

**MINUTES OF THE FIRST ANNUAL MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
FRIDAY 6<sup>TH</sup> JUNE 2014.**

**MIONTUAIRISCÍ AN CHÉAD CRUINNÍÚ BLIANTIÚIL DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS  
AN CHONTAE, TRÁ LÍ, AR AN AOINE 6 MEITHEAMH, 2014.**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

<b>R. Beasley</b>	<b>J. Brassil</b>	<b>M. Cahill</b>
<b>P. Connor-Scarteen</b>	<b>B. Cronin</b>	<b>J.J. Culloty</b>
<b>P. Daly</b>	<b>T. Ferris</b>	<b>J. Finucane</b>
<b>S. Fitzgerald</b>	<b>John F. Flynn</b>	<b>N. Foley</b>
<b>M. Gleeson</b>	<b>D. Grady</b>	<b>D. Healy-Rae</b>
<b>J. Healy-Rae</b>	<b>N. Kelleher</b>	<b>M. Kennelly</b>
<b>S. Locke</b>	<b>D. McCarthy</b>	<b>P. McCarthy</b>
<b>T. McEllistrim</b>	<b>J. Moloney</b>	<b>N. Moriarty</b>
<b>D. Nolan</b>	<b>T. O'Brien</b>	<b>B. O'Connell</b>
<b>M. O'Shea</b>	<b>L. Purtill</b>	<b>D. Quigg</b>
<b>J. Sheahan</b>	<b>G. Spring</b>	<b>A. Thornton</b>

**IN ATTENDANCE/I LÁTHAIR**

<b>Mr. M. McMahon D/County Manager</b>	<b>Mr. J.D. Flynn, Dir. of Corp. Servs.</b>
<b>Mr. O. Ring, Dir. Water Serv.</b>	<b>Mr. P. Stack, A/Dir. Planning</b>
<b>Mr. C. O'Sullivan, DoS L.A. Procur.Off.</b>	<b>Mr. J. Breen, Dir. of Housing</b>
<b>Mr. G. MacNamara, A/Dir. of Roads</b>	<b>Ms. A. McAllen, A/Head of Finance</b>
<b>Mr. M. O'Donoghue, SEO HR</b>	<b>Mr. G. O'Brien, Meetings Admin.</b>
<b>Mr. J. Purcell, SEE Corp. Services</b>	<b>Mr. P. Corkery, Press &amp; Comm. Off.</b>
<b>Ms. B. Reidy, SSO Corporate Affairs</b>	<b>Ms. S. Broderick, SO Corp. Affairs</b>
<b>Ms. C. Fitzgerald, A.S.O. Corp. Affairs</b>	<b>Ms. M. Galvin, CO Corporate Affairs</b>
<b>Ms. O. O'Shea, C.O. Corp. Affairs</b>	

The meeting commenced at 11.00am.

Cllr. S. Fitzgerald took the Chair.

**Return of Persons elected to Kerry County Council**

Mr. G. O'Brien, Meetings Administrator read the Return of Persons elected to the membership of Kerry County Council as a result of the Local Elections held on the 23<sup>rd</sup> May 2014 as follows:-

### **Local Electoral Area of Killarney**

Danny Healy-Rae (Non-Party)  
Michael Gleeson (South Kerry Independent Alliance)  
Brendan Cronin (Non-Party)  
John Joe Culloty (Fianna Fáil)  
Donal Grady (Non-Party)  
Niall Kelleher (Fianna Fáil)  
John Sheahan (Fine Gael)  
Bobby O'Connell (Fine Gael)

### **Local Electoral Area of Tralee**

Toireasa Ferris (Sinn Féin)  
Pa Daly (Sinn Féin)  
Norma Foley (Fianna Fáil)  
Terry O'Brien (The Labour Party)  
Jim Finucane (Fine Gael)  
Thomas McEllistrim (Fianna Fáil)  
Pat McCarthy (Fine Gael)  
Sam Locke (Non-Party)  
Graham Spring (The Labour Party)

### **Local Electoral Area of South and West Kerry**

Johnny Healy-Rae (Non-Party)  
Michael Cahill (Non-Party)  
Michael D. O'Shea (Fianna Fáil)  
Dan McCarthy  
Séamus Cosáí Fitzgerald (Fine Gael)  
John Francis Flynn (Fianna Fáil)  
Norma Moriarty (Fianna Fáil)  
Damian Quigg (Sinn Féin)  
Patrick Connor-Scarteen (Fine Gael)

### **Local Electoral Area of Listowel**

John Brassil (Fianna Fáil)  
Robert Beasley (Sinn Féin)  
Aoife Thornton (Fine Gael)  
Dianne Nolan (Sinn Féin)  
Liam Purtill (Fine Gael)  
Jimmy Moloney (Fianna Fáil)  
Mike Kennelly (Fine Gael)

Mr. O'Brien congratulated members on their election and wished them well for their term in office. He advised all present of the location of the three Fire Exits in the Chamber in the event of an emergency and the route to be taken to exit the building in the event of a fire. Mr. O'Brien indicated the cameras which were installed in the new Chamber and advised members that it is intended to film the handover from the outgoing Chair and the new Cathaoirleach's speech only. Mr. O'Brien also said that lunch was booked in the Manor West Hotel for 1.30pm for the members and the Press. Mr. O'Brien reminded members of the need to sign in at each meeting. In conclusion Mr. O'Brien said a group photo would be taken in the Council Chamber following the meeting.

Chuir Crl. S. Fitzgerald fáilte roimh gach éine chuig an chruinniú. He then read the following into the record of the meeting.

*"As Mayor of Kerry for the next few minutes I want to again welcome you all here today to the first meeting of the new Council.*

*To our returning members, I am delighted to see you all back here. To our newly elected Councillors, I would like to welcome you and wish you all the best over the next five years. I would also like to pay tribute to former colleagues who lost their seats in the election.*

*While wearing the chain of office I was delighted and honoured to have served you and represented you over the past 12 months. It has been an amazing 12 months and we have seen some significant changes, not least in the structure of local government.*

*Obviously the most significant of these is the abolition of the Town Councils, which happened on June 1<sup>st</sup>, with the loss of Tralee, Killarney and Listowel Town Councils. With an enlarged Council of 33, we must work harder to ensure that these areas do not suffer as a result of this change.*

*Additionally we have seen the loss of responsibility for water services to the newly formed Irish Water, Uisce Eireann, while our responsibility for issuing driver licences has transferred to the National Driver License Service.*

*These have had a significant impact on how we as elected members can serve the public and we must ensure that as a group we work together to ensure that the public are represented to the best of our ability.*

*On the positive side though, my time as Mayor saw some significant projects coming to fruition in the county.*

*I was delighted to have been involved in the Official Opening of the €97m Tralee Bypass last August, by Minister for Arts, Heritage and the Gaeltacht, Jimmy Deenihan TD. This is a fantastic boost for the town and we can already see the benefits for the town centre and for travel times.*

*I also had the pleasure of officiating at the N86 Annascaul to Gortbreagogue road opening, by Minister for Transport Mr Leo Varadkar TD. It is hugely disappointing that An Bord Pleanála didn't see fit to grant the CPO for the remainder of the project.*

*However, there is a chink of light in relation to the recent court ruling and I am hopeful that Bord Pleanála will see that this project is crucial to the continued growth of the Dingle Peninsula.*

*The opening of Phase II of the Dingle Inner Relief Road was a proud moment for me personally. As a West Kerry man, who lives near Dingle and comes there daily, the progression of this road is vital, particularly during the summer months when visitor traffic increases significantly. I am hopeful that we will be able to continue this project. The support of both the Dingle community and the Roads Department of Kerry County Council has been crucial in this regard.*

*The opening of Baile Breac Water Treatment Plant near Ballydavid in the Gaeltacht, was one of 26 rural water treatment and reservoir schemes developed and completed in Kerry over the past three years. These improvement works under the Remedial Action List (RAL) scheme, ensure that the quality of the water in Kerry is of the highest standard that can be achieved.*

*The official opening in December of the Waterville Water and Wastewater Treatment Systems is critical to the future development of Waterville town and surrounding areas, which is a key tourist area on the Ring of Kerry.*

*For the development of tourism in the county, the official opening of the pontoons at Portmagee and the announcement of funding for the Glenbeigh-Renard Greenway will add greatly to the tourism potential of South Kerry, especially with the continued growth of activity tourism.*

*Another project which will bring increased exposure and recognition to South Kerry is the Dark Skies Nature Reserve designation for An Gaeltacht Iveragh, the only such area in the Northern Hemisphere. Last week we had a Japanese television crew filming in the Ballinskelligs area about this project and it will add another string to the bow of the southern part of the county.*

*In this regard, the progression of the Wild Atlantic Way and its inclusion of so many points along the 350 mile Kerry coast is a huge boost. In time and with the proper support from Fáilte Ireland, this will be one of the iconic driving routes globally. Already our Roads Department are working with Fáilte Ireland to improve access routes and discovery points along the Wild Atlantic Way.*

*As Mayor of Kerry, I have been very lucky to have been invited to represent our county at a number of functions abroad. At each of those, I have tried to impress upon our audiences the attractiveness of our county as a destination for tourism and business.*

*I have been fortunate to have received a positive hearing and I am of the view that these visits need to continue, in order to promote our county. It has been said before that the level of support we receive from outside agencies is disappointing. It is crucial that we continue to paddle our own canoe.*

*As such, much of the work we are doing is in conjunction with the Institute of Technology, Tralee, showcasing Kerry as a centre of excellence for education and boasting a highly educated workforce, with a heightened entrepreneurial drive.*

*During my visit to the US for St Patrick's Weekend, I met with representatives of Sacred Heart University Connecticut and representatives from La Guardia University in New York with a view to improving links between these colleges and the IT Tralee.*

*Already these have borne fruit with the announcement of the signing of a Memorandum of Understanding between Sacred Heart College and the ITT in relation to student and lecturer exchange in the student Nursing Programme.*

*Last week in New York, I had the privilege of launching Valentia's bid for UNESCO World Heritage status in relation to their historical links to the telecommunications industry, courtesy of the cable between Valentia and Newfoundland, laid in 1866.*

*I was also able to meet with North American tour operators, along with Tourism Ireland North America, to promote the whole of the county, including the Ring of Kerry, North Kerry and the Wild Atlantic Way among these influential tour operators.*

*We have also been involved in creating and growing links with the Zhejiang province in China, with visits taking place between both parties. I am hopeful that it will benefit this county into the future where there is strong interest in our agricultural and education systems.*

*Many of these visits abroad have been made possible by the assistance of our Kerry diaspora who have provided the necessary contacts, arrangements, and introductions at the highest levels. We in Kerry should be rightly proud of the positions they hold and the respect they are held in globally. And the lengths they go to in order to assist us and to promote their home county is fantastic. We should and we will continue to work with our Kerry diaspora to try and open doors and opportunities for this county.*

*I will name just three of many, Noel O'Sullivan and Danny Tim O'Sullivan in London and Michael Kearney in New York, who have been of huge assistance to us and I thank them and everyone else for their assistance.*

*In closing I would like to thank everybody who assisted me during my time as Mayor. In particular I would like to thank my family, my fellow elected members, and staff and management of Kerry County Council.*

*In particular I would like to thank Tom Curran. His assistance and advice was crucial and his door was always open to me. I would like to wish him well in his retirement and also wish his successor to very best success over the coming years.*

*Go raibh maith agaibh."*

Cllr. B. O'Connell suggested that there would be only one speaker on behalf of each party.

This was agreed.

Cllr. O'Connell complimented the Mayor on his outstanding term in office and said he was an excellent ambassador both at home and abroad. He ran Council meetings efficiently and was fair to everyone. He wished the Mayor and his family well for the future.

On behalf of the Fianna Fáil members and as a colleague in the old Dingle Electoral Area Cllr. M. O'Shea congratulated the Mayor on a very successful year and said he was fair and courteous to all members. When the Dingle and Killorglin Electoral Areas were amalgamated for Electoral Area meetings at the end of 2013 the Mayor and John Flynn ensured the transition was smooth and that it worked well. He wished the Mayor and his family well for the future.

Cllr. M. Gleeson congratulated the Mayor on his excellent year in office. He heard the Mayor did an excellent job representing the county in New York. Cllr. Gleeson said that day signalled the end of the Town Councils who acted efficiently for their areas. He condemned Minister Hogan and the Houses of the Oireachtas for abolishing Town Councils but said members must now move on and ensure that the standards that prevailed will continue. Coming from a tourism town he condemned the idiotic decision to get rid of the title of Mayor. He witnessed the positive impact the Mayor has when receiving visitors from the EU and the US. Last year he deputised for the Mayor and greeted 70 people from Georgia and they were very impressed that the Mayor of Killarney took the time to meet with them in the evening. He called on the Government to reconsider this decision. He formally PROPOSED that the title of Mayor would be restored in Kerry.

Cllr. P. McCarthy SEONDED this proposal and asked that the proposal would be circulated to all local authorities for consideration and support.

On behalf of the Labour Party Cllr. T. O'Brien congratulated the Mayor on an excellent year in office and said he was very fair to all members. As he served as Mayor in the recent past he understood the extent of meetings and functions the Mayor must attend. He complimented the Mayor on the way he represented the county both at home and abroad and he wished him success in the future.

On his own behalf and on behalf of Cllr. D. McCarthy, Cllr. M. Cahill congratulated the Mayor on his excellent year in office and said he did the county proud and was fair to all members.

Cllr. B. Cronin congratulated the Mayor on his year as Mayor and said he represented the county and the Dingle peninsula with distinction. He was fair to all members and managed Council meetings efficiently. Cllr. Cronin expressed sadness at the loss of members who were not re-elected i.e. Cllrs. Buckley, Purtill and Griffin. Politics is a tough brutal game and no one realises the amount of work involved. He congratulated all the successful candidates and said there is a daunting task ahead. As the Town Councils have been abolished he guaranteed that he would do everything possible to work for the benefit of the Killarney Municipal District. Cllr. Cronin PROPOSED that Kerry County Council would make a submission in support of the return of discretionary Medical Cards. He complimented all involved in renovating the Council Chamber and said it was an excellent job and the Chamber needed to be modernised.

Cllr. M. Gleeson SEONDED this proposal.

On his own behalf and on behalf of Cllr. J. Healy-Rae, Cllr. D. Healy-Rae congratulated the Mayor on his year in office. He wished the Mayor and his family well for the future. He thanked everyone who voted for himself and Johnny and he also thanked his canvassers. He promised they would work for the people who elected them.

On behalf of the Sinn Féin party Cllr. T. Ferris congratulated the Mayor on his successful year in office. It was a tremendous honour for the Mayor, his family and the people of West Kerry. She congratulated Dublin City Council and Cork City Council who agreed to use the D'Hondt method for the election of Mayor. She hoped this would be adopted in Standing Orders in Kerry in the next 5 years to give equity to all members.

Mr. M. McMahon, Deputy Chief Executive, said the Mayor, in his speech, outlined the broad range of functions attended by him during the past year. He thanked the Mayor for representing the Council so well at home and abroad. He also congratulated him on the manner in which he conducted the business of Council meetings. Mr. McMahon, on his own behalf and on behalf of Mr. T. Curran thanked the Mayor for his co-operation and availability when he was required.

#### **14.06.06.01 Election of Mayor**

The Mayor invited nominations for the position of Cathaoirleach of Kerry County Council.

Cllr. N. Foley said it was a great honour for her to PROPOSE Cllr. John Brassil for the position of Cathaoirleach. Cllr. Brassil has served his electoral area since he was first elected in 1999. He is a capable, highly committed public representative who is fair and distinguished. Cllr. Brassil comes from a strong family of public representation and his father Noel served as Cathaoirleach of Kerry County Council on two occasions. In conclusion Cllr. Foley said she was confident Cllr. Brassil would bring honour to the position of Cathaoirleach.

Cllr. J. Moloney SECONDED this proposal.

Cllr. D. Grady PROPOSED Cllr. Brendan Cronin for the position of Cathaoirleach of Kerry County Council. Cllr. Cronin has served as an independent councillor since he was elected in 1999 and he is very out spoken.

Cllr. M. Gleeson SECONDED this proposal.

A vote was taken which resulted as follows:-

<b>For Cllr. Brassil:</b>	Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, Culloty, Finucane, Flynn, Foley, D. Healy-Rae, J. Healy-Rae, Kelleher, Kennelly, D. McCarthy, P. McCarthy, McEllistrim, Moloney, Moriarty, O'Brien, O'Connell, O'Shea, Purtill, Sheahan, Spring, Thornton, Fitzgerald <b>(25)</b>
---------------------------	---

<b>For Cllr. Cronin:</b>	Cllrs. Cronin, Daly, Ferris, Gleeson, Grady, Locke, Nolan, Quigg <b>(8)</b>
--------------------------	---



**Not Voting:** None (0)

Mr. G. O'Brien declared Cllr. Brassil elected Cathaoirleach of Kerry County Council.

Cathaoirleach Brassil then took the Chair.

At the outset the Cathaoirleach thanked Cllr. Cronin for allowing his name to go forward for the position of Cathaoirleach and said Cllr. Cronin is a very fine councillor. He then read the following speech into the record of the meeting.

*"Fellow Councillors, members of the public, family and friends it is a tremendous honour for me personally to have been elected as Cathaoirleach of Kerry County Council today, and I want to thank everyone most sincerely for making it happen.*

*I would also like to thank the Fianna Fáil party for putting me forward, my proposer, and seconder. I also want to take this opportunity to congratulate all my fellow councillors on their election to Kerry County Council. Politics is a tough profession at the moment, so none of us are in this for glory, we all just want what is best and right for the people of Kerry.*

*To all those who voted for me and for those who did not, I want to assure all councillors that having been elected as your Cathaoirleach, I will always treat everyone in this Chamber equally. I will endeavour to conduct the business of Kerry County Council efficiently and effectively, and in a manner which allows each representative from every party and none, an equal voice and a reasonable opportunity to make their contributions heard.*

*This is a new beginning for Local Government in Kerry with the abolition of Tralee, Killarney and Listowel Town Councils we are faced with significant challenges to ensure that the services we provide to the people of Kerry are delivered to the highest possible standards.*

*The officials of Kerry County Council have been working very hard to try and put the new structures in place to facilitate the transition. However with the best will in the world it would be an impossible task to get everything right first time round. Any transition requiring such change should always be coupled with evaluation. To monitor progress I will be asking Kerry County Council officials to provide quarterly updates to the Council so that we are regularly briefed on their progress. This will allow us as Councillors to see changes as they happen. It will also afford us regular opportunities to request any changes that we may deem necessary to improve progress.*

*As the representatives of the people of Kerry I'm sure we will get informed very quickly if specific services are not performing for the community. But it is how we deal with those issues which I believe we need to address. The changes are onerous but they do afford us an opportunity to do things differently. It is my belief that our new council must adapt a more flexible approach to problem solving and provide a quicker response to effect change where services are found wanting.*

*To this end we can look to the systems that are in place in other local authorities. For example South Dublin County Council have implemented a number of protocols that are specifically designed to ensure that elected members get quick and meaningful replies to their queries thus ensuring a better service for the public. With this in mind I will be asking our Corporate Policy Group to investigate these systems with a view to having something similar implemented in Kerry within twelve months. Like every other county in Ireland the people in Kerry are now paying significant charges through property tax and water charges. All of these increases come at a time when people have suffered a great deal of social and economic change. There is an onus on us all to ensure a better quality of service across all our areas of responsibility to the very best of our ability. Where services in Kerry are found wanting we must ensure that we work together to have these issues raised and addressed at national level when required.*

*I believe that this council term will determine the significance and importance of local government now and into the future. Over the past twenty years we have seen a significant devolution of power to central government. While the pace of change may have seemed relatively slow the diminution of power has been significant and rapid.*

*The current Minister informs us that the reduction of councillors and Councils by over 60% will lead to better Local Government and increased responsibility. I know that this is something that I and many of you question. Our collective concern must remain the services for the people of Kerry who have entrusted us with their representation.*

*New funding arrangements will require careful scrutiny to ensure that we are funded in a manner that allows us to provide the type of services the people of Kerry are paying for and that they are getting the quality that they deserve for their hard earned money and taxes. Whilst not wishing to raise too many specific issues today, I am sure that we are all well aware that the issue of water charges was a significant one on almost every doorstep during the recent campaign and well before it. In these new funding arrangements we need to quickly establish what Irish Water intend to provide by way of capital investment to provide a clean and effective system that meets the needs of all of the people of Kerry, town and county.*

*These are issues that I as Cathaoirleach and we collectively as a council will be asking Central Government. We must hold this Government and all future Governments to account to ensure that the people of Kerry get the attention they deserve and that local government plays a pivotal role in the lives of our citizens.*

*There is no doubt that this first year of the new Council which is charged with the implementation of the new structures and funding arrangements will be enormously challenging. But if there is one thing that can be said for this group of individuals it's that we enjoy challenges, Lord knows if we didn't we would never have entered politics in the first place.*

*We are in a new chamber, will have a new Manager and with 33 people all anxious to make a contribution and have their representations heard. We have a huge work agenda ahead of us.*

*There are significant milestones/targets to achieve this year:-*

- We must adopt the new County Development Plan*
- We must pass an annual Budget*
- We must run the new LCDC efficiently and effectively*
- The Centenary Anniversary of 1916 is approaching fast and every person and political party in this Chamber will have a desire to be part of that. Early in 2015 I propose to set up a working group led by members and officials to ensure we commemorate these occasions with dignity and in a way that includes everyone.*
- In addition we need to deal with the significant upheaval which will undoubtedly be caused by the abolition of the town council structure.*

*In order to get through such a workload it is vital that we work collectively to make our meetings as productive and meaningful as we possibly can at all times.*

*I will treat everyone in here with fairness and equality, and all that I ask in return is that you do likewise.*

*They say in politics you should never make promises you cannot keep so I won't make promises.*

*But I will set as my significant objective to work my hardest and to the best of my ability, to leave this Council, this Chamber and the County of Kerry in a better place in 12 months time than it is now.*

*Yes there are challenges, yes there is adversity ahead, but I believe that in adversity lies opportunity. There are still significant opportunities out there for the people of Kerry and if we work together I believe that we can act as a significant voice for all of our people.*

*There is a very old saying, "If you want to go fast, go alone, if you want to go far, go together".*

*I look forward to working with you all to ensure that collectively we really deliver for the people of Kerry, together.*

*Lastly, I want to thank the people who have come on this journey with me since my involvement in politics which started in this Chamber in 1999. My wife (name withheld for data protection purposes – a paper copy of the unedited minutes is available on request), my 3 children, (names withheld for data protection purposes – a paper copy of the unedited minutes is available on request) , my mother (name withheld for data protection purposes – a paper copy of the unedited minutes is available on request) and my sister (name withheld for data protection purposes – a paper copy of the unedited minutes is available on request), all my immediate family and friends, some who are here today and many who unfortunately couldn't be. I also want to mention my late father, Noel, who I know would be a very proud man today. I hope I can repay the faith and trust you have all put in me and do you all proud in my role of Cathaoirleach of Kerry County Council.*

Go raibh míle maith agaibh go léir. “

Cllr. B. O'Connell suggested that there would be just one speaker on behalf of each party to congratulate the Cathaoirleach.

This was agreed.

On behalf of the Fine Gael Party Cllr. B. O'Connell wished the new Cathaoirleach well for the coming year. He said Cllr. Brassil is very competent and has worked hard as a councillor for the past 15 years. Cllr. O'Connell said he served on Kerry County Council with the Cathaoirleach's father Noel and he would be very proud.

Cllr. B. Cronin congratulated the Cathaoirleach on his election and said it is a tremendous honour for him and his family. He complimented the Cathaoirleach on the sincerity of his speech and wished him well for the coming year. In conclusion Cllr. Cronin thanked his proposer and seconder.

Cllr. M. O'Shea said to be elected Cathaoirleach is the highest accolade one can achieve in local government. Cllr. Brassil fought four Local Elections and one Senate Election and it is indeed a proud day for him and his family. He wished him success for the coming year.

Cllr. M. Gleeson congratulated Cllr. Brassil on his election as Cathaoirleach and said he served with his late father Noel who was fair and honest. He wished the Cathaoirleach well for the coming year and said he hoped Kerry would prosper. He assured the Cathaoirleach of his support provided everything is done fairly.

On behalf of the Labour Party Cllr. T. O'Brien congratulated the Cathaoirleach on his election and said it is an honour for him and his family. Cllr. Brassil does not always go along with popular decisions and he is a councillor of integrity who stands by his beliefs. Cllr. O'Brien said he looked forward to working with the Cathaoirleach and he wished him and his family well for the coming year.

On behalf of Sinn Féin Cllr. R. Beasley congratulated the Cathaoirleach on his election and said it is a great honour for both himself and his family. He welcomed the Cathaoirleach's interest in traditional seaside tourism and said he hoped he would make a positive impact to improve this industry. He also called on the Cathaoirleach to promote the Wild Atlantic Way. Members must also ensure that those who were flooded in the recent storms are not forgotten and that measures are taken to ensure it will not happen again. Cllr. Beasley paid tribute to the councillors who lost their seats in the recent Local Election in particular former Councillor Tim Buckley, who is a gentleman and Pat Leahy also. In conclusion he wished the Cathaoirleach every success for the coming year.

Cllr. M. Cahill congratulated Cllr. Brassil on his election as Cathaoirleach of Kerry County Council and said this is a very special day for him, his wife, family and his mother Mary. The Cahill and Brassil families have a long association and he attended many functions with John's parents. His father Noel was very witty and he would be very proud that John is Cathaoirleach. It is also a great day for all John's supporters. Cllr. Cahill congratulated Cllr. Cronin on going forward for election. There are up to 5,000 qualified housing applicants in the county and the lack of a proper broadband service and the problems with the water supply in Mid Kerry are all issues that need to be addressed. He expressed disappointment that some of the outgoing members were not re-elected and said they made a great contribution while they served as councillors. This is also a great day for him personally as two of his friends were elected to the Council recently i.e. Cllr. Dan McCarthy who was elected on the third attempt and John Francis Flynn who is just 23 years.

Cllr. S. Locke congratulated Cllr. Brassil on his election as Cathaoirleach and said he would work with him in promoting Kerry to attract jobs to the county.

Cllr. J. Healy-Rae congratulated the Cathaoirleach and his family on his election and said it is a great honour for him. He wished him the best for the coming year.

Cllr. D. Healy-Rae congratulated Cllr. Brassil on his election as Cathaoirleach. He expressed his disappointment that the title of Mayor is no longer an option for Kerry County Council. Cllr. Healy-Rae said he looked forward to working with the Cathaoirleach over the coming year. There are a number of issues he wishes to pursue including a reduction in the speed limit at Glenflesk Church, Coolcashlagh, Pike Hill and Madams Hill etc. In the past he sought deputations with the Minister in relation to the suspension of funding for Local Improvement Schemes but that did not happen. He also sought a deputation with the Department of Environment in relation to the setting up of Irish Water but that did not happen either. He called on the Cathaoirleach to support members when they seek deputations in future. In relation to the Medical Cards issue the members of Kerry County Council must let the Government know the people of Kerry have been hurt by this and will not tolerate any more cuts.

Cllr. T. Ferris said this is a very big day for the Cathaoirleach's family and she was confident he will be fair to all members.

Cllr. D. Grady congratulated the Cathaoirleach and wished him well for the coming year. He was lucky to have served as Mayor of Killarney and he would be looking closely at the €14m that will be taken out of Killarney Town. He also wanted to ensure Kilcummin Sewerage Scheme progresses in the near future.

Deputy Chief Executive, Mr. M. McMahon, on his own behalf and on behalf of all staff, congratulated the Cathaoirleach on his election and said this is a time of momentous change. He undertook to take on board the Cathaoirleach's request for quarterly progress updates. There will be a revised budgetary process and members will be updated as details are received. Mr. McMahon said he looked forward to working with the Cathaoirleach over the coming year and he assured him of the full support of the senior management team.

#### **14.06.06.02 Election of Leas-Chathaoirleach**

The Cathaoirleach then called for nominations for the position of Leas-Chathaoirleach.

Cllr. M. O'Shea PROPOSED that Cllr. T. McEllistrim be appointed to the position of Leas-Chathaoirleach. The McEllistrim family have been involved in national politics since the foundation of the State and Thomas was involved nationally until 2011.

Cllr. N. Kelleher SECONDED this proposal.

Cllr. B. Cronin PROPOSED Cllr. D. Grady for the position of Leas-Chathaoirleach. Donal who was elected to Kerry County Council in the recent Local Election was previously a member of Killarney Town Council. It is important that a candidate is put forward from the Municipal District of Killarney as there is great concern in relation to tourism. Cllr. Cronin pointed out that 7 independent candidates in the Killarney Electoral Area received 60% of the vote.

Cllr. T. Ferris SECONDED this proposal.

A vote was taken which resulted as follows:

**For Cllr. T. McEllistrim:** Cllrs. Cahill, Connor-Scarteen, Culloty, Finucane, Fitzgerald, Flynn, Foley, Kelleher, Kennelly, P. McCarthy, McEllistrim, Moloney, Moriarty, O'Brien, O'Connell, O'Shea, Purtill, Sheahan, Spring, Thornton, Brassil **(21)**

**For Cllr. Grady:** Cllrs. Beasley, Cronin, Daly, Ferris, Gleeson, Grady, D. Healy-Rae, J. Healy-Rae, Locke, D. McCarthy, Nolan, Quigg **(12)**

**Not Voting:** None **(2)**

The Cathaoirleach declared Cllr. T. McEllistrim elected Leas-Chathaoirleach.

Cllr. T. McEllistrim thanked his proposer, seconder and all who voted for him. He was delighted and honoured to be elected Leas-Chathaoirleach and he undertook to work with all councillors for the betterment of the county. He thanked all those who voted for him in the recent Local Election and he congratulated Cllr. Brassil on being elected Cathaoirleach.

#### **14.06.06.03 Appointment to Committees**

Mr. G. O'Brien, A/SEO, informed the meeting that group voting, as provided for in Paragraph 18, Schedule 10 of the Local Government Act 2001 will apply to the appointment of committees. He requested members to take their time in making nominations to allow all proposals to be recorded accurately. The number of members required to form a group would depend on the number of members in the Chamber when nominations are being made. He added that there were 33 members present in the Chambers at that time.

**(a) Audit Committee**

Mr. G. O'Brien, A/SEO informed the meeting that two members could be nominated to the Audit Committee and seventeen councillors would be required to form a group.

As there was no group proposal Cllr. J. Finucane PROPOSED that Cllrs. N. Kelleher and B. O'Connell be nominated to the Audit Committee.

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

**(b) Chairs-designate of Strategic Policy Committees**

Mr. G. O'Brien, A/SEO informed the meeting it is intended to have four Strategic Policy Committees. In accordance with the Guidelines each Municipal District should be represented and any group of nine councillors may form a group.

Cllr. T. Ferris stated that in accordance with the group procedure Cllr. R. Beasley was nominated as a Chair-designate of a Strategic Policy Committee by the following group of members - Cllrs. T. Ferris, R. Beasley, D. Quigg, D. Nolan, P. Daly D. McCarthy, M. Cahill, S. Locke and D. Grady.

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

Cllr. J. Finucane PROPOSED that the following members be nominated Chairs-designate of the remaining three Strategic Policy Committees:-

- Cllr. J. Sheahan for a period of 5 years
- Cllr. J. Finucane for a period of 5 years
- Cllr. J. Moloney for 2½ years with Cllr. J.J. Culloty succeeding him for the remaining 2½ years.

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

**(c) Kerry County Rural Water Committee**

Mr. G. O'Brien informed the meeting that the Council may nominate four members to this Committee. Any group of nine councillors may nominate a member to this Committee.

Cllr. T. Ferris PROPOSED that Cllr. D. McCarthy be nominated to the Kerry County Rural Water Committee by the following group of members:- Cllrs. T. Ferris, R. Beasley, D. Quigg, D. Nolan, P. Daly, D. McCarthy, M. Cahill, S. Locke and D. Grady.

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



As there was no other group proposal Cllr. J. Finucane PROPOSED that Cllrs. A. Thornton, M. Kennelly and J.F. Flynn be nominated to fill the remaining positions on this Committee.

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

**(d) Local Community Development Committee**

Mr. G. O'Brien informed the meeting that the Council may nominate four members to this Committee with a stipulation that there would be one per Municipal District. Any group of nine councillors may nominate a member to this Committee.

Cllr. T. Ferris PROPOSED that Cllr. P. Daly be nominated to the Local Community Development Committee by the following group of members:- Cllrs. T. Ferris, R. Beasley, D. Quigg, D. Nolan, P. Daly, D. McCarthy, M. Cahill, S. Locke and D. Grady.

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

Mr. G. O'Brien pointed out that Cllr. Daly represents the Municipal District of Tralee and the other three nominations should be from the other Municipal Districts.

As there was no other group proposal Cllr. J. Finucane PROPOSED that Cllrs. A. Thornton, N. Moriarty and N. Kelleher be nominated to fill the remaining positions on this Committee.

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

**(e) Local Traveller Accommodation Consultative Committee**

Mr. G. O'Brien informed members that the Council may nominate four members to this Committee. Any group of nine members may nominate a member to this Committee.

Cllr. T. Ferris PROPOSED that Cllr. S. Locke be nominated to this Committee by the following group of members:- Cllrs. T. Ferris, R. Beasley, D. Quigg, D. Nolan, P. Daly, D. McCarthy, M. Cahill, S. Locke and D. Grady.

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

As there was no other group proposal Cllr. J. Finucane PROPOSED that Cllrs. N. Moriarty, J. Finucane and M. Kennelly be nominated to the remaining positions on the Local Traveller Accommodation Consultative Committee.

Cllr. P. Connor Scarteen SECONDED this proposal and it was agreed.

#### **14.06.06.04 Appointment of Representatives**

##### **(a) Association of Irish Local Government**

Mr. G. O'Brien said there were two sets of nominations to be made to the Association of Irish Local Government. Firstly four members are nominated who will be voting delegates at the annual Conference subject to one representative from each Municipal District. Secondly the nomination of three members from the four nominated above who will be the permanent delegates to the Standing Policy Council of the Association for the full five year term. He would first take nominations for the four representatives and any group of nine members can nominate a representative.

Cllr. T. Ferris PROPOSED that Cllr. D. Grady be nominated by the following group of members:- Cllrs. T. Ferris, R. Beasley, D. Quigg, D. Nolan, P. Daly, D. McCarthy, M. Cahill, S. Locke, D. Grady.

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

Mr. O'Brien stated Cllr. Grady was nominated to the AILG and he represents the Municipal District of Killarney.

As there was no other group proposal Cllr. J. Finucane PROPOSED that Cllrs. J. Moloney for the Municipal District of Listowel, Cllr. P. Connor-Scarteen for the Municipal District of South and West Kerry and Cllr. N. Foley for the Municipal District of Tralee be nominated to the remaining positions on the Association of Irish Local Government.

Cllr. M. O'Shea SECONDED this proposal and it was agreed.

Mr. O'Brien informed the meeting three of the above four nominated must then be nominated to the Standing Policy Council of the Association of Irish Local Government and any group of eleven members can nominate a representative.

Cllr. T. Ferris PROPOSED that Cllr. D. Grady be nominated by the following group of members:- Cllrs. T. Ferris, R. Beasley, D. Quigg, D. Nolan, P. Daly, D. McCarthy, M. Cahill, S. Locke, D. Grady, M. Gleeson, B. Cronin.

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

As there was no other group proposal Cllr. J. Finucane PROPOSED that Cllrs. P. Connor-Scarteen and Cllr. N. Foley be nominated to the remaining positions on the Standing Policy Council of the Association of Irish Local Government.

Cllr. J. Sheahan SECONDED this proposal and it was agreed.

**(b) Destination Kerry Tourism Forum**

Mr. G. O'Brien informed the meeting that the Council is entitled to nominate one member to the Destination Kerry Tourism Forum and this will be by majority.

Cllr. J. Finucane PROPOSED that Cllr. S. Fitzgerald be nominated to the Destination Kerry Tourism Forum.

Cllr. L. Purtill SECONDED this proposal and it was agreed.

**(c) Kerry Education and Training Board**

Mr. G. O'Brien informed the meeting that the Council is entitled to nominate twelve members to the Kerry Education and Training Board and in this instance Guideline and Regulations require a gender balance where a minimum of 40% are female and 40% are male. As a result the five female members of Cllrs. Ferris, Foley, Moriarty, Nolan and Thornton are automatically nominated. This leaves seven positions remaining to be filled and group voting will apply to these. Any group of five members may nominate a representative.

Cllr. T. Ferris PROPOSED that Cllr. D. Quigg be nominated to the Kerry Education and Training Board by the following group of members:- Cllrs. T. Ferris, R. Beasley, D. Quigg, D. Nolan, P. Daly.

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

Cllr. T. Ferris also PROPOSED that Cllr. M. Cahill be nominated to the Kerry Education and Training Board by the following group of members:- Cllrs. D. McCarthy, M. Cahill, S. Locke, D. Grady, B. Cronin.

Cllr. M. Cahill SECONDED this proposal and it was agreed.

Cllr. J. Finucane PROPOSED that the following members be nominated to the remaining positions on the Kerry Education and Training Board:- Cllrs. S. Fitzgerald, T. O'Brien, J. Finucane, J. Brassil, J. Moloney.

Cllr. L. Purtill SECONDED this proposal and it was agreed.

**(d) Killarney National Park Liaison Committee**

Mr. G. O'Brien informed the meeting that the Council is entitled to nominate one member to the Killarney National Park Liaison Committee and this will be by majority.

Cllr. J. Finucane PROPOSED that Cllr. J. J. Culloty be nominated to the Killarney National Park Liaison Committee.

Cllr. J. Sheahan SECONDED this proposal and it was agreed.

**(e) Local Authority Members Association**

Mr. G. O'Brien informed the meeting that the Council is entitled to nominate one member to the Local Authority Members Association and this will be by majority.

Cllr. J. Finucane PROPOSED that Cllr. B. O'Connell be nominated to the Local Authority Members Association.

Cllr. P. Connor-Scarteen SECONDED this proposal and it was agreed.

**(f) MacGillycuddy Reeks Mountain Forum**

Mr. G. O'Brien informed the meeting that the Council is entitled to nominate one member to the MacGillycuddy Reeks Mountain Forum and this will be by majority.

Cllr. J. Finucane PROPOSED that Cllr. J. Sheahan be nominated to the MacGillycuddy Reeks Mountain Forum.

Cllr. P. Connor-Scarteen SECONDED this proposal and it was agreed.

**(g) Regional Health Forum – South**

Mr. G. O'Brien informed the meeting that the Council is entitled to nominate five members to the Regional Health Forum – South and as there were 30 members present any group of six members could nominate a representative.

Cllr. T. Ferris PROPOSED that Cllr. D. Quigg be nominated by the following group of members:- Cllrs. T. Ferris, R. Beasley, D. Quigg, D. Nolan, P. Daly, D. Grady.

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

Cllr. J. Healy-Rae PROPOSED that Cllr. D. Healy-Rae and Cllr. B. Cronin be nominated for 2½ years each by the following group of members:- Cllrs. J. Healy-Rae, D. Healy-Rae, M. Cahill, D. McCarthy, S. Locke, B. Cronin.

Cllr. D. Healy-Rae SECONDED this proposal and it was agreed.

As there was no other group proposal Cllr. J. Finucane PROPOSED that the following members would be nominated to fill the remaining positions on the Regional Health Forum – South:- Cllrs. J. J. Culloty and B. O'Connell for a period of five years each and Cllrs. M. Kennelly and J.F. Flynn for 2½ years each.

Cllr. J. Moloney SECONDED this proposal and it was agreed.

**(g) Southern Regional Drugs Task Force**

Mr. G. O'Brien informed the meeting that the Council is entitled to nominate one member to the Southern Regional Drugs Task Force and this will be by majority.

Cllr. J. Finucane PROPOSED that Cllr. A. Thornton be nominated to the Southern Regional Drugs Task Force.

Cllr. J. Sheahan SECONDED this proposal and it was agreed.

**(h) Tralee Regional Sports and Leisure Company Ltd.**

Mr. G. O'Brien informed the meeting that the Council is entitled to nominate two members to Tralee Regional Sports and Leisure Company Ltd. and any group of 17 members can nominate a representative.

As there were no group proposals Cllr. J. Finucane PROPOSED that Cllrs. T. McEllistrim and G. Spring be nominated to Tralee Regional Sports and Leisure Company Ltd.

Cllr. L. Purtill SECONDED this proposal and it was agreed.

Mr. O'Brien informed the meeting that nominations to the Southern and Eastern Regional Assembly will be taken at the July meeting as notification was not received in time for the Annual Meeting.

**14.06.06.05 Schedule of Ordinary Meetings**

Mr. G. O'Brien informed the meeting that members must agree a schedule of ordinary meetings and it is suggested that the existing arrangement whereby meetings are held on the 3<sup>rd</sup> Monday of each month with the exception of the month of September when the meeting is held on the second Monday would continue. No meeting is held in the month of August.

Cllr. M. Gleeson PROPOSED that the existing arrangement whereby meetings are held on the 3<sup>rd</sup> Monday of each month with the exception of the month of September when the meeting is held on the second Monday would continue. No meeting is held in the month of August.

Cllr. D. Healy-Rae PROPOSED that the Ordinary Council Meetings would commence at 10am.

A number of members objected to this as they had worked their schedule around a 10.30am start.

Cllr. D. Healy-Rae PROPOSED that the September Ordinary Meeting would revert to the third Monday in September.

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

Mr. O'Brien stated that some amendments would be required to Standing Orders and they would be included on the Agenda for the July meeting for adoption.

#### **14.06.06.05 Date for the first meetings of the Municipal District members**

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J.J. Culloty it was unanimously agreed that the first meetings of the Municipal District members would be held in the Council Chamber, County Buildings on Friday 13<sup>th</sup> June, 2014 at the following times:

- |     |                    |                    |
|-----|--------------------|--------------------|
| (a) | Tralee             | 10.30am – 11.30am. |
| (b) | Killarney          | 12.00pm – 1.30pm.  |
| (c) | Listowel           | 2.00pm - 3.30pm.   |
| (d) | South & West Kerry | 3.30pm - 5.00pm.   |

#### **14.06.06.06 Approval to attend Induction Training for Elected Members**

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. J. Finucane it was agreed to approve the attendance of all councillors at the Induction Training for Elected Members to be held on the 26<sup>th</sup> June, 2014 in the Silver Springs Hotel, Cork.

The Cathaoirleach said he was not available on the 26<sup>th</sup> June but he would attend the Induction Training in Dublin on the 19<sup>th</sup> June at his own expense.

Mr. O'Brien said each member would be contacted to confirm their attendance and to establish which venue they will attend.

#### **14.06.06.08 Material Contravention of the Tralee Town Development Plan 2009 – 2015**

Mr. M. McMahon said normal planning decisions are a matter for the executive but if it is proposed to materially contravene the Town/County Development Plan it is a reserved function and must be agreed by the members. The passing of a material contravention requires that  $\frac{3}{4}$  of the total number of members i.e. 24, must vote in favour of the proposal. In future material contraventions will be dealt with at Municipal District level once the Municipal Districts are set up. The only material contravention to be brought to the full Council in future will be one that affects the entire county. Mr. McMahon referred members to his report dated 28<sup>th</sup> May, 2014 and he read his report into the record of the meeting.

## “Development Description

*Change of use of 1026m<sup>2</sup> at ground floor level from permitted warehousing and light industrial use to educational use.*

The Material Contravention Procedure in this case was initiated with publication of the prescribed notice in the Irish Examiner newspaper on 24<sup>th</sup> May, 2014, pursuant to Section 34 of the Planning and Development Act, 2000 as amended by Section 23 of the Planning and Development (Amendment) Act 2010.

*Note: No submissions in relation to the proposed development have been received.*

The attached report and recommendation, dated 27<sup>th</sup> May, 2014, has been prepared to facilitate your consideration of this matter.

In accordance with the terms of this report and recommendation, it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area, is in compliance with Ministerial Guidelines and in accordance with the Regional Planning Guidelines, and **a grant of permission is, therefore, recommended, subject to the conditions listed therein (11 no.).**

**Signed: Michael McMahon** **Date: 28<sup>th</sup> May, 2014**  
**Director of Planning/Tralee Town Manager**

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 as amended by Section 23 of the Planning and Development (Amendment) Act, 2010 in relation to application for the following:

Change of use of 1026m<sup>2</sup> at ground floor level from permitted warehousing and light industrial use to educational use

Planning Register No. 14/8163

Name of Applicant: Liam Davis

Site Location: Cloonanorig, Monavalley Industrial Park, Tralee, County Kerry

Agent: Oliver Daly, Castleisland, County Kerry

Date application lodged: 28<sup>th</sup> February, 2014

Decision due date: 18<sup>th</sup> June, 2014

### **Proposal**

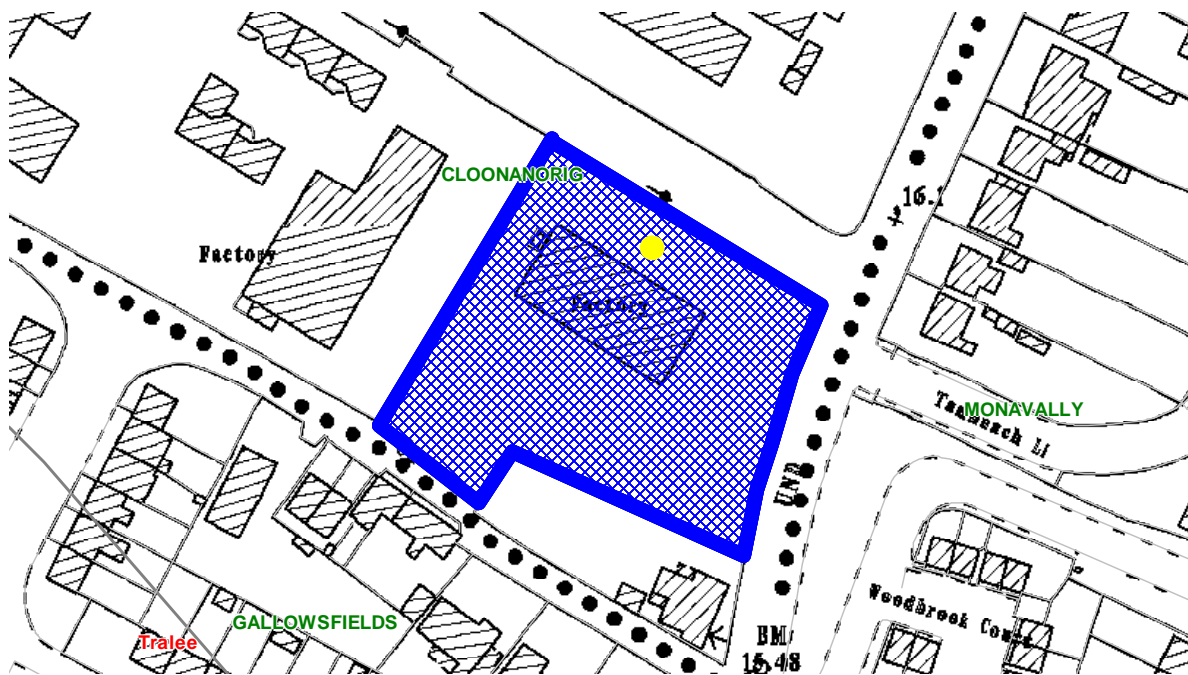
The proposed development may be summarised as follows:

Change the use of 1026m<sup>2</sup> at ground floor level from permitted warehousing and light industrial use to educational use.

### **Description of Site and Surroundings**

The application site is located in an industrial estate to the north of the town centre. There is an existing unit on site which has remained vacant since its construction. The Kerry Education Training Board building is to the north of the site (formerly Fás) which is used primarily for training purposes. Remaining developments in the vicinity of the site are primarily in manufacturing/industrial use. The site is a corner site located at the entrance to the industrial estate. Access to the property is from the estate road serving the industrial park to the north of the application site. Monavalley Industrial Park has been taken in charge. The rear or southern boundary partially abuts the road which serves the Gallowsfield and Cloonanorig residential estates and partially adjoins the garden of a detached two storey dwellinghouse. There is a line of coniferous planting along this boundary. The eastern boundary abuts the R558 Abbeydorney Road. The western boundary adjoins High tech Tubes. There is a metal railing along this boundary at present. The overall site area of the application site is .44ha (1.09 acres).

### **Site Location Map**





**Aerial Photograph of application site and adjacent properties.**



**Elevation of site from public road (Abbeydorney Road – R558) – eastern elevation**



**Elevation from Monvalley Industrial Estate road serving the site – northern elevation  
Main entrance to proposed school to front of photograph**



**View of elevation from Gallowfield Estate road – western elevation**





**View of roadside boundary of site facing south**



**View of internal access corridor at ground floor level**

## Minutes Annual Meeting



**View of Internal Courtyard**

### Site notices

Three site notices were in place, legible and correctly worded on the day of the site inspection. The first was located facing onto the R556 Regional public roadway, the second facing onto the access road serving the neighbouring housing estates to the south and south east and the remaining site notice was erected on the railings of the property to the north.



**Site Notice No. 1 (facing onto the R563 Regional public roadway )**

## Minutes Annual Meeting



Site Notice No. 1 (facing onto the R563 Regional public roadway )



Site Notice No. 2 (on access road serving the neighbouring housing estate - Gallowsfield)



## Minutes Annual Meeting

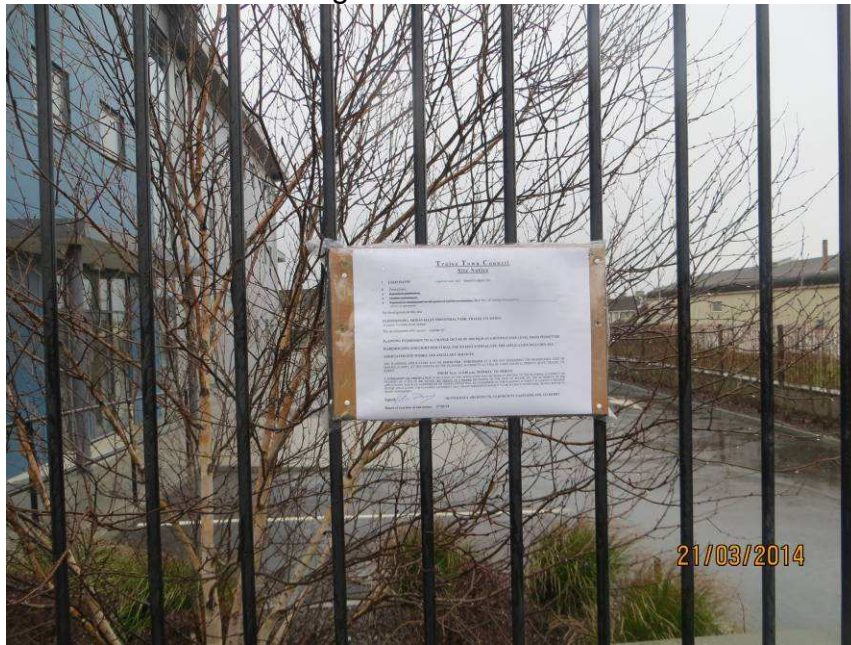


Site Notice No. 2 (on access road serving the neighbouring housing estate - Gallowsfield)



Site Notice No. 3 (facing onto Monavalley Industrial Estate road)

## Minutes Annual Meeting



**Site Notice No. 3 (facing onto Monavalley Industrial Estate road)**

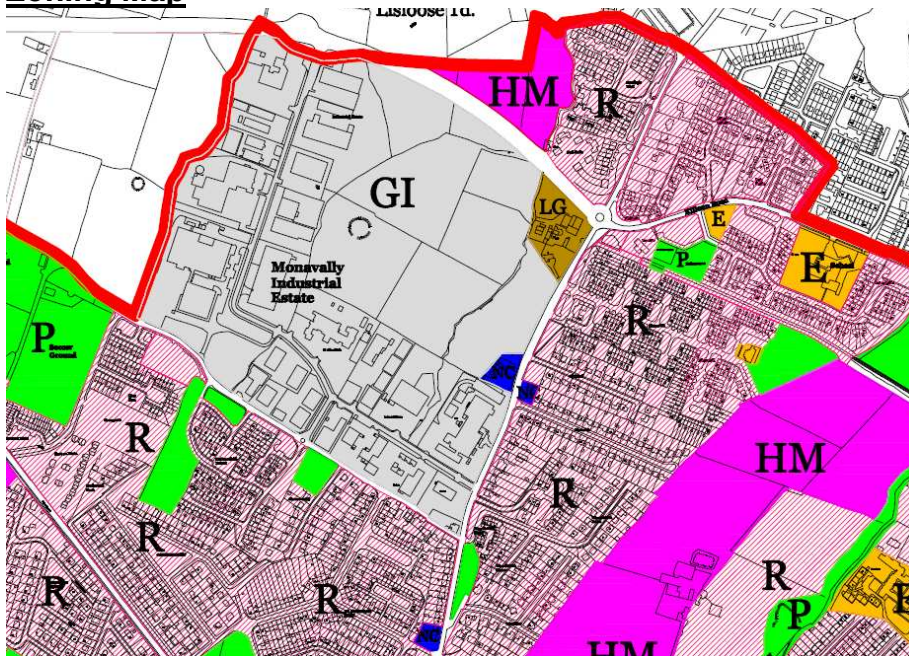
### Pre-Planning Consultation

Pre-planning took place in relation to the principle of the proposal.

### Land Use Zoning Objective

Site located in an area zoned "General Industry" in the Tralee Town Council Development Plan 2009 – 2015. The purpose of this zoning is to: "provide for industrial development".

### Zoning Map





## Minutes Annual Meeting

### **Relevant Planning History**

PDA06/7281: conditional grant of permission to demolish existing building; to construct a 3 storey over basement building (total floor area 5590m<sup>2</sup>) comprising warehousing/ light industrial with ancillary office use, basement car park (41 no. spaces), surface parking (26 no. spaces), new entrance and associated site works

PDA07/7446: conditional grant of permission to a) construct an ESB substation and meter room building and associated site work and (b) permission to amend Condition 9 of PDA 7281/133/06 to provide 3 parking spaces in the building basement in lieu of 3 surface parking spaces on the site

PDA07/7552: conditional grant of permission for a) the construction of an external fire escape stairs and (B) the relocation of 1 no. personnel door and 1 no. up & over door on Ground Floor, 3 no. windows on First Floor and 1 no. window on Second Floor, the removal of 5 no. windows all on the North West Elevation to facilitate stairs, the removal of 2 no. windows and the provision of 2 no. personnel doors on the Second Floor of the South West Elevation. Previously permitted under Plan File PDA 7281/133/06

### **Development Plan and Other Policy**

#### Land Use Zoning Objective

Site located in an area zoned “General Industry” in the Tralee Town Council Development Plan 2009 – 2015.

The purpose of this zoning is to: “provide for industrial development”.

Section 3.11 of the Plan refers to Industrial Development. Policy objective IP07 states that it is the policy objective of Tralee Town Council to restrict non-industrial or non-manufacturing related uses on industrially zoned lands (pg. 65).

Section 11.6 of the Plan outlines that “the industrial estates are primarily for industrial use and proposals to diminish the primary use of these areas as industrial provides shall be assessed on their individual merits...This zoning objective permits industrial and manufacturing development” (pg.168).

Section 11.25 of the Matrix of Schedule of Uses outlines that Education is Not Normally Permitted within the General Industrial zone (pg. 174).

A Material Contravention of the Development Plan is therefore required for the proposed change of use.

#### Education Facilities Policy Objective

EFP03 Support the expansion of existing educational facilities where appropriate to meet modern requirements

#### Energy Policy Objective

ENP07 Require schools to submit a School Travel Plan along with proposals for new build or extensions to existing education establishments identifying and addressing issues relevant to journeys to and from the school

### **Reports**

Fire Services Department: the Building Control Authority has decided to Grant a Fire Safety Certificate for the proposed development.



**Submissions/Observations received following publication of planning notices by applicant**

None

**Submissions/Observations received following publication of Material Contravention Notice by Tralee Town Council on 24<sup>th</sup> April, 2014.**

None

NOTE: Unsolicited information was received from the applicant's agent requesting that the Council would expedite a grant of permission as soon as possible as the developer is operating within a very tight timeframe.

**EIA Sub-threshold Screening**

**Step 1:**

Human beings and Material Assets;	No significant negative impacts anticipated given the nature, scale and location of the proposed development
Road Safety / Traffic;	No significant road safety/traffic issues anticipated arising from the development
Ecology (flora & fauna);	No significant negative impacts on ecology anticipated given the low ecological value of the site. The potential for the proposed development to significantly affect Natura 2000 sites is discussed further in the AA Screening report. Briefly it concluded no significant effects were likely and an Appropriate Assessment was not required.
Soil;	No significant negative impact anticipated given that the site is a brownfield site
Water;	No significant negative impact anticipated on water quality given nature and scale of the development in the context of the existing development.
Air, Climatic factors, Noise and Vibration;	No significant negative impact anticipated given nature and scale of the development.
Landscape including Architectural Heritage and Streetscape;	No significant negative impact anticipated given the location of the proposed development
Archaeological and Cultural Heritage; and	No negative impact anticipated given the location of the site outside of the Zone of Archaeological Impact and the absence of cultural heritage features on the site.
The interrelationship between the environmental topics.	No significant negative impacts anticipated

## EIA Sub-Threshold Screening

### Step 2:

<b>1. Characteristics of development</b>	
Size	.44ha site – change of use element = 1026m <sup>2</sup>
Accumulative impacts with other developments / projects	There are a number of industrial and other developments in the area.
Use of natural resources	It is noted that the site is brownfield
The production of wastes	No large-scale wastes will be generated
Pollution and nuisances	No significant pollution or nuisances anticipated
The risk of accidents having regard to substances or technologies used	No hazardous activity on site posing a significant risk to a habitat or human environment
<b>2. Location of Proposed Development</b>	
Existing land use	Vacant
Previous land use	Industrial
Relative abundance, quality and regenerative capacity of natural resources in the area	There is not an abundance of natural resources in the area. The existing natural resources are considered to be of low environmental quality.
<p>The existing environment and absorption capacity of the natural environment, paying particular attention to the following areas:</p> <ul style="list-style-type: none"> <li>• Wetlands</li> <li>• Coastal zones</li> <li>• Mountain and forest areas</li> <li>• Nature reserves and parks</li> <li>• Natura 2000 sites</li> <li>• Areas in which environmental quality standards laid down by the EU have already been exceeded</li> <li>• Densely populated areas</li> <li>• Landscape of historical, cultural or archaeological significance</li> </ul>	<p>This proposed project is a small-scale development consistent in character with existing development in the area.</p> <p>Whilst there are environmentally sensitive sites in the <u>wider</u> area, including wetlands, coastal zones, Natura 2000 sites and an area of archaeological potential, it is considered that these are unlikely to be significantly affected by way of the proposed development, given its scale and location.</p> <p>The site is located in an area zoned “General Industry” under the current Development Plan 2009 – 2015, for which an SEA was undertaken.</p> <p>A separate Appropriate Assessment screening has been undertaken in relation to this proposal, which concluded that there is no potential for significant effects to Natura 2000 sites resulting from the development.</p>
<b>3. Characteristics of Potential Impacts</b>	
The potential significant effects of the proposed development in relation to the criteria set out in 1 & 2 above and having particular regard to:	
Extent of the Impact (geographical area and size of affected population)	Generally limited to the development site itself and its immediate vicinity.
Transfrontier nature of the impact	No transfrontier implications anticipated

## Minutes Annual Meeting

Magnitude and complexity of the impact	The magnitude of impacts is not considered to be overly great or complex.
Probability of the impact	Low to moderate. No significant impacts anticipated
Duration, frequency and reversibility of the Impact	No significant impacts anticipated.
<b>4. Recommendation and conclusion</b>	
<b>Having regard to the above and in particular to the nature, scale, location and cumulative impacts of the proposed project, it is considered that an EIA is not required in this instance.</b>	

Appropriate Assessment Screening Report	
Planning Reference Number:	PDA14/8163
Description of the proposed development (including a brief outline of its nature and size):	Permission to change the use of 1026m <sup>2</sup> at ground floor level from permitted warehousing and light industrial use to educational use. The application includes all associated site works and ancillary services
Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site	No

1. Proposed development site location relative to that of Natura 2000 Sites	
Description of the development site location, relative to Natura 2000 sites, having particular regard to Natura 2000 sites located within 15Km of the proposed site or within the same water catchment as the proposed site	<p>The application site is not located within a Natura 2000 site. The following Natura 2000 sites are within or partially within 15km of the development site:</p> <p><b>Special Areas of Conservation</b></p> <ul style="list-style-type: none"> <li>• Ballyseedy Woods cSAC (Site Code 002112)</li> <li>• Slieve Mish Mountains cSAC (Site Code 002185)</li> <li>• Tralee Bay and Magharees Peninsula West Cloghane cSAC (Site Code 002070)</li> <li>• Castlemaine Harbour cSAC (Site Code 000343)</li> <li>• Akeragh, Banna and Barrow Harbour cSAC (Site Code 000332)</li> <li>• Magharees Islands cSAC (Site Code 002261)</li> <li>• Lower Shannon cSAC (Site Code 002165)</li> </ul> <p><b>Special Protected Areas:</b></p> <ul style="list-style-type: none"> <li>• Tralee Bay Complex pSPA (Site Code 004188)</li> <li>• Magharee Islands pSPA (Site Code 004125)</li> <li>• Stack's To Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161)</li> <li>• Castlemaine Harbour SPA (Site Code 004029)</li> <li>• Kerry Head SPA (Site Code 004189)</li> </ul> <p>The following Natura 2000 sites are within the same water catchment as the development site:</p> <ul style="list-style-type: none"> <li>• Slieve Mish Mountains cSAC</li> <li>• Ballyseedy Wood cSAC</li> <li>• Tralee Bay and Magharees Peninsula, West to Cloghane cSAC</li> <li>• Tralee Bay Complex pSPA</li> <li>• Stacks To Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code 004161)</li> </ul>
3. Specialist reports, advice and recommendations received (if any)	
Brief overview of specialist reports, advice, and recommendations received from NPWS / Biodiversity Officer / other Specialists (where appropriate)	None received

<b>1. Proposed development site location relative to that of Natura 2000 Sites</b>	
<b>4. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites. In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant.</b>	
<b>Potential significance indicators include:</b>	
<ul style="list-style-type: none"> <li>Reduction / erosion / fragmentation of key habitat(s)</li> </ul>	Given the location of the application site in an urban area outside of any Natura 2000 sites, it is not considered that there is a likely significant impact in terms of the reduction/erosion/fragmentation of key habitats.
<ul style="list-style-type: none"> <li>Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance)</li> </ul>	It is considered that disturbance of sensitive birds and other species such as otters is not likely to occur given the nature, extent and location of the proposals.
<ul style="list-style-type: none"> <li>Alteration of key environmental conditions (e.g. water quality, water supply, air quality)</li> </ul>	It is not considered that there is a likely significant impacts on water supply or air quality due to the nature and scale of the proposed development
<ul style="list-style-type: none"> <li>Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites</li> </ul>	It is not considered likely that the development would have significant effects in relation to the introduction or spread of exotic invasive species within the designated sites.
<ul style="list-style-type: none"> <li>Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites</li> </ul>	It is not considered likely that there would be significant impacts in relation to the movement of key species given the distance of the application site from designated sites and the low ecological value of the application site and the absence of ecological corridor features such as hedgerows, riparian vegetation, waterways etc.
<ul style="list-style-type: none"> <li>Interference with the movement of mobile dune and intertidal Natura 2000 habitats</li> </ul>	It is not considered likely that there would be significant impacts in relation to this issue as the application site is not located in close proximity to these coastal habitats.
<ul style="list-style-type: none"> <li>Other potential impacts</li> </ul>	No likely significant impact
<ul style="list-style-type: none"> <li>Interactive / cumulative / in combination impacts including potential climate change impacts and those with other plans and projects</li> </ul>	No likely significant impact
<b>5. Conclusion (a, b, c or d)</b>	
(a) The proposed development is directly connected with or necessary to the nature conservation management of a Natura 2000 site	<b>Significant effects to Natura 2000 sites are not likely in this instance and therefore an Appropriate Assessment is not required.</b>
(b) There is no potential for significant effects to Natura 2000 sites	
(c) The potential for significant effects to Natura 2000 sites cannot be ruled out	
(d) Significant effects to Natura 2000 sites are certain or likely or where potential for significant effects to Natura 2000 sites remains	

### **Assessment of application**

The proposal comprises the change of use of a portion of the ground floor of the building to educational use. Unsolicited further information was submitted by the agent outlining that the end user of the premises will be Brookfield College. Brookfield College currently operates from Collis Sandes House which is currently rented. It is envisaged that the proposed development would be their new permanent facility. In addition, the agent has stated that the facility is a private tuition / grind school and their curriculum does not extend to any outdoor activity. The facility offers grinds, study facilities and fifth and leaving certificate courses (including repeat courses). The facility's website outlines that study facilities in the existing premises operate until 10pm (Night Owl Study). It is considered that Brookfield College provides a more county-wide type of facility, rather than serving a local catchment like a traditional primary or post-primary school. It is therefore considered appropriate to view this school as a unique type of educational product.

There is precedent in the immediate vicinity of the site for this type of use, although the industrial estate is zoned for General Industrial purposes. Both the Kerry Education Training Board (ETB) Training Centre and Saint John of God's (located within the Monavalley Industrial Estate) offer training and education. The principle of the proposed change of use is considered acceptable on the basis that the site is located at the entrance to the Monavalley Industrial Estate (rather than within the interior of the estate) and two of the site's boundaries adjoin main public roads (Abbeydorney Road & road to Gallowsfield/Cloonanorig [in addition to the estate road itself which is also a public road]). The industrial estate road also has excellent linkages to Bracker O'Regan Road to the north of the industrial estate. The site therefore occupies a strategic focal position in this regard. Furthermore, the building has been vacant since its development and it is a stated policy objective of Tralee Town Council to "seek the reuse and/or redevelopment of vacant factory buildings" (see IPO2, pg.65 Tralee Development Plan).

The car parking requirement for this development is 1.2 spaces per classroom. It is unclear from the drawings exactly how many classrooms are envisaged as part of the development. Six classrooms are shown, a home economics room, a study, a science lab and a large exam hall. This results in a total potential number of student rooms of 10. This necessitates 12 car parking spaces. A cover letter with the application states that ten spaces are allocated to the development at basement level. The provision of 12 spaces to accommodate the development should be conditioned as part of any grant of permission. Cycle stands are required at a rate of one fifth the car parking demand for this location (as per Section 12.31 of the Development Plan). These do not appear to be indicated on a site layout plan. It is recommended to attach a condition with respect to the provision of cycle facilities for the development.

Levies are considered applicable as there will be a substantial increase in the demand for public infrastructure arising from the proposed development: the previous permission was for light engineering/industrial purposes which would have had a low population demand equivalent for services. The current proposal by its nature will accommodate a greater number of persons on site with a resultant increase demand on public infrastructure.

The proposal does not require a mandatory EIA as it is a sub-threshold development. The development was screened (attached) it is not considered that it would be likely to have significant effects on the environment.

## Minutes Annual Meeting

An Appropriate Assessment screening (attached) was carried out which concluded that there is no potential for significant effects to Natura 2000 sites resulting from the development. However, it is recommended that certain conditions be attached in the event of a grant of permission, to minimise the environmental impact.

### **Recommendation**

I recommend a conditional grant of permission in **Material Contravention** of the 2009-2015 Tralee Development Plan.

### **Recommendation**

Grant planning permission in material contravention of the 2009-2015 Tralee Development Plan subject to the attached conditions.

**File No.:** PDA.14/8163

**Applicant:** Mr. Liam Davis

**Proposed development:** Permission to change the use of 1026m<sup>2</sup> at ground floor level from permitted warehousing and light industrial use to educational use. The application includes all associated site works and ancillary services

**Location:** Cloonanorig, Monavalley Industrial Park, Tralee

**Date application received:** 28<sup>th</sup> February 2014

---

Levies paid (including amenity approach road linear metre levy) paid under PDA06/7281

Levies required at a rate of 50% new rate of development for change of use

Development contributions - New development – 1026m<sup>2</sup>

Amenity €16.62 x 1026m<sup>2</sup> = €17,052.12/50% = €8,526.06

Arts/Heritage €2.3 x 1026m<sup>2</sup> = €2,359.80/50% = €1,179.90

**Total - €19,411.92/50% = €9,705.96**

Supplementary Development Contribution Scheme (Tralee Ring Roads)

Non-residential development - €29.31 per m<sup>2</sup>

€29.31 x 1026m<sup>2</sup> = €30,072.06/50% = €15,036.03

**Total - €15,036.03**



**File No.:** PDA.14/8163

**Applicant:** Mr. Liam Davis

**Proposed development:** Permission to change the use of 1026m<sup>2</sup> at ground floor level from permitted warehousing and light industrial use to educational use. The application includes all associated site works and ancillary services

**Location:** Cloonanorig, Monavalley Industrial Park, Tralee

**Date application received:** 28<sup>th</sup> February 2014

---

### **FIRST SCHEDULE**

Having regard to the provisions of the current Tralee Town Council Development Plan 2009 – 2015 and the nature and scale of the development in the context of the existing structure on site, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be visually obtrusive, materially affect the character of the area, seriously injure the amenities of properties in the vicinity, or be otherwise contrary to the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

1. The development shall be carried out in accordance with the drawings and details submitted to the Planning Authority on 28<sup>th</sup> February, 2014 except where altered or amended by conditions in this permission.

**REASON: To enable the Planning Authority to check the proposed development when completed by reference to approved particulars.**

2. (a) No surface water from the site shall run onto a public area.  
(b) The applicants shall be responsible for the immediate reinstatement to make safe, to the satisfaction of the Planning Authority, any damage to the footpath/roadway adjoining the development during the course of the work. Any repairs shall be carried out with prior consultation with the Council's Road's Engineer.

**REASON: In the interests of vehicular and pedestrian traffic safety**

3. Details of proposed signage shall be submitted to the Planning Authority for written approval prior to its erection on site. The signage shall be of an acceptable finish without internal illumination. Lighting shall be by means of spot lighting or floodlighting.

**REASON: In the interests of visual amenity.**

4. The developer shall pay the sum of **€9,705.96** (updated, from a base index at October 2006, at the time of payment in accordance with the changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office) to the planning authority as a contribution towards the expenditure that was and/or is proposed to be incurred by the planning Authority in respect of amenity (€8,526.06) and arts/heritage (€1,179.90) benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme for Tralee Town Council made by the Town Council. The phasing of payments and the giving of security to ensure payment shall be agreed in writing with the planning authority prior to the commencement of development.

***REASON: It is considered reasonable that the payment of a contribution be required in respect of the public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.***

5. Prior to the commencement of development, the developer shall pay a contribution of **€15,036.03** to Tralee Town Council (the Planning Authority) as a contribution to the cost of the provision of Tralee Ring Roads Project. The amount of the contribution is calculated in accordance with the Council's supplementary development contribution scheme for Tralee Ring Roads Project and will be increased annually in line with the Wholesale Price Index for Capital Goods, Buildings and Construction as published by the Central Statistics Office from 1<sup>st</sup> January, 2011.

***REASON: It is considered appropriate that the developer should contribute towards the cost of facilities as provided for in the Council's prevailing Supplementary Development Contribution Scheme made in accordance with Section 49 of the Planning & Development Act, 2000 and the level of contribution payable should increase at a rate and in the manner specified in the scheme.***

6. The development shall comply with all relevant conditions of PDA06/7281 which governs the overall development of which the site forms part.

**REASON: In the interests of the proper planning and sustainable development.**

7. The developer shall engage a qualified and competent person in fire safety matters to assist them in ensuring compliance with Article 12 of the Building Control Regulations.

**REASON: In the interests of orderly development.**

8. The education unit shall be used for the purposes of a private tuition / grind school, notwithstanding the Planning and Development Regulations 2001 as amended and no change of use shall occur without a prior grant of planning permission.

***REASON: In the interests of the orderly development of the site and to protect the amenities of end users.***

9. (a) Set-down on the public roads adjoining the site to the south, east and north is not permitted. Details of set-down facilities within the confines of the site shall be submitted and agreed in writing with the Planning Authority prior to commencement of development and shall be included in the on-going operational management of the site.

(b) A School Travel Plan shall be submitted identifying and addressing issues relevant to journeys to and from the school to show how the applicant intends to manage traffic movements to and from the school in a sustainable manner. Proposals to be submitted and agreed in writing with the Planning Authority prior to commencement of development.

***REASON: In the interests of traffic safety and promoting sustainable transportation to and from the site.***

10. Car parking for twelve (12) cars shall be provided to accommodate the development. All car parking to serve the grind school/tuition centre shall be clearly delineated as such in white paint or other suitable surfacing material.

Cycle stands to accommodate the development shall also be provided (minimum two (2) number). Cycle stands shall be located at the main entrance to the school (not in the basement) and shall be located in a secure and conspicuous location.

***REASON: In the interests of traffic safety and the orderly development of the site.***

11. The development shall be separately metered for water conservation purposes. Full details shall be submitted to and shall be to the full satisfaction of Irish Water and the Council's Sanitary Engineer. Details regarding metering shall be submitted prior to operation of the unit.

***REASON: In the interests of the orderly development of the site and environmental management."***

## Minutes First Annual Meeting

In conclusion Mr. McMahon advised the meeting that existing Town Plans will remain in place until new plans are adopted by the County Council.

Cllr. S. Locke PROPOSED in accordance with the provisions of Section 34(6) of the Planning and Development Act 2000, as amended by Section 23 of the Planning and Development (Amendment) Act 2010, that permission would be granted to Liam Davis for change of use of 1026 sq.m. at ground floor level from permitted warehousing and light industrial use to educational use at Cloonanorig, Monavalley Industrial Park, Tralee in accordance with plans submitted on Planning Register No. 14/8163 which development would materially contravene the objectives of the Tralee Town Development Plan 2009 – 2015.

Cllr. J. Finucane SECONDED this proposal and declared that at one time he was an agent for that property.

Cllr. B. Cronin asked if any submissions or objections were received.

Mr. McMahon said no submissions were received.

Cllr. D. Grady asked if the Municipal District of Tralee should be deciding on this application.

Mr. McMahon said as the Municipal Districts are not yet in operation in accordance with the Local Government Reform Act 2014 such a reserved function can be performed by the plenary council or the municipal district. However because of the timeframe involved a decision must be taken within 8 weeks of the advertisement appearing in the paper.

Cllr. T. O'Brien welcomed the proposed development but asked management if they believe 12 car parking spaces would be sufficient as he did not think so. He pointed out that this is also a busy junction.

Mr. McMahon said that condition is in accordance with the Town Plan.

Cllr. T. Ferris asked that the extended powers of Municipal Districts would be explained at the forthcoming Briefing for members.

Mr. J.D. Flynn confirmed this would be covered in the Briefing.

A vote was then taken on the following proposal made by Cllr. S. Locke and seconded by Cllr. J. Finucane as follows:-

That we the members of Kerry County Council hereby resolve to grant permission to Mr. Liam Davis for change of use of 1,026 sq.m. at ground floor level from permitted warehousing and light industrial use to educational use at Cloonanorig, Monavalley Industrial Park, Tralee in accordance with plans submitted on Planning Register No. 14/8163 which development would materially contravene the objectives of the Tralee Town Development Plan 2009 – 2015.

The vote resulted as follows:

**For:** Cllrs. Beasley, Cahill, Connor-Scarteen, Cronin, Culloty, Daly, Ferris, Finucane, Fitzgerald, Flynn, Foley, Gleeson, Grady, D. Healy-Rae, J. Healy-Rae, Kelleher, Kennelly, Locke, D. McCarthy, P. McCarthy, McEllistrim, Moloney, Moriarty, Nolan, O'Brien, O'Connell, O'Shea, Purtill, Quigg, Sheahan, Spring, Thornton, Brassil **(33)**

**Against:** None **(0)**

**Note Voting:** None **(0)**

The Cathaoirleach declared the proposal CARRIED.

### **Detention of Meriam Ibrahim by the Sudanese Government**

Cllr. M. Gleeson PROPOSED that a letter would issue to the Department of Foreign Affairs and the Sudanese Government calling for the immediate release of Meriam Ibrahim who has been detained since last September.

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

### **Arrangements for the European and Local Elections**

Cllr. D. Healy-Rae asked that a letter would issue to the Minister for Environment, Community and Local Government calling on him to ensure when Local and European Elections are held in the future that separate ballot boxes would be provided to ensure the Count is run more efficiently. This would allow the European ballot papers to be transferred to Cork while the Local Election Count could commence on the morning following Polling.

The Cathaoirleach agreed with the views expressed by Cllr. D. Healy-Rae and said this issue can be referred to the Corporate Policy Group who will put a proposal together for submission to the Minister.

Cllr. J. Healy-Rae said while the Count facilities in the Killarney Sports and Leisure Centre in Killarney were excellent there was nowhere to sit down and very little to eat. He asked if a substantial hotel in Killarney was offered free of charge for the Count.

The meeting concluded at 1.00pm.

---

**Gerard O'Brien**  
**A/SEO Corporate Affairs**

---

**Cathaoirleach of Kerry County Council**