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

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN  
CHONTAE, TRÁ LÍ, AR AN LUAN , 12 MÉAN FÓMHAIR, 2011**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	J.J. Culloty
B. Cronin	P.J. Donovan	T. Ferris
J. Finucane	N. Foley	M. Gleeson
M. Griffin	D. Healy-Rae	J. Healy-Rae
P. Leahy	P. McCarthy	A. McEllistrim
B. Moynihan Cronin	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. M. McMahon, Director of Planning
Mr. J.D. Flynn, Director of Corp. Servs	Mr. O.Ring, Dir Water & Env Servs
Mr. J. Breen, Dir Hsg & Comm & Ent	Mr. C. O'Sullivan, Dir. of Roads
Ms. A. McAllen, Acting Head of Finance	Mr. G. O'Brien, Meetings Adminr.
Ms. D. Griffin, SO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs
Mr. P. Corkery, Press Officer	Mr. P. Stack, SE Planning
Ms. J. McCarthy, SEO Planning	Mr. D. O'Malley, Senr. Exec. Planner
Mr. P. O'Sullivan, A/SO Corp. Affairs	

The meeting commenced at 10.40 a.m.

Mayor T. Buckley took the Chair.

**Vote of Sympathy**

Mayor T. Buckley proposed a vote of sympathy to Mr. John D. Flynn, Director of Corporate Services, on the death of his father.

All members were associated with this vote of sympathy.

**11.09.12.01 Mayor's Report on CPG Meeting held on 6<sup>th</sup> September, 2011**

Mayor T. Buckley read the following report into the record of the meeting:

“Mayor Buckley congratulated Killarney and the Tidy Towns Committee on the wonderful achievement of winning the National Tidy Towns Competition 2011. He also congratulated Listowel, Tralee and the other towns and villages in the county on their results in the competition. He congratulated everybody involved in working with Tidy Towns Committees to achieve these results.

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Cllr. B. Moynihan Cronin supported the vote of congratulations and acknowledged the years of hard work by Killarney Town Council, Kerry County Council and the Killarney Looking Good Committee to achieve this result. This is a great example of the public and Local Authority working together.

All members of the CPG supported the vote of congratulations and agreed that the Mayor would issue a letter of congratulations, on behalf of Council, to the Killarney Looking Good Committee.

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

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

With regard to Item No. 5, Proposed Variation No. 6 to the Kerry County Development Plan 2009-2015 – Core Strategy, Mr. M. McMahon, Director of Planning, outlined that the report on submissions has issued to elected members and is being presented to the September Council meeting for consideration.

With regard to Item No. 8, Revised Procedures for Seeking, Reception and Opening of Tenders, Mr. G. O'Brien, Meetings Administrator, said this procedure is being updated to reflect the manner in which Local Authorities engage in procurement. A detailed report is being presented to the September Council meeting.

Ms. A. McAllen, Acting Head of Finance, said a number of Tenders and Frameworks are advertised at present. These Tenders and Frameworks are governed by EU rules, the closing dates are strict and late tenders cannot be accepted. The Tenders and Frameworks currently advertised are:

<b>Title of Tender</b>	<b>Closing Date</b>
Appointment to a multi-party Framework Agreement for the Supply of Plant Hire & Haulage Services	7th October 2011 at 3.00 pm
Appointment to a multi-party Framework Agreement for the Supply of Road Making Materials	30th September 2011 at 3.00 pm
Appointment to a multi-party Framework Agreement for the Supply of Ready-mix & Concrete Additives	30th September 2011 at 3.00 pm
Appointment to a multi-party Framework Agreement for the Supply of Road Marking Services	30th September 2011 at 3.00 pm
Appointment to a multi-party Framework Agreement for the Supply of Water Treatment & Chemicals	30th September 2011 at 3.00 pm

With regard to Item No. 9, Take over of Fenit Harbour, Mr. T. Curran, County Manager, said Kerry County Council has been in discussions with the Department of Transport regarding Fenit Harbour being transferred into the ownership of Kerry County Council. Following on from the conclusion of a due diligence review a full report is being presented to the September Council meeting with a recommendation that the Council proceed with the take over.

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

Mr. J. Breen, Director of Housing and Community & Enterprise, said the next meeting of the County Development Board was scheduled for Friday, 16<sup>th</sup> September, 2011, but is being rescheduled to early October.

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The next meeting of the Executive of the CDB is scheduled for the afternoon of 6<sup>th</sup> September and among the items for consideration are:

- **Infrastructural Reports**  
It was agreed that the CDB would compile a list of key infrastructural projects in the county and monitor same for progress. It will add its support or lobbying power as and when appropriate.
- **Update on Emergency Response Strategy – Briefing to Council.**  
This will look at the Emergency Response Strategy which has been developed with communities around the county co-ordinated by the Community & Voluntary Forum. The strategy of community resilience and response has been developed more substantially since last year ahead of this year's winter season.
- **Impact of Reduction in Resources for CDB Work Programmes**  
The Executive has been asked to consider and plan for the present and future reductions in resources across all CDB work programmes including RAPID, Kerry Integrated Traveller Strategy, SIM and other sub-groups so that the relevant necessary adjustments can be made in a planned way.
- **Agenda for the September CDB Meeting.**  
Items for discussion at the meeting include:
  - i. Update on SIM
  - ii. Update on Rural Broadband Scheme and Survey
  - iii. Presentation from Local Development Companies on their planning processes and linkages with CDB
  - iv. Childrens Services Committee Workplan – Update
  - v. Discussion on the most effective form of reporting structure back to CDB
  - vi. Responses received from members of CDB to our Review and Co-ordination Template which has been circulated to better plan the work of the CDB.

### **Item 3 Update from Chairs of SPCs - Corporate Plan Review**

All SPCs have undertaken a review of the Corporate Plan and reports from the SPC Chairs will be presented to the September Council meeting.

### **Item 4 Letters of Congratulations**

CPG members agreed that the Mayor would issue a letter of congratulations, on behalf of Council, to the following:

- Winners of the All Ireland Football Championships 2011 – U-16 Kerry Ladies Team
- Winners at the All Ireland Rowing Championships 2011
  - Fossa Senior Mixed
  - Muckross U-18 Girls
  - Portmagee U-14 Girls
  - Portmagee Veteran Mens
  - Sive U-12 Boys
  - Sneem Senior Ladies
  - Templenoe U-16 Girls
  - Templenoe U-14 Mixed

### **Item 5 Proposed SPA Designations under the EU Habitats Directive**

Mr. M. McMahon, Director of Planning, circulated details of proposed Special Protection Area (SPA) Designations in Kerry. He outlined that the European Union's Birds Directive requires member states to protect birds at their

breeding, feeding, roosting and wintering sites. This Directive enables the Minister for Arts, Heritage and the Gaeltacht to designate the most important nature conservation areas as SPAs and to afford them legal protection. As a statutory consultee, Kerry County Council may make observations/objections to the proposals within the timeframes. Any such objections can be made on scientific grounds only.

As the deadline for receipt of observations/objections to the proposal for the River Shannon and River Fergus Estuaries SPA is 7<sup>th</sup> September, 2011, CPG members agreed that Kerry County Council make a submission requesting that consideration be given to reducing the extent of the proposed SPA designation at this location."

Cllr. M. Gleeson, as a member of the Killarney Looking Good Committee, thanked the members for the vote of congratulations to Killarney. He thanked the Mayor for attending the awards ceremony. Taking the time to attend shows the Mayor has an overall concept of the county working together. He acknowledged the co-operative spirit that exists between Kerry County Council and Killarney Town Council and he thanked Cllr. J. Sheahan and Cllr. J.J. Culloty for their physical efforts in improving Killarney and the approach to the town itself. This achievement for Killarney is a message of hope for every town and village in the county. If Killarney can achieve this with the numbers of visitors that pass through it, every town can achieve this. He said he is delighted to see how well Listowel is doing and Tralee also did superbly well. What is particularly gratifying about the Tidy Town Competition is the achievement of a place like Beaufort. In its first time entering the competition it scored magnificently. This must be an invitation to towns and villages who have not yet entered the Tidy Towns Competition. He encouraged all towns and villages to enter the competition as it will enhance their areas, greatly enrich their communities and make life better for everybody. It is a very special award and special competition.

Cllr. R. Beasley congratulated Killarney on its success in the Tidy Towns Competition 2011. He said he visited Killarney in April and saw the work that was done and every month following the improvements that were made in the town. He paid tribute to the people of Killarney, Killarney Town Council, Kerry County Council and the Tidy Towns Committee. He congratulated Listowel, Ballybunion and acknowledged the success of the village of Beaufort. He said there is measurable progress in Listowel and in future hopes to see it win the national award. Voluntary organisations throughout the county must be acknowledged for their contributions to bringing towns and villages up to standard and enhancing tourism in the county. He thanked the Mayor for attending Dublin for the award ceremony. He said he hopes to see the rest of the county improve as time progresses.

Cllr. D. Healy-Rae congratulated the Killarney Looking Good Committee and all involved and he acknowledged the great effort made since earlier in the year. Fr. Murphy has contributed enormously to this win as he did before with wins in Sneem and Kenmare. To thanked all involved, including Cllr. Gleeson, Cllr. Sheahan and Cllr. Culloty and members of the public who gave of their time to ensure the town was tidy. He congratulated other towns and villages, e.g. Currow, who are showing such pride in their place. He said he is sure there will be many more winners coming out of Kerry.

Cllr. P. Connor-Scarteen congratulated Killarney and thanked Kerry County Council and Killarney Town Council for all the work they did. He said Cllr. Gleeson also did great work. There is great community spirit in Killarney. It was Beaufort's first year

entering the competition and they did very well. Killorglin hopes to enter next year and hopefully they too will do well. Killorglin entered the Pride of Place competition this year. Fr. Murphy must be acknowledged for the fantastic contribution he made. He won with Sneem in 1990, Kenmare in 2000 and Killarney in 2011. It is a great tribute to the county that every entrant went up in points. He congratulated Kenmare on retaining its silver medal.

Cllr. J. Sheahan congratulated Killarney on its success in the Tidy Towns Competition. He acknowledged the huge effort made by everyone. The Tidy Towns Committee and business people made great efforts and did great work. It was this commitment and effort which made the difference at the end of the day.

Cllr. B. Cronin said as Chair of the Environment SPC he wished to compliment and congratulate Killarney on winning the national Tidy Towns Competition. He congratulated the Killarney Looking Good Committee, volunteers, businesses and households. Every person played a huge part. He also complimented the jarveys. In the broader sense, he complimented villages across the county. The evidence of their work is in the results. All those participating went up in results. Beaufort did very well too, with great work on the approach roads. Great credit is due to everyone concerned and everyone should keep up the good work.

Cllr. B. Moynihan-Cronin said she wished to be associated with the remarks on the tremendous achievement by Killarney. She paid tribute to Ms. Yvonne Quill and Fr. Murphy. Success seems to follow Fr. Murphy. She paid particular gratitude to the volunteers and the members of Killarney Town Council and Kerry County Council for their work. The standards in the county have risen in general. This has made the people of Killarney very aware of litter. Everyone is making an effort to pick up litter because Killarney is beautiful and has been enhanced by this. She encouraged everyone to keep up the effort in the hope of another Tidy Towns Award next year.

Cllr. J. J. Culloty said this is a great result for Killarney. It has taken a number of years to get to this result. It was a great privilege to be involved. The more people that get involved the better. Young people being involved will keep this ethos with them forever. It becomes infectious to be involved and it brings great awareness to people. It makes a great difference to the town.

Cllr. P. Leahy congratulated and complimented Killarney and Listowel. It was great publicity to see the towns on television. He complimented all the towns and villages who did so well in the competition. It is a wonderful achievement for the county.

Cllr. G. Wharton-Slattery congratulated Killarney. She said she had the honour of being in Dublin on the day to accept the silver medal for Tralee. It is a great success for the whole county and is as a result mostly of the volunteer work that is done.

Cllr. M. Cahill said he wished to be associated with the comments. It shows what individuals, groups and organisations can do by working together. He acknowledged the role of the Town Councils and Kerry County Council and the personnel they put at the disposal of the community groups as well as equipment and funding. He thanked all Councillors, town and county for their interest in the different areas. It should be noted that it is a great achievement to improve by just 1 point in this competition. The results are achieved from the effort of everyone working together.

Mayor T. Buckley said he wished to be associated with the speakers comments. It was a great day for Kerry. Kerry is a premier tourist destination and these results augur well for the county. Long may it continue.

#### **11.09.12.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. A. McEllistrim, it was resolved that the Minutes of the July Ordinary Meeting of Kerry County Council held on 18<sup>th</sup> July, 2011, be confirmed.

#### **11.09.12.03 Reports in accordance with Section 179(3) of the Planning & Development Act, 2000, Part VIII of the Planning & Development Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006**

- (a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the construction of a demountable unit one bedroomed dwelling with appropriate effluent treatment facilities at Fahavane, Kilflynn.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J. Healy-Rae it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the construction of a Water Treatment Plant, associated site works and access road in the townland of Coomnahornan West - Caherdaniel Water Supply Scheme.
- (c) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. B. Moynihan Cronin it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the Construction of a Water Treatment Plant, associated site works and an access road in the townland of Baile na bhFionnúrach, Baile na nGall, Tralee.
- (d) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. M. Cahill it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the proposed construction of a car park to facilitate access to the MacGillycuddy's Reeks, which includes the construction of a junction at the intersection of the car park access road and the L-4010 Local Primary Road; a 62m long x 7m wide access road; the provision of approximately 26 no. car parking spaces; 1 no. hardcore access track, 2m in width approximately; storm water drainage and all other ancillary and accommodation works in the townland of Breanlee, Glencar, Co. Kerry.

#### **11.09.12.04 Disposal of Property**

- (a) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. J. Brassil, it was agreed to approve the disposal of 4 No. unsold affordable dwellings at Sraid Thaidhg, Cliff Road, Ballyheigue under a five year lease to Clúid Housing Association in accordance with the terms of notice issued 30<sup>th</sup> August, 2011, pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning & Development Act 2000 and Article 206 of the Planning & Development Regulations 2001.

Cllr. J. Brassil thanked the Housing Department for the efforts made in resolving issues with this housing scheme. 4 No. affordable houses were available but because of the conditions of the market it was impossible to get buyers. The Housing Department made sure there was a way to get people living in these houses as soon as possible. With the persistence of the Housing Department a result was achieved. He congratulated the Housing Department on the innovative way they got Clúid on board. The houses will be ready for leasing in the next couple of weeks. He said he hopes they will be occupied no later than the end of October. He said he greatly appreciates the efforts of the Housing Department.

- (b) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the disposal of plot of land measuring approximately 0.021 acres at Greenane, Templenoe, to (Name & Address withheld for data protection purposes), in accordance with the terms of notice issued 1<sup>st</sup> September, 2011, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning & Development Act 2000.

#### **11.09.12.05 Proposed Variation No. 6 to the Kerry County Development Plan 2009-2015 – Core Strategy**

Mr. M. McMahon, Director of Planning, referred elected members to report dated August, 2011, regarding Variation No. 6 of the Kerry County Development Plan 2009-2015. He outlined the report as follows:

##### **“1.0 PROPOSED VARIATION**

Kerry County Council intends to make a 6<sup>th</sup> 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).

##### **2.0 REASON FOR THE PROPOSED VARIATION**

The Planning and Development (Amendment) Act 2010 amends Section 10 of the Principal Act by introducing the requirement of a *“Core Strategy which shows that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Spatial Strategy and regional planning guidelines”*.

Section 19 (2B) of the 2010 Act indicates the need to analyse adopted plans for their consistency with the Core Strategy. Where inconsistencies exist, planning authorities are required to vary/amend their plans accordingly.

This Variation addresses the following issues:-

1. The Core Strategy
2. River Basin Management Plans
3. Water Framework Directive
4. Flood Risk Management Guidelines
5. Other minor incidental amendments including the insertion of a definition of 'commercial' into the Plan.
6. The deletion of paragraph 3.7.12 of the County Development Plan 2009-15.

### 3.0 PUBLIC CONSULTATION

In accordance with Section 13 (2) of the Planning and Development Act 2000 (as amended) notice of the proposed variation was published in the Kerry's Eye newspaper inviting observations and submissions. Copies of the 6<sup>th</sup> variation were put on display from the 30th of June 2011 to the 28th of July 2011.

### 4.0 STATUTORY BODIES

Under Section 13 (2) of the Planning and Development Act 2000 (as amended) the planning authority is required to consult the prescribed authorities listed under Part 3 Section 13 of the Planning and Development Regulations 2001 (as amended).

### 5.0 SUBMISSIONS RECEIVED

There were 11 no. submissions received. This report which has been prepared in accordance with Section 13 of the Planning & Development Act 2000, as amended by Section 10 of the Planning & Development (Amendment) Act 2010,

- (a) Lists submissions and observations made by the Minister and other bodies and persons,
- (b) Summarises the issues raised and,
- (c) Outlines the recommendations in relation to issues raised in submissions and how they are to be addressed in the Development Plan.

It is important that members, in considering this report, have regard to the aim of achieving a sustainable, evidence based Core Strategy based on population targets, associated housing land requirement and the optimal use of social and physical infrastructure."

Mr. P. Stack, Senior Engineer Planning, outlined the submissions received, responses to the submissions and the recommendations:

***"Written Submission No. 1***

**The Planning System & Spatial Policy  
Unit, on behalf of the Department of  
Environment, Community & Local  
Government, Custom House, Dublin.**

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#### ***Submission***

The DoECLG advises that the differences between Tables 2.2 and 2.3-2.5 be explained and similar figures given for 2022 although it is noted that the County Development Plan covers the period until 2015.

It is suggested that some estimate of the residential use that is likely in mixed use zonings be contained within the report.



It is noted that the variation is closely aligned with the South West Regional Planning Guidelines (SWRPGs) however further articulation of various elements specifically RSS-06 & 07 is recommended. It recommends strong controls on urban generated housing in rural areas.

### **Response**

The figures as shown in Table 2.2 are the SWRPG population allocations and projections based on the four specific geographic areas, while Tables 2.3-2.5 are based on the Functional Area format as defined in the Kerry County Development Plan. The geographical areas may vary, however the difference in population allocation and projection is negligible.

The Kerry County Development Plan covers the period 2009-2015 and the Core Strategy covers the period up to 2016. The next County Development Plan will include a new Core Strategy to cover the period 2015-21. It is considered that the inclusion of figures up to 2022 would not add to the Core Strategy and are likely to be reviewed in the light of the recently published preliminary Census figures.

The Department considers that the Core Strategy complies with the SWRPG and all future County Development Plans and FALAPs will comply with relevant policies and objectives contained therein.

With regard to strong controls on urban generated housing in rural areas, Kerry County Council considers that the policies for rural development as set out in the County development Plan (section 3.8.) are adequate to control further development in rural areas.

Regarding the estimated residential yield in a mixed used area it is considered that some of the residential need will be met in these zones. The number of units and the amount of land zoned will be determined at the time of preparation of each Functional Area Local Area Plan, which are to be reviewed in the light of the adoption of the Core Strategy.

### **Recommendation**

It is recommended that the last sentence in Paragraph 2 of section 2.10.8.3 be omitted:-

~~Consequently, mixed used sites have not been included when calculating the total amount of land zoned for residential development..~~

and replaced with the following,

*It is anticipated that some of the residential need will be met in these zones, however the actual quantum of need to be met will be determined by the size of the individual settlement in each Functional area and will be determined at the preparation stage of each Local Area Plan.*

(In this Report the ~~strikethrough~~ indicates the recommended deletion and the *blue italic* indicates the recommended addition).

It is recommended that an additional footnote be included in Table 2.5:-

*\*\*\*, Housing Yield relates to residential zoned land - may be reduced at local area level where there is mixed use zoning.*

**Written Submission No. 2**

**Director, South West Regional Authority  
(SWRA), Innishmore, Ballincollig, Co. Cork.**

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### **Submission**

The Authority is satisfied that the policies and objectives set out in the Core Strategy of the Development Plan are consistent with those contained in the Regional Planning Guidelines and with the requirements of the Planning & Development Act 2000-2010.

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It is recommended that paragraph 2.10.3.1, 2.10.8.1 and 2.10.8.2 of the Core Strategy be changed and the wording slightly altered.

Section 2.10.3.1; General policies and specific objectives are framed *provided* so to guide planning authorities in the region *are consistent with the RPG's* in the identification and implementation of these aspects in the development of their own core strategies.

Section 2.10.8.1; The average household size is predicted to be 2.6 persons per unit. The proposed density, ~~in accordance with the regional guidelines~~, is 12 units per hectare.

Section 2.10.8.2; In accordance with *the requirements of the* RPG, population ~~growth has targets have~~ been distributed between the County and the Town Councils as shown in Table 2.4.

Clarification is required regarding the 50% additional headroom and the housing yield/density as set out in Column D of table 2.5.

Additional text is required in paragraph 2.10.11.4 explaining the rural housing policies in the orange and yellow areas highlighted in Map 2.3.

It is suggested that in paragraph 11.4.7 clarity is required as to what is meant by 'high or moderate risk of flooding'.

It is recommended that a policy or statement be included within the Core Strategy regarding the principles of a sequential approach to zoning land. It should be clearly demonstrated, that the identification of proposed zoned lands has been subjected to sequential testing and that an assessment has been made whether these lands are serviceable.

### **Response**

It is considered that the changes recommended (section 2.10.3.1, 2.10.8.1, 2.10.8.2) are appropriate and better reflect the guidelines.

The Core Strategy has set out zoning criteria which will be used in deciding the extent and location of proposed zonings in the County. The sequential approach has been clearly highlighted as criteria for land use zoning.

Additional headroom of 50% is included in the land requirement to allow for the provision of competition, the avoidance of market monopoly and non availability of zoned lands. The housing yield on residential zoned land relate to the potential number of houses available at a density of 12 units per ha. The densities used in the Town Councils vary from 6-30 units per ha. Further breakdown of these figures are contained in each of the Town Councils Core Strategy's. (Listowel Low(6-10), Medium(8-12), Tralee average 25, Killarney 30).

In relation to Map 2.3 and section 2.10.11.4 it is considered that the policies for the "orange" (Stronger Rural areas) and "yellow"(Weaker rural areas) are set out in sections 3.8.6 and 3.8.7 of the County Development Plan 2009-15.

It is considered that 'high or moderate' risk of flooding refers to Zones A and B as defined in the publication "The Planning System and Flood Risk Management, Guidelines for planning Authorities" OPW 2009.

### **Recommendation**

It is recommended that the following amendments be made to section 2.10.3.1:-

General policies and specific objectives are framed *provided* so to guide planning authorities in the region *are consistent with the RPG's* in the identification and implementation of these aspects in the development of their own core strategies.

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It is recommended that the following amendments be made to section 2.10.8.1:-

The average household size is predicted to be 2.6 persons per unit. The proposed density, in accordance with the regional guidelines, is 12 units per hectare.

It is recommended that the following amendments be made to section 2.10.8.2:-

In accordance with the *requirements of the* RPG, population growth has *targets have* been distributed between the County and the Town Councils as shown in Table 2.5.

It is recommended that a footnote is amended in Table 2.5:-

\*; Figures supplied by the Town Councils. *Density varies from 6-30 units per ha.*

It is recommended that additional text be included in paragraph 11.4.7:- (PAGE 11-22)

Zone/designate land for development in areas with a high or moderate risk (*Zone A & B*) of flooding only where it can be clearly demonstrated, on a solid evidence base, that the zoning or designation will satisfy the justification test set out in the Planning System and Flood Risk Management Guidelines (DoEHLG 2009).

### **Written Submission No. 3**

**Department of Education & Skills,  
Portlaoise Road, Tullamore, Co. Offaly.**

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#### **Submission**

The new population allocation targets for the settlements require additional educational infrastructural. Sites should be reserved in Tralee and Killarney. For the remainder of the county existing schools should be capable of catering for the increase in pupil numbers.

#### **Response**

Noted.

### **Written Submission No. 4**

**National Roads Authority,  
Waterloo Road, Dublin 4.**

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#### **Submission**

The NRA attaches particular importance to the network of national roads continuing to play the intended strategic role in catering for inter urban and regional transport requirements that will serve Ireland's return to economic competitiveness. It considers that specific reference should be made to support the objective of maintaining and protecting the safety and efficiency of the national roads.

It notes that no reference has been made to the Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities published by the DoEHLG. The Authority advises that there is some inconsistency between tables 2.2, 2.3 and section 1.4 regarding population projections.

The NRA requests that the following be added into section 2.10.5.7:-

*and the requirement to safeguard levels of safety, capacity and efficiency of the national road network and investment in the network.*

The zoning criteria makes no reference to the management of traffic generation and trip demand or to the objective of safeguarding the primary function of the national road network to continue to facilitate strategic traffic. Criteria used to determine future zoning should include an assessment of the impact of proposed zoning designations on safety, efficiency and capacity of the road network to ensure compliance with the Spatial Planning and National Roads (draft) Guidelines for Local Authorities.

Objective INF 8-9 should be amended to include *f) have regard to the Spatial Planning and National Roads (draft) Guidelines for Local Authorities in plan preparation and in the assessment of planning applications.* (PAGE 8-2)

**Response**

**It is considered that the changes recommended are appropriate and better reflect the legal requirements and guidelines.**

Regarding the inconsistency between Tables 2.2, 2.3 and Section 1.4 relating to population projections see the response to submission No.1.

**Recommendation**

It is recommended that the following changes be made:-

The following shall be inserted in Paragraph 1.1.6 of the Kerry County Development Plan 2009-15:- (PAGE 1-2)

*Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities; DoEHLG 2010.*

Section 2.10.5.7 to now read as follows:-

The remaining 50% will be distributed to smaller settlements and rural areas. This will secure the development of vibrant towns and villages capable of servicing rural communities, and will accommodate locally generated demand for housing in rural areas. In distributing population growth outside the district town there will be an emphasis on sustainable development in smaller settlements *and the requirement to safeguard levels of safety, capacity and efficiency of the national road network and investment in the network.*

Objective INF 8-9 should be amended to include *f) have regard to the Spatial planning and National Roads (draft) Guidelines for Local Authorities in plan preparation and in the assessment of planning applications.* (PAGE 8-2)

**Written Submission No. 5**

**Environmental Protection Agency,  
Inniscarra, Co. Cork.**

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**Submission**

The Agency acknowledges receipt and the content of the variation. It advises compliance with current legislation. Attention is brought to the new SEA Regulations,

- European Communities (Environmental Assessment of certain plans and programmes)(Amendment) Regulations 2011.
- Planning & Development (Strategic Environmental Assessment)(Amendment) Regulations 2011.

**Response**

Kerry County Council is satisfied that the variation complies with current legislation and notes the new SEA Regulations.

**Recommendation**

**No amendment required.**

**Written Submission No. 6**

**Mid West Regional Authority,  
Abbey Street, Nenagh, Co. Tipperary.**

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**Submission**

The receipt of the variation is acknowledged with no further comment.

**Response & Recommendation**

**No amendment required.**

**Written Submission No. 7**

**Dublin Airport Authority,  
Head Office, Dublin Airport,  
Co. Dublin.**

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**Submission**

The receipt of the variation is acknowledged with no further comment.

**Response & Recommendation**

**No amendment required.**

**Written Submission No. 8**

**Office of Public Works,  
Trim, Co. Meath.**

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**Submission**

The OPW would welcome the inclusion of a countywide Flood Risk Assessment into the County Development Plan. This assessment should be to the appropriate level of detail as outlined in the Planning Guidelines and the inclusion of planning principles when zoning area specific development, which shall incorporate the sequential approach while applying an appropriate justification test.

The OPW welcomes the reference to the Planning System and Flood Risk Management Guidelines for Planning Authorities in the variation and the strategic policies as outlined in pages 26 – 29.

**Response**

The issues raised in the submissions are adequately addressed by way of the proposed section 2.10.7 zoning criteria and the existing and proposed amendments to section 11.4 of the County Development Plan 2009-15. The Core Strategy does not include the specific zoning of land but sets out zoning criteria for future Local Area Plans.

**Recommendation**

**No amendment required.**

**Written Submission No. 9**

**Kerry County Development Board,  
Office of Director of Community &  
Enterprise Manor Complex, Tralee.**

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**Submission**

This is a broad ranging submission containing a wide range of planning, economic, social and cultural issues. The Co Development Board type of approach recognises that collaboration with agencies and other Government Departments is important to ensure improved social

infrastructure planning and delivery, and that this is underpinned by civic and community involvement. The submission is laid out under a number of headings:

**1. Kerry CDB should work in partnership with the Planning Department.**

**2. Evidence Based Planning**

The Co Development Board welcomed the fact that a pillar of the Core Strategy is that it is an *evidenced based plan*. However concern was expressed that population projection figures may need further analysis at a local level. The initial figures from the CSO regarding vacancy level is worrying and local emigration figures need to be factored in the planning process.

**3. Zoning for Light Industry**

In the interest of sustainable communities provision has to be made for appropriate light industry, close to smaller villages. Individual local circumstances should be considered. It is important that the villages do not just become commuter satellites. Contact should be made with the various development agencies and local development groups to establish local need.

**4. Cultural Attachment**

The submission notes the cultural attachment in Ireland to local area/parish and points to the need for an analysis of local services to underpin decisions on the capacity of an area to accommodate further development.

**5. Community Infrastructure Provision**

The submission highlights the need for the provision of community infrastructure such as childcare, schools and community facilities commensurate with the size of settlements. It also highlights the need for suitable use of such facilities for the maximum benefit of the local community.

**6. Transport**

In considering any plan the transport needs have to be considered. The problems of economic dependency, isolation and unequal opportunity are compounded by distance from services and amenities. The absence of an adequate transport service in many areas makes it difficult for people to avail of training and education, employment, and local social, health and retail services. Thus, the provision of transport is a major priority for those living in rural areas especially in the context of a tendency towards service concentration in larger centres.

**7. A Living Countryside**

A concern was expressed that with a trend towards urbanisation that rural isolation will increase. The reduction of population in areas already sparsely populated increases the unit cost of service delivery to such areas and weakens the investment potential for private sector economic development.

**8. Tourism**

The submission emphasises the importance of tourism to the county and the need to deal with unfinished estates/developments so that they do not become an eyesore.

**9. Reference the Social Strategy Report**

The submission draws attention to the Social Strategy Report prepared for the Tralee/Killarney Hub as a template for collaborative planning.

**10. Reference "A Manifesto for Rural Communities"**

The submission indicates the Boards intention to draw on the community charter prepared by Carnegie UK Trust to engage with the Planning Authority on future LAPs.

**Response**

The Planning Authority welcomes the submission of the County Development Board and its commitment to engage proactively with the Council in the review of future Local Area Plans.

**Recommendation**

**No amendment required.**

**Written Submission No. 10**

**Irish Wind Energy Association,  
Naas, Co.Kildare.**

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**Submission**

The IWEA acknowledge the receipt of the variation and state that they have already commented on the Kerry County Development Plan 2009-15. It notes that further comments are limited. It welcomes the inclusion of recently published documents in the variation and Kerry County Council intention to review its wind energy strategy in the near future. It recognizes that Kerry County Council has adopted a very progressive outlook on the renewable energy sector and commends the Council for their continued support to the renewable industry.

**Response**

Noted

**Recommendation**

**No amendment required.**

**Written Submission No. 11**

**An Taisce, Kerry Branch.**

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**Submission**

An Taisce would be in agreement generally with the variation. It considers that the population figures given seem to be over-optimistic and do not reflect the present rate of population rise in Kerry as set out in the 2011 census.

**It states that there are 19,932 empty houses in the county, these comprise of holiday homes and “ghost estates”. It is recommended in Sect. 2.10.8.3 that the number of unoccupied dwellings is taken into consideration when reviewing residential zoning and it would be desirable to prioritise their use.**

With regard the Rural Area types, it considers that the ‘Areas under Strong Urban Influence’ shown on the maps appear rather small. Many of the houses in the ‘Stronger Rural Areas’ adjoining would also be ‘urban generated’, with the residents commuting to the town to work. It is to be hoped that there will be more control in the future regarding the distinction between town and country particularly in the Hub Area.

**Response**

The population figures are in accordance with the provisions of the Planning and Development (Regional Planning Guidelines) Regulations 2009 [S.I 100 of 2009] the National and Regional Population Targets prepared by the Department of the Environment, Heritage and Local Government. These figures are prescribed for the purposes of establishing projected population trends to inform settlement and housing strategies. The RPG set out population growth targets for the county as a whole and specifically for the Kerry Hub. It is a statutory requirement that the planning authorities comply in full with the regional guidelines in these respects. *It should be*

*noted, therefore, that the population targets and the quantum of land to be zoned are predetermined and cannot be exceeded.*

Regarding the amount of vacant/unfinished dwellings it is noted that the Land requirement at local area level may need to be adjusted downwards where there is a significant number of unoccupied dwellings in the area.

The Rural area types are created from “evidence based” research and analysis being carried out into population and development trends in rural areas. The development control standards as set out in Chapters 3 and 13 of the County Development Plan 2009-15 are considered sufficient to cater for development in a sustainable manner.

### **Recommendation**

**No amendment required.”**

Mr. P. Stack, SE Planning, outlined the Manager’s Recommendations as follows:

#### **“MANAGERS RECOMMENDATIONS**

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- **It is recommended** that the last sentence in Paragraph 2 of section 2.10.8.3 be omitted,  
~~Consequently, mixed used sites have not been included when calculating the total amount of land zoned for residential development.~~

and replaced with the following,

*It is anticipated that some of the residential need will be met in these zones, however the actual quantum of need to be met will be determined by the size of the individual settlement in each Functional area and will be determined at the preparation stage of each Local Area Plan.*

- **It is recommended** that an additional footnote be included in Table 2.5:-  
*\*\*\*; Housing Yield relates to residential zoned land - may be reduced at local area level where there is mixed use zoning.*
- **It is recommended** that the following amendments be made to section 2.10.3.1:-  
General policies and specific objectives are framed *provided* so to guide planning authorities in the region *are consistent with the RPG’s* in the identification and implementation of these aspects in the development of their own core strategies.
- **It is recommended** that the following amendments be made to section 2.10.8.1:-  
The average household size is predicted to be 2.6 persons per unit. The proposed density, ~~in accordance with the regional guidelines,~~ is 12 units per hectare.
- **It is recommended** that the following amendments be made to section 2.10.8.2:-  
In accordance with the *requirements of the RPG*, population ~~growth has~~ *targets have* been distributed between the County and the Town Councils as shown in Table 2.4.
- **It is recommended** that a footnote is amended in Table 2.5:-  
*\*;Figures supplied by the Town Councils. Density varies from 6-30 units per ha.*
- **It is recommended** that additional text be included in paragraph 11.4.7:- *(Page 11-22)*  
Zone/designate land for development in areas with a high or moderate risk (*Zone A & B*) of flooding only where it can be clearly demonstrated, on a solid evidence base, that the zoning or designation will satisfy the justification test set out in the Planning System and Flood Risk Management Guidelines (DoEHLG 2009).



- **It is recommended** that the following shall be inserted in Paragraph 1.1.6 of the Kerry County Development Plan 2009-15:- (PAGE 1-2)

*Spatial Planning and National Roads (Draft) Guidelines for Planning Authorities; DoEHLG 2010.*

- **It is recommended** that Section 2.10.5.7 will now read as follows:

The remaining 50% will be distributed to smaller settlements and rural areas. This will secure the development of vibrant towns and villages capable of servicing rural communities, and will accommodate locally generated demand for housing in rural areas. In distributing population growth outside the district town there will be an emphasis on sustainable development in smaller settlements *and the requirement to safeguard levels of safety, capacity and efficiency of the national road network and investment in the network.*

- **It is recommended** that Objective INF 8-9 should be amended to include *f) have regard to the Spatial Planning and National Roads (draft) Guidelines for Local Authorities in plan preparation and in the assessment of planning applications.* (PAGE 8-2)

***It is recommended that the proposed 6th Variation of the Kerry County Development Plan 2009-2015 be made, subject to the further amendments set out above."***

Mr. M. McMahon, Director of Planning, said the Manager's recommendations draw together the recommended changes throughout the report. It is recommended that the Core Strategy be adopted subject to minor amendments as listed in the report.

Cllr. D. Healy-Rae asked if the "adjacent townland" rule is dealt with in the Core Strategy.

Mr. M. McMahon said the proposal to delete "adjacent townland" is included in this report. If the Core Strategy is adopted Section 3.7.12 of the County Development Plan 2009-2015 will be deleted.

Cllr. D. Healy-Rae said there is extra allowance for 50% headroom for lands that are zoned. He asked if there is any allowance for lands which are not serviced and if not, can an allowance be made for that. It has happened quite a lot that lands are zoned residential and can never be serviced.

Mr. M. McMahon said in the Core Strategy a sequential approach has been included for deciding what land should be zoned. A criteria is whether lands are serviced already or whether they could be serviced. In Local Area Plans a decision will have to be made as to whether or not to de-zone land and this is one of the issues to be taken into account.

Cllr. D. Healy-Rae asked if the decision will also be taken at that time regarding the amount of land to be zoned being spread around so one developer will not have a monopoly.

Mr. M. McMahon confirmed that this is the case.

Cllr. D. Healy-Rae said the County Development Plan is too restrictive in relation to commercial and light industrial where local people have a bit of land and perhaps a shed and they want to change the use of it so they can work on something themselves. Kerry County Council should be helping locals who are trying to create work for

themselves or 2-3 other people. It is important that this be addressed. He referred to an announcement made during the week regarding restrictions on farmers, i.e. that they will have to apply for planning to do certain works. It is not yet clear what this will involve. He asked if the Planning Department has received notification regarding this from the Department of Agriculture.

Mr. M. McMahon said correspondence has not been received on this proposal. He said based on information from the press he understands what is proposed is the exemptions are being revised downwards.

Cllr. D. Healy-Rae said any further restrictions on farmers should be deplored at the present time. It is a hardship on the farming population.

Cllr. J. Sheahan welcomed submission No. 8 from the OPW regarding the inclusion of a countywide Flood Risk Assessment into the County Development Plan. He said he has a Notice of Motion regarding this matter on the agenda.

Cllr. T. Ferris requested clarification on the deletion of paragraph 3.7.12 and said she cannot see how that will alleviate the problems with planning in rural areas. Paragraph 3.7.12 states the term 'immediate locality' shall be interpreted as 'at a minimum from the adjoining townlands'. Without a definition in the County Development Plan applicants will not be granted planning permission. She asked for advice on what wording could be used to overcome the scandalous scenario where a niece of a landowner was refused planning permission in an area where the sites are in-fill sites. What wording can be inserted to allow people with a connection to an area to get planning permission. It is also the case that the landowner might not have children of their own and would like some member of their family to be accommodated. By removing paragraph 3.7.12 it will be making it even more difficult.

Cllr. J. Brassil said he has the same concern regarding paragraph 3.7.12 and asked if removing this paragraph will make it even more difficult for people to get planning permission. He said he would like to hear the Planning Department's analysis on this.

Cllr. M. Gleeson said he has spoken frequently about flooding and will speak on it when Cllr. Sheahan's Notice of Motion is being considered.

Cllr. B. Cronin referred to zoning for light industrial and said he would be in favour of this. Individual circumstances should be considered. Residential is being accommodated but not light industrial for employment creation. It is very important to recognise that it is only commuter villages that are between Tralee and Killarney. There is a requirement for an amendment regarding light industrial zoning. The County Development Plan says a small enterprise must locate in an existing industrial estate. An individual trying to set up would need up to €700,000 to purchase a unit within those estates. That is substantial money for a 2-3 person business. There are small industries in the county that must be accommodated. He sought clarification regarding the Planning Authority's comment that it will "engage positively". He said his experience is that it is difficult for people to get planning permission in such cases.

Cllr. Cronin said there is an ever increasing problem where there are existing vacant houses and many are for sale. Purchasers see the need to apply for planning permission as a huge hindrance. We must look positively on those cases, particularly where the house is built and people are in financial trouble.

Cllr. P. McCarthy referred to the 'adjacent townland' issue and said while the intention of the clause was well meant, it is causing difficulties for people. He said serious consideration must be given to this very difficult and painful issue for families who are born, reared and living in the county and want to rear their family where they were born and reared. The County Development Plan is not addressing this issue. Young people are not responsible for bad planning and they should not suffer because of it. As a Council consideration must be given to this as there is a lot of pressure to explain why people living in rural areas are being held responsible for the decisions made in the past.

Cllr. B. Moynihan-Cronin supported Cllr. McCarthy's comments. This is causing difficulty for people and communities. Loneliness is a huge issue in rural areas and if young people are not allowed to live in rural areas there will be no young families there and there will be a diminishment of social activity in rural areas. This is a people issue and the needs of the people of the county must be taken into consideration. Social issues must be taken into account.

Cllr. A. McEllistrim said some people have two parcels of land. The farm they live on and an out farm. She asked if somebody has an out farm can they get priority if it is in their name for a long time. Consideration should also be given to that.

Cllr. J.J. Culloty supported Cllr. McCarthy's comments. There are people with a right to live in the country areas but because of mistakes with planning in the past they are suffering. He said he believes a lot of the unoccupied houses will never be occupied. The number of planning applications being made has reduced so the amount of people to be catered for is very small. Some form of parish rule should be put in place to cover the locality of the applicant.

Cllr. J. Healy-Rae said his understanding is that the townland rule is being removed and it will not impede with a planning permission from here on.

Cllr. T. Ferris said the variation will only delete paragraph 3.7.12 and her understanding is the definition will be left to the interpretation of the planner. She said she believes if 'adjoining townland' is removed from the County Development Plan planners will say people will have to be from the actual townland.

Cllr. D. Healy-Rae said members were led to believe that someone 'from the parish or greater parish' would be used instead of a townland or neighbouring townland. He asked what wording is replacing 'adjacent townland'.

Mr. M. McMahon said two special planning meetings were held this year at which considerable time was given to this issue and a report was presented to the July Council meeting. He said he is surprised to hear reference to "parishes" today. The report to the July Council meeting highlighted the difficulties with a parish rule for a number of reasons, for example, members are aware of the difficulties regarding G.A.A. parish rules. There are three definitions of 'parish' at present. He said he advised at the July Council meeting that any attempt to insert a wording referring to a parish would cause total and absolute confusion and his understanding is that was generally accepted by the members because of the difficulties that could arise with the three definitions of parish.

Mr. McMahon said the County Development Plan provides that a person's needs for housing in rural areas will be judged in accordance with the Ministerial Guidelines for Sustainable Rural Housing. These guidelines provide that people with a genuine need to live in a rural area or have ties to a rural area are entitled to planning permission subject to normal criteria. Considering the time period of the census Kerry County Council was providing sufficient planning permission for the population growth in this county in one off houses alone, excluding planning permissions granted in towns and villages and planning permissions granted by the Town Councils. Over 50% of the houses in this county are located in rural areas. The townland rule was inserted by the elected members. The Draft Development Plan that was put before Council included maps which are now being inserted because the Planning Authority is required to do so and they set out specific policies for granting permission. The townland rule was a Kerry solution to a Kerry problem to avoid mapping, however, it raised confusion. He said he thinks it did not add anything to the plan and he recommended it be removed. It is a matter for each applicant to demonstrate to the Planning Authority their need to live in an area and their ties to an area.

The downturn in the number of planning applications for rural housing has nothing to do with restrictive conditions in planning permission or making applications. It is arising from the economy in the country at present. Genuine people who are looking for planning are being granted planning permission and he had provided statistics on planning permissions granted in 2011.

In regard to nieces and nephews, the County Development Plan provides for the "favoured" niece or nephew. This was debated in length when the County Development Plan was being considered for adoption. Sons and daughters of landowners will be given priority and where there is no son or daughter then the "favoured" niece or nephew who is likely to inherit the land will be given priority. That has not changed.

Regarding queries on light industrial zoning, there is a considerable amount of land in rural areas and attached to settlements zoned for light industrial. The Functional Area Plans will be reviewed and it is the intention of the Planning Authority, as was the practice in the past, to zone land within settlements for employment opportunities and light industrial. There are provisions in the County Development Plan to support home-working where all other planning criteria can be met and the Planning Authority is satisfied the development will not affect the residents of adjoining properties. One of the difficulties experienced in this situation, however, is where there are a lot of residents it can lead to difficulties between neighbours, particularly regarding noise if the business is a success. There are huge difficulties at times with planning enforcement when that occurs. There are clear policies in the County Development Plan to support home-working and there are also policies which support re-use of derelict farms, etc. There is no bar in the County Development Plan for light industrial development in rural areas.

Cllr. T. Ferris asked what is the implication of removing paragraph 3.7.12.

Mr. M. McMahon said in his view it is of no advantage to have paragraph 3.7.12 in the County Development Plan as it has created difficulties. If an applicant is from the area and they have a need to live in the area, this is the criteria which should be judged. Paragraph 3.7.12 has created confusion in the past.

Cllr. T. Ferris said from her reading it is the national guidelines that created 'immediate locality'. She asked if there can be some reassurance given that the planners will not restrict the 'immediate locality' with the removal of paragraph 3.7.12.

Mr. M. McMahon said the guidelines provide a clear objective or presumption that persons who have a need to live in the countryside or have ties to the countryside come within the criteria and with all other things being equal will get planning permission. The Rural Housing Guidelines provide for this. Planning permission for over 1,000 one-off houses has been granted in the county over the last few years.

Cllr. T. Ferris said she is not happy to remove paragraph 3.7.12 without an explanation of where 'immediate locality' comes from.

Mr. M. McMahon said paragraph 3.7.11 of the County Development Plan 2009-2015 sets out definitions in terms of Primary Special Amenity Area, Secondary Special Amenity Area and Rural General Area. With regard to Secondary Special Amenity Area the applicant shall demonstrate a genuine rural employment need. Or the applicant's family shall have lived in the immediate locality prior to January 1998 with the applicant having been reared in the locality. That is where 'immediate locality' comes from. The wording that was adopted by the members in the County Development Plan was "at a minimum people from the adjoining townlands" as a definition of "immediate locality".

Cllr. B. Cronin asked what is the position regarding where a 7 year occupancy clause is provided and a house is being sold. He asked if that can be alleviated.

Mr. M. McMahon said at the last special planning meeting it was agreed the named occupancy clause would be changed. The occupancy clause on new planning permission is no longer a named occupancy clause. With regard to retrospective cases, the difficulty is that there is no provision in legislation to amend a condition of planning permission other than by way of a new planning permission. If you have a named occupancy clause the route to be followed is to get retention planning with an occupancy clause. A number of these applications have been dealt with and the Planning Authority has tried to be as positive as possible. Any person contemplating purchasing a house with such an occupancy clause is advised to contact the Planning Department in relation to retaining the house if they can satisfy the Planning Authority that they have a genuine need to live in the area.

Cllr. T. Ferris asked if a letter could be issued by the Planning Authority to say that a development is broadly in compliance with those conditions rather than go through a retention application.

Mr. M. McMahon said the difficulty with a lot of these applications is that some of these houses would not have been granted planning permission except for the circumstances of the applicant making the application. In some cases the Planning Authority went to great lengths to grant planning permission. It is accepted that the house is now built and the objective must be to get the house occupied. There is an amount of vacant houses in rural area and likewise the objective must be to get these houses occupied. Such houses cost less than purchasing a greenfield site and building. The occupancy clause cannot be overcome by issuing a letter. The purchaser must contact the Planning Department and it will endeavour to get those applications processed promptly.

Cllr. D. Healy-Rae said adopting the Core Strategy variation will remove the townland rule. He asked will a person who is living 3 or 4 miles from the family farm get planning and if the removal of the townland rule will help this applicant. He asked if alternative wording will be put in place. With regard to the occupancy clause he said he asked

previously that people who found themselves in the unfortunate position that they had to sell their house would be allowed to sell to someone locally before the bank sold it anyway. He said he has raised this time and again.

Mr. M. McMahon said the Planning Authority has been dealing with this for the last 2-3 years. Elected members will be aware of very difficult cases that have been dealt with in this regard. The Planning Department is anxious to resolve such cases as much as possible and genuine rural need will be dealt with.

Cllr. J. Finucane welcomed the removal of the townland rule and said the parish definition is confusing. The commitment to sons and daughters and favoured niece and nephew is welcome and positive. With regard to the residency clause, due to immigration people have had to leave and sell their houses. There are a lot of people in such difficulty.

There are two issues. The first issue relates to the quality of the agents advising people to make applications. There are agents who are not of a particular quality and they have advised people to make submissions and planning applications and there is amazement when it is refused. Agents should have to apply to be an agent for this Authority and provide professional insurance every year. The level of some agents is being tolerated by the Planning Authority. Each bank has a list of surveyors and engineers and they apply to be on that list. The Planning Authority should have a similar process. It is a key issue in the process. The second issue is that if there is no indication of a difficulty at a pre-planning meeting that should be signed off on by the planner to give general guidance to the applicant. Addressing those two issues would deal with a huge amount of the problems.

Cllr. J. Brassil agreed with Cllr. Finucane regarding agents and said the Planning Authority should have a similar policy. Such a policy is in place for septic tank assessors for percolation areas. Some of those assessors are not performing well and they should be removed from the list. If the assessor is on the list people assume they are capable of doing the job. The debate about one-off housing has been going on for a long time in this county. There are 34,000 one-off houses in this county. The issue is not the quantity of one-off houses but the number of houses that are unoccupied.

Forthcoming legislation regarding septic tanks and assessment of same in the coming year or so will provide an ideal opportunity for this Council and the Planning Department to do a complete audit of one-off houses in this county to determine the one-off that is occupied, those that are holiday homes and those that are unfinished. This audit would provide evidence based figures. The assessment of septic tanks should be broadened to capture this information. Council would then be better able to amend the County Development Plan to get people living in houses that are already built.

Cllr. M. Gleeson said it is a long time since he called on the Council to purchase unoccupied houses. Unoccupied houses very quickly become derelict. He asked how big a problem will the new guidelines regarding septic tanks be on people who intend purchasing unoccupied houses.

Mr. M. McMahon said there should not be a problem with a house built in accordance with the planning permission.

Cllr. B. Cronin said Variation 6 regarding the Core Strategy has been on public consultation. 11 submissions have been received and there has been no extremely negative objection. He PROPOSED the adoption of the proposed variation to the County Development Plan 2009-2015.

Cllr. N. Foley said agents should also encourage applicants to undertake pre-planning meetings and at least people would know whether an application is worth making or not.

Cllr. D. Healy-Rae asked if the townland rule was being removed and what is replacing it.

Mr. M. McMahon said the townland rule will not be replaced. Paragraph 3.7.12 which is causing confusion is being deleted. As such the Core Strategy is replacing the townland rule as the mapping is included. Up to now these maps were not in the County Development Plan.

Cllr. M. Cahill suggested that the Planning SPC consider a number of issues raised today which going forward will be difficult for members and applicants: (1) The issue whereby families have to sell the family home. (2) The number of vacant houses. The Planning SPC should liaise with the Housing SPC regarding the Long Term Leasing Scheme. (3) A special meeting was held regarding development levies. This is an area which must be revisited. Price of sites has dropped so much that the development levy is nearly the same as the asking price for a site.

Cllr. P. O'Donoghue said if the townland rule is deleted any bit of certainty is removed as it then becomes a matter of the interpretation of the planner. There should be some definition as to what the requirement should be. There has to be some certainty given to the applicant rather than it being totally at the discretion of the planner.

Mr. M. McMahon said at the debate on the adoption of the County Development Plan everyone was aware of areas that are totally overdeveloped, whether they are on a map or not. Irrespective of what policy is in the County Development Plan a judgement must be made as to whether those areas can deal with further development. It was agreed that any additional capacity would be retained for land owners because of areas under urban pressure. An applicant must prove ties to an area or a need to live in the area.

Mr. G. O'Brien, Meetings Administrator, said a vote would now be taken on the following resolution:

"On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. McCarthy we the Members of Kerry County Council hereby resolve to make proposed Variation No.6 (in relation to the Core Strategy) to the Kerry County Development Plan 2009-2015 subject to the further amendments set out in the Managers Report."

A vote was taken which resulted as follows:

**For:** Cllrs. Brassil, Cahill, Connor-Scarteen, Cronin, Donovan, Finucane, Foley, Gleeson, Leahy, McCarthy, McEllistram, O'Brien, O'Shea, Purtill, Sheahan, Wharton-Slaterry, Buckley **(17)**

**Against:** Cllrs. Culloty, Ferris, D. Healy-Rae, J. Healy-Rae, Moynihan-Cronin, O'Donoghue **(6)**

**Not Voting: (0)**

**Absent:** Cllrs. Beasley, Fitzgerald, Griffin, O'Connell **(4)**

The Mayor declared the Resolution CARRIED.

**11.09.12.06 Nomination of a Candidate to contest the Presidential Election 2011**

Cllr. J. Brassil said four candidates attended the July Ordinary Council meeting, each candidate was given the opportunity to speak and a vote was taken on a Vote of Intention. He said he was delighted to have the privilege to propose Ms. Mary Davis for the Vote of Intention at the July Council meeting and the result of the vote was that Ms. Davis was awarded a Vote of Intention by Kerry County Council. He PROPOSED Ms. Davis now be nominated as a candidate to contest the Presidential Election 2011.

Cllr. B. Cronin SECONDED this proposal.

Cllr. T. Ferris said this presidential election has shown, more than any election, the undemocratic process people overcome to run for the presidential election. Ms. Davis already has support. She said in protest against the undemocratic nature, particularly in Local Authorities, where there is a block on candidates she would be abstaining from this vote.

Cllr. J. Finucane said the Fine Gael party will not obstruct any candidate and will be abstaining from the vote.

Cllr. T. Ferris said Fine Gael did not assist any candidate. She said she accepts the nomination of Ms. Mary Davis.

Cllr. J. Brassil said democracy is to make a proposal, second it and vote on it.

Cllr. N. Foley referred Ms. Davis has secured two nominations from Local Authorities. It is a disservice to say she has secured her nominations. We can only stand over what we do in this Council Chamber. Any other person was free to canvass the 27 members of Kerry County Council. Very few made a personal approach to ask each Councillor to vote. As a courtesy to this Council Chamber Ms. Mary Davis met each elected member.

Cllr. P. O'Donoghue acknowledged Cllr. Ferris's reservations and said it is a terribly restrictive system and it allows for exclusivity. Mary Davis did canvass for a vote. The more candidates in the presidential election the better variety people have to choose from when voting.

Mr G. O'Brien, Meetings Administrator, said a vote would now be taken on the following:

"On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. B. Cronin, we the members of Kerry County Council hereby resolve to nominate Mary Davis, St. Fintan's, Strand Road, Sutton, Dublin 13 as a candidate to contest the Presidential Election 2011.



The result of the vote was as follows:

**For:** Cllrs. Beasley, Brassil, Cahill, Cronin, Culloty, Foley, Gleeson, D. Healy-Rae, J. Healy-Rae, Leahy, McEllistrim, Moynihan Cronin, O'Donoghue, O'Shea, Wharton-Slattery **(15)**

**Against:** **(0)**

**Not Voting:** Cllrs. Connor-Scarteen, Donovan, Ferris, Finucane, McCarthy, O'Brien, O'Connell, Purtill, Sheahan, Buckley **(10)**

**Absent:** Cllrs. Fitzgerald, Griffin **(2)**

Mayor T. Buckley declared the resolution CARRIED.

**11.09.12.07 New Polling Scheme for County Kerry in accordance with the provision of the Electoral Act 1992, Electoral (Amendment) Act 2001 and the Electoral (Polling Scheme) Regulations 2005**

Cllr. P.J. Donovan sought clarification regarding Ballinskelligs polling station.

Cllr. P. O'Donoghue said there is no polling station listed for Ballinskelligs on new polling scheme.

Mr. J.D. Flynn, Director of Corporate Services, said this is a typing error. There is a polling station at Ballinskelligs.

Cllr. M. O'Shea asked when the new scheme comes into effect.

Mr. G. O'Brien, Meetings Administrator, said the new scheme comes into effect from 1<sup>st</sup> December, 2011. He said a vote would now be taken on the following:

On the PROPOSAL of B. O'Connell, SECONDED by Cllr. J. Finucane, we the members of Kerry County Council hereby resolve to adopt the new Polling Scheme for County Kerry (to commence on 1<sup>st</sup> December 2011) in accordance with the provision of the Electoral Act, 1992, Electoral (Amendment) Act, 2001 and the Electoral (Polling Scheme) Regulations 2005.

The vote resulted as follows:

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

**Against:** **(0)**

**Not Voting:** Cllr. Cahill **(1)**

**Absent:** Cllrs. Fitzgerald, Griffin, McEllistrim **(3)**

Mayor T. Buckley declared the resolution CARRIED.

### **11.09.12.08 Revised Procedures for Seeking, Reception & Opening of Tenders**

Cllr. P. O'Donoghue asked if the Local Authority is prevented from publishing those who tendered and the prices after a tender has been opened and a successful tender determined. He said it would be more transparent to publish the tenders and the prices and the unsuccessful tenderers. He PROPOSED this amendment.

Cllr. T. Ferris agreed with Cllr. O'Donoghue and SECONDED this amendment.

Mr. C. O'Sullivan, Director of Roads & Transportation, said procedures are prescribed under the Department of Finance requirements. All tenderers are notified as to who was awarded the contract and the prices that were received, not the exact amount per contractor because of commercial sensitivity. Kerry County Council has to work within the requirements of the Department of Finance guidelines. Before the contract is awarded, after tenderers have been notified, there is a period for an objection regarding the award of the contract.

Cllr. P. O'Donoghue asked if there is a specific provision preventing the publication of unsuccessful tenderers.

Mr. C. O'Sullivan undertook to check this.

Mr. G. O'Brien said the document circulated deals with the receipt and opening of tenders. Once tenders are opened they go to various sections within Kerry County Council. Clarification on publishing the unsuccessful tenderers will be sought.

Mr. T. Curran, County Manager, asked Cllr. O'Donoghue what information exactly he wished to have published.

Cllr. P. O'Donoghue said publish on the website the prices the unsuccessful tenderers made do not publish the names. That would be commercially sensitive.

On the PROPOSAL of Mayor T. Buckley, SECONDED by Cllr. J. Finucane, it was agreed to note the Revised Procedures for Seeking, Reception & Opening of Tenders.

### **11.09.12.09 Takeover of Fenit Harbour**

Mr. T. Curran, County Manager, referred elected members to his report which had been circulated. He said Tralee and Fenit Harbour currently operates under the provisions of the Harbours Act 1946 and is managed by the board of the Harbour Commissioners. In 2005, the then Department of Communications, Marine and Natural Resources carried out a review of Regional Harbours in the State and concluded that Regional Harbours would best achieve their potential through their transfer to Local Authority ownership. While Tralee and Fenit Harbour was included in this review, being a Regional Harbour, it was decided at that time, that any Harbour where there was significant commercial traffic consideration would be given to bringing these harbours under the control of a Port Company. The Shannon-Foynes Port Company was suggested as the body to subsume Tralee-Fenit Harbour Company. However, this amalgamation was never proceeded with.

The State currently owns 10 separate Port Companies and, as part of Government Policy, these are now being examined with a view to reducing its number as part of a rationalisation programme, as it is felt that it is not tenable for

many of these to continue to operate as autonomous entities. Tralee-Fenit Harbour, therefore, is now being reviewed.

In September 2010, the Department of Transport invited all interested parties to make a submission in this regard. The Department of Transport, now responsible for Harbours, contacted Kerry County Council in November, 2010, to commence discussion on the future of the Tralee-Fenit Harbour Company and the possibility of it being transferred into the ownership of Kerry County Council. Part V of the Harbours Act 1996 made legal provision of such a transfer. Under Section 87 & 88 of the Act, the Minister for the Marine may, by order, with the consent of the Minister for the Environment in respect of the scheduled Harbour Authorities, transfer all of the property, rights and liabilities of a Harbour Authority and every member of their staff to whichever of the following the Minister for the Marine considers appropriate, namely:

- (i) The Council in whose functional area the harbour of the harbour authority is situate, or
- (ii) Any other Local Authority in whose functional area the said Harbour is situate;  
Under Section 88 of the 1996 Act, on the commencement of an Order to transfer the property, rights and liabilities of a Harbour Authority to a Local Authority, the relevant Harbour Authority shall stand dissolved.

Following initial discussions with Officials of the Department of Transport it was, agreed that it would be prudent for Kerry County Council to carry out a *Due-Diligence* review of the Harbour.

Over the past number of months, I have engaged the services of independent consultants to carry out this Due-Diligence Review, to advise on:-

- (a) The structural integrity of the Piers and its surrounds;
- (b) On the legal, financial, staffing and management issues;

At this stage, the structural review has been completed and while much work has been carried out on the remaining matters, some further information and clarifications from the legal and accounting advisors for the Harbour Authority are in the course of being prepared and assessed at the time of writing. I wish to record my gratitude to the Harbour Authority for the full co-operation that the Council has been getting in relation to the Due-Diligence Review.

#### **(a) Structural**

While acknowledging that upwards of €3.9m was provided to Tralee-Fenit Harbour from Central Government, over several years to 2010 for improvement works and a further €636,000 allocated in 2011, mainly to carry out dredging works in the Harbour, our Consultants Report state that further repair works are necessary to satisfy current operational requirements, maintain the structural integrity of the main structures and maximise the lifespan of the structures and the Harbour as a whole. The estimated cost of these works is put at €1.5m.

The Department of Transport, by letter of 19<sup>th</sup> August, 2011 has agreed to provide this level of funding €1.5m, over 2 years 2012 & 2013.

While acknowledging and welcoming this commitment from the Department of Transport, the members need to be aware, as with any piece of infrastructure, there will be a need for further funding for maintenance work into the future and a demand for some Harbour dredging every 3/4 years. The external financial review directs particular attention to the cost implications of the dredging programme, and that grant

aid may not be available for this in the future. Therefore, it will be necessary to provide in the region of €50,000/annum into a sinking fund from any trading surpluses that may become available.

**(b) Legal, Financial, Staffing, Management, etc.  
Services Provided at Fenit Pier**

The following services are provided by the Harbour Authority:

- Berthing facilities for:
  - Commercial shipping – this includes shipping dues and cargo dues. Currently this is entirely related to the activities of Liebherr(Ireland) Ltd. (“Liebherr”) which exports cranes through the port.
  - Leisure craft in the Harbour Authority Marina. Charges apply to private boats moored in the marina and historically the marina has been well utilised.
  - Fishing vessels. Docking fees are charged to these vessels.
- Crane hire – again related to Liebherr
- Open storage – primarily related to Liebherr
- Sales of Marine Gas Oil to leisure boats in the Marina and fishing vessels.

An analysis of the revenue income associated with these services amounting in all to approx. €0.548m for 2010 indicates that 59% arises from activity related to Liebherr - this clearly points to the very heavy reliance on one customer and on the business wellbeing of that company. A further 28% came from the marina. Some 11% came from the sales of the Marine Gas Oil but this is essentially a break even activity. Only 1% is attributable to the fishing vessels reflecting the very serious downturn in the fishing sector across the state in recent years.

**Turnover Overview**

An analysis of the Turnover versus Expenses of the Harbour Authority over the past four years clearly shows that the financial operating position is challenging. As regards the future, indications from Liebherr are optimistic for the next year or so at least and this will benefit the Harbour Authority. As well, Liebherr is establishing a new workshop at the pier on land leased from the Harbour Authority giving rise to much needed additional rental income. Owing to the completion of the dredging in the inner harbour, income from the marina is expected to show an increase for 2011 over 2010.

The Little Samphire Lighthouse was transferred recently to the Harbour Authority by the Commissioners of Irish Lights and this, allied to The Brendan Heritage Park, offers opportunities for the development of tourism including marine related leisure activities in the harbour area.

Tralee & Fenit Harbour is run by a voluntary board of 11 elected members which includes five Councillors. This board meets on a monthly basis.

The day to day business is managed by a Harbour Manager with administration and operational support staff:

- 5 full-time
- 3 part-time (including Harbour Manager)
- 2 voluntary staff

Were the assets and liabilities of the Harbour transferred to Kerry County Council, the full-time and part-time staff would transfer over to Kerry County Council and become employees of Kerry County Council.

The Board of Commissioners would all resign and the Harbour would be managed under the Roads & Transportation Directorate, where the responsibility for all Piers and Harbours lie.

The current position of Harbour Manager is filled on a part-time basis, and were this Council to accept the transfer of the Harbour, it will be necessary to recruit a full-time Harbour Manager or assign someone to the position. The current Harbour Manager is agreeable to continuing for a short-term in the intervening period.

### **Conclusion and Recommendation**

At a time when the Council is under financial pressure to maintain our existing core services, I would be concerned about the financial implications of taking on any additional activity which has the potential to add to our existing net costs. Achieving a net cost neutral operation of the Tralee and Fenit pier and harbour programme will be challenging, particularly in these difficult financial times. On the other hand, the Council's Planning Policies recognise the potential of Fenit Harbour for local economic development.

On balance, I recommend that the Council agree to the transfer as proposed by the Department of Transport, Tourism and Sport including the grant allocation mentioned earlier with the objective that the transfer be at a net neutral cost to the Council. This will entail optimising the income from all possible sources and close attention to all costs, maximising synergies with the Council's existing services. My recommendation is predicated on the premise that no material difficulties will arise from the work yet to be completed on the Due Diligence review mentioned earlier – none are expected at this stage. The handover will be effected by Ministerial Order transferring the property, rights, and liabilities and every member of staff of Tralee and Fenit Pier and Harbour Commissioners to Kerry County Council. The tenure of the existing harbour board will end when the Ministerial Order takes effect. Subject to the Elected Council's agreement to the transfer, 1<sup>st</sup> October 2011 is being identified as the target transfer date. If the transfer is approved, the operations would be integrated fully into the Council's work programmes and be managed by Mr. Charlie O'Sullivan, Director of Services for Roads and Safety.

Cllr. J. Finucane welcomed the Manager's Report. He said he is Vice-Chairman of the Fenit Harbour Board and Cllr. McCarthy and Cllr. Foley who are Harbour Commissioners. When the Department sought alternatives for Fenit, it was suggested it would come under Shannon Foynes/Limerick Authorities. There was huge concern that Fenit would be removed from control within Kerry. Many activities have been developed to a high standard, e.g. the Marina. The Lighthouse is also being transferred with potential for further development. He complimented the County Manager on the securing of €1.5m funding from the Department of the Marine. The Harbour Board did a great job over the last number of years. It is a major amenity area for Tralee and the county. He paid particular tribute to the staff of Fenit Harbour. This is a unique facility in a beautiful location with many leisure facilities attached to it. The alternative is that Kerry would lose control and its input to the harbour. He PROPOSED that the Manager's Report be accepted and that Kerry County Council take over Fenit Harbour.

Cllr. P. McCarthy SECONDED this proposal.

Cllr. N. Foley referred to the Manager's Recommendation and said it is part of Kerry County Council's planning policy to recognise the potential and significance of Fenit and local economic development. It is an incredible resource with incredible potential.

For the record, she declared that she is a Harbour Commissioner. It is a position for which there is no remuneration. She said she supports the take over of the harbour.

Cllr. A. McEllistrim said it is better that the harbour is controlled locally and it is good to have it under the remit of the Local Authority. Fenit Harbour has great potential. Everything possible must be done to progress Fenit and ensure it succeeds.

Cllr. B. Cronin said this matter was debated at the CPG meeting last week. Fenit Harbour is also of huge importance to the Killarney Electoral Area. He said he has examined the report from the County Manager. The take over of the harbour is a serious undertaking particularly in the current financial climate. In making an assessment and considering the whole project the assets versus the liabilities must be considered. The County Manager did a very comprehensive assessment. Subject to no difficulties arising with the work to be completed on the Due Diligence review he asked that this proposal would be supported because this is a county issue. The growth of the most important employer, Liebherr, in the Killarney area must be protected. Fenit Harbour is the gateway for this company. The assets are present in marine tourism. Liabilities will follow in the ongoing months and upkeep. It is a necessity for Kerry County Council to take over Fenit Harbour.

Cllr. B. Moynihan-Cronin supported the proposal to take over Fenit Harbour. The main reason being the security of jobs in the Killarney area. It is vital that nothing jeopardises the company's use of the harbour. She asked if the recruitment embargo will affect the recruitment of a new Harbour Master.

Mr. T. Curran, County Manager, said he discussed this with the Department and it is one of the conditions of taking over the harbour. There is an understanding that Kerry County Council can recruit.

Cllr. P. O'Donoghue supported the proposal and said Fenit Harbour facilitates huge employment for the county and industry. He said he would be happier if the due diligence review was completed, however, he trusts in the County Manager's monitoring of the situation going forward. He said he has had several motions regarding other harbours in the county. Fenit is a well-regulated harbour. He asked when Bye-laws will be finalised for other harbours. The most rapidly increasing industry is cruise liners. A number docked at Cobh with 2,000 passengers. He asked discussions be held with Fáilte Ireland to try to involve Fenit Harbour.

Cllr. T. Ferris welcomed the takeover of Fenit Harbour. Much emphasis is placed on Liebherr and the employment it provides in the county but it is unwise to limit the customer base at the harbour. She supported the development of tourism potential at the harbour. In revising the Fenit Area Plan, a review of development on the west of the pier is required. She said she understands the Harbour Board will be stood down on October 1<sup>st</sup>. One of the things that was most helpful was that there were representatives elected by the fishermen and the leisure craft users on the Harbour Board. She said she hopes there will still be a sub-structure where these groups can have a voice as while the fishing industry may be in decline there is a substantial number of people in the Fenit locality totally dependent on the industry that happens out of Fenit harbour. Oyster fishing, the Oyster Society and the fishermen must be supported and encouraged to develop. There may be some increase in that industry. Consideration must be given to having a representative from these areas on a subgroup.

Cllr. D. Healy-Rae said he supported the County Manager's recommendation. He said he believes it is very important that Kerry County Council support the take over of Fenit Harbour, especially with the realisation that it is very important for employment in Killarney. It is a very onerous responsibility Kerry County Council are taking on and it must be ensured into the future that the harbour operates efficiently, especially in light of Leibherr who provide large employment to the county. Fenit Harbour is Leibherr's access to the world and it is important for its survival.

Cllr. J. Sheahan welcomed the proposal to take Fenit Harbour in charge. It is a very progressive move. He said he looks forward to seeing Fenit Harbour and Leibherr prosper.

Cllr. J. Finucane said the Harbour Board has been giving working towards securing the docking of cruise ships at Fenit and has been in contact with alternative energy companies regarding wave power. There will be full-time staff at the harbour which will be of benefit to other harbours in the county. Other activities are being considered for the harbour area.

Cllr. J. Brassil asked if the recommendation is predicated on there being no difficulties in the due diligence report.

Mr. T. Curran, County Manager, said he would prefer to have the final report, however, it is unlikely there will be any difficulties arising from the review. There have been tight financial levels in the last years and the Harbour needs a full-time manager proactively looking for other business as has been done in the past. He said he is quite satisfied with financial and staffing issues. If any huge liability is exposed he said he will revert to Council immediately. It is not intended to set up a sub-committee but any existing bodies will be consulted and the Harbour Master will operate closely with those bodies.

Mr. G. O'Brien, Meetings Administrator, said a vote would now be taken.

On the PROPOSAL of Cllr. J. Finucane, **SECONDED** by Cllr. P. McCarthy, that we the Members of Kerry County Council hereby resolve to take in charge Fenit Harbour.

The vote resulted as follows:-

**For:** Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, Culloty, Cronin, Donovan, Ferris, Finucane, Foley, Gleeson, Griffin, J. Healy-Rae, Leahy, McCarthy, McEllistrim, Moynihan-Cronin, O'Connell, O'Donoghue, Purtill, Sheahan, Buckley **(22)**

**Against: (0)**

**Not Voting: (0)**

**Absent:** Cllrs. Fitzgerald, D. Healy-Rae, O'Brien, O'Shea, Wharton-Slattery **(5)**

Mayor Buckley declared the resolution **CARRIED**.

**11.09.12.11 Nominee to attend the 85<sup>th</sup> Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd.**

Cllr. J. Finucane PROPOSED that Cllr. B. O'Connell be nominated to attend the 85<sup>th</sup> Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd.

Cllr. L. Purtill SECONDED this proposal.

Cllr. J. Brassil PROPOSED that Cllr. R. Beasley be nominated to attend the 85<sup>th</sup> Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd.

Cllr. T. Ferris SECONDED this proposal.

Mr. G. O'Brien, Meetings Administrator, said a vote would now be taken.

The results of the vote were as follows:-

**O'Connell:** Cllrs. Connor-Scarteen, Cronin, Donovan, Finucane, Gleeson, Griffin, Leahy, McCarthy, Moynihan-Cronin, O'Connell, Purtill, Sheahan, Buckley **(13)**

**Beasley:** Cllrs. Beasley, Brassil, Cahill, Culloty, Ferris, D. Healy-Rae, J. Healy-Rae, McEllsitrin **(8)**

**Not Voting:** **(0)**

**Absent:** Cllrs. Fitzgerald, Foley, O'Brien, O'Donoghue, O'Shea, Wharton-Slattery **(6)**

Mayor T. Buckley declared that Cllr. B. O'Connell is nominated to attend the 85<sup>th</sup> Ordinary General Meeting of Irish Public Bodies Mutual Insurances Ltd. to be held in Dublin on Wednesday 21<sup>st</sup> September, 2011.

**11.09.12.13 Presentation on Community Emergency Response Strategy**

Mr. J. Breen, Director of Housing and Community and Enterprise, said Ms. S. Griffin would make a presentation on the activities of the Kerry Community and Voluntary Forum work on a Community Emergency Response Strategy. Over 500 groups are registered with the Community and Voluntary Forum and as a result work is being done in a number of areas regarding community networks and a community response in severe weather conditions. A conference was held last year on work that was done and considering how the community is harnessed in an emergency situation. The community is a great resource. Funding of €19,000 is available per annum to run a forum for over 500 groups. The Community and Voluntary Forum is working on putting greater resilience in place particularly for severe weather conditions.

Ms. S. Griffin, Kerry Community and Voluntary Forum, said the Kerry Community Communications Project is a simple, innovative project. Communities had to react to the severe weather last winter. The goal of the Communications Network Project is to ensure that in the event of a public emergency, community communication channels are formally in place and members of the network are able to notify individuals of appropriate action within their communication channels. Ms. Griffin outlined the following in her presentation:-



- Background to the project
- Partnership between the Community Sector, Local Authority & Emergency Services
- Steering Group Agreements
- Developing a Community Communications Network Conference
- Review of Conference
- Conference Outcomes
- Meeting of Main Stakeholders
- Local Network Development
- Services at Local Level
- Example of Local Organisation
- Structure of Local Organisation
- Measures required going forward
  - Source most appropriate models for community response.
  - Highlight project at local area community meetings.
  - Continue the information campaign & provision of brochures
  - Agree training at local level.
  - Finalise resource materials, e.g. Visitation pack.
  - Roll out project in other areas in the county

Cllr. M. Gleeson thanked Ms. Griffin for the presentation and asked information brochures are available and if they could be provided at social welfare offices and other local centres.

### **Suspension of Standing Orders**

As it was 1.30 p.m. it was agreed, on the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. T. Ferris, to suspend standing orders in order to finalise consideration of this presentation.

Cllr. M. Cahill complimented Ms. Griffin on her presentation and the work of the Community and Voluntary Forum. There will always be emergencies, the key is to be as prepared as possible. With the resources available there is tremendous work being done. The conference in October last year was a great success and work done already is proving very good. There are so many groups and it is great to see them coming together and working efficiently. He acknowledged the role of Radio Kerry during the last period of severe weather and said for many people it was the connection with the outside world.

Cllr. P. Connor-Scarteen thanked Ms. Griffin for the presentation. Great work is being done and it is great to get all the community groups working together. Radio Kerry was a great source of information for people as was the Council website. He acknowledged the work being done in the pilot areas and asked that the project be rolled out to the rest of the county as soon as possible along with the circulation of information brochures.

Cllr. R. Beasley congratulated Ms. Griffin on her presentation and said this is a very worthwhile programme. Given the weather conditions over the last two winters community groups should make contact with Siobhan Griffin and the Community and Enterprise Department and they will be assisted.

Cllr. D. Healy-Rae thanked Ms. Griffin for the presentation and said great work is being done. With regard to Castlemaine Community Centre, is asked if the work could be undertaken to ensure the pipes do not freeze as they did last winter.

Mayor T. Buckley thanked Ms. Griffin for an excellent presentation and acknowledged the wonderful work being done by the Kerry Community and Voluntary Forum. In the last 2 winters we have pulled things together and helped people.

The meeting adjourned at 1.40pm.

The meeting resumed at 2.50pm.

### **11.09.12.10 Corporate Plan Review – Reports from the Chairs of the Strategic Policy Committees**

#### **Planning & Development SPC**

Cllr. P. McCarthy said the Kerry County Council Corporate Plan 2009-2014 was reviewed by the Planning & Development Strategic Policy Committee at its meeting on 7<sup>th</sup> March, 2011. A full report was circulated to elected members. In relation to the strategic objectives of the plan it was noted that:

- Local Area Plans have been completed for the functional areas of Castleisland, Kenmare and Killorglin.
- Conservation grants for works on protected structures to the value of €109,000 had been distributed.
- Pre-planning meetings continue to be provided with 418 meetings during 2010.
- Appropriate measures and systems are in place to deal with unauthorised development.

#### **Roads & Transportation SPC**

Having regard to the provisions of Section 134 (11) of the Local Government Act 2001, the Transport SPC considered a report from the Director of Roads Transport and Safety, at its April meeting on the annual review of the Directorates Objectives, as adopted in our Corporate Plan, for 2010. A full report was circulated to elected members. The key outcomes for 2010 are as follows:-

- Construction of N21 (Castleisland By-Pass) complete and opened to traffic in 2010
- Acquisition of lands commenced for N22 (Tralee By-Pass and Tralee – Bealagrellagh Road), Archaeological Testing and Tender process for construction commenced.
- Final Route Selection for the N22 (Killarney – Farranfore Road) on-going.
- 13 Km of National Secondary Roads upgraded
- 162 km of existing Regional and Local Roads and 14 km of existing national roads improved. Safety improvement works carried out at 17 locations
- € 36.8 million invested in the maintenance and improvement of the existing road network in 2010
- Approved 2010 Roadworks programme complete and all grant aid drawn down
- Engineering and Economic Appraisal for Listowel By-Pass complete.
- CPO for Tarbert/Ballylongford Road confirmed in May 2010 and negotiations commenced for land acquisition.
- Part VIII approved for An Daingean Relief Road (Phase II) and land acquired.
- Negotiations successfully concluded for the acquisition of lands to construct the Kenmare Eastern Relief Road
- Strong representations made for retention of Kerry – Dublin flights and commitment received on maintaining PSO for Kerry Airport
- Blue Flag regained for Maherabebeg Beach in 2010 – 13 Blue Flag beaches maintained

- Construction of Breakwater for Knightstown Harbour substantially complete - Consultants retained for development of marina
- Views commenced on a number of Value for Money initiatives on the procurement of plant hire goods and services.
- Increase in on-line motor transactions - 41.6 % of motor tax transactions are on-line (compared to 36% in 2009 and 32.17% in 2008). Proactively promoting on-line facility in Killarney one stop shop and the Motor Tax office.

### **Housing & Social Support SPC**

Cllr. B. Moynihan Cronin said the Housing and Social Support directorate prepares an operational plan on an annual basis which sets out the objectives of the directorate for the year. The operational plan refers to the strategic objectives of the Corporate Plan prepared in accordance with the Local Government Act 2001 as adopted by Council. A full report was circulated to elected members. The key outcomes for 2010 which have been considered by the members of the SPC are as follows:

- Development and implementation of Rent Arrears and Mortgage Policies.
- South West Framework Homelessness Action Plan prepared and adopted.
- Preparation and adoption of updated Anti-Social Behaviour Policy.
- Processing of over 800 individual grant applications and allocation of €4.062m of grant funds to improve living conditions.
- Upgrading works and energy efficiency measures carried out in 97 dwellings resulting in significant energy cost savings for tenants.
- Provision of community facilities at Bansha and Ballyheigue and upgrading of facilities in Iveragh Park.
- Process commenced on a number of value for money initiatives to reduce costs in the procurement of building services.
- Building programme on target and all funding drawn down.

### **Environmental Services & Water Services SPC**

Cllr. B. Cronin said having regard to the provisions of Section 134 (11) of the Local Government Act, 2001, the Environment SPC considered a report from the Director of Environment and Water Services, at its July meeting, on the annual review of the Directorates' Objectives for 2010, as adopted in our Corporate Plan. A full report was circulated to elected members. The key outcomes for 2010 are as follows:

#### **Water Services**

- Assessment of Needs for future Water Services Investment Programme was prepared
- Feries Waste Water Treatment Plan was fully completed
- Barraduff Waste Water Treatment Plan became operational
- Milltown Waste Water Treatment Plant was substantially completed
- Compliance with Drinking Water Regulatory standards rose to 99.9% for biological parameters and 99.0% for chemical parameters
- 10 no. remedial action list Water Schemes were under construction and a further 11 no. were at tender stage
- Unaccounted for water did not reduce but effectively was unchanged

#### **Environment Services**

- Additional cells (100,000 tonne capacity) were constructed in the North Kerry Landfill
- 103 Bring Banks were operating
- 30 Bring Banks were monitored by local communities under the "Adopt a Bring Bank" Scheme

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- 28 local groups received funding under the Local Agenda 21 Environment Partnership Group
- 8 new Green Flags were awarded to schools, bringing the total to 81
- Kerry County Council adopted a new Litter Management Plan
- 583 cases of illegal dumping were investigated and 12 successful prosecutions were carried out
- Magherabeg Beach regained the Blue Flag Beach Award, bringing the County's total to 13
- 11 Energy Efficiency Improvement Projects were carried out, saving 490 MWhr annually

### Community, Culture & Tourism SPC

Report from Cllr. M. Cahill, Chairman, Community, Culture & Tourism SPC, which had been circulated was noted.

### 11.09.12.12 Revised Dates for Electoral Area Meetings

On the PROPOSAL of Mayor T. Buckley, SECONDED by Cllr. J. Brassil, the revised date for the Listowel Electoral Area Meeting was agreed as follows:

Area	Date	Location	Time
Listowel	Mon 26 Sept 2011	Áras an Phiarsaigh, Listowel	10.00 am

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. M. O'Shea, the revised date for the An Daingean Electoral Area Meeting was agreed as follows:

Area	Date	Location	Time
An Daingean	Wed 28 Sept 2011	Killorglin Golf Club	10.30 am

### 11.09.12.14 Summary of Proceedings at Conferences

#### IPA Housing Practitioners' Conference 2011 – 16<sup>th</sup> June, 2011

It was agreed to note Cllr. J. Sheahan's written report on behalf of the delegates that attended the IPA Housing Practitioners' Conference 2011 on the theme 'Social Housing Reform – New Directions' held on 16<sup>th</sup> June, 2011.

#### MacGill Summer School 2011 – 24<sup>th</sup> – 29<sup>th</sup> July, 2011

It was agreed to note Cllr. S. Fitzgerald's written report on behalf of the delegates that attended the MacGill Summer School 2011 on the theme of 'Transforming Ireland 2011-2016 – The First Hundred Days, The Next Five Years' held from 24<sup>th</sup> – 29<sup>th</sup> July, 2011.

### 11.09.12.15 Reception of Deputations

- (a) Cllr. J. Healy-Rae requested that a Deputation would be received from Members of the Rossdohan Group Water Scheme regarding the taking in charge of the Rossdohan Group Water Scheme.

On the PROPOSAL OF Cllr. J. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen, it was agreed that this Deputation would be received at the Killorglin Electoral Area Meeting to be held in November.

- (b) Cllr. B. Moynihan Cronin requested that a Deputation would be received from Residents of Scartlea, Muckross regarding the taking in charge of the road known locally as the Black Road at Scartlea, Muckcross.

On the PROPOSAL OF Cllr. B. Moynihan Cronin, SECONDED by Cllr. G. Wharton Slattery, it was agreed that this Deputation would be received at the Killarney Electoral Area Meeting to be held in November.

**11.09.12.16 Opening of Tenders approved at the July, 2011, Council Meeting**

On the PROPOSAL of Mayor T. Buckley, SECONDED by Cllr. P. O'Donoghue it was agreed to note the opening of tenders which were approved at the July, 2011, Council meeting:

- (a) N69 Rea to Tullig Road Realignment Scheme – Ground Investigation Contract – Closing Date: Tuesday, 16 August, 2011 at 5.00 p.m.
- (b) Supply of Hydrostatic Bellmouth Valves - Closing Date: Thursday, 18 August, 2011 at 4.00 p.m.
- (c) The Removal of Leachate from North Kerry Landfill – Closing Date: Thursday, 8 September, 2011 at 4.00 p.m.

**11.09.12.17 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P.J. Donovan, it was agreed to approve the opening of Tenders for provision of Washroom Services (Sanitary Disposal, Aircare & Vending Services) - Closing Date: Thursday, 15 September, 2011 at 4.00 p.m.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Griffin, it was agreed to approve the opening of Tenders for Maintenance of Fire Extinguishers in Corporate Buildings - Closing Date: Monday, 19 September, 2011 at 4.00 p.m.
- (c) On the PROPOSAL of Cllr. B. Moynihan Cronin, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of Tenders for Supply, installation and commissioning of fine bubble diffused aeration technology into two existing aeration tanks at Castleisland waste water treatment plant for Kerry County Council - Closing Date: Wednesday, 21 September, 2011 at 4.00 p.m.
- (d) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. J. Healy-Rae, it was agreed to approve the opening of Tenders for the Provision of an Internet Based Fleet Tracking System – Closing Date: Friday, 23 September, 2011 at 3.00 p.m.
- (e) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. P.J. Donovan, it was agreed to approve the opening of Tenders for Killorglin Engineering Area Pavement Overlays – Closing Date: Friday, 23 September, 2011 at 4.00 p.m.
- (f) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of Tenders for Mountain Stage & Caherdaniel Pavement Overlays - Closing Date: Friday, 23 September, 2011 at 4.00 p.m.
- (g) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. D. Healy-Rae, it was agreed to approve the opening of Tenders for N70 Sneem Pavement Overlay - Closing Date: Friday, 23 September, 2011 at 4.00 p.m.

- (h) On the PROPOSAL of Mayor T. Buckley, SECONDED by Cllr. M. Griffin, it was agreed to approve the opening of Tenders for N69 Ballaghadigue to Ahalanna Pavement Overlay - Closing Date: Friday 23 September, 2011 at 4.00 p.m.
- (i) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Griffin, it was agreed to approve the opening of Tenders for Appointment to a multi-party Framework Agreement for the Supply of Road Making Materials - Friday, 30 September, 2011 at 3.00 p.m.
- (j) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the opening of Tenders for Appointment to a multi-party Framework Agreement for the Supply of Ready-mix & Concrete Additives - Closing Date: Friday, 30 September, 2011 at 3.00 p.m.
- (k) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of Tenders for Appointment to a multi-party Framework Agreement for the Supply of Road Marking Services - Closing Date: Friday, 30 September, 2011 at 3.00 p.m.
- (l) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Griffin, it was agreed to approve the opening of Tenders for Appointment to a multi-party Framework Agreement for the Supply of Water Treatment & Chemicals - Closing Date: Friday, 30 September, 2011 at 3.00 p.m.
- (m) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. G. Wharton Slattery, it was agreed to approve the opening of Tenders for Replacement of Windows at Cahersiveen Area Office/Courthouse - Closing Date: Friday, 30 September, 2011 at 4.00 p.m.
- (n) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P.J. Donovan, it was agreed to approve the opening of Tenders for Refurbishment Works at Cahersiveen Library - Closing Date: Friday, 7 October, 2011 at 11.00 a.m.
- (o) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. J. Sheahan, it was agreed to approve the opening of Tenders for Appointment to a multi-party Framework Agreement for the Supply of Plant Hire & Haulage Services - Closing Date: Friday, 7 October, 2011 at 3.00 p.m.
- (p) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. N. Foley, it was agreed to approve the opening of Tenders for Insulation Works to Corporate Services/Planning Extension at County Buildings - Closing Date: Friday, 7 October, 2011 at 4.00 p.m.

## **11.09.12.18 Notices of Motion**

### **1. Townland Signage and Road Number Signage**

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

"Having had Notices of Motion calling for (a) the provision of Townland name appropriate signage and (b) signage designating the number of each road, particularly local (L) roads, I welcome the recent actions by the N.R.A. towards achieving those objectives. However, as a matter of urgency and of respect for local communities I call on that Authority to ensure that their good intentions are not

undone by (1) abuse of the long accepted local Irish spelling of Townlands e.g. Maighnis for the historically accepted and topographically accurate Mágh Inis (Minish, Killarney), Baile na gCros for Crosstown when Baile Treasna would be more appropriate and descriptive and (2) the creation of confusion, especially for our most welcome visitors, by the erection of road number signage at incorrect or no longer appropriate locations. The work done to date in relation to the above matters on the N22 through Minish (Mágh Inis) and on to Gortahoosh is a cause for concern and dissatisfaction and will most certainly lead to unnecessary confusion."

**The following report issued:**

**The National Roads Authority has awarded a contract for the replacement of all directional signage on the N22 and N23 National Primary Routes. The contract was designed and is being project managed by RPS Consulting Engineers for the National Roads Authority. As part of the design process Kerry County Council roads department would have been consulted on the design and proposed location of the signs for this contract.**

**In relation to using the local Irish spelling of certain Townlands on these signs, it is the NRA's policy to use the Irish spelling that appears on the Placenames Database of Ireland, maintained by the Placenames Commission. In the case of Maighnis and Baile na gCros both of these spellings are the translations given in the database.**

**In relation to local road number directional plate signage; with a view to ensuring consistency of approach, it is now NRA policy that all public junctions on the National Primary Network are signed in this manner. In the Minish/Gortahoosh area the Local Secondary Road L7607 (the old N22) has a number of junctions with the N22, resulting in a similar road number appearing on the signs. It was not however feasible to devise a separate signage strategy to deal with this section of road.**

Dúirt Crl. M. Gleeson "Creidim a Mhéara go bhfuil sé soléir ó'n gcéad alt go bhfuil an-díomá orm go bhfuil orm an rún seo a mholadh do'n gcruinniú seo. Nuair a bhíos I gColáiste triú leibhéal dheineamar staidéar ar Logainmneacha mar is cuid lárnach d'ar n-oidhreacht ainm na h-áite as ar thánamar. Táimse an-bhrodúil as an mbaile fearann inar rugadh agus tógadh mé agus creidim go bhfuil sé amhalaidh duitse, a Mhéara, agus do gach éinne eile atá i lathair inniu.

Next Sunday, 20,000 people will crowd into Croke Park and will cheer themselves hoarse shouting: Come on the Kingdom. The reason they will use the term Kingdom is because the root name of our County is: The Kingdom of Ciar (Ríocht Chiar). When my neighbour, the famous world class athlete, Gillian O'Sullivan, returned from the World Championships with her silver medal, the first place she came to was her baile fearainn of Minish or as she and I would know it Mágh Inis. Now some nameless, faceless people who did not have the courtesy to consult either with local residents or with the local school, have come and desecrated the name. A name that means: The Plain by the River. It has been replaced by a meaningless construction that insults and disrespects.

I apologise also to our area engineer who had erected a sign with the correct spelling only to have it removed and replaced with a mumbo jumbo. The same will most likely happen to Achadh Dá Éo that most beautifully descriptive Irish name for Aghadoe – the field of the 2 Yew Trees. At my request it had been saved from the abomination of Achadh Deo, that probably means the field forever of the field without fire or more likely means absolutely nothing. Each of us colleagues is from

a particular place and we are entitled to have that place and that name respected. I urge each one of you to ensure that, that respect will be shown now and always. There are and there will be many more examples of wonderfully evocative place names being butchered in translation. Nuair a bhíos ag freastal ar scoil i mBaile Bhúirne, there certainly was a fada on the u --- it has disappeared.

Kerry is primarily a tourist County and we should do everything possible to ensure that our visitors can enjoy all that is best in our County without the fear of getting lost in our maze of roads. It was for that very reason that I proposed that we would erect the L. number of our roads. Imagine therefore my joy when I saw such signs had been erected. Now I could say to the driver take the L7067. Imagine my horror to discover that there are 4 different roads numbered L7067---3 on the left hand side exiting Killarney, 1 on the right, all completely unconnected. One says L7067 for Crosstown when the Crosstown Road number is L7048. If a driver took the first L7067 s/he would most likely exit onto the N71 at Lissivigeen on the road back into Killarney. From the first sign announcing an L7067 to the last one indicating the road to Killaha cemetery there is a total distance of 4.1 kilometres.

What all of these roads have in common is that they were all once part of the old road from Killarney to Cork. But the new road has been in place for 20 years. Surely each section should long since have received its own L designation. Surely also our visitors deserve better treatment. Surely too all of this is another indication that many important tasks are best done locally by those who know and care. I hope that Minister Hogan will head the call to allow Councils to decide these matters.

A local business person described the above situation as total nonsense and an insult to the community. Another interesting new development along the N22 has been the erection of beautiful directional signage immediately across from the exit point from Cul De Sac locally known as Bóithrín. It is so important that locals would be informed whether they are turning for Cork or for Killarney. This is being done by a body that claims and loudly proclaims that resources are very scarce. Would it not be far better to erect properly spelled signage indicating Townlands. That would be doing something of real value to the tourist and to the economy of our County. Nil sa mheid atá déanta go dtí seo ach masla dos na daoine áitiúla agus míchúiréis d'ár gcúirteoirí."

Cllr. D. Healy-Rae said he has a similar Notice of Motion and he moved Notice of Motion No.19.

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

"To ask Kerry County Council and the NRA what is going on with the erection of signage along the N22 from Farranfore to the County Bounds. It appears that this new signage is to advise locals only accessing the N22 which way to turn for Killarney and Tralee or Baile Bhuirne. This has now further exasperated the plight of the residents at Inch, Clonkeen who are now dealing with extra traffic intending to go to Kenmare. What is the reason that the signage I requested indicating for Kenmare along the N22 outwards from Lissivigeen is not being included in current works. What is the cost of these new signs and who asked for them."

**The following report issued:**

**The National Roads Authority has awarded a contract for the replacement of all directional signage on the N22 and N23 National Primary Routes. The NRA have introduced plate signage at every public junction indicating the Local**



**Road Number and principal destination plate signage opposite the Local Road at T-Junctions.**

**A route confirmatory sign for destinations on the R569 Regional Road after Lissivigeen Roundabout is included in the contract. Kerry County Council are not aware of the cost or the person that requested the signs in question, as they are being erected as part of a National Roads Authority contract directly for the authority.**

Cllr. D. Healy-Rae said signage is erected directly across from a bohereen where there are two houses, directing local people as to which way to go to Killarney. It is ridiculous and this signage is of no help to tourists. Signage for local areas would be of more use to tourists. He said he asked for this previously by way of a Notice of Motion, particularly in the Kenmare area. There is no proper signage for Kenmare on the N22. The erection of this signage by the NRA is wastage of money and he criticised this work by the NRA.

## **2. Amendment to the Rental Accommodation Scheme**

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

"That Kerry County Council seeks to amend the Rental Accommodation Scheme in so far as one of the current criteria is that an applicant must be in receipt of rent supplement for 18 months and must be currently in receipt of same before an applicant can be considered eligible for the Scheme. This provision is unfair and unreasonable and indeed adds to the burden in so far as the Rent Supplement Budget is concerned."

**The following report issued:**

**Under the Rental Accommodation Scheme, local authorities have a responsibility to meet the accommodation needs of Rent Supplement recipients of 18 months duration who are assessed as having a long-term housing need. On a phased basis, long-term Rent Supplement recipients will transfer to RAS. The period of 18 months has been determined by the DoECLG on the basis that it is considered that a long term housing need is demonstrated to exist beyond that period and that RAS is deemed to be more appropriate than rent supplement which originally was intended to be a shorter term income support. In very exceptional cases the DoECLG may accept the inclusion of households onto the scheme who clearly demonstrate a long term housing need and who may not be in receipt of rent supplement for the full 18 month duration. If there are any particular cases of which a Councillor is aware which may fall into this category, our RAS section can be so advised.**

Cllr. P. O'Donoghue said it is nonsense that a person must stay on a scheme that is expensive to the tax payer before being eligible for the RAS. Rent supplement cost this country €0.5bn in the last 12 months. This system is costing the exchequer. People should be made tenants of the Local Authority quicker. If people were on the RAS scheme they would be paying rent to the Local Authority. He suggested that the Housing SPC could review this and make a submission to the Department.

#### **4. Proposed Yearly Charges on Septic Tanks**

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

"That Kerry County Council calls on Central Government and the Minister for the Environment to re-examine the proposed yearly charges on septic tanks and put in place a more fair and equitable measure."

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

Cllr. N. Foley said there is ambiguity regarding the proposed registration fee for septic tanks. Any additional charges will be a burden on households. She asked that a letter issue to the Minister requesting that he clarify that the registration fee will be a nominal fee, specifically when in 2012 this fee will become effective and at what intervals will this registration fee have to be paid. This charge is a huge hit on people at present given the economic situation. She said she agrees with anti-pollution measures but it must be borne in mind that people are under pressure to pay.

#### **7. Land for the development of an all age Recreational Area at Killorglin Family Resource Centre**

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

"That Kerry County Council give favourable consideration to a request from Killorglin Family Resource Centre for land for the development of an all age recreational area for groups and individuals in the mid-Kerry area."

**The following report issued:**

**The Director of Services for Housing along with our Tenant Liaison Officer have recently met with the Killorglin Family Resource Centre manager to discuss this proposal and to consider all aspects of the proposed development. We have now received an official request for the land needed for the development which is the parking area adjacent to the centre and will now consult with the planning department regarding the requirements. We are most anxious to assist in any way possible in the continued development of this centre which has contributed so much to Iveragh Park and the surrounding area and was a winner of then National Pride of Place award in 2010.**

Cllr. M. Cahill thanked the executive for the report and said the Family Resource Centre has been a huge success for groups in Killorglin and mid-Kerry. He said he was delighted to see them win the Pride of Place competition in 2010. The development of an all age recreational area is an important piece in the continuation of their work and he asked Kerry County Council to please ensure this happens.

#### **8. Limit on Criminal Legal Aid made available to persistent offenders**

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

"That Kerry County Council would call on the Minister for Justice to limit the amount of criminal legal aid which is made available to persistent offenders."

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

Cllr. J.J. Culloty said criminal legal aid cost €56.5m in 2010. The trend of this cost is upwards. Criminal and civil costs amount to €100m per year. Criminal aid is

being abused and criminals are totally abusing the system. There should be some way of penalising them, for example, deducting the cost from their social welfare. Where people seek criminal legal aid the Garda is asked by the Judge if he has any objection. The Garda, however, cannot undertake an investigation of the means of the criminal. Some changes must be made to the system.

Cllr. T. Ferris said it is a constitutional right to provide criminal aid. The right to fair trial is an absolute right and it has been upheld in the European courts. The right to legal aid is also extended to civil aid.

Mr. J.D. Flynn, Director of Corporate Services, said a letter will issue to the Minister requesting a review of criminal legal aid in relation to persistent offenders.

Cllr. P. O'Donoghue said a person can only apply for legal aid in a court which could result in a charge which will result in them being incarcerated. Now when there is an application for criminal legal aid the person must present a statement of their income and outgoings. The Garda is asked if he can cross examine the defendant.

Cllr. J.J. Culloty said there should be a system where repeat offenders are penalised.

## **9. Castlegregory Fire Service**

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

"That Kerry County Council ensure that training is provided to ensure that the Castlegregory Fire Service will remain in operation and continue to provide the vital service in the large hinterland served so well in the past years."

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

**The Castlegregory Volunteer Fire Squad had to end its operations last year when it became clear that they were not trained to a standard which would satisfy modern Health and Safety legislation. The squad, which consisted of volunteers from the local community, had been provided with a limited amount of training by the Fire Personnel of Kerry County Council. This training would amount to 40-50 hours training per annum which is less than half that provided to either the Civil Defence members or the retained fire fighters in the Kerry Fire Service. The result was that the Squad was not trained to the levels required by modern standards to enable them to take on, with confidence and safety, the fire fighting role they aspired to.**

**As a volunteer squad, they were not part of the Kerry Fire Service command structure and, in fact, were not accountable to any organisation. It was proposed that they should join Civil Defence where they would get the required levels of training and where they would be covered by insurances etc. and where their community and volunteer spirit could be retained. However, for various reasons, this was not suitable for the former Squad members.**

Cllr. M. O'Shea said that at the start of this year there was a meeting in Castlegregory and a lot of passionate speeches made regarding the retention of the Fire Service for the area. Given the geographical layout of the area the time delay getting a Fire Service to the area is 30-40 minutes. The meeting asked that Kerry County Council train these members to standard. Deputy Hogan's reply

to a recent parliamentary question says "The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of individual fire authorities under the provisions of the Fire Services Act 1981. The provision of fire services to the areas referred to in the Question is, therefore, a matter for Kerry County Council."

The issue from Castlegregory is that the response time is too long. It is a very serious health and safety issue. He asked is there an onus on this Council to train these people given the fact that the time for a fire response to get from Tralee or Dingle is too long. He said he believes the onus is on Kerry County Council and any money spent would be well invested. The people of the area are persisting in getting an answer, to get a service and to provide them with cover in the case of a serious fire incident. 40-50 minutes or maybe an hour to parts of that area is too long a response time in the event of a fire in a house.

Mr. O. Ring, Director of Water Services, said when Castlegregory Fire Service was set up in the 1980's standards were different and it was set up in response to an incident in the area and with great community spirit. Safety standards have moved on and health and safety is of paramount importance.

As it stood a year ago, Castlegregory Fire Service was not trained to standard. He said it is his understanding the Fire Service never had to respond to an incident in the time it was running. There is a concern for the locals that Kerry County Council had to withdraw its support. He said after the public meeting he met with volunteers of the Fire Service. Kerry County Council offered to train them to proper standards by incorporating them into the Civil Defence. This would have brought them under a proper chain of command and they would have been covered by insurances. Previously they were stand alone and Kerry County Council could not issue them orders. The Castlegregory Fire Services considered it and considered that they could not do this. Kerry County Council is still available to talk to them. Members of the Fire Service and Civil Defence must be trained to standard. Kerry County Council was prepared to help the volunteers in Castlegregory and it is still open to them to join the Civil Defence. The Civil Defence is the largest community organisation in the county. It is very successful with a high quality standard of training and equipment. People who wish to help their community and get some satisfaction from serving their community are encouraged to join the Civil Defence.

Cllr. M. O'Shea thanked the Director for the response and said the Castlegregory Fire Service was called out on one or two occasions. Two of the current volunteers are trained to BA Level. They were in dialogue with Civil Defence and believe that their positions would be undermined if they joined the Civil Defence and that their purpose as fire fighters would be extinct. They are prepared to train to proper standards and respond to a fire incident if necessary.

Mr. O. Ring said they were asked to help out at an incident but they did not act as frontline staff. It was clear at the end of discussions with the volunteers that they understood what was required. They considered the proposal and said they considered that it would not suit them. The aim of the Civil Defence is to offer the highest training.

Cllr. M. O'Shea asked if Mr. Ring would meet the volunteers to discuss a further plan of action.

Mr. O. Ring said the volunteers did understand the position when he met with them. He said he will meet them again as it would be desirable to capture that sense of community and volunteerism in Castlegregory.

Mr. T. Curran, County Manager, said it must be quite clear that Kerry County Council as an organisation, or he as an individual, cannot be held in a position where it can be criminally liable for the activities of these people. He said he cannot expose himself to that. If these volunteers are not properly trained and operating under a chain of command they will not be a part of this organisation. He said he will not take that risk.

Cllr. M. O'Shea asked is there a case to ask the Minister to put in a proper Fire Service in Castlegregory.

Mr. T. Curran, County Manager, said he does not think Castlegregory is any more disadvantaged than areas in South Kerry for example. Kerry County Council is satisfied that the area is covered.

#### **10. Processing of applications for Back to School Allowance**

##### **Pursuant to Notice duly given, Cllr. A. McEllistrim PROPOSED:-**

"That Kerry County Council write to Ms Joan Burton, Minister for Social Protection to put measures in place for next year to alleviate the untimely delays in dealing with the back to school allowance as many parents this year have their children going back to school without payment."

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

Cllr. A. McEllistrim said many parents were in dire straits this year and the Department of Social Protection was totally inefficient and not equipped to deal with the increased number of families applying for the Back to School Allowance. Claims received by the 18<sup>th</sup> July were facing an 8 week wait. The dedicated phone line was off the hook all the time. This is one of many areas that needs to be addressed. There is no plan to cut the cost of books for children attending secondary school for the first time. The Department must be asked that next year this would not happen again.

Cllr. M. Cahill supported this motion. Families were particularly hard pressed with educational costs this year. Children are back at school and grants have not even been processed. He said he was told by the Department that applications were mislaid. These applications were reissued and the Department said they would deal with them as a priority. Adequate numbers of staff should be in place to deal with these applications.

Cllr. T. Ferris said the Department should have been prepared for the additional 22,000 people applying this year. These people would already have been on the system. The system is getting worse every year.

#### **12. Night Ambulance Services in the Caherciveen Area**

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

"That Kerry County Council write to Dr James O'Reilly regarding the decision by the HSE to finish the night ambulance service in the Caherciveen area which covers from Kells to Castlecove."

Cllr. P.J. Donovan said currently Caherciveen has ambulance coverage from 8am-8pm daytime shift with a crew of two paramedics. At weekends Friday, Saturday and Sunday there is a crew of two paramedics from 8pm-8am (night time shift). Monday-Thursday a crew of two paramedics cover on call from 8pm-8am from home.

The proposal is to remove the 8pm-8am ambulance cover in Caherciveen, which essentially means that South Kerry will have full cover with two paramedics during the day shift only (8am-8pm). The night shift (8pm-8am) will be covered by one paramedic in a response car. They will arrive at the scene, assess the situation and if an ambulance is required it will be dispatched from either Tralee or Killarney if an ambulance is available. The average travel time from these bases is one to one and half hours depending on the location of the incident and then travel to Kerry General or Cork University Hospital. The South Kerry region covered by Caherciveen ambulance is from Kells to Castlecove. Anyone who is familiar with the Peninsula knows it is a vast area with a widely dispersed population. It is vital to have an ambulance with a full crew of paramedics 24/7 based in the area. This proposal is totally unacceptable and he said he believes it will result in avoidable loss of life.

Cllr. P. O'Donoghue said he also has a Notice of Motion on this matter and moved Notice of Motion No. 30.

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

"That Kerry County Council calls on the Minister for Health to immediately intervene to prevent the HSE from downgrading the Caherciveen Ambulance Service."

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

Cllr. P. O'Donoghue fully endorsed Cllr. Donovan's comments. He said this is a hugely important issue as early intervention is crucial in the case of an emergency. Rather than downgrading the service it should be enhanced. How can there be early intervention when reducing the service. This is creating huge risk to the health of the people of South Kerry. He called on the Kerry Oireachtas members to call on the Minister to stop the HSE from downgrading the Caherciveen Ambulance Service. Kerry County Council must stand together against further downgrading of rural services. He requested that a letter issue to the Minister and ask Oireachtas members to get involved in this. It is time for some action.

**13. Single Rural Houses constructed by Kerry County Council**

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

"To clarify (a) the number of single rural houses constructed by Kerry County Council in 2008, 2009 and 2010 and (b) the number of houses started and awaiting to proceed in 2011."

**The following report issued:**

- (a) In total 23 single rural houses were completed from 2008 to date broken down as follows: 2008 – 6, 2009 – 4, 2010 – 9, 2011 – 4.**
- (b) While no single rural house has started in 2011 or is currently under construction we have a further 2 houses for which the Part 8 planning process has been completed and another house which is currently going through the Part 8 planning process. Due to the very limited capital funding available, prior to the commencement of any single rural dwelling**

**we will need confirmation from the DoECLG that it is in order to proceed to construction on a case by case basis and that the necessary capital funding will be made available.**

Cllr. B. Cronin said as outlined in the Notice of Motion it is a long time since Kerry County Council was in a situation where there were no houses under construction. It must be borne in mind that these are applicants whose family are providing the site. It is critically important that a plea is made to the Minister for the Environment to give Kerry County Council an allocation to begin work. It would be a sad reflection on this Local Authority were it that there was a year without constructing a single rural cottage. At least the two houses that are ready to proceed should be financed. In the most restricted of financial times, Kerry County Council was in a position to construct single rural cottages. There are applications waiting 2-3 years. Kerry County Council should make a further plea to the Minister for approval to proceed to tender for the construction of single rural cottages.

Cllr. M. Gleeson supported this Notice of Motion.

Cllr. R. Beasley supported the motion and said it is also an issue in the Listowel area. Where sites are available, the construction of a single rural cottage would help remove people from the housing list.

#### **14. Reminder Notification regarding NPPR**

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

“That this Council make it policy for persons paying the NPPR to be sent a reminder each year and thus avoid the penalties incurred for late payments.”

**The following report issued:**

**The NPPR (Non-Principal Private Residence) Payment is administered nationally by the Local Government Computer Services Board on behalf of all Local Authorities. It was introduced by the Local Government (Charges) Act 2009 as a €200 annual charge on non principal private residences. The ‘liability date’ for the NPPR charge is currently fixed for the 31st March.**

**Registration and payment of the NPPR payment is solely the responsibility of the owner. An intensive advertising campaign is carried out both locally by Kerry County Council and also at national level over a period of two to three months prior to the final date for payment. Notwithstanding the fact that there is no obligation to issue reminders, this has been done at national level in the past two years to existing registered NPPR owners. The amount received by Kerry County Council in 2010 for properties in the Kerry County Council area amounted to €2.1M and provides some contribution by the owners of second homes in the county to the upkeep of essential services such as roads, water, environmental protection , amenities etc.**

**Kerry County Council will be actively pursuing any non payment of NPPR payments in the coming months and owners will be liable for all outstanding charges and late payment fees that may have accrued.**

Cllr. J. Sheahan said people are displeased at having to pay penalties when they intend paying the NPPR fee. He acknowledged that the NPPR funding is a great help towards costs in the county.

Ms. A. McAllen, Acting Head of Finance, said the liability date for NPPR is the 31<sup>st</sup> March but people have until the 30<sup>th</sup> June to pay. The NPPR is collected nationally by the Local Government Computer Services Board (LGCSB). The LGCSB has been sending reminders. As much information as possible is provided to homeowners.

Cllr. J. Sheahan said complete contact details should be taken when a person first pays and they could then be issued with a reminder by e-mail.

## **15. Casual Trading in Kenmare**

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

"That Kerry County Council proceeds as soon as possible with regulating casual trading in Kenmare. Whilst the market can be an attractive feature, casual trading is currently out of hand and regulation is needed in the interests of traders, business people and those wishing to park in the town centre."

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

**The Council has regularly briefed members at the Killorglin Electoral Area meetings in relation to the progress on the extinguishment of the market rights in Killorglin and Kenmare. Given the legal complexities in this process and the time involved in public consultation, preparation of maps and other relevant documentation, the Council initiated the process in Killorglin and advised the members that we would commence the process in Kenmare, when the process is substantially completed in Killorglin. This is still our intention but there are a number of legal issues to be resolved with the current process in Killorglin.**

Cllr. P. Connor-Scarteen said the market in Kenmare is an attractive feature in itself. However, it is unregulated and it has gotten worse in the last year. While the market is an attractive feature it needs regulation and the Casual Trading Act needs to be implemented. It is not good enough that we must wait to see what happens in Killorglin. He said he accepts there are legal issues but the process for Kenmare could be started at least. The rate payers in Kenmare have been very patient. The Council has done a lot of things for Kenmare recently. The traders themselves want to see the market regulated also. Some businesses have reported their business is down because parking is not available. He sought a commitment that Kerry County Council will start the process for Kenmare.

Cllr. J. Healy-Rae supported the Notice of Motion. He thanked the Council for their work at the market on 15<sup>th</sup> August last. He said it will take time to get regulation in place and he requested that the process be commenced.

Cllr. M. Cahill acknowledged the work done in Killorglin at the casual trading area which has enhanced the centre of Killorglin in a great way.

Mr. C. O'Sullivan, Director of Roads and Transportation, said it is unfair to say nothing has started in Kenmare. An amount of consultation and work has been done in the background regarding extinguishing the market rights and regulating the area. There are issues that arose regarding Killorglin and it would be remiss to start Kenmare and run into those issues again in Kenmare. He said he is hopeful to finalise the issues in Killorglin shortly. Once those issues are sorted Kenmare will commence.



Cllr. P. Connor-Scarteen asked is there a time frame for dealing with Kenmare following the resolution of legal issues in Killorglin.

Mr. C. O'Sullivan said once Killorglin is finalised Kenmare will commence soon after. The Killorglin Electoral Area members will be kept informed of progress.

Mr. J.D. Flynn, Director of Corporate Services, said the Minister has issued guidelines regarding casual trading. The rate payers are aware of this. It is clear that the casual trading area will have to be located at or very close to the main business area in Kenmare. Fundamentally the market will be located where it is located at the moment. In all the consultations it has been the case that the old casual trading area will not be used.

#### **16. Payment to Contractors for work under Housing Grant Schemes**

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

"That Kerry County Council would put processes in place to ensure that all contractors would have to wait no longer than 30 days for payment following the completion of grant aided work. In this economic climate it is imperative that Kerry County Council is a leader in the timely payment of all contractors."

**The following report issued:**

**To date this year 773 grants have been allocated under the Housing Adaptation Grants Scheme & Housing Aid for Older Persons Grants Scheme. In the grant allocation letter a period of 2 months is normally given to have the works carried out. For more significant adaptation work a longer period is given. Following the completion of the qualifying works a claim for payment is made by the grant recipient. At this stage a further inspection is carried to ensure that the actual works carried out are in accordance with the approved schedule of works. Payment is then made to the grant recipient once confirmation is received that it is in order to make the payment from our housing engineer/clerk of works. The significant numbers of claims made in the last number of months did result in a backlog of claims which required processing. This backlog has now been cleared. As well as facilitating the improvement of living conditions for many elderly and disabled citizens we are also conscious that in these difficult economic times the funding provides a welcome stimulus for the construction, plumbing and electrical trades in the county.**

**We are currently receiving approximately 50 claims for payment per week and have reassigned staff from within the Housing Section to help process these claims. We will endeavour to ensure that payments will be made within one month from the date all valid claims are received.**

Cllr. M. Griffin referred to work being carried out under Housing Grant Schemes. It is welcome work and has a vast impact on peoples lives. Contractors, however, cannot carry the credit for such a long time. Once an application is finalised and a contractor is finished the work, payment should be made promptly. All contractors should have to wait no longer than 30 days for payment following the completion of grant aided work.

Mr. J. Breen, Director for Housing, said such a system is being reviewed to make it a more efficient process. This will be brought to the Housing SPC for consideration.

**17. Kenmare Pier**

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

“To ask the Department of the Environment to provide emergency funding to carry out repair work on the head of Kenmare Pier as a matter of urgency because if this remedial work is not carried out soon, the head of the pier will most certainly fall into the sea. To repair it now will be far less expensive than leaving it until it subsides.”

**The following report issued:**

**Kerry County Council in conjunction with the Department of Agriculture, Food and Fisheries, who are the funding authority for piers and harbours, carried out an inspection of the pier. It was agreed that there is no imminent risk to the pier. However Kerry County Council will include the pier for consideration for funding from the Department in 2012. There are no funds available beyond those already allocated for 2011 to carry out any works on the pier this year.**

Cllr. J. Healy-Rae said if the pier gets worse it will cost a lot more to repair it. He asked that every effort be made to secure funding for these repairs as this pier has the potential to get worse. It is of vital importance to the town that the pier be repaired.

Cllr. P. Connor-Scarteen supported this Notice of Motion and said he has had motions at area meetings regarding low level lighting on the pier for safety reasons and visiting the pier at night time. He said he was told the provision of lighting would be investigated and priced. To date he has not received a reply.

**18. Extraction of Gas by Fracking**

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

“That Kerry County Council would call on the Government not to allow the extraction of gas by fracking without further consultation as there are certainly difficulties in relation to the contamination of water supplies and damage to our environment which could affect farming, tourism and many other natural industries.”

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

Cllr. R. Beasley said the extraction of gas by fracking is a means whereby sand and water are pumped into rock to extract shale gas. The outcome of this process is unknown. Clare, Kerry and a number of other counties have been earmarked for this process. If the use of sand and water is not successful there is a possibility that chemicals will be used. New York State has banned this process. There have been two mini earthquakes in Wales which it is thought are as a result of pumping the chemicals into the rock. He called for proper consultation in relation to this process.

Cllr. M. Gleeson SECONDED the Notice of Motion.

**20. Retention of National Road Designation of former main roads on completion of a length of Motorway**

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

“That on completion of a length of motorway, the NRA would retain the National Road designation (National Primary or National Secondary) which the former main road had. This retention of status would benefit the economy of the by-passed

towns as it would encourage motor tourists to travel on the now quieter roads and thus get an opportunity to view at their leisure the streetscapes and rural landscape and also to stop and shop.”

**The following report issued:**

**Under the provisions of Section 10 (1) (d) of the Roads Act 1993, whenever a section of road is realigned, off the line of the existing road, or bypassed, the section of the existing public road which remains shall be reclassified as a local road.**

**To retain the existing road number/status would lead to confusion in the signage. Towns which are bypassed are generally well signposted.**

Cllr. M. Gleeson said this matter refers particularly to motorways. Motorways are designed for getting quickly from one destination to another. If a road is reclassified as a local road people will not use it. However, if it retains its status as a national primary or national secondary road people may be more inclined to use them and visit towns and enhance their economy.

## **22. Local Authority Housing Waiting List**

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

“That Kerry County Council give a detailed report as regards to the Local Authority housing waiting list in Kerry, inclusive of the three Town Councils, and what measures are being taken to address same.”

**The following report issued:**

**At the start of September there were 4258 households qualified for social housing across the four Kerry housing authorities i.e. Kerry County Council & the three Town Councils. In respect of Kerry County Council we are currently undertaking a review of our housing lists on a phased basis to determine their qualification having regard to the 2011 Social Housing Assessment Regulations. The majority of these qualified households are renting privately and are in receipt of rent supplement through the Community Welfare Service.**

**In the DoECLG statement on Housing Policy in June of this year the Minister of State for Housing outlined that the financial parameters within which we will be operating for the coming years rule out a return to very large capital-funded construction programmes by local authorities. He advised that the social housing leasing initiative and, in particular, the Rental Accommodation Scheme (RAS), will each play their parts as long-term social housing supports. In particular he advised of the intention of the government to transfer responsibility for providing for the housing needs of long-term rent supplement recipients to housing authorities on a phased basis, further details of which are awaited. The policy statement also signaled a much more active role for the voluntary and cooperative sector in the supply of social housing without reliance on capital funding from the Exchequer.**

**In Kerry we have been very successful in the implementation of the Rental Accommodation Scheme. Since its commencement, we have accommodated 644 families in private accommodation with a further 80 accommodated in voluntary accommodation. In addition to these newer social housing delivery mechanisms we will also continue to meet social housing need through the filling of casual vacancies from within our own housing stock.**

Cllr. M. Cahill said in the last year to 18 months the amount of housing allocations has declined to none. Housing schemes have not commenced and there is little likelihood of housing schemes going ahead in the future. He expressed concern for housing applicants. There is increasing pressure on families. People are being forced onto the Local Authority housing list. They are going on the housing list to qualify for rent allowance. He said he is not sure if the Rental Accommodation Scheme is the answer to the problem in the long term. The leasing scheme is a possible answer in the short term. He acknowledged that there are difficulties with the estates that are suitable but there may be monies outstanding, in the form of bonds, to finish estates. Everything possible must be done to reduce the waiting list of 4,258. As Government will not be providing funding to build new schemes use must be made of the funding that is received. He called on Kerry County Council to sign up contracts for the leasing scheme and reduce the housing list.

Mr. J. Breen, Director of Housing, said the majority of those on the housing list are in good quality housing being supported by the state. A return to large scale programmes is a long way off. People are not in bad homeless difficulties. People are adequately housed.

Cllr. M. Cahill said people want something more permanent going forward.

### **23. Footpath to connect new estates on Killarney Road, Milltown with the Village**

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

"To ask the Director of Roads & Transportation that a footpath to connect three new estates in Milltown with the village (school and shops) be approved as a matter of urgency following the recent road traffic accident involving a child walking along the road verge. There are approximately 130 new houses between Milltown and the last estate, Áth Solais along the Killarney Road."

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

**This motion was previously moved at the An Daingean Electoral Area meeting in November 2009, at which the following response was given:-**

**"It is a condition of planning Reference number 07/3698 that a footpath be constructed at the above location on the R563. As it is unlikely that this development will proceed in the short term the landowners were approached with a view to the land being provided to Kerry County Council to continue the existing footpath. However, they have indicated that they are not prepared to provide the land".**

**The Council will review the construction of this footpath, as part of the next year's roadworks programme, subject to available funding and our ability to reasonably acquire the lands.**

Cllr. M. O'Shea said this is a very important issue for Kerry County Council. 130 families are living west of the village. Residents are asking that every effort be made in 2012 to find land to provide footpaths on the R563 as a matter of public safety.

### **24. Government's U-Turns on Education Issues**

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

**"To condemn the Government's education u-turns, specifically on third level fees, proposed student loans, reducing class sizes, maintaining SNAs and rural school**

transport. I am calling on the Government and the Minister for Education, Ruairi Quinn, TD to realise the importance of access to education and honour the promises that they made before the General Election.”

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

Cllr. B. Cronin said it was clearly stated that third level fees would not increase. Students feel betrayed as they will require loans. There was a clear commitment on class sizes, that they would be maintained and not increased. The school transport issue has been debated on many occasions and a meeting was held with the junior Minister. Reports are that Government is proceeding with cuts. A lot of people are being affected by this. It is making access to education practically impossible. The knock on effect is that people will not continue with their education. Government must honour the promises they made.

## **25. Site Assessments for Risk of Flooding**

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

“That this Council, when carrying out site assessments, check that the site is not at risk of flooding.”

**The following report issued:**

**As part of the standard site assessment process for on-site wastewater treatments, indicators of high water table and/or flooding (such as soil mottling etc.) are checked for by the site assessors. In addition, checks are also carried out by Council staff to see whether these sites are listed on any of the relevant flooding databases. Any site which is deemed to be subject to flooding, or at risk of flooding, would not be considered suitable for the development of an on-site wastewater treatment system.**

Cllr. J. Sheahan said he hopes this assessment will be successful. He said he tabled this Notice of Motion arising from a case involving a family whose home was surrounded by water, they were marooned and they could not use facilities in the house. After many representations to the OPW and Kerry County Council it is still awaiting to see if works undertaken were a success. He said a local farmer told him this area always floods. The field beside that house has four planning permissions on it. This cannot be allowed. He said this is why he recommended Submission No.8 in the variation to the County Development Plan. People need to be aware of this and be protected from flooding. This should be a crucial regulation in planning guidelines to prevent further flooding of peoples homes which is devastating for the family involved.

## **26. Prevention of Frozen Pipes during the Winter Period**

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

“What measures have Kerry County Council undertaken to ensure that home owners in Kerry do not suffer the same problems again this winter due to frozen pipes.”

**The following report issued:**

**A report into the severe weather events in 2010 was prepared by the National Directorate for Fire & Emergency Management in June 2011. This report concluded that the vast majority of leak problems / losses encountered were**

on the private supply side. Kerry County Council has observed a similar trend for its water supplies during this period.

In advance of the coming Winter, Kerry County Council will have an awareness campaign for consumers to protect their internal plumbing (up to and including the stopcock) from freezing conditions. This campaign will be issued through the local press and media and on the Council's website. It is understood that a similar awareness campaign will be rolled out nationally also. Most of the problems on the public side occurred between the water source and the water treatment plant, e.g. at intakes, mechanical screens, raw water pipelines etc. Plans are in place to minimise disruptions in these areas over the winter period.

Cllr. P. Connor-Scarteen welcomed the proposed awareness campaign. If people take measures in their own homes they can minimise the risk of frozen pipes. With regard to Local Authority houses, there is an estate in Kenmare where the pipes are not buried deep enough in the ground.

Mr. J. Breen, Director of Housing, said that estate will be reviewed and a programme of lowering the stopcock undertaken where necessary.

## **27. Treatment of Roads with Salt & Grit during the Winter Period**

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

"That Kerry County Council would outline its plans for road treatment this winter, salt stock, grit availability and local availability of equipment in anticipation of similar weather conditions to 2009 and 2010. Can this plan also include a detailed listing of which roads will be treated and untreated including the levels of treatment planned. The publication of this plan for the people of Kerry will be a vital tool so that the County does not skid to a halt this winter."

**The following report issued:**

Kerry County Council produced a Winter Service Plan for 2010/2011. The Plan for 2011/2012 is currently being finalized, and reviewed in the context of our experiences in addressing the extreme weather conditions last winter and the report by the National Directorate for Fire and Emergency Management on the "Review of the Response to exceptional severe weather events of 2009 – 2010", published in June 2011. Members will be advised when the final plan is available on our website.

The official winter season commences on 17th October 2011 when the Ice Prediction Monitoring System becomes live. This will continue until mid April 2012 whereby the system is monitored continuously by a roster of engineers.

This system is used to trigger our pre determined salting response which will be outlined in our Winter Service Plan. Under normal winter conditions this covers all of the Priority 1 and 2 roads – details of which will be available on the website.

In extreme conditions this response is upgraded to include Priority 1, 2 and 3 routes as well as the following measures:

- Provision of grit depots for local use.
- Use of supplementary plant to increase treatment onto regional and local primary roads.
- To liaise with HSE on emergency access issues.
- Status updates to the public on our website, radio, Facebook and Twitter

The Council used 5,365 tonnes of salt during the extreme weather experienced in 2009/2010 and 3,825 tonnes last winter. Under average winter conditions the Council would use approximately 1,500 tonne of salt on our Priority 1 and 2 routes.

We currently only have capacity to store 1,500 tonne of salt, at eight locations throughout the county, but have commenced construction of a salt barn at Ballycarthy, Tralee, which will allow us the capacity to store an additional 2,000 tonne of salt. We are currently arranging for the collection of 2,070 tonne of salt allocated by the NRA for use on the National Road network and are shortly expecting a further allocation from the Department of Tourism Transport and Sport for the non-national road network. This is in addition to the 140 tonne of salt currently in stock.

The Council also acquired 3 additional gritters last winter, to compliment our existing fleet of vehicles, and which were funded by a special grant allocation from the NRA.

Cllr. M. Griffin commended the Council on the work done last winter. It appears that 5,000 tonnes of salt is required for the whole county. He asked if there is a plan to have that quantity of salt available.

Mr. C. O'Sullivan, Director of Roads and Transportation, said it is hoped to publish the plan in the next 4 to 5 weeks. Priority 1 and Priority 2 routes are in the plan.

Cllr. D. Healy-Rae said when the temperature drops to a certain degree it initiates the salting programme. He asked if it is a necessity to salt roads that are dry.

Mr. C. O'Sullivan said Kerry County Council works through guidelines from the NRA. Once the temperature is below 1°C it triggers the road salting programme.

Cllr. D. Healy-Rae said special attention should be given to side drains on roads as because of the water level being high the road is always damp. A bit of work on the side drains would remedy that.

## **28. Inspection of Private Septic Tanks**

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

"That we the Members ask Kerry County Council to advise the Government and the Department of the Environment that there will not be any co-operation from this Local Authority in relation to the proposed inspection of private septic tanks until public treatment plants are installed and upgraded in all our towns and villages and to include extensions long requested and necessary for example, the extension requested by the people on the eastern side of Castleisland with nearly 30 years."

**The following report issued:**

**This is a matter for consideration by the members.**

**It should be noted however, that Kerry County Council will have to comply with the law of the land and implement any legislation or regulations introduced in this area.**

Cllr. J. Healy-Rae said it is fanciful for the Department to put the onus on Local Authorities to inspect tanks when the Local Authority's systems are not in order with regard to treatment plants. He requested that a letter issue to the Department expressing dissatisfaction with the proposed inspections of septic tanks.

Cllr. D. Healy-Rae supported the Notice of Motion. He said it would be very unfair of this authority to be carrying out inspections of private septic tanks when we can rightfully be accused of not having our own public services in order. Council's concerns on this issue must be issued to the Department, particularly with regard to Castleisland.

Mr. T. Curran, County Manager, said the Notice of Motion says "until public treatment plants are installed and upgraded in all our towns and villages". He said this will not happen in his lifetime. Septic tanks are installed and if maintained properly they will not be a problem.

Cllr. J. Healy-Rae said surely in areas where an extension to the treatment plant is sought septic tanks will not be inspected and people forced to upgrade their septic tanks.

## 29. Ring of North Kerry

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

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

"That the proposed Ring of North Kerry, which was Proposed by myself and Seconded by Mayor Pat Leahy, be mapped out and signposted over the winter months and be up and running for Easter 2012."

**The following report issued:**

**The Council notes the proposal from Cllr. Beasley and seconded by Cllr. Pat Leahy at the ordinary meeting of the Council in May, which was moved in the context of a debate on the funding of the Festival of Kerry.**

**The Council has no provision in the 2011 adopted budget for this project and any proposal for a "Ring of North Kerry" would have to be developed in conjunction with tourism interests and their proposals for marketing in the area.**

**Currently, there is adequate signage on the Regional and National Secondary route to direct motorists to the major tourist towns in North Kerry.**

Cllr. T. Ferris SECONDED this motion. She said what was proposed was the development of a tourist ring in North Kerry. It is a new initiative so signage could not be in place.

Mr. C. O'Sullivan, Director of Roads and Transportation, said this arose in the context of discussions regarding the Festival of Kerry and was put forward by Cllr. Beasley and Cllr. Leahy. There is no provision in the budget for this signage.

Cllr. T. Ferris asked if this signage will be provided for in the 2011 Budget.

Mr. C. O'Sullivan said there is very little funding for signposting. The Ring of Kerry was developed through a marketing proposal. If a North Kerry route is proposed it can be considered.

Mr. J. Breen, Director of Housing and Community and Enterprise, undertook to follow up this matter with Fáilte Ireland.



### **31. Telephone System in County Buildings**

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

**"To ask Kerry County Council to revert back to the old phone system in County Buildings as the new system is a total disaster. It is not fair on the Members or the public requesting services to have to give the day listening to recorded messages and unsavoury music."**

**The following report issued:**

**The landline telephone system in County Buildings and in the Revenue Department based in the Ashe Memorial Hall was replaced in May/June last. The old system was no longer capable of meeting the requirements of the organisation for a number of significant reasons including -**

- There were reliability difficulties which resulted in business interruption and associated substantial repair costs by a specialised firm.**
- Áras an Chontae is now the dedicated headquarters for the purpose of the Major Emergency Plan. It would be unthinkable that we would not have in place a reliable telephone system to cope with such purposes.**
- There were significant costs associated with the maintenance of the old system, which was in place for over 12 years, including difficulties with obtaining replacement parts in a timely fashion.**
- There were significant billing costs for call traffic between Kerry Local Authorities, approximately 20% of all our fixed line call costs.**
- There were 456 telephone extensions in place and the old system did not have any additional capacity to take further extensions notwithstanding any urgency or necessity for such.**

**Kerry County Council, unlike many other large organisations have not opted for an automated answering system and we go to considerable lengths to ensure that staff are available at reception to deal with the public and to answer the phones. According to recent figures the telephone system at Áras an Chontae needs to cope efficiently and reliably with 1.2 million calls per year (450,000 incoming calls and 714,000 outgoing calls) excluding internal calls between extensions.**

**While the economic downturn has seen a demand for some of our services decline, it has also seen a large increase in the demand for other services, such as Housing Services. This has contributed to a large increase in call volumes to these Departments and with reduced staffing numbers it is difficult for staff to deal with all calls during busy periods.**

**At peak times there are up to thirty calls active and up to ten calls in the queue for reception to answer. In that situation there is a recorded message to advise a customer that their call is in a queue, this message does not delay the time taken to answer the call, its there as a courtesy.**

**As is the case, when any new system is being introduced into an organisation, there will be some teething problems. There were some initial teething problems when the new system was introduced but we are satisfied that these have now all been addressed. We now have a reliable, efficient and modern telephone system in place that will serve the needs of the organisation for many years to come.**

**Cllr. D. Healy-Rae said he was sorry that he had to table this Notice of Motion. However, the new telephone system is a disaster in comparison to the old system.**

It is almost impossible to get through to sections. He asked how the public at large are managing with calls. He said he got an 'error in connection' message on a number of occasions when ringing Kerry County Council.

Cllr. J.J. Culloty said he had a problem with one department which he brought to the attention of the officials and it was resolved.

Cllr. J. Healy-Rae said he has also had difficulty getting through to departments.

Cllr. T. Ferris said she too has had difficulty getting through to Department. The problem getting through to the switch is the number of calls and only two people are working on the switch.

Mr. J.D. Flynn, Director of Corporate Services, said there is no returning to the old system. The new telephone system will remain in place. Originally there were teething problems with the system. The music has been changed to a specially commissioned piece of music. An up to date list of direct lines to the different sections will be issued to elected members. If the switch is busy members will then have the opportunity to ring a section directly. It should be borne in mind that the housing loans section is overwhelmed with applications at the moment. If an elected member is having specific problems, they should contact the relevant Director if the matter is urgent. As regards the 'error in connection' message, he said there was a general problem in Kerry during August with regard to mobile phones and masts which has nothing to do with Kerry County Council or its switch.

Cllr. D. Healy-Rae said when he gets an 'error in connection' message for Kerry County Council he can get through to other Council area offices. He asked if elected members are entitled to get the mobile phone numbers of members of staff.

Mr. J.D. Flynn said direct numbers to departments are being provided to the elected members. A lot of work has been put in to the technology and the new telephone system. The new system will result in a saving in excess of €60,000 per year. The VOIP system will save money as it is a very efficient system. Kerry County Council has complied with the Croke Park agreement by reducing staff numbers and is now trying to work within that.

Cllr. M. Cahill acknowledged the role played by staff of Kerry County Council, particularly in the Housing Department of late. He welcomed the list of direct line numbers being issued. He asked that a review of acknowledging representations be undertaken.

Cllr. B. Cronin welcomed the list of direct line numbers being issued. He said he submitted representations to the Roads Department 6 weeks ago and he has not received an acknowledgement. He said he would appreciate a reply on those representations. He asked that the acknowledgment letter would indicate the date the representations were submitted.

**32. Replacement of Old Water Main Supplying Ballydowney, Lacabane, Fossa to Beaufort**

**Pursuant to Notice duly given, Cllrs. M. Cahill & B. Cronin PROPOSED:-**

"To request the urgent replacement of the old water main supplying Ballydowney, Lacabane, Fossa to Beaufort as this important supply is continuously breaking

leaving families and businesses without water. There were 32 breaks in one 12 month period alone. What is the position with funding for this vital project.”

**The following report issued:**

**These water mains are included in the Mains Rehabilitation Programme for which funding has been allocated under the Water Services Investment Programme 2010-2012. Kerry County Council has made a submission to the Department to provide funding for urgent mains rehabilitation works in the county including those between Fossa and Beaufort. Following a meeting with Department officials on 25th August, it was indicated that funding will be approved for these works but a formal announcement is awaited.**

Cllr. M. Cahill said this was raised at area level on numerous occasions in the past. This is a very built up area from the Hotel Europe to the Gap of Dunloe cross. The repair crew are there every week. He welcomed that funding will be approved and work done. This work should have been done long ago. Businesses and residents have been without water for prolonged periods.

Cllr. B. Cronin said the water supply is affected from Cleeny in Killarney to Beaufort Bridge. On numerous occasions there has been no water. It is also a difficulty for the Water Services staff to try to keep a crumbling pipeline operating. He welcomed that there is a strong indication that funding will be provided and that work will begin.

**33. Road Projects – Farranfore to Killarney and Ballyvourney to Macroom**

**Pursuant to Notice duly given, Cllrs. J. Healy-Rae & D. Healy-Rae PROPOSED:-**  
“That we the Members express severe disappointment with Minister Varadkar of his recent scrapping of road projects - Farranfore to Killarney and Ballyvourney to Macroom.”

**The following report issued:**

**Kerry County Council has not been informed of any decision by the Department of Transport, Tourism and Sport, to “scrap” road projects, including the Farranfore to Killarney and the Ballyvourney to Macroom schemes.**

**On his recent visit to the County for the turning of the sod, to mark the start of construction on the Tralee By-Pass, the Minister announced that “due to the current budgetary situation, no major new road projects are scheduled to commence in 2012 to 2014”. He further expressed his dis-appointment that judicial review proceedings had been initiated by third parties, seeking the High Court to quash the decision of An Bord Pleanála, of the 7th April 2011, to approve the Ballyvourney to Macroom Road Scheme. The Minister stated at the sod turning that, subject to the legal challenge being successfully resolved, he hoped funding could be provided from the Exchequer for the construction of the Scheme.**

**Kerry County Council received a grant allocation of €150,000 this year to finalize the preferred corridor for the Farranfore to Killarney Road Scheme. This work is currently progressing through our National Road Design Office.**

Cllr. D. Healy-Rae said he is reiterating what was printed in the media. He said prior to hearing it in the media, the Minister conveyed to him that he would try to progress the Ballyvourney to Macroom project. In the media it was reported these

projects were not proceeding. In the current economic climate it is a big mistake not to get part of these projects progressing and provide employment. At the present time, these works could be done cheaper than years ago. Projects were delayed previously because of environmental reasons. He asked that a letter issue to the Minister.

#### **11.09.12.19 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Mayor T. Buckley, SECONDED by Cllr. M. Griffin, it was agreed to authorise the attendance of Cllrs. J. Finucane, P. McCarthy, J. Healy-Rae and J.J. Culloty at the LAMA Autumn Seminar 2011 - The Role of Tourism in Economic Recovery to be held in Dungarvan, Co. Waterford, on 23<sup>rd</sup> - 24<sup>th</sup> September, 2011.

- (b) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. M. Griffin, it was agreed to authorise the attendance of Cllrs. B. O'Connell, P. Connor-Scarteen, B. Moynihan Cronin, M. Griffin and M. O'Shea at the IPA – The A-Z of Irish Local Government to be held in Ennis, Co. Clare, on 3<sup>rd</sup> October, 2011.

Cllr. B. O'Connell was nominated to report to Council on this conference.

- (c) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to authorise the attendance of Cllrs. B. O'Connell, B. Moynihan Cronin and T. Buckley at the South West Regional Authority – Fresh Autumn Seminar to be held in Cork on 5<sup>th</sup> October, 2011.

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

- (d) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. Healy-Rae, it was agreed to authorise the attendance of Cllrs. S. Fitzgerald, A. McEllistrim, B. O'Connell, T. Ferris, B. Moynihan Cronin, J. Brassil, P. O'Donoghue and D. Healy-Rae at the TJK Conference Local Government & Planning Seminar for Councillors to be held in Limerick from 7<sup>th</sup> – 9<sup>th</sup> October, 2011.

Cllr. A. McEllistrim was nominated to report to Council on this conference.

- (e) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. D. Healy-Rae, it was agreed to authorise the attendance of Cllrs. P. Connor-Scarteen, P. O'Donoghue and D. Healy-Rae at the Federation for Victim Assistance National Conference "Victims of Crime – The Cost to the Community" to be held in Tralee from 14<sup>th</sup> – 16<sup>th</sup> October, 2011.

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

- (f) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. M. Griffin, it was agreed to authorise the attendance of Cllrs. D. Healy-Rae and J. Sheahan at the Getting a Grip 2011 National Conference on substance and alcohol misuse on the theme "A Health or Criminal Justice Issue?" to be held in Killarney from 6<sup>th</sup> – 7<sup>th</sup> October, 2011.

Cllr. D. Healy-Rae was nominated to report to Council on this conference.

- (g) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Mayor T. Buckley at the National Tidy Towns Awards held in Dublin on 5<sup>th</sup> September, 2011.

- (h) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. J.J. Culloty, it was agreed to authorise the attendance of Cllr. J. Finucane at the 7<sup>th</sup> Annual Environment Ireland Conference to be held in Dublin on 15<sup>th</sup> September, 2011.

Cllr. J. Finucane was nominated to report to Council on this conference.

### **11.09.12.20 Correspondence General**

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

1. Letter dated 11 July, 2011, from the HSE regarding their response to the high levels of suicide in Kerry.
2. Letter dated 20 July 2011, from the HSE regarding staffing levels in the HSE Medical Card Appeals Office in Mallow, Cork.
3. Letter dated 24 July, 2011, from the National Parks & Wildlife Service (NPWS) regarding the provision of toilet facilities at the Children's Playground, The Demesne, Killarney.
4. Letter dated 25 July, 2011, from the Valuation Office regarding rates on commercial properties.
5. Letter dated 26 July, 2011, from the Minister for the Environment, Community & Local Government regarding the upgrade of septic tanks.
6. Letter dated 27 July, 2011, from the Minister for Training and Skills regarding changes to the school transport scheme.
7. Letter dated 27 July, 2011, from the Minister for the Environment, Community & Local Government regarding Kilcummin Sewerage Scheme.
8. Letter dated 28 July, 2011, from Mr. Brian Crowley, MEP, regarding the PSO Contract for the Dublin to Kerry flights.
9. Letter dated 5 August, 2011, from the Minister for Justice & Equality regarding the Magdalen Laundries.
10. Letter dated 9 August, 2011, from HSE South regarding Dental Services in Caherciveen.
11. Letter dated 9 August, 2011, from Minister for Justice, Equality & Law Reform regarding car hire for visitors to Ireland who are aged over 70 years.
12. Letter dated 9 August, 2011, from HSE South, Kerry General Hospital, regarding the establishment of a Stroke Service.
13. Letter dated 11 August, 2011, from the Minister for Training and Skills regarding changes to the school transport scheme and in particular the Closed School Rule.
14. Letter dated 16 August, 2011, from the Minister for the Environment, Community & Local Government regarding the reduction of phosphates entering septic tanks.
15. Letter dated 17 August, 2011, from the National Roads Authority (NRA) regarding public lighting at the junction of Poulgorm Bridge where Kilgarvan road intersects with the N22.
16. Letter dated 18 August, 2011, from the Minister of State for Trade and Development regarding the funding of Ireland's aid programme.

17. Letter dated 26 August, 2011, from the Minister for Public Expenditure & Public Reform regarding "Term Time" in the public sector.
18. Letter dated 1 September, 2011, from Bus Éireann regarding weekend and summer services provided by Bus Éireann.
19. Letter dated 11 July, 2011, from Cobh Town Council regarding a resolution adopted by the authority calling on the Irish Minister for Justice and British Home Secretary to issue a posthumous pardon to all adults and children who were incarcerated as convicts on Spike Island and elsewhere having being convicted of crimes in relation to stealing food in particular during the Great Famine.
20. Letter dated 22 July, 2011, from Limerick County Council regarding a resolution adopted by the authority calling on the Minister for Health to safeguard the welfare of the elderly and infirm in our society and guarantee their subsidy for nursing home care.

### **Votes of Sympathy**

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

- (a) Cllrs. P. Connor-Scarteen and T. Buckley proposed that a vote of sympathy would be extended to the family of the late John O'Sullivan.
- (b) Cllrs. P. Connor-Scarteen, T. Buckley, M. Gleeson, B. Cronin, D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Denis Coffey.
- (c) Cllrs. P. Connor-Scarteen and T. Buckley proposed that a vote of sympathy would be extended to the family of the late Mary O'Connor.
- (d) Cllrs. P. Connor-Scarteen, T. Buckley D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Joan O'Neill.
- (e) Cllrs. P. Connor-Scarteen and T. Buckley proposed that a vote of sympathy would be extended to the family of the late Pat Healy.
- (f) Cllrs. P. Connor-Scarteen, T. Buckley, D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Sheila Murphy.
- (g) Cllrs. P. Connor-Scarteen and T. Buckley proposed that a vote of sympathy would be extended to the family of the late Josephine Noonan.
- (h) Cllrs. P. Connor-Scarteen and T. Buckley proposed that a vote of sympathy would be extended to the family of the late Michael O'Grady.
- (i) Cllrs. P. Connor-Scarteen and T. Buckley proposed that a vote of sympathy would be extended to the family of the late Patrick J. Foley.
- (j) Cllrs. P. Connor-Scarteen and T. Buckley proposed that a vote of sympathy would be extended to the family of the late William Gaine.
- (k) Cllrs. P. Connor-Scarteen and T. Buckley proposed that a vote of sympathy would be extended to the family of the late Johnny Horgan.
- (l) Cllrs. D. Healy-Rae, J. Healy-Rae, B. Cronin and M. Gleeson proposed that a vote of sympathy would be extended to the family of the late Shane Courtney.
- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Margaret Fitzgerald.

- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Agnes Looney.
- (o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Mary Connolly.
- (p) Cllrs. D. Healy-Rae, J. Healy-Rae, B. Cronin and M. Gleeson proposed that a vote of sympathy would be extended to the family of the late Paddy Leary.
- (q) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Dan Foley.
- (r) Cllrs. T. Ferris and R. Beasley proposed that a vote of sympathy would be extended to the family of the late George Walsh.
- (s) Cllrs. T. Ferris and R. Beasley proposed that a vote of sympathy would be extended to the family of the late Tadhg Flynn.
- (t) Cllrs. T. Ferris and R. Beasley proposed that a vote of sympathy would be extended to the family of the late Marie Casey.
- (u) Cllrs. T. Ferris and R. Beasley proposed that a vote of sympathy would be extended to the family of the late Tom O'Sullivan.
- (v) Cllrs. M. O'Shea and P. O'Donoghue proposed that a vote of sympathy would be extended to the family of the late John Flahive.

#### **11.09.12.21 Any Other Business**

##### **Civic Reception for Senior Hurling Team**

Cllr. T. Ferris referred to the civic reception held for the senior hurling team. It was decided to hold this civic reception at lunchtime which was never the case for the Kerry Footballers. The attendance numbers were low because of this as many of the team did not want to take a day off work. She expressed disappointment that the senior hurling team was not treated in the same manner as the footballers.

##### **Waste Management Update**

Cllr. T. Ferris referred to a Waste Management Update report received from the County Manager and asked if this is for public knowledge. She said she got a telephone call from a member of the media who had been given a copy of the letter and she was asked for a comment. A similar letter was received from Tralee Town Council. She asked if there will be a move towards leaving the refuse collection service.

Mr. T. Curran, County Manager, said this report was issued for the information of elected members. Kerry County Council is heading into a difficult budget. Kerry is one of five Local Authorities left in the refuse collection service. He said he did not want a situation where he would be presenting a decision to the elected members without advance notice. He said he cannot pre-empt the outcome of the review that is being undertaken.

Cllr. T. Ferris said she wonders how the private operators manage to make it a profitable business and it is costing the Local Authority every year. She said she cannot understand why Kerry County Council never availed of the opportunity to sell recyclables. She asked was Kerry County Council ever really serious about staying in the refuse collection service. Cllr. Finucane previously suggested a scheme whereby customers subscribing to the refuse collection service and who are associated with a

GAA club would see the club getting a payment. Everybody will be affected if Kerry County Council exits the refuse collection service because the private collectors will drive up the prices.

Mr. T. Curran, County Manager, said Kerry County Council has done its utmost to make the refuse collection service viable. Kerry County Council has been undercut each year by the private service. He said he cannot comment on what standards the private operators are working to. Kerry County Council is working to full health and safety requirements and standards and has a lot of overheads. Despite the fact that Kerry County Council's charges were reduced the service has lost customers. Everything possible is being done to stay in the service. If a viable service cannot be continued Kerry County Council will have to exit the service.

Cllr. T. Ferris asked if much of the funding spent on the service going to have to be spent anyway.

Mr. T. Curran, County Manager, said all aspects of the service are being examined at this stage.

Cllr. D. Healy-Rae asked if Kerry County Council is utilising its machinery for the same amount of hours as private operators.

Mr. T. Curran, County Manager, said Kerry County Council's crews are not working the same amount of hours because premium pay rates would have to be paid. He said he does not have the same flexibility under the national legislation Working Act and pay. He said he must comply with this legislation.

Cllr. D. Healy-Rae said the waiver scheme will be thrown into jeopardy if Kerry County Council exits the refuse collection service and it will invariably lead to refuse collection costs being increased.

Mr. T. Curran, County Manager, said the private operators are undercutting one another and they are competing against one another too. The refuse collection service is in difficult times.

**Public Lighting at the Junction of Poulgorm**

Cllr. J. Healy-Rae said he had a Notice of Motion regarding public lighting at the junction of Poulgorm and he was told the NRA is responsible for this junction. The letter received from the NRA says that proposals for this junction are the responsibility of the Local Authority. He said he is asking now that Kerry County Council make a submission to the NRA regarding this junction. There was a four car accident at this junction.

Cllr. P. Connor-Scarteen SECONDED this.

Mr. C. O'Sullivan, Director of Roads and Transportation, said it has been submitted to the NRA previously and has refused. Kerry County Council will make a further submission.



**Kilgarvan Sewerage Scheme**

Cllr. J. Healy-Rae said there is still a smell coming from the Kilgarvan Sewerage Scheme. He asked if any progress has been made to rectify this problem.

Mr. O. Ring, Director of Water Services, said he was not aware of a difficulty with this scheme recently. He said the problem with the smell was to be rectified and he undertook to follow it up.

The meeting concluded at 5.40 p.m.

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

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**Mayor of Kerry**