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**MINUTES OF THE SPECIAL MEETING OF THE MEMBERS OF THE MUNICIPAL DISTRICT OF KILLARNEY HELD IN THE LIBRARY MEETING ROOM, KILLARNEY ON TUESDAY, 14 FEBRUARY 2017**

**MIONTUAIRISCÍ NA gCRUINNITHE SPEISIALTA DE CHEANTAR BARDASACH CHILL ÁIRNE A THIONÓLADH I LEABHARLANN, CHILL ÁIRNE AR AN MÁIRT, 14 FEABHRA 2017**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

**Cllr. B. Cronin  
Cllr. J.J. Culloty  
Cllr. M. Gleeson  
Cllr. D. Grady**

**Cllr. M. Healy-Rae  
Cllr. N. Kelleher  
Cllr. B. O'Connell  
Cllr. J. Sheahan**

**In attendance/i láthair**

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|--------------------------|--|
| <b>Ms. A. McAllen</b>    | <b>Delegated Executive for the MD of Killarney</b>         |
| <b>Mr. C. O'Sullivan</b> | <b>Director of Operations, Safety &amp; Infrastructure</b> |
| <b>Mr. P. Neary</b>      | <b>Senior Engineer</b>                                     |
| <b>Ms. B. Mulryan</b>    | <b>A/SEE Killarney</b>                                     |
| <b>Ms. J. Foley</b>      | <b>Meetings Administrator</b>                              |
| <b>Mr. M. Ó Coileáin</b> | <b>Municipal District Officer</b>                          |
| <b>Mr. K. O'Halloran</b> | <b>EE Killarney</b>  |
| <b>Ms. M. Galvin</b>     | <b>CO Corporate Support</b>                                |

The meeting commenced at 3.00pm.

The Cathaoirleach, Cllr. B. Cronin took the Chair and read the following statement to the Members:

*"I wish to remind members of their requirements under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must*

*(1) Disclose the nature of his/her interest or the fact of a connected person's interest at the meeting and before discussion or consideration of the matter commences and*

*(2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.*

*There can be no discussions with people in the public gallery while the meeting is in progress."*

Ms. A. McAllen advised the Members that this Special Meeting was solely to consider the Planning Report for the Burial Ground.

**17.02.14.01 To consider the proposed development and the Killarney Municipal District Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act 2000 (as amended) in respect of the proposed new Burial Ground at Knockeendubh, Killarney, Co. Kerry**

Mr. C. O'Sullivan addressed the Members as follows:

*"The Meeting today is solely to consider the planning report and submissions received on the proposal to develop the lands at Knockeendubh for a burial ground.*

*As previously outlined to you at the June MD meeting, it has been extremely challenging to identify suitable lands for a burial facility, particularly having regard to the significant environmental constraints with groundwater vulnerability in the Killarney area and the proximity of the Killarney Park and River Flesk SAC's. This site has been identified after extensive investigative studies, particularly in relation to ground conditions and it was on this basis that we proceeded with the application in accordance with the statutory provisions of the planning acts.*

*The Development meets a number of objectives in the Kerry County Development Plan 2015 – 2021:-*

*"Objective SC-53 to facilitate the sustainable provision of new burial grounds and the extension of existing cemeteries as appropriate to cater for the needs of the County where it can be demonstrated that the development will not have significant adverse effects on the environment including the integrity of Natura 2000 sites.*

*"Objective SC-55 to develop all new burial grounds in the open lawn style.*

*“Objective SC-58 to facilitate the sustainable development of car parks at burial grounds where appropriate.”*

*It also meets the following objective in the Killarney Town Development Plan 2009 – 2015, which is still in effect - “SI-12 It is a policy of the Council to identify and acquire lands for the purposes of a burial ground”.*

*Mr. O'Sullivan then referred Members to the Manager's Report that had been circulated. He stated that in total, 85 submissions had been received following the public consultation process and then went through the details of the submissions received and the Manager's response as set out in Pages 4 to 15 of the report.*

Cllr. N. Kelleher referred to the Killarney Burial Ground Assessment that had been circulated to the Members in June 2016 wherein it noted that the Council were adhering to the Northern Ireland Environment Agency (NIEA) Guidance Document as there are no national guidelines on the siting of cemeteries in Ireland and Cllr. Kelleher stated that O'Carroll Moran Consultants referred to the Northern Ireland standards in their two reports. Cllr. Kelleher referred to the trial holes that were dug in February 2016 when rainfall was 190mm whereas rainfall in 2014 was 292mm. Cllr. Kelleher stated that the trial holes in the report were dug in May 2016 when rainfall was 78.7mm compared to 115mm in 2014. These were entirely different conditions. The trial holes referred to in O'Carroll Moran's report were open and closed on the same day. The EPA's "Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses" state that *"The trial hole should remain open for a minimum period of 48 h to allow the water table (if present) to re-establish itself and be securely fenced off and covered over to prevent the ingress of surface water or rainwater."* Cllr. Kelleher referred to Picture No's 29, 30 and 31 in the May report which showed livestock in the field that day and this should not have happened. Cllr. Kelleher referred to the separation distances between surface water features, wells and springs on Page 15 of O'Callaghan Moran's Report regarding Risk Assessment. Cllr. Kelleher referred to Pictures No's 1 - 6 and said that in the map on the top right hand corner the pictures show a watercourse. The new guidelines state that we stay a distance of 50m away from a watercourse. Cllr. Kelleher stated that we will not be able to bury anyone 30 meters from the boundary wall if this is the case and he asked for clarification on the matter. Cllr. Kelleher stated that the Council were asking the Members to approve the Part VIII and said it was his view that the document before him was not accurate or correct and he was not happy about the situation. Cllr. Kelleher referred to the submission from the HSE which outlined their concern regarding how a burial ground can contaminate groundwater. While acknowledging the need for a burial ground in Killarney and the limited options available, Cllr. Kelleher stated that he needed to be 100% happy that this is a suitable plot and it was his view that this plot was not suitable. He further stated there were several issues relating to the road accessing the plot. Cllr. Kelleher concluded by stating that there were too many mistakes in the report and that standards need to be upheld.

Cllr. J. Sheahan referred to the trial holes and enquired why they were not left open for 48 hours. He enquired was there due diligence and was the law followed in relation to the digging of the trial holes. Cllr. Sheahan stated that one of the few functions that he has as a Councillor is to provide a burial ground. He stated that he wanted a burial ground for Killarney and that Aghadoe was a turnkey site. Cllr. Sheahan stated that he had canvassed 60 people from the Parish and all of those questioned wished to be buried in Aghadoe. Cllr. Sheahan stated that the local undertakers had serious concerns relating to the proposed site in Knockeenduff. Cllr. Sheahan enquired how long before a person could be buried there if it was proceeded with. He stated that the issue of providing a burial ground has been on the Council Agenda since he was elected. He stated that the people of Killarney want Aghadoe and this must be considered as it is a turnkey development and ready to go.

Cllr. M. Healy-Rae stated that she had a serious concern in relation to the trial holes not being left open for 48 hours and that cows were in the vicinity during the dig. The guidelines were not followed in this instance. Cllr. Healy-Rae stated that Knockeenduff was a link road. The residents do not have an issue with the burial ground but do have concerns about the condition of the road. There will be an increase in traffic if this burial ground goes ahead. Cllr. Healy-Rae asked that improvement works on the road be undertaken in tandem with works to the graveyard and asked that a commitment be given to the residents that this would take place. Cllr. Healy-Rae referred to the width of the road and stated that if a vehicle was to meet a lorry or emergency vehicle it would be very narrow to pass on the road. Cllr. Healy-Rae referred to the trial pit photographs and commented that they do not show the use of a tape measure. The reply given in the report to "Issues Raised by Public Submissions" does not answer why the time and date were not on the photographs and Cllr. Healy-Rae asked for a reply in relation to this. Furthermore, the time and date were not recorded on the photographs and she enquired why the trial holes were dug in the summer and not the winter and requested an explanation for this. Cllr. Healy-Rae concluded by stating that there were inconsistencies and errors in the report and was surprised that the Councillors were being asked to vote on the proposal.

Cllr. D. Grady read the following statement to those present:

*"In response to submission Letter Type A, O'Callaghan Moran & Associates (OCM) have admitted and acknowledged that there are errors and inconsistencies in their reporting of the Environmental Assessments 24<sup>th</sup> February and 25<sup>th</sup> May 2016. By these admissions their reports are technically invalid. I would question the integrity of all other facts in their reports. By this very fact these reports would be overturned in law. There will be a judicial review if this is pursued.*

*OCM also refer to the "revised report" where is this revised report and how come it has not been made available to members of the public. The planning should be resubmitted by Kerry County Council with the updated and corrected version of OCM*

*report. Although with corrections of these errors and inconsistencies these reports are technically still invalid.*

*How can you trust a report that recorded trial holes data 2<sup>nd</sup> Feb 2016 before the work commenced on 8<sup>th</sup> Feb 2016. Duplication of photos in various trial holes. 79% water strikes in trial holes. Water in photos but not recorded in trial logs data.*

*OCM state that they could not abide by the updated Northern Ireland Environment Agency (NIEA) guidelines as they were not updated until April 2016. The report was issued on 25<sup>th</sup> May 2016. May comes after April in the calendar!! Unless they also have the power to change month format as they have changed the seasons. OCM are stating that the winter months are December, January and February. Winter months are always known as November, December and January!!*

*OCM also state that there is no EPA code of Practice for the assessment of sites as cemeteries however in their report on 25<sup>th</sup> May for Additional Investigations Area B section 3.1 Trial Pit Locations it states "An OCM hydrologist supervised the works and logged the pits in accordance with BS5930" BS5930 states that trial holes/pits must be opened for a minimum of 48 hours to determine the water table. OCM were in breach of this.*

*The format of this report would not have met the acceptance criteria for a dwelling house percolation test. How could it make sense to allow 2500 burials based on a report or errors and inconsistencies in OCM report. OCM failed to establish the correct water table.*

*Further proof of OCMS errors and omissions are also obvious in this report as pages 12 and 15 of Letter Type A were omitted. These 2 pages are very important as they prove OCM did not abide by the NIEA guidelines. OCM are correct in their statement that there are no guidelines in the south of Ireland but they have admitted to working by the NIEA guidelines and have also advised the Health Service Executive that they are abiding by these guidelines. Page 12 and Page 15 prove that OCM are in breach of NIEA guidelines so I would question if these two pages were omitted on purpose!! The photographs on page 13 of the report were in subsequence to the Map on page 12 which was omitted. See attached pages.*

*If Kerry County Council cannot see the importance of complying with the HSE recommendation of abiding by NIEA guidelines how are the public expected to have faith in this report. The health and safety of the residents of Knockeendubh should be one of their main priorities.*

*If this application was submitted in Northern Ireland it would be thrown out due to non compliance of the NIEA guidelines but in the Rep of Ireland it will take a judicial review to overturn this. Taking a judicial review is a waste of public money, time, resources and it is irresponsible of Council Management to allow this happen.*

*Furthermore, the Health Service Executive has informed Kerry County Council of the consequences of not abiding by the proper guidelines i.e. fluids used for embalming (Formaldehyde) leaking into ground water and drinking water. Formaldehyde is a carcinogen. Please see attached the classification of Formaldehyde.*

*In reference to Cllr Brendan Cronin's submission statement "I am requesting that adequate drainage is in place to deal with large volumes of surface water at times of long periods of heavy rain" this is an admission by Cllr Brendan Cronin that flooding is a problem at the location of the proposed location. Poor drainage of site, water logging, high water tables, draining the proposed burial ground will be in breach of NIEA guidelines".*

*Cllr. B. Cronin interjected at this stage and stated that Cllr. D. Grady was not correct in what he was saying and was making false and untrue statements about him and said he would explain his position regarding his submission when all the Elected Members had finished speaking.*

*OCM also state that a Kerry County Council personnel attended the site. Who was this "personnel" and what was their qualification!! How come this personnel was not mentioned any place in OCM report. It is easy to state now that a "personnel" was present as it cannot be proved either way.*

*If the time and date are recorded electronically and cannot be changed how come they did not print on the photographs!!*

*OCM also state there is no groundwater level contours shown on Figure 4.1 of the February 24<sup>th</sup> report. This is incorrect as it is clearly visible on figure 4.1. There is a blue line to indicate where the groundwater contours are.*

*In 24<sup>th</sup> Feb report by OCM 2.5.1. well search "There is a record of an Irish water public supply well c.500 to the north-west of the site that has reported yield of 70m<sup>3</sup>/day but precise location of the well is unclear. Ref figure 2.8. There are 3 wells noted at the proposed location. OCM also state that Kerry County Council advised that no such well existed. As this was an Irish Water public well, how come there is not written evidence from Irish Water stating that such well does not exist. On 22<sup>nd</sup> Nov 2016 map produced by Kerry County Council all these wells have disappeared???*

*How can you do a report in May to determine the winter water table when May is a summer month!! This is false reporting.*

*OCM states there was not side wall collapse in Trial Pit 20. It is clearly evident from the photograph that there was.*

*Photographs on page 14 which were taken on 1<sup>st</sup> October 2016 were of the area for proposed burials. See attached copy.*

*In relation to your response regarding "flooding on the L7033" I question where is the L7033?? The road in question is L2033. Even at this stage OCM are still making errors in their reports.*

*This road the L2033 is often used by An Garda Siochana as a diversion in the event of an accident on the N22 so how can you state that there will be no major traffic impact on this road.*

*Regarding the Public Consultation notice I refer you back to the attached photograph which clearly shows that the sign was not visible and was not at the correct heights. Who was this Kerry County Council engineer?*

*A tributary stream of the Glanooragh river runs along the southern site boundary of proposed burial ground ref figure 2.3 24<sup>th</sup> Feb 2016 assessment by OCM. Development of this proposed area as a burial ground will lead to a major ground water contamination issue. Flooding is also a serious issue in this area.*

*There is a need for a graveyard in Killarney but based on the findings of the OCM report Knockeendubh is not the answer to this problem. Proceeding with the proposed development at Knockeendubh based on errors and inconsistencies report will lead to a major health and safety issue and will have major consequences for future generations."*

Cllr. J.J. Culloty referred to the road surface at Knockeenduff and acknowledged that Mr. C. O'Sullivan stated that in relation to the Multi-Annual Restoration Programme, there was a possibility it might be brought forward and this should be reviewed. It is very important for the people living there. Unfortunately, there are no guidelines on provision of graveyards in Ireland and the Northern Ireland guidelines had to be relied on. Cllr. Culloty said he presumed trial holes would be dug in that ground before any burials would be done. Cllr. Culloty referred to statements that the planning sign on the roadside was not visible and stated that he had seen the sign for himself and confirmed it was visible from the road. Cllr. Culloty stated that he needed clarification on issues that are relevant such as whether the location is in the right place and will the road be resurfaced. He said if he receives clarification on these matters, then he will be happy with the proposal.

Cllr. M. Gleeson welcomed the observers to the meeting. The issue of finding suitable land for a graveyard in Killarney has been ongoing for 25 - 30 years and has been discussed at previous Town Council meetings and Kerry County Council meetings. It has failed for many reasons such as objections from concerned people, the location of the National Park and unsuitability of land. The road leading to the proposed site is of poor quality but we have the ability to upgrade it and make it adequate. Comments were made about the possibility of meeting a truck or large vehicle on the road but this proposed graveyard supplies onsite parking that can cater for 140 cars and this is more than adequate. On average, 60 - 70 cars attend a funeral and there should not be an overflow of cars onto the roadway while funerals take place. This is the problem with Aghadoe as cars have to park on the main road.

The proposed carpark at Knockeenduff Graveyard is designed so that it will not allow for the possibility of boy racers to carry out their activities. In relation to littering, Cllr. Gleeson said that large scale dumping rarely takes place in graveyards and he hoped the same would apply in this instance. Cllr. Gleeson stated that we had learnt of hydrological and topographical issues in Killarney that these issues force our hand to examine places where they will serve people without unduly inconveniencing them. He hoped Kerry County Council will have that as an absolute priority and also he hoped that it will be maintained to the highest standard and the road will be constantly upgraded in conjunction with the side road. Cllr. Gleeson said there were two issues he was concerned with, namely (1) the length of time the trial holes were left open - did they do the job in that space of time and (b) concerns regarding the possibility of the fluid from bodies causing pollution and the possible carcinogens from Formaldehyde following the embalming procedure and are those risks real and can they be contained effectively?

Cllr. B. O'Connell stated that this was one of the most controversial and contentious issues that has come before the Municipal District. Cllr. O'Connell referred to the landfill at Muingnaminnane that was developed in his Parish amid a lot of controversy. All sub-standard roads were upgraded as a result of this landfill. Cllr. O'Connell stated that if the Councillors fail to make a decision on this burial ground, future generations will not thank them. While the residents have serious concerns, if we work with them, they can be part of the solution. The roads issue can be addressed. Cllr. O'Connell acknowledged that the people of Killarney would like to be buried in Aghadoe but stated that "what is desirable is not always attainable". Killarney needs a cemetery and it is not going to be easy to find one anywhere else. Due to the geology of the area, most land is not suitable. Cllr. O'Connell concluded by stating that this proposed burial ground should be given serious consideration.

Cllr. B. Cronin made reference to his own submission on the Knockeenduff proposal that Cllr. Grady referred to as follows:

*"In reference to Cllr Brendan Cronin's submission statement "I am requesting that adequate drainage is in place to deal with large volumes of surface water at times of long periods of heavy rain" this is an admission by Cllr Brendan Cronin that flooding is a problem at the location of the proposed location."*

Cllr. Cronin stated that Cllr. Grady's comments were false, warped and misleading. Cllr. Cronin said that he made the request on behalf of the residents who live on the short link road from Knockeenduff to the N22. 44 local people signed the submission and Cllr. Cronin stated that he fully supported their request. This road needs to be included in the Roads Programme because there are concerns locally that people may use this link road when exiting the burial ground. This is a very justifiable case and a very reasonable submission. Cllr. Cronin then directed his comments to Cllr. Grady and stated that as there will be substantial tarring in the cemetery to provide the 140 car parking spaces off-road, he wanted to make sure that when there is a hard surface and there is excessive rainfall, the run off from the hard surface must be looked after and make sure there is adequate drainage from this dry hard surface of



the car park. He stated that any assertions that Cllr. Grady made were false, misleading and untrue in relation to the submission made. The submission referred solely to drainage in the car park and nowhere else and he was very aware of what he was referring to in his own submission. Cllr. Cronin stated that Cllr. Grady was continuously warping what he was saying. In relation to the address of the proposed burial ground, Cllr. Cronin wanted to ensure the address is Knockeenduff, Killarney, therefore, it is in the Killarney Parish.

Mr. C. O'Sullivan confirmed that the proposal originally stated Knockeenduff, Kilcummin, Killarney but it is in Killarney Parish and not Kilcummin Parish.

Cllr. Cronin stated that a reputable company was brought in independently to examine this land. This company were not out to deceive us. There are a number of issues that Mr. C. O'Sullivan has to clarify. In relation to the trial pit logs taken in May, the Council had the agreement of the landowner so moved forward. The trial pits are on the top right hand side of the drawing. Cllr. Cronin commented that all the trial holes were dug to 3.6m and no water strikes or mottling were observed. Cllr. Cronin's understanding was that for a burial plot, the first burial is at 8ft and the second is at 6ft and approximately 1 metre of safe ground is underneath that. 3.6m is just short of 12ft and no water was recorded at this depth. Cllr. Cronin stated that he has driven on this road at different times of the day and evening. The road is quite capable of allowing passing traffic and the emergency services would have no difficulty on this road. The issue with Aghadoe is that no on-site parking is provided and with this proposal, we have a unique situation. Cllr. Cronin referred to the various car parks in Killarney Town that can accommodate in the region of up to 114 - 140 cars. This proposed burial ground provides adequate parking comparable to the size and scale of what is provided in Killarney Town. It is critically important when we are looking at this that we as Elected Members realise that it is not about personal interest. We have an onus of responsibility to the 13,500 population and catchment of approximately 20,000 people. On one boundary of Killarney is the National Park. Cllr. Cronin commended Cllr. M. Gleeson in his efforts through the Town Council and County Council to organise a land swap with the National Park. Those lands would also be subject to hydrological testing. The consultants have put forward a proposal that provides 350 single plots and 2,000 double plots which will serve our needs for the next 35 - 40 years. The situation is dire at the moment. There is a duty of responsibility to provide a public cemetery and it is a core function of the Local Authority to provide this facility at a cost of " 450 per plot to the public. There are a lot of untruths being made, especially in relation to wells and watercourses. It is repeated through this report that there is no EPA Code of Practice for burial grounds sites in Ireland so the Northern Ireland standard is being followed in this instance. How many current cemeteries would get planning permission for the standards set for this? Cllr. Cronin stated that comments were made that the site was flooded. The site is not visible from the public road. People are making these allegations and they are untrue and inaccurate and very unfair.

Mr. C. O'Sullivan referred to Cllr. N. Kelleher's comments in relation to the black numbered dots showing a watercourse. He stated that the Council Engineer who

was on site when the trial holes were excavated was fully qualified and competent to supervise the investigation. The Council tendered for the consultants and it was a Cork company who carried out the investigation. He referred to Page 9 of the Habitat's Directive Assessment in which Ms Cathy Fisher had identified the presence of a field drain (dry at the time of inspection) which is not a watercourse.

He then referred to the site investigations carried out on the bore holes in May 2016. Between December 2015 and January/February 2016 there was exceptionally high rainfall and water tables did not drop that fast. Generally speaking, water tables are highest around March/April and at their lowest in September/October. If you look at the trial pits, Trial Pit No. 20 was dug to 3.6m and no water strikes or mottling were discovered. Mottling indicates the presence of water at periods of high water. Trial Holes No's 21 - 25 were all dug to 3.6m with no evidence of water or mottling. Mr. O'Sullivan stated that on the basis of the report prepared by a very competent consulting company, the grounds are suitable for a burial ground. Mr. O'Sullivan referred to the submission from the HSE that outlined general issues of concern from a public health perspective but did not object to the Council's plans. In relation to comments on *"Well search 500m to westward side of site"*, we confirmed with Irish Water that there is no public water source in the area.

A person in the public gallery interrupted the meeting at this point.

Ms. J. Foley read out the Standing Orders in relation to the holding of a meeting for the Killarney Municipal District as follows:

*"Members of the public shall be seated and maintain silence and observe any directions given by the Cathaoirleach or by any employee of the local authority in attendance. Such employees are responsible for the execution of all measures necessary for the maintenance of order and decorum in and about the meeting room."*

*"If a member of the public interrupts a meeting at any time or endeavours, without the permission of the members of the Municipal District of Killarney to address a meeting, the Cathaoirleach shall warn him or her and if the interruption continues shall order that person's removal."*

Mr. O'Sullivan referred to his previous comments and stated that no groundwater source was identified within the 250m minimum distance recommended in the Northern Ireland guidelines. Mr. O'Sullivan replied to the comments in relation to the trial holes not being open for 48 hours. The opening of trial holes for 48 hours is a requirement of the EPA Guidelines and their use in the site assessment stage for individual waste water systems for individual houses. In carrying out the trial hole investigations in Knockeenduff, the Council relied on the Northern Ireland Guidelines, which are different. O'Carroll Moran are experts in this field.

Mr. P. Neary stated that he has been involved in a number of ground investigation contracts in the County. BS5930 was always followed and there is no stipulation to

keep the trial holes open. The holes are excavated and a report is compiled on the basis of what is found.

Cllr. N. Kelleher asked about the EPA Guidelines that state that trial holes should be left open for 48 hours.

Mr. O'Sullivan replied that the EPA Guidelines relate to the design of wastewater treatment facilities for houses.

Cllr. Kelleher stated that this standard should be upheld.

Mr. O'Sullivan replied that the only standard for assessing burial grounds is a Northern Ireland standard and is the only one that the Council is aware of. Consultants were brought in to carry out site investigation works and Mr. O'Sullivan stated that he has to stand over that report. In relation to the road, Mr. O'Sullivan said that the matter can be reviewed. The Roadworks Programme will come before the Members in the next few weeks at which stage the Members can review same. In addressing Cllr. Healy-Rae's query in relation to traffic, Mr. O'Sullivan stated that the traffic on this road is mainly vehicular and heaviest in the morning and at 5pm. 4.5m is an adequate distance for a car and a lorry to pass each other. Mr. O'Sullivan addressed the issue in relation to the tape measure and date on the photographs. The investigations were carried out in the presence of a very competent Council Engineer. Mr. O'Sullivan referred to Cllr. Gleeson's comments in relation to the issue of decaying bodies. The Northern Ireland guidelines were followed. These are the most reliable guidelines available in the British Isles. The HSE are satisfied with O'Callaghan Moran's assessment on this issue.

Cllr. Cronin stated that he was quite satisfied that there is a system in place to deal with potential surface water in the carpark. It is also important that the Knockeenduff road will be included with the development of the burial ground and this is important.

Cllr. O'Connell stated that he was approached by residents in relation to a number of issues but said that he was satisfied that their queries have now been addressed. He stated he had two important questions to ask (1) was the Knockeenduff site the most appropriate site in relation to the ground that was checked and submission made regarding provision of a burial ground and (2) is it fair to say that if planning is not given for this site as a burial ground, the situation is that there will be no burial ground for Killarney in the present climate.

Cllr. Grady stated that there is a private Burial Ground available. Cllr. Grady stated that he did not have any confidence in O'Callaghan Moran's report. He asked why the Council did not have their own Engineers carry out the investigation works. Employing these contractors came at a big cost to ratepayers. Cllr. Grady stated that he could not vote on something that is not in the Council's ownership.

Cllr. Kelleher asked for a reply in relation to his query on the existence of a watercourse and existence of drains. Cllr. Kelleher referred to the rainfall in May

2016 which was 77.8mm, 127mm in 2015 and 115mm in 2014. Cllr. Kelleher said that all he wanted was the information to be correct. He stated he was well aware of the current crisis but he was elected to Killarney Municipal District to uphold standards. There are inconsistencies and anomalies in the report. Cllr. Kelleher referred to Photograph TP-6 in the report - there is no water in the photograph on the left but the photograph on the right shows the presence of water. He stated that it is the responsibility of the Members to do the right thing. He asked if there were private wells present on the land. He stated that we will not be able to bury anybody 50m from the boundary on the right hand side. This would change to 30m if we are adhering to pre April 2016 standards. Cllr. Kelleher stated that the residents have stated that our decision will have to be upheld in a Court of Law. He stated that he was not saying that the Councillors are intentionally being misled but he was looking for the truth.

Cllr. Healy-Rae stated that no Councillor had anything to gain from this. Nobody stated that the consultants were setting out to deceive people and no-one is suggesting that. We have highlighted obvious errors and inconsistencies and the residents have also highlighted them to us. Cllr. Healy-Rae asked how can we look for planning on a site that we do not own.

Cllr. Culloty stated that as he was aware, the underground water table would be at its highest at that time of the year and stated was quite happy with response that at 3.6m, there was no water present.

Mr. Neary referred to Cllr. Kelleher's comments in relation to Photograph TP-6 and stated that O'Callaghan Moran have stated that there was no water present. Furthermore, he stated that Trial Pit 6 is not within the area to be provided for burials. Mr. Neary referred to comments that a drain is running North-South on the eastern side of the site. Ms. C. Fisher has not made reference to it in her report. It makes sense due to the topography of the surrounding land that the surface water run off would be collected in the drain running East-West and the drain running north to south on the eastern boundary is a field drain.

Mr. O'Sullivan stated that he was satisfied the site was assessed in accordance with Northern Ireland guidelines and trial pits in the area proposed for burials confirm that the lands are suitable and we can comply with the NIEA Standards.

Cllr. Kelleher asked would the consultants have gone over the ditch.

Mr. Neary stated that there was no watercourse there. He stated that the land is falling North to South and the only watercourse that has been mentioned in any report is the one further South and running East to West.

Cllr. Kelleher said that he was saying it was a watercourse.

Mr. O'Sullivan replied that the photographs presented by him had also been part of a submission and addressed as part of the submission. Mr. O'Sullivan replied to Cllr.

O'Connell's two queries. The Knockeenduff option was by far the most suitable site. The Members were provided with a report in June 2016 wherein Knockeenduff and 8 other sites were assessed. A further 4 sites have been investigated since then. 3 of these 4 sites failed and one of these sites in Kilcummin was too far away from the town. Having regard to the assessment, this is the most appropriate site for the provision of a Burial Ground. In relation to the second query, if planning was not granted, it was not appropriate to consider the Manager's Report in this context. Members must be satisfied that they have considered the submissions received, the Manager's Report and that the lands are suitable for this development is in accordance with proper planning and sustainable development.

Cllr. Kelleher asked for clarification on the private well issue.

Mr. O'Sullivan replied that no private well had been brought to his attention.

Cllr. Kelleher asked the Council that if the graveyard is to be developed, would the April 2016 Northern Ireland Guidelines be adhered to or the previous guidelines.

Mr. O'Sullivan confirmed the new guidelines would be followed.

Cllr. Grady asked if we can propose to go ahead when the Council does not own the land.

Mr. O'Sullivan replied that the Council as a statutory body can approve a Part VIII without owning the lands.. He stated that the Council have had similar proposals in relation to roads projects.

Cllr. Grady stated that there was an alternative graveyard available at Aghadoe which he favoured..

**Cllr. J.J. Culloty PROPOSED that we the Members of the Municipal District of Killarney have considered and approve the proposed development and the Killarney Municipal District Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act 2000 (as amended) in respect of the proposed new Burial Ground at Knockeendubh, Killarney, Co. Kerry**

**Cllr. B. Cronin SECONDED this Proposal.**

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

**For:** Cllrs. B. Cronin, J.J. Culloty, M. Gleeson, B. O'Connell, J. Sheahan (5)

**Against:** Cllrs. D. Grady, M. Healy-Rae, N. Kelleher (3)

**Absent:** None (0)

**The Cathaoirleach declared the proposal CARRIED.**

Cllr. B. Cronin thanked the Members for their consideration and time given to this democratic process.

Ms. A. McAllen thanked the Members for their participation and for bringing the project to this stage.

**17.02.14.02 To agree a nominee to the Board of Kerry Recreation and Sports Partnership**

On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. B. O'Connell, it was unanimously agreed that Cllr. Niall Kelleher be nominated to the Board of Kerry Recreation and Sports Partnership.

The meeting concluded at 5.15pm.

**J. Foley**  
**J. Foley**  
**Meetings Administrator**

**Cllr. B. Cronin**  
**Cathaoirleach of Killarney MD**