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A paper copy of the unedited Minutes is available on request.**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN  
CHONTAE, TRÁ LÍ, AR AN LUAN , 16 BEALTAINÉ 2011**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY, 16 MAY, 2011**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

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

**IN ATTENDANCE/I LÁTHAIR**

Mr. T Curran County Manager	Mr. J.O'Connor, Head of Finance
Mr. J.D. Flynn, Director of Corp. Servs.	Mr. O. Ring, Dir. Water & Env. Servs.
Mr. C. O'Sullivan, Dir. of Roads	Mr. J. Breen, Dir. Hsg. & Comm&Ent
Mr. G. O'Brien, Meetings Administrator	Mr. P. Corkery, Press & Comm.
Ms. A McAllen Financial Accountant	Ms. K Lynch AO Finance
Ms. S Broderick SO Corporate Affairs	Ms. T. Keane, CO Corporate Affairs
Ms. O O'Shea CO Corporate Affairs	

The meeting commenced at 10.45 am

The Mayor Cllr. P. Leahy took the Chair.

The Mayor, Cllr. Pat Leahy, welcomed the second year students and their teachers from the Intermediate School in Killorglin who were observing the meeting from the public gallery at the request of Cllr. Michael Cahill.

The Mayor, Cllr. Pat Leahy, congratulated County Manager, Mr. Tom Curran, Mr. John Breen, Director of Housing & Community & Enterprise and Ms. Siobhan Griffin Community/Voluntary Sector Involvement Facilitator on the success of the recent visit by President Mary McAleese to the county. Seventeen groups representing Kerry's voluntary sector were chosen to meet with the President who also visited the Killorglin Family

Resource Centre in Iveragh Park and the Killarney Family Resource Centre in Ballyspillane, Killarney.

### **11.05.16.01 Mayor's Report on the CPG Meeting held on 10<sup>th</sup> May 2011**

#### **Item 1 Agenda for the May Council Meeting**

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

#### **Item 2 County Development Board Update**

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

- An Executive Meeting took place on 12<sup>th</sup> April and considered the priorities for the Board for the coming year.
- The Executive considered that the Board should focus on the 3 priority areas of:
  - Economic Development
  - Tourism
  - Agriculture
- With regard to Tourism a showcase event of the best of Kerry Tourism products has been organised in the Malton Hotel on 19<sup>th</sup> May.
- It is intended to have schools attend in the morning and Tourism Products providers in the afternoon with the intention of raising awareness of the tourism product generally.
- An Executive Meeting will take place on 10<sup>th</sup> May which will consider the following matters:-
  - Economic Hub Priorities Agreement.
  - Proposed Action Plan for implementing when businesses close down (i.e. Aetna in Castleisland).
  - Update Report on the Learning Forum which is seeking to match skills to potential employment.
  - To review the remaining priorities in 2009-2012 Action Plan
  - To discuss future role of Tourism Strategy Group and accountability to CDB.
- All local development companies must have their work plans endorsed by the CDB relative to the priorities agreed. This must be done in June so it is important these are agreed.
- The next CDB meeting will be held on Friday, 20<sup>th</sup> May.

**Item 3 Update from Chairs of SPCs**

Cllr. B. Cronin outlined the key issues from the recent Environment & Water Services SPC meeting. A full report will be presented to the May Council Meeting.

**Item 4 Corporate Plan Review**

Mr. J.D. Flynn, Director of Corporate Services, said a number of SPCs have submitted their review of the Corporate Plan. When all reviews have been received they will be considered by the CPG.

**Item 5 Civic/Mayoral Receptions**

Following submission from the Kerry Volunteer Centre the CPG members agreed to host a Mayoral Reception to honour volunteers in the county as 2011 has been designated European Year of Volunteering.

CPG members agreed to host a Civic Reception to honour the success of Mark Bolger at the Summer European Games held in Warsaw in September 2010.

**Item 6 Any Other Business**

Mr. J.D. Flynn, Director of Corporate Services, said the Draft Annual Report was noted by Council at the April meeting. He asked members to submit any observations as a matter of urgency as the final report will be presented to Council at the June Council meeting.

**11.05.16.02 Confirmation of Minutes**

***(a) Minutes of Special meeting of Kerry County Council held on 14<sup>th</sup> March 2011.***

On the PROPOSAL of Cllr. Bobby O'Connell, SECONDED by Cllr. Pat McCarthy it was resolved that the Minutes of the Special Meeting of Kerry County Council held on 14<sup>th</sup> March 2011 be confirmed.

***(b) Minutes of April Ordinary Meeting of Kerry County Council held on 18<sup>th</sup> April 2011.***

On the PROPOSAL of Cllr. Michael Gleeson SECONDED by Cllr. Terry O'Brien it was resolved that the Minutes of the Ordinary Meeting of Kerry County Council held on 18<sup>th</sup> April 2011 be confirmed.

**11.05.16.03 Filling of the Casual Vacancy on the Council following the election of Senator Marie Moloney to Seanad Éireann in accordance with Section 19 of the Local Government Act 2001 and Kerry County Council Standing Orders.**

At the request of Mayor Cllr. Pat Leahy and on the PROPOSAL of Cllr. Brendan Cronin SECONDED by Cllr. Robert Beasley it was agreed that this matter would be deferred.

**11.05.16.04 To fill the vacancy of Deputy Mayor following the election of Senator Marie Moloney to Seanad Éireann.**

On the PROPOSAL of Cllr. Gillian Wharton, with the unanimous agreement of the other members Cllr. Terry O'Brien was elected to fill the vacancy of Deputy Mayor.

***On the PROPOSAL of Cllr. Pat Leahy SECONDED by Cllr. Michael Gleeson, it was agreed to defer Item 5,6,7,& 8***

**11.05.16.05 Filling of Casual Vacancy on the following Committee/Boards following the election of Senator Marie Moloney to Seanad Éireann.**

- (a) Kerry County Rural Water Committee
- (b) IRD Duhallow
- (c) Kerry Education Service
- (d) Regional Health Forum – South
- (e) South Kerry Development Partnership Ltd.

**11.05.16.06 Filling the Casual Vacancy on the Housing SPC following the election of Senator Marie Moloney to Seanad Éireann.**

**11.05.16.07 Housing SPC**

- (a) To agree a Chairperson for the Housing SPC following the election of Senator Marie Moloney to Seanad Éireann.
- (b) Ratification of the Chairperson of the Housing SPC as a member of the Local Traveller Accommodation Consultative Committee.

**11.05.16.08 Filling the vacancy on the Local Traveller Accommodation Consultative Committee, arising from the resignation of Cllr. Pat Leahy.**

**11.05.16.09 To consider in accordance with the provisions of Section 34(6)(a) of the Planning and Development Act 2000, as amended by Section 23 of the Planning & Development Act 2010, the grant of permission to (Name & Address withheld for data protection purposes) for the construction of a new dwelling house complete with new entrance, driveway, parking, wastewater treatment system and percolation area and all associated services and site works at Kilpaddoge, Tarbert, Co. Kerry in accordance with plans submitted on Planning Register No. 11/109 which development would materially contravene the Kerry County Development Plan 2009-2015 and the Tarbert Local Area Plan.**

***The following report was circulated to the members in advance of the meeting:***

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 as amended by Section 23 of the Planning and Development (Amendment) Act, 2010 in relation to application for permission to construct a new dwelling house complete with new entrance, driveway, parking, wastewater treatment system and percolation area and all associated services and site works at Kilpaddoge, Tarbert.

Planning Register No. 11/109

Name of Applicant: (Name withheld for data protection purposes)

Address of Applicant: (Address withheld for data protection purposes)

Agent: John Phelan, Architect, No. 1 The Mews, 55 Moyderwell, Tralee.

Date application lodged: 21/02/2011

Material Contravention Procedure initiated with publication of prescribed notice in Irish Examiner newspaper on 07/04/2011.

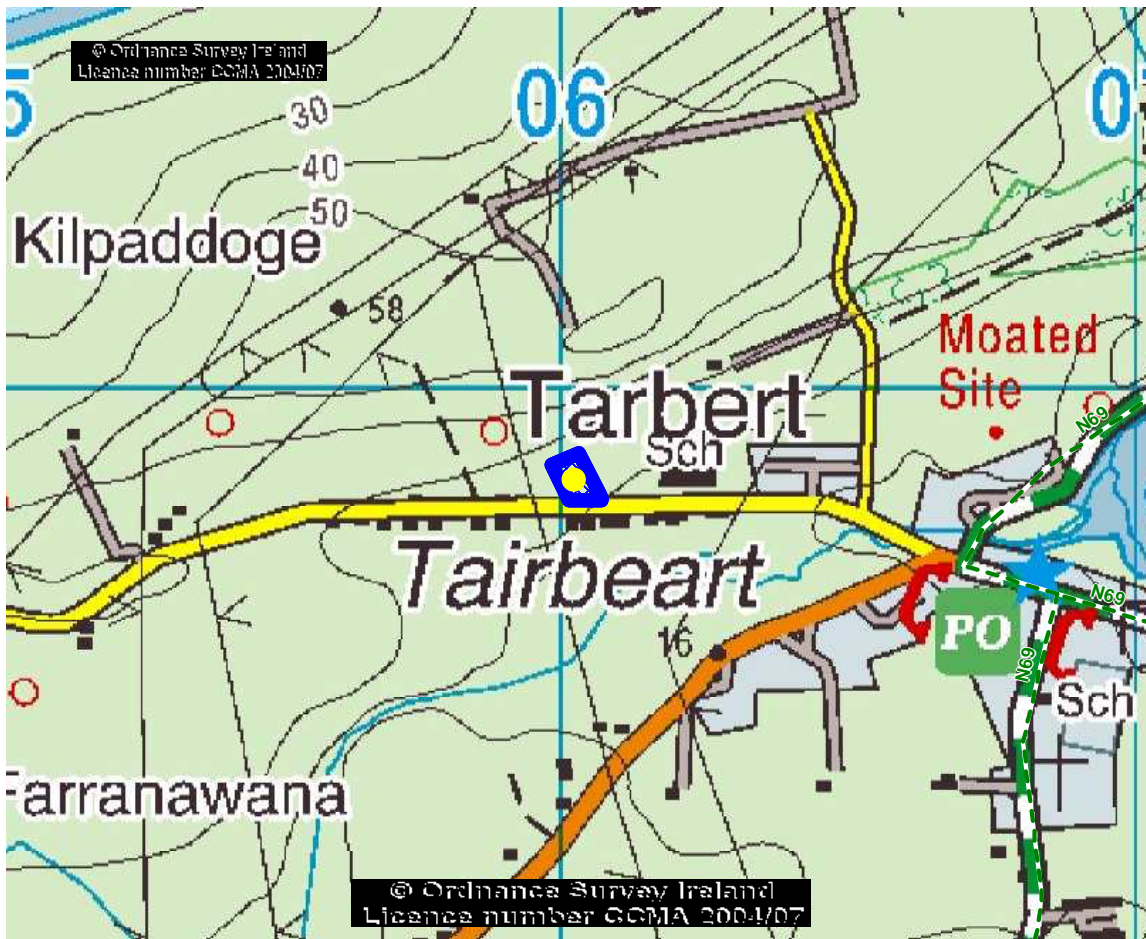
Date further information received: None

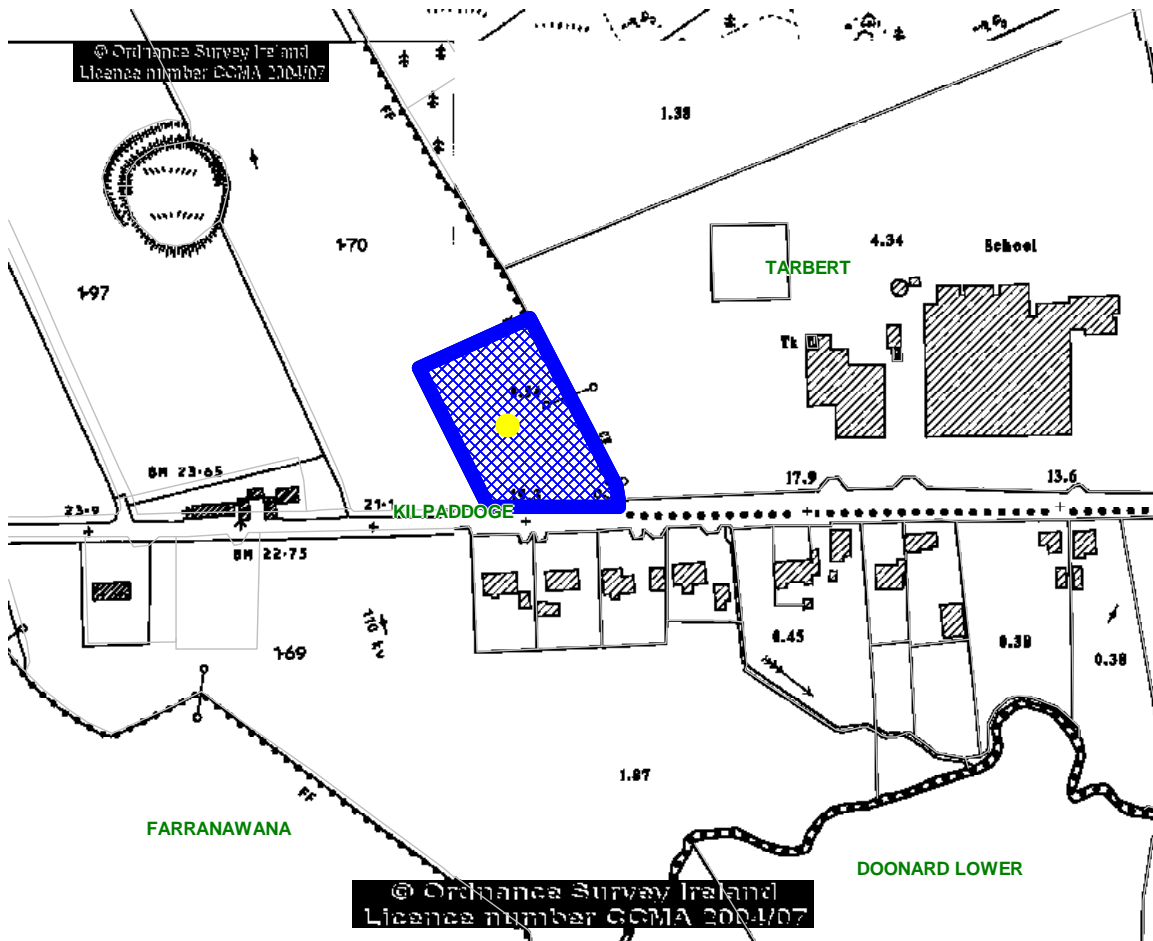
Decision due date: 01/06/2011

Proposal

Construct a detached two storey dwelling house served by a septic tank, intermittent peat filter system and soil polishing filter.

### Site Location Maps





### Pre-Planning Consultation

It is stated that a pre-planning consultation took place between agent and Area Planner on 26/02/2010.

### Description of Site and Surroundings

The site consists of a corner of a grass covered field which adjoins a Local Road 800 metres to the west of Tarbert Village Centre. The site falls towards the road. The roadside boundary comprises a sod and stone fence. The eastern side boundary is defined by a sod and stone fence with mature trees while the western side and rear (northern) boundaries are not defined. Tarbert Comprehensive School is located on the adjoining site to the east while the land to the west and north is undeveloped. There is a linear development of detached dwelling houses to the south on the opposite side of the public road.

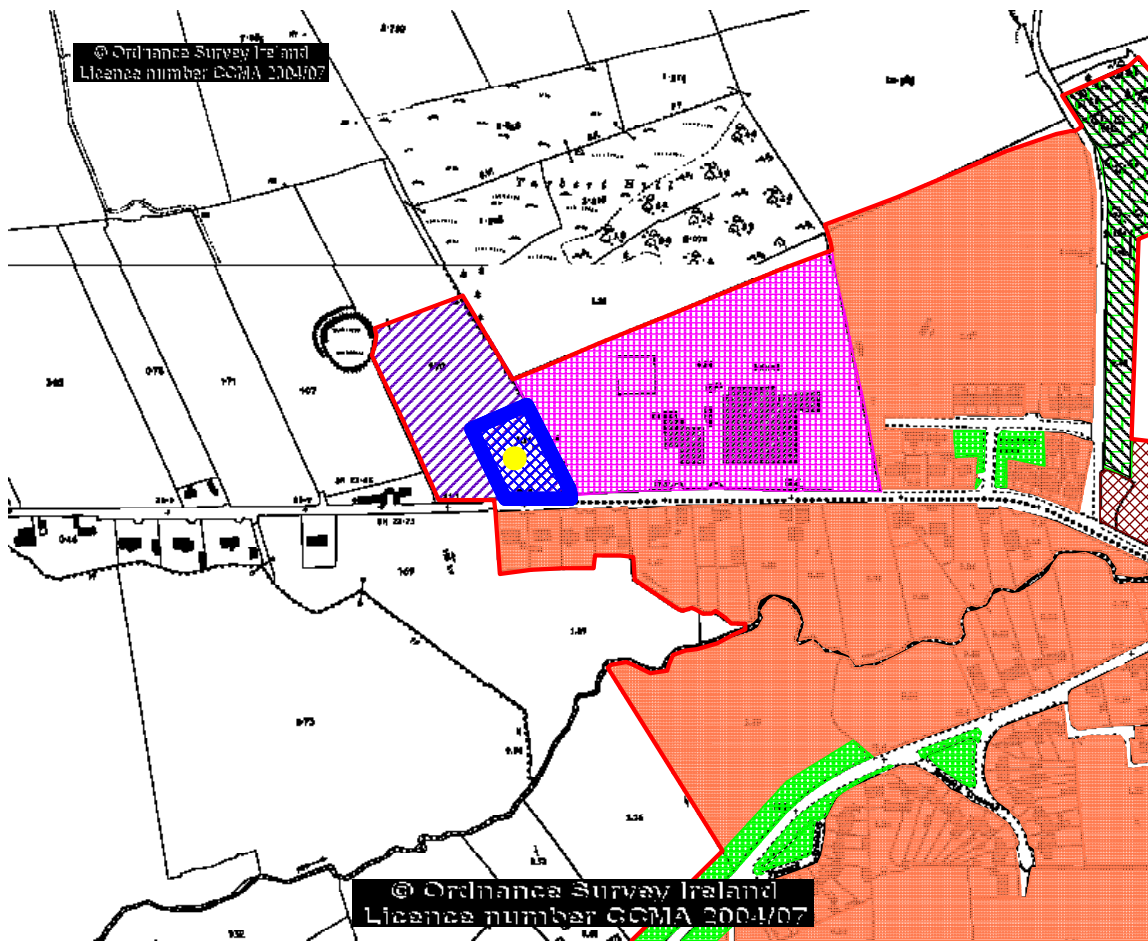
## **Zoning and Designations**

The site is located in a rural area zoned Light Industry in the Tarbert Local Area Plan 2006 – 2012.

*It is an objective to facilitate the diversification of the economy through the provision of land for industrial and light industrial uses. Noxious or dangerous industries that are not compatible with urban areas will not be permitted. Housing or community uses not directly related to industrial activities will not be permitted in industrial areas.*

*Services such as car repair workshops will be considered within the light industrial park where they are of a sufficient scale to be inappropriate in a commercial or mixed-use area.*

*Objective Z-2: A range of light industrial and distribution uses will be permitted on this site.*





### Relevant Planning History

Planning Register No. 10/457

(Name withheld for data protection purposes) applied for planning permission to construct a new dwelling house, complete with new entrance, driveway, parking, wastewater treatment unit and percolation area and all associated services and site works.

Application was withdrawn.

### Reports

*(1) Water Services Dept., Kerry County Council – received on 16/03/2011.  
No objection to connection of dwelling house to public water supply.*

*(2) Site Assessment Unit, Kerry County Council – received on 29/03/2011.  
Report recommends conditions to be attached to any grant of permission.*

### Submissions/Observations

None

### Assessment

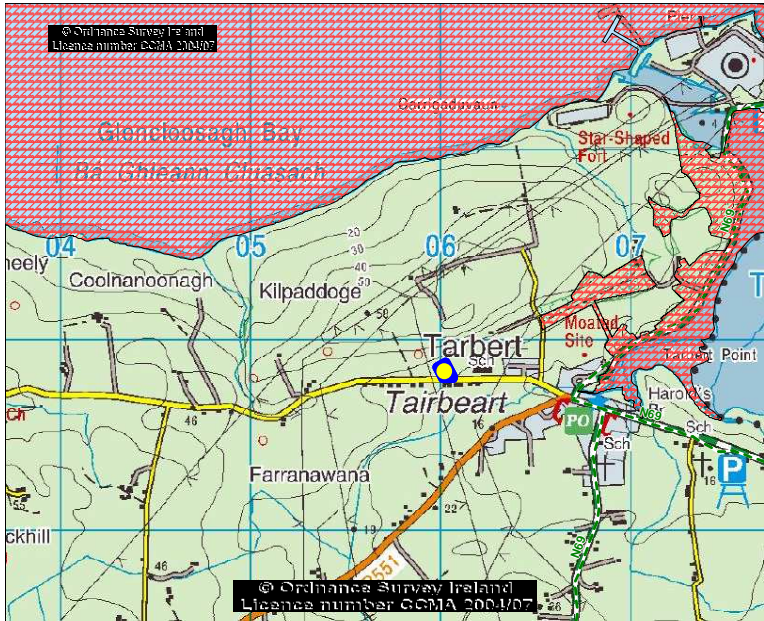
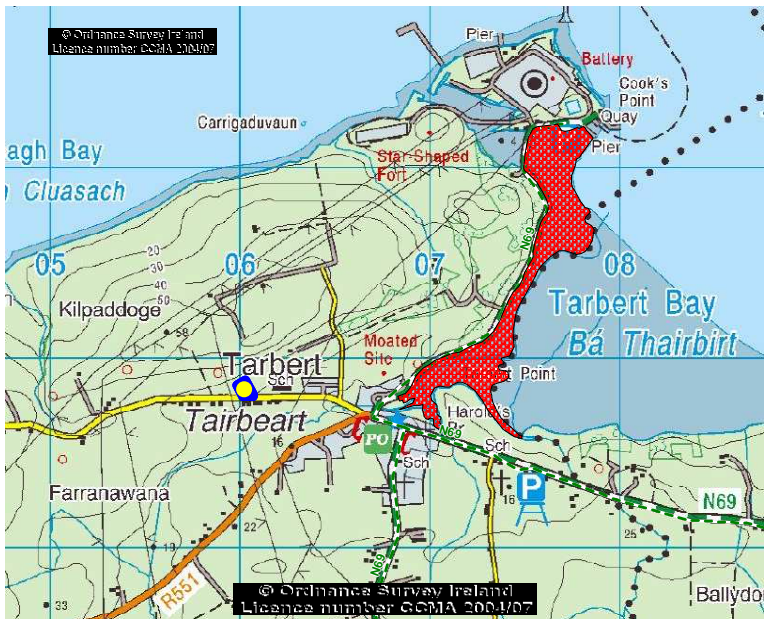
1. Traffic: It is considered that adequate sightlines are achievable at the proposed entrance given that the entrance is located within the 50kph speed limit zone.
2. Effluent disposal: The Site Assessment Unit report recommends conditions to be attached to a grant of permission.
3. Surface water disposal: To soakpits on site.
4. Residential amenity: It is considered that the design and layout of the proposed house and the existing screening along the roadside boundary would ensure that the proposed house would not impact on the residential amenities of the existing houses on the opposite side of the public road to the south.
5. Visual impact: The proposed house would have a backdrop to the rear and would be very well screened by the existing trees on the eastern side boundary which are to be retained. The extensive landscaping proposal would provide additional screening and backdrop planting which would help to integrate structure into the landscape.
6. Planning History: Only one previous planning application was made on the site. This application, for a dwelling house by the same applicants as the current application, was withdrawn and no decision issued.
7. Submissions: No third party submissions were made in relation to this application.
8. Ministerial Guidelines: It is considered that the proposed development would not contravene Ministerial Guidelines under Section 28 of the Planning and Development Act.

9. Regional Planning Guidelines: It is considered that the proposed development would not contravene Regional Planning Guidelines.
10. Zoning: The application site is located in an area zoned Light Industry in the Tarbert Local Area Plan 2006-2012, hence the need to implement the Material Contravention Procedure in order to grant permission for a dwelling house. The following points are noted.
- (a) Since the Local Area Plan was adopted, no planning application for light industrial development has been made on these lands.
  - (b) It is also noted that report from Water Services on previous application on the site for a dwelling house under Planning Register No 10/457 states that a connection to the public foul sewer could not be provided due to issues relating to levels and the hydraulic capacity of the public foul sewer in the area. The suitability of these lands for industrial development is severely compromised if the lands cannot be sewered.
  - (c) The site is located in a predominately residential area and the development of a dwelling house on the application site would be compatible with the existing pattern of development in the vicinity.
  - (d) The application site is part of family owned lands and planning policy is positive towards permitting development of dwellings for family members on family owned lands. Map of the family owned holding submitted with the application shows that the only land within the Tarbert Local Area Plan boundary is zoned Light Industry while the remainder is zoned Rural General in the Kerry County Development Plan 2009-2015.
11. Miscellaneous:
- Water levy: 241 sqm @ EUR 12/sqm = EUR 2892.
  - Roads levy: 241 sqm @ EUR 10/sqm = EUR 2410
  - Amenity levy: EUR 343

### Appropriate Assessment Screening Report

Planning Number:	Reference	<b>11/109</b>
Description of the proposed development (including a brief outline of its nature and size):	<b>Permission to construct a new dwelling house complete with new entrance, driveway, parking, wastewater treatment system and percolation area and all associated services and site works</b>	
Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site	No.	

### 1. Proposed development site location relative to that of Natura 2000 Sites

1. Proposed development site location relative to that of Natura 2000 Sites	
<p>Description of the development site location, relative to Natura 2000 sites, having particular regard to Natura 2000 sites located within 15Km of the proposed site or within the same water catchment as the proposed site</p>	<p>The site is 1 km (approximately) to the south of Lower River Shannon SAC.</p>  <p>The site is 0.75 km (approximately) to the west of the River Shannon and River Fergus Estuaries SPA.</p> 
2. Specialist reports, advice and recommendations received (if any)	
<p>Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage</p>	<p>None.</p>

<b>2. Specialist reports, advice and recommendations received (if any)</b>	
Officer / other Specialists (where appropriate)	
<b>3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites. In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant.</b>	
<b>Potential significance indicators include:</b>	
<ul style="list-style-type: none"> <li>Reduction / erosion / fragmentation of key habitat(s)</li> </ul>	Not likely
<ul style="list-style-type: none"> <li>Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance)</li> </ul>	Not likely
<ul style="list-style-type: none"> <li>Alteration of key environmental conditions (e.g. water quality, water supply, air quality)</li> </ul>	Not likely
<ul style="list-style-type: none"> <li>Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites</li> </ul>	Not likely
<ul style="list-style-type: none"> <li>Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites</li> </ul>	Not likely
<ul style="list-style-type: none"> <li>Interference with the movement of mobile dune and intertidal Natura 2000 habitats</li> </ul>	Not likely
<ul style="list-style-type: none"> <li>Other potential impacts</li> </ul>	Not Likely
<ul style="list-style-type: none"> <li>Interactive / cumulative / in combination impacts including potential climate change impacts and those with other plans and projects</li> </ul>	Not Likely

4. Conclusion (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a Natura 2000 site <sup>1</sup>	b
(b) There is no potential for significant effects to Natura 2000 sites <sup>1</sup>	
(c) The potential for significant effects to Natura 2000 sites cannot be ruled out <sup>2</sup>	
(d) Significant effects to Natura 2000 sites are certain or likely or where potential for significant effects to Natura 2000 sites remains following receipt of Further Information requested <sup>3</sup>	

### **Recommendation**

Grant planning permission subject to the following conditions:

#### **FIRST SCHEDULE**

Having regard to the nature, extent and location of the proposed development, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be visually obtrusive, would not seriously injure the amenities of the area or be otherwise contrary to the proper planning and sustainable development of the area.

#### **SECOND SCHEDULE**

(1) The development shall be carried out entirely in accordance with the plans and particulars received by the Planning Authority on 21/02/2011 except for any alterations or modifications specified in this decision.

**Reason: To regulate and control the layout of the development.**

(2) (a) The proposed dwelling house for a period of 7 years from the date of initial occupation shall be for the use of the applicants, (Name withheld for data protection purposes) and immediate family members.

(b) Prior to the occupation of the dwelling, the occupants solicitor shall notify the planning authority of the name of the occupant and the date of occupation.

*(c) This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale.*

**Reason: In the interest of the proper planning and sustainable development of the area**

(3) No garage or other exempted structure shall be erected within 4.5metres of the centre of any divisional boundary or adjoining property on either side of the proposed dwelling house.

**Reason: To regulate and control the layout of the development.**

(4) (a) Proposed dwelling house shall be in accordance with the design drawing received on 21/02/2011.

(b) Roof shall be covered with slates or tiles which shall be either black, dark-grey or blue-black. The colour of the ridge tile shall match the colour of the roof.

(c) All external finishes shall be neutral in colour, tone and texture.

**Reason: To integrate the structure into the surrounding area.**

(5) The finished floor level shall be in accordance with the Site Section Drawings received on 21/02/2011.

**Reason: To integrate the structure into the surrounding area.**

(6) The dwelling house shall be connected to the public water supply network. A meter box shall be installed to the satisfaction of Water Services Dept, Kerry County Council.

*Reason: In the interest of public health*

(7) The proposed development shall be provided with a septic tank, intermittent peat filter system and final soil polishing filter in accordance with the Environmental Protection Agency Code of Practice "*Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*", as outlined in the plans and particulars received by the Planning Authority on 21<sup>st</sup> February 2011 .

The effluent treatment system shall be installed and maintained in accordance with the Environmental Protection Agency Code of Practice "*Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*"

(a) The septic tank, intermittent peat filter & polishing filter shall comply with all separation distances listed in Table 6.1 of the Environmental Protection Agency Code of Practice "*Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)*".

(b) The septic tank shall be reinforced concrete, double chambered and have a minimum capacity of 3.50 cubic metres.

It shall be constructed in accordance with the requirements of the Environmental Protection Agency Code of Practice *“Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)”* & be EN12566 compliant.

(c) The intermittent peat filter system shall have a minimum square area of 7.5 square metres

{ie at a minimum Bord na Móna “puraflo” 3 module system, or equivalent}.

(d) The final soil polishing filter shall have a minimum square area of 150 square metres.

(e) The depth of distribution gravel shall be 300mm minimum of 8mm to 32mm washed gravel as shown on the drawing titled “Site Plan, Expanded Site Plan and Sections” as received by the Planning Authority on 21<sup>st</sup> February 2011.

(f) The proposed effluent treatment system shall be constructed and located on site in accordance with the drawing titled “Site Plan, Expanded Site Plan and Sections” received by the Planning Authority on 21<sup>st</sup> February 2011.

(g) Storm-water drains, water mains, service pipes, soakaways, access roads, driveways, paved areas or land drains should not be located within or around the final soil polishing filter.

The growth of any type of tree or plant which develops an extensive root system should be limited to a minimum distance of 3m from the final soil polishing filter. This restriction also applies to the cultivation of crops necessitating the use of machinery, likely to disturb the final soil polishing filter.

**Reason: In the interest public health and to prevent pollution.**

(8) Prior to the occupation of the proposed dwelling the applicant / developer shall submit a certificate from an approved person, a member of Kerry County Council's panel of approved site suitability assessors, stating that the septic tank, intermittent peat filter system and final soil polishing filter have been installed in accordance with –

- the terms of the planning permission;
- the Environmental Protection Agency Code of Practice *“Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)”*.

**Reason: In the interest public health and to prevent pollution.**

(9) The applicant shall undertake a maintenance or service contract for the on-going maintenance of the intermittent peat filter system with the manufacturer or such suitably qualified person in perpetuity.

A signed and approved maintenance contract / agreement shall be submitted to the Planning Authority prior to the installation of the peat filter system.

A maintenance contract for the intermittent peat filter system shall be entered into and paid in advance for a minimum period of **five** years from the first occupancy of the house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed with, the planning authority within four weeks of the date of the installation.

**Reason: In the interest public health and to prevent pollution.**

(10) (a) The existing roadside boundary shall be retained except for where its removal is necessary for the construction of an entrance with adequate sight lines.

(b) Vehicular access to the site shall be located as shown on the Site Layout Map received on 21/02/2011 and shall be recessed 5 metres from the centre of existing front boundary fence.

(c) The new wing walls shall be constructed in sod and stone or native stone. Wing walls forming the entrance shall be erected to a height of not more than 1 metre over existing road level, and shall be splayed at an angle of 45° to the line of the front fence.

**Reason: In the interest of visual amenity and traffic safety**

(11) Formation of the splayed entrance shall not cause surface water or seepage water to flow onto the road surface. No water from the proposed development shall be allowed to flow onto the access road surface, but shall be collected and diverted to discharge to existing watercourse or to a soak pit within the site.

**Reason: To avoid a traffic hazard and protect public property.**

(12) Any external lighting shall be properly cowled and directed away from the public roadway, and shall also not be visible from any point more than 100 metres away from the light.

**Reason: In the interests of traffic safety and to control light pollution in the rural environment.**

(13) Existing mature trees along the site boundaries shall be retained.

The site shall be landscaped with suitable indigenous trees, shrubs and hedges to the satisfaction of the Planning Authority in general accordance with the Landscaping Layout Map received on 21/02/2011.

All landscaping and screening shall be carried out within the first growing season following occupation of the dwelling house.

**Reason: In order to integrate the development into its setting and in the interests of biodiversity and the proper planning and sustainable development of the area**

(14) Prior to the commencement of development the developer shall pay a contribution of **€2,892** to Kerry County Council (Planning Authority) in respect of public water and sewerage infrastructure and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1<sup>st</sup> 2012 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.



**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.**

(15) Prior to the commencement of development the developer shall pay a contribution of €2,410 to Kerry County Council (Planning Authority) in respect of roads infrastructure and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1<sup>st</sup> 2012 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.**

(16) Prior to the commencement of development the developer shall pay a contribution of € 343 to Kerry County Council (Planning Authority) in respect of community infrastructure, environmental amenities and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1<sup>st</sup> 2012 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

**Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.**

***A vote was taken which resulted as follows:***

**For: (23)** Cllrs. Beasley, Buckley, Connor Scarteen, Culloty, Cronin, Donovan, Ferris, Finucane, Fitzgerald, Foley, Gleeson, Griffin, D Healy Rae, J Healy Rae, McCathy, McEllistrim, O'Brien, O'Connell, O'Shea, Purtill, Sheahan, Wharton-Slattery, Leahy.

**Absent: (3)** Cllrs.. Brassil, Cahill, O'Doonoghue.

**Against: (None)**

The Mayor, Cllr. Pat Leahy deemed the motion to be carried and the Council so resolving.

***Cllr. Danny Healy Rae commented that he was not aware of any Material Contraventions having being implemented for land in South Kerry.***

***Mr. Michael McMahon Director of Planning & Sustainable Development said that the implementation of a material contravention of the County Development Plan was a specific requirement of planning legislation if the planning authority wished to grant a permission in contravention of its County Development Plan . Material contraventions are made when the County Manager is in favour of granting planning permission where the County Development Plan does not allow for it and are dealt with on a case by case basis.***

***Cllr. Toireasa Ferris referred to the attachment of a “occupancy clause” as a condition of planning permission and said that in the current economic climate when people may loose their jobs or emigrate and need to sell the property, this condition could cause great difficulty. She said that the current wording of this condition of planning permission should be reviewed by the Planning Authority with a view to amending the occupancy clause to include named individuals which could be changed by way of a letter so as to ensure that the house could be sold. She referred to an applicant known to her whose application for planning permission had taken two years to finalise and would not now be granted an extension of permission who, due to current circumstances, was about to leave the country.***

***Cllr. Danny Healy Rae supported Cllr. Ferris regarding this matter and said that people should have a right to sell their properties.***

***Cllr. Michael Gleeson said that the Planning Authority should be in a position to issue a letter to the applicant specifying that the house/site may be purchased by a person who meets the Rural Settlement Policy***

***Mr. McMahon said that a condition of planning permission cannot be changed unless a further application for permission is submitted.***

***Cllr. Ferris said that she understood that it that previously the “occupancy clause” could be reviewed on receipt of a letter from the owner by the Planning Authority.***

***Cllr. Robert Beasley SECONDED Cllr. Ferris regarding this matter.***

***County Manager, Mr. Tom Curran undertook to review the case referred to by Cllr. Ferris on receipt of details and advised that Planning Management would examine this matter in general.***

***Cllr. Beasley asked if a report would be available for the next meeting of the Full Council.***

***Mr. Curran said that a general update would be provided.***

**11.05.16.10 To note proposed variation No. 5 to the Kerry County Development Plan 2009-2015-Wind Energy.**

The following report was circulated to the members in advance of the meeting:

***Proposed Fifth Variation to the Kerry County Development Plan  
2009 -2015***

Kerry County Council intends to make a 5th variation to the Kerry County Development Plan 2009-2015 in accordance with the provisions of Section 13 of the Planning and Development Act 2000(as amended).

**Reason for the Proposed Variation**

*Chapter's 7 and 13 of the Kerry County Development Plan 2009-2015 set out the planning authority's objectives and policies in relation to wind development. The text of the plan identifies four types of wind development zones - Strategic, Preferred, Open-to-Consideration or Unsuitable for Wind Development. However Map's 6.1a and 6.1b which depict wind deployment zones do not identify any Preferred or Strategic Areas. This variation proposes to align the text with the associated maps, and also in the interests of clarity to make some minor amendments to the wording of the text.*

***Proposed Variation***

*It is proposed that the following changes are made to text of Chapter's 7, 12 and 13 of the Kerry County Development Plan 2009-2015. Proposed changes to the text are shown in italics -*

***It is proposed that paragraph S7.4.6 be amended to read as follows:-***

The scale, bulk and visual impact of wind developments require a strategic policy specifically for the location of wind development. This plan identifies areas for wind development which subject to site specific planning considerations are either open-to consideration or unsuitable for wind development. The wind deployment zones for the County are shown on *Map's 6.1a and 6.1b*. The wind development strategy and its policies, however, do not set a precedent or compromise existing development control policies with regard to other forms of development.

***It is proposed that paragraphs S7.4.7 and S7.4.8 are omitted:-***

***Strategic Areas***

*7.4.7 Strategic areas are defined as areas deemed eminently suitable for windfarm development and reserved for such purposes. This category should be applied to useable areas i.e. areas that have economically viable wind speeds and the ability to absorb wind development. It is not intended to designate any lands as strategic areas in the plan. The following designations have been included.*

***Preferred Areas***

*7.4.8 These are areas that are suitable for wind farm development and the granting of planning permission will be favourably considered unless specific local planning*

*circumstances within the context of the development plan deem otherwise. This category is applied to areas with the lowest sensitivity to wind development.*

***It is proposed that S7.4.9 of the Kerry County Development Plan 2009-2015 be amended and should then read as follows:-***

*Areas Open for Consideration*

*7.4.9 Applications in these areas shall be treated on their merits, with the onus on the developer to demonstrate why the development should be granted permission. This category has been applied to areas with some capacity to absorb wind development, but which are sensitive enough to require a site-by-site appraisal to ascertain the suitability of the area for development. Proposals for the siting of a wind development on land designated as a Natura 2000 site or as an NHA or adjacent to such areas, should have particular regard to following issues: the potential impacts of the development, loss of habitat, displacement of species, potential danger to birds, and local hydrogeology potential for loss of habitat through land slippage. An assessment of these issues and appropriate mitigation measures shall be included in any development proposals.*

***It is proposed that the following paragraph be inserted as paragraph S7.4.7:-***

*S7.4.7 Any application within or adjacent to a Natura 2000 site should be screened to determine whether an Appropriate Assessment / Habitats Directive Assessment as part of the environmental assessment process is required under Article 6 of the Habitats Directive, to ensure full compliance with the requirements of Directives 79/409/EEC (Birds Directive) and 92/43/EEC (Habitats Directive).*

***It is proposed that Objective NR 7-25(a) be amended to read as follows:-***

*Ensure that windfarms are developed in accordance with the wind deployment zones shown on Maps 6.1a and 6.1b, the provisions of Table 7.1 and the development management standards outlined in Chapter 13. Within exclusion zones around urban centres, provision may be made for individual turbines servicing technical or institutional facilities where it can be demonstrated that residential amenity will not be affected.*

***It is proposed that S12.2.10 of the Kerry County Development Plan 2009-2015 be amended to read as follows:-***

*S12.2.10 The majority of land zoned for industrial use throughout the county will be within urban zones. There are instances, however, where lands outside of urban areas may be zoned for industrial purposes. Section 5.8 of this plan outlines the policy of the Council in relation to small rural industrial enterprises. There are also locations, however, where for reasons that relate primarily to existing use, the strategic location of the lands or to locations where there is a need for industrial land in the area, and where no alternative provision can be made, that land has been zoned specifically for industrial purposes. This land is indicated on Maps 12.1, 12.1a-12.1u. For the purpose of clarity, in this plan industrial zoning does not include*

windfarm development which shall be regulated in accordance with *Maps 6.1a and 6.1b*, and section 13.17 of this plan.

***It is proposed that S13.17.7 of the Kerry County Development Plan 2009-2015 be amended to read as follows:-***

*Wind energy developments shall not be permitted within areas zoned unsuitable for development as identified in Map's 6.1a and 6.1b.*

***It is proposed that S13.17.8 of the Kerry County Development Plan 2009-2015 should be omitted:-***

*Wind energy proposals should be located within the Preferred zone as identified in the wind deployment designation map and comply with the development guidelines for wind farms and the policies of the development plan.*

***It is proposed that S13.17.9 of the Kerry County Development Plan 2009-2015 be amended to read as follows:-***

*Wind energy developments will be considered within the Open-to-Consideration zones identified in Map's 6.1a and 6.1b, and comply with the development guidelines for wind farms and the policies of the Development Plan.*

#### **Habitats Directive Assessment (HDA)**

This 5<sup>th</sup> Variation to the CDP was screened for a Habitats Directive Assessment (HDA). Having regard to the nature of the proposed Variation, it is considered that there is no potential for significant effects either from the proposed Variation on its own or in combination with other plans and projects, and therefore that an Appropriate Assessment / Natura Impact Statement is not required in this instance.

#### **Strategic Environmental Assessment**

A SEA screening report was prepared. The purpose of SEA screening was to determine whether or not the proposed variation would be likely to have significant effects on the environment. This report concluded that significant environmental effects were not likely to occur as a result of the proposed variation and a full SEA is not required in this instance.

***Cllr. Danny Healy Rae welcomed the report and asked that the proposals for wind energy which were due to be presented to the members at a meeting of the full council later this year would be expedited with a view to creating jobs in the sector as soon as possible.***

***County Manager, Mr. Tom Curran said that Kerry County Council had granted more applications for wind energy projects than most other Planning Authorities in the country and has been pro-active towards wind energy as the Council was very aware of its huge potential and commercial opportunities. Mr. Curran said that he would like to see the 650 MW for which planning permission has been granted, constructed within the next ten years.***

***Cllr. Norma Foley said that an energy management company which had set up in Kerry Technology Park was currently recruiting.***

***Cllr. Michael Gleeson said that the Planning Authority should insist that all applicants for planning permission for wind energy projects were fully au fait with advancing technology so as to ensure that the most up to date technology is used.***

**11.05.16.11 To consider the Annual Financial Statement for the year ended 31<sup>st</sup> December 2010 and to approve additional expenditure (including provisions) as outlined in the Financial Review.**

*Copies of the Annual Financial Statement 2010 had been circulated to the members in advance of the meeting.*

The meeting was addressed by Mr. John O'Connor, Head of Finance who said that the Accounts of Kerry County Council for the financial year ended 31 December 2010 have been prepared in accordance with the Local Authority Accounting in Ireland Code of Practice and Accounting Regulations, and the directions of the Minister for the Environment, Heritage and Local Government. The accounts are presented as the Annual Financial Statement.

Mr. O'Connor said that €191 million was spent by Kerry County Council in 2010 (Revenue & Capital spending). A considerable portion of the revenue account goes towards the payment of wages and salaries which is spent in the county, thereby supporting local businesses.

Mr. O'Connor referred the members to paragraphs 2.1 and 2.2 of the Financial Review.

He said that the Revenue Account, which relates to the day to day expenditure of the Council, may be summarised as follows:

	€
• Income (including accrual income)	132,266,293
• Total Expenditure	<u>131,629,181</u>
• Surplus (Deficit) for year	637,112
• Opening Credit Balance	1,889,034
• Closing Credit Balance	2,526,146

Mr. O'Connor said that the revenue account showed a small reserve equal to approx. 2% of overall annual revenue expenditure, at 31<sup>st</sup> December 2010.

Mr O'Connor added that effective budgetary control of expenditure and diligent attention to income collection and debtor management generally throughout the organisation have enabled the Council:-

- to fund some old job balances in the Capital Account arising from projects of previous years,
- to carry forward provisions for a small number of on-going Council work programmes, together with some uncompleted projects at year's end, and
- to close the financial year with a small credit balance, allowing for the accrued income now incorporated into the revenue account – the overall closing credit balance is less than 2% of the Council's annual revenue budget.

The main provisions carried forward include in particular:-

- €300,000 towards minor improvements in our water services to meet EPA compliance standards – this is enabled by savings in the 2010 budget allocation for water services.
- €50,000 towards the improvement fund for public conveniences – this is enabled by savings in the 2010 budget allocation for public conveniences.
- €250,000 towards the on-going minor improvement programme for our burial grounds – this is in recognition of the support of local communities enabling improved maintenance of our burial grounds.
- €200,000 towards a clean-up programme of illegal dump sites across the county, the implementation of modern surveillance initiatives, and a litter awareness programme.
- €30,000 for the purchase of additional laboratory equipment – this will lead to savings due a resultant reduction in outsourcing some water testing.
- €250,000 towards the implementation of additional security measures for the County Buildings Complex including some improved boundaries - this is enabled by savings in the 2010 budget allocation for the maintenance of corporate buildings.
- €150,000 towards the installation of a new telephony system in County Buildings and other Council Offices. The new system is required to secure reliability, particularly in the event of emergency situations. As well, the new system will lead to ongoing savings in communication costs as it will enable voice over the internet technologies.
- €20,000 brought forward from 2010 adopted Budget for the purposes of supporting particularly worthwhile Tidy Town initiatives.

- €30,000 towards staff training and development in recognition of the changing skill and aptitude requirements owing to staff redeployment needs and the “Croke Park Public Sector Agreement”.
- €320,000 in unspent loan charges due to lower interest rates than expected and delays in raising loans, carried forward as a reserve to meet higher interest payments than estimated or unexpected loan charges in future years.
- As per the Council's Adopted Budget 2011 the carry forward of the €600,000 provision reserved in the 2008 Accounts and the €400,000 reserved in the 2005 Accounts towards the 2011 Budget.

He said that additional expenditure to the allocation approved in the Adopted Budget was incurred and details were set out in paragraph 2.4 of the Financial Review.

He added that while during the past year many of our local income streams yielded receipts above the budgeted figures, debtors increased significantly in rates. He emphasised, again, the need for all debtors to recognise their outstanding debt and engage fully and constructively with our collection staff in trying to address their situation. Where reasonable efforts according to available means are not being made to pay outstanding debts, unfortunately we will have to take appropriate court or other recovery measures. During 2010 we issued 728 registered 6-day notices in respect of outstanding rates and 194 rates summonses were issued afterwards. A total of 45 water supply disconnections were carried out during the year. Again, in 2010, our landfill waste receipts were significantly below the budgeted figure owing to the fall-off of waste being deposited at the Muingnaminnane site.

He said that the charge on Non-Principal Private Residences, introduced in July 2009, yielded a gross income to Kerry County Council of €2.186m for 2010 and, which, after the NPPR National Office and local costs benefitted our income by approx. €2.118m. This is a significant additional income and meant that our works programmes were retained at a level which would not have been possible otherwise owing to the decreases in other income sources. In addition, the Town Councils benefitted by approx €1.0m nett. The Council is following up on the potential for additional income from this source. The liability date for 2011 is 31 March 2011 and payment is due by 30 June at the latest, if late payment fees are to be avoided.

He added that at the February 2010 Ordinary Council Meeting, the Council approved the investment of €50,000 through a secured bond purchase as financial support towards the restoration of the Cork-Swansea Ferry Service in accordance with S.66 of the Local Government Act, 2001. This sum was paid from within the approved budget for Division D, Service - Tourism Development and Promotion.



Local revenue income from all the various streams is very important to funding the Council's services and any significant fall-off in receipts from that source will directly impact on the Council's ability to continue to provide services to the extent and standard planned – these sources are budgeted to fund approx. 46% of our expenditure in 2011.

Mr O'Connor referred to the Capital Account which was summarised at Paragraph 3.2 of the Financial Review as follows:-

	€
Income	65,618,012
Expenditure	<u>59,246,259</u>
Surplus (Deficit) for year	6,371,753
Credit Balance @ 1 January	31,791,299
Credit Balance @ 31 December	38,163,052
Debtors not realised included above	10,005,175
Unspent loans drawn for Specific Water Schemes included above	7,582,187

He added that there is no general contingency fund available in the account. The favourable balance arising is attributable to a mixture of debits on some schemes and credits on others. However, all the credit sums have been earmarked for particular projects, as approved by the Elected Council from time-to-time. The credit balances are available mainly for water and sewerage schemes (both new and improvements), local authority housing, waste collection and disposal facilities, and various other miscellaneous projects. In relation to loans, following Council approval and Departmental sanction, the Council has drawn a further loan of €3.00m for the provision of a number of Water/Waste Water Schemes in 2010. The funds drawn down are specific to the approval and must be spent on them – work was continuing on a number of them at 31 December 2010, leaving a loan balance of €7.58m available for advancing the schemes in 2010 and, so, as work progresses the unspent balance will be expended.

He said the Council is contracted for the provision of a number of Water and Waste Water Schemes at present and is advancing the planning and design of a number of others. In view of the current global and national economic difficulties, funding, both at national and local levels, is becoming so restricted that only schemes of the highest priority and urgency on the basis of either water quality in the case of water schemes

and environmental grounds in the case of waste water schemes can progress as evidenced by the National Water Services Investment Programme 2010-2012.

In the case of funding for the local contribution required for the schemes, very strict limitations apply to borrowing approvals from the Department of the Environment, Heritage and Local Government and the receipts from development contributions – on which the Council is reliant for funding loan charges on water/waste water schemes – have dramatically reduced in recent years.

It is essential now more than ever for the on-going efficient delivery of our investment programme envisaged for our urgent water and waste water schemes, in particular, and for the sustainable financial position of the Council in these very difficult financial times that we continue to have some funds available within the Capital Account to enable the start-up of any approved projects and to finance cash-flow while long-term funding is being organised, such as grant-aid and/or borrowings, as appropriate.

He mentioned that the Balance Sheet indicates that capital work was in progress and design/planning was advancing to the overall cumulative value of €54.70m at 31 December 2010, a decrease of 25% on the 2009 figure and Paragraphs 3.4 and 3.5 of the Financial Review outlined the details.

Mr. O'Connor referred the members to paragraphs 6.1, 6.2 & 6.3 of the Financial Review as follows:-

- 6.1** The Annual Financial Statement gives an overview of the financial position of the Council at 31 December 2010. The current overall financial standing of the Council may be described as continuing to be generally satisfactory at that date.
- 6.2** The EU/IMF Financial Support for Ireland Agreement, December 2010, requires significant reduction in public expenditure over the coming years and, indeed, an extension of user charges for public utilities, in the interest of establishing stability in the public finances. Accordingly, then, all our revenue works and capital investment programmes are likely to continue to incur significant reductions over the coming years. In that context prioritising our key services and securing best value for the available funds must be over-riding considerations across all our operations. Over the coming year and far beyond, the Council must continue to relentlessly implement strict budgetary and debtor control so as to sustain our financial capacity to deliver the core essential statutory services to the residents of and visitors to the county.
- 6.3** As well, circular letter Fin 03/2009 dated 13<sup>th</sup> February 2009 from the Department of Environment, Heritage and Local Government continues in force. This Circular imposes very strict obligations on local authorities to avoid any deficit in the current account, to keep expenditure and income in the capital account in balance, to borrow only in accordance with ministerial

sanction and to keep the net bank position limited to the previous year's level. In effect, this leaves very little discretion to local authorities to manage their affairs.

Mr. O'Connor referred to page 41 which was circulated to the members at the meeting and said it seemed that from a recent document from DoECLG the details of the Kerry Technology Innovation Company should also be included at Appendix 8 and hence the circulation of the details at the meeting.

Cllr. Danny Healy Rae welcomed the Annual Financial Statement 2010 and paid tribute to Mr. John O'Connor, Head of Finance and his staff for their competence in steering the county through the current economic turbulence. He referred to other Local Authorities which were currently carrying considerable debt.

Cllr. Jim Finucane agreed with Cllr. Healy Rae and referred to Mr. O'Connor's retirement later this year and said that his prudence and dedication as Head of Finance would leave Kerry County Council in a strong position financially on his retirement. Cllr. Finucane referred to the new Tenant Purchase Scheme with a maximum discount of 3% per annum for up to 15 years and said that the sale of Local Authority Houses was an opportunity to increase income. He said that he believed there was huge potential for Credit Unions to become involved in the provision of finance to potential purchasers.

Cllr. Michael Gleeson welcomed the Annual Financial Statement 2010 and complimented Mr. O'Connor and his staff for the excellence and clarity of the report. He expressed concern that the housing allocation for 2011 would be reduced to €2.2 million to be shared between the four Local Authorities in Kerry. He welcomed the income received through the charge on Non –Principal Private Residences and asked if there was potential for extra income from that source. Cllr. Gleeson said that the Council should focus on the development of environmental tourism which has huge potential for the county.

Cllr. Pat McCarthy thanked Mr. O'Connor for the Annual Financial Statement 2010 and complimented him and his staff on their excellent work. He wished Mr. O'Connor well for the future.

Cllr. Norma Foley thanked Mr. O'Connor and staff for the report and acknowledged their excellent work. She said the reserve of €2.5 million going forward was considerable when viewed in the context of other Local Authorities which are in financial difficulty. She said that the main potential for the county for the future is in the area of tourism development

Cllr. Paul O'Donoghue thanked Mr. O'Connor and staff for the report and complimented Mr. O'Connor for his excellent work down through the years. He said that Mr. O'Connor always protected the tax payer, the rate payer and the Councils funding and assets and his commitment and dedication would be very difficult to

replace. He welcomed the reduction in expenditure for Consultancy & Professional fees and asked for an explanation as to what the expenditure €7.02 million on Agency Services was for. Cllr. O'Donoghue asked if the requirements under the Croke Park agreement were in place.

Cllr. Michael Cahill welcomed the report and said that Kerry County Council was fortunate to have a head of Finance with the ability of Mr. O'Connor. He asked if there was any possibility that land would be acquired in Cromane soon, for the provision of a Burial Ground.

Cllr. Patrick Connor Scarteen welcomed the report and complimented Mr. O'Connor & staff on their excellent work. He welcomed the investment of €50,000 through a secured bond purchase as financial support towards the restoration of the Cork-Swansea Ferry Service and the allocation made towards the improvements on Kilgarvan Water Supply Scheme

Cllr. Liam Purtill thanked Mr. O'Connor and staff for the Annual Financial Statement 2010 and complimented them on their excellent work.

Cllr. Tim Buckley welcomed the report and complimented Mr. O'Connor and the staff of the Finance Department on their work.

Cllr. Anne McEllistrim welcomed the report and complimented Mr. O'Connor and staff on their outstanding work in managing the accounts of the Council. She said Mr. O'Connor was always very helpful and willing to accommodate the members.

Cllr. Michael O'Shea welcomed the report and thanked Mr. O'Connor and staff for their excellent work.

Cllr. Johnny Healy Rae welcomed the report and thanked Mr. O'Connor and the staff of the Finance Department for their work and commitment and acknowledged the provision for funding for the undergrounding the water pipe on the Kilgarvan water supply.

Cllr. Michael Gleeson' said that he hoped that funding would be made available for the acquisition of land for the provision of a public burial ground in Killarney.

Mr. John O'Connor, Head of Finance, thanked the members for their kind remarks and said that the preparation of the budget through to the preparation of the AFS was a team effort and there was a very strong budgetary management ethos across the organisation. He said that members and management must be mindful of the overall economic climate which we are in at the moment. Also, the economy has not stopped and there is quite an amount of work in progress which should help with the payment of rates and local charges.

With regard to Cllr. Gleeson's query concerning income from the Non - Principal Private Residences Charge (NPPR), Mr. O'Connor said that there may be some opportunity for a minor increase in income from the NPPR. Currently enforcement measures were being investigated in respect of the owners of non-principal private residences who had failed to pay the NPPR charge.

In reply to Cllr. Paul O'Donoghue's query concerning the expenditure €7.02 million on Agency Services, Mr. O'Connor said that this related to the payment of the VEC pensions and gratuities which is recouped in full from the Department of Education.

With regard to expenditure on Consultancy & Professional fees, Mr. O'Connor said that Kerry County Council's preference was for staff to be trained to provide the expertise required and only where absolutely necessary are consultants engaged.

Mr. O'Connor said that the gradual delivery of the requirements under the Croke Park Agreement would continue.

Mr. O'Connor said that the closing credit balance of €2,526,146 would be used to provide cash flow while the Council is waiting for income to come in. He said that the Council's actual receipts from property rates was €17.6 million and arrears of rates outstanding have been increasing.

Cllr. Michael Cahill acknowledged that the Local Authority needed an income but said that he was concerned that small businesses were closing down due to over heads such as rent and rates.

On the proposal of Mayor P. Leahy, seconded by Cllr. J. Finucane, it was unanimously agreed to note the Annual Financial Statement for the year ended 31 December 2010 and to approve additional expenditure as outlined in the Financial Review including the provisions for the additional measures mentioned in that review viz.

- €300,000 towards minor improvements in our water services to meet EPA compliance standards – this is enabled by savings in the 2010 budget allocation for water services.
- €50,000 towards the improvement fund for public conveniences – this is enabled by savings in the 2010 budget allocation for public conveniences.
- €250,000 towards the on-going minor improvement programme for our burial grounds – this is in recognition of the support of local communities enabling improved maintenance of our burial grounds.

- €200,000 towards a clean-up programme of illegal dump sites across the county, the implementation of modern surveillance initiatives, and a litter awareness programme.
- €30,000 for the purchase of additional laboratory equipment – this will lead to savings due a resultant reduction in outsourcing some water testing.
- €250,000 towards the implementation of additional security measures for the County Buildings Complex including some improved boundaries - this is enabled by savings in the 2010 budget allocation for the maintenance of corporate buildings.
- €150,000 towards the installation of a new telephony system in County Buildings and other Council Offices. The new system is required to secure reliability, particularly in the event of emergency situations. As well, the new system will lead to ongoing savings in communication costs as it will enable voice over the internet technologies.
- €20,000 brought forward from 2010 adopted Budget for the purposes of supporting particularly worthwhile Tidy Town initiatives.
- €30,000 towards staff training and development in recognition of the changing skill and aptitude requirements owing to staff redeployment needs and the “Croke Park Public Sector Agreement”.
- €320,000 in unspent loan charges due to lower interest rates than expected and delays in raising loans, carried forward as a reserve to meet higher interest payments than estimated or unexpected loan charges in future years.
- As per the Council’s Adopted Budget 2011 the carry forward of the €600,000 provision reserved in the 2008 Accounts and the €400,000 reserved in the 2005 Accounts towards the 2011 Budget.

**Further Allocation under Road Restoration Improvement Programme.**

Mr. Charlie O’Sullivan, Director of Roads & Transportation, said that a further allocation of €2.8 million had been received by Kerry County Council under the Road Restoration Improvement Programme. This would allow roads which had been deferred until 2012 to be done this year.

**.11.05.16.12 Update on Tourism/Economic Promotion and Development.**

County Manager, Mr. Tom Curran said that in the preparation of Budget 2011, he sought and received the approval of the Council to set aside a sum of €100,000

towards the support of specific projects aimed at supporting tourism and economic promotion and development in the County.

Mr. Curran updated the members regarding the progress on initiatives received to date as follows:

**1. Kerry Bus – Promotional Tour of U.K.**

Mr. Curran said that UK has been Ireland's biggest overseas tourism market but there has been a substantial decline since 2007.

An initiative was drawn-up to promote Kerry across a number of major cities in the U.K. around the St. Patrick's Day festivals. This initiative was supported by the tourism trade in Kerry, Fáilte Ireland and Tourism Ireland. A fully branded double-decker bus was hired and fitted out for the trip. The trip commenced in London and participated in the St. Patrick's Day parade and followed on with visits to a number of other major cities such as Birmingham, Manchester & Liverpool. A full-time Manager/Co-Coordinator was recruited for the trip and the bus was fully staffed throughout the period.

The bus was warmly received everywhere and it is felt that it raised the profile of Kerry as a tourist destination across the U.K.

On return to Ireland, Dublin/Belfast and Cork were also visited and again a good feedback was received.

The overall cost of the initiative has not been finalised as yet, but the total cost is in the region of €100,000. Kerry County Council contributed €20,000 towards the project. A full review will be carried out shortly and the early indications are that a similar trip should be planned for 2012.

**2. Kerry Year of Craft 2011**

Mr. Curran said that 2011 is designated as the Year of Craft by the Craft Council of Ireland. Under the guidance of our County Arts Officer, Ms. Kate Kennelly, it has been agreed that we would avail of this opportunity to promote Kerry Crafts in 2011.

Craft producers in Kerry are an integral part of our tourism product, as well as being an employer in the County. This sector has been neglected in recent times and it is an opportunity in the Year of Craft to support this industry in Kerry.

An inter-agency group has been set-up to deliver the project. A forum to represent crafts people has been established and a co-ordinator is in place to support and direct the project. The Kerryman newspaper has also come on board as a media partner and will run features on producers over the coming months.

The ultimate objective is to raise the profile of the Kerry Crafts Industry.

Kerry County Council has committed €5,000 to the project.

**3. Festival of Kerry 2011**

The Rose of Tralee has been Ireland's Premier Festival for over 50 years. Over 1,000 women compete through Regional Events across the world to represent their community in the final in Tralee each August. The event is covered live on national television over two nights and is also streamed on-line.

There are huge opportunities, by working with the Festival of Kerry Team, to promote Kerry as both a tourist destination and a place to invest in and work from across the

world, particularly in the U.K. and U.S.A. Through the Rose Centre network we can get access to many communities, companies and individuals. Each year the successful Rose of Tralee visits many of the overseas centres to promote the Festival itself. A great opportunity is being lost in not using this high profile “ambassador” to promote Kerry.

The Festival of Kerry Committee have plans to expand the network of Rose of Tralee Centres in the US, thereby, promoting Kerry and raising its profile further. This initiative has to be commended and supported.

The Regional Finals of the Rose of Tralee are held in other towns across Ireland and many overseas contestants and their families never get to visit Kerry. It is an objective to bring the Regional Finals back to Kerry in the coming years and have these Regional Finals held in other towns in Kerry such as Killarney, Kenmare, Dingle, Listowel etc.

Mr. Curran said that he had had discussions with the Festival of Kerry organisers on these issues and believed that Kerry County Council should become more actively involved in the Festival of Kerry and thereby, create opportunities to promote the County overseas. On this account, he intended to provide €50,000 in 2011 to the Festival of Kerry, on the basis of forging a partnership with them to expand the number of Rose Centres and with a view to bringing the Regional Finals back to Kerry by 2013 and remaining in Kerry thereafter.

***Cllr. Norma Foley thanked Mr. Curran for the report and welcomed that Kerry County Council would become more actively involved in the Festival of Kerry and that €50,000 would be provided towards the festival in 2011. Cllr. Foley said that there were numerous five star hotels in the county with superb spa facilities and this should be promoted. She said that the people of the county were its greatest ambassadors and we should go out of our way to extend “céad míle failte” to visitors. She referred to an initiative in Dublin where over 1,000 people have signed up to be goodwill or volunteer ambassadors for Dublin to help introduce tourists to the magic of the city and said that this should be replicated in Kerry.***

***Cllr. Jim Finucane welcomed the report and said that Kerry as a county has to look within its own resources to attract visitors into the county. He said that the Kerry Bus was innovative and distinctive and commended Mr. John Griffin Development Officer in Tralee Town Council on the work done by him. He said that the Festival of Kerry was a huge marketing opportunity for the county and must be maximised.***

***Cllr. Michael Cahill thanked Mr. Curran for the progress report and welcomed that Kerry County Council would provide €50,000 towards the Festival of Kerry. He said that tourism was very important for the county as it had the potential to provide jobs.***



*The students and teachers from the Intermediate school, Killorglin who had been observing the meeting from the public gallery indicated that they were leaving the meeting at this stage, The Mayor, Cllr. Pat Leahy complimented them on their excellent behaviour and attention.*

*Cllr. Michael Cahill thanked the Mayor Cllr. Pat Leahy and management of Kerry County Council for facilitating their attendance at the meeting.*

*Cllr. Leahy said that this facility was available to all schools in the county.*

***Cllr. Michael Gleeson said that three of the great Kerry poets were interred in Muckross Abbey and there was no signage to indicate their graves. He said that the provision of appropriate advance road signage should be considered.***

***Cllr. Gleeson said that he was delighted that the Festival of Kerry had found a new energy and wished success to everybody involved. Cllr. Gleeson said that other smaller projects such as the availability of recreational fishing in the county for persons with a disability should also be considered for support.***

***Cllr. Terry O'Brien thanked Mr. Curran for the report. He welcomed the support from Kerry County Council for the Festival of Kerry and said that the Kerry Bus promotional tour had been a great success.***

***Cllr. Robert Beasley welcomed the report and praised the initiative of the County Manager in supporting the Festival of Kerry and promoting the county. He said that the attractions of the Ring of Kerry should also be promoted he PROPOSED that a Ring of North Kerry would be declared and signed accordingly.***

***His proposal was SECONDED by the Mayor, Cllr. Pat Leahy.***

***Cllr. John Brassil welcomed the report.***

***He said that Kerry County Council should consider making a contribution of €5,000 annually towards small festivals one in the north and one in the south of the county. Also, consideration should be given to making information available for tourists and visitors at the airports which service the county and also at ferry ports, train and bus stations.***

***Cllr. Brassil welcomed Kerry County Council's support for the Festival of Kerry and said that the regional finals of the Rose of Tralee were very sought after events in midland towns which they may want to retain.***

***He said that Tralee Task Force was now up and running and has identified tourism as they way back from the recession.***

***Cllr. Patrick Connor Scarteen thanked the County Manager for the report and said that it was a positive move towards the promotion of tourism and said that it was important that the Regional Finals of the Rose of Tralee would be held in Kerry. He welcomed Kerry County Council's support for the development of tourism in the county and said that he would encourage the members to attend a major one-day showcase of Kerry tourism activities by Kerry County Council, Fáilte Ireland, Go Kerry - All Kerry Tourism and the wider tourism trade which was being held in The Malton Hotel, Killarney on Thursday, May 19<sup>th</sup> 2011.***

**11.05.16.13 Report by Cllr. Brendan Cronin Chair of Environment & Water Services SPC.**

The following issues were discussed at the meeting of the Environment & Water Services SPC held on 10<sup>th</sup> March, 2011 in Room 14, County Buildings.

**1. Draft Report on the operation of the Litter Pollution Acts, 1997 to 2009.**

Helena Switzer, AO, Environment, presented an executive summary of the report which included details on the programme implemented during the previous year and proposed for implementation during 2011 under the following headings:

- Litter Prevention and Control Programme;
- Enforcement Action and Analysis;
- Public Awareness/ Educational and information Initiatives;
- The co-operation and assistance given by Tidy Towns Committees, Community Groups and Local Partnerships;
- Litter Management Plan.

The following issues were raised during the subsequent discussion:

- Cllr. Jim Finucane asked if the feasibility of introducing a levy for fast-food packaging could be examined.
  - Mr. Seamus Roche asked for clarification in relation to insurance cover for community groups participating in the National Spring Clean Campaign.
- All in attendance welcomed progress made in relation to the use of covert and overt surveillance.

**2. Briefing on EPA Drinking Water :**

John Kennelly, SE Water Services, presented a briefing report on the EPA Report – Provision and Quality of Drinking Water in Ireland 2008 – 2009, (the Kerry County Council summary sheet, as extracted from the EPA report, was included as an attachment to the report circulated ).

The following table outlines the compliance rates with the microbiological and chemical parameters set out in the Drinking Water Regulations in relation to Kerry County Council's public drinking water supplies:

Year	Microbiological Compliance	Chemical Compliance
2006	98.6%	99.8%
2007	99.0%	98.6%
2008	99.3%	99.8%
2009	99.9%	99.0%

In relation to the above compliance rates, the report clarified as follows:

- Incidents of E-coli exceedances in Kerry have fallen, while overall microbiological compliance has risen from 99% in 2007 to 99.9% in 2009.
- There was a decrease in the chemical compliance parameters in 2009. The recorded exceedances related primarily to Trihalo-methanes (THMs) – THM's are generally produced as a by-product of the chlorination process.

- Current improvements in filtration of water supply schemes will reduce the chlorine demand and lead to a reduction in THMs, - In the interim, the HSE has advised that the chlorination process should not be compromised.

A total of 53 public schemes in the county have been placed on the Remedial Action List (RAL) produced by the EPA, ie public schemes where remedial action is required to ensure compliance with the Drinking Water Regulations. Since 2009, 2 schemes have been removed from RAL and the construction of treatment facilities is underway on a further 20 schemes. The remaining RAL schemes are at the planning or tender preparation stages. These improvement works will greatly improve our chemical compliance due to a reduced disinfection requirement.

As part of the RAL programme, a new water treatment plant at Mid Kerry Gearha will be fully commissioned in April 2011. This scheme serves over 8,000 consumers. In addition, under the Water Services Investment Programme 2010 – 2012, the following improvement works will be carried out:

- The construction of new water treatment plants at Lough Guitane, Kenmare and Waterville;
- The investment of almost €20million on upgrading old and deficient water mains.

In concluding the presentation, Mr. Kennelly said that while the €20m investment in mains rehabilitation is welcome, it falls short of the required renewal rate of 5% of the network per annum.

### **3. Environment and Water Services SPC: Proposed Work Programme for 2011.**

It was agreed to include the following items in the work programme to be undertaken by the Water Services and Environment SPC during the current year:

#### **3.1 Environment:**

##### **3.1.1: Beach Byelaws:**

In introducing this item, Mr. Mick Boyce, SEE, said that the bye-laws were first adopted in 2005 and revised in 2007 to regulate a range of activities at certain beaches in the county, (as listed in the schedules to the regulations). A further revision of the bye-laws may now be required to further regulate commercial activities, e.g. surf schools.

##### **3.1.2: Oil pollution Plan:**

Mr. Boyce said that it is a requirement of the Irish Coastguard that each coastal local authority develop an Oil/HNS pollution contingency plan for the coastline within their functional area. A plan is in place for the Shannon Estuary. There is now a requirement to develop a plan for the remainder of the county's coastline. The purpose of the plan is to guide the response to marine based oil/HNS pollution incidents and the assigning of roles, responsibilities and procedures to be followed in the event of an incident. The draft brief has been prepared and is expected to go to tender shortly.

### **3.1.3: Review of Waste Presentation Bye-Laws:**

Mr. Tom Sheehy, SE, informed the meeting that the licence for the North Kerry Landfill (W0001-03) requires that from 1 July 2010, a maximum of 47% by weight of municipal solid waste accepted for disposal to the body of the landfill shall comprise biodegradable municipal waste, (condition ref.5.2.7). Compliance with this condition will require the introduction of a household organic collection service and a review of the waste presentation bye-laws. The revision to the bye-laws may also make provision whereby householders shall be obliged to avail of a refuse collection service subject to certain limitations and conditions.

## **3.2 Water Services.**

### **3.2.1: Rural Water Sector:**

#### **(a) Private Wells:**

This item was included within the work programme at the request of the Chairperson, Cllr. Brendan Cronin, following on from discussions at previous SPC meetings. Mr. Oliver Ring, Director of Environment and Water Services, proposed that a publicity campaign be implemented to encourage householders to arrange for testing of the water quality of private wells and springs serving their premises. He clarified that a grant scheme is in place but in order to qualify for the grant, the water quality must be confirmed as compliant with the Drinking Water Regulations.

#### **(b) Group Schemes:**

In relation to private group schemes, John Kennelly, SE, confirmed that Kerry County Council is the supervisory authority. While grant assistance is available to such groups, Mr. Oliver Ring clarified that 15% of the cost of any upgrade works must be borne directly by the Group.

### **3.2.2 Wastewater Treatment Plants Discharge Licences and Certificates.**

On this matter, Mr. Kennelly said that Licence applications have been submitted to the EPA in respect of 145 such discharges. The granting of the licences/certificates is pending and there is a probable cost implication for KCC with annual licence fees.

### **3.2.3: Licensing of Food Service Establishments for Fats, Oils & Greases, (FOG).**

The impact of fats, oils and greases on the Waste Water Treatment Plants and sewer networks was discussed. This is a particular problem for Killarney, Kenmare and Dingle. The issue of imposing license fees on food service establishments will need further consideration. Copies of a useful public information leaflet on FOG as published by Dublin City Council were circulated.

### **3.2.4 Burial Ground Maintenance.**

Mr. Oliver Ring said that the issue of the maintenance of burial grounds by the general public/ local communities, particularly burial grounds with recorded and/or national monuments requires that a formal management plan be put in place. Details on the 2011 burial ground proposed work programme were circulated and discussed.

#### **4.0 Training and Development Plan for the SPC members.**

Mr. Oliver Ring said that it is proposed to arrange briefings on the relevant policy and legislation pertaining to the environment and water services areas of work. The Chairperson, Cllr. Brendan Cronin, asked the members to identify any further training requirements and to notify the Executive.

#### **5.0 AOB:**

**Date for next meeting:** End of May at a date to be agreed and notified to the members.

**Items suggested for inclusion on the agenda for the May meeting:**

- Digitisation of Burial Ground Records.
- Waste Presentation Bye-Laws.
- Licensing of Food Service Establishments for Fats, Oils & Greases.
- 2011 Burial Ground Proposed Programme of Works.
- Update report/ Kenmare Water Abstraction Order.

***Cllr. Cronin acknowledged the contribution of Kerry County Council towards the upkeep of burial grounds and paid tribute to the tremendous work done by Burial Ground Committees throughout the county who give their time voluntarily to keep their local burial grounds in pristine condition.***

**11.05.16.14 To agree a date for the Annual Meeting of Kerry County Council – Suggested date Monday 27<sup>th</sup> June 2011 at 12.00 noon.**

On the PROPOSAL of Cllr. Toireasa Ferris SECONDED by Cllr. Terry O'Brien, it was agreed that the Annual Meeting of Kerry County Council would be held on Monday 27<sup>th</sup> June 2011 at 12.00 noon.

**11.05.16.15 To approve the opening of tenders for:**

- (a) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for Development of Quick Quote and Mini Tender Module - Closing Date: Wednesday, 4<sup>th</sup> May, 2011 at 3.00 p.m.
- (b) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. J. Finucane, it was agreed to approve the opening of Tenders for Supply and Installation of Welded Mesh Fencing - Closing Date: Wednesday, 18<sup>th</sup> May, 2011 at 4.00 p.m.
- (c) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin, it was agreed to approve the opening of Tenders for N86 Annascaul to Gortbreagoge Archaeological Services Contract 1 - Closing Date: Thursday, 19<sup>th</sup> May, 2011 at 1.00 p.m.
- (d) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of Tenders for Upgrading of Seven

West Kerry Water Treatment Facilities (Camp, Castlegregory, Ceann Trá, An Fheothanach, Lios Cearnaigh, An Mhin Aird & An Mhuiríoch Baile na nGall) - Closing Date: Thursday, 26<sup>th</sup> May, 2011 at 4.00 p.m.

- (e) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. D. Healy-Rae, it was agreed to approve the opening of Tenders for Design, Supply, Installation & Commissioning of a Water Treatment Plant at Tuosist, Kenmare, Co. Kerry - Closing Date: Tuesday, 24<sup>th</sup> May, 2011 at 4.00 p.m.
- (f) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of Tenders for 2011 Bituminous Overlay Requirements - Closing date: Tuesday, 24<sup>th</sup> May 2011 at 4.30 p.m.
- (g) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. N. Foley, it was agreed to approve the opening of Tenders for Maintenance of the Lifts in Kerry County Council Buildings - Closing Date: Wednesday, 25<sup>th</sup> May, 2011 at 4.00 p.m.

**It was agreed to adjourn the meeting at 1.05pm**

**The meeting resumed at 2.15pm.**

Cllr. Toireasa Ferris asked if it would be possible for Councillors to get their Kerry County Council emails through their mobile phones.

Mr. Ger O'Brien A.SEO Corporate Affairs undertook to look into this matter and revert to Cllr. Ferris.

#### **11.05.16.16 Notices of Motion**

***It was agreed on the PROPOSAL of the Mayor, Cllr. Pat Leahy SECONDED by Cllr. Jim Finucane that only the PROPOSER & SECONDER of notices of motion would contribute to the discussion which followed.***

#### **1. Responsibility for the general maintenance and upkeep of the River Flesk and of the rivers Cladagh and Loo that are its source**

**Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED**

*Has the Council received clarification from the Office of Public Works in relation to what Body has overall responsibility for the general maintenance and upkeep of the River Flesk and of the rivers Cladagh and Loo that are its source*

**The following report issued:**

***Following a previous specific query in relation to the River Flesk at Muckross Bridge, the OPW confirmed that the River Flesk at Killarney is not under the statutory care of the Commissioners of Public Works.***

***Given that similar motions have been moved at previous Killarney Electoral area meetings and at ordinary meetings of the Council, the Council can write to the OPW seeking formal clarification in respect of the three rivers.***

Cllr. Michael Gleeson said that there was much confusion regarding the rights and responsibilities of Local Authorities and there was a need for absolute clarity with regard to who is responsible for the general maintenance and upkeep of the River Flesk and other rivers. He referred to a notice of motion which he had submitted for the Killarney Electoral Area meeting in April requesting that the Council would remove the bushes and brambles that are beginning to form a distinct island in the river Flesk that is acting as an impediment to the free flow of the river. He was advised in the reply that it is the riparian owners and not the Local Authority that are responsible for maintenance of the River Flesk

Cllr. John Sheahan said that he had also been made aware of the formation of islands in the river and local people were fearful of flooding.

Cllr. Danny Healy Rae referred to the report on the Flood Study for Glenflesk which was presented to the members at the Killarney Electoral Area meeting in February 2011 and asked if a further progress update was available.

It was agreed that an update would be presented to the members at the next Killarney Area meeting on 8<sup>th</sup> June 2011.

***Chairperson, Cllr. Pat Leahy reminded Cllr. Healy Rae that the members had agreed at the resumption of the meeting at 2.15 pm that only the PROPOSER & SECONDER of notices of motion would contribute to the discussion which followed.***

## **2. National Lottery Funding available for the provision of suitable hospital accommodation for cystic fibrosis patients.**

### **Pursuant to notice duly given Cllr. Norma Foley PROPOSED**

*That Kerry County Council support the call on the Government to make National Lottery Funding available for the provision of suitable hospital accommodation for cystic fibrosis patients.*

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this is a matter for consideration by the members.**

Cllr. Norma Foley said that cystic fibrosis was a very onerous and difficult disease with a very low life expectancy due to the absence of dedicated CF units throughout the county. About four and a half years ago "Build for Life" was set up and a new out patient's facility will be opened at Cork University Hospital within the next few weeks. Due to the worry of cross infection an inpatient facility which would cost €300,000 is urgently needed and this would be a great boost to people who suffer from this disease. An application has been made to the National Lottery for this funding and she urged Kerry County Council to support the application.

### **3. To immediately re-establish the HSE Dental Services in Caherciveen**

**Pursuant to notice duly given Cllr. Paul O'Donoghue PROPOSED**

*That Kerry County Council calls on the Health Service Executive to immediately re-establish the HSE Dental Services in Caherciveen which were withdrawn from Caherciveen without any consultation whatsoever and is resulting in huge and significant problems for those requiring such services not just in Caherciveen but in the entire South West Kerry area.*

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this is a matter for consideration by the members.**

Cllr. PJ Donovan **SECONDED** the Notice of Motion.

Cllr.O'Donoghue asked for the support of the other members and said that it was very unfair on the part of the HSE to withdraw the dental service without any prior consultation.

### **4. Re-organise the Castleisland engineering area so as to cater for its natural hinterland and the entire parish.**

**Pursuant to notice duly given Cllr. Bobby O'Connell PROPOSED**

*That Kerry County Council re-organise the Castleisland engineering area so as to cater for its natural hinterland and the entire parish so that the local community can utilise the fine facility that is the Castleisland Area Services Centre*

**The following report issued:**

***The Castleisland Area Services Centre provides a range of functions but is primarily:-***

- (a) a service centre providing facilities for the customers in the surrounding hinterland, such as enquiry services, payments for refuse, housing and water services etc.***
- (b) a library service for the town and surrounding hinterland***
- (c) a base for the Tralee East Roads Area Engineer, and***
- (d) accommodates the Water Capital Design office***

***In 2003, a comprehensive reorganisation was carried out on all the Road Engineering Areas in the County. This was based on the optimum delivery of our roads operations but also took into consideration the mileage length in each area, availability of staff numbers, location of staff relative to their base etc. This reorganisation was completed after long protracted and detailed negotiations with all concerned, in particular staff and their unions.***

***It also attempted to align the Electoral Areas with each Engineering Area. While this was achieved for the most part, it was not possible in a number of locations, such as in Ardfert, Milltown and Kilgarvan. Notwithstanding this, all the staff in the area offices provided an excellent service to customers in these areas.***



***Following the last review of the electoral areas, part of the Castleisland Engineering area was transferred into the Killarney Electoral area. Due to these changes, the Area Engineer in the Castleisland office has attended the meetings of the Killarney and Tralee electoral areas and has dealt with queries from the elected members in both Electoral Area's. With the availability of modern technology, staff also have greater access to information on all services provided corporately and we are working with our staff to ensure that customers and elected members queries are dealt with at the point of query i.e. if a customer presents to the Castleisland office and has a query on a road managed by the Killarney Area Engineer, the query should be followed up by the Castleisland office, if possible. If a query is received in writing, the request will be acknowledged in writing, advising that the Killarney Area Engineer has been asked to respond. Similar procedures apply in all our engineering offices. The Roads Department have procedures in place to address any complaints of poor service to either customers or elected members and if there are specific issues that a member feels is not being addressed adequately, it will be investigated by Ms. Maria West, Administrative Officer, in County Buildings. Any proposed restructuring of an engineering area, has to be prioritized on the basis of achieving the optimum efficiency from an operational perspective. Having regard to the reduction in available resources to the local authority, the moratorium on recruitment and a projected further decline in available funding, the Council will be reviewing the effectiveness and operational efficiency of all its engineering areas on all services provided through its area offices. As part of this review the reporting mechanism to electoral area committees will also be considered. It is not possible to consider a review of the Castleisland Engineering area in isolation of the other area offices.***

Cllr. Bobby O'Connell acknowledged the above reply but said that he did not accept that Scartaglin and Cordal which were part of Castleisland should be included in the Council's Killarney engineering area. He said that the areas should be restructured to allow for Currow, Cordal, Scartaglin and Farranfore to be included in the Castleisland engineering area.

Cllr. Pat McCarthy SECONDED the Notice of Motion.

Cllr. Danny Healy Rae said that he was satisfied with the current structure of the Castleisland and Killarney area.

**5. Ask Energy Regulator to explain why homeowners have to pay large deposits if their bills are not paid through direct debits.**

**Pursuant to notice duly given Cllr. Michael O'Shea PROPOSED**

*That Kerry County Council ask the Energy Regulator why should homeowners be discriminated against by being asked to pay large deposits if their bills are not paid through direct debits.*

**Mr. Ger O'Brien A/SEO Corporate Affairs** said that this is a matter for consideration by the members.

**6. Provide extra car parking spaces to facilitate people with disabilities at Kerry General Hospital.**

**Pursuant to notice duly given Cllr. Tim Buckley PROPOSED**

*That Kerry County Council call on the HSE to provide extra car parking spaces to facilitate people with disabilities at Kerry General Hospital.*

**Mr. Ger O'Brien A/SEO Corporate Affairs** said that this is a matter for consideration by the members.

Cllr. Gillian Wharton Slattery said that this matter was included on the agenda for the next meeting of the HSE and she undertook to update the members on the response received at that meeting.

**7.Update on the Kerry airports plans to maintain and increase passenger numbers**

**Pursuant to notice duly given Cllr. Matt Griffin PROPOSED**

*That Kerry County Council as shareholders in Kerry Airport would please provide an update on the airports plans to maintain and increase passenger numbers, in association with current service providers and independently, for this vital link to Kerry's economy.*

**The following report issued:**

***The Council may as an elected body request at any time updates on the airports plans to maintain and increase passenger numbers etc. A request to this effect, following receipt of a notice of motion was forwarded to Kerry Airport Management in March 2011. The reply received is set out hereunder:***

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

***London Luton 1x daily***

***London Stansted, Frankfurt Hahn and Manchester 4 flights/week***

***Dublin 1 x daily.***

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

***Faro and Alicante 2 x weekly.***

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

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

***In the current economic climate it is proving difficult to get other airlines to provide services not only to Kerry but to Ireland generally. The close proximity of larger airports such as Shannon and Cork, with subsequent larger catchments, makes it***

***all the more difficult to attract new airlines/services to Kerry. However, Kerry Airport will continue its endeavours to expand its connectivity.***

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

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

***If the Council by way of notice of motion wishes for an update on the above we will write to the Airport Authority and request the relevant information.***

***The issue of Kerry County Council as a shareholder in Kerry Airport has a different remit covered by company law.***

Cllr. Cahill said Kerry Airport was vital to the success and future of Kerry. He asked if an update was available regarding the awarding of the PSO contract for the Dublin to Kerry flights.

County Manager, Mr. Tom Curran said that the Public Service Obligations (PSO) contract for the Kerry to Dublin flights would be re-advertised and he anticipated that it would be September/October at the earliest when the PSO would issue.

Mr. Curran said that the Bord of Kerry Airport was doing its utmost to attract other airlines into Kerry but its proximity to the larger airports in Shannon and Cork would always be an issue.

## **8. Reduce the speed limit on the Killarney by-pass.**

### **Pursuant to notice duly given Cllr. John Joe Culloty PROPOSED**

***That Kerry Council would request the NRA to reduce the speed limit on the Killarney by-pass, at the junction where the Lewis Road connects with the by-pass. There are suggestions that the speed limit should be reduced to 50 km/ph at the junction, and 60 km/ph outside the junction.***

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

***The Department of Transport is currently conducting a consultation process in relation to certain aspects relating to speed limits. Kerry County Council has also received Circulars from the Department of Transport, giving direction to Road Authorities on guidelines for the setting of Special Speed Limits, as well as seeking consultation on further amendments. Both of these documents were discussed at the Transport Strategic Policy Committee meeting, on the 11th April. A report was presented to the Elected Members at the last Council Meeting, whereby it was agreed that a speed limit review be conducted when resources are available and when the outcome of the Department's consultation process is complete.***

***The speed limit on the Killarney by-pass will be consider as part of that review and any recommendations, arising from the review, will be forwarded to the NRA for it's approval.***

Cllr. John Sheahan supported the Notice of Motion and said that this junction was very dangerous especially during the winter months.

#### **10. The Council to review its procedure of assessment for single rural cottages**

##### **Pursuant to notice duly given Cllr. John Sheahan PROPOSED**

*That this Council review its procedure, of assessment for single rural cottages. It is soul destroying for an applicant to receive a negative result, after waiting a long processing period and to realise that it was the initial site assessment that failed. Thus, all the subsequent works in the application were in vain.*

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

***Once an applicant is deemed qualified for social housing by the housing investigation officer the processing of a single rural dwelling application commences with the applicant being in a position to provide a suitable site for construction. The suitability of any site is determined by the regulations in place at the time of assessment. The Housing Department has trained its staff in site assessment techniques and once a site is identified by an applicant a site assessment is carried out. If the site assessment is deemed not to meet the criteria required the applicant is informed immediately that it will not be possible to progress the application on the identified site. The housing department works with applicants to find the most suitable site on the landholding. However there are instances where an applicant is limited in the provision of the location of a site which may not meet the criteria. In this instance it is not possible to proceed with the application notwithstanding the applicants desire to have a dwelling constructed on the identified site.***

***We are constantly seeking to improve our processes to provide enhanced customer service and accordingly have trained our staff in the relevant techniques so that there are no unnecessary delays in the processing of these applications. We intend to continue processing all single rural applications through the various stages. However considering the significantly reduced capital funding available no dwelling can proceed to construction without the necessary capital funding being provided or committed by the Department of Environment, Community and Local Government.***

Cllr. Sheahan said that applicants for single rural dwellings were suffering due to the process which was in place and asked that consideration would be given to accessing the suitability of the site at an earlier stage of the of the application.

Cllr. Michael Cahill supported Cllr. Sheahan on this issue.

#### **11. Provision of Bus Shelter for Killorglin.**

##### **Pursuant to notice duly given Cllr. Michael Cahill PROPOSED**

*That Kerry County Council in conjunction with Bus Eireann provide a much needed bus shelter in Killorglin*

**The following report issued.**

***This Notice of Motion was previously raised at the Killorglin Area Meeting in March 2010, at which the following response was given :-***

***“The provision of bus shelters is a matter for Bus Éireann and this is acknowledged by that company. Recent discussions with Bus Éireann in relation to this matter would seem to indicate that the passenger numbers utilising their bus services at present would not justify the cost of erecting a bus shelter in Killorglin”.***

Cllr. Cahill said that this reply was an insult and asked that Kerry County Council would write to Bus Éireann to emphasise the need for a bus shelter in Killorglin.

Cllr. Patrick Connor Scarteen supported Cllr. Cahill on this issue and said that a bus stop was urgently needed in Killorglin to facilitate tourists and local people, particularly the elderly.

## **12. Update from the Health Service Executive in relation to the construction of a new Kenmare Community Hospital**

**Pursuant to notice duly given Cllr. Patrick Connor Scarteen PROPOSED**

*That Kerry County Council seek an update from the Health Service Executive in relation to the construction of a new Kenmare Community Hospital and request the Department of Health and HSE to proceed with construction as soon as possible.*

***Mr. Ger O’Brien A/SEO Corporate Affairs said that this is a matter for consideration by the members.***

Cllr. Connor Scarteen said that the provision of a new hospital for Kenmare had been under consideration for in excess of 40 years. He acknowledged that the contract had been awarded but said that no contract had yet been signed and it was unfortunate that no funding had been ring fenced for the project.

Cllr. Danny Healy Rae supported Cllr. Connor Scarteen regarding this issue and said that Deputy Michael Healy Rae had contacted the Minister for Health regarding the matter.

## **13. To ask the Planning Department again to remove the restrictive town land rule that is currently preventing locals and family members from attaining permission to build a home for themselves.**

**Pursuant to notice duly given Cllr. Danny Healy Rae PROPOSED**

*That we the members of Kerry County Council ask the Planning Department again to remove the restrictive townland rule that is currently preventing locals and family members from attaining permission to build a home for themselves - especially as we now know our neighbours in Co. Cork, the largest County in Ireland does not have this restriction*

**The following report issued:**

***This issue has been discussed at length at a number of Killarney Electoral Area Meetings and the matter has been fully explained in the context of the Sustainable Rural Housing Guidelines 2005.***

***The matter was again discussed at the April meeting of the Council and the situation has not changed since then.***

Cllr. Danny Healy Rae welcomed Ms. Brigid O'Connor representative of the Rural Dwellers Association who was in the public gallery and PROPOSED that the County Development Plan "**Settlement Strategies and Rural Development Policies**" 3.7.12. *"In the implementation of rural development policies the term "immediate locality" shall be interpreted as at a minimum, people from adjoining town lands, should be reviewed.*

Cllr. John Joe Culloty asked if the interpretation of *"immediate locality"* could be changed from town land to parish as a compromise.

Mr. Michael McMahon, Director of Planning & Sustainable Development said that during the two year period of the review of the County Development Plan the need to be fully compliant with Ministerial Guidelines and the need to insert appropriate mapping to reflect the requirements of the Rural Housing Guidelines 2005 was brought to the attention of the members. Mr. McMahon said that the members were not prepared to insert maps in the county development plan. It was agreed by the members that *"immediate locality"* would be interpreted as people from adjoining townlands.

Mr. McMahon said that an evidence based Core Strategy must be incorporated into County Development Plans which would demonstrate that the objectives in the County Development Plan are consistent with national and regional guidelines. The proposed Core Strategy would be presented to the members at the meeting of the full Council in June 2011 prior to going on public display as an amendment to the County Development Plan.

Cllr. Jim Finucane referred to the number of times which this matter has been raised at meetings of the Council and asked if there was any provision in Standing Orders for the repetition of motions.

Mr. Ger O'Brien A/SEO Corporate Affairs said that current Standing Orders did not include a provision for repetitious motions. He said that if the members wished, he would revert to them at a future meeting with proposals for the amendment of Standing Orders to include this item.

Cllr. Danny Healy Rae said that his motion concerned applicants for planning permission who were refused permission on land which they owned in a neighbouring townland due to the current policy. He asked that a vote would be taken on the amendment to the County Development Plan.

Cllr. Johnny Healy Rae said that he was aware of an area where previously there were 16 dwellings only two remained and an applicant for planning permission was recently issued with a refusal.

The Mayor, Cllr. Pat Leahy said that this matter could be discussed at the next meeting of the full Council in June.

Cllr. Pat McCarthy said that this matter had been raised at a meeting of the Fine Gael party members where it was proposed that a Special Meeting of the Full Council would be held to discuss this matter .

On the PROPOSAL of Cllr. Pat McCarthy SECONDED it Cllr. Jim Finucane, it was agreed that a vote would be taken with regard the holding of a Special Planning Meeting.

**A vote was taken which resulted as follows:**

**For: (11)** Cllr. Tim Buckley, Cllr. Patrick Connor Scarteen, Cllr. John Joe Culloty, Cllr. PJ Donovan, Cllr. Jim Finucane, Cllr. Matt Griffin, Cllr. Pat McCarthy, Cllr. Michael O'Shea, Cllr. John Sheahan, Cllr. Gillian Wharton Slattery, Cllr. Pat Leahy.

**Against: (4)** Cllr. Michael Cahill, Cllr. Danny Healy Rae, Cllr. Jonny Healy Rae, Cllr. Anne McEllistrim.

**Absent: (11)** Cllr. Robert Beasley, Cllr. John Brassil, Cllr. Brendan Cronin, Cllr. Toireasa Ferris, Cllr. S Cosáí Fitzgerald, Cllr. Norma Foley, Cllr. Michael Gleeson, Cllr. Terry O'Brien, Cllr. Bobby O'Connell, Cllr. Paul O'Donoghue, Cllr. Liam Purtill.

It was agreed that a Special Planning Briefing would be held in committee on 20<sup>th</sup> June 2011 at 9.30am and commencement time of the meeting of the Full Council meeting on that day would be deferred until 11.00 am.

Mr. John Flynn Director of Corporate Services reminded the members that an amendment to the County Development Plan would require over half of the members i.e. 14, voting in favour of the amendment.

Cllr. Jim Finucane PROPOSED that a provision should be included in Standing Orders to deal with the repetition of motions.

Cllr. Tim Buckley SECONDED the proposal and it was agreed that the matter would be included on the agenda for the next meeting of the Corporate Policy Group (CPG)

**14. Why is Kerry County Council charging Killarney & District Motor Club over €2,000.00 for the closing of roads compared to €65500 in County Cork?**

**Pursuant to notice duly given Cllr. Johnny Rae PROPOSED**

*Why is Kerry County Council charging Killarney & District Motor Club over €2,000.00 for the closing of roads compared to €655.00 in County Cork? The biggest difference on the two bills is in administration costs, € 1064.00 in Kerry and €77.92 in Cork, why is this?*

**The following report issued:**

***In considering any application for a Temporary Road Closure, under Section 75 of the Roads Act 1993, Kerry County Council is obliged to go through various steps before the order is confirmed. These include checking the initial application and corresponding with the Motor Club, liaising with the Drawing Office to ensure that all the road numbers are correct, liaising with the relevant Senior Executive Engineer on the proposed route and detours and inspecting these routes before and after the event, checking the Motor Clubs Safety Statement and insurances and attending meetings, notification of persons about the proposed closure,***

*preparation of the Statutory Notices and then arranging to have these notices inserted into the newspapers in time to allow the statutory process to proceed. Correspondence arising out of these notices, such as objections, as well as all correspondence arising during the process has to be acknowledged and considered.*

*From an exercise carried out some years ago it has been estimated that the total time spent by various staff members on the processing of a Road Closure for a Multi-Stage Rally is in excess of 40 hours. This is a cost to Kerry County Council which has to be paid for.*

*In the case of a Multi-Stage Rally a reduced figure of €1000 is charged against the applicant to cover the extensive level of work involved. This work ensures that the organiser of any Rally is compliant with current regulations and can be confident about running the rally in a safe and efficient manner.*

*The cost of placing the advertisements in the newspaper to summon the intent to close public roads and subsequently to confirm the closure of public roads depends on the size of the advertisement and the paper in which it appears. With Multi-Stage Rallies the advertisements are fairly large due to the number of public roads affected. Local papers are cheaper than National Papers and Kerry County Council use local papers unless time constraints, due to issues outside its control, preclude so doing. In this instance the advertisements were placed with Kerry's Eye and cost approximately €580 each.*

*Cork County Council has confirmed that they base their administration costs on a percentage of the advertising costs. The overall cost for that portion of the Rally of the Lakes which travels over roads in County Cork is €1,123.*

*Over the years, the majority of the travel route for the rally has been on roads in County Kerry, and the Council has an obligation to ensure that the organisers comply with statutory requirements and we are satisfied that every effort has been made to protect the safety of the general public, including local residents on the routes, as well as public infrastructure.*

Cllr. Danny Healy Rae supported the Notice of Motion.

**15. That the Government would substantially reduce the level of excise duty on petrol, diesel and heating oil**

**Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED**

*In view of the enormous hardship being imposed on many businesses, households and individuals by the extremely high cost of petrol, diesel and heating oil, that the Government would substantially reduce the level of excise duty on those fuels*

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this is a matter for consideration by the members.**

Cllr. Gleeson said that in September 2009 a refill of home heating oil cost €510, this increased to €752 in December 2010 and to €859 by March 2011. He said that at a time



of decreasing incomes, this had a huge impact on businesses and on household budgets particularly for the elderly.

Cllr. Danny Healy Rae supported the Notice of Motion and said that Deputy Michael Healy Rae had raised this matter in the Dáil but had not received a positive response.

**16. Protect and safe guard from theft all pieces of public art sponsored by this local authority**

**Pursuant to notice duly given Cllr. Johnny Rae PROPOSED**

*That Kerry County Council would take all necessary precautions to protect and safe guard from theft all pieces of public art sponsored by this local authority. That Kerry County Council would also confirm that all these pieces are adequately insured.*

**The following report issued:**

***Council owned pieces of public art generally are sited in two broad types of location namely (1) town/urban areas where there is some “unofficial surveillance” due to nearby or passing activity and (2) relatively isolated or quiet road network places. Insurance cover at acceptable cost is not readily available for art pieces in either of the types of locations mentioned but we are in discussions with our insurers about the feasibility of providing cover for a small number of valuable and sensitive pieces in town/urban situations. Unfortunately, getting insurance cover for pieces in the other areas is not a realistic insurable proposition because of the extent of risk involved. As well, we are investigating the possibility and costs of some electronic surveillance and depending on the outcome of our review we will consider the use of such equipment where appropriate.***

Cllr. Foley acknowledged this response.

**19. That Kerry County Council would review all rental administrative properties in prime retail space**

**Pursuant to notice duly given Cllr. Matt Griffin PROPOSED**

*That Kerry County Council would review all rental administrative properties in prime retail space, to ensure they are not paying Grafton Street rates in the current market*

**The following report issued:**

***Kerry County Council has approximately 15,000 sq ft of rented office accommodation, accommodating in the region of 80 members of staff. The locations include Manor West, Maine Street, 24 Denny Street and the Ashe Memorial Hall in Tralee along with Farranakilla House in An Daingean. We review our leases on a regular basis and when leases come up for renewal we ensure that the rents being agreed are in line with current market conditions.***

***Kerry County Council has obtained a 10 year planning permission for an extension to our County Buildings Headquarters which would eliminate the***

***need for the majority of the rented accommodation listed above. However, in the current economic climate we are not in a position to advance this proposal.***

Cllr. Griffin said that it was important that Kerry County Council got the best value for money when renting office accommodation.

**21. Kerry County Council to carry out works at the Ballinalane Junction, Ballyhar**

**Pursuant to notice duly given Cllr. John Sheahan PROPOSED**

*That this Council carry out works at the Ballinalane Junction, Ballyhar. Sight lines are severely restricted*

**The following report issued:**

***This Notice of Motion was previously moved at the Killarney Area Meeting, in February 2011, at which the following response was given :-***

***“The main obstruction to the sight line at the Ballinalane Junction, Ballyhar is the structure at the northern corner. The landowner concerned will be contacted and if the land necessary can be acquired by agreement then the location may be suitable for submission to the National Roads Authority for funding under the Regional and Local Road Safety Programme”.***

Cllr. Sheahan asked that Kerry County Council would endeavour to acquire land from the landowner with a view to improving the sight lines.

Cllr. Danny Healy Rae supported the Notice of Motion and asked that road lining would be carried out at this area.

**22. Removal of rock from Ballinakilla burial ground.**

**Pursuant to notice duly given Cllr. Michael Cahill PROPOSED**

*That Kerry County Council would address the huge issue of rock in Ballinakilla burial ground in Glenbeigh.*

**The following report issued:**

***The Council has carried out excavation works in April 2011 which has removed a substantial area of rock from the cemetery. There is ample rock-free ground available in this cemetery.***

Cllr. Cahill acknowledged the reply.

**23. What is the need for the extra intensification of activity by our Planning Enforcement Section**

**Pursuant to notice duly given Cllr. Danny Healy Rae PROPOSED**

*To ask Kerry County Council what is the need for the extra intensification of activity by our Planning Enforcement Section as many people relate that they are being put under severe pressure at the present time by Enforcement Officers.*

**The following report issued:**

***Under planning legislation, any development which is not exempt requires permission. Where permission is not obtained, the development if carried out is unauthorised development , as is a development which is proceeding in breach of conditions laid down in a planning permission.***

***An active Enforcement Unit is critical to ensure that the planning control system works properly for the benefit of the whole community and the laws must apply to all.***

***The public have a legal right to submit a complaint and have it investigated. The public expect that developments in substantial breach of planning conditions are brought before a Court if retention permission is not granted or remedial action taken.***

***Furthermore the Planning Authority has responsibility to prevent damage to the environment, our natural and built heritage and to local communities. Unfortunately, in a lot of unauthorised development cases, this requires the Planning Authority to take enforcement action to seek a Court Injunction, where the Planning Authority have been ignored.***

***The Planning Authority must work towards maintaining public confidence in the planning system and if non-compliance is tolerated, this could result in an even greater amount of breaches of the law.***

***The number of retention applications received for January – April, 2011 by this Authority has increased by 10% on last year's applications.***

***The number of complaints received over the last 3 years also illustrates this fact.***

***2008 - 309***

***2009 - 331***

***2010 - 379***

***The majority of complaints received by the Ombudsman's Office in recent years about planning matters related to enforcement, including the issue of inadequate response to complaints and inadequate resources allocated to planning enforcement.***

***If complaints are found to be trivial or vexatious, these cases are dismissed. In all cases where developers / landowners engage with us, a reasonable time-frame is agreed to have required works carried out or a planning application made.***

***Our enforcement team deal with people with respect but the planning laws must be respected by all our citizens. Blatant disregard will not be tolerated.***

## **24. Traditional right to cut turf**

**Pursuant to notice duly given Cllr. Johnny Healy Rae PROPOSED**

***That we the members of Kerry County Council send a clear message to the Minister for the Environment that the people of Kerry intend to exercise their traditional right to cut turf in order to heat their homes as they've ever done***

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this is a matter for consideration by the members.**

Cllr. Danny Healy Rae supported the Notice of Motion.

**26. Acquire additional land for an extension to the burial ground at Churchtown**

**Pursuant to notice duly given Cllrs. Michael Cahill & JJ Culloty PROPOSED**

*That Kerry County Council would acquire additional land for an extension to the burial ground at Churchtown, Beaufort as a matter of urgency.*

**The following report issued:**

*There has been an average of 14 new graves opened per year in the cemetery at Churchtown Beaufort since the 1st of January 2000.*

*On this basis there is sufficient space available until 2016.*

*The Council is currently in discussions with a landowner about the possible acquisition of a contiguous site.*

**27. Progress made in relation to the Wastewater Treatment Plant in Waterville**

**Pursuant to notice duly given Cllrs. P Connor Scarteen & PJ Donovan PROPOSED**

*That Kerry County Council gives an update on progress made in relation to the Wastewater Treatment Plant in Waterville and urgently requests the Department of Environment to start the project.*

**The following report issued:**

*The Waterville Water and Sewerage Scheme, is being delivered on the basis of two separate contracts, a pipeline contract to provide the required network and a Design Build Operate contract for provision of a Water Treatment Plant and a Sewerage Treatment Plant. The total cost of the scheme is €20.68 million, with the treatment plants element costing €8.7 million. The pipeline contract has already been constructed and the local scheme is benefiting from this new network. The Council has been in on-going discussions with the Department of Environment, Community and Local Government in regard to agreeing provisions for commencement of the contract for the two treatment plants. This contract has already been tendered for and a tender report submitted to the Department. Approval to award the contract was sent to Kerry County Council on 23 December 2010.*

*Negotiations have been taking place with the Department with regard to the extent of the Council's funding contribution towards the scheme under the Department's Water Pricing Policy requirements. Good progress is now being made and we are hopeful that agreement will be reached within a week.*

*In the meantime, background work has been continuing on preparing the legal documentation necessary for a contract signing and legal advice is required and is being obtained on a number of related issues. If these matters are resolved*

***satisfactorily, then we would hope that the standard procedures required would allow a contract to be signed within the following six to eight weeks.***

Cllr. Paul O'Donoghue thanked Kerry County Council for the progress to date and said that the people of Waterville had been waiting for a sewerage scheme for years.

Cllr. PJ Donovan also welcomed the report.

**28. Provide lay-bys and rest areas for truckers and motorists along our national routes**

**Pursuant to notice duly given Cllrs. J Healy Rae & d Healy Rae PROPOSED**

*That we the members ask Kerry County Council to provide lay-bys and rest areas for truckers and motorists along our national routes to assist drivers who need to pull in to take a break, this is very necessary in the interest of safety as it is now widely recognised that tiredness is a major factor causing accidents.*

**The following report issued:**

***The two main National Primary routes in Kerry are the N21 Tralee/Limerick and N22 Tralee/Cork. Tralee is the terminus for each route. As a terminal point there would be no obvious need to provide a rest area for trucks as they have reached their destination point. Rest areas are normally provided along routes and not at the end points.***

***The provision of lay-bys and rest areas along the National Routes is a matter for the NRA. The Authority has a policy statement, which is available on their website, for the provision of service areas and rest areas on motorways and high quality dual carriageways. It has obtained An Bord Pleanála approval for seven service areas nationally but there are no proposals for such facilities in Kerry.***

Cllr. Danny Healy Rae said that he was not satisfied with this reply and asked that this matter would be raised with the NRA.

Cllr. Johnny Healy Rae SECONDED the Notice of Motion.

**11.05.16.17 Correspondence-Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Patrick Connor-Scarteen it was agreed to authorise the attendance of Cllrs. Brendan Cronin, Robert Beasley and Michael O'Shea at the IPA - The Current Challenges Facing Irish Local Authorities in Delivering Effective Customer Service with Ever-Decreasing Resources to be held in the Theatre Royal, Waterford City from 26 - 27 May 2011.
- (b) On the PROPOSAL of Cllr. Tim Buckley, SECONDED by Cllr. John Sheahan, it was agreed to authorise the attendance of Cllrs. Brendan Cronin, John Brassil, Robert Beasley, John Sheahan and Pat Leahy at the Housing Practitioners' Conference 2011 on the theme "Social Housing Reform - New

Directions" to be held in Mullingar Park Hotel, Mullingar, Co Westmeath from 16 - 17 June 2011.

- (c) On the PROPOSAL of Cllr. Patrick Connor-Scarteen, SECONDED by Cllr. Tim Buckley, it was agreed to authorise the attendance of Mayor Pat Leahy at Presentation to Joint Oireachtas Committee on Enterprise, Trade and Innovation by Kerry County Council on Renewable Energy held in Leinster House, Dublin on 18<sup>th</sup> January 2011.
- (d) On the PROPOSAL of Cllr. Tim Buckley, SECONDED by Cllr. Gillian Wharton-Slattery, it was agreed to authorise the attendance of Mayor Pat Leahy at the Annual Daniel O'Connell Commemoration Ceremony held in Dublin on 15 May 2011.
- (e) On the PROPOSAL of Cllr. John Sheahan, SECONDED by Cllr. Gillian Wharton-Slattery, it was agreed to authorise the attendance of Mayor Pat Leahy to attend an event at the Convention Centre, Dublin to celebrate the visit of Queen Elizabeth II to Ireland to be held on 19 May 2011.

#### **11.05.16.18 Correspondence General**

1.	E-mail dated 15 <sup>th</sup> April, 2011, from Friends of the Elderly regarding The Friends of the Elderly Support and Friendship Line.
2.	Letter dated 4 <sup>th</sup> May, 2011, from Iarnród Éireann regarding increasing the capacity of the carriage of cycles on Kerry line trains.
3.	E-mail dated 13 <sup>th</sup> April, 2011, from Carrickmacross Town Council regarding a resolution adopted by that authority opposing Westminster's plans to build 5 new nuclear power stations along the Irish Sea in Britain.
4.	Letter dated 9 <sup>th</sup> May, 2011, from Donegal County Council regarding a resolution adopted by the authority calling on the Government to abolish the Universal Social Charge.
5.	Letter dated 9 <sup>th</sup> May, 2011, from Monaghan Town Council regarding a resolution adopted by the authority calling on the Minister for the Environment to address the cost of rates on commercial properties.

**11.05.16.19 Votes of Sympathy**

**The following votes of sympathy were noted:**

Cllr. Danny Healy-Rae proposed that a vote of sympathy would be extended to the family of the late James P. Healy.

Cllr. Danny Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Patrick Lynch

Cllr. Danny Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Jeremiah Reidy

Cllr. Danny Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Michael O'Shea

Cllr. Danny Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Teddy Hayes

Cllr. Danny Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Michael Dowling

Cllr. Patrick Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late Michael Price

Cllr. Patrick Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late Donie Hartnett

Cllr. Patrick Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late Peter O'Sullivan Keeper

Cllr. Patrick Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late Mary Egan

Cllr. Patrick Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late Nuala Burke

Cllr. Patrick Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late Con Twomey

Cllr. Patrick Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late Padraig Kelly

**11.05.16.20 Matters arising from minutes as confirmed**

No issues were raised

**11.05.16.21 Any Other Business**

The meeting concluded at 16.20 pm

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

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**Mayor of Kerry**