Planning Department. Under recent legislation (Section 261A of the Planning and Development Act 2000, as amended by Section 75 of the Planning and Development Act, 2010) Kerry County Council will be tasked with examining every quarry in its administrative area. This section of the Act has not yet been implemented. However, the Quarries Unit is currently collating the various sources of information on each quarry in the county in preparation for the commencement of this section. It is anticipated that the relevant sections of the Act will come into force in June 2011.
- **Transportation and Infrastructure**  
Transport – An efficient transportation and communication structure is essential to ensure quality of life of residents and visitors to the county. It is also a vital component contributing to its economic success and sustainability. Significant progress has been made in providing and maintaining the necessary infrastructure throughout the county. In excess of €110m has been spent on roads throughout the county since May 2009, including €41.5m on National Roads (further expenditure is anticipated before the end of 2011). The ongoing upgrading of the National Road Network will significantly improve linkages throughout the county and reduce the effects of peripherality. The N21/N23 Castleisland Bypass has been completed. It is expected that construction of the Tralee Ring Road and the connection to Ballymacthomas will commence in a few months.  
  
Water Services – a principal strategy of the Water Services Department to meet the relevant objectives of the County Development Plan has been to advance the Schemes on the Water Services Investment Programme to design and construction stages and to advance the provision of certain key schemes.

A Strategy for the Delivery of wastewater infrastructure in the county has been completed and identifies a programme of works over the next 20 years which has prioritised schemes based on the potential for pollution, sensitivity of receiving waters and the settlement strategy set out in the County Development Plan.

Water supply infrastructure has been upgraded at 35 Schemes. Public water facilities are being provided under Remedial Action List and 53 Schemes have been placed on the Remedial Action List.

A dedicated Water and Wastewater Compliance Unit was set up in 2010 to ensure compliance with statutory requirements.

Funding of €15.579m has been provided by the Department of the Environment, Heritage and Local Government. Construction work on the major treatment upgrades is substantially complete on 8 plants including Mid Kerry which is the 3<sup>rd</sup> largest public water supply scheme in the county. Disinfection upgrades have been completed in 36 plants, treatment upgrades have been completed on 3 plants and a further 3 plants are in the process of being decommissioned.

In addition to public water supply upgrades work has continued on upgrade and takeover of Group Schemes. 5 Group Schemes have been fully taken over since 2009. 37 Group Schemes are currently in the process of being taken over. Upgrade works prior to takeover are ongoing in 8 Group Schemes.

- Built Heritage

Following the adoption of the Functional Area Plans for Castleisland, Kenmare and Killorglin there are now five designated Architectural Conservation Areas in the county with a comprehensive policy document supporting each of the designations. The ACAs are located at Castleisland, Brosna, Knocknagoshel, Kenmare and Killorglin. Additional ACAs are proposed for completion during the lifetime of the current County Development Plan. Since the adoption of the County Development Plan 27 protected structures have been added to the Record of Protected Structures.

- Natural Environment

The Natural Environment has become a high profile area since the adoption of the current County Development Plan. Kerry County Council has actively implemented the Planning and Development (Strategic Environmental Assessment) Regulations 2004. The objective of this Directive is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment”. All Local Area Plans prepared by the Planning Department undergo a Strategic Environmental Assessment screening process. Where it is determined that the proposed plan or programme will have significant impact on the environment or the likelihood of an impact cannot be eliminated then the plan or programme undergoes a Strategic Environmental Assessment.

- Urban Design and Development Management

A Design Guideline entitled “Building a House in Rural Kerry” was developed in 2009. These guidelines have been prepared to assist in the preparation of a planning application for a rural dwelling.

The Housing Estate Unit was set up in October 2008 as a sub-set of the Planning Department. The work of this unit includes undertaking inspections for Taking in Charge of Housing Estates and dealing with all issues arising from unfinished housing estates.



Mr. Stack concluded that as can be seen from the contents of the report, significant progress has been made in achieving the objectives of the Development Plan. This progress has been achieved through proper strategic planning, ongoing investment and the co-operation of the Council and the participation of the public.

The continuous improvements and the programme of investment in infrastructural facilities, the promotion of development in a manner which protects the social, cultural, environmental and economic assets of the county and the ongoing programme to develop the role of the hub will provide the platform on which to build on the progress made to date and facilitate further achieving of the objectives of the Plan.

Cllr. P. McCarthy said it is his understanding that the section of the Planning and Development (Amendment) Act regarding Quarries is to be put on hold and asked if this is correct. He asked if Departmental approval will be required if the Council decides that an extension to a water scheme is necessary to include a number of houses.

Cllr. B. Cronin said this is a comprehensive report. He referred to a recent Notice of Motion he had tabled regarding quarries and said in the reply to that Notice of Motion it was outlined that the Planning Department is unable to take action where quarries are working all hours of the night and a court case judgement is awaited on this matter. He asked if Kerry County Council is going to proceed with the rotation of zoning for Local Area Plans as it has been doing.

Cllr. M. Gleeson said he has visited two housing estates requesting to be taken in charge and has seen the problems being encountered in these estates. It is the responsibility of developers to bring the estates to completion. He asked how big a problem this is countywide and what the financial burden will be to the Local Authority where the developers are found to be negligent.

Cllr. J. Finucane said discussions have taken place between Kerry County Council and Fenit Harbour Board regarding the future of the Harbour Board and it being taken over by Kerry County Council or the Shannon Foynes Port Company. Fenit Harbour is a critical piece of the county's infrastructure. There is relative uncertainty regarding the Harbour Board and he requested an update regarding the status of this proposal.

Cllr. T. Ferris asked if there is an issue with pre-planning meetings. She said she has been informed by two constituents that no pre-planning can be accommodated during the time that a Planner is on leave. She asked if Kerry County Council still has a pre-planning facility in place and what is the timeframe within which a pre-planning meeting can be accommodated.

Cllr. A. McEllistrim said the re-zoning of Local Area Plans is to no avail given the length of time it is taking and the number of personnel hours and the cost involved. There is a 5 year lifespan on the zoning in the current plans. Tralee Environs Plan will be coming up for review shortly anyway. The Local Area Plans should be left in place for the full five year period for which they were adopted to give landowners who had land zoned the opportunity to avail of the zoning in the plans. She asked that Kerry County Council issue a letter to the Minister in this regard.

Cllr. T. O'Brien referred to taking in charge of estates and said there are many estates involved around the county. People living in these estates need to know what is going on. He asked if a review can be undertaken of management companies that were set up and are no longer in place. The grass is not being cut in these estates. There is an onus on the Local Authority to look after the residents of these estates.

Cllr. M. Moloney asked if a bond remains in place if a developer has gone into liquidation. She asked if the Local Authority can access a percentage of that bond.

Cllr. R. Beasley said there are a number of unfinished estates in the Listowel Electoral Area and there are no affordable houses available. He asked what is the position regarding the houses left in unfinished estates. He said anti-social issues are arising in these estates

Cllr. D. Healy-Rae said there is no need to hurry into de-zoning land. Re-zoning will limit the amount of development land available, taking competition out of the market and young people will be unable to buy a house. Time should not be spent on rezoning. People will now build only what is necessary and the market will dictate this. Giving land zonings to only one developer will increase prices.

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

- Quarry Legislation – The Planning and Development (Amendment) Act 2010 came into force in July, 2010, and by December, 2010, most of the sections were enacted. The section relating to quarries has not been enacted. The latest indication is that it will be enacted by June, 2011. It is very complex legislation. Section 261 of the Planning & Development Act related to registration of quarries and it has led Local Authorities into a position where action cannot be taken against certain quarry operators. Local Authorities across the country are awaiting the enactment of this section of the Planning and Development (Amendment) Act 2010.
- Zoning - The review of the Local Area Plans is continuing as before. Local Area Plans were in place for a number of years. Functional Area Plans are replacing the Local Area Plans. The 2010 Act introduced the Core Strategy where Local Authorities had to identify how much land was needed in the county to service the population growth going forward. Local Authorities are required in the context of that section of the Act to review the Local Area Plans within one year of the adoption of the Core Strategy. Like the elected members, management consider it challenging to conduct the review of 12 Local Area Plans within this timeframe. A derogation for additional time is being sought from the Department.

With regard to zoning in general, this will be discussed at the Council meeting when the Draft Core Strategy is being considered by the elected members.

Cllr. D. Healy-Rae said instead of de-zoning most of the sites in a town, why not de-zone each of them by so much rather than leaving all the zoned land to one developer.

Mr. P. Stack, Acting Director of Planning, said this will be discussed when considering the Draft Core Strategy. The Core Strategy will provide guidelines regarding the prioritisation of land for zoning.

Cllr. T. Ferris said at a seminar on the Planning & Development Act organised by the Department last week that point, regarding giving a monopoly to one developer, was made by a Councillor. The Department representative did not argue with that point.

Mr. P. Stack, Acting Director of Planning, continued with his response to the comments of the elected members as follows:

- Taking in Charge of Estates - An Estates Unit has been established within the Planning Department. This Unit has compiled a comprehensive list of estates and the status of these estates, e.g. number of unfinished estates, the location of the

estates and the degree of incompleteness and whether or not a bond is in place. Securing finance to fund completion works in unfinished estates is the difficulty. A report can be provided to the elected members at a future Council meeting. There is a lot of work going on with regard to unfinished estates.

- Pre-Planning Meetings - The number of Area Planners has reduced from 13 to 5. The Area Planner for North Kerry will return from leave on the 2<sup>nd</sup> May. He cleared as much work as possible before going on leave. His area is being supported by other Area Planners, however, in the context of pre-planning people are being advised to wait until he returns to have a pre-planning meeting because having a pre-planning meeting with a Planner who does not know the area and will not be dealing with the application would not be fruitful.

Cllr. T. Ferris asked for an update on pre-planning meetings in general.

Mr. P. Stack, Acting Director of Planning, said generally pre-planning meetings are held within 3 weeks. With regard to a repeat planning application the Planner may suggest that it is not fruitful to have a further pre-planning meeting as it would not progress the matter.

Mr. Stack referred to the query regarding a bond remaining in place if a developer has gone into liquidation and said the bond remains in place for Kerry County Council.

Cllr. B. O'Connell referred to discussions some time ago regarding Councillors making representations on planning applications and the proposal that representations would be limited to one Councillor per application to avoid excess work for the administrative staff. He asked for an update on that proposal.

Mr. T. Curran, County Manager, said this is a matter for the members to decide. Management were to revert to the members with a further report. The follow up meeting did not take place due to the General Election. He said he would be delighted to facilitate a further meeting on this matter.

Cllr. B. O'Connell PROPOSED that this proposal be implemented.

Cllr. B. Cronin SECONDED this proposal. He said he attended the first meeting regarding this matter and he could see the merit of implementing this proposal. Despite a reduction in planning applications the practice of serial representations has not stopped. Unsolicited representations are being made on planning files. This matter should be revisited.

Cllr. A. McEllistrim said two representations on a planning file is acceptable. Every elected member from an Electoral Area requesting a meeting with the Planner on a planning file is not acceptable.

Cllr. T. Ferris said members should be wary that if this proposal is implemented that the more pro-active members would be first to put representations on the planning file and prevent other members making representations on the file.

Mr. T. Curran, County Manager, undertook to speak with the Chair of the Planning SPC regarding this matter. A review of the representations on planning files in other Local Authorities was to be conducted. He said he will revert with a report to members.

Mr. T. Curran, County Manager, referred to the query regarding Fenit Harbour and said a meeting was held with Department officials. Kerry County Council is conducting a Due Diligence review regarding the status of the harbour from a structural and staffing point of view. Another meeting is scheduled with the Department towards the end of May. It is expected that a final decision will be made regarding Fenit and other small facilities around the country by the end of the summer. Kerry County Council is being cautious at the moment to ensure the Council does not incur excessive costs. There will be an issue regarding management of the facility and expertise required to run a port of that nature. Certain guarantees are being sought from the Department in relation to employing an expert to run the facility. He said it is his understanding that if the harbour were taken over the staff would become part of Kerry County Council. A commitment is being sought from the Department that this will not impact Kerry County Council's staffing complement. He said he accepts Cllr. Finucane's comments about the importance of Fenit Port and the best place to have Fenit would be under the management and control of the Local Authority. He said he would hope to have a recommendation or proposal on this matter by the June Council meeting. The decision as to whether or not Kerry County Council takes over the harbour is a matter for the elected members.

Cllr. J. Finucane said a number of companies have considered Fenit as an alternative energy source. If Kerry County Council does not take over control of Fenit Harbour it would be taken over by the Shannon Foynes Port Company. He said he accepts the due diligence of the application but the company is secure on personnel. Fenit Harbour has a critical role in increasing tourist revenue and visitors to the region.

Mr. T. Curran, County Manager, said carrying out a due diligence review does not reflect how the Harbour is being run. He said Kerry County Council must be satisfied before making any proposal to take over the harbour.

Mr. P. Stack, Acting Director of Planning, said where the Council has acquired houses in the context of affordable housing, it is a misperception that the Council is then responsible for the estate. The Council taking over a house does not remove responsibility from the developer finishing the estate.

Cllr. R. Beasley asked how estates where the Council has purchased such housing will be progressed.

Mr. P. Stack, Acting Director of Planning, said these estates will be assessed by the Estates Unit in the same way as other estates. The Local Authority will pursue completion of the estates.

Mayor P. Leahy welcomed the President of the ICA, (Name withheld for data protection purposes) to the meeting.

#### **11.04.18.07 Kerry Local Authorities Draft Annual Report 2010**

Mr. J.D. Flynn, Director of Corporate Services, referred elected members to the Draft Kerry Local Authorities Annual Report 2010 which had been circulated. Section 221 of the Local Government Act 2001 requires that a Draft Annual Report be submitted to the Elected Members before 30<sup>th</sup> April, 2011. The final report will be presented to the Elected Members for adoption at a future Council meeting. If the elected members have any observations they should revert to himself, the Meetings Administrator or the Press Officer and they will be incorporated into the report. The Draft Report covers activities of Kerry County Council and the Town Councils.

### **11.04.18.08 2010 Audit Committee Report**

Cllr. T. O'Brien referred elected members to the Audit Committee Report 2010 which had been circulated. The report reviews the work of the Audit Committee over the calendar year 2010 and outlines the manner in which the Audit Committee has sought to deliver its functions.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J.J. Culloty, it was agreed to note the 2010 Audit Committee Report.

### **11.04.18.09 Report from Housing SPC**

Cllr. T. Ferris presented a report on the recent Housing SPC meeting which she had chaired.

- Social Housing Assessment Regulations 2011. These regulations aim to bring a certain level of standardisation to the assessment process across all Housing Authorities. An applicant may now list up to three areas of choice in total across the four Kerry Housing Authority areas. The regulations also introduce new income limits for assessing applicants. A situation could arise where applicants would be removed from the list.
- Indicative DOEHLG 2011 Allocation under Social Housing Investment Programme. The SPC was advised that the Indicative Capital Allocation for 2011 is €2.2m for the four Kerry Local Authorities. This represents a further significant reduction from last year. The majority of the €2.2m allocation will be required to meet existing commitments in relation to final accounts and Part V Agreements. Prior DOEHLG approval will now be required for all capital construction work proposed which cannot be met from within Kerry County Council's 2011 allocation.
- 2011 Fixed Term Tenant Purchase Scheme for Long Standing Tenants. The SPC was advised on the new Fixed Term Tenant Purchase Scheme for Long Standing Tenants which was adopted at the March Council Meeting. Following the adoption of the Scheme by the Council, a letter was issued to all relevant Council tenants by the end of March advising them of its general terms and that it is also available on the Kerry County Council website.
- Housing Adaptation Grant Scheme for Older Persons and People with a Disability - Notification of 2011 Allocation. The SPC was notified of the very welcome allocation of €3,459,000 which requires €691,000 from Kerry County Council's own resources under the above schemes. The SPC was reminded of the need for successful applicants to submit their invoices as soon as works are completed to allow payments to be processed in order to help the Housing Department to properly manage its grant allocation.
- A Proposed Audit of Council Housing Stock in accordance with the DOEHLG National Requirements, the South West Regional Action Plan for Homeless Services and specific Value for Money Initiatives in the area of Housing Maintenance were considered.

Cllr. M. Moloney said as Chair of the SPC she considered it important that the elected members are aware of the work of the SPC meetings. She highlighted the following:

#### **Social Housing Regulations 2011**

- Since 1<sup>st</sup> April, 2011, there are major changes to the application process.
- Applications are now made to one Housing Authority only.

- Applicants can choose three housing areas which can include County Council and Town Councils.
- New income limits introduced: Single Household net income not more than €30,000  
Larger Households €36,000
- All existing applicants will be reviewed over time, in accordance with the new criteria.
- SPC will consider a report at the next meeting on how the new arrangements are working practically.

**Indicative Allocation under Social Housing Investment Programme**

- €2.235m allocation for the four Housing Authorities in Kerry.
- Significant reduction on last year's allocations which will severely curtail the Building Programme including the Single Rural Cottage Programme.
- Prior Department of Environment approval required for all capital construction works.

**2011 – Fixed Term Tenant Purchase Scheme**

- Scheme adopted by Council in March.
- All Council tenants informed of Scheme in March.

**Housing Grants Schemes**

- Substantial allocation of €3.459m.
- Majority of grants to be allocated in next few months.
- Need for successful applicants to submit invoices of work done in a speedy fashion.

**Housing Act 2009**

- Council is receiving a lot of circular letters from Department on the roll out of the provisions of this Act.
- The SPC will be kept informed of developments.

Cllr. B. Cronin asked for an update on the position for housing tenants who want a transfer to a larger house.

Cllr. T. Ferris said a request was submitted for land in Knocknagoshel to be leased to the tenants for an allotment and asked if this request has been granted.

Cllr. J. Finucane said in light of the new Tenant Purchase Scheme the only finance that will enable people to purchase their homes is through the Credit Union movement. He said he has had discussions with Tralee Credit Union. There is an opportunity for people to purchase their home under the new Tenant Purchase Scheme. He encouraged the Council to enter negotiations with the Credit Union to establish a scheme whereby people who want to purchase their own home would have a good opportunity to do so under the Credit Union movement.

Cllr. D. Healy-Rae referred to the construction of Single Rural Cottages. He asked if the three applications in the Killarney Electoral Area will proceed this year. If all three applications will not proceed how does the Housing Department propose to select which applications will proceed.

Cllr. M. Moloney said this matter was discussed at length at the Electoral Area meeting and it was clarified at that time.

Cllr. M. Gleeson sought clarification on applications for Social Housing Support which can only be made to one Housing Authority yet they can list 3 areas of choice.

Cllr. T. Ferris said an applicant makes their application with one Housing Authority and indicates their areas of choice on the application.

Cllr. R. Beasley said no Single Rural Cottages have been built in the Listowel Electoral Area in recent times. He asked for a report regarding the number of Single Rural Cottages built in the county in the last number of years and particularly in the Listowel Electoral Area. He said he considers that the Listowel Electoral Area has been neglected in respect of the construction of Single Rural Cottages as there are applicants who have been waiting for years.

Cllr. J. Sheahan said the planning process for Single Rural Cottages should be carried out first rather than the housing process as Housing could deal with the application and the Planning Department could then refuse planning permission.

Mr. J. Breen, Director of Housing and Community & Enterprise, responded as follows:

- There has been a severe reduction in capital funds available. This will naturally impact on the housing programme and these issues have been discussed at area level. The €2.2m allocation will meet the current bills, however, it will do little to start any new projects. The Housing Department must work within the funds available and cannot raise expectations for funds it does not have.
- Regarding tenants transferring to a larger house, presently transfers are still being considered and eligible applicants will be accommodated in houses that become available. Part V houses are available. There will not be a build programme to the extent there was previously.
- There are two groups in Knocknagoshel and the Housing Department has asked the two groups to speak to each other and develop one project. The request for a plot of land will then be advanced.
- Regarding Tenant Purchase Scheme he said he has made contact with the Tralee Credit Union and a meeting is scheduled in early May. The Tenant Purchase Scheme was approved by Council and all tenants were advised of the scheme. Within 2-3 weeks the Housing Department will have an indication of the level of interest. The Housing Department has indicated its concerns regarding the difficulty for tenants in securing finance.
- The situation regarding Single Rural Cottages was discussed at area meetings. The Housing Department will review what applications can and cannot be advanced. A report will be presented to the members at the next area meeting. The reality is that funds anticipated to build Single Rural Cottages will not be available. Planning issues regarding Single Rural Cottages have been advanced with the Planning Department. The biggest delay experienced is with the applicant not being able to provide full and proper title to the land to proceed with the development.
- Housing applications from the 1<sup>st</sup> April, 2011, are made to one Housing Authority only and applicants indicate their areas of choice. One application is being used in order to streamline the process and reduce administration.

Cllr. D. Healy-Rae asked for clarification regarding applicants applying to one Local Authority. He asked about applicants in Killarney who have applied to Killarney Town Council and Kerry County Council because each Local Authority owns stock in Killarney. He asked how these applicants will be treated. He said there was no need to change the application process.

Mr. J. Breen, Director of Housing and Community & Enterprise, said there is no good reason for Killarney Town Council and Kerry County Council to carry out separate housing assessments. One assessment eliminates duplication. Every applicant on the housing list will be reassessed in accordance with the new criteria and adjustments will be made on the housing list. There will be a single assessment and applicants will then be considered where a house may become available. An applicant can indicate three areas of choice. If an applicant applies for a house in Kerry County Council, Killarney Town Council and Tralee Town Council they will be considered for a house that becomes available in all three areas. However, there will be only one assessment.

Cllr. D. Healy-Rae asked that if a person applies to Killarney Town Council for a house and if a house belonging to Kerry County Council becomes available in Killarney that the applicant will be considered for that house.

Mr. J. Breen, Director of Housing and Community & Enterprise, said this is exactly the situation.

Cllr. R. Beasley acknowledged the lack of funding, however, many of the Single Rural Cottage applications he refers to are a number of years old with no progress on the applications in that period of time.

Cllr. M. Moloney said each Housing Authority will continue to take applications.

Cllr. J. Sheahan asked if his proposal regarding Single Rural Cottage applications being processed by the Planning Department initially, then the Housing Department, would be considered. People should know whether or not they are going to get planning from the beginning of the application rather than going through the whole process and ending back at stage one when planning permission is refused.

Cllr. M. O'Shea said if a family is allowed to transfer from a big urban town to a small town.

Cllr. T. Ferris said she was aware of a person who had been approved by the Housing Department for a Single Rural Cottage and the application was then refused planning permission. This person's sister subsequently applied privately and was granted planning permission.

Regarding new regulations on housing assessments, an applicant can indicate the area in which they wish to be housed. The income limits introduced are a concern as they are very low. How could a family house themselves with that income limit? Quarter to one-third of housing applicants could be removed from the Housing List because they are just over the income limit. Where will these people be housed and how can they put a house over their heads? She requested that a letter issue to the Minister outlining that the income limits will have a huge impact on the working core of Irish society.

Mr. J. Breen, Director of Housing and Community & Enterprise, said the Social Housing Regulations 2011 were introduced on 1<sup>st</sup> April, 2011. The regulations were still being updated on 31<sup>st</sup> March. Time will tell on how the regulations will impact. Kerry County Council is undertaking it's own review of housing applicants. Concerns of the members will be expressed to the Minister. A review of Single Rural Cottage applications will be undertaken for the next round of area meetings.



Cllr. J. Finucane said there should be some system whereby the profits from NAMA sales would be by Local Authorities to provide units for people on the housing list rather than giving it to commercial properties. Emphasis is on commercial properties at present. NAMA should make properties available to the Local Authorities for purchase for people on housing list.

Cllr. J. Healy-Rae referred to recent NAMA property auctions. Kerry County Council should consider if it would be appropriate to buy such houses and rent them to tenants.

Mr. J. Breen, Director of Housing and Community & Enterprise, said to buy anything you must have the funds. The 2011 allocation of €2.2m will only meet the current bills rather than purchases. He agree with the suggestion but Kerry County Council does not have the money to buy properties.

Cllr. R. Beasley said property prices are falling. In spite of the Council's budget being low these properties should be pursued.

Cllr. T. Ferris asked if the Council could borrow for these purchases and then rent the properties.

Mr. J. O'Connor, Head of Finance, said all borrowing by Local Authorities requires the sanction of the Minister for Environment. There are strong controls in place and the chances of any approval being forthcoming, given the context of what is happening in the EU/IMF environment, would be negligible. The Government has decided what social policy is going to be on housing and the Council must work within that allocation.

#### **11.04.18.10 Report from Chair of the Transport SPC**

Cllr. P. Connor-Scarteen, Chairperson of the Transport SPC, highlighted the following from the Transport SPC meeting held on the 11<sup>th</sup> April 2011:

- Review of Corporate Plan: Roads, Transportation and Safety Directorate Objectives. The Director of Services presented a report on the key outcomes in relation to the Roads, Transportation and Safety Department's operational objectives outlined in the Corporate Plan. Members welcomed the report and the achievements in the first year of the plan. The report will be forwarded to the CPG and Council for final review of the Corporate Plan.
- Speed Limit Review  
The Director of Services presented a brief report on two circulars received from the Department of Transport in relation to the following:
  - Circular RST 02/2011 – Direction given to Road Authorities by the Minister for Transport under Section 9(9) of the Road Traffic Act 2004: Guidelines for the Setting of Special Speed Limits - dated 28<sup>th</sup> January, 2011.
  - Consultation on proposed changes to Speed Limits – dated 10<sup>th</sup> March, 2011.

In relation to the consultation paper of proposed changes to Speed Limits the Department of Transport has sought feed back to four proposals:

- Changing the default speed limit on National Secondary Roads from 100 km/hr to 80 km/hr
- Introducing an "End of Speed Limit" sign (as was the case pre 2006) instead of the default speed limit sign.
- Launching a public awareness on the above changes
- Changing the default speed limit on all local roads to 60km/hr

The Director outlined the benefits and challenges in relation to each of these proposals. There is a balance to be achieved between addressing local concerns on the perception of speeding traffic and ensuring reasonable travel times for journeys to towns served by the National Secondary Road network and local roads. In particular, given the length of National Secondary Roads in Kerry and their strategic importance as a link to major towns, a reduction in speed limit could be a disincentive to the economic development of these towns. He further outlined that since 2008 the Council's Risk Control Officer has attended all fatal and serious road traffic accidents and a full investigation is carried out in conjunction with An Garda Síochána. The majority of accidents investigated appear to be due to driver error with little or no evidence of road conditions or the lack of a lower speed limit being a contributory factor.

Having considered the report in detail the SPC members recommended that:

- Any changes to speed limits on national, secondary or local roads should be based on local knowledge of road conditions and accident statistics
- 80km/hr speed limit signs erected on local roads off national roads should be replaced by "end of speed limit" signs
- The Department should carry out an intensive awareness campaign to inform motorists that a speed limit is the absolute maximum speed where conditions are favourable but drivers should drive at a safe speed having regard to prevailing road and weather conditions.
- The Department should review existing legislation, under the Roads Traffic Act to give greater powers to An Garda Síochána where inappropriate speed is recorded with support from the judiciary in prosecuting such cases.

The Director outlined the key issues and the new guidelines on the review of speed limits. If the Council was to comply with the revised guidelines significant resources would have to be provided in the review of existing traffic speeds and accident statistics. This would have an impact on the delivery of Council's Road Work Programme as resources have been substantially reduced in recent times.

The Director recommended that the extent of the review be limited to the following:

- Review of all fatal and all serious accidents since 2006 and determine if imposition of speed limit is appropriate.
- Speed limit on National and Regional roads
- Speed limit on approach to built up areas where there is an existing 50km/hr or 60km/hr sign

SPC members stated that most concern was expressed in the vicinity of schools and playing pitches. The Director outlined that whilst there may be a perception of speeding traffic, in general, accident statistics do not support the need for a reduced speed limit.

Whilst the members acknowledged there had been a number of requests for a review of the speed limits at Area Meetings, some members expressed an opinion that it may be inappropriate to proceed with a review if the Department changed the guidelines again having regard to the consultation process.

Members recommended that the Council proceed with the review when resources are available and the outcome of the Departments consultation process is complete.

- Update on Casual Trading By-Laws in Killorglin  
Ms. M. West, AO Roads, gave an update on the submissions received in relation to the extinguishment of the market rights and the provision of a casual trading area in Killorglin.

Cllr. M. Gleeson said when this scheme was introduced it was criticised because there was a move towards centralisation. There was concern regarding local roads rather than county roads. Local roads were bohereens which were surfaced dressed and taken over by the County Council. There is an obligation on people to drive safely. On Moynish bohereen there is a 80 km/hr sign which should not be there because this road is not suitable for this speed. This should be reviewed. Leave this road sign-free or erect a 50km/hr sign.

Cllr. D. Healy-Rae said a number of requests have been received for traffic calming measures on local roads and the provision of rumble strips in areas where there is a concern for the safety of children. Area engineers are saying it is not policy to provide rumble strips. More attention should be given to these requests to help local people and their children. He asked what is management's view.

Cllr. M. O'Shea said asked if the speed limit on regional roads could be increased to 100 km/hr e.g. the road from Milltown to Killarney. Is this possible or does an application have to be made to the Department.

Mr. G. MacNamara, Acting Director of Roads and Transportation, said all elected members were circulated with the documents which were discussed at the SPC meeting. In all driving the condition of the road must be taken into account by the motorist. There is an onus on the motorist to drive responsibly. It is very difficult to have a stretch of road with varied speed limits. The Transport SPC considered these issues and made recommendations to the Department which are to be submitted by the end of April. Any changes to speed limits shall be based on local knowledge and accidents statistics. 80kmpr is suitable for the majority of local roads. The speed limit is the maximum speed where conditions are safe but motorists should drive giving consideration to the driving conditions. The recommendations from the SPC will be submitted to the Department and enter the consultation process. When the Department consultation process is complete it will feed into the Speed Limit Review to determine the appropriate speed limit to be applied. The Roads Department is trying to balance the Roads Programme with the Speed Limit Review. With regard to rumble strips they are more appropriate in urban scenario than in the countryside.

#### **11.04.18.11 Dates for Electoral Area Meetings**

Dates for the following Electoral Area meetings were agreed as follows:

<b>Area</b>	<b>Date</b>	<b>Location</b>	<b>Time</b>
Killorglin	Fri 3 <sup>rd</sup> June 2011	Ring of Kerry Hotel, Caherciveen	10.30 am
Killarney	Wed 8 <sup>th</sup> June 2011	Town Hall, Killarney	10.00 am
An Daingean	Fri 17 <sup>th</sup> June 2011	Brandon	10.30 am

#### **11.04.18.12 Summary of Proceedings at Conferences**

##### **Professional Development Training Seminar for Councillors on the theme "A Guide to effective Public Relations" – 11<sup>th</sup> March, 2011**

It was agreed to note Cllr. M. Cahill's written report on behalf of the delegates that attended the Professional Development Training Seminar for Councillors on the theme "A Guide to effective Public Relations" held from 11<sup>th</sup> – 13<sup>th</sup> March, 2011.

**ACCC Annual Conference 2011 – 24<sup>th</sup> March, 2011**

It was agreed to note Cllr. L. Purtill's written report on behalf of the delegates that attended the ACCC Annual Conference 2011 held from 24<sup>th</sup> – 25<sup>th</sup> March, 2011.

**11.04.18.13 Reception of Deputations**

- (a) Cllr. J. Healy-Rae requested that a Deputation would be received from Residents of Kilgarvan regarding sewage odour problems.

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

- (b) Cllr. J. Brassil requested that a Deputation would be received from Residents of Glenderry & Ballylongane regarding Glenderry Water Scheme and condition of Ballylongane road.

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

- (c) Cllr. M. Cahill requested that a Deputation would be received from the Parents Association of the Intermediate School Killorglin regarding traffic congestion in the vicinity of the school.

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

**Emergency Motion**

Cllr. P. O'Donoghue said the Community Hospital on Valentia Island is one of nine Section 30 Hospitals. These hospitals are funded by the Government but locally owned. The Valentia Community Hospital is being treated as a private hospital and thus is being allocated €750 per bed per week. This hospital is losing €400 per bed per week. This effects the viability of the hospital and 26 jobs could be lost. Valentia Community Hospital is in existence for 140 years with unbroken service to the community. If the Department insist on treating it as a private hospital 26 jobs will be on the line and 18 patients will be in difficulty. He requested support from the members. He requested that a letter be issued to the Department supporting the retention of the Valentia Community Hospital and that it be treated as a public hospital rather than a private hospital otherwise this essential facility will be lost. He thanked the Mayor for allowing him to move this Emergency Motion.

Cllr. P.J. Donovan supported this motion. Some months ago when there were no beds in Caherciveen Hospital the report from the HSE was "you also have the community hospital in Valentia". Valentia Hospital is a community hospital when it comes to beds but it is a private hospital when it comes to funding. Valentia Community Hospital must be considered as a public hospital not a private hospital.

Cllr. M. Moloney said she will raise this issue at the HSE meeting this afternoon.

**11.04.18.14 Notices of Motion**

**1. Social Housing Leasing Initiative**

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

"That this Council calls on the Government to discontinue the House Leasing Scheme as proposed by the previous Administration and devise instead a scheme that will ensure the maximisation of the potential of all of the unoccupied

houses in the State and also treat Local Authorities and those people on their housing lists with fairness.”

**The following report issued:**

**As previously advised the Social Housing Leasing Initiative is still relatively new and is being rolled out by each of the individual housing authorities in Kerry unlike the Rental Accommodation Scheme which is being administered by Kerry County Council on behalf of all the Kerry local authorities. Despite having examined many proposals, no lease has been signed as of yet for a variety of reasons. A detailed report on the various issues surrounding this scheme was considered by the Housing SPC last September.**

**We have agreed however to lease a certain number of our unsold affordable dwellings to a voluntary body under this scheme in accordance with DoEHLG requirements.**

**Also we recently wrote to property owners who had previously requested to be considered for the scheme requesting certain standard additional information in order to progress their proposals. In the majority of cases we did not receive a response by the date requested. It is intended not to pursue any of these proposals further where responses have not been received. This leaves only a limited number of leasing proposals from private developers which are currently being considered.**

**We have not received any advice of proposed changes to existing Government policy in relation to this scheme. Our experience is that the Rental Accommodation Scheme is working far more satisfactorily given the significant numbers which have transferred onto the scheme. Unlike the Social Housing Leasing Scheme responsibility for maintenance rests with the landlord in the case of RAS. However given that the Rental Accommodation Scheme is confined to applicants in receipt of rent allowance for 18 months only, we have no alternative other than to source alternative longer term social housing accommodation to meet housing need. In the absence of capital funding for an active construction programme, we must continue to examine all viable proposals under the Social Housing Leasing Initiative.**

Cllr. M. Gleeson acknowledged the reply and said he spoke on this some time ago. The recent written reply from Minister Penrose says “there are approximately 800 on the housing list...high priority”. Kerry County Council is one of the statutory bodies traditionally charged with housing for this county. The three Town Councils also have responsibility for housing. Previous Government introduced Leasing Schemes and a indication of its usefulness and value is contained in this reply which states clearly that no house has been so leased despite the fact that many people are in rented accommodation with state rent allowance. This money could be properly used if Local Authorities were allowed to use it. It is also important to say that this year, €2.2m in total has been allocated between the four Local Authorities in this county when €19m was available to Kerry County Council alone in 2007. That puts into stark light what this Authority and the three Town Councils will be unable to do. Throughout this country there are houses lying idle and the longer they continue to lie idle the more they will disintegrate and degrade the value of their estate. He called on Government to re-examine the system and enter into meaningful discussions with the Construction Industry Federation with a view to having idle properties transferred through Government onto Local Authorities at a reasonable rate and Local Authorities would thereafter let the properties to people who are craving to get into houses of their own. It is unsatisfactory if the present

Government continue what the previous Government did, where the responsibility and maintenance of each property rests with the Local Authority even though they may not own these properties. Local Authorities will not have the finance to afford to maintain those properties. He called on the new Government to show a commitment to housing people properly through the Local Authorities and helping to solve the mess that exists in so many estates through the country.

Cllr. J. Finucane **SECONDED** the motion and agreed with Cllr. Gleeson's comments. The original scheme was ill-conceived. The critical aspect about this is ownership. There are opportunities in the property market in the present climate. Private investors have taken advantage of those opportunities. NAMA (National Asset Management Agency) is proposing a new Loans Scheme to lend money to developers. NAMA should give a percentage of the income from these stress sales to the Local Authorities for the purchase of houses. It would take empty houses from the market and the Local Authority would benefit as well as people seeking homes.

Mr. J. Breen, Director of Housing and Community & Enterprise, said the views of the elected members will be conveyed to the new Minister. If there is wholesale freeing up of properties there will be vacant tourism. The Local Authority would simply be taking people who are presently housed and moving them elsewhere.

## **2. Bye-Laws and Harbour Master for Piers and Harbours**

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

"That Kerry County Council advises as to progress in relation to the drafting of the Bye-Laws for Piers and Harbours which is now long over due and also as to whether or not it is the intention of Kerry County Council to appoint a Harbour Master for the Piers and Harbours in the South West Kerry area."

**The following report issued:**

**This Notice of Motion was taken previously moved at the March meeting of the Killorglin Area Committee.**

**The draft Byelaws have been taken before the Roads & Transportation SPC and following issues raised by the members of the Transport SPC, a number of amendments have been incorporated into the draft.**

**The Byelaws are currently with the Council's Law Agents for final review on legal issues. Once the Draft Byelaws have been vetted by the Law Agents the Council will proceed with the public consultation process as prescribed by Part 19 of the Local Government Act, 2001.**

**Subject to the adoption of the Bye-Laws, the Council will have to review, how the Bye-Laws can be monitored, from within its existing staffing structure. Due to the embargo on staff recruitment within the public service, by Government, and having regard to funding constraints, the Council is not in a position to recruit a Harbour Master for the Piers and Harbours in the South West Kerry area.**

Cllr. P. O'Donoghue thanked the executive for the report and acknowledged that the Bye-Laws have advanced some bit. For five years we have been trying to progress these Bye-Laws. Without Bye-Laws there will be total chaos in piers and harbours. This impacting on commercial, fishing and leisure activity. He asked that the Bye-Laws would be in place for the coming season. He said he appreciated the embargo on staff recruitment but redeployment within existing resources should be possible.

### **3. Establishment of an Economic Development Unit**

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

“That Kerry County Council would establish an economic development unit whose focus is to spear head and drive economic development in the County.”

**The following report issued:**

Kerry County Development Board were informed by circular of the requirement to establish an economic Sub committee of the County Development Board. Kerry County Council had in fact pre empted this national directive as it had established in 2006 the Kerry Enterprise Action team (KEAT), chaired by the County Manager, as a sub committee of the County Development Board. This Action team comprises representatives of the State sector and private business in the area of employment creation and support. KEAT has recently undertaken a review of its operations and functions to ensure it is best configured for the present economic challenges which the county now faces. Extensive research has been carried out by KEAT regarding enterprise and industrial opportunities and supports. It has produced a promotional pack for marketing Kerry for industrial and enterprise development at home and abroad. It has produced a new website focusing on business investment in Kerry. It has commissioned high quality aerial and ground photography to be made available for the promotion of our County and has recently established a number of working groups to drive development in key areas. KEAT has the following sub groups now operational:-

- Energy
- Food
- Innovation
- Business Needs/ trends/skills
- Effective Business communication

**KEAT is performing the role of economic development unit as envisaged and requested of the County Development Board.**

Cllr. J. Finucane recognised the work being done by the County Development Board and KEAT. He said the Economic Development Unit in Offaly made presentations at a recent conference he attended. There is an effective Economic Unit in County Louth. The purpose of the Economic Development Unit is to provide energy and focus. At the recent ACCC Conference a review of Quangos was suggested in order to streamline services available. It is part of Government policy that some of the funding from these Quangos be allocated to Local Authorities. KEAT does not conjure a sense of energy in this respect. KEAT should be located in a central position in town.

Cllr. P. McCarthy **SECONDED** this motion.

### **4. Opposition of Department of Education Plans to amalgamate Primary Schools**

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

“That we the members of Kerry County Council oppose the plans by the Department of Education to amalgamate primary schools.”

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

Cllr. S. Fitzgerald expressed concern regarding the proposed amalgamation of primary schools. Limited detail is available regarding the proposal and teachers and Boards of Management are concerned. 70% of primary schools in the country have three teachers or less and it is being suggested that schools with three teachers or less be amalgamated. He opposed this proposal and said it would destroy the education system as we know it. This proposal must be opposed. If amalgamation goes ahead students will be faced with attending already crowded schools, transport costs etc. These schools have served rural Ireland well, provide a great education system and teachers give one-to-one to pupils who need it. He PROPOSED that a letter issue to the Department of Education expressing concerns regarding this proposal.

Cllr. J. Finucane supported this motion.

Cllr. M. Gleeson SECONDED this motion and said he was previously involved in a challenge to such a proposal. Many such schools have expanded and become very vibrant. One of the most important aspects of a primary school is that it is at the very heart of the community. It is where pupils, teachers, parents and Board of Management interact. It is a place you meet before, during and after school. Community becomes enhanced by such schools. When a school closes in an area, the community dimension invariably suffers. When this suffering happens an entire community is degraded to some extent. With regard to the children, which must always be the focus, they would be faced with the introduction of travel times of degrees which adds to the length of the day and which results in tiredness and affects the quality of learning. In a three teacher school there are sizable numbers of students. He supported this motion and said a letter should issue to the Department outlining the Council's opposition to any generalised amalgamation of schools.

## **5. Budget Changes on the School Transport Scheme**

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

"That the members of this Council in conjunction with Minister Jimmy Deenihan TD request an urgent deputation with Ruairi Quinn TD, Minister for Education and Skills to seek the reversal of the budget changes on the school transport scheme which will have devastating effects on rural schools, parishes and communities through out rural Kerry and Ireland."

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

Cllr. B. Cronin expressed concern with the ethos at present regarding education and proposals that will affect future generations, particularly in rural national schools. Smaller schools have been closed and school bus transport was being utilised for amalgamated schools. A situation has arisen due to budget cuts whereby it was decided that transport would no longer be available to the amalgamated schools. Children starting school after 2012 will not be provided with school transport. The service will continue for existing pupils. A public meeting was held on this proposal. This will split the nucleus of rural Ireland and rural Kerry. An open meeting was held to raise awareness. Deputy Griffin put a motion before Dáil and the response rejected the request to reverse the proposal. This proposal will have a tremendous affect on families. Families will not be directly aware of the situation until they start arranging for a bus ticket for children to go to national school. There is an ethos to kill off services in rural Kerry and rural Ireland. Deputy Deenihan must be asked to



pursue this matter. He called on the members of Deputy Deenihan's party and the Minister to organise a deputation to bring this matter to Minister Quinn. With regard to children who require special needs and have sanction for an SNA, no further SNA hours will be sanctioned. Power is being eroded locally. He appealed to the members and Minister Deenihan to arrange this deputation.

All third level grants are to be centralised in Dublin. He thanked the staff in the Higher Education Grants Section of Kerry County Council and staff of the VEC who have been extremely helpful to applicants. The kernel of the issue is that 72,000 applicants will have to apply to one location in Dublin. Rural Ireland will be disassociated.

Cllr. P. Connor-Scarteen moved Notice of Motion No. 19.

#### **19. Bus Éireann to retain Current Service to Rural Schools**

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

"That Kerry County Council calls upon Bus Éireann to keep its current service to rural schools and not to implement any plans which would have a devastating effect on rural schools.

Cllr. P. Connor-Scarteen said this is having a negative effect on the rural community. Small communities must be kept alive. He said it was brought to his attention by the Principal and parents of Tuosist school that if these new plans go ahead the pupils of Tuosist school will have to go to school in Kenmare. Although a new school, Kenmare will not be able to cope with an increase of students in the school. He said he raised this with Deputy Griffin. Rural schools must be protected and any decisions regarding the removal of transport services reversed.

Cllr. J. Brassil supported this motion particularly regarding SNAs. Schools of children who had a sanctioned SNA have been informed not to take on further SNA hours.

Cllr. B. Cronin requested that a letter issue to Minister Deenihan seeking a deputation on this matter.

#### **6. BER Certificates for Houses Rented by Kerry County Council**

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

"What is the position regarding the provision of BER Certificates for all houses rented by Kerry County Council."

**The following report issued:**

Since 2009 it is a requirement for all newly occupied council dwellings to have undergone a Building Energy Rating (BER). The majority of dwellings occupied since that date have had their Building Energy Rating completed by a combination of in house technical staff who have been trained in this area and some outsourcing at the earlier stages. With the funding made available under the 'retro-fitting voids with energy efficiency measures' scheme we have been able to achieve significant improvements to vacant housing stock in the last two years which have resulted in improved Building Energy Ratings in these cases. This has obviously benefitted the subsequent council tenants who are now renting these dwellings. We are currently arranging to issue the relevant certificates to all tenants where we have conducted a Building Energy Rating (BER). We are also ascertaining any case where Building

**Energy Ratings have not been conducted in respect of tenancies commenced since the start of 2009. We are aware that a number of such cases exist particularly in relation to tenancies commenced immediately following the introduction of this requirement, at which stage our own technical staff had not yet been trained to carry out this work. Over the coming months it is planned to have all outstanding Building Energy Ratings completed and notified in respect of all tenancies commenced since the start of '09.**

**With regard to properties rented under the RAS scheme, the provision of a BER cert is a condition of contract with the property owner.**

Cllr. J. Brassil said the reply states that the "majority of dwellings occupied have had BER completed by a combination of in-house and outsourcing". Later the reply says there are cases where BER has not been conducted. He welcomed the cases where BER is completed and requested that in cases where tenancies have commenced that the BER will be undertaken. He asked if a BER will be undertaken on the housing stock of Kerry County Council and subsequently retrofit the properties to bring them up to standard.

Mr. J. Breen, Director of Housing and Community & Enterprise, said when Building Energy Rating was introduced staff were being trained. A number of properties remain to be certified. When letting properties, a BER must be provided and this is being undertaken as casual vacancies arise. The Department is requesting a full audit of housing and BER certificates. An assessment is being undertaken before and after work. There is no requirement to revert to existing tenants to do a BER.

Cllr. J. Brassil encouraged the Local Authority to conduct a BER on all housing stock.

Mr. J. Breen, Director of Housing and Community & Enterprise, said neither the resources nor funding are available to conduct a BER on all properties. Secondly, if BER certificates are provided to tenants, they will then request upgrades of properties for which funding is not available. A targeted audit will be undertaken as funding becomes available. At present it is simply not possible to undertake an audit.

Cllr. J. Brassil said a BER certificate would be advantageous to everybody. There is also a serious issue regarding carbon monoxide monitoring. Much of the Local Authority's old housing stock could be the type of building where carbon monoxide might be seeping in through old gas lines. It should be an objective of this Council to encourage all tenants to install carbon monoxide monitors. He accepted that Kerry County Council could not afford to fund the provision of carbon monoxide monitors but suggested that the Housing Department may develop a scheme to co-fund it. People die from carbon monoxide poisoning every year in this country.

Mr. J. Breen, Director of Housing and Community & Enterprise, said many people are contacting the Housing Department regarding carbon monoxide monitors. The Fire Service can provide details of carbon monoxide monitors which meet EU Standards.

Cllr. J. Brassil suggested that the Housing SPC draw up a list which would help residents and tenants.

### **Welcome of new Elected Members**

Mayor P. Leahy welcomed the new elected members to Kerry County Council as he was not at the March meeting when they were co-opted.

### **7. Site for a Burial Ground in Cromane**

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

“That Kerry County Council furnish a detailed up to date report in relation to the acquisition of a site for a burial ground at Cromane for the people of the parish.”

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

**A suitable site had been identified in early 2010 but this was withdrawn from sale when some nearby home owners expressed reservations about the proposal.**

**A further site at a very suitable location was then identified and the results of ground-investigation works carried out in November 2010 have proved satisfactory. Discussions with the landowners are currently underway. If provisional Agreement to purchase the property can be reached, the Part 8 Planning process will then be undertaken by the Council.**

Cllr. M. Cahill asked how long does provisional agreement take. He said he has raised this matter continuously and he was informed that his father dealt with this matter before him. He asked that the matter be finalised to allow people bury their dead in their own parish.

Mr. J. O'Connor, Head of Finance, said Kerry County Council has an application with the Department for some time seeking sanction for €2m for the development of burial grounds. This sanction has not been received to date.

### **8. Respite Beds for Patients in Listowel**

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

“That Kerry County Council would call on the HSE to provide respite beds for patients who have no access to respite beds at the moment due to the refurbishment at Listowel District Hospital.”

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

Cllr. T. Buckley said refurbishments at Listowel District Hospital commenced in November, 2010, and there are no respite beds available. There are a number of suitable nursing homes in the area which could provide respite beds. The HSE should enter into negotiation with those nursing homes.

Mayor P. Leahy supported this motion.

All elected members supported this motion.

### **9. Traffic Calming Measures in Castlemaine Village**

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

“That Kerry County Council will undertake immediate traffic calming works in Castlemaine village to allow road users safe access to the main Killorglin to Tralee road from the Dingle and Ballyfinnane junctions.”

**The following report issued:**

**This motion was previously moved at the Dingle Area meeting in September 2010, at which the following response was given:-**

**“This matter will be referred to the National Roads Authority’s Safety Engineer to determine if the NRA would deem it suitable for Safety Measures funding. This funding is prioritized on the basis of accident data and Castlemaine has not been identified as a high accident location in a recent review of accident data undertaken directly by the NRA”.**

**Following the resolution by the members the proposal was referred to the National Roads Authority's Safety Engineer to determine if it was suitable for Safety Measures funding on National Secondary Routes.**

**Kerry Co. Co. received an allocation of €121,600, from the NRA, for Safety Improvement works on our National Roads in 2011, details of which were set out in the Roadwork’s Programme, approved by Council on the 14th March 2011. This allows us to design and complete works at 9 locations on 5 of the National Secondary Routes.**

**Unfortunately funding was not provided for the intersection of the N71 and the R561 at Castlemaine.**

Cllr. M. Griffin urged that traffic calming measures be provided at Castlemaine Village and that consideration be given to providing a pedestrian crossing or alternative road markings.

Cllr. M. O’Shea **SECONDED** this motion.

#### **10. Eastern Relief Road in Kenmare**

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

**“That Kerry County Council progress with the Eastern Relief Road in Kenmare as soon as they can. Please give an update on what has been done to date and make a submission to the Minister and the National Roads Authority for a further specific improvement grant to complete the project.”**

**The following report issued:**

**Kerry County Council has received an allocation of €250,000, from the Department of Transport, under the Specific Improvement Grant Scheme, for the Kenmare Eastern Relief road, this year. Following agreement with the affected landowners, from whom the lands for the project are being acquired, the Council has commenced the statutory planning process for the scheme (Part VIII procedure) and the proposals are currently on public display. The closing date for receipt of submissions or observations is 3rd June 2011, and the Managers report on any submissions received will be presented to Council at the June meeting. Subject to the approval of Council for the scheme, it is proposed to commence construction on site in the 3rd quarter of the year. The Roads Department will seek additional funding from the NRA in our submission for funding in 2012.**

Cllr. P. Connor-Scarteen said he was delighted with the response and it is great to see progress in relation to this relief road. There is a lot of traffic congestion in the summer months and this road will provide a lot of relief and make traffic a lot safer.

Cllr. D. Healy-Rae supported the motion and noted that Deputy Jackie Healy-Rae secured funding for this project. He expressed concern that work will not start until the 3<sup>rd</sup> quarter of 2011 as the traffic is highly congested. This relief road is vital for the town of Kenmare. He asked that the work would start sooner than the 3<sup>rd</sup> quarter for fear the funding might be lost.

Cllr. P. Connor-Scarteen asked is the allocation of €250,000 for this year or the whole project.

Mr. G. McNamara, Acting Director of Roads and Transportation, said €250,000 is the allocation in this programme. In 2010 €200,000 was allocated for this project under the Specific Improvement Grants. Monies are moved from one job to another if an allocation is not being spent on a project.

Cllr. D. Healy-Rae said if money allocated for a project is not used it should be retained for that area.

Mr. G. McNamara, Acting Director of Roads and Transportation, said an allocation is received for a bundle of jobs. Approximately €2m is spent on specific improvement grants. Further funding will be sought in 2012. The first €250,000 of this year's allocation will be assigned to this project.

#### **11. Closure of the Health Centre in Gneeveguilla Village**

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

"That Kerry County Council would request the HSE to rescind the decision to close the Health Centre in the Credit Union Building in Gneeveguilla Village, where Community Nursing Services, Community Welfare Services & GP Services have been successfully provided over the past number of years. This is a parish with a growing population, and this is a severe blow to the village and surrounding areas."

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

Cllr. J.J. Culloty said a lot of services are being removed from rural areas. The issue regarding amalgamating schools dovetails with this issue. It is proposed to remove the primary health care facility in Gneeveguilla. He called on elected members to support this call to have this facility returned to the area as it was being used by the locals in a great way at very little cost. The next place with such a facility is Rathmore which is outside the village with no public transport available to it. For a community to survive they need people in the community willing to do work and they need help from central or local government. Bit by bit that is being eroded.

Cllr. M. Gleeson **SECONDED** this Notice of Motion. The Gneeveguilla area is unique in that it is a dynamic and self-sufficient community. This facility saves people the cost of travel and additional suffering and enhances the local community. This facility is vital to the continued wellbeing of the people and the community. He asked that a letter issue to the HSE asking that the facility and service be retained.

Cllr. D. Healy-Rae supported the motion. This proposal is a retrograde step. Gneeveguilla has a strong community and this vital service must be maintained.

## **12. Abolishment of the Universal Social Charge**

**Cllr. R. Beasley moved this motion on behalf of Cllr. T. Ferris.**

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

“That this Council recognises that: The Universal Social Charge is an unjust and regressive tax, bearing down most heavily on those least able to afford it The Universal Social Charge affects people earning as little as €77 per week The Universal Social Charge is indiscriminate and affects someone earning €100,000 at the same rate as someone earning €16,016. Low income workers, including medical card holders, working lone parents and working widows who were exempt from the health and income levies which the Universal Social Charge replaced, are no longer exempt; Coupled with the changes to tax credits and bands introduced in Budget 2011, the Universal Social Charge has increased the burden of taxation on the working poor; Call on the Government to abolish the Universal Social Charge..”

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

Cllr. R. Beasley asked Council to give full support to this motion and that a letter issue to Government requesting that the Universal Social Charge be abolished.

## **13. Bus Stop in Farranfore Village**

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

“(a) To ask Kerry County Council what progress has been made in relation to the requested provision of Bus Stop in Farranfore Village (b) Has an owner been identified for the ground where the Bus Stop is hoped to be located (c) What discussions have taken place with this landowner..”

**The following report issued:**

**A number of Motions have previously been moved at the Killarney Electoral Area Meetings and the Ordinary Meetings of Council on the provision of a lay-by on the western side of the road for Tralee and Castleisland bound trips, most recently November 2009. The response to the previous motion, moved in November 2009 was as follows:-**

**“There are 2 bus stops in Farranfore, one on either approach through the village, servicing a minimum of 44 daily bus services to Tralee, Limerick/Castleisland and Killarney/Cork/Waterford/Rosslare Harbour.**

**The stops are "request stops" only and therefore the bus only remains stopped whilst picking up or dropping off passengers. We have been informed by Bus Éireann that only 1 to 3 passengers on average are collected on each journey. Having regard to the level of usage identified by Bus Éireann, and the fact that the stops only operate as request stops, the delays are considered minimal. Traffic delays in Farranfore are primarily attributed to the rail crossing which occurs at least 18 times daily”.**

**The Council has had a significant number of meetings with the owner of the lands, considered most suitable for the location of a set back area for the bus stop. However, we have been unable to secure agreement.**

Cllr. D. Healy-Rae said this matter has been raised several times by himself and other elected members. The report says only 1-3 passengers on average are collected on each journey. The difficulty is that the bus stopping is causing traffic

congestion. The train stops the traffic a number of times a day and the bus also stops traffic. Kerry County Council must try to progress the provision of a bus stop in Farranfore. He asked that Kerry County Council speak with the landowner once more. The junction in the middle of the village is also causing problems for traffic.

Cllr. B. Cronin said he had a similar Notice of Motion previously and he supported this Notice of Motion. He complimented the A/Senior Executive Engineer for South Kerry who has been involved in negotiations for a long time in trying to secure land for the bus stop. Funding was secured to do the work but the land could not be acquired. He agreed with the request to revert to the landowner one more time. The bus stops 44 times during the day and it is regular to see traffic stopped up in the village. The bus stopping is a serious traffic hazard.

#### **14. Funding for Kilgarvan Sewerage Scheme**

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

“That Kerry County Council ask the Department of the Environment for funding for the Kilgarvan Sewerage Scheme. There is raw sewerage flowing into the Roughty River as well as a foul smell in the village. The present scheme was built in 1936 to cater for 20 houses..”

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

**The existing plant at Kilgarvan is overloaded as it's Design Capacity is approximately 200 population equivalent (p.e.) while it currently caters for a p.e. of approximately 300. There are occasions when the plant cannot adequately treat the sewage effluent but it is not correct to say that there is a discharge of raw sewage into the Roughty River. There is also a storm overflow on the sewerage network which discharges into the river. The sewerage network in the village is a 'combined system' which means that rainwater from road gullies flows through the storm overflow.**

**The foul smell in the village is attributable to a pumping station serving a private housing estate that is not properly maintained. This gives rise to septic conditions in the pumping station with associated nuisance odours. This issue is being followed up by the Water Services Department.**

**Kerry County Council prepared and submitted a Preliminary Report for the Kilgarvan Sewerage to the DEHLG for approval in November, 2007. Contract Documents for the Scheme have also been prepared. Specialist surveys and reports such as CCTV Surveys and Site Investigations have also been carried out. Kerry County Council has also completed the Part 8 Planning Process and purchased the lands necessary for the scheme.**

**Kilgarvan Sewerage Scheme is not included in the current Water Services Investment Programme (2010 to 2012) and funding will not be available to carry out further work until the Scheme is included in a future investment programme.**

Cllr. J. Healy-Rae said he does not understand why this pumping station is different to other pumping stations. Water samples from the Roughty River show that the standard of water was not up to standard. Swimming lessons were cancelled there for the last two years. The smell cannot continue. He asked why Kilgarvan is not on an Water Services Investment Programme.

Cllr. D. Healy-Rae supported the Notice of Motion and said this problem has gone on for too long. There is a continuous problem with the pumping station. It had been indicated that the pumping station was working again and last week the smell

started again. There is a problem with the pumping station. He said he has been told several times that on a wet day raw sewage flows into the Roughty River. This is a very important issue. Kilgarvan is not on the investment programme. Kilgarvan was put back on the list. Planning cannot be granted in the village because of this system.

Mr. O. Ring, Director of Water Services & Environmental Services, said there is difficulty with the pump in that the pump sump is designed for full occupation of the housing estate served by the pumping station. Not enough houses are serving the pumping station and therefore it is not pumped often enough. It may be possible to deal with this by installing a timer to pump it more frequently. With regard to the Kilgarvan Sewerage Scheme and the Water Services Investment Programme, Kerry County Council has progressed the Kilgarvan Sewerage Scheme as fast and as far as it could. A preliminary report was completed, a design and contract documents were prepared. Kerry County Council cannot progress this any further without approval and funding from the Department.

Cllr. D. Healy-Rae asked is it safe to be breathing in the smell from the pumping station.

Mr. O. Ring, Director of Water Services & Environmental Services, said smells like that are noxious but not unsafe. There is no safety risk to it.

## **15. Language Support/Resource Teachers in Primary Schools**

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

"That this Council calls as a matter of great urgency on the Department of Education to ensure that an adequate number of language support/resource teachers are employed in primary schools in order to facilitate the needs of students who do not have English/Gaeilge as their first language.."

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

Cllr. M. Gleeson said a lot of people have been immigrating in the last number of years. The Department has expressed its intention to withdraw language teachers. While there is a reduction in foreign nationals coming to live in the country this proposal will result in teaching in the general classroom and language support not being provided. It will inhibit the other pupils if the teacher has to provide greater support to the children without English or Irish as their first language. He called on the Department of Education to ensure the withdrawal of language support/resource teachers will not take place. If people do not have competency in the local language it can lead to social disharmony.

Cllr. G. Wharton-Slattery supported the Notice of Motion. She said she works as a mentor for foreign national students and the difference without that interaction in the classroom and socially has a huge bearing on their life. This support should be pinned down at primary school level.



## **16. Upgrade Scheme for Septic Tanks**

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

“That this Council again make a request to the Department of Environment to consider introducing a scheme whereby house owners who wish to upgrade their old septic tank would get grant aid to install a modern system.”

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

Cllr. B. Cronin called on the Department of the Environment to consider introducing a scheme whereby house owners who wish to upgrade their septic tank would get grant aid to install a modern system. The purpose of this proposal relates to dealing with issues regarding ground water and effluent pollution around the countryside because of development. The Site Assessment Unit has identified difficulties in particular areas because of the nature of the soil and land. It is no fault of the householders as they built their houses in accordance with the standards set at the time. The difficulty relates to the fact that there was no standards applicable to the percolation area. Many septic tanks were poorly constructed. There may be problems with older septic tanks and percolation areas. The EU is monitoring environmental issues in Ireland and we must meet new regulations. New applicants for planning are suffering because of the new regulations. The same intensity does not seem to apply in certain areas. Under the Farm Waste Management Scheme there was major investment in the agricultural sector which had tremendous effects on the water quality in the country. A grant scheme should be organised and the rewards would be twofold. Water quality would be enhanced and improved and EU requirements would be met. He asked for the support of the elected members and requested that a letter issue to the Minister requesting that consideration be given to providing a grant scheme to address this matter.

Cllr. J. Sheahan supported this Notice of Motion and said this matter was discussed briefly at the Electoral Area meeting last Wednesday. There seems to be a problem with site assessments. He agreed with Cllr. Cronin that a grant scheme would progress this matter. It would be a proper and positive action to take and it would make people more aware of what is going on, more aware of the water quality and that it needs to be addressed in EU terms.

## **17. OPW Minor Works Scheme to embankments at Cromane Lower, Killorglin**

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

“That Kerry County Council confirm that they have submitted an application for funding to the OPW to carry out the urgent works required under the Minor Works Scheme in relation to the embankments to Cromane Lower, Killorglin..”

**The following report issued:**

**Kerry County Council has not received any correspondence from the Office of Public Works requesting it to submit a funding application for any works under the Coastal Minor Flood and Erosion Mitigation Programme for the current year.**

**This Council only received funding in the last year for coastal protection works adjacent to the Fenit Road, which is strategically important for the continued operation of the harbour.**

**The Council will be aware that there are substantial funds still owing to Kerry County Council for works carried out on the Inch Coastal Protection**

**Scheme in 2007 and given the current funding constraints on the Local Authority , this project will have to be prioritised for the recovery of money still owed to the Council on this scheme.**

**Any works required at Cromane can be considered in any future application to be submitted to the OPW under the above programme, subject to the proposed works satisfying the eligibility criteria that may be set down by the OPW at that time.**

Cllr. P. O'Donoghue said accepted management's stance vis-à-vis outstanding monies from the Department, particularly when Kerry County Council did an excellent job at Inch. He said his contact with the OPW said they would welcome an application from Kerry County Council in respect of the embankments at Cromane Lower. In view of the urgent situation at Cromane he requested that an application be submitted.

Cllr. M. Cahill supported this Notice of Motion. There are a number of houses at risk in Cromane. It is a serious problem which a small amount of money could resolve. It needs urgent attention.

## **18. Development of Inch Beach**

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

**"That Kerry County Council would outline any future plans for the development of Inch Beach with particular reference to changing facilities, parking and improved public toilets.."**

**The following report issued:**

**The public toilets are located in a portacabin in the carpark at Inch beach. The facility is open annually from mid May to the November Bank Holiday and also on every Sunday throughout the year, and is well managed by the local caretaker. There are currently no plans to build a permanent structure in Inch.**

**Regrettably Kerry County Council does not have the finance available at this time to provide either changing facilities or additional parking at Inch Beach.**

Cllr. M. Griffin said Inch Beach is one of the greatest assets Kerry has in its tourism network. The facility at present is nothing to be proud of. He asked that works at Inch beach be listed as a priority for future funding.

Cllr. S. Fitzgerald **SECONDED** the motion and asked if an application has been made for funding for small projects like this.

## **20. Ban on Postering in Urban Areas**

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

**"That Kerry County Council would ban all postering in urban areas and increase the penalties for breaches of the ban as this is causing serious littering in those areas."**

**The following report issued:**

**The erection of election posters is regulated by Legislation which provides for certain exemptions. It would appear from the Legislation that it may not be possible to make Bye Laws banning the erection of election posters during**

the period that the Legislation provides an exemption for. The best approach may be for the Environment and Water Services SPC to examine in detail the Legislation in this area.

There has been local arrangements in some towns in the County during recent elections, where the candidates agreed amongst themselves not to erect any election posters. The expansion of these local arrangements may be the best option to address this issue given that the Legislation allows for the erection of election posters.

Cllr. T. Buckley said he is referring particularly to built up areas. In the recent election there were 3-5 posters on one pole and in the windy weather they were blown down. Tidy Towns Groups are doing great work and they should be supported with an agreement that there be no posters erected within the urban area. Extend the agreement that was in Killarney for the last election.

Cllr. M. Gleeson supported the motion and said the agreement not to erect election posters has existed in Killarney since 1997. One of the biggest dangers with posters is that if they are hanging down sufficiently low enough they can be set fire to. The material they are made from is extremely dangerous.

Cllr. G. Wharton-Slattery asked if the agreement in Killarney relates to election posters only or all types of posterage.

Cllr. M. Gleeson said all types of posterage were banned.

Mr. J.D. Flynn, Director of Corporate Services, said the legislation provides for an exemption during the election. Banning election posters is not an option unless there is an agreement between candidates.

## **21. Exemption on Planning Domestic Extensions**

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

"That Kerry County Council would call on the Minister for Environment and Local Government to review the planning law regarding the existing 40 sq. metres extension exemption to dwelling houses, and that the current exemption be extended from 40 to 50 sq. metres."

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

Cllr. J.J. Culloty said 40m<sup>2</sup> extension is restrictive and it should be increased to 50m<sup>2</sup>. There is then one construction and one cost element. For example, if a person adds a bedroom and then adds a bit to the sitting room this goes over the 40m<sup>2</sup>. He called on the Minister to extend the exemption to 50m<sup>2</sup>.

Cllr. B. Cronin SECONDED this motion. The size of extensions exempt from development levies has been increased to 60m<sup>2</sup>. Cllr. Culloty is proposing that the planning exemption for extensions be increased from 40m<sup>2</sup> to 50m<sup>2</sup>. Relatively speaking that extra bit of space at the back of a house is very much required in some instances and there is only one construction cost involved.

Cllr. D. Healy-Rae supported this motion.

## 22. GAA Museum

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

"That Kerry County Council request the Minister for Tourism and the Minister for Sport to provide the necessary funding to the Kerry County Board to develop a state of the art GAA museum on the grounds of Fitzgerald Stadium which will be when completed a major tourism attraction for the County."

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

Cllr. M. Cahill said this is a very important motion. He acknowledged Cllr. Gleeson's role regarding this project and said he is very keen that it succeed. Deputy Fleming had a parliamentary question on this some weeks back. It is a matter for Fáilte Ireland to fund the vast majority of this project. The Kerry County Board is willing to provide a site adjacent to Fitzgerald Stadium in Killarney. From statistics gathered the GAA Museum would add one extra bed night to all visits to Kerry. This would be a significant increase to a visitor's stay in the county. It would be good for the GAA and tourism as well as people in Kerry. He asked the County Manager and Kerry County Council to fully support this application when it is submitted. It would be an exceptional project for the county.

Cllr. M. Gleeson said he first proposed this to Killarney Town Council and after some time this project is progressing. There is a dynamic committee progressing the proposal. He asked Cllr. Cahill that before any formal request is made to the Minister that contact be made with the committee. He thanked the Chair of the County Board and Fáilte Ireland who are supporting the proposal.

Cllr. J. Finucane said there is a need for an innovative GAA museum for the county but Tralee is the location of the County Museum which has a GAA section. The County Museum is funded by this County Council. Consideration is being given to innovative ways to bring artefacts to the museum if it is upgraded. The museum is currently under funded and it is the obvious place for the location of the GAA museum.

## 23. Car Hire for visitors over 70 years of age

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

"That we the members of Kerry County Council ask the Minister for Tourism to intervene with the car hire companies on behalf of visitors to our Country who are not allowed to rent out a car if they are 70 years or over."

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

Cllr. D. Healy-Rae said it has been pointed out to him that visitors over 70 years of age will not be allowed to hire a car. This is very unfair. The Minister should be asked to intervene with the insurance companies and if the person has a licence they should be allowed rent a car. This will deter visitors from the country and this county as public transport is not available to all areas.

Cllr. B. Cronin SECONDED this motion and said it was raised previously. The Minister for Tourism should intervene on this issue as it is total discrimination.

Cllr. R. Beasley supported this motion.

Cllr. J. Brassil said car hire companies should not be allowed to do this.

Mr. O. Ring, Director of Water Services and Environmental Services, said a Christian Brother took a case against a car hire company and he understands it was found that it is illegal for a car hire company to refuse a person car hire based on their age.

Cllr. J. Brassil requested that a letter issue to the Minister asking him to investigate and stop this practice.

Cllr. G. Wharton-Slattery said free travel was not extended to people over 65 either. She agreed with issuing this letter to the Minister.

#### **24. Start Time for Electoral Area Meetings**

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

“To ask Kerry County Council to hold the Area Electoral Meetings in the evening to facilitate members who have day time jobs.”

**The following report issued:**

**Each Electoral Area Committee meets approximately 5 times each year giving an average of 25 Electoral Area Meetings per annum. These meetings generally last 4-5 hours depending on the size of the agenda, number of deputations to be received etc.**

**As members are aware all of the major service areas of the Council are represented by their key staff at each Electoral Area Meeting which allows for a full discussion on any local issues or concern to the members. You would have an average of 12 staff attending each Area Meeting from the various Sections involved. This is one of the main reasons why the Electoral Area Meetings works so well. It also allows for local issues to be dealt with at local level which is the correct forum for dealing with such matters.**

**If Electoral Area Meetings were to be moved to evenings the number of key staff that would be available to service them would be very limited and it is likely that the meetings would become much more general in nature as the level of knowledge and expertise of the local issues would be lacking. If staff were to attend Area Meetings in the evenings, they would be entitled to time off in lieu which would result in they being absent from the office during the normal working day.**

**It is our view that the current system, which has been in place for many years, works well and we would not be in favour of changing it.**

Cllr. J. Healy-Rae said for people who are working during the day at least some of the Killorglin Electoral Area meetings could be held in the evening. He referred to the reference in the reply which said staff would be entitled to time off in lieu for evening meetings. Water caretakers were working during the winter and had to take time in lieu instead of being paid. That is an unfair practice.

Mr. J.D. Flynn, Director of Corporate Services, said this matter was discussed at a previous Electoral Area meeting and it is a matter for the Executive. He said he will attend the Electoral Area meetings in the evening, however, he would be attending on his own and elected members would get replies to Notices of Motion but there would be a lack of back up information on local issues as area staff would not be in attendance.

Cllr. J. Healy-Rae asked if meetings could start in the afternoon at 1.30 p.m. and finish at 5.00 p.m.

Cllr. P.J. Donovan PROPOSED that the Killorglin Electoral Area meetings remain as they are. They are working well as they are and relevant staff are attending the meetings.

Cllr. D. Healy-Rae said he could see great merit in starting meetings in the afternoon or starting at 9.00 am in the morning.

Cllr. P.J. Donovan said this Notice of Motion relates to the Killorglin Area Meetings not the Killarney Electoral Area Meetings.

## **25. Traffic Management System in Killorglin**

**Pursuant to Notice duly given, Cllrs. P. Connor-Scarteen & M. Griffin**

### **PROPOSED:-**

“That Kerry County Council carry out a review of the current traffic management system currently in place in Killorglin.”

**The following report issued:**

**This motion was previously moved at the meeting of the Killorglin Electoral Area Committee in December 2010, at which the following response was given:-**

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

**Following further discussion on the issue at the Killorglin Area meeting, members were informed that there is no funding available at present for the development of a traffic management plan for Killorglin.**

Cllr. P. Connor-Scarteen said the issues were raised by Cllr. Cahill previously and discussed at Killorglin Electoral Area Meetings. He thanked the Local Area Engineer and A/Senior Executive Engineer, South Kerry, for the great work done recently in resurfacing the Fairfield in Killorglin. He accepted there is no funding to

carry out a traffic management plan at present. A review which would not cost too much is needed. He said he met with Cllr. Griffin with a delegation regarding some issues and hopefully this will sort some of the issues.

Cllr. M. Griffin **SECONDED** this motion. He asked that Kerry County Council would take into consideration some local input and improve the traffic system in the town.

Cllr. M. Cahill supported the Notice of Motion and said he has raised this matter several times. He said he does not want to put the Council to great cost but the business people of Killorglin could be invited to make submissions which would be helpful. He said he gave proposals from the business people to the Area Engineer previously. There may be some way of improving the situation as it is becoming a greater problem.

## **26. Funding for Kerry Cancer Support Group**

**Pursuant to Notice duly given, Cllrs. M. Cahill & J.J. Culloty PROPOSED:-**

“That Kerry County Council request the Government to provide funding to the Kerry Cancer Support Group towards the cost of running a magnificent voluntary bus service which brings patients to Cork University Hospital free of charge on a daily basis.”

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

Cllr. M. Cahill said this is a very important Notice of Motion. This service very worthy of support. It is a completely voluntary service started up by a former cancer patient. Since 2010 a bus was purchased by the people of Kerry and to date they have carried almost 1,000 patients to Cork for treatment. It is a 5 day a week service. The driver is on call 24/7 and had to do a special course in counselling to deal with the patients that avail of the service on a daily basis. The driver maintains the bus. It would be a shame to lose this service. Some Government Department would surely assist with this tremendous service. This service must be maintained. He requested that a letter issue to the relevant Government Department. He asked if the County Enterprise Board could assist in any way.

Cllr. J.J. Culloty supported this Notice of Motion. Everybody has somebody who has been touched by cancer. It is a great service that is being provided.

Cllr. A. McEllistrim supported this motion.

## **27. One-Off Houses in Rural Areas**

**Pursuant to Notice duly given, Cllrs. J. Healy-Rae & D. Healy-Rae PROPOSED:-**

“To ask Kerry County Council's Planning Section to remove the obstacles preventing planning permission being granted to applicants from our towns and villages who wish to build and live in a rural area, these current restrictions are discriminating and a threat to democracy.”

**The following report issued:**

**One-off houses in rural areas now constitute over 50% of the total housing stock in the county amounting to in excess of 35,000 houses.**

**All of these houses are serviced by on-site effluent treatment systems which are increasingly causing concern from an environmental point of view**

in the area of ground water and surface water pollution with consequent impact on drinking water quality and general impact on wildlife, flora & fauna, which are dependent on good water sources.

The Water Framework Directive and River Basin Management Plans form part of recent legislation addressing the protection of water sources at both a National and Local level.

There are other consequences associated with the widespread construction of one-off houses in the countryside including the significant impact on the Tourism potential of the county along with the overall sustainability of such development.

Consequently the 'Sustainable Rural Housing Guidelines' issued by the Department of Environment Heritage and Local Government along with elements of the 2010 Planning Bill place a requirement on Local Authorities to identify areas within the county which are under Urban Influence, Stronger Rural Areas and Weak Rural Areas.

Areas designated as under Urban Influence have greater constraints than Stronger Rural Areas or Weak Areas in the context of an application for a one-off house.

This is because such areas are probably over developed already and the landscape, road network and geology associated with this area can only sustain very limited further development which will be primarily houses for family members.

In contrast areas designated as 'Weak' can sustain further development and the only requirement from an occupancy perspective is that the house must be a permanent place of residence.

In other words there are no restrictions on people from Urban Areas with no ties to the rural countryside constructing one-off houses in these areas provided the other issues such as effluent disposal, traffic and integration are addressed.

In summary, the extensive and widespread construction of one-off houses in the rural countryside, over the last number of years, has meant that restrictions must now be placed on the future construction of such houses, with the extent of the restrictions related to the capacity of the area to accommodate further development, as outlined, in order to protect the Environment, Infrastructure and well-being of both Humans and Wildlife.

Cllr. D. Healy-Rae said the restrictions and rules in place are too restrictive. There are instances of young people in villages and towns who, no matter how hard they try, are not getting planning permission in the rural countryside. Currow village is an example. There is no treatment plant in Currow and no zoned land available. The area of ground Kerry County Council secured for a treatment plant some years ago is not accessible and is lying idle. This is very unfair. The way these areas are being designated must be reviewed. We are also being dictated to by the EU. People are being forced to live in urban areas and this will cause social problems. He requested that a variation to the County Development Plan be undertaken. This will not lead to an influx of applications as not many people are applying for planning permission. If a variation to the County Development Plan is not undertaken he requested that Kerry County Council advertise to people that are applying for planning permission not to bother doing so anymore because they will not get planning permission.



Cllr. J. Healy-Rae **SECONDED** this motion. It is a big obstacle for young people trying to get planning permission. This could be an obstacle in time to come also. He **SECONDED** the proposal to vary the County Development Plan.

Cllr. J.J. Culloty said houses that were built in the last few years will not cause problems in the future. The environment must be taken into account but it can be done in a fairer way.

Cllr. D. Healy-Rae asked if Kerry County Council will allow a variation to be done to the County Development Plan.

Mayor P. Leahy said this matter was dealt with at the Killarney Electoral Area meeting.

Cllr. J. Brassil said the planning laws/guidelines in the County Development Plan are there to support sons and daughters of landowners. In areas where there are numerous houses our policy of preserving sites for sons and daughters of landowners is a good policy. There will never be a policy that suits everyone. If sites had been reserved on town boundaries for sons and daughters we would not have this problem now. Going into the future this policy must be maintained to protect sites available for those from the area. He supported the current policy.

Cllr. J. Finucane **SECONDED** Cllr. J. Brassil.

Cllr. D. Healy-Rae **PROPOSED** a variation to the County Development Plan and requested a vote.

Cllr. J. Healy-Rae **SECONDED** this proposal.

Mr. T. Curran, County Manager, said a variation of a County Development Plan cannot be undertaken when it is contrary to national policy. National policy comes first and our plan must adhere to that. Members in the Dáil voted on that. He said he implements the plan only, he did not vote on it. The National Plan deals with sustainable rural development. A variation of the County Development Plan cannot be undertake to deal with specific cases. Sites must be preserved in lands under pressure for sons and daughters of landowners.

## **28. Public Toilet Facilities and Bus Parking at Ardfert Village**

**Pursuant to Notice duly given, the Tralee Electoral Area Members PROPOSED:-**

“That Kerry County Council in conjunction with the OPW put a plan in place for Ardfert Village that would include the provision of toilet facilities and the identification of specific spaces for coach and bus parking.”

**The following report issued:**

**As Members are aware, the Office of Public Works has been engaged for a number of years in the restoration of the Cathedral in Ardfert. The Council is unaware of what proposal, if any, the Office of Public Works has to provide public toilet facilities in conjunction with this development or the provision of coach and bus parking. The Council will therefore write to the Office of Public Works in this regard to establish their future plans for the facility and a timescale for the completion of the restoration works and the opening of the facility to the general public.**

**In relation to the provision of public toilets, it should be pointed out that Kerry County Council currently has a list of fourteen public conveniences which are to be provided or improved in the county and that Ardfert does not feature on this list. No funding is available for the provision or improvement of public toilets at this time and if such funds were available priority would be given to the replacement of the public toilets in An Daingean and Kenmare.**

Cllr. A. McEllistrim said Kerry County Council provided the playground in Ardfert. When a playground has been provided a public toilets facility is also required. Ardfert should be on the list of areas requiring public toilets. Contact should be made with the OPW because they have a great tourist facility in the area and they might take on board the provide the public toilets. She noted that the response to the Notice of Motion says a letter will issue to the Office of Public Works to establish their plans in the area.

Cllr. J. Finucane said there is a tourist development group in Ardfert. There should be a strategic plan for Ardfert and sites identified for coach spaces and public toilets. There are no parking spaces for coaches. When sites have been identified let local groups, OPW and Kerry County Council contribute to the provision of facilities like the coach spaces and public toilets.

#### **11.04.18.15 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. J. Finucane, **SECONDED** by Cllr. A. McEllistrim, it was agreed to authorise the attendance of Cllrs. A. McEllistrim, T. Buckley, P.J. Donovan, B. O'Connell, M. O'Shea, G. Wharton-Slattery and T. Ferris at the LAMA Spring Seminar 2011 to be held in Dundalk, Co. Louth, from 29<sup>th</sup>-30<sup>th</sup> April, 2011.

- (b) On the PROPOSAL of Cllr. M. Gleeson, **SECONDED** by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. P. O'Donoghue, J. Sheahan, B. Cronin, J. Finucane and P. Leahy at the IPA Conference on the theme 'The current challenges facing Irish Local Authorities in delivering effective customer service with ever-decreasing resources' to be held in Waterford from 26<sup>th</sup> - 27<sup>th</sup> May, 2011.

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

- (c) On the PROPOSAL of Cllr. B. Cronin, **SECONDED** by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllrs. P.J. Donovan, T. Buckley, S. Fitzgerald and L. Purtill at the Southern and Eastern Regional Assembly Annual Conference on the theme 'Promoting Sustainable Transport' to be held in Bray, Co. Wicklow, on 27<sup>th</sup> May, 2011.

Cllr. P.J. Donovan was nominated to report to Council on this conference.

- (d) On the PROPOSAL of Cllr. J. Finucane, **SECONDED** by Cllr. G. Wharton-Slattery, it was agreed to authorise the attendance of Cllr. M. Cahill, in his role as Chair of the Culture SPC, at the Library Association CILIP Ireland Annual Joint Conference 2011 held in Mullingar, Co. Westmeath, on 13<sup>th</sup> & 14<sup>th</sup> April, 2011.

### **11.04.18.16 Correspondence General**

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

1. Circular Letter SRF 1/2011 dated 30<sup>th</sup> March, 2011, regarding Structures at Risk Fund.
2. Letter dated 31 March, 2011, from Deputy Michael Healy-Rae regarding housing in Killarney.
3. Press Release dated 8<sup>th</sup> April, 2011, from the Southern & Eastern Regional Assembly regarding address from Dr. John Connolly and Mr. Declan Behan of the Irish Association of Suicidology to a meeting of the Employment & Social Inclusion subcommittee of SERA.
4. Letter dated 23 March, 2011, from North Tipperary County Council regarding a resolution adopted by that authority calling on all Councils to work together in order to retain the rights for the delivery of Water Services in Ireland.
5. Letter dated 25 March, 2011, from Monaghan Town Council regarding a resolution adopted by that authority calling on the newly elected Government to ensure the preservation of the Irish language in the education system.
6. Letter dated 8 April, 2011, from Leitrim County Council regarding a resolution adopted by that authority requesting the Minister for Finance to meet with representatives of the Quinn Group at the earliest opportunity regarding proposals to safeguard jobs.
7. Letter dated 8 April, 2011, from Leitrim County Council regarding a resolution adopted by that authority requesting the Minister for Education not to introduce the proposed changes to the Primary School Transport Scheme arising from the last Budget 2011.
8. Letter from Thurles Town Council regarding a resolution adopted by that authority expressing its revulsion at the murder of Ronan Kerr.
9. Regional Health Forum, South Annual Report 2010

### **Votes of Sympathy**

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

- (a) Cllrs. M. Moloney, B. Cronin, D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Con O'Sullivan.
- (b) Cllrs. M. Moloney, B. Cronin, D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Seamus O'Connor.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Mary Lynch.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Doreen Doody.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Noel O'Donoghue.

### **11.04.18.17 Any Other Business**

#### Hedging

Cllr. M. Gleeson said hedging was destroyed in South Ireland during the severe weather earlier in the year. It is a big problem for people in urban areas as there is

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no area to bring the hedging to be disposed of. The Councils should make available a space on a given week to which people could bring hedging material for mulching. He asked that this matter be progressed. A nominal fee could be applied if necessary.

### **Bottle Banks at Ballymacelligott GAA Club**

Cllr. G. Wharton-Slattery referred to the bottle banks at Ballymacelligott GAA Club and said there is a litter problem at this location and it looks awful.

Mayor P. Leahy said an area Notice of Motion should be tabled regarding that matter.

### **Killarney Celtic**

Cllr. J. Sheahan expressed congratulations to Killarney Celtic who won the Munster Youths Cup Final. He wished the team well in their next match.

### **Public Toilets in Rossbeigh**

Cllr. M. Cahill said great work was done on upgrading the public toilets at Rossbeigh. There is no point upgrading the toilets if they are going to be left locked. He requested that the facilities be opened for people using the facilities at the beach.

### **Cemetery in Castleisland**

Cllr. B. Cronin referred to the cemetery in Castleisland and asked if there are any works being done to seal open tombs.

The meeting concluded at 3.30 p.m.

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

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**Mayor of Kerry**