

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 20 FEBRUARY, 2012**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 20 FEABHRA, 2012**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

IN ATTENDANCE/I LÁTHAIR

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| Mr. T. Curran, County Manager | Mr. M. McMahon, Dir. of Planning |
| Mr. J.D. Flynn, Dir. of Corp. Services | Mr. O. Ring, Dir. Env. & Water Services |
| Mr. J. Breen, Dir Housing & Comm & Ent | Mr. G. MacNamara, D/Dir. of Roads |
| Ms. A. McAllen, Acting Head of Finance | Ms. M. Joy, SEE Water Services Cap. |
| Ms. J. McCarthy, SEO Planning | Mr. M. O'Donoghue, SEO. H.R. |
| Mr. J. Kennelly, SE Water Services | Mr. T. Hayes, Co. Enterprise Officer |
| Mr. G. O'Brien, Mtgs. Administrator | Ms. K. Moriarty, A/SEO Finance |
| Ms. K. Lynch, AO Finance | Ms. M. West, AO Roads |
| Mr. D. Ginty, Executive Planner | Mr. L. Brosnan, AO Planning |
| Mr. P. Corkery, Press Officer | Ms. B. Reidy, SSO Corp. Affairs |
| Ms. C. Fitzgerald, A/SO Corp. Affairs | Ms. M. Galvin, CO Corporate Affairs |
| Ms. O. O'Shea, CO Corporate Affairs | |

The meeting commenced at 10.35 a.m.

Mayor T. Buckley took the Chair.

Vote of Congratulations

Cllr. M. O'Shea congratulated Milltown/Castlemaine on winning the All Ireland Intermediate Football Championship. He thanked all those who travelled to the game and attended the celebrations in Milltown on Monday night. He thanked the media for their support and said it was a tremendous occasion for Milltown/Castlemaine. He PROPOSED that a Civic Reception would be held to honour this great achievement.

Mayor Buckley said that this proposal will be considered at the March CPG Meeting. He PROPOSED that the Ballydonoghue Scór na nÓg Team who won the All Ireland Scór na Óg Instrumental Music Category 2012 at the weekend would also be recognised for this achievement.

12.02.20.01 Mayor's Report on the Corporate Policy Group Meeting held on 14 February, 2012.

The Mayor read the following report into the record of the Meeting.

Item 1 Agenda for the February Council Meeting

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

Item 2 Update on Cork/Swansea Ferry

Mr. T. Curran, County Manager informed members that the Cork/Swansea Ferry was launched in March 2010 and it operated for the 2010 and 2011 seasons. It carried over 153,000 passengers with an estimated benefit of €40m to the local economy. The Fastnet line, which operated the ferry service, was placed into interim examinership in November 2011. The cost of €100,000 for the term of the examinership was funded by Cork County Council, Cork City Council and Kerry County Council. The Examiner indicated that a further sum of €1.6m would be required to ensure its viability into the future. This sum was to be funded by the three local authorities, Enterprise Ireland and Finance Wales. The main shareholders were not in a position to provide further funding.

On the 24th January a meeting was convened in City Hall which was chaired by Minister Coveney and attended by the 3 Mayors and Managers. The three local authorities were asked to put up €400,000, €200,000 from Cork County Council and €100,000 each from Cork City Council and Kerry County Council. At that meeting it was agreed that the matter would be put to the members at the February Council Meeting. In the interim a Receiver was appointed and it is proposed to sell off the ship by auction. The County Manager informed members that it is unlikely that Kerry County Council will get back any of the €100,000 invested in the ferry by way of secured bonds or the €20,000 to assist the examinership process. He believed the investment was worth it as it supported local business in South Kerry.

Mayor Buckley said the Council was anxious to ensure the survival of the ferry service but it was no longer possible when Finance Wales decided not to invest further in it.

All members present thanked the Manager for the update and supported the approach taken by the Mayor and County Manager.

Item 3 Update on Land Aggregation Scheme

Mr. J. Breen informed the meeting that the report on proposals to submit land to the Land Aggregation Scheme was referred by the full Council to the Housing SPC. A detailed discussion took place at the SPC Meeting and it was agreed to report back to the March Council Meeting with a strategic view and recommendation.

Cllr. B. Moynihan-Cronin, Chair of the Housing SPC said there was a full and frank discussion on this item and while a number of concerns were raised these were addressed. It was agreed to report back to the March meeting and the report will include a recommendation.

Item 4 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise, outlined that the next meeting of the County Development Board is scheduled to take place on Friday, 17th February, at the Kerry Technology Park in Tralee. The meeting will commence with a presentation by Ogie Moran of Shannon Development on the Kerry Technology Park and its development to the present day campus.

Among the items for discussion on the agenda are:-

- An update from the Executive Committee Meeting of the 10th January last.
- A presentation on the Local Development Company planning process and consideration of an approval process for the County Development Board to approve the Local Development Plans as required by the Department of the Environment, Community and Local Government. This year there is a very formal process of approving rather than endorsing the plans.
- Clarification of the County Tourism Structures to agree the relationship and remit of Fáilte Kerry Forum, All Kerry Tourism and Tourism Strategy Group. All are doing good work but we have to ensure we do not have duplication.
- Resourcing of the CDB actions. More and more is being expected of the CDB structure but we only have limited resources. We require other agencies to contribute resources also.
- Ratification of the Business Closure Response Strategy which has been developed to assist with supports to businesses which have gone into difficulty.
- Consideration of consultation document on Irish water.
- Update on the Kerry Integrated Transport Forum which has been considering the future direction and resourcing of the Rural Transport Service in Kerry.
- Infrastructural Projects List update for each agency.

- Members attendance record for Executive and CDB Meetings.
- Update on Wildfire Publicity Campaign.
- Correspondence:-
ESRI Labour Activation Report.Action Plan on Jobs - Recent Government Proposals - Implications for CDB

Mr. Breen informed the meeting that local development agencies must have their Annual Plan approved by the CDB and he must sign off on it. However, some councillors are directors of these companies and are also on the CDB and clarity is being sought from the Department on the implications of this for members of the CDB.

Cllr. B. Moynihan-Cronin asked that members would be briefed on this when clarification is received.

Item 5 Update from Chairs of SPCs

Cllr. Cronin informed the meeting that the Environment and Water Services SPC met on 9th February and had a full debate on Water Ireland. He informed the meeting that the closing date for submissions is 24 February. A full report will be presented to the March Meeting.

Cllr. B. Moynihan-Cronin informed the meeting that the Housing SPC met on 2nd February and a report will be brought to the March Meeting.

It was noted that meetings of the Planning and Community, Culture and Tourism SPC's would be held shortly.

Item 6 Draft Training and Development Programme 2012

Mr. G. O'Brien, Meetings Administrator, circulated a copy of the Draft Training and Development Programme 2012. He wrote to all members asking for their suggestions for topics to be included. He received one submission from Cllr. Brassil who suggested that presentation would be made at monthly meetings on new legislative changes which impact on Kerry County Council, i.e. NAMA proposal, Water Metering, Septic Tanks and this is incorporated in the Draft Programme. A presentation on Quarries is included on the Agenda for the February meeting and it is hoped to have a presentation on new legislation at each Council meeting. The following new areas are added to the 2012 Programme:

- Library Development
- Media Training
- Best Practice at Being an Effective Chairperson

The CPG agreed to approve the Draft Training and Development Programme for 2012.

Item 7 Civic/Mayoral Receptions

A Civic Reception for the Kerry Ploughing Association will be held during the February Council Meeting.

Item 8 Any Other Business

Future of County Enterprise Boards

Cllr. B. Cronin asked if the County Enterprise Board is to be abolished.

Mr. T. Curran, County Manager informed the meeting that a letter was issued to the Chairperson of the CEB Network on 9th February which stated:

“You will be aware Minister Bruton has been reviewing the structure of enterprise supports for SMEs in recent months and, in particular, the role of the CEBs in any review. Minister Bruton has reached agreement with his colleague the Minister for the Environment, Community and Local Government, Mr. Phil Hogan, on how the CEBs, Enterprise Ireland and the Local Authorities might work together to create new “One Stop Shops” for small and micro enterprises....

The new “one-stop-shop” micro enterprise support structure will be achieved through the dissolution of the existing CEBs and the creation of a new Micro Enterprise and Small Business Unit in Enterprise Ireland (EI) that will work with Local Authorities to establish a new network of Local Enterprise Offices (LEOs) in each Local Authority. Essentially the LEO’s will carry out the combined work of the CEBs and the Business Support Units of the Local Authorities.... It is further envisaged that EI will allocate an annual budget to each Local Authority and agree a Service Level Agreement on foot of that budget... Minister Bruton will shortly bring a Memorandum to the Government for approval based on the Agreement. Following a Government Decision the appropriate legislative steps will be taken to formally dissolve the CEBs in their current legal format.”

Mr. Curran said he understood discussions would take place on staffing. The Kerry County Enterprise Board made a strong case to have the role of the CEB taken over by the Local Authority. The Evaluation Committee and the Board are a cross section of business people who give their time and it would be a shame to lose that expertise. Mr. Curran then quoted from a report presented to a CEB meeting the previous day as follows:

“2011 Review

Grant aid in the sum of €460,910 was approved in respect of **47 micro enterprises** with the potential to **create 91 full time jobs and 57 part time/season jobs**. The additional support will help **retain an additional 60 jobs** in supported businesses.

Employment Survey

In December 2011, the Board carried out a review of employment in CEB supported businesses since establishment. A total of 882 males and 484 females are in full time employment with a further 841 individuals in part time employment."

Mr. Curran said any proposal received is subject to a detailed evaluation and it would be a retrograde step if Local Authorities did not continue this service. The level of service given to businesses is excellent.

The CPG recommended that the full Council would seek an urgent meeting with the Minister Bruton and Minister Hogan to ensure that this work remains within Kerry County Council.

Household Charge

Ms. A. McAllen, A/Head of Finance, informed the meeting that the instalment option for the payment of the Household Charge is only available until 1st March. This option cannot be facilitated locally and is available through the 'Household Charge' Office in Dublin.

Cllr. B. Cronin said that it is proposed to terminate the County Enterprise Boards in their present format. The CPG discussed this matter and the Manager briefed members on it. He PROPOSED that a special case would be made for Kerry County Councils' continued involvement in recognition of the tremendous work of Tomás Hayes and his staff in the County Enterprise Board. The stats and the numbers of jobs created and maintained are contained in the Mayors Report. Tomás and his staff give excellent advice, assistance and direction to businesses. He acknowledged that, in some counties, there maybe duplication but the evidence in Kerry speaks for itself. If the County Enterprise Board is abolished it would be a tremendous loss. In conclusion he said he wanted to record his recognition of that excellent work.

Cllr. N. Foley SECONDED this proposal.

Cllr. J. Brassil also supported the sentiments expressed by Cllr. Cronin and said that he understood the County Enterprise Board is to be taken over by Enterprise Ireland. As a result of the excellent work of the County Manager and Mr. Hayes, the Kerry County Enterprise Board was one of the best in the country. Kerry has a very strong historical case to make and this should be pursued. He stressed that funding should continue to be provided annually by the Department. Cllr. Brassil then referred to the sale of the Refuse Service in Dublin City received very negative publicity because it was not well handled. He acknowledged the excellent way the County Manager and his staff conducted the sale of the Refuse Service.

Cllr. M. Cahill supported the views expressed by previous speakers in relation to the Kerry County Enterprise Board which is a great success. It would be regrettable if the County Enterprise Board is abolished in its present format.

Regardless of the format he believed Tomás Hayes and his staff should be involved.

Cllr. P. McCarthy said the Kerry County Enterprise Board is one of the leading lights in Kerry and they have done excellent work. He thanked the County Manager, Tomás Hayes and the staff of the Board and their predecessors for their commitment to this work down through the years. They gave great support to businesses both new and those already established.

Cllr. B. Moynihan-Cronin commended Mr. Tomás Hayes and his staff for a job well done. She suggested that the members should seek a meeting with the Minister to point out how successful the Kerry County Enterprise Board has been and to emphasise that they are most anxious that existing staff would continue to have a role in that area.

Cllr. T. O'Brien said that he is a member of the County Enterprise Board and the staff are very professional. Every proposal put forward is thoroughly examined and great support is offered to businesses.

Cllr. D. Healy-Rae supported the views expressed by previous speakers and said that the input, by the County Enterprise Board, into business in Kerry has been immense. If it is abolished it will be a huge loss.

Cllr. J. Finucane said that in December, 2011 the Minister produced an interim report on the realignment of County Enterprise Board Companies. There are 57 such companies in the country and he was confident that the Minister will develop the role of the local authority in this area. He called for a co-ordinated energetic approach to job creation under the leadership of Mr. Tomás Hayes.

Cllr. R. Beasley supported the sentiments expressed by previous speakers on the Kerry County Enterprise Board which is one of the success stories in Kerry. Mr. Hayes and his staff are very helpful and the stats speak for themselves.

Cllr. P. Leahy supported the views expressed by previous speakers and commended Mr. Hayes and his staff on the excellent service they provide.

Cllr. P. Connor-Scarteen said there needs to be more clarity on this issue and he complimented the staff of the Kerry County Enterprise Board.

The County Manager, on behalf of the small staff structure in the County Enterprise Board, thanked the members for their compliments. They have done tremendous work and he was concerned for the future of the staff. One option being considered is that the County Enterprise Board would be subsumed into Enterprise Ireland. The Kerry County Enterprise Board has an Evaluation Committee which is made up of a cross section of business people who give of their time freely. Every proposal put before the Board goes through a rigorous checking procedure and it is very important that this local knowledge is not lost. The staff has a very caring approach and they are excellent in their dealings with business. He understood the logic of this review as there are so many companies in the country all of which must be audited separately and he acknowledged there is a need for rationalisation.

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He agreed that a separate budget needs to be allocated for this work by the Department annually.

Building Community Preparedness and Resilience Seminar, The Malton Hotel, Killarney – 9th March, 2012

Mr. G. O'Brien asked members to support the Building Community Preparedness and Resilience Seminar which will be held in the Malton Hotel, Killarney on the 9th March, 2012. This Seminar is being organised by Kerry County Council and the Kerry Community & Voluntary Forum and any profit will go to the Kerry Community & Voluntary Forum.

12.02.20.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. S. Fitzgerald, it was resolved that the Minutes of the December Ordinary Meeting of Kerry County Council held on the 19th December, 2011 be confirmed.
- (b) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P. Connor-Scarteen it was resolved that the Minutes of the January Ordinary Meeting of Kerry County Council held on the 16th January, 2012 be confirmed.

12.02.20.03 Tuairisci an Bhainisteora a mheas de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin um Pleanáil agus Forbairt 2001 agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006.

Manager's Reports in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006.

- (a) Molta ag an gCllr. S. Mac Gearailt agus cuidithe ag an gCllr J. Finucane, glacadh le Tuairiscí an Bhainisteora a nótail de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin um Pleanáil agus Forbairt 2001 agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006 maidir le hlonad Cóireála Uisce, oibreacha gaolmhara agus bóthar rochtana le tógáil i mBaile an Fheirtéaraigh, Trá Lí i gcomhair Scéim Soláthair Uisce do Bhaile an Fheirtéaraigh.
- (b) Molta ag an gCllr. S. Mac Gearailt agus cuidithe ag an gCllr T. Ní Fhearaíosa, glacadh le Tuairiscí an Bhainisteora a nótail de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin um Pleanáil agus Forbairt 2001 agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006 maidir le hlonad Cóireála Uisce, oibreacha gaolmhara agus bóthar rochtana le tógáil ar an gCoimín Thuaidh, Dún Chaoin i gcomhair Scéim Soláthair Uisce do Dhún Chaoin.

- (c) Molta ag an gClr. S. Mac Gearailt agus cuidithe ag an gClr M. Griffin, glacadh le Tuairiscí an Bhainisteora a nótail de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin um Pleanáil agus Forbairt 2001 agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006 maidir le hlonad Cóireála Uisce, oibreacha gaolmhara agus bóthar rochtana le tógáil i mbaile fearainn Cathair Deargáin Thuaidh, Baile na nGall, Trá Lí i gcomhair Scéim Soláthair Uisce do Chill Maoilchéadair.
- (d) Molta ag an gClr. M. O'Shea agus cuidithe ag an gClr. S. Mac Gearailt glacadh le Tuairiscí an Bhainisteora a nótail de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin um Pleanáil agus Forbairt 2001 agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006 maidir le bóthar a thógaint isteach ar thailte Chomharchumann Forbartha Chorca Dhuibhne Teo agus Comhairle Contae Chiarraí ag Baile an Fheirtéaraigh, Trá Lí, Co. Chiarraí.

12.02.20.04 Disposal of Land

Mr. J. Breen, Director of Housing referred members to his report dated 4 January, 2012 on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. O'Donoghue it was agreed to approve the disposal of a plot of land measuring 0.177 acres approximately at Farrantoreen, Killorglin to Killorglin Family Resource Centre, by means of a ten year lease, in accordance with the terms of notice issued 4 January, 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

Cllr. M. Cahill then moved Notice of Motion No. 4 as it related to this issue.

4. Provision of land to the Killorglin Family Resource Centre for an all age recreation area.

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

That Kerry County Council provide lands adjacent to the Resource Centre in Iveragh Park to Killorglin Family Resource Centre for the purpose of developing an all age recreation area for groups and individuals in the Killorglin/Mid-Kerry region.

Cllr. Cahill welcomed the inclusion of this item on the Agenda. He acknowledged the work of Kerry County Council in co-operation with the local group in the development of the Killorglin Family Resource Centre. This is a huge success for the greater Killorglin area. He thanked Mr. John Breen and the staff of the Housing Department for their work with the Iveragh Park Residents Association.

12.02.20.05 Provision of Traffic Calming Measures at Dykegate Street, Dingle.

Mr. G. O'Brien informed members that the item on the Agenda should read Section 38 of the Road Traffic Act, 1994 and not Section 28.

Mr. G. MacNamara, Deputy Director of Roads referred members to his report dated 14 February, 2012 on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin it was agreed to approve the provision of Traffic Calming Measures, pursuant to Section 38 of the Road Traffic Act, 1994, as amended by Section 46 of the Public Transportation Regulations Act 2009, in respect of the proposed development of traffic calming measures at Dykegate Street, Dingle, Co. Kerry. The proposed works will consist of the installation of one round top ramp along with revised road markings.

12.02.20.06 Material Contravention of the County Development Plan and the Ballybunion Local Area Plan

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

Development Description

To construct a one and a half storey type dwelling house and connect to the public sewer at New Road, Ballybunion, Co. Kerry.

The Material Contravention Procedure in this case was initiated with publication of the prescribed notice in the Irish Examiner newspaper on 21st December 2011, 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 recommendations, dated 7th February 2012, 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.** (10 no.)

**Signed: Michael McMahon
Director of Planning.**

8th February, 2012.

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"Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 as amended by Section 23 of the Planning and Development (Amendment) Act, 2010 in relation to application for permission to construct a one-and-a-half storey style dwelling and connect to public sewer at New Road, Ballybunion.

Planning Register No. 11/884

Name of Applicant: (Name withheld for Data Protection purposes – paper copy available on request)

Address of Applicant: 73 Beaufort Downs, Rathfarnham, Dublin 14.

Agent: Billy Horan, Knockeenahone, Scartaglen.

Date application lodged: 03/11/2011
Material Contravention Procedure initiated with publication of prescribed notice in Irish Examiner newspaper on 21/12/2011.

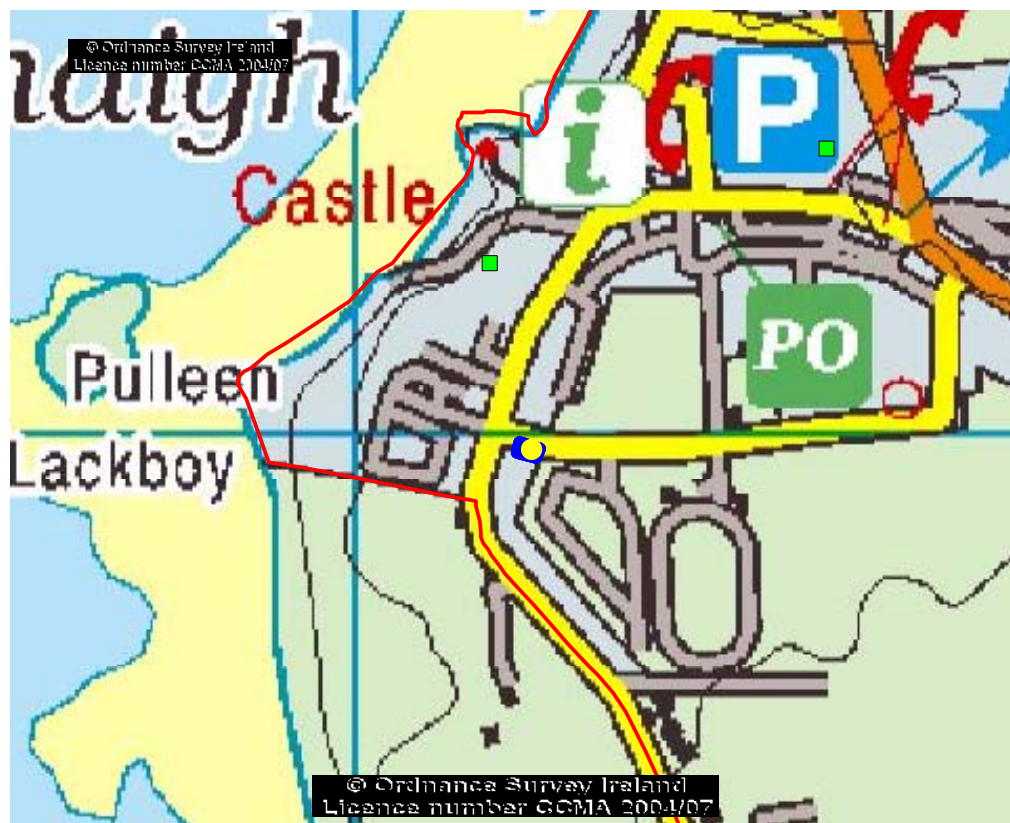
Date further information received: None

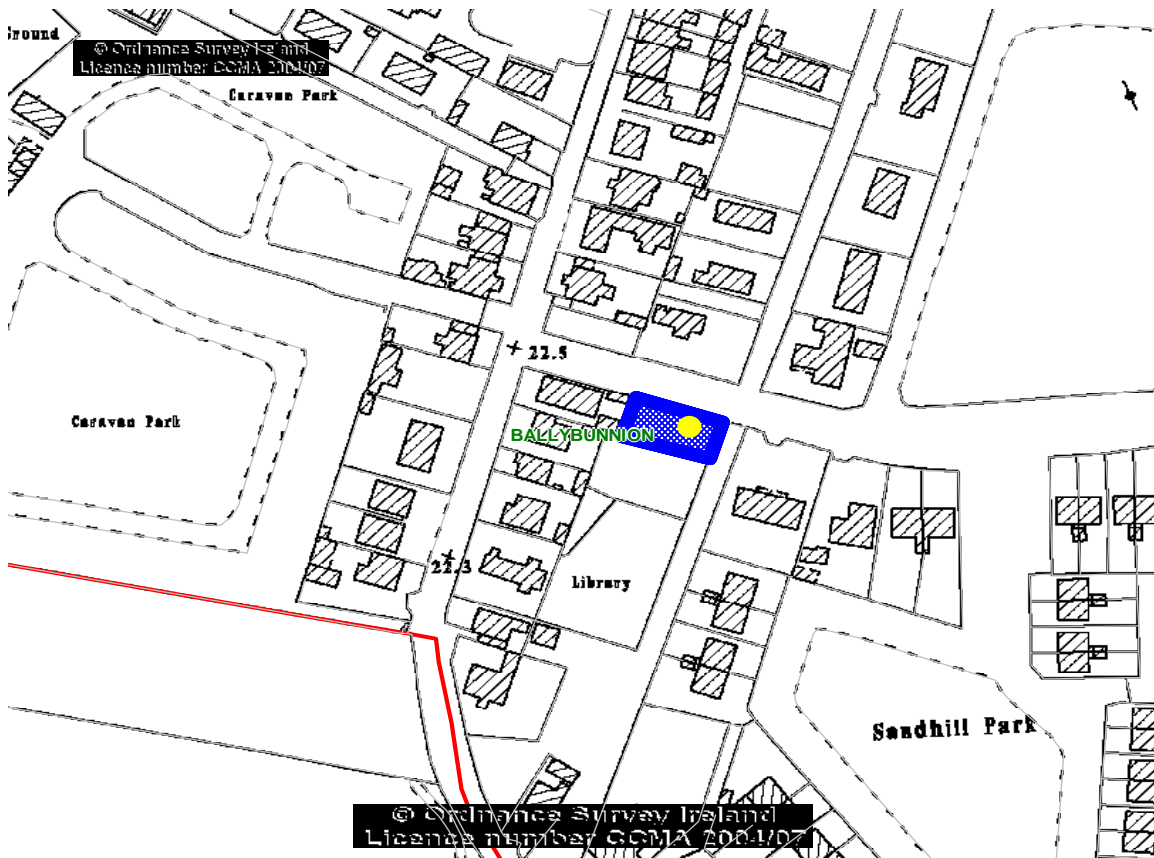
Decision due date: 24/02/2012

Proposal

Construct a detached 1 ½ storey dwelling house.

Site Location Maps





Description of Site and Surroundings

The site is located in an urban, built-up area close to Ballybunion Town Centre. The site is bounded to the west by a residential site, to the south by a small public car park, to the north by New Road and to the east by an access road which serves a number of residential properties and the public car park adjoining the site.



Photograph of site taken from adjoining access road to the east. Public car park is to left, New Road is to the right and dwelling house on the adjoining site to the west is in the background.



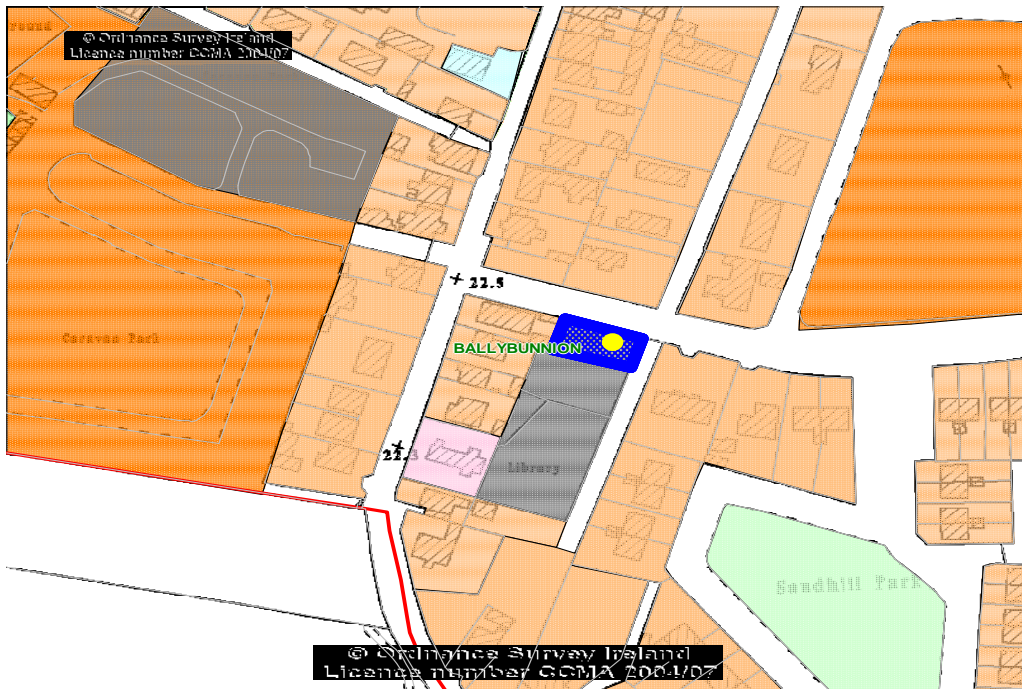
Photograph of site taken from the north-east.

Pre-Planning Consultation

It is stated that agent discussed proposal with Area Planner in September 2011.

Zoning and Designations

The site is located in an area zoned Car Park in the Ballybunion Local Area Plan 2007 – 2013.



Relevant Planning History

Planning Register No. 09/1381

Application for permission for the construction of a dwelling house and connection to the public sewer by (Name withheld for Data Protection purposes – paper copy available on request)

Permission was granted following the passing of a Material Contravention resolution by Kerry County Council at the monthly meeting held on 15/02/2010.

Planning Register No. 08/2585

Application for permission for the construction of a one and a half storey dwelling and connection to the public sewer by (Name withheld for Data Protection purposes – paper copy available on request).

Permission was refused by Kerry County Council after a Material Contravention resolution was not supported by the Elected Council.

Decision to refuse permission was upheld by An Bord Pleanala following a first party appeal because the proposed development would materially contravene the Car Park zoning for the site.

Planning Register No. 05/1962

Application for permission for the construction of two no. one-and-a-half storey style semi-detached townhouses each connected to the public sewer by (Name withheld for Data Protection purposes – paper copy available on request).

Decision to refuse permission by Kerry County Council was upheld by An Bord Pleanala following a first party appeal because the proposed development would constitute over development of the site.

Planning Register No. 00/3912

Application for outline permission to build a dwelling house and associated site works by (Name withheld for Data Protection purposes – paper copy available on request).

Outline permission was granted by Kerry County Council.

Reports

- (1) *Water Services Dept., Kerry County Council – received on 23/11/2011.
No objection to connection of dwelling house to public water supply and public sewer.*

Submissions/Observations

None

Assessment

1. Traffic: It is considered that adequate sightlines are achievable at the proposed entrance given that the entrance is located in a built-up area within the 50kph speed limit zone.
2. Effluent disposal: The site is served by public sewerage.
3. Surface water disposal: To public surface water sewer or to soakpits on site.
4. Residential amenity: It is considered that the design and layout of the proposed house would not impact on the residential amenities of the existing houses in the vicinity.
5. Visual impact: There is a range of house designs in the area. It is considered that the design and layout of the proposed house would integrate with existing development in this predominately residential area
6. Planning History: Permission was granted on this site two years ago following the passing of a Material Contravention resolution by Kerry County Council. The proposal under consideration is for a house of similar design but with a floor area reduced by 10 sqm.
7. Submissions: No third party submissions were made in relation to this application.
8. Ministerial Guidelines: It is considered that the proposed development would not contravene Ministerial Guidelines under Section 28 of the Planning and Development Act.
9. Regional Planning Guidelines: It is considered that the proposed development would not contravene Regional Planning Guidelines.
10. Zoning: The application site is located in an area zoned Car Park in the Ballybunion Local Area Plan 2007-2013, hence the need to implement the Material Contravention Procedure in order to grant permission for a dwelling house.

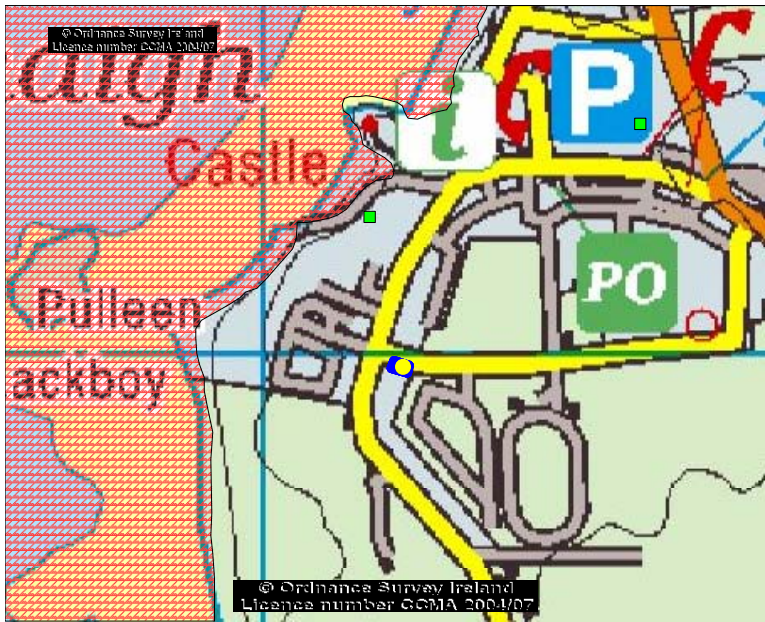
11. Miscellaneous:

Water levy: 128 sqm @ EUR 12/sqm = EUR 1536
 Sewage levy: 128 sqm @ EUR 38/sqm = EUR 4864
 Roads levy: 128 sqm @ EUR 10/sqm = EUR 1280
 Amenity levy: EUR 515

Appropriate Assessment Screening Report

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| Planning Reference Number: | 11/884 |
| Description of the proposed development (including a brief outline of its nature and size): | Permission to construct a one-and-a-half storey style dwelling and connect to public sewer. |
| 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

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| <p>Description of the development site location, relative to Natura 2000 sites, having particular regard to Natura 2000 sites located within 15Km of the proposed site or within the same water catchment as the proposed site</p> | <p>The site is 0.25 km (approximately) to the south-east of Lower River Shannon SAC.</p>  <p>The site is over 4.5 km to the north-east of the Kerryhead SPA.</p> |
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| 1. Proposed development site location relative to that of Natura 2000 Sites | |
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| 2. Specialist reports, advice and recommendations received (if any) | |
|---|-------|
| Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage Officer / other Specialists (where appropriate) | None. |

| 3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites. In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant. | |
|--|------------|
| Potential significance indicators include: | |
| <ul style="list-style-type: none"> Reduction / erosion / fragmentation of key habitat(s) | Not likely |
| <ul style="list-style-type: none"> Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance) | Not likely |
| <ul style="list-style-type: none"> Alteration of key environmental conditions (e.g. water quality, water supply, air quality) | Not likely |
| <ul style="list-style-type: none"> Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites | Not likely |

| 3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites. In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant. | |
|---|------------|
| • Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites | Not likely |
| • Interference with the movement of mobile dune and intertidal Natura 2000 habitats | Not likely |
| • Other potential impacts | Not Likely |
| • Interactive / cumulative / in combination impacts including potential climate change impacts and those with other plans and projects | Not Likely |

| 4. Conclusion (a, b, c or d) | |
|---|---|
| (a) The proposed development is directly connected with or necessary to the nature conservation management of a Natura 2000 site ¹ | b |
| (b) There is no potential for significant effects to Natura 2000 sites ¹ | |
| (c) The potential for significant effects to Natura 2000 sites cannot be ruled out ² | |
| (d) Significant effects to Natura 2000 sites are certain or likely or where potential for significant effects to Natura 2000 sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010 ³ | |

Recommendation

Grant planning permission subject to the following conditions:

FIRST SCHEDULE

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

SECOND SCHEDULE

(1) The development shall be carried out entirely in accordance with the plans and particulars received by the Planning Authority on 03/11/2011 except for any alterations or modifications specified in this decision.

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

(2) (a) Proposed dwelling house shall be in accordance with the design drawing received on 03/11/2011.

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

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

Reason: To integrate the structure into the surrounding area.

(3) The finished floor level shall be as stated on Site Layout Map received on 03/11/2011.

Reason: To integrate the structure into the surrounding area.

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

(b) The dwelling house shall be connected to the public foul sewerage network. Full details in relation to the connection shall be agreed with Water Services Dept, Kerry County Council prior to commencement of development. No surface water shall be permitted to connect to the foul sewerage system

Reason: In the interest of public health

(5) Developer shall construct a new public footpath along the western boundary of the site. Prior to commencement of development, the developer shall agree the setting out of new kerb and eastern site boundary fence with the Listowel Area Roads Engineer.

Reason: In the interests of pedestrian and traffic safety.

- (6) (a) Prior to commencement of development, the developer shall agree modification works to the existing public footpath to the north of the site required for the provision of vehicular entrance to the site. Any modification works to the public footpath shall be carried out at the expense of the developer on foot of a Road Opening Licence issued by Kerry County Council.
- (b) No water from the proposed development shall be allowed to flow onto the public road surface, but shall be collected and diverted to discharge to existing surface water sewer or to a soak pit within the site.

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

- (7)(a) Site boundary walls in front of building line shall be 0.9 metres high and constructed of plastered and capped blockwork.
- (b) Site boundary walls behind the building line shall be 2.0 metres high and constructed of plastered and capped blockwork.

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

(8) Prior to the commencement of development the developer shall pay a contribution of **€6,400** to Kerry County Council (Planning Authority) in respect of public water and sewerage infrastructure and facilities benefiting the development. The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2013 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

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

(9) Prior to the commencement of development the developer shall pay a contribution of **€1,280** to Kerry County Council (Planning Authority) in respect of roads infrastructure and facilities benefiting the development. The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2013 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000

Planning and Development Act and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

(10) Prior to the commencement of development the developer shall pay a contribution of ~~€5~~**15** to Kerry County Council (Planning Authority) in respect of community infrastructure, environmental amenities and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2013 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

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

Mr. M. McMahon, Director of Planning informed the meeting that this application is for a dwelling house in Ballybunion and is a repeat application. The site is zoned for a car park and the Council previously approved a material contravention to grant permission to (Name withheld for Data Protection purposes – paper copy available on request). The only change is the house design.

Cllr. R. Beasley PROPOSED in accordance with the provisions of Section 34(6)(a) of the Planning and Development Act 2000, as amended by Section 23 of the Planning and Development Act 2010, we the Members of Kerry County Council hereby resolve to grant permission to (Name withheld for Data Protection purposes – paper copy available on request) for the construction of a one-and-a-half storey style dwelling house and connect to public sewer at New Road, Ballybunion, Co. Kerry in accordance with plans submitted on Planning Register No. 884/11 which development would materially contravene the Kerry County Development Plan 2009 – 2015 and the Ballybunion Local Area Plan 2007 – 2013.

Cllr. P. Leahy SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, Cronin, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Foley, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistrim, Moynihan-Cronin, O'Brien, O'Donoghue, O'Shea, Purtill, Wharton-Slattery, Buckley
(24)

Against: None (0)

Note Voting: None (0)

The Mayor declared the resolution CARRIED.

12.02.20.07 Material Contravention of the County Development Plan

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

“Development Description

Permission for the renovation of the existing manor hotel to include reception and function facilities, 12 bedroom suites and supporting facilities and for the removal of various ad hoc contemporary additions, extensions and out buildings to the rear and side of the protected structure and associated conservation of historic fabric. Permission is further sought for the following: Provision of 32 number tents ancillary to the manor, provision of 62 recreational vehicle stands, provision of supporting facilities within the existing coach house complex to include a reception area, convenience shop, laundry, kitchen and dining facility, games room, play room, tv room, store, shower rooms and sanitary accommodation, the relocation and improvement of the existing site entrance, the provision of signage structures at the entrance, the provision of a new wastewater treatment system comprising of a wastewater treatment plant and soil polishing filters; the provision of a motorised vehicle waste disposal point and holding tank; the provision of 152 parking spaces, and all ancillary site works and landscaping at Dromquinna Manor, Dromcunna, Kenmare Co. Kerry. Planning Ref 757/11.

The Material Contravention Procedure in this case was initiated with publication of the prescribed notice in the Irish Examiner newspaper on 10th January 2012, 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: 8 submissions/observations in relation to the proposed development have been received following publication of the planning notices by the applicant and 7 submissions/observations have been received following publication of the Material Contravention Notice.

The attached report and recommendation, dated 14th February 2012 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** (20 no.)

**Signed: Michael McMahon
Director of Planning**

Date: 14 February, 2012

Implementation of the Material Contravention Procedure under and in accordance with Section 34 of the Planning & Development Act, 2000 as amended by Section 23 of the Planning and Development (Amendment) Act, 2010 in relation to application for permission for the renovation of the existing manor hotel to include reception and function facilities, 12 bedroom suites and supporting facilities and for the removal of various ad hoc contemporary additions, extensions and out buildings to rear and side of protected structure and associated conservation of historic fabric. Permission is further sought for the following: provision of 32 no. tents ancillary to the manor, provision of 62 recreational vehicle stands, provision of supporting facilities within the existing coach house complex to include reception area, convenience shop, laundry, kitchen and dining facility, games room, play room, tv room, store, shower rooms and sanitary accommodation, the relocation and improvement of the existing site entrance, the provision of signage structures at the entrance, the provision of a new wastewater treatment system comprising of a wastewater treatment plant and soil polishing filters, the provision of a motorised vehicle waste disposal point and holding tank, the provision of 152 parking spaces and all ancillary site works and landscaping at Dromquinna Manor, Dromcunna, Kenmare. Dromquinna Manor is listed as a Protected Structure (Ref 21309204/92-4) in the Kerry County Development Plan.

Planning Register No. 11/757

Name of Applicant: (Name withheld for Data Protection purposes – paper copy available on request)

Address of Applicant: c/o Park Hotel, Kenmare

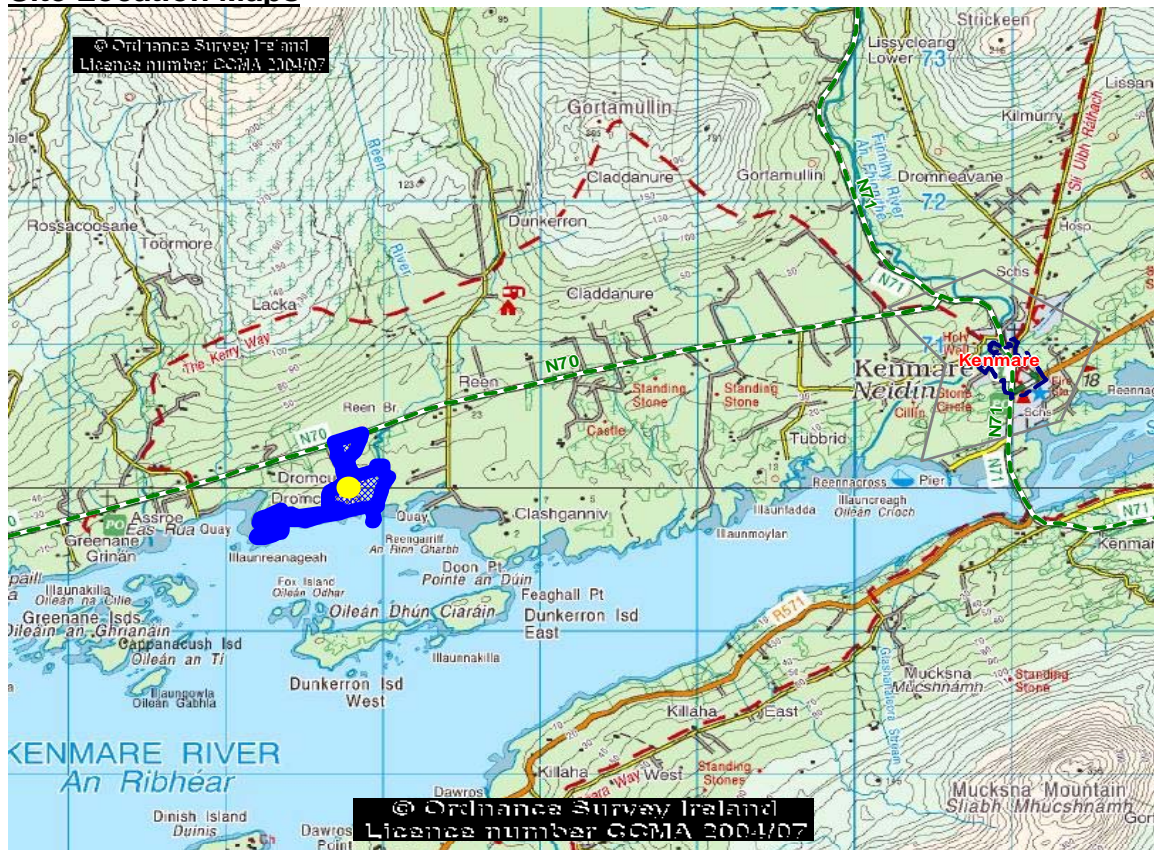
Agent: Mark Dignam, PLM Architecture, 9 Rock St, Kenmare

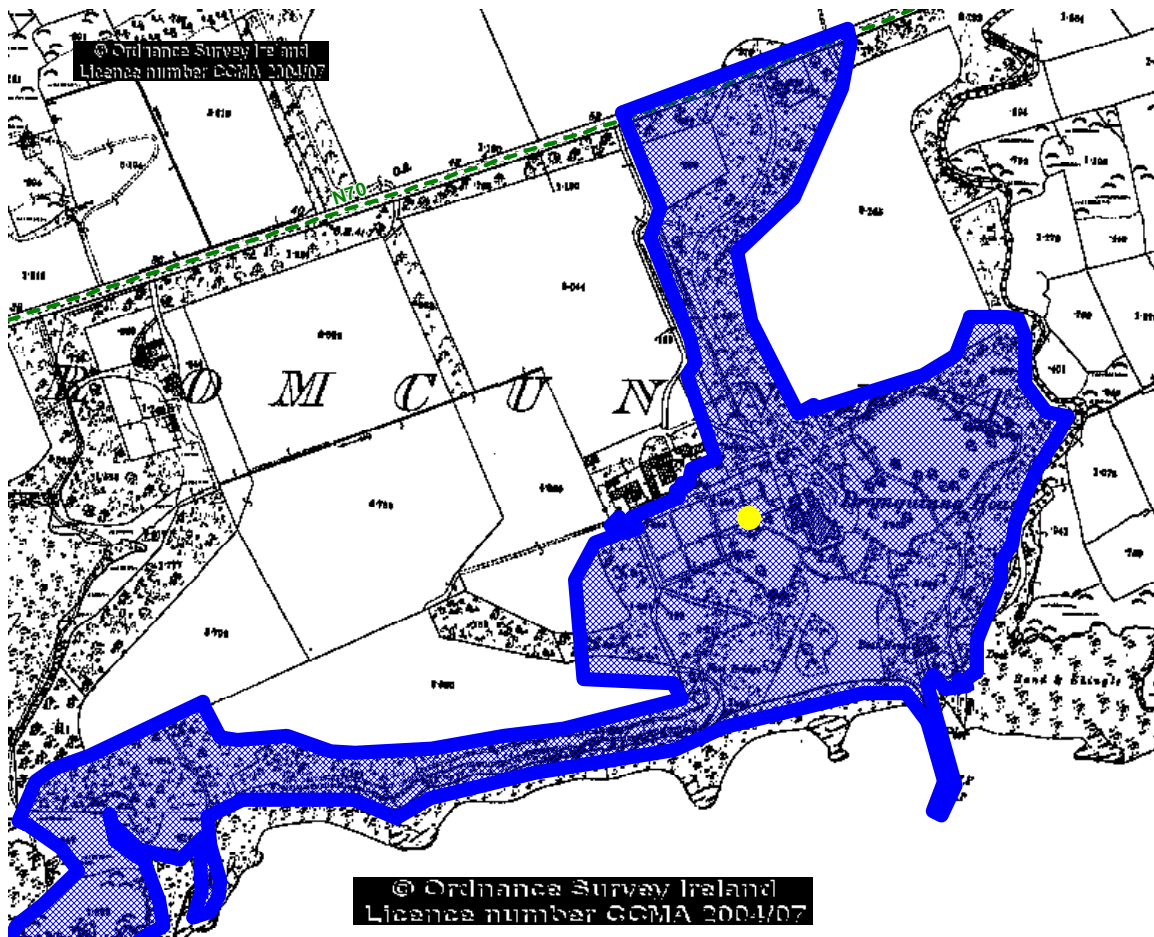
Date application lodged: 13/09/2011

Date further information received: 29/09/2011, 12/10/2011, 15/11/2011, 15/12/2011 and 04/01/2012.

Decision due date: 02/03/2012.

Site Location Maps





Pre-Planning Consultation

A number of pre-planning meetings were held which were attended by the applicant, applicant's architect, applicant's engineer and members of staff at the Planning, Environment and Roads Departments of Kerry County Council.

Proposal

The proposed development may be summarised as follows:

- (a) Renovation of existing Dromquinna Manor Hotel (Protected Structure) resulting in the reduction of accommodation from 36 bedrooms to 12 bedroom suites,
- (b) Demolition of various modern out buildings and extensions to Hotel,
- (c) Provision of 32 no. tents for use as guest accommodation ancillary to the hotel to be located on wooded area to the west of the hotel,
- (d) Development of 62 stands for recreational vehicles located in wooded area to the east of the hotel and in old walled garden to the west and south-west of the hotel,
- (e) Renovation of existing Coach House Building for the provision of support facilities such as reception, convenience shop, showers and sanitary facilities,

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- (f) Relocation and improvement of vehicular entrance to site from N70 National Secondary Road,
- (g) Provision of signs at entrance,
- (h) Provision of new wastewater treatment system to serve overall development,
- (i) Development of car parking,
- (j) Landscaping and ancillary site works.

In addition to planning drawings, the following reports are submitted in support of the application:

- (a) Ecological Impact Assessment
- (b) Tree Survey
- (c) Architectural Impact Assessment and Conservation Methodology Statement
- (d) Engineering Services
- (e) Hydrogeological Site Characterisation for Proposed Wastewater Discharge to Ground
- (f) Traffic Impact Assessment and Road Safety Audit



Photograph of proposed tent

Description of Site and Surroundings

The site is located in a rural location between the N70 Ring of Kerry Tourist route (to the north) and Kenmare Bay (to the south), approx 4.5 km to the west of Kenmare town. The site may be broken down into 4 distinct areas as follows:

- (a) The central area of the site contains Dromquinna Manor Hotel and various out buildings. The main hotel building was originally built as a large dwelling house in the late 19th century and is a Protected Structure. There is a gravel car park and lawn immediately to the east of the hotel and an extensive lawn to the south which runs down to the shore of Kenmare Bay where there is a pier. A restaurant building is located close to the foreshore where a boathouse once stood. There is an old walled garden to the west of the hotel.
- (b) The area to the east of the site comprises a densely wooded area extending to the Reen River which runs along the eastern boundary of the property.
- (c) The area to the west of Dromquinna Manor comprises mainly of woodland which extends along a narrow coastal strip.
- (d) The entrance avenue connects the car park beside the Manor northwards to the N70 Ring of Kerry Road. There is a small gate lodge house located beside the entrance.

Dromquinna Manor Hotel is currently closed for business and the site has lain idle for the last few years.



Southern Elevation of Dromquinna Manor (Protected Structure)



Eastern Elevation of Dromquinna Manor (Protected Structure)

Zoning and Designations

The site is located in a rural area zoned Secondary Special Amenity in the Kerry County Development Plan 2009-2015.

In addition, the site bounds Kenmare Bay SAC and contains a Lesser Horseshoe Bat Habitat.

Relevant Planning History

Numerous planning applications were made on the site in the 1980s and 1990s when the old manor house was converted into a hotel and various extensions were added. The Boathouse Bistro Restaurant was developed close to the shore and other out buildings were constructed.

In 2002, under Planning Register No. 02/23, a planning application was made by Bradavon Holdings for permission to redevelop Dromquinna Manor Hotel as an all year round tourist resort. The main elements of the proposal comprised the renovation and extension of the hotel building including the construction of a leisure centre and the provision of 113 holiday units throughout the site. Kerry

County Council decided to grant planning permission but the applicant withdrew the application following a third party appeal to An Bord Pleanála.

The most recent and relevant planning application relating to the site is Planning Register No. 04/2869 made by Kenmare Manor Development Co. Ltd. The main features of the proposal were as follows:

- (a) Extension to hotel to provide 23 apartments,
- (b) Construct a health and leisure spa,
- (c) Construct 101 holiday cottages,
- (d) Develop on-site staff accommodation,
- (e) Install wastewater treatment system.

The Kerry County Council decision to grant planning permission in this case was upheld by An Bord Pleanála (with some modifications) following third party appeal.

In April 2011, (Name withheld for Data Protection purposes – paper copy available on request) applied for an extension of the appropriate period under Section 42 of the Planning Acts which Kerry County Council granted thereby extending the life of the permission until 06/07/2016.

Development Plan and Other Policy

The planning application under consideration is for the re-development of a tourist resort.

Consequently, the proposal would require to be assessed under several headings of the Kerry County Development Plan 2009-2015. The following policies and objectives are considered relevant to the assessment of the application.

- (1) Employment and Economic Activity - Objectives as follows:

ECO 5-3: Encourage economic and employment growth in all sectors of the economy in a sustainable manner and in accordance with the principles and objectives of this development plan.

ECO 5-11: Seek a balanced approach to the provision of employment generating development where conflicts with environmental considerations arise while in compliance with relevant legislation and the objectives of this plan.

ECO 5-27: Promote the economic growth of rural areas throughout the County in a sustainable manner.

- (2) Tourism - Objectives as follows:

T 6-1: Facilitate the development of a diversified tourism industry through the growth of niche markets in a socially, environmentally and economically sustainable manner.

T 6-2: Protect and conserve those natural, built and cultural heritage features that form the basis of the County's tourism industry, including areas of important landscape, coastal scenery, areas of important wildlife interest,

historic buildings and structures and the traditional form and general appearance of towns and villages.

T 6-5: Promote the development of tourism in a sustainable manner and encourage the provision of a comprehensive range of tourism facilities, subject to location, siting and design criteria, the protection of environmentally sensitive areas and other planning considerations.

T 6-11: Encourage the provision of recreational and tourism infrastructure where proposals comply with the objectives and policies of this plan.

T 6-17: Encourage the redevelopment, and/or return to suitable use, of derelict, vacant or redundant buildings in order to provide for visitor accommodation and tourism development, while having regard to ecological constraints and architectural heritage requirements

(3) Traffic on a national route

Section 8.2.6: Applications will be required to comply with the recommendations of the National Roads Authority and, in particular to the NRA Policy Statement on Development Management and Access to National Roads (May 2006).

(4) Architectural Heritage – Objective

BH 10-5: Exercise a balanced approach to maintenance and development of the architectural heritage, having regard to the qualities of the given architectural context and the modern requirements of safety, comfort and usage, thus facilitating continuity of use of the architectural heritage in a sustainable manner.

(5) Development adjacent to a Special Area of Conservation (SAC) - Objective

EN 11-23: Maintain the conservation value of those sites as defined in the Planning and Development Act 2000 (Special Areas of Conservation, Special Protection Areas or lands proposed for inclusion in such sites) identified by The National Parks and Wildlife Service of the Dept of the Environment, Heritage and Local Government, as well as other sites that may be so designated during the lifetime of this plan.

(6) Development of a Lesser Horseshoe Bat Habitat – Objective

EN 11-27: Ensure that development does not have a significant adverse impact on plant or animal (including bird) species protected by law.

(7) Tourism development in a coastal area - Objective

EN 11-48: Ensure that any coastal development permitted should not detract from the visual amenity of an area and conform to the highest standards of design, siting, pollution control and provision of facilities.

(8) Rural area which is zoned Secondary Special Amenity

Section 12.2.8: Development in these areas must be designed so as to minimise the effect on the landscape. Proposed developments should in their designs take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

(9) Policies regarding Camping/Caravan Parks

Section 13.15.1 The provision of tourist caravan parks to facilitate the expanding tourist industry is encouraged by the Planning Authority. Planning applications for new caravan parks will be required to submit a masterplan for the entire site to which the application relates indicating compliance with the provisions of this plan and adherence to Fáilte Ireland's publication entitled 'Model Standards for Caravan and Camping Parks updated in 2008. Proposal will also be assessed with regard to the following matters:

- *Caravan parks will not generally be permitted in proximity to the coastline.*
- *Location of the development relative to existing services including retail and social facilities.*
- *Availability of services to cater for the development.*
- *Impact on existing residential amenities - overlooking, increased traffic and general disturbance will be taken into account.*
- *Capacity of road to cater for the development - direct access onto national primary or national secondary roads will not be permitted.*
- *Landscaping - every application for a caravan park will be accompanied by a comprehensive landscaping plan both proposed and existing which in addition to creating an attractive residential environment effectively screens the development. Appropriate assessment screening, in the first instance, shall be carried out in consultation with the National Parks and Wildlife Service.*

Reports

- (1) Water Services Dept., Kerry County Council – dated 23/12/2011
Water to be supplied from public supply to the proposed development should be limited to 15m³/day.
- (2) Conservation Officer, Kerry County Council – dated 17/10/2011.
Report states that the proposed development will not have an adverse impact on the overall material character of the Protected Structure. A number of conditions are recommended to be attached to any grant of planning permission.
- (3) Site Assessment Unit, Environment Dept, Kerry County Council
 - (a) Report of 25/10/2011 – Recommendation to seek further information
 - (b) Report of 02/12/2011 – Recommendation to seek clarification of further information
 - (c) Report of 30/01/2012 – Recommendation of conditions to be

attached in the event of a grant of planning permission in relation to the proposed wastewater treatment system and the use of water from on-site boreholes.

- (4) Fire Officer, Kerry County Council – dated 13/10/2011
Report states that Fire Safety Certificate and Disability Access Certificate are required in relation to the proposed development.
- (5) Biodiversity Officer, Kerry County Council – dated 19/10/2011
Report concurs with EIA/AA Screening Report submitted with application which concludes that the proposed development would not have significant effects on Natura Sites if recommended mitigation measures are complied with. Conditions are recommended to be attached to any grant of permission in relation to protection of bats, tree felling, external lighting and management of water during construction works.
- (6) Kerry National Roads Design Office – dated 14/10/2011
No observations.
- (7) Roads Dept, Kerry County Council – dated 11/02/2012
New location of vehicular entrance optimises the sight distance available having regard to the road frontage of site on to the N70 National Secondary Road. Conditions recommended to be attached to any grant of permission in relation to works by developer at new entrance and to the payment of a special development contribution by the developer to the Council for works on the N70 by the Council necessitated by the proposed development.

Submissions/Observations received following publication of planning notices by applicant

- (1) Dept of Agriculture, Fisheries and Food – received on 30/09/2011
If development encroaches on foreshore, a Foreshore Licence is required and no works should be undertaken unless appropriate consent has been obtained.
Planning Dept Response: No works proposed on foreshore.
- (2) Inland fisheries Ireland (IFI) – received on 04/10/2011
Conditions recommended in relation to prevention of water pollution and protection of Reen River which runs along eastern site boundary.
Planning Dept Response: A buffer zone is proposed along the Reen River where no development works are proposed.
- (3) (Names withheld for Data Protection purposes – paper copy available on request) received on 12/10/2011
(Names withheld for Data Protection purposes – paper copy available on request) own farmland on the eastern side of the Reen River and they state that they have no objection to the redevelopment of Dromquinna Manor. However, they consider that the provision of 32 tents and 62 Recreational Vehicle Stands are inappropriate for the following reasons:
 - (a) Diminish amenities of area of Kenmare Bay,
 - (b) Scale of proposal would give rise to excessive use of site,
 - (c) Traffic safety concerns – additional vehicular and pedestrian traffic

- would be generated on N70 where sightlines are poor,
- (d) Proposal would contravene Kerry County Development Plan,
- (e) Potential pollution of Reen River and impact on cattle and wildlife,
- (f) Flooding – encroachment on course of Reen River,
- (g) Noise pollution,
- (h) Threat to wildlife.

Planning Dept Response: (i) Ecological Assessment of proposed development concludes that the proposed development would not have significant impacts. (ii) Proposed development includes for relocation and improvement of entrance to site which would improve sightlines. (iii) A buffer zone is proposed along the Reen River where no works are proposed. (iv) Proposed development would contravene policy of Kerry County Council in relation to Camping/Caravan Parks.

- (4) (Name withheld for Data Protection purposes – paper copy available on request) – received on 12/10/2011

Submission states that the site is within an SAC and bounds the Kenmare River SAC.

Planning Dept response: The site bounds Kenmare River SAC but the application site itself is not situated within an SAC.

- (5) (Names withheld for Data Protection purposes – paper copy available on request) – received on 11/10/2011

Submission by owners of lands to the east of the site which opens by stating that they have no objection in principle to proposed development.

The following observations are made:

- (a) Issue raised in relation to accuracy of maps submitted with planning application.
- (b) Reference is made to agreement made by owners of application site to construct bunds and to strengthen hedging along the property boundary in order to guarantee privacy.
- (c) Request that 4 no. of the proposed RV Stands should be relocated further from property boundary.
- (d) Flooding of farmland has been caused because outlet from pond on application site has become blocked.

Planning Dept Response: Matters raised in submission were included in request for further information issued to applicant. Response by applicant addresses issues raised as follows:

- (a) *Query in relation to mapping to be resolved by parties. Issue is not critical to the planning application as no works are proposed in that particular part of the site.*
- (b) *Revised Site Layout Map submitted showing proposed bunding along property boundary.*
- (c) *Proposal to construct berm in order to reduce impact of RV Stands on adjoining property rather than relocating RV Stands as requested in submission.*
- (d) *Applicant undertakes to unblock outlet to pond in order to alleviate flooding of neighbouring property.*

- (6) National Roads Authority – received on 11/10/2011
 - (a) Proposal would be at variance with national policy in relation to development involving access to national roads.
 - (b) Proposal would endanger public safety by reason of traffic hazard due to movement of extra traffic generated.

Planning Dept Response:

- (a) While the proposed development may be at variance with national policy in relation to access to national roads, the proposal to re-develop this well established tourist resort would be supported by broader national policies in relation to creating employment and fostering the growth of the tourist industry.*
 - (b) Submission by NRA does not consider proposal to relocate the existing entrance on to the N70 which would significantly improve sightlines. Also, NRA would appear to be unaware that there is a live planning permission on the site for a development which would generate considerably more traffic movements than the proposal under consideration.*
- (7) National Roads Authority – received on 17/10/2011
 - As (6) above.

- (8) An Taisce – received on 14/10/2011
 - Submission opens by welcoming the fact that the proposed development is smaller in scale than the development previously granted on the site.

Issues raised as follows:

- (a) Dromquinna Manor is a Protected Structure and it must be ensured that the development will not have a negative impact on architectural integrity of the building. Work should be supervised by a Conservation Architect.
- (b) Site adjoins Kenmare Bay which is an SAC and NHA. Proposed wastewater treatment system should be of adequate design.
- (c) Concerns regarding the volume of effluent generated by Recreational Vehicles.

Planning Dept Response:

Application assessed by Kerry County Council Conservation Officer and Environment Dept to ensure Protected Structure would not be compromised by proposed development and that development would not give rise to pollution threat.

Submissions/Observations received following publication of Material Contravention Notice by Kerry County Council on 10/01/2012

- (1) Name withheld for Data Protection purposes – paper copy available on request) – received on 18/01/2012
 - Submission supports re-development of Dromquinna Manor Hotel but concerns are raised in relation to the following:
 - (a) Noise and fumes generated by Recreational Vehicles,
 - (b) Effects of development on road traffic on national route,
 - (c) Siting of safari tents,

(d) Information on Dromquinna Manor website and local 'tittle-tattle'.

Planning Dept Response:

- (a) *It is considered that disturbance caused by noise and fumes generated by Recreational Vehicles would not cause a significant impact.*
 - (b) *Traffic Impact Assessment and Road Safety Audit submitted with application were considered by KCC Roads Dept. Roads whose report recommends conditions to be attached to any grant of permission.*
 - (c) *Site Layout Maps submitted with application show proposed safari tents sited in wooded area to the west and south-west of the manor building. Planning condition can be imposed to control the location of the tents to ensure they are confined to the wooded area and do not encroach too close to the foreshore.*
 - (d) *Assessment of the planning application by the Planning Dept, Kerry County Council must confine itself exclusively to the documents submitted on the planning file.*
- (2) Michael Healy-Rae TD – received on 19/01/2012
Submission in support of proposal which would create much needed jobs in Kenmare and provide for an alternative type of tourism.
- (3) Cllr Johnny Healy-Rae – received on 27/01/2012
Submission in support of proposal.
- (4) Dept of Agriculture, Fisheries and Food – received on 01/02/2012
Foreshore consent should be obtained if works encroach on the foreshore.
Planning Dept Response: No works proposed on foreshore.
- (5) National Roads Authority – received on 03/02/2012
Submission recommends refusal of permission on the basis that the proposal would represent an intensification of use of an existing access onto the unimproved National Secondary Route (N70) at a point where a 100kph speed limit applies and would, therefore, endanger public safety by reason of traffic hazard. The proposal would be at variance with official policy in relation to control of development that could affect the operation and safety of the N70 and set an undesirable precedent.
Planning Dept Response: As with earlier submissions from the NRA, no consideration has been given in this submission to the fact that there is an existing tourist resort on the site and that the proposed development includes for the relocation of the site entrance in order to significantly improve sightlines. In addition, the precedent of a grant of permission on the site by An Bord Pleanala for a larger tourist development has not been referred to.
- (6) An Taisce – received on 06/02/2012
Concerns are raised regarding the proximity of the site to Kenmare River SAC, the need to ensure wastewater treatment facilities are adequately designed and whether adequate sightlines would be available at proposed entrance. Planning conditions are recommended in order to control the overall ownership of the site, to ensure retention of trees on the site and the planting of further trees, to limit the type of vehicles accessing the

Recreational Vehicle Stands and to the design and operation of the wastewater treatment system.

Planning Dept Response: Issues arising from An Taisce submission are dealt with in the application submission and in the assessment of the application by the Planning Dept.

- (7) (Names withheld for Data Protection purposes – paper copy available on request) – received on 07/02/2012

This submission contains additional comments following original submission by the Foleys on 12/10/2011.

- (a) Proposed berms along site boundary should be sited so as to ensure flooding is not caused to the neighbouring Foley lands.
- (b) A fence should be erected along horse track from Dromquinna Stables to the shore to allay concerns regarding the protection of the Reen River.

Planning Dept Response: Issues may be dealt with by condition

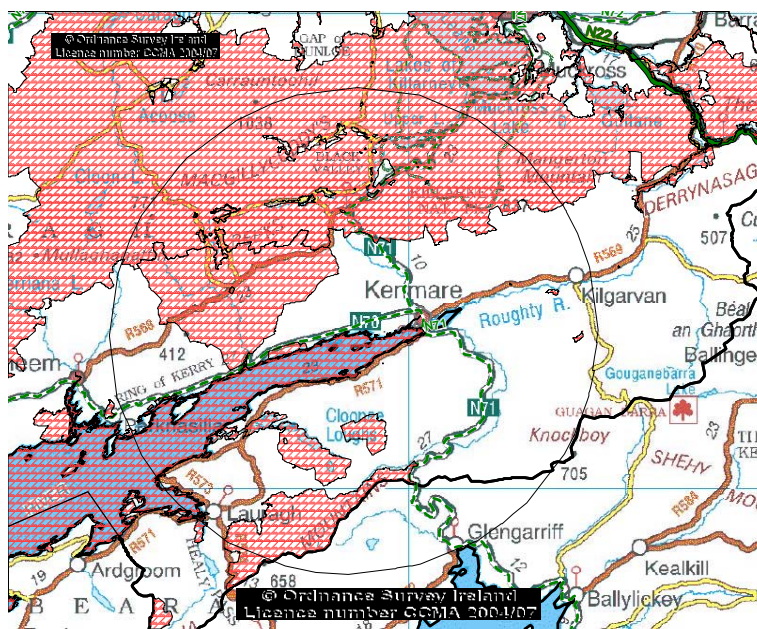
Appropriate Assessment Screening Report

| | |
|--|--|
| Planning Reference Number: | 11/757 |
| Description of the proposed development (including a brief outline of its nature and size): | <p>Permission to carry out the following development:</p> <ul style="list-style-type: none"> (d) Renovation of existing Dromquinna Manor Hotel (Protected Structure) resulting in the reduction of accommodation from 36 bedrooms to 12 bedroom suites, (e) Demolition of various modern out buildings and extensions to Hotel, (f) Provision of 32 no. tents for use as guest accommodation ancillary to the hotel to be located on wooded area to the west of the hotel, (g) Development of 62 stands for recreational vehicles located in wooded area to the east of the hotel and in old walled garden to the west of the hotel, (h) Renovation of existing Coach House Building for the provision of support facilities such as reception, convenience shop, showers and sanitary facilities, (i) Relocation and improvement of vehicular entrance to site from N70 National Secondary Road, (j) Provision of signs at entrance, (k) Provision of new wastewater treatment system to serve overall development, (l) Development of car parking, (m) Landscaping and ancillary site works. |
| Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site | No. |

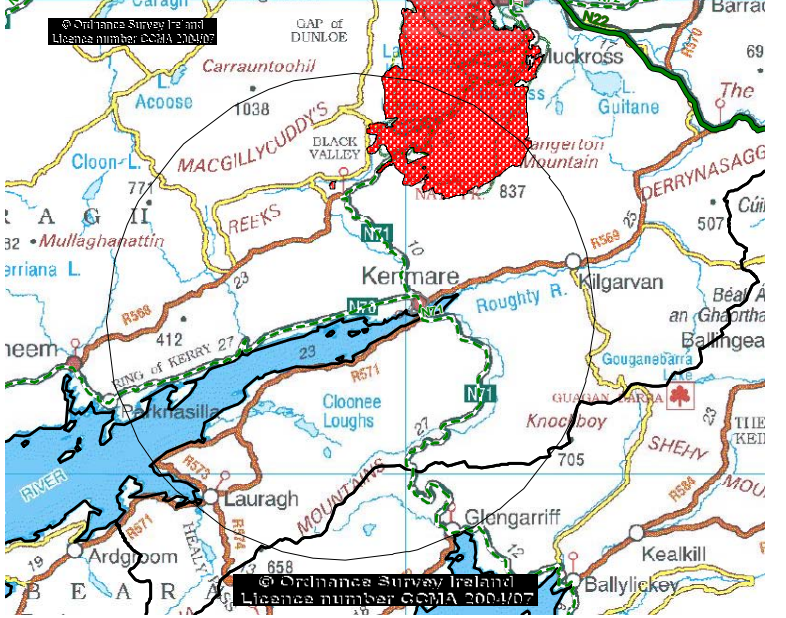
1. Proposed development site location relative to that of Natura 2000 Sites

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

The site adjoins Kenmare River SAC
 Killarney National Park, McGillycuddy Reeks & Caragh River Catchment SAC is 3.5km to the north-west
 Blackwater River SAC is 4.5km to the west
 Old Domestic Building, Dromore Wood SAC is 2.7km to the west
 Cahra Mountains SAC is 10km to the south
 Cloonee & Inchiquin Loughs, Uragh Wood SAC is 6.2km to the south-west
 Maulagowna Bog SAC is 5.7km to the south



Killarney National Park SPA is located 9km to the north-east.

| 1. Proposed development site location relative to that of Natura 2000 Sites | |
|--|--|
| |  |
| 2. Specialist reports, advice and recommendations received (if any) | |
| Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage Officer / other Specialists (where appropriate) | Biodiversity Officer's report states proposed development would not have significant effects on Natura 2000 Sites subject to compliance with recommended mitigation measures |
| 3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites. In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant. | |
| Potential significance indicators include: | |
| • Reduction / erosion / fragmentation of key habitat(s) | Not likely |
| • Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance) | Not likely |
| • Alteration of key environmental conditions (e.g. water quality, water supply, air quality) | Not likely |
| • Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites | Not likely |

| 3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites. In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant. | |
|---|------------|
| • Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites | Not likely |
| • Interference with the movement of mobile dune and intertidal Natura 2000 habitats | Not likely |
| • Other potential impacts | Not Likely |
| • Interactive / cumulative / in combination impacts including potential climate change impacts and those with other plans and projects | Not Likely |

| 4. Conclusion (a, b, c or d) | |
|---|---|
| (a) The proposed development is directly connected with or necessary to the nature conservation management of a Natura 2000 site ¹ | b |
| (b) There is no potential for significant effects to Natura 2000 sites ¹ | |
| (c) The potential for significant effects to Natura 2000 sites cannot be ruled out ² | |
| (d) Significant effects to Natura 2000 sites are certain or likely or where potential for significant effects to Natura 2000 sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010 ³ | |

Assessment of application

1. Kerry County Development Plan 2009-2015 (CDP)

The proposed development must be assessed under several headings of the CDP. On the positive side, the re-development of the site would comply with the policies and objectives of the CDP as follows:

- a. Employment and Economic Activity objectives in relation to encouraging economic and employment growth in a sustainable manner, achieving a balance between the provision of employment where conflicts with environmental considerations arise and promoting the economic growth of rural areas throughout the county in a

sustainable manner. It is considered that the proposed development would by itself generate direct employment and would also support and help to sustain jobs in local businesses such as public houses, shops and restaurants.

- b. Tourism objectives in relation to diversifying the local tourism industry, protecting and conserving natural, built and heritage features, encouraging the provision of tourism infrastructure and the re-development of currently unused buildings in order to provide for visitor accommodation. The proposal would provide for a new type of tourist resort in Kerry which would not be in direct competition with established hotels and tourist accommodation.
- c. Architectural Heritage objective in relation to facilitating the conservation of a Protected Structure by enabling Dromquinna Manor to function as a commercial concern, thereby guaranteeing its proper maintenance and preservation.
- d. Special Areas of Conservation objective in relation to maintaining the conservation value of Kenmare River SAC. Development is designed so as to have minimal impact on the SAC. In fact, the proposed wastewater treatment system is designed to discharge treated effluent to groundwater which would eliminate the requirement for existing discharge of treated effluent direct to the bay on foot of a Discharge Licence, thus reducing the pollution threat to the SAC.
- e. Biodiversity objective in relation to ensuring development would not have significant adverse impact on protected species. Development has been designed to mitigate impact on bats which are protected under Irish Law. Furthermore, the Lesser Horseshoe Bat is protected under Annex 2 of the Habitats Directive.
- f. Tourism development in Coastal Area objective in relation to protecting visual amenity of the area. Due to the wooded nature of the parts of the site proposed for siting of safari tents and RV Stands, the proposed development would not cause negative visual impact.
- g. Policy in relation to development in rural area zoned Secondary Special Amenity. The development is designed to take account of the topography, vegetation and features of the site and the visual impact of the development would be insignificant.

On the negative side, the development would not strictly comply with the following policies:

- (a) Generation of traffic on a national road where the 100kph speed limit applies.
- (b) Caravans will not generally be permitted in proximity to the coastline. However, it is considered that the visual impact of the proposed safari tents and RV Stands would be minimal when viewed from the sea due to the wooded nature of the site and the development could be permitted in this case.

- (c) Direct access from Camping/Caravan Parks onto national primary and secondary routes will not be permitted.

On balance, it is considered that the policies and objectives of the CDP would support the re-development of the site as the positive aspects of the proposal greatly outweigh the negative aspects.

2. Traffic

Vehicular access to the site is from the N70 Ring-of-Kerry National Secondary Road and is located where sightlines are very restricted due to the vertical alignment of the road. Proposed development includes for relocating the entrance towards the west where the sightlines would be increased significantly. It is considered that the improvement to sightlines would more than compensate for the additional traffic turning movements that would be generated. Report on application from KCC Roads Dept is positive and recommends conditions to be attached to any grant of permission including a special development contribution which would be used to improve the vertical alignment of the N70 in the vicinity of the site entrance.

The generation of traffic turning movements on national roads outside the urban speed limit areas is contrary to national roads policy and the NRA has made three submissions in relation to this application recommending refusal. Specifically in relation to the re-development of the Dromquinna Manor Site, the NRA has given no consideration to the benefits to traffic safety that would accrue from the improvement works to the vehicular entrance. In addition, account is not taken by the NRA of the permission granted on the site under Planning Register No. 04/2869 which does not expire until July 2016 and which, if implemented, would generate more traffic turning movements on the N70 than the development currently under consideration.

3. Visual Impact

It is considered that the proposed development would integrate into the landscape in this scenic woodland site.

4. Impacts on adjoining properties

Submissions were made by adjoining land owners with concerns about impact of the proposed development. It is considered that the mitigating proposals made by applicant in conjunction with appropriate planning conditions would minimise any impacts on properties in the vicinity.

5. Ecological impacts

The KCC Biodiversity Officer concurs with the findings of the Ecological Impact Assessment Report / Appropriate Assessment Screening Report submitted in support of the planning application in that if the recommended mitigation measures are followed, then the proposed development will have no significant impact on a Natura 2000 Site.

Furthermore, in relation to works to Dromquinna Manor and the impact on bats, it is recommended that any conservation works should be undertaken in consultation with a bat specialist and the National Parks and Wildlife Service. In addition, external lighting on the site should be carried out so as not to interfere with local bat activity.

6. Water pollution

Proposed wastewater treatment system was assessed by the Environment Dept. Following submission of further information and clarification of further information, Final Environment Report recommends conditions to be attached to any grant of planning permission.

It is also recommended by Biodiversity Officer that management of water quality during the construction phase of the development should follow best practises in order to avoid pollution of waterways or groundwater.

7. Impact on Architectural Heritage

KCC Conservation Officer's report concludes that the proposed development would not have an adverse impact on the overall material character of the Protected Structure. A number of conditions are recommended to be attached to any grant of planning permission.

8. Archaeology

A full archaeological assessment of the site was carried out in support of the previous planning application on the site under Planning Register No. 04/2869 and no features of significance were recorded. A condition requiring archaeological monitoring of groundworks is recommended.

9. Planning History

The most relevant planning application on the site is the most recent under Planning Register No. 04/2869 where a decision by Kerry County Council to grant permission was upheld by An Bord Pleanála for the following development:

- (a) Extension to hotel to provide 23 no. apartments,
- (b) Health and leisure spa,
- (c) 101 no. holiday cottages,
- (d) On-site staff accommodation,
- (e) Install new wastewater treatment system.

Last year, Kerry County Council granted an extension of duration under Section 42 of the Planning and Development Acts which extends the life of the grant of permission until July 2016.

10. Miscellaneous - Calculation of development contributions:

- (a) Water – Report from Water Services Dept states that no additional water can be supplied to the site over peak supply to the existing hotel. Therefore no water development contribution may be levied.

- (b) Sewerage – Site is not served by public sewerage. Therefore no sewerage development contribution may be levied.
- (c) Roads – General Contribution Scheme provides for levy for Caravan Parks of EUR 891 plus EUR 200 per pitch. Taking each RV Stand and each safari tent to be equivalent to a caravan park pitch, Roads contribution = EUR 891 + EUR 200 x 94 = EUR 19691.
- (d) Amenity - General Contribution Scheme provides for levy for Caravan Parks of EUR 572 plus EUR 24 per pitch. Taking each RV Stand and each safari tent to be equivalent to a caravan park pitch, Amenity contribution = EUR 572 + EUR 24 x 94 = EUR 2828.

Recommendation

Grant planning permission subject to the following conditions:

FIRST SCHEDULE

Having regard to the nature, extent and location of the proposed development, to the established hotel use on the site, the planning history on the site and to any submissions received in relation to the application, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not be visually obtrusive, would not seriously injure the amenities of the area or of properties in the vicinity, would be acceptable in terms of traffic safety and convenience and in terms of the character and setting of the protected structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

(1) The development shall be carried out entirely in accordance with the plans and particulars received by the Planning Authority on 13/09/2011, 29/09/2011, 12/10/2011, 15/11/2011, 15/12/2011 and 04/01/2012 except for any alterations or modifications specified in this decision.

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

(2) Prior to the commencement of development the developer shall pay a contribution of **EUR 19,691** to Kerry County Council (Planning Authority) in respect of roads infrastructure benefiting the development. The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2013 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

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

(3) Prior to the commencement of development the developer shall pay a contribution of **EUR 2,828** to Kerry County Council (Planning Authority) in respect of community infrastructure, environmental amenities and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2013 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

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

(4) Prior to the commencement of development, the developer shall pay a contribution of **EUR 182,000** to Kerry County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the proposed development, as a special contribution within the meaning of Section 48 (2) (C) of the Planning & Development Act, 2000 towards the cost of implementation of the following schedule of works:-

| <u>Proposed Infrastructure and Facilities</u> | <u>Estimated Cost (EUR)</u> |
|---|------------------------------------|
| Contribution towards vertical realignment and general road improvements on 400m of the N70 National Secondary Road including earthworks, drainage, surfacing, signing and lining. | 182,000 |

The amount of this contribution will be increased from January 1st 2013 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital Goods, Building and Construction as published by the Central Statistics Office.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, in accordance with the provisions of Section 48 of the Planning and Development Act, 2000.

- (5) The developer shall re-locate the boundary walls fronting onto the N70 to provide increased sight distances. These walls shall be faced in local stone. The area between the existing carriageway and the new wall shall be reconstructed in accordance with the National Roads Authority Manual of Contract Documents for Road Works and shall include any drainage works necessary and earthworks involving a minimum of 600mm of Class 6F2 on Terram Geotextile, finished with 150mm of topsoil and grass seeded. These works shall be set-out and agreed on site with the Area Engineer prior to the commencement of these works.

Reason: In the interests of traffic safety

- (6) All the recommendations of the Stage 1/2 Road Safety Audit which are in the control of the applicant shall be implemented.

Reason: In the interests of traffic safety

- (7) Works adjacent to the Public Road shall not affect the surface water drainage regime of the public road and no surface water within the development shall be allowed to flow onto the public road.

Reason: In the interests of traffic safety and to protect public property

- (8) All works adjacent to or on the public road shall require a road opening licence approved by the Roads Department. The approval of this licence will be subject to the developer / contractor possessing the adequate level of insurance which indemnifies Kerry County Council. The developer / contractor will furthermore have to produce a company safety statement along with a site specific safety plan. The site specific safety plan shall include a site specific risk assessment, a traffic management plan.

Reason: In the interests of traffic safety and to protect public property

- (9) Wheel washes shall be installed during the construction phase to prevent construction vehicles and plant from depositing debris and dirt on the public road.

Reason: In the interests of traffic safety

- (10) The proposed development shall be provided with a proprietary wastewater treatment unit {"SAF250PE" or if an alternative system is proposed, written permission shall be received from the Planning Authority}, and soil polishing filter as outlined in the plans and particulars received by the Planning Authority on *13th September 2011 and Further Information received on the 29th September 2011; 12th October 2011; 15th November 2011; 15th December 2011 and 4th January 2012*. The treatment system shall also incorporate UV sterilisation and a ferric dosing system.

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

- (11) The proposed effluent treatment system shall be constructed and located on site in accordance with both the design manual by "*Sewage Solutions*" and the drawing **& construction method statement** received by the Planning Authority on *4th January 2012*. Thereafter, the system shall be operated and maintained in accordance with the manufacturer's/designer's instructions and requirements.

Prior to the effluent being discharged to the low pressurised soil polishing system, the effluent shall undergo UV sterilisation.

The proprietary wastewater treatment unit shall comply with all relevant national certification requirements.

Storm-water drains, water mains, service pipes, soakaways, access roads, driveways, paved areas or land drains shall not be located within the perimeter of the final **soil** polishing filter. The growth of any type of tree or plant which develops an extensive root system should be limited to a minimum distance of 3m from the final **soil** polishing filter. This restriction also applies to the cultivation of any crop necessitating the use of machinery, likely to disturb the final **soil** polishing filter.

The disposal of sludge generated by the effluent treatment system shall be in accordance with the requirements of all relevant legislation and guidance.

The proprietary wastewater treatment unit shall have, at a minimum, the capacity to cater for a loading rate of 22,400 litres per day.

The low pressurised system shall obtain a minimal distal head of 1 metre. The low pressurised pipe network system shall be constructed to allow for drain back into the pump sump.

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

- (12)
- (a) The applicant shall undertake a maintenance or service contract for the on-going maintenance of the proprietary wastewater treatment unit with the manufacturer or such suitably qualified person in perpetuity.
 - (b) A signed and approved maintenance contract / agreement shall be submitted to the Planning Authority prior to the installation of the plant.

- (c) A maintenance contract for the treatment Unit, soil polishing filter, UV filter and all associated relevant mechanical and electrical components treatment system shall be entered into and paid in advance for a minimum period of **five** years from the first occupancy of the development and thereafter shall be kept in perpetuity. Signed and dated copies of the contract shall be submitted to, and agreed with, the planning authority within four weeks of the date of the installation.
- (d) The mechanical aeration unit shall be:
 - a. Serviced at least once every twelve months.
 - b. De-sludged at least once every six months.
 - c. Fitted with both an audible and visual alarm which shall activate in the event of plant/system malfunction.
- (e) The UV bulb(s) *{part of the ultraviolet light disinfection system}* shall be replaced in accordance with the manufacturer's recommendations. A record book shall be maintained on which shall be entered the date(s) on which the lamps were installed and the subsequent dates of replacement. A copy of these records shall be maintained on the premises and shall be made available for inspection by the local authority on request.
- (f) The soil filter shall be inspected on a quarterly basis, at minimum, to confirm that it operating satisfactorily. A record of each inspection shall be maintained on the premises and shall be made available for inspection by the local authority on request.
- (g) All mechanical plant *{i.e. pumps etc.}* shall be inspected quarterly, at minimum, and fitted with audible and visual alarms. A record of each inspection shall be maintained on the premises and shall be made available for inspection by the local authority on request.
- (h) Pump sumps shall have an overflow capacity for a 24 hour period.
- (i) An "Annual Maintenance Certificate" *{containing all records of servicing, monitoring & maintenance of the effluent treatment system & confirming that the system is operating to an acceptable standard}* shall be maintained on the premises and shall be made available for inspection by the local authority on request..

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

(13)

- (a) Sampling chambers shall be provided immediately prior to and post the **ultraviolet light** disinfection system.
- (b) Effluent samples shall be taken from each chamber within three months of the commissioning of the effluent treatment system and sample results shall be forwarded to Kerry County Council once available.
- (c) Thereafter, effluent samples shall be taken from each chamber at least annually and copies of all sample results shall be maintained and made available for inspection by the local authority on request.

- (d) Sample results should confirm that the effluent meets the standards listed in Table 5.1 of the Environmental Protection Agency Code of Practice *"Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)"*.

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

(14)

- (a) Kerry County Council {Water Services Section & Environment Section} shall be notified within 48 hours in advance of the construction and the commissioning of the effluent treatment system.
- (b) Kerry County Council may request the presence of a representative on site during part or all of the construction and the commissioning process.

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

(15) The drinking water supply for the proposed development shall be sourced from the public mains water supply only. The existing well (BH3) shall **not** be used as a drinking water source, but may be used for alternative purposes provided these do not pose any potential risk to public health. The distribution system for water which is to be sourced from the public mains and any system which is used to distribute water from any supplementary source (eg. well BH3) shall be kept entirely separate.

The applicant shall carry out all works necessary to ensure that untreated water from any supplementary water source (eg. well BH3) cannot enter the distribution system of the public water supply and cannot pose a risk to human health. It should be noted that a non-return valve or similar device fitted to the connection pipe to the public main **will not** be sufficient for this purpose.

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

(16) Prior to the occupation of the proposed development, the applicant / developer shall submit a certificate from an approved person, a member of Kerry County Council's panel of approved site suitability assessors, stating that the effluent treatment system has been installed in accordance with –

- The terms of the planning permission and the design manual by *"Sewage Solutions"*;
- The wastewater treatment plant manufacturer's requirements.

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

(17) The developer shall engage the services of a qualified archaeologist to monitor all ground disturbance aspects of the proposed development at the time of construction. The developer shall be prepared to facilitate the archaeologist in the recording and recovery of any archaeological material encountered. The archaeologist will be empowered to halt development work, if necessary, for the purpose of recording and recovering any archaeological material encountered. A report on the archaeological monitoring shall be forwarded to the Planning Authority and to Dept of the Environment, Heritage and Local government, upon completion.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

(18)

- (a) Renovation works to Dromquinna Manor shall be monitored by a qualified conservation architect. On completion of the works, the conservation architect's report shall be submitted to the Planning Authority certifying that the works were carried out in accordance with best conservation practise and in compliance with the conditions of planning permission.
- (b) The developer shall ensure that the level of intervention into the existing fabric of the Protected Structure is minimised when complying with fire regulations.
- (c) Details of proposed new windows to be installed on western elevation following removal of modern extensions shall be agreed in writing with the Planning Authority prior to commencement of this element of the work
- (d) Details of any exemption in relation to the historic guardrail and balustrade shall be submitted to the Planning Authority when available.

Reason: In the interests of protecting architectural heritage.

(19)

- (a) All mitigation measures specified in Chapter 4 of Ecological Impact Assessment Report submitted with the planning application shall be implemented in full.
- (b) Conservation works to Dromquinna Manor and the installation of external lighting throughout the site shall be undertaken in consultation with a bat specialist and the National Parks and Wildlife Service.

Reason: In the interests of protecting the ecology of the site.

(20)

- (a) Tents and Recreational Vehicle Stands shall be located as shown on Site Layout Map received on 15/11/2011.

- (b) No tents shall be erected or Recreational Vehicles shall be parked on the lawns to the south and east of Dromquinna Manor or within 40 metres of the foreshore.
- (c) No tents shall be erected on the Recreational Vehicle Stands.

Reason: In the interests of visual amenity and to regulate and control the use of the site.

Mr. M. McMahon, Director of Planning briefed members in detail on this report and said that Dromquinna Manor Hotel is a long established Hotel. He detailed the submissions received and the Planning Department's response to them. The Planning Department welcomes this application as Dromquinna Manor is a protected structure. He pointed out that is important to note there is a current permission on this site which is more extensive than the proposed development. The application must be dealt with under the Material Contravention procedure as the County Development Plan does not permit the granting of permission for caravan parks that exit onto national roads. The Planning Authority is satisfied that the application is in accordance with proper planning and development.

Cllr. P. Connor-Scarteen PROPOSED in accordance with the provisions of Section 34(6)(a) of the Planning and Development Act 2000, as amended by Section 23 of the Planning and Development Act 2010, we the Members of Kerry County Council hereby resolve to grant permission to (Name withheld for Data Protection purposes – paper copy available on request) for the renovation of the existing Manor Hotel to include reception and function facilities, 12 bedroom suites and supporting facilities and for the removal of various ad hoc contemporary additions, extensions and out buildings to the rear and side of the protected structure and associated conservation of historic fabric; the provision of 32 number tents ancillary to the Manor, provision of 62 recreational vehicle stands, provision of supporting facilities within the existing coach house complex to include a Reception area, convenience shop, laundry, kitchen and dining facility, games room, play room, tv room, store, shower rooms and sanitary accommodation, the relocation and improvement of the existing site entrance, the provision of signage structures at the entrance; the provision of a new wastewater treatment system comprising of a wastewater treatment plant and soil polishing filters; the provision of a motorised vehicle waste disposal point and holding tank; the provision of 152 parking spaces, and all ancillary site works and landscaping at Dromquinna Manor, Dromcunna, Kenmare, Co. Kerry in accordance with plans submitted on Planning Register No. 757/11 which development would materially contravene the Kerry County Development Plan 2009 – 2015. Cllr. Connor-Scarteen welcomed the support of the Planning Department for this proposed development. It is one of the finest locations in the county overlooking Kenmare Bay and the Caha Mountains. There is an existing permission on this site for a larger development and the proposed development is not as extensive. The adjoining property owners are satisfied with the proposed development and it will present a great opportunity for local employment. He was

satisfied that this would be a very high quality development which will also cater for weddings and conferences.

Cllr. B. Moynihan-Cronin **SECONDED** the proposal and said the development would be a great asset to Kenmare.

Cllr. J. Healy-Rae supported this proposal and said Dromquinna Manor is closed for many years and it is one of the finest places in Ireland. Glamping is unique and new and will be a welcome addition to the area.

Cllr. R. Beasley supported the proposed development and said that glamping is new to Irish tourism and anything that will increase visitor numbers must be welcomed.

A vote was taken which resulted as follows:

For: Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, Cronin, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Foley, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistram, Moynihan-Cronin, O'Brien, O'Connell, O'Donoghue, O'Shea, Purtill, Sheahan, Wharton Slattery, Buckley **(26)**

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the resolution **CARRIED**.

12.02.20.08 Report of the Local Government Auditor on the Council's Accounts for the financial year ended 31 December 2010.

Ms. A. McAllen, A/Head of Finance referred members to her report dated 10 February 2012 on this item which was circulated together with the following documents:

- Local Government Audit Service Statutory Audit Report to the Members of Kerry County Council
- Audit Opinion
- Income and Expenditure Account Statement for year ended 31 December 2010.

Ms. McAllen briefed members on the report and said given the extent and complexity of the Council's work programmes the Audit Report must be considered quite satisfactory. Efforts continue, of course, at improving our processes, procedures and effectiveness across the organisation and strengthening our controls and this is an ongoing objective and challenge. The

Auditors recommendations have been reviewed and considered and are being implemented by the Council.

Cllr. T. Ferris requested clarification on the reference in the report to the over valuation of land disposal.

Ms. McAllen said this is contained in Section 4.2 and refers to Burial Plots.

The County Manager referred to recent media articles on Audit Reports and said they implied that it referred to all local authorities but this is not the case as the Kerry Audit Report has not yet been published. The article referred to 'a raft of local authorities and most local authorities' and he took grave exception to these comments as they are unfair, disingenuous and they do irreparable damage to the public sector. He accepted that some local authorities are in financial difficulty but the finances of Kerry County Council are well managed. All staff recognise the need for vigilance in financial matters and have responded accordingly. The Head of Finance and the elected members recognised the need to provide for the bad years and as a result we have stability and do not need loans. We are operating in a difficult economic environment but he wanted to make it clear that Kerry County Council is not running a deficit at the end of 2011 and a similar situation will apply in 2012. The local authority sector made substantial savings and he would present a report on savings and efficiencies at the March meeting. The work load of local authorities is increasing due to increased regulatory requirements. He assured members that the Council's finances are managed properly.

12.02.20.09 Training and Development Programme for Councillors for 2012.

Cllr. T. Ferris said four years ago she attended a Seminar on Mental Health and a similar seminar was held weekend. There should be some element of training for councillors in the Programme on how to deal with people with suicidal tendencies. She asked that this training would be prioritised.

Mr. G. O'Brien confirmed that this will be included in the Training Programme and he asked members to inform him of any such conference/seminar that are brought to their attention.

Cllr. T. Ferris requested that the training would be provided in-house.

Cllr. G. Wharton Slattery said members come across this type of situation frequently. Jigsaw provides training in this area and she asked that they would be contacted with a view to providing this training.

Cllr. N. Foley supported this suggestion.

Mr. O'Brien thanked the SPC Chairs for their suggestions for the Training Programme. He said he also wrote to all members inviting suggestions and the Training Programme is for the benefit of members. He said he would welcome feedback on benefit or otherwise of Conferences/Seminars attended by members.

12.02.20.10 Reform of the Water Sector in Ireland

Mr. O. Ring, Director of Water Services informed the meeting that the Programme for Government committed to the creation of Irish Water which would be a State Company. It would take over the water investment/maintenance programmes of the 34 water services authorities and accelerate investments needed to upgrade the State's water network. The Programme also promised to introduce a fair funding model for water services with volumetric based water charges. At the same time the EU/IMF Memorandum of Understanding wanted to undertake an independent assessment of transfer of responsibility for water service provisions from local authorities to a water utility and to start charging during the EU/IMF Programme period. Mr. Ring outlined the existing structure and the funding provided for Water Services during the period 2000 – 2010. During the period 2001 to 2011 Kerry spent €7m and most of the Exchequer funding went to wastewater. During these years a large number of projects were undertaken as follows:

- 307 major waste water schemes/contracts
- 241 major water schemes/contracts.

The Government arranged for an independent assessment of the current structure and the study is being undertaken in two parts:

- Part 1 is to identify the optimum organisational structure and this is now complete.
- Part 11 is the development of an implementation timetable.

The main conclusions of the independent assessment are:

- "Irish Water to be created as a public utility in a regulated environment."
- Irish Water would be
 - allocated responsibility by statute for all aspects of water services planning and delivery at national, regional and local level.
 - organised on operational regions based on River Basin Districts i.e. Shannon and South Western.
 - given the assets and liabilities of local authorities.
 - responsible for the collection of domestic and non-domestic charges which would allow Irish Water to become self funding over time.

Mr. Ring then outlined for members the functions of Irish Water. In 2010 water cost €1.2 billion - €715 million in operational costs and €500 million in capital costs. The capital allocation for 2012 is down to €371 million but the long term requirement is €600million annually. At present revenue from the non-domestic

sector is just over €200 million. The Transition Strategy is proposing a phased approach as follows:

- Appointment of interim Board and Project Management Office in 2012 pending the establishment of Irish Water under its own statute by mid 2013.
- Irish Water would acquire statutory responsibility for water services in mid 2013, with ownership of assets transferring from Local Authorities from that date.
- Local Authorities would be agents of Irish Water for a period with Irish Water taking over their operations on a phased basis from January 2015.
- The full transfer of operations would be completed by the end of 2017.

Mr. Ring then outlined the financial issues and strategic water infrastructure planning issues that need to be addressed. The Government propose to introduce domestic charges based on metered usage and the metering programme is to commence by the end of 2012.

This proposal is out for public consultation at the moment and the Government is now seeking views in relation to:

- The development of an implementation plan for the public water utility and, in particular issues arising from an organisational, human resources and environmental perspective in the transitional phase, as well as boundary issues between the proposed utility and other actors involved in the water sector.
- The proposed approach in relation to water charges and water metering.

In conclusion Mr. Ring said the closing date for receipt of submissions is Friday 24 February 2012.

Cllr. B. O'Connell asked Mr. Ring for his opinion on the proposal to set up 'Irish Water'.

Mr. Ring said the situation at present where there are 34 water authorities in the country is unsatisfactory. Kerry Water Services is one of the best in the country but he would like to improve the service further. He acknowledged that reform is needed and in his opinion a definitive decision has been taken by Government to establish a Public Water Utility and this will not change. He was positive in relation to certain aspects of the proposal but he would like to know how it will be implemented. This proposal will result in the removal of a core function from local authorities. The public consultation process invites views on the transition.

Cllr. B. Cronin, Chair of the Environment and Water Services SPC said this issue was discussed at a meeting of the SPC held on 9 February. While the decision

has been made to establish a national body to take over this function everyone is being afforded the opportunity to make a submission including the general public. The closing date for receipt of observations/submissions is Friday 24 February. Submissions can be made in writing to the Water Services Section of the Department of Environment, Community and Local Government or by email to water@environ.ie. He urged everyone to have a say and to make their concerns known to the Department. Cllr. Cronin referred to Pages 16 – 18 of the Position Paper which was circulated and said it sets out the initial transition strategy and the implications for local authorities. This is a critical change for local authorities and he was deeply concerned that Kerry County Council will lose control of this function. The Council will not have an input and it will result in the loss of local knowledge which is priceless. He was concerned that it would end up like the centralising of the processing of Medical Cards which is not a success. At present if there is a burst water pipe on a back road from a reservoir staff are out to repair it immediately. With the new arrangement will it mean contacting an office in Limerick and when will they respond and carry out repairs? The non-domestic sector are carrying the financial burden for a long time at a cost of €200m annually. He pointed out that ESB customers do not let lights on 24/7 because they are paying according to usage. In the frost and snow in 2009 and 2010 people were without water for up to a week and this highlighted how critically important a good water supply is. He was opposed to this proposal as it will result in the loss of local input. He was concerned that most of the funding will be allocated to larger urban areas in future. It is inevitable that domestic water charges will be introduced and it will be seen that 'Irish Water' are responsible for this and not politicians.

Cllr. D. Healy-Rae moved Notice of Motion No. 26 as it related to this issue.

26. Irish Water Board

Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:

That we the Members of Kerry County Council disapprove of the setting up of the Irish Water Board as this will be another system of disconnect for the Members like the NRA with Roads and the HSE and the Health Service and will I believe lead to the privatisation of our water supply eventually.

Mr. G. O'Brien said this is a matter for consideration by the members.

Cllr. D. Healy-Rae expressed concern at proposals to establish a Public Water Utility. While it is stated 'Irish Water' will take over the running of this service he was concerned it would be privatized. Two multi-national companies are interested in taking over the supply of water in all EU countries including Ireland. Kerry County Council provides an excellent service and he believed this proposal is intended to remove control from elected members. Private companies will not listen to the views of Members and the role of Members is diminishing. The report circulated mentions that private investment will be sought and he believed this will result in the service being privatized. He asked that his motion would be

sent to the Minister for consideration. There is a very short period of time to make a submission and he wondered if submissions would really be taken into account. In conclusion he again said this is a stepping stone to privatization.

Cllr. J. Healy-Rae **SECONDED** the motion and said this proposal is not good for rural Ireland. In Kenmare public lights are out of order for the past 2½ weeks and the ESB were requested to repair them but this has not happened. This is on a very dangerous stretch of road where there is a number of houses and the footpath is sloped at the entrances which makes it dangerous for pedestrians. He believed the same will happen if a new Public Water Utility is set up. On many occasions at Christmas or at Bank Holiday weekends the water supply to a town is disrupted and staff respond immediately and the water supply is restored that evening. Who will respond when Irish Water is responsible? In conclusion Cllr. J. Healy-Rae said he was concerned this service will be privatized.

Cllr. J. Brassil concurred with the views expressed by Cllr. D. Healy-Rae and said people have a brief window of opportunity to make a submission. He believed the decision is already made to set up Irish Water but members can try to minimize the impact on the county. It must be enshrined that Irish Water will not be privatized. In bad weather the experience in Northern Ireland was bad in comparison to Kerry. It is obvious that this is because the system in Kerry works well. It is generally accepted that charges for domestic water will be introduced yet control is being removed from local authorities and this is worrying. Cllr. Brassil referred to the nationalization of other bodies and the consequences i.e. the NRA. When they were established motorways were provided from the cities and the major investment went to the centres of population. He was concerned that this would also happen in this case. Safeguards must be put in place to ensure that the needs of Kerry are catered for into the future. He asked what the position was in relation to staff. Who will be responsible for the metering of domestic houses – will it be the local authority or will it be put out to tender. The concept appears to be good but it will all come down to funding. A good service is provided in Kerry and now that domestic water charges are about to be introduced the service is removed. In time water will be as valuable a natural resource as oil or gas and we will lose control of that asset. He called on Management to make an extensive submission incorporating all the concerns expressed by members. The Council must be proactive and look for a structure that will result in a better water supply for Kerry.

Cllr. P. McCarthy supported the motion and said the privatization of this service would not be a positive move. He has seen privatization cause difficulties for people living in remote areas. He asked the Department to give assurances that this service will not be privatized. In Northern Ireland water costs the average household £120 per annum but if it is privatized what will it cost. Who will respond to call outs when the Public Water Utility is established? Staff from Kerry County Council responds rapidly to such call outs. He was not satisfied that there would be a good response if the service is centralized and it is likely

that phone calls will be directed to an answering service which is unlikely to be satisfactory.

Cllr. T. Ferris asked if the new Public Water Utility is established, and she would be hopeful it would not if there is enough opposition to it, how effective would it be if the expertise remains within the local authority. This happened recently with the sale of the Refuse Service when staff remained with the Council. There will be a transition period which she believed would be chaotic. She agreed with the views expressed by Cllr. D. Healy-Rae in relation to the diminishing role of councillors. The provision of water is one of the few remaining roles of a local authority and now that is being removed. She asked what the role of the local authority will be when this service is surrendered. What is the roll of the Regional Health Forum – none. Local democracy will be extinct. The Position Paper indicted that there is a €1b shortfall in funding and that it is an aspiration that the Board will be self financing therefore she presumed it is intended that householders must fund the shortfall. She asked that a strong submission would be made objecting to the establishment of the Public Water Utility and calling for the retention of this service by local authorities. If the Government does not agree to this the Council should call for the provision of a state of the art service by the new body. She also asked that the submission would state that fluoride should not be added to public water supplies.

Cllr. A. McEllistrim said there is a direct link with the work of the Roads Department and the work of the Water Services Department. From a practical point of view there needs to be co-operation between these two Departments as was evident recently when a new water main was laid in Caherslee and once the work was complete the Roads Department resurfaced the road. The new body should have direct contact with councillors to obtain their views.

Cllr. N. Foley said that the centralization of services equals the dilution of services and that is a statement of fact. With the centralising of services Kerry always lost out. With the emergence of the new Public Water Utility there will be no accountability or accessibility and democracy will be lost. She asked that these points would be included in the submission. She supported the views expressed by previous speakers in relation to the privatization of the water service and said under no circumstances should this happen. There must also be a mechanism to continue to involve local knowledge and expertise. She supported the point made by Cllr. Ferris in relation to the addition of fluoride to public water supplies.

Cllr. P. O'Donoghue expressed concern that the removal of responsibility for water services from local authorities will result in a further diminution of member's powers. He had no doubt this proposal will remove any function the Council has in relation to the provision of water. He was also concerned for the staff working in this Department. The Position Paper indicates that local authorities will be agents of Irish Water for a period with Irish Water taking over their operations on

a phased basis from January 2015. It also states that the full transfer of operations will be completed by the end of 2017 and in his view it will be Irish Water plc by 2020 at which time there will be no role locally or nationally. He asked that the submission would include a request that local authorities would continue to be involved in the provision of water after that date. He referred to the works programme prepared over a number of years and asked if this is now gone. Cllr. O'Donoghue expressed concern that members would no longer have a say in this programme. He agreed that the proposal to establish a Public Water Utility is a precursor to privatization.

Cllr. J. Finucane said there is no mention of privatization in any of the documentation. It is intended to set up a Public Water Utility and he objected to this misrepresentation. Responsibility for national roads was given to the NRA and the new Tralee By-Pass is being constructed which is a monument to the work of the staff in the National Road Design Office in Castleisland. He asked that the submission would include a request that Kerry County Council would remain as an agent of the new body. The Council has a very successful Water Services Department and their role should be expanded. He asked that local authorities would remain long term agents for the new Public Water Utility.

Cllr. B. Moynihan Cronin said water is a huge resource and we can survive without oil and gas but not without water. She said there are some concerns which need to be addressed. She concurred with Cllr. Finucane that the submission should ask that local authorities would continue to be involved in the provision of this service because of their expertise and local knowledge through staff. She said as long as the Labour Party is in Government this service will not be privatized.

Cllr. P. Leahy expressed concern for the staff working in the Water Services Department and also for the loss of their knowledge if the service is taken over by a Public Water Utility. The staff has excellent knowledge and expertise and they gave an excellent service during the bad weather in 2009 and 2010. He also expressed concern at the diminution of the role of elected members.

Cllr. M. Cahill expressed concern at proposals to establish an Irish Water Board. Kerry County Council provides an excellent service and he was concerned for both the service and the staff. The County Enterprise Board could lose staff and the Refuse Service was sold recently resulting in the redeployment of staff. It is also proposed to centralize Motor Tax. It is time to stop all this centralization. He said it is important that the Council would have an input into the Board. The public would prefer to see Kerry County Council continue to provide water for the county. He asked what would happen in relation to water sources etc.

Cllr. J. J. Culloty supported the motion and the views expressed by previous speakers.

The Mayor said there needs to be clarity on all aspects of this proposal.

Cllr. P. O'Donoghue pointed out that one of the functions of the new Board will be to source finance.

Mr. O. Ring, Director of Water Services said once the service is transferred the Public Water Utility will be able to source finance similar to the ESB etc. This will improve our debt standing. The only area in the United Kingdom where this service is privatized is England and it is not standard practice in Europe. The service has not been privatized in Scotland, Wales or Northern Ireland. While the Northern Ireland Water Authority got bad press arising from the bad weather in 2009 and 2010 this was not the case in Scotland. The water sector needs reform and he would like to see local authority involvement on an agency basis. However, the Assessment ruled out an agency role for local authorities. He believed the Public Utility model is the way to go.

Cllr. J. Finucane said the ability of this Board to raise money privately does not mean it will be privatized.

Cllr. P. O'Donoghue disagreed with Cllr. Finucane on this issue.

Mr. Ring said the ESB raises money based on assets.

Cllr. D. Healy-Rae said he would not expect private investors to put up money if they did not get a good return.

Cllr. B. Cronin said the Position Paper says that assets will be transferred on a phased basis. He asked would that include Lough Guittane.

Mr. Ring said these issues need to be clarified. It would be possible to transfer the rights to extract water.

Cllr. Cronin pointed out that this is the water source for a large part of Kerry.

Mr. O. Ring said there is a lot of speculation and a number of issues need to be clarified. It is too early to say exactly what will happen. It is proposed to establish an Interim Board and the detail will emerge later. The Council will also transfer liabilities both financial and legal.

Cllr. T. Ferris asked of the €3.4b asset portfolio held by Kerry County Council how much relates to Water Services.

Mr. J.D. Flynn said it is Government Policy to set up a Public Water Utility. Management can prepare a submission from the members if that is their wish. The minutes can be utilized to prepare the submission and the Mayor could sign

it. He understood members wanted to express concern at the lack of accountability with the proposed Public Water Utility.

Mr. Ring said members wanted reassurances that this service would not be privatized.

Cllr. J. Finucane said members also expressed concern for the future of staff in this area.

Cllr. P. O'Donoghue asked that the draft submission would be circulated to members the following day.

Mr. J.D. Flynn said the submission would reflect what is in the minutes. If a member makes a recommendation on the submission they must make their own submission as he would not have the approval of Council to amend the submission agreed at that meeting.

Cllr. D. Healy-Rae asked if his motion was passed.

Mr. G. O'Brien confirmed that it was agreed.

Cllr. J. Healy-Rae pointed out that if you hand over lands they are gone. If you have over the rights to abstract water the land is still gone out of the control of the Council.

Cllr. J. Finucane again said there is no mention of privatization in the Position Paper and he wanted to ensure that Kerry County Council remains an agent for the Public Water Utility and that we could enhance our role to a regional one.

Ms. A. McAllen informed the meeting that the value of water and sewerage network is €433,280m and this includes the physical network.

Cllr. T. Ferris asked if there is any estimate of the cost of the land involved.

Ms. McAllen said that figure is not available.

The Mayor informed the meeting that a submission, incorporating the views expressed by members, would be made before the deadline.

Mr. J.D. Flynn said the Mayor would sign off on the submission.

12.02.20.14 Presentation on Shannon LNG

The Mayor welcomed Mr. P. Power and Mr. M. Biggane of Shannon LNG, Mr Ógie Moran, Regional Manager, Shannon Development and the Tarbert Development Association to the Meeting. He then called on Mr. Moran to address the Meeting.

Mr. O. Moran said it would be an absolute tragedy if the Shannon LNG Project did not proceed. He then displayed a map of the Tarbert/Ballylongford Landbank and indicated the land that Shannon LNG has an option on. He displayed a slide showing what the development would look like when it is constructed. He informed Members that the gas would be brought into Ireland by ship and would be pumped to tanks at which point it would be re-gasified and then would go by pipeline to Foynes to join the National Grid. 650 people would be employed in the construction of these tanks and in the construction of the pipeline to Foynes where there would also be a large number of indirect jobs. This would be an incredible contribution to employment in North Kerry and West Limerick. One of the conditions of the planning permission is that once the project is in operation, they would pay €200,000 per annum to the local community and Mr. Hess has said that 40% of this should be for education. This is €1m over a 5 year period. The Hess Corporation are a Blue Chip Company and Shannon Development must be very sure who they are dealing with. At least 95% of the people in the area are in favour of this development. If this project proceeds, there will be better competition and lower gas prices. He was confident in the long-term it would result in gas being brought to Kerry. He was at a loss to know how there were such delays for this company who are not seeking any grant aid from the Government.

Mr. P. Power, Managing Director of Shannon LNG then addressed the meeting.

Mr. Power thanked the Mayor and Members for inviting him to update them on the Shannon LNG Project. He also thanked them for their support and he thanked Mr. Séan Kelly, MEP who has been a tremendous support, both locally and in Europe. The community in Tarbert and Ballylongford have also been a great support. The Energy Regulator issued a draft decision on Friday last. This is a dream project for Ireland but there are so many bureaucratic challenges to be overcome. Other countries would welcome such a development. To date, the Hess Corporation has spent \$62m on this project and they are now being asked to pay €75m a year to subsidise their competitors. Mr. Power then displayed a map of the Tarbert/Ballylongford landbank which is 600 acres in total. He said that his company have an option on an area which he indicated on the map that is 287 acres approximately. They have all the major permits and consents. They have also commenced the process to build a large Combined Power and Heat Plant. LNG connects “stranded” gas to global markets. The natural gas is cooled to -160°C becoming a liquid. LNG is transported worldwide in double-hulled ships and it is stored in insulated tanks at atmospheric pressure. It is then

delivered to the grid by warming it in heat exchangers. They have an unmatched 60 year safety record with no incidents affecting the public anywhere. Gas for the Irish market is fully dependent on the UK. The Corrib will temporarily alleviate dependency but it is anticipated that supplies will be depleted quickly. The UK itself is increasingly dependent on LNG imports. Ireland has no meaningful gas storage and 70% of gas is used for power generation while 62% of electricity supply is gas-fired. If the Shannon LNG project progresses, the plant is designed to be readily expandable. It took just 6 months to get planning permission for the pipeline from An Bord Pleanála and Kerry County Council yet it took 18 months to get a decision from the Energy Regulator. Currently, the tariff for the BGE Ireland-UK Inter-connectors (I.C's) is designed to recover the full cost of the ICs from users of the ICs. This is consistent with the basis on which the IC's were approved (Government announcement of February 2001 and Government Tariff Directives of November 2001). The current tariff is in place following public consultation in 2001 and it was intended to encourage competition. Mr. Power then displayed a map showing the current structure of transmission tariffs in Ireland. In March 2000, the then Minister of State at the Department of Public Enterprise stated the following in the Dáil:

"My aim is to have a tariff that will promote the development of competition in the supply of natural gas, including the development of new indigenous sources of supply, and provide appropriate economic signals in relation to the establishment of new pipeline infrastructure."

"Take, for example, a gas customer on the BGE system who was buying gas through a different import pipeline, or through a pipeline bringing gas from the Corrib Field onto the BGE system. Such a customer who was paying the existing full postalised tariff would be making a contribution towards the existing interconnector even though the customer wasn't using it."

Mr. Power said that in accordance with EU Law, it is illegal to subsidise another company in this way. Shannon LNG also propose to build a large scale Combined Heat and Power Plant and this will result in greater efficiencies. Mr. Power then outlined the next steps to be taken if the regulatory certainty is achieved. He then outlined the benefits of the Shannon LNG Project as follows:

- This will be a large scale FDI project (up to €1bn).
 - No State subsidies have been sought for investment with €45m being spent to date.
 - Gas and power will be sold at free market prices, no subsidisation
 - This project fully complies with all Irish and EU Regulations.
- The McCarthy Report
 - Shannon LNG satisfies Recommendation 17 (gas storage) and 18 (build an LNG terminal).

- Security and Diversity of Gas Supply
 - Shannon LNG will connect Ireland directly to global gas markets.
 - It will provide a competitive new gas supply to benefit Irish consumers.
 - Lower energy prices will improve national economic competitiveness.
 - An LNG terminal allows BGE to avoid further investment in Scotland.
- Employment
 - The LNG terminal will create up to 650 jobs during a 4 year construction period.
 - It will also provide 50 full-time and 50 indirect jobs when operating
 - The CHP plant will add about half these numbers.

In conclusion, Mr. Power said that Shannon LNG will provide significant benefits to Ireland with up to €1bn in investment, the creation of 650 construction jobs with 100 permanent jobs. It will be a major new competitor in the Irish energy market and natural gas can enable climate goals and balance renewable intermittency. Shannon LNG needs Government support not subsidy. They need regulatory certainty sooner rather than later. Mr. Power said they had no difficulty with open and fair competition and his potential LNG suppliers are of the same view. He was concerned that indecision and delay will further postpone progress on the project. In conclusion, Mr. Power thanked the Members for their support and the opportunity to address them.

The Mayor welcomed Mr. Séan Kelly, MEP, Mr. B. Griffin, TD and Mr. A.J. Spring, TD to the meeting.

Cllr. L. Purtill thanked Mr. Power for his presentation and said that he was shocked at the decision issued by the Energy Regulator the previous Friday. He acknowledged that tariffs are not unusual in this industry and he asked if they are negotiable. He asked Mr. Power if Hess is as committed as ever to this project given the delays they have endured. Following the deputation from Kerry County Council with the Commissioner for Energy Regulation prior to Christmas, Members were satisfied that he was open to direction from Government. It is now more urgent than ever that the Members would meet with Mr. Enda Kenny, Taoiseach and Mr. Pat Rabbitte in an effort to resolve this issue. If this project does not proceed, it will be the death knell for North Kerry. He understood Minister Deenihan was arranging for the deputation to meet with the Taoiseach in the near future. He expressed his sympathy for the people of Tarbert and Ballylongford who have supported this project from the outset and who are most anxious that it would come to their area. He acknowledged the efforts of Shannon Development and the Tarbert Development Association in supporting this project. In conclusion, he said it is a disgrace all the obstacles that have

been put in the way of this project which is not seeking any grant aid from Government.

Suspension of Standing Orders

The Mayor informed the meeting that it was 1.30pm and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J. Finucane, it was agreed to suspend Standing Orders to allow the meeting continue.

12.02.20.14 Presentation on Shannon LNG (Cont'd)

Cllr. J. Finucane said it is unbelievable in the present climate that a Company is still awaiting for a conclusion to all the regulatory processes after 6 years and he said this is completely unsatisfactory. A deputation from Kerry County Council met with the Commissioner for Energy Regulation before Christmas for 2 hours and they asked would he interact with LNG and would he accept political direction. He confirmed that he would accept political direction and this demonstrates that he is not above politics. The potential damage that is being done abroad if there is not a satisfactory conclusion to this process is immeasurable. It is a test of this Government to resolve the present difficulties. This project presents an opportunity to provide 500 - 600 construction and ancillary jobs but because of bureaucracy, the project is delayed. Cllr. Finucane said private companies, such as the Hess Corporation, can make this country independent and he offered his full support for this project. The present process is unsustainable and the primary policy of this Government is job creation. The Shannon LNG Project will not cost the country anything in grants and he was convinced that hidden forces were at work. He said he would be taking a strong message to the Taoiseach that he wanted this matter sorted out immediately. The European Energy Regulator is willing to take on this issue and it is up to the State to deliver an answer.

Cllr. J. Brassil said that he always supported this project and the decision issued on Friday last was very disappointing. He asked if the Energy Regulator had considered the suggestion that the position that pertained in 2001 in relation to the inter-connectors should prevail as this project is proposed for many years. It appears that the Commissioner for Energy Regulation is imposing tariffs that will affect the Bord Gáis inter-connectors. The EU issued a statement asking questions about the anti-competitive approach being taken in Ireland. It has not been possible to get a clear explanation on why this tariff is being imposed on a company for something that they do not own. The Regulator said his sole function is to ensure that consumers get the lowest price possible. Members must continue to support this project and while it is important for North Kerry, it is also very important for the country. He asked if the draft decision issued on Friday last becomes a full decision where does that leave the project.

Cllr. N. Foley welcomed Mr. O. Moran and Mr. P. Power together with the members of the Tarbert Development Association to the meeting. The magnitude of this project and the issues raised are huge from a national and international perspective. The number of jobs to be generated and the €200,000 annual contribution to the local community are vital for this area and no grant aid will be required. She welcomed the proposed deputation to meet with the Taoiseach and said there should be one aim and that is that there must be a political mandate for this project to proceed. She asked if the draft decision becomes the final decision, is that the end of the project. At this point, Shannon LNG and the people of North Kerry need clarity and no ambiguity

Cllr. D. Healy-Rae welcomed Mr. Moran, Mr. Power, Mr. Biggane and the local residents to the meeting. He called on all Oireachtas Members to contact the Minister with a view to pointing out that what is being asked is completely unfair. This project will be of benefit to the entire country and not just Kerry. Ireland must be the most regulated country in the world but he believed the Taoiseach can resolve these difficulties. In conclusion, he welcomed Mr. Séan Kelly, MEP to the meeting and recognised the important role he is playing in relation to this project.

Cllr. R. Beasley welcomed the representatives from the Tarbert/Ballylongford Development Association to the meeting and he acknowledged their frustration because of the delay with this project. He also welcomed Mr. Moran and Mr. Power to the meeting and he thanked Mr. Power for his presentation. The level of emigration from North Kerry is frightening and this coupled with unemployment of 24% is most frustrating. He asked the deputation to call on the Taoiseach to cut out the bureaucracy and to allow the Shannon LNG Project to proceed.

Cllr. P. Connor-Scarteen thanked Mr. Power for his presentation and he acknowledged the work of Séan Kelly, MEP on behalf of this project. It is essential that this development is allowed to proceed as it is vital for employment in the area. As Chair of the CDB, he would be willing to go on the deputation to the Taoiseach or he would write to Minister Rabbitte on behalf of the company if that was required.

Cllr. P. McCarthy welcomed the presentation and PROPOSED that members would agree a resolution calling on the Minister to send a clear direction to the Energy Regulator to delete the tariff being proposed.

Cllr. J. Sheahan SECONDED this proposal.

Cllr. P. Leahy expressed concern at the delays with this project. He asked when the deputation meets the Taoiseach that Minister Rabbitte would also be present. He asked Mr. Power what advice he would give Members in relation to this

meeting arising from the decision issued by the Commissioner for Energy Regulation on Friday last.

Cllr. T. O'Brien said that for a project that started out so positive, it is very disappointing that it experienced such delays. Members of the Labour Party would go to their Minister pointing out that these jobs are awaited in North Kerry. A strong message should be sent to Government that Kerry County Council is fully behind this development. It is important that these jobs are delivered to ensure that a positive message goes out that jobs can be delivered in Ireland.

Cllr. A McEllistrim expressed disappointment at the delays experienced by this company and she called on Oireachtas Members to intervene with the Government.

Cllr. T. Ferris said it is very disappointing to listen to Mr. Power stating that Ireland and Kerry are not open for business while at the weekend Ireland was giving a different message to the Chinese. At the initial presentation to Members in Tarbert, they understood that the greatest delays would be with regard to planning yet that did not prove to be the case. The entire community are very positive towards this development. When the project was first mentioned, the celtic tiger was in full swing but this area did not benefit from it. Unfortunately, the Minister is not trying to accommodate this development. The Hess Corporation are waiting to invest millions and she assured Mr. Power that the Members of Kerry County Council unanimously support this project and the local community. However, there appears to be a lack of political will to see this project progress.

Cllr. M. O'Shea complimented Mr. Moran and Mr. Power on their work to date on this project. Kerry is in dire need of jobs and this project presents an opportunity to create employment and the State would also benefit. He asked if the present Government has the will to ensure that this project is allowed to progress. The LNG Project is vital for the economy of the county. He called on Minister Deenihan and all Oireachtas Members to plead with the Government to ensure that this project is allowed to proceed.

Cllr. P. O'Donoghue said if it was proposed to establish this business in any other country, all obstacles would be removed. Instead, in Ireland, we seem to be putting obstacles in the company's way. It is amazing that this company is not looking for State grants and there appears to be a hidden agenda. He asked if the Regulator is appointed through statute and if so, he is under the Minister's control. He believed that political will is needed to ensure that this project is given the go ahead. The Shannon LNG Project is very important, not only for Kerry but for the entire country and the obstacles put in their way are sending out the wrong message to international investors. The Government cannot say they are creating jobs while at the same time put obstacles in the way of proposed

developments. He called on the six TDs to put down a motion in the Dáil calling on the Minister to resolve this issue.

Cllr. M. Cahill welcomed the presentation and said that the LNG Project is important not only for Kerry but for the entire country. The Taoiseach says we need to create jobs and investment yet obstacles are being put in the way of this company. He called on the Government to ensure that the Shannon LNG Project is allowed to proceed.

Mr. S. Kelly, MEP then addressed the meeting. Mr. Kelly said that he was pleased that the Council was speaking with one voice in support of this project as this is essential. If the 2020 targets are to be reached by Ireland, this project is vital as it will help Ireland to achieve its targets. There are very few projects that have the support of the local community that this one has. Following the deputation before Christmas, it appeared that the issue was resolved but on Friday, the 60 page Report issued by the Commissioner for Energy Regulation makes this project unviable after 6 years and an investment of €62m. If this project went to other countries, it would be up and running within 6 months. When the final decision is issued by the Commissioner for Energy Regulation, he would refer it to Europe to see if it is in compliance with Competition Law because he did not believe it was. It is unbelievable that this project is being rejected at a time when there is escalating fuel costs. Bill Clinton is promoting Ireland abroad and the next President of China visited the country recently yet obstacles are being put in the way of a company who is prepared to invest in the country immediately. He called on Councillors and Oireachtas Members to work together and not to take no for an answer.

Deputy B. Griffin then addressed the meeting and thanked Mr. Power for his presentation. This proposed development is hugely important for North Kerry and he raised it with Minister Rabbitte. The development on Friday last, with the publication of the Commissioner for Energy Regulation's decision, has very serious implications. He submitted a request to be allowed to raise this matter in the Dáil floor the following week. He undertook to approach the Taoiseach and Minister Rabbitte and to point out the importance of this project for Kerry and the country. There is a great danger that our reputation abroad will be damaged if this project does not proceed. He called on his Oireachtas colleagues to support him on this issue during the week.

Deputy A.J. Spring welcomed the proposed deputation to meet with the Taoiseach and Minister Rabbitte. He referred to the draft decision issued by the Commissioner for Energy Regulation and asked whose interest does he have at heart.

Mayor T. Buckley concurred with the views expressed by the previous speakers and said that this matter must now be referred back to the Taoiseach. He then called on Mr. P. Power to respond to the issues raised by Members.

Mr. P. Power said that in 2001, rules were put in place but these have now changed just as this project is about to proceed. All the approvals were in place yet the Minister feels he should not intervene in this case. He asked who is being protected as it is not the consumer. Natural gas is a commodity and to get a market share, you must sell gas cheaper. There appears to be a fear of competition yet the Regulator's job is to encourage competition. Shannon LNG believes that the CER decision is anti-consumer. He referred Members to the project update which he circulated and read the following from it.

"Competition is recognised as being good for consumers. In the event that the CER implements its proposals, the public good will be outweighed by the protection of the Bord Gáis owned interconnectors from competition. Of course, it is easy to understand that dominant state owned incumbent companies do not like competition. This was publicly seen in 1984 when the then Minister for Transport tabled a Bill which threatened travel agents with the loss of their licence, a fine of up to £100,000 and a prison term of up to two years, if they were to sell an airline ticket at a cheaper price than Aer Lingus, then a state owned company. By the time the Bill was finally passed, the anti-competitive clauses had been removed to the obvious benefit of the travelling public".

The purpose of his presentation was to make Members aware of the challenges faced by his company. All formal channels were used in an effort to resolve the outstanding issues. He wanted to bring it to the attention of Members that fundamental Government policy is now being changed.

Mayor Buckley thanked Mr. Power and Mr. Moran for their presentations.

The meeting adjourned at 2.30pm for a Civic Reception.

The meeting resumed at 3.45pm.

Detention of Khader Adnan

Cllr. R. Beasley called on the members of Kerry County Council to condemn the treatment of Khader Adnan who has been on hunger strike for sixty four days. He is held by the Israeli Government without charge and shackled to a hospital bed. He has now lost 66 lbs since the commencement of his detention and is close to death. He requested that a letter would be forwarded to the Israeli Ambassador condemning his treatment and demanding his immediate release.

Cllr. T. Ferris SECONDED this proposal.

12.02.20.11 Date for a Special Roads Meeting

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. J. Finucane, it was agreed that a Special Meeting of Kerry County Council would be held on Monday 5th March, 2012 commencing at 10.30am to consider the 2012 Roadworks Programme.

12.02.20.12 Report by Cllr. P. Connor-Scarteen, Chair of the Roads & Transportation SPC on the N86 Road Improvement Scheme

Cllr. P. Connor-Scarteen referred Members to his report on this item which was circulated and he briefed them on the report.

Cllr. J. Finucane welcomed this initiative which is critical because of the link with Dingle. There is great credit due to the National Road Design Office in Castleisland who are one of the most cost effective Design Offices nationally.

12.02.20.13 Presentation on Recent Changes to Planning Legislation relating to Quarries

Mr. M. McMahon said that Mr. McGinty would give a presentation on changes introduced in the Planning & Development Act, 2010 in relation to quarries. This legislation commenced last November. At present, the Planning Department is in the middle of a process and as a result, it would not be possible to deal with queries relating to individual quarries. Every step in the process can be appealed to the Planning Appeals Board.

Mr. D. McGinty said that the Planning & Development Act, 2010 brought about several changes in relation to quarries. The definition of a quarry is –

- an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined
- any lands adjacent used for breaking, crushing, screening, washing of materials
- any place occupied by a quarry and used for depositing waste.

There are two types of quarry – (1) Sand and gravel pits and (2) Aggregate or stone quarries. There are two sand and gravel quarries in Kerry - one in Caragh Lake and one near Killarney. He then showed a map indicating limestone/sandstone deposits in the County and he displayed photographs of sand and gravel pits, limestone quarries and sandstone quarries. The use of Planning Legislation to control quarries has proved problematic. The first Planning & Development Act came into being on 1st October 1964 and from then, any existing quarry became an authorised quarry. At that time, a dwelling became an authorised dwelling, however, while the house remained the same,

the quarry opened/closed intermittently, expanded or operated at various levels of intensity.

Down through the decades, there were many problems and planning authorities had to rely on court law and Judicial Reviews. Section 261 was introduced in the Planning & Development Act 2000 and this stated that every quarry had to be registered with the local authority (unless granted planning permission within the previous 5 years). The conditions could be modified or imposed or a retention application would have to be submitted to An Bord Pleanála with an EIA. By 2006, there were quarries with planning permission and planning conditions, quarries registered and 261 conditions. However, in the case of M.F. Quirke v An Bord Pleanála in the High Court case in 2008, the High Court struck down the 261 conditions and therefore they were non-enforceable. In 2003 in Derrybrien, Galway, as a result of a windfarm development by the ESB, 450,000 cubic metres of peat was dislodged and spread over a 32 sq. km. area. It polluted the Owendalulleagh River and killed 50,000 fish. The EU Commission took a case against Ireland to the European Court of Justice. In 2008, the European Court of Justice ruled against Ireland stating that a proper Environmental Impact Assessment had not been carried out and that retention permission can be applied only in exceptional circumstances and they argued in effect that the application of Irish Law was too loose.

In accordance with the Planning & Development Act 2010, there is no retention permission permitted where an EIA or an AA is required and Section 177 allows for substitute consent (retention in exceptional circumstances) but leave must be granted by An Bord Pleanála. Section 261A of the Planning & Development Act 2010 provides for substitute consent procedure for quarries (no exceptional circumstances needed). As a result, Section 261 conditions are now enforceable. The 7 year time limit for enforcement was abolished for any quarry which commenced after 15th November 2004. Quarries with a 7 year immunity (which commenced before 15th November 2004) can now be required to cease operations only. They cannot be requested to remediate the site and no criminal prosecution is possible. In Kerry, 100 quarries were registered under Section 261 with approximately 10 additional quarries having planning permission. To-date, 180 sites have been identified in the county and each of these must be examined. Additional resources have been allocated and the Roads staff are assisting with the surveying of quarry sites. Mr. Eoin Kelleher is assessing their impact on SACs / SPAs. In accordance with Section 261A, every quarry must be examined within 9 months and it must be established whether an EIA was necessary on development after 1990 or whether an AA was necessary on development after 1997. Each quarry will receive either

- (a) a notice that an application for substitute consent be made to An Bord Pleanála,
- (b) a notice stating that it is the Council's intent to issue an Enforcement Notice or
- (c) a letter that no further action is necessary.

In accordance with Section 261A, an advertisement was placed in The Kerryman inviting submissions/observations with a closing date of 27th January, 2012. Decisions must be issued by the Planning Authority within 9 months. Kerry County Council's decision may be appealed by the quarry owner/operators and any individual who makes a submission/observation. Mr. McGinty pointed out that quarries that were not registered under Section 261 or without planning permission cannot benefit from this process and substitute consent is a planning permission. At the end of this process, all authorised quarries will have either a S261 registration or planning permission.

Cllr. P. McCarthy said that this process is very detailed and may require a meeting at area level.

Mr. M. McMahon said that they were now at the start of the process and resources have been provided. A lot of sites have been surveyed and they are building up a file on each quarry. Decisions will be made based on the facts available and they must document how they arrive at their decision. Any decision can be reviewed by the Planning Appeals Board. In each case they must indicate their opinion on whether substitute consent is required or not. The quarry owner will have just 12 weeks to make a submission to the Planning Appeals Board but they can request a review of the decision. If they decide that substitute consent is required, the planning authority will have an input and on the conditions required. These quarries must be judged on the status they had in 1990 or 1997.

Cllr. J. Brassil complimented Mr. McGinty on the quality of his presentation which was excellent. He asked was the Planning Authority satisfied that the attempts to regularise Section 261 conditions would be successful in the event of a breach of planning laws and could enforcement proceedings be taken. The registered owners of quarries pay the Council a levy based on tonnage and this allows the local authority to deal with damage to roads arising from the traffic to and from quarries. However, quarries that are not registered do not pay such a levy and he asked would this new legislation enable the planning authority to get a contribution from these quarries. Cllr. Brassil said registered quarries pay their fair share, they have Health and Safety Plans and they work to a high standard. When contracts are being awarded, quarries open up overnight. He asked that all future contracts would include a condition that stone and materials would only be purchased from a registered quarry. Registered quarries cannot compete with those that open up overnight.

Cllr. G. Wharton-Slattery welcomed the presentation and asked if many submissions were received by 27th January.

Cllr. B. Cronin complimented Mr. McGinty on his presentation. Once a quarry applies for and is granted planning permission and adheres to the conditions of the permission, he would fully support them. However, there are a number of rogue quarry operators and residents and families must live beside them. Their only protection is the enforcement of planning conditions. He has seen cases where roads have been destroyed, waterways re-routed and the quarry works late at night. He fully supported the Planning Authority in what they are trying to achieve. In the past, planning conditions were un-enforceable and he hoped this amendment to the legislation would resolve this issue and give the planning authority the powers they require.

Cllr. T. Ferris asked if quarries operating prior to 1964 are regularised. Are quarries in operation prior to 1990 subject to an EIA and where is the burden of proof. She PROPOSED that when contracts are being awarded, it would be a condition of the contract that materials must be purchased from a registered quarry. She requested further clarification on 'subsequent consent' and would this be subject to challenge.

Cllr. D. Healy-Rae thanked Mr. McGinty for his excellent presentation. Limestone is a favoured stone for road- making material and there is concern that it will no longer be viable for quarry owners to continue operating in South Kerry because of the conditions that could be imposed on them. He was concerned that materials would have to be transported from North Kerry for roadworks in South Kerry and this would be very costly.

Cllr. M. Gleeson complimented Mr. McGinty on his presentation and asked that a copy of the presentation would be circulated to all Members. He asked what constitutes a quarry. Is there a definition of size, scale, scope etc. The design that applied in 1990 and 1997 appears to be inconsistent and is causing confusion. He submitted a Notice of Motion to a recent Killarney Electoral Area Meeting which read as follows:

"In view of the dangerous slippage that occurred to part of the embankment at the quarry at Coolcashlagh last year, does the Council undertake regular inspection to seek to ensure that there will not be a repeat of that life threatening event?"

He pointed out that quarries can impact on people's lives and said that the future tourist potential of extinct quarries must be examined.

Cllr. M. Cahill asked what the position is in relation to pre-1964 quarries that are not being used.

Mr. M. McMahon said that if a quarry owner did not partake in the 261 process, then the present process is not for them. However, they can enter the planning process. If a quarry was not registered or did not have planning permission for 5

years before S261 was introduced, this process does not cater for them. In relation to quarries that existed pre 1964, the only way to challenge them because of intensification of use or if the use was abandoned. Section 261 process attempted to address that. He acknowledged that this was flawed and this why the new legislation was introduced in 2010. The issue of substitute consent contained in the legislation has been cleared with the EU. In accordance with the Planning & Development Act 2006, retention permission was only allowed in exceptional circumstances and it does not apply to the current situation. The new Guidelines were put on public display for 12 months and substantial amendments were introduced following the public consultation. There appears to be general agreement on the amendments but no doubt, there will be a challenge in the High Court. He pointed out that the conditions imposed in a S261 process are now enforceable. The Planning Authority did not pursue an enforcement action once they knew the 261 conditions were non-enforceable but enforcement proceedings can now be pursued. However, this is unlikely to happen because of the current process. He informed Members that a condition is included in all contracts generally where the contractor is required to source material from a registered quarry and every effort is made to try to enforce this. 27 submissions were received by the closing date of 27th January and these will be assessed as they apply to each case. He did not believe quarry owners will find these conditions too onerous but there is a balance to be struck between environmental issues and the impact of the conditions on the operator.

Mr. McGinty said there is no reference to scale in the definition of a quarry in the legislation.

12.02.20.15 Summary of proceedings at Conferences

It was agreed to note Cllr. B. Cronin's written report on behalf of the delegates that attended the Conference on the theme 'The Role of the Council in Encouraging and Supporting the Development of Enterprise through Tourism and Sport' which was circulated.

12.02.20.16 Reception of Deputations

- (a) Cllr. S. Fitzgerald requested that a deputation would be received from Brandon Fishermen regarding the Harbour Bye-Laws.

It was agreed that this deputation would be received at the next Dingle Electoral Area Meeting.

- (b) Cllr. M. Cahill requested that a deputation would be received from Iveragh Park Residents Association regarding poor water pressure, insulation of houses, resurfacing of the road, safety issues and the provision of a monument/plaque to mark the recent visit of President McAleese.

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

- (c) Cllr. J. Sheahan requested that a deputation would be received from the Residents of Muckross Road regarding the provision of a pedestrian crossing from the Jarvey Stand to the National Park.

It was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

12.02.20.17 Opening of Tenders

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P.J. Donovan it was agreed to approve the opening of tenders for Pavement Overlay L-8015 Camp - Closing Date: Thursday 16 February 2012 at 4.00pm.

12.02.20.18 Notices of Motion

1. Water Harvesting at Áras an Chontae

Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

That this Council would, by way of good environmental practice and as a means of being an exemplar for the general public, give favourable consideration to the implementation of water harvesting in Áras an Chontae.

The following report issued:

Given the advances in technology in this area, Kerry County Council will request our Facilities Manager to investigate the feasibility of implementing rain water harvesting at Áras an Chontae.

Cllr. M. Gleeson welcomed the reply and said it would be very beneficial.

2. Taking over of private roads

Pursuant to notice duly given Cllr. B. Moynihan-Cronin PROPOSED:

That Kerry County Council change the policy on taking over of private roads to include through roads as opposed to cul de sac roads, i.e. the Black Road, Muckross, Killarney.

The following report issued:

A similar Notice of Motion has been moved at numerous Killarney Area Meetings, the latest being the November 2011 meeting. Kerry County Council has 4,730 km of road network in its charge. This varies from Motorway standard of the Castleisland By-Pass to narrow local tertiary cul-de-sac roads.

The Council is obliged to maintain the totality of this network from within the maintenance budget provided. The Members will be aware that this amount is inadequate to properly maintain the full extent of the public network and that it has been reducing in the last couple of years. It is well known that it will continue to decrease into the future. In these circumstances it is not feasible to take additional roads in charge. Kerry County Council has only taken 2 local roads in charge in the past 6 years. These were the road to Lisleibane Carpark at Carrauntoohil and at Carrahane, Banna. Both were taken in charge as they were deemed to be major contributors to the tourist economy in the County and were for the overall improvement of the tourist experience. The Black Road, which is a kilometre long and 3 meters wide, does not have any tourist potential.

Historically the Local Improvement Scheme was a mechanism whereby a local community could get State funding to assist in the improvement and maintenance of private roads. With the removal of this scheme from the Regional and Local Roads Allocation this year there is now no such funding available.

If Kerry County Council takes the Black Road in charge it opens up the position whereby in excess of 200 private roads could demand similar treatment. Such a position would place undue demand on the Council and maintenance of the public road network would undoubtedly suffer as a result.

Cllr. B. Moynihan-Cronin asked how many of the 200 roads are cul-de-sac roads?

Mr. G. MacNamara, D/Director of Roads said he did not have that information to hand.

Cllr. B. Moynihan-Cronin outlined where the road is located for the meeting and said the residents brought a deputation into the Killarney Electoral Area Meeting last November to discuss this issue. This is a very unusual case and there are very few through roads like this in the county. The road is used by school children and residents when going to the Church. The residents conducted a traffic survey one day and in excess of 100 cars travelled the road. This road is used by local people and it is not in poor condition. The residents have undertaken to bring the road up

to an acceptable standard if the Council agrees to take over the road. As a result the road will not be a major burden on the Council. If the policy on taking in charge roads is changed to allow through roads to be taken in charge a condition can be included that the road would have to be brought up to an acceptable standard by the residents before it is taken in charge. The only solution offered by the Council is to put up barriers at one end of the road and the residents do not want to do this.

The Mayor said all members have similar roads they would like the Council to take over.

Cllr. J. Brassil acknowledged that the local councillors will want to comment on this proposal but he wanted to hear what the Manager had to say and he suggested the motion would be dealt with at the Special Roads Meeting on 5 March.

Cllr. B. Moynihan-Cronin said her motion was on the Agenda for that meeting and she wanted to deal with it as the people of the Black Road are making representations to have the road taken over for a long time.

The County Manager said there is in excess of 4,700 km of road in the county and the budget is not adequate. The allocation for the maintenance of roads is reducing and, while he had sympathy for the residents, over the next few years all roads will deteriorate and will need attention. He was aware of a number of similar situations in the county but it makes no sense to take over additional roads in the present economic climate. The only reason the residents want it taken over is to remove the burden from them of maintaining the road.

Cllr. B. Moynihan-Cronin said the School is at one end of the road with the Church at the other end. She did not believe that many of the 200 private roads are through roads.

Mr. G. MacNamara pointed out that this road is 1km in length while the alternative road is just 1.3km.

Cllr. Moynihan-Cronin said the alternative road is a very busy road and this is an exceptional case.

Cllr. Brassil said this opens up a huge debate and it would be more appropriate to deal with this issue at the Special Roads Meeting.

Mr. G. MacNamara said the two roads mentioned in the reply are tourist roads. The Planning Authority is being forced by the Planning and Development Act to take estates in charge and that is adding a further financial burden on the Council.

The County Manager again informed members that the only reason the residents want the road taken over by the Council is to get rid of the maintenance cost of the road. He strongly advised members to be cautious and added that there will be a lot of requests to take roads in charge if members agree to take charge of this road.

Cllr. M. Glesson SECONDED the motion.

Cllrs. J. Sheahan and J.J. Culloty also supported the motion.

Cllr. N. Foley asked if it is a managerial function to take a road in charge.

The County Manager informed members that it is a reserved function but they must have due regard to a number of issues including the financial implications.

Cllr. B. Moynihan-Cronin then read her Motion and said she was only asking that through roads would be taken in charge and then only when the road is brought up to a proper standard by the residents.

Cllr. Ferris asked if that would rule out all other roads as she was dealing with a private road in Glenlea, Ballyheigue.

Cllr. J. Finucane suggested that there should be a full debate on the criteria for taking roads in charge.

Cllr. B. Cronin asked what about the 160 people on the LIS priority list. What are the implications of this proposal for them?

Cllr. B. Moynihan-Cronin pleaded with Management to discuss this Motion at the Special Roads Meeting and to come to a conclusion on it.

The County Manager informed members in accordance with Section 11 of the Roads Act 1993 "where a road authority proposes to declare a road to be a public road it shall -

- (i) satisfy itself that the road is of general public utility
- (ii) consider the financial implications for the authority of the proposed declaration."

The Manager pointed out that the Council does not have adequate finances for the roads already in their charge.

Cllr. B. Cronin expressed concern if members vote in favour of this proposal there would be no hope for cul-de-sac roads.

Cllr. P. O'Donoghue said no costings were presented to the meeting. They need the costings in order to have an informed debate. Also members should be informed of the number of private through roads in the county. He urged members to be cautious in making a decision on the motion.

Cllr. D. Healy-Rae pointed out that the road will be brought up to an acceptable standard by the residents prior to being taken in charge.

Cllr. J. Brassil said this issue has arisen as a result of the suspension of funding for LIS and this is likely to be long term. The Council must come up with a solution to help people on private roads. He intended to put forward a solution and he hoped Management would support it.

Cllr. P. Connor-Scarteen suggested that as this is a policy issue it should be referred to the Roads and Transportation SPC for consideration.

Cllr. B. Moynihan-Cronin said she is a responsible councillor trying to help her constituents. She thought this issue could be dealt with without a change in policy but she was advised at a Killarney Electoral Area Meeting that it would require a change in policy to allow this road to be taken in charge. She gave a commitment to the people of the Black Road that she would try to help them. This is a public road rather than a private road.

It was unanimously agreed that this issue would be included as an item on the Agenda for the Special Roads Meeting.

3. Improvements in Gneeveguilla Village

Pursuant to notice duly given Cllr. J.J. Culloty PROPOSED:

That Kerry County Council would, as a matter of urgency, install the necessary underground services, complete repairs to kerbs and footpaths and re-surface area at the main junction in Gneeveguilla village. This area is in very bad condition for a very long time. The people of this area should not have to endure walking or driving on this hazardous surface in the centre of their village.

The following report issued:

This matter has been raised previously at various Killarney Area Meetings by different Councillors. There is no funding presently available to undertake undergrounding of services in Gneeveguilla. However, this may be suitable for a Leader Scheme which the local community could consider in conjunction with IRD Duhallow. It is proposed to carry out re-surfacing at the main junction at

Gneeveguilla and adjacent to the Church this year under the Restoration Maintenance Programme.

Cllr. J.J. Culloty said there may be a misunderstanding as he was referring to the provision of kerbing etc.

Mr. G. MacNamara said there is no funding for kerbing or footpaths at this location. Ancillary works cannot be charged to resurfacing works.

Cllr. Culloty said the footpaths are in a poor state of repair for a long time and these works would enhance the village.

Cllr. N. Foley **SECONDED** the motion.

Cllr. D. Healy-Rae said €42,900 will be spent on the resurfacing works in the village. He asked that the need for kerbing would be considered in any future plans for the village.

6. Cuts to Community Employment Schemes

Pursuant to notice duly given Cllr. A. McEllistrim PROPOSED:

That we the Members of Kerry County Council call on the Minister for Social Protection not to make any cuts on Community Employment Schemes in County Kerry.

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

Cllr. A. McEllistrim said she attended a public meeting on this issue and there was a lot of anger voiced at the way the proposed cuts to CE Schemes will impact on those currently on a Scheme. People who suffered from depression and got a place on a Scheme were given an opportunity to get their life back on track and the value of this cannot be underestimated. She called on the Minister not to make any cuts to CE Schemes.

Cllr. T. Ferris **PROPOSED** that the motion would be amended to call on the Minister to reverse cuts already made to this Scheme. It is worrying that the Minister is trying to pitch one Scheme against another. The Minister stated that when a new participant, who is already on social welfare goes on a CE Scheme it only costs the State €20 per week extra.

Cllr. A. McEllistrim agreed to this amendment to her Motion.

Cllr. N. Foley requested that the motion would be circulated to all local authorities.

This was agreed.

7. Details of vehicles, machinery etc. sold with the Refuse Service

Pursuant to notice duly given Cllr. P. O'Donoghue PROPOSED:

That Kerry County Council furnish the Members with detailed particulars in relation to the vehicles, machinery and equipment that were sold at the time of the disposal of the Refuse Service and that Management also advise the Members as to whether or not it still maintains that exactly the same service as had been furnished by the Council in the Refuse Collection Service still prevails with the new providers.

The following reply issued:

- (a) Kerry County Council received €107,000 for its refuse collection vehicles and the attached lifting equipment.**

The estimated truck values outlined on the attached spreadsheet were based on an independent assessment carried out on behalf of KCC which valued the fleet including lifters at €123,000. The eventual price offered did not include an individual breakdown by truck.

The price received for the sale of the business, excluding the trucks, included the purchase of the bins and the customer database.

- (c) While there are a number of minor changes to the service as a result of the sale of the business, these are largely related to changes in the dates of the collection being provided and the collection of two bins on the same day. This is done in order to attain greater efficiency on specific routes and was possible due to KWD having twin compartment trucks. These changes are not material to the overall standard and quality of service being provided.**

List of Kerry County Council Refuse Collection Assets

Refuse Collection Trucks & Lifters

| | KCC Listowel RCV | KCC Dingle RCV | KCC Tralee RCV | KCC Kenmare RCV | KCC Caherciveen RCV | KCC Spere RCV |
|--------------------------|----------------------------|---------------------|---------------------|---------------------|---------------------------|---------------------|
| Year of Make | 2003 | 2003 | 2003 | 2002 | 2008 | 2002 |
| Chassis | Scania P64 | Mercedes Atego | Mercedes Econic | Volvo FM9 340 | Mercedes Econic | Scania P64 |
| Body | Faun Rotopress | Faun Rotopress | Packer Plate | Faun Rotopress | Split Bodied Packer plate | Faun Rotopress |
| Lifter | Zoeller Premier Split Lift | Terberg Split Lift | Terberg Split Lift | Terberg Split Lift | Terberg Split Lift | Terberg Split Lift |
| Software System | AMCS Lifting System | AMCS Lifting System | AMCS Lifting System | AMCS Lifting System | AMCS Lifting System | AMCS Lifting System |
| Reg. No. | 03 KY 4086 | 03 KY 4640 | 03 KY 5482 | 02 KY 5230 | 08 KY 5230 | 02KY1059 |
| Horsepower | 260 | 279 | 286 | | 286 | 260 |
| Gearbox Configuration | Manual | Semi Automatic | Automatic | Semi Automatic | Automatic | Manual |
| Air Condition | Yes | Yes | Yes | No | Yes | Yes |
| Mileage | 314,368 | 265,927 | 206,724 | 236,071 | 39,325 | 237,641 |
| Date of Acquisition | Oct-03 | Aug-06 | Oct-10 | Oct-06 | Apr-10 | Apr-02 |
| AMCS ID System installed | Yes | Yes | Yes | Yes | Yes | Yes |
| Estimated Truck Value | € 8,000 | € 8,000 | € 8,000 | € 7,000 | € 85,000 | € 7,000 |

Cllr. P. O'Donoghue said when the Manager informed members of the sale of the Refuse Service he asked if the same service would be provided by KWD and he was informed that it would. Kerry County Council disposed of 6 trucks and got €107,000 for them. That is not great value for money. All the bins were also sold at that time and he asked what their value was. In his opinion the rate payers did not get a good deal. The service provided by KWD is not the same and within a few weeks customers received letters advising them that the collection would be every two weeks. When the Council provided the service there was a collection each week but now all three bins must be put out the same week. That is ok for those living on the route but for those that are not they must transport all three bins to a collection point every two weeks. The plastic Bring Banks were removed and he understood this was a condition of the sale. He was concerned for the future of the Transfer Stations. He called on Management to give advance notice to members if it is intended to close the Transfer Stations. In conclusion he said there is palpable anger among the public at the sale of the Refuse Service and they are not satisfied that value for money was achieved.

Mr. O. Ring informed the meeting that the trucks were independently valued in advance and they achieved 87% of this value on the open market. He believed they got good value for money. Initially expressions of interest were sought from all companies in the market and then a number of companies were invited to tender for the business. Each company was evaluated to ensure they could provide the service prior to being asked to tender. No complaints were received since the first week. It is more sustainable to put the plastic bottles in the recycling bin and they do not add weight. He acknowledged the importance of Transfer Stations to the infrastructure of the county and said it was not planned to sell them.

Cllr. P. O'Donoghue said Management could have had the courtesy to inform members of the sale in advance.

Mr. Ring said if that happened the value achieved would be less. The goodwill and the database was being sold and from experience in other areas if the word got out that the business was being sold our competitors would drop their prices. When expressions of interest were invited the companies were not told what local authority was involved. It was at the tendering stage that the companies were informed that it was Kerry County Council Refuse Service that they were tendering for. The sale had to be completed in a short timeframe.

Cllr. O'Donoghue said he found it offensive that the members were not informed of the sale in advance.

Mr. O. Ring said the Waste Management Act removed responsibility for the Refuse Service from members. It is intended that a new Waste Policy will be published nationally but that has not yet happened. No local authority in the country is involved in the collection of waste now.

Cllr. P. O'Donoghue asked that Notices of Motion Nos. 20 and 21 would be deferred to the March Meeting.

9. Accessible toilets in Libraries

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

That Kerry County Council would confirm that the toilets provided in all libraries in the County are accessible for people with disabilities.

The following reply issued:

Any library that has been newly built or refurbished in recent years is compliant with Part M of the Building Regulations i.e. Killorglin, Kenmare, Castleisland, Listowel, Tralee and Caherciveen (to re-open 20 March).

There are no public toilets at Ballybunion Library or at Leabharlann an Daingin.

The public toilets at Killarney Library are not in compliance with Part M of the Building Regulations. Killarney Library requires significant investment to upgrade the building. Kerry County Council is seeking funding from the Department of Environment, Community and Local Government to carry out renovation works similar to Cahersiveen Library. If funding becomes available upgrading the toilet facilities to comply with Part M of the Building Regulations will form part of the works.

[See full details on attached table]

2021/9

| Library | Customer Disabled Access Toilet | Customer Toilet |
|--------------|---------------------------------|-----------------|
| Ballybunion | No | No |
| Caherciveen | Yes | Yes |
| Castleisland | Yes | Yes |
| An Daingean | No | No |
| Kenmare | Yes | Yes |
| Killarney | No | Yes |
| Killorglin | Yes | Yes |
| Listowel | Yes | Yes |
| Tralee | Yes | Yes |

Cllr. M. Cahill expressed his disappointment that there are no public toilets in two libraries in particular in Killarney. He asked that a submission for funding would be made for the provision of a disabled toilet in the library in Killarney.

Cllr. B. Cronin SECONDED the motion.

10. Provision of a sustainable Ferry Service between Cork and Swansea

Pursuant to notice duly given Cllr. P. Connor-Scarteen PROPOSED:

That Kerry County Council calls upon the Minister for Transport, Tourism & Sport, Leo Varadkar to provide assistance in relation to the provision of a sustainable Ferry service between Cork and Swansea.

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

Cllr. P. Connor-Scarteen said unfortunately the Cork/Swansea Ferry ceased trading. 153,000 tourists visited the South West in the past two years since the Ferry commenced and livestock were also transported by Ferry. He asked that Kerry and Cork County Councils would liaise on this issue and that a letter would be sent to the Minister asking him to assist with the reinstatement of this service.

Cllr. M. Gleeson supported the motion and said the Cork/Swansea Ferry was of huge benefit to South Kerry and West Cork. It was hoped that Enterprise Ireland would invest €400,000 in the service for the sake of the €10m benefit to the region.

Cllr. J. Sheahan supported the motion.

11. Support for IT Tralee to secure University Status

Pursuant to notice duly given Cllr. N. Foley PROPOSED:

That Kerry County Council would endorse and support the efforts of the Institute of Technology Tralee to secure university status in co-operation with Cork Institute of Technology and Limerick Institute of Technology.

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

Cllr. N. Foley said that university status is hugely important for the IT in Tralee. There would be a campus in Tralee, Cork and Tipperary and it would result in a huge increase in the number of students and this would lead to a boom for Tralee. With university status it would be hoped to attract more foreign students and to seek funding from the EU.

Cllr. J. Brassil SECONDED the motion.

Cllr. G. Wharton Slattery supported the motion.

12. Replacement of street lighting in Rathmore Village

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:

That Kerry County Council replace the outdated street lighting at the village centre of Rathmore.

The following reply issued:

This matter has been raised previously at the Killarney Area Meetings.

Notwithstanding the fact that the existing public lighting along the N72 in Rathmore was installed a number of years ago at a level appropriate at the time of installation, the public lighting in this area, by nature of the time in service, is not as efficient as modern public lighting. There is a further difficulty relating to the large number of overhead ESB cables in the area. Any upgrading of the public lighting should be done in conjunction with under-grounding of these services. However, there are no funds presently available to undertake a refurbishment scheme of this nature.

Cllr. J. Sheahan said the residents in Rathmore are concerned regarding safety as the village does not have adequate street lighting. He called on the Council to identify funding to replace the outdated lighting in Rathmore. He asked that councillors would be allowed to allocate funding from their Councillor's Allocation for this purpose.

Cllr. D. Healy-Rae supported the motion.

13. Prevention of abuse of sand dunes

Pursuant to notice duly given Cllr. J. Brassil PROPOSED:

That Kerry County Council would take immediate action to prevent the abuse of the sand dunes in our beaches around the County where quad bikes and 4 x 4 vehicles are regularly tearing up the dunes and adjoining lands.

The following reply issued:

Kerry County Council responds to complaints in relation to the use of quad bikes and 4 x 4 vehicles in contravention of the Kerry County Council Beach Bye-laws 2007. While the Environment Section is aware of the problem, due to the associated cost it is not possible to maintain a constant presence at each beach to enforce these regulations.

Cllr. J. Brassil said the abuse of sand dunes is going on in Ballyheigue, Banna and Inch. He acknowledged that a full time employee cannot be assigned to this area and he asked if there is a phone number people can ring to report such incidents. If not he asked that a number would be provided. He submitted photographic evidence of significant damage caused by a 4 x 4 at Sandy Lane, Banna.

Cllr. M. Gleeson strongly supported the motion and said when the Beach Bye-Laws were being considered he proposed that restrictions on the use of quad bikes would be included. However, the implementation of the Bye-Laws is important.

14. Improvements to the old Tralee Road from Currans/Ballyfinane Junction northwards at Gurraun, Gortatlea

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

To request the National Roads Authority to honour the commitments they made to home owners prior to construction of the new road at Gortatlea which was that the old parallel section of Tralee Road from the Currans/Ballyfinane Junction northwards at Gurraun, Gortatlea would be resurfaced. This commitment to property owners has not been honoured by the NRA and the road is now in very poor condition.

The following reply issued:

As part of N22 Gortatlea to Inchinveema Road Improvement Scheme carried out in 2006, a maximum sum of €50,000 was allocated for the rehabilitation of the surrounding road network by the National Roads Authority. This money was then prioritised and repair works were carried out on those sections of the adjoining roads worst affected by the construction works. However, the section of the old N22 was not included at that time as it did not merit attention. It is now proposed to surface dress a section of the road under the Restoration Maintenance Programme this year.

Cllr. B. Cronin outlined the location of the road he was referring to which runs parallel to the new Tralee Road. He welcomed the allocation of €27,000 in 2012 for surfacing works to 900m of this road. In April 2006 local people were advised by letter from the then County Engineer, Mr.

Tom Curran "The old N22 will receive a once off repair in the coming months as part of the Scheme. The other roads are non-national routes and would be a matter for the Local Area to repair as necessary." Also in a letter dated 5 September 2005 the Vice Chairman of the Local Roads Action Group was informed: "As part of the funding for the improvement of National Routes the National Roads Authority provide a separate budget for the repair of the old road after the new road is constructed and opened to traffic. The work will be carried out in 2006".

Cllr. Cronin then moved Notice of Motion No. 25.

25. List of plant hire and haulage contractors employed by Kerry County Council in 2011

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

That this Council provide Elected Members with a full list of all plant hire and haulage contractors employed by Kerry County Council from January 1st 2011 to December 31st 2011 and the full amounts paid to each contractor.

The following reply issued:

Attached is a schedule giving the details of the total payments made and accrued to Contractors in respect of the hire of plant/equipment and haulage services in 2011 across the Council's services, as requested in the Notice of Motion as set out. The total figure for 2011 reflects a further annual reduction in plant hire and haulage costs against a backdrop of increasing insurance and fuel costs.

It continues to be the policy of the Council, to endeavour to achieve value-for-money in the hire of plant and equipment as is the case for all our services. In achieving best value, the principal factors considered are:-

- 1. Suitability of plant item for the job.**
- 2. Compliance with health and safety standards.**
- 3. Reliability of plant item.**
- 4. Plant Operator skill (where driver is required with machine).**
- 5. Available back-up service.**
- 6. Hire rate.**

Council management, at all levels, continues to give particular attention to the outputs achieved by each machine/plant item hired and its reliability. The overall effectiveness of our works programmes and the achievement of best return on the sizeable level of expenditure incurred require that we carefully assess the

continuation, or otherwise, of plant hire on an ongoing basis having regard to the criteria outlined and this is facilitated by the reporting tool of our Financial Management System and the ongoing development of the LA Quotes system. Ongoing achievement of cost effectiveness and focus on achieving efficiencies in this area, as in all other activities, is critically important in these difficult economic times.

As mentioned on previous occasions, the annual Plant Hire List is formed following public advertisement of the Framework Tender LA Quotes. Plant Hire Contractors are selected on the basis of the criteria outlined above, must also satisfy the Council on insurances, the safety of their machines and Revenue requirements.

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| PRIVATE - PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2011 | | | |
|--|--|---------------------------------|-----------|
| Supplier No. | Name | Address | Euro 2011 |
| 157643 | Adare Farm Machinery Ltd | Patrickswell, Co Limerick | 26,590 |
| 155293 | AOK Plant Ltd. TA O Keeffe Plant Hire | Abbeyfeale | 11,225 |
| 176378 | Aska Sykes Ltd | Rathcoole, Dublin | 2,278 |
| 117238 | Brendan McGillicuddy | Garahadoo, Killorglin | 13,791 |
| 171519 | Castleisland Tool Hire | Barrack Street, Castleisland | 8,035 |
| 155167 | Clancy Plant Hire Ltd | Knockanure, Listowel | 433,901 |
| 176113 | Countywide Drain Services Ltd | Dripsey, Co Cork | 15,705 |
| 179348 | Crean & McHugh t/a CMP | Ovens, Cork | 31,500 |
| 216268 & 107175 | D and L Tool Hire | Tralee | 30,013 |
| 177752 | Dan & John O Driscoll Plant Hire Ltd | Tinnies, Valentia | 10,420 |
| 445522 | Dave Power Plant Ltd | Middleton, Cork | 13,149 |
| 173682 | Dermot Fleming | Kilcummin, Killarney | 14,692 |
| 3544 | Dillons Waste Disposal | The Kerries, Tralee | 245,997 |
| 282506 | Donal Murphy | Headford, Killarney | 21,358 |
| 109666 | Eamon & Seamus Hobbins | Coolroe, Killorglin | 13,711 |
| 173470 | Eddie Stack | Moyvane, Listowel | 31,792 |
| 259745 | Eugie Cronin Agricultural Contractor | Currow, Killarney | 10,458 |
| 309289 | Farran Plant Hire Ltd | Farran, Castleisland | 128,086 |
| 61488 | Feale Valley Plant Hire Sales Ltd | Clash Road, Abbeyfeale | 141,877 |
| 179309 | G & B Transport Ltd | Lisselton | 4,691 |
| 176210 | Gerard Culloty | Tralee | 10,164 |
| 172315 | Gleesk Quarries Ltd | Sneem | 3,819 |
| 101668 & 138037 | GPT Plant & Tool Hire (Cork) | Little Island Cork | 38,839 |
| 178464 | Griffin & Sons Agricultural Contracting Ltd | Cool, Emlaghmore | 51,887 |
| 110025 | Healy-Rae Plant Hire Ltd | Main Street, Kilgarvan | 182,160 |
| 265502 | Higgins Waste & Recycling Services Ltd | The Kerries, Tralee | 51,161 |
| 110583 | Hugh O Connor | Headford, Killarney | 84,682 |
| 178389 | James Drumm | Cordal, Castleisland | 45,282 |
| 272140 | James Riordan | Listry, Faha, Killarney | 79,199 |
| 148378 | John F Doherty | Headford, Killarney | 43,415 |
| 310467 | John M Hartnett | The Square, Listowel | 27,663 |
| 239856 | John McGillicuddy | Ardknockeen, Killorglin | 322,569 |
| 397236 | John Paul Breen | Shanacloon, Beaufort | 58,390 |
| 120903 | Johnny Stack Agri Services | Moyvane, Listowel | 49,822 |
| 166114 | Kelliher Crane & Hoist Ltd | Ballymacelligott | 5,945 |
| 185393 | Kenmare Plant Hire Ltd t/a KPH Construction | Templenoe, Kenmare | 14,658 |
| 119984 | Kenmare Waste Disposal & Glass Recycling Ltd | Tuosist, Killarney | 16,787 |
| 179544 | Kevin Moynihan Scaffolding Services | Firies | 3,600 |
| 491842 | Killarney Waste Disposal Ltd | Aughacurreen, Killarney | 13,613 |
| 107133 | Kingdom Fast Hire Ltd | John Joe Sheehy Rd, Tralee | 50,311 |
| 197860 | Leanes Tool Hire | Muckross Road, Killarney | 235,106 |
| 172382 | Lixnaw Plant Hire Ltd TA T McCarthy & Sons | Garrynagore, Lixnaw | 52,801 |
| 102190 | Maurice Somers | Headford, Killarney | 203,071 |
| 125163 | McAuliffe Trucking | Fahaduff, Castleisland | 18,027 |
| 315608 | Michael Cleary | Ballyquin, Brandon | 139,012 |
| 10870 | Michael F Quirke & Sons | Rangue, Killorglin | 2,222 |
| 173839 | Michael O Connor Hedgecutting | Ardtully, Kilgarvan | 3,338 |
| 172477 | Michael O Shea | Portmagee | 20,407 |
| 117558 | Michael Scannell | Dromtrasna Hartnett, Abbeyfeale | 4,296 |
| 175658 | Mike Cronin & Sons Limited | Currow, Farranfore | 117,244 |
| 177245 | ML Lynch Civil Engineering Ltd | Killarney | 14,433 |
| 149333 | Mr Patrick Reidy Plant Hire | Ballymacelligott | 3,116 |
| 174862 | Murphy Tool Hire | Listellick North, Tralee | 33,332 |
| 142759 | Nicholas Browne & Sons Ltd | Ballinskelligs | 64,366 |
| 175456 | Noel C Kelly TA Chris Sales & Repair Service | East End, Caherciveen | 2,548 |

| PRIVATE - PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2011 | | | |
|--|---------------------------|----------|-----------|
| Supplier No. | Name | Address | Euro 2011 |
| 369237 | North Kerry Tool Hire Ltd | Listowel | 2,171 |

| PRIVATE - PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2011 | | | |
|---|--|-----------------------------|------------------|
| Supplier No. | Name | Address | Euro 2011 |
| 117490 | O Connell Plant Hire & Quarry Ltd | Bahags, Caherciveen | 3,036 |
| 174580 | O Connor Kerry Haulage Ltd | Clonmore Cottages, Tralee | 20,407 |
| 206183 | O Connors Hardware & Farm Supplies Ltd | Duagh, Listowel | 16,196 |
| 174660 | O Mahony Machinery Hire Ltd | Lissanore, Castleisland | 10,433 |
| 157233 | Padraig Campion | Bracklaun, Annascaul | 55,384 |
| 167356 | Padraig Quinn | Doonshean, Dingle | 22,350 |
| 452848 | Parcrest Ltd | Glenbeg, Caherdaniel | 21,715 |
| 170061 | Pat O Grady | Glenbeigh | 55,000 |
| 102798 | Patrick A O Sullivan | Kinard West, Lispol | 56,574 |
| 119942 | Q Plant Hire Ltd | Dooneen, Caherciveen | 37,161 |
| 179350 | Randles Brothers | Kilgarvan | 37,823 |
| 180222 | RT Hedge & Tree Cutting Limited | Cordal, Castleisland | 26,378 |
| 428489 | Sandmore Ltd | Camp Cross, Tralee | 193,379 |
| 30759 | Sean Moran Plant Hire | Dingle | 45,584 |
| 234870 | Sean O Shea | Ventry Road, Tralee | 53,115 |
| 172129 | Tim Healy Plant Hire(Killarney) Ltd | Barraduff, Headford | 70,083 |
| 1443 | Timothy Brosnan | Tralee Road, Castleisland | 66,700 |
| 130292 | Timothy Kelly | Shronedraugh, Headford | 2,113 |
| 2227 | Timothy O Connor | The Square, Kenmare | 7,863 |
| 174467 | Timothy O Connor | Ballygamboon, Castlemaine | 15,936 |
| 179097 | Tommy Finucane | Ballydesmond, Co Cork | 147,870 |
| 33363 | Trench Controls Ltd | Naas | 2,019 |
| 176561 | William Poff | Cahir East, Kenmare | 52,299 |
| Misc | Miscellaneous Payments under (€2,000) (32 Suppliers) | | 27,644 |
| 34835 | The Collector-General | Reverse Charge Vat (Approx) | 394,422 |
| Total | | | 4,720,208 |

15. Giving Irish Aid in goods and services

Pursuant to notice duly given Cllr. J.J. Culloty PROPOSED:

That this Council call on the Government to actively look at the possibility of giving the €700,000,000 of Irish aid in goods and services in lieu of cash.

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

Cllr. J.J. Culloty said €639m will be spent on Irish Aid in 2012. He was concerned that some of the money will not reach its intended target. He read a number of articles in the Press recently regarding the concern of senior management in relation to Goal. He asked that more inventive ways would be found to give this aid i.e. to source medical equipment in Ireland. This would benefit the Irish companies and there would be more accountability. He called on the Minister to consider giving goods and services in lieu of cash.

Cllr. M. Cahill SECONDED the motion.

16. Explanation why small machine operator is not on list for 2012

Pursuant to notice duly given Cllr. P.J. Donovan PROPOSED:

That Kerry County Council give a full explanation as to why small machine operators who have given great service to this Council over the years are not included on the list for 2012.

The following reply issued:

In previous years the plant hire requirements of the Local Authority was dealt with by means of a quotation system. However, it was found that this system did not comply with the requirements of procurement legislation, so for 2012 onwards the procurement of plant and machinery is by means of a Framework tender. The Framework tender took the form of a prequalification shortlist from which the Local Authority could look to appoint contractors. Only contractors who met the requirements set out in the Framework tender documentation would be requested to submit quotations for the Framework mini-tenders.

All existing plant hire suppliers of Kerry County Council were notified of the new system and were instructed on the requirements of the new system. It was highlighted to all qualifying contractors on a number of occasions that they were obliged to complete and return specific documentation in order to be activated on the system to

receive tender notification. All suppliers/contractors who had not submitted the required forms were contacted by e-mail on the 14th November 2011 and requested to return completed forms by the 29th November. Again a further e-mail was sent on the 16th December to all suppliers/contractors who had not submitted all documentation. While every effort was made to alert contractors, some contractors did not get their documentation in on time and under the strict rules that apply for tendering they could not be included for some of the mini-tenders issued. However the Council did activate any contractors on the system so affected upon receipt of the legally required documents.

In most cases the duration of the tender period is up to the 30th June and prior to this expiry date Kerry County Council will again be running mini-tenders. Kerry County Council has to treat fairly all those contractors who have complied with the requirements and met the deadlines set down in the tendering process and cannot make any exception for those who do not comply with the rules.

Cllr. P.J. Donovan said a small operator in his area will not get any work for 2012 through no fault of his own. The man has given great service to the Council down through the years. The tender forms were sent out on 14 November 2011 and the closing date for receipt of the completed forms was 29 November. He returned the completed forms on 18 November and they were received by the Council on the 21 November. He was not contacted following this and he presumed everything was in order. On 12 January his wife phoned the Council to be informed that they never sent in the forms. She was also told that an email was sent to them in December which they never received. It was then agreed that the form would again be sent out and once the completed form was returned it would be accepted. Cllr. Donovan submitted a copy of an email dated 12 January sent to Kerry County Council and attaching the completed form. The operator received another email on 13 January which stated:

‘I will look at the outstanding items on the account later.
At the moment the most important document to get into us is the Personal Situation Declaration form. Once this is received you will be able to quote for any upcoming requests for prices.’

The operator replied to this email and thanked them for the form. An email dated 13 January stated “The Personal Situation Declaration Form was received today. Your account will be activated by Monday” (16 January). Thursday 19 January was the deadline for receipt of quotations for machinery and plant for the Caherciveen area. On 20 January he received a phone call from the operator's wife who told him she was informed they were off the list for 2012 and she was very upset. He asked

did she submit the completed form and she confirmed it was returned on 18 November by Registered Post. They then contacted An Post who confirmed that the letter was posted on 18 November and received by Kerry County Council on 21 November and they gave the name of the person who signed for the letter. Cllr. Donovan said he received a phone call some time later from the Council saying the letter was received but they did not know what was in the letter. He was informed that a letter would be sent to him explaining everything. His client also phoned the Council and was informed that a letter would be sent out to Councillor Donovan. He was away on holidays and on his return on 29 January there was no letter of explanation. He phoned the Council on 30 January and spoke to Charlie O'Sullivan, Director of Roads and he undertook to review the case and to write out to him. He asked for a reply by the following Friday. On the Thursday he was in Tralee and he called into the Council offices but was informed that Charlie O'Sullivan was off. On the Friday his client got a phone call when he was told he was too late to tender for work in the Caherciveen area and that he would be notified in writing. His client was told he would get no work as he was too dear while at the same time a machine was hired in Caherciveen for the same price. Cllr. Donovan said he still did not get a letter of explanation from the Council. He requested a copy of the letter sent to his client that the Council claim was not replied to. Why was his client told he could not tender? He is not on the list for the Caherciveen area yet he is on the list for Killorglin. He subsequently got on the list for Caherciveen for his tractor only. He asked that his client be put on the Caherciveen list for his other machinery also.

Cllr. P. O'Donoghue said it is a contradiction that this operator is on the list for Killorglin but not on the list for Caherciveen. This is a small operator who is in a very difficult position as he is out of the system until the end of June. This will cause grave difficulty for him because of an administrative error. As a result of the new system introduced recently smaller operators cannot complete. He understood there was a rule in relation to the response time by an operator. In South Kerry some of the operators could not respond in time due to their distance from the area of work. This work should be given to a local operator. He called on the Council to review this issue and to ensure that small operators are not squeezed out.

Cllr. P. Connor-Scarteen said there is a lot of confusion and a number of operators are not familiar with the new system.

Mr. G. MacNamara said the original procurement procedures were causing difficulty and LA quotes were then introduced and it has resulted in better value for money. There is no difficulty in a plant hire operator having a JCB in one area and a tractor and trailer in another as tenders are area based. He apologised to Cllr. Donovan as he was aware that

Charlie O'Sullivan had undertaken to write to him. However, he understood once Eamon Scanlon spoke with Cllr. Donovan that he was satisfied. The procurement area is very legalistic and the process must be open and transparent. He pointed out that this operator missed a lot of deadlines in the past.

Cllr. Donovan said An Post confirmed the letter was posted on 18 November and received by the Council on 21 November and the deadline was 29 November. The email from the Council dated 13 January stated 'your account will be activated.

Mr. G. MacNamara said the documents were received on Friday 12 January and his account was activated on Monday 16 January. However the closing date for the tendering process for the Caherciveen area was 12th January so he was too late if he was cleared on 16 January.

The County Manager undertook to review the file on this case. He pointed out that this operator missed the deadline in 2009 and also in 2011. He undertook to check the deadline dates and the procedures.

Cllr. J.J. Culloty pointed out that the website is very complicated in this area.

17. Concern at the loss of Gardaí due to retirements

Pursuant to notice duly given Cllr. D. Healy-Rae PROPOSED:

That we the Members of Kerry County Council highlight our concern to the Minister for Justice at the loss of so many Gardaí who are retiring this month to protect their pension rights, it is impossible to calculate how much knowledge, experience and intelligence is being lost all at once and what effect all this will have in keeping law and order in our country and also that no more rural Garda Stations be closed and to replace the Garda cars that have been taken from Kerry.

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

Cllr. D. Healy-Rae said as a result of the retirement of a number of senior Gardaí a lot of experience will be lost at a time when the elderly and vulnerable are afraid of burglaries.

18. Details of land proposed to be included in the Land Aggregation Scheme

Pursuant to notice duly given Cllr. J. Healy-Rae PROPOSED:

To ask Kerry County Council Housing Section to give a detailed account of all the plots of land in the County they wish to put into the Land Aggregation Scheme; when the lands were purchased, how much each plot cost and how much of each plot has already been built on.

The following reply issued:

The Land Aggregation Scheme proposal from Kerry County Council was discussed at the Budget Meeting in January and it was recommended that the matter be referred to the Housing SPC for consideration and recommendation.

A meeting of the Housing SPC took place on the 2nd February last and a detailed report and recommendation on this matter will be brought before the March Meeting of Council on 12th March next at which time the Council will be required to take a decision on lands which shall be put forward in any application to the DECLG under the terms of the scheme. The process is an application process only at this stage and will require the passing of resolutions in accordance with Section 183 of the Local Government Act by members at a later stage to give effect to the transfer of any lands accepted into the Scheme.

Cllr. J. Healy-Rae said the reply does not give the answers requested. He asked when was the land purchased and how much it cost. He was opposed to the submission of lands for inclusion in the Land Aggregation Scheme as the lands will be needed in time. He had no objection to submitting land that will never be used. He called for an answer to his questions at the March meeting.

Mr. J. Breen said no decision has yet been made on what land will be submitted to the Land Aggregation Scheme.

Cllr. D. Healy-Rae supported the motion and said councillors are entitled to this information.

Mr. J. Breen said the full Council took a decision to refer this issue to the Housing SPC for consideration. A report on their deliberations would be presented to the March Meeting. The purchase price of land has never been made public. A full list of the land and the value of the loan will be included in the report.

19. Use of defibrillators by lifeguards

Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

That the Council would ensure that the lifeguards on summer duty on the County's principal beaches have competence in the use of and ready access to defibrillators.

The following reply issued:

While this is a desirable proposal, Kerry County Council Lifeguards do not have access to defibrillators at present. No provision has been made in the 2012 Budget for this equipment. The Environment Section however will investigate possible sources of funding for their provision and if same can be identified, consideration will be given to providing the necessary training in the use of this equipment.

Cllr. M. Gleeson welcomed the positive reply and said the availability of defibrillators on beaches would be of great benefit. In Killarney a local lady formed a committee and they raised funds to purchase defibrillators. The Council could do something similar in conjunction with tourism interests.

Cllr. J. Sheahan moved Notice of Motion No. 22 on behalf of Cllr. P. Connor-Scarteen.

22. Radon in Kerry

Pursuant to notice duly given Cllr. P. Connor-Scarteen PROPOSED:

That Kerry County Council provides an outline about radon in Kerry, the dangers it poses and what is being done to combat it.

The following reply issued:

Reply to NoM No. 22

Background

The 1997 Building Regulations require that reasonable precautions be taken to avoid danger to health and safety caused by substances and contaminants in the ground. This includes danger from radon and specific guidance is given as to the precautions to be taken. This guidance specifies that all homes built since 1 July 1998 must be fitted with a standby radon sump. This standby sump can be activated at a later stage if necessary to reduce radon concentrations. For homes built in High Radon Areas, the installation of a radon barrier as well as a standby sump is required. This guidance was strengthened in 2004 when the need to carry out a radon test once the building was occupied was emphasised (but is not mandatory).

The National Radon Survey

The National Radon Survey (NRS) of radon concentrations in Irish homes was conducted by the Radiological Protection Institute of Ireland's (RPII) during the 1990s. Measurements were made in over 11,000 randomly selected homes over a 12 month period. The results of the survey enabled High Radon Areas to be identified. These areas are shown on the map of Radon in Irish Dwellings: see Appendix 1.

A High Radon Area (HRA) is one where 10% or more of homes are predicted to have radon concentrations above the Reference Level. The results were used to predict the percentage of homes in each 10 km grid square with radon concentrations in excess of the national Reference Level of 200 Bq/m³. The radon map has five categories: less than 1%, 1-5%, 5-10%, 10-20% and greater than 20%. Approximately one-third of the country, mainly in the west and the south-east, is designated as a HRA. While homes with high radon concentrations are more likely to be found in High Radon Areas, high radon concentrations can be found in any part of the country.

Exposure Reference Levels

The Reference Level for long term exposure to radon in homes is 200 Bq/m³, measured in accordance with the Radiological Protection Institute of Ireland's (RPII) standard measurement protocol. The Reference Level for commercial properties/workplace is 400 Bq/m³. The Reference Level is not a rigid boundary between safety and danger but a guideline as to when one should consider taking action to reduce the radon concentration. Indoor radon concentrations can vary considerably from day to day due to changes in weather conditions, ventilation rates, etc., and for this reason, the test measurement period is not less than three months. Carrying out the test confirms if radon concentrations are below 200 Bq/m³ and whether or not the standby radon sump needs to be activated.

RPII Remediation Recommendations

Once the results are available, the RPII recommend priorities for remediation works as follows:

For homes where the radon concentrations are:

- less than 200 Bq/m³ no further action is needed
- between 200 Bq/m³ and 800 Bq/m³ remediation should be carried out as soon as practicable
- above 800 Bq/m³ immediate remediation is recommended

Kerry County Council Housing Stock: Radon Prevention

Concern was raised initially about radon concentrations in the County when in July 2003 a privately owned house in the vicinity of Castleisland was identified with an average radon concentration of 49,000 Bq/m³ (the highest level ever measured in the country). Kerry County Council as a result carried out radon testing in 2003/2004 of its LA housing stock in Castleisland (approximately 100 houses). The average radon concentrations measured were all under 100 Bq/m³ and no remediation was required.

All Kerry County Council housing constructed since 1997 has been fitted with a standby sump and all houses are fitted with radon barriers regardless of whether they are built in a High or a Low Radon Area.

Kerry County Council has been carrying out radon monitoring of its housing stock constructed since the 1997 Building Regulations were introduced. Over 600 dwellings have been monitored to date. The results of the majority of those tested were below 200Bq/m³ with 7 properties in all slightly over this threshold. Remediation has been completed in 3 dwellings to date by activating the sump. Retesting has been carried out which shows that radon levels have been reduced to 50Bq/m³ and under in all 3 dwellings. Remediation in the remaining 4 dwellings will be carried out this year.

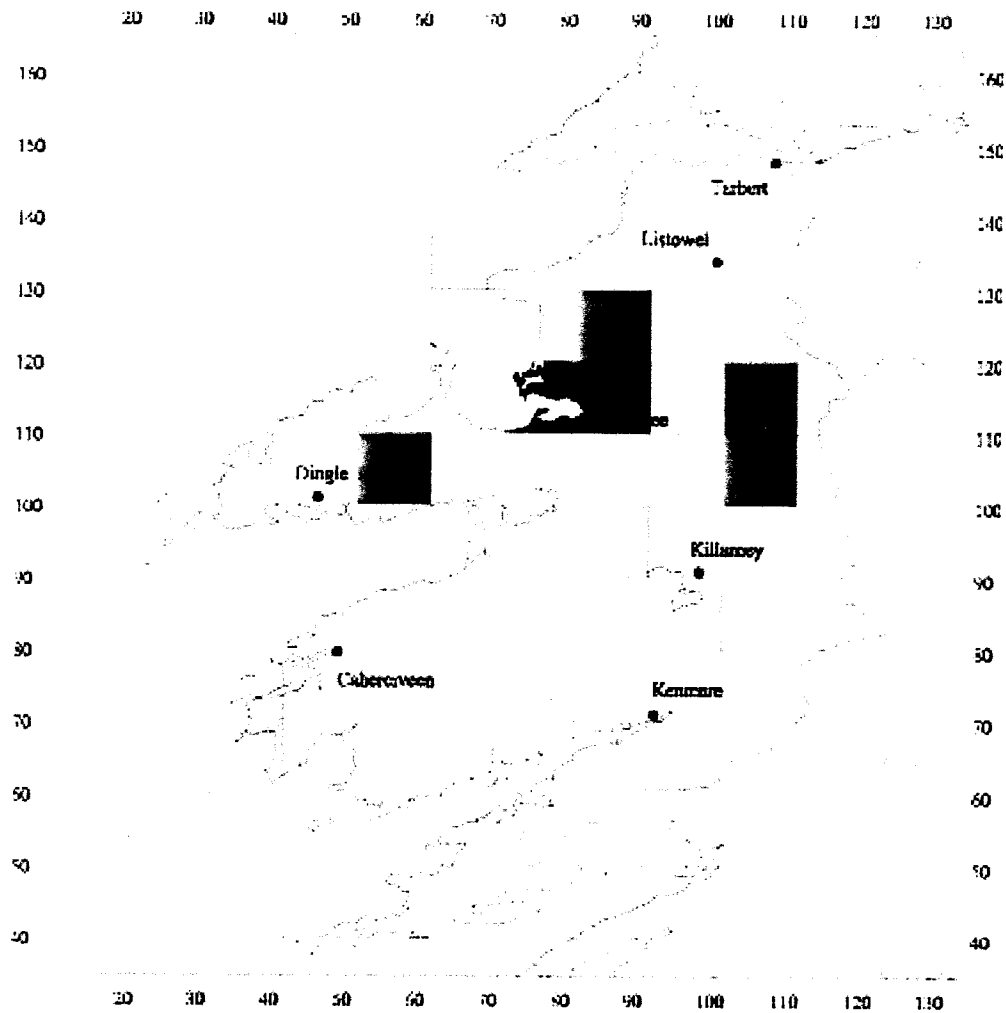
The National Radon Survey predicts that over 91,000 homes in the country (or about 7% of the national building stock) have high radon concentrations. This prediction is based on the housing statistics in 2000. Kerry County Council's test results to date show that only 1% of stock tested had levels over the RPII Reference Level despite many being sited in High Radon Areas where up to 20% is the RPII predicted outcome.

References:




- *Guidance notes to Local Authorities on implementing a radon measurement programme (RPII)*
- *Understanding radon remediation - a householder's guide (RPII)*
- *Radon Gas in Ireland, Joint Position Statement by the Radiological Protection Institute of Ireland and the Health Service Executive*

Appendix A

Kerry Radon Map (currently being upgraded on the Radiological Protection Institute website at www.rpii.ie)



Legend

| | | |
|---|----------|---------|
|  | > 20% | 5 - 10% |
|  | 10 - 20% | 1 - 5% |
|  | | < 1% |

23. Threat from Gorse Fires

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:

That Kerry County Council would introduce measures to make persons aware of the threat gorse fires pose to people's homes and communities.

The following reply issued:

As directed by the DOECLG “Fire Service Change Programme”, the Fire Services Department has actively promoted Community Fire Safety programmes throughout the County.

Due to the increase in the burning of gorse in recent years, Kerry County Council has conducted radio and newspaper advertisement campaigns asking people to be vigilant against starting fires in the countryside as carelessness can endanger lives and cause severe damage to forests and wildlife.

The Fire Services Department has published precautions that should be followed by landowners before the burning of gorse, heather and grass each year. These notices have been on the radio and in newspapers.

The Fire Services Department has met with local community groups to discuss their concerns in relation to fire safety. These community meetings are ongoing and will continue in 2012.

The “Kerry Wildfire Inter-Agency Group” has recently been established. The Group comprises relevant stakeholders, including Kerry Fire Service, An Garda Síochána, the Department of Agriculture Fisheries and Food (Forestry Inspector), Coillte, Teagasc, Kerry County Council Community & Enterprise Section, the National Parks & Wildlife Service and Kerry County Council Environment Section. The main aim of the Group is to reduce the severity and incidence of wildfires in Kerry. In this regard, the Group will ensure that further contacts are made and developed with farming and community groups. It is intended that Inter-Agency Group members will meet with and provide advice and guidance to these groups and thereby raise awareness of the hazards posed by gorse/wildland fires in Kerry.

It is the responsibility of homeowners, landowners and private forestry owners including State Agencies such as the National Parks and Wildlife Service and Coillte to implement fire safety measures which should include an annual inspection of all fire breaks. An

appropriate Management Plan and Fire Plan is a requirement. A copy of the Fire Plan should be submitted to the Fire Service Department.

Burning of vegetation by landowners for the purpose of managing grazing lands is a long-established practice. It is generally acceptable as long as it is done in a careful manner and observing the relevant guidelines. If it breaches wildlife protection laws, it may be the subject of legal action by the National Parks and Wildlife Service.

It is illegal to burn any vegetation between 1st March and 31st August (bird nesting season). Where farmers are burning within one mile of a woodland or Nature Reserve, they must inform the Gardaí and woodland owner at least one week in advance. Where burning is to take place within a Special Area of Conservation or Natural Heritage Area, written consent must be sought in advance from the National Parks and Wildlife Service.

Cllr. J. Sheahan said that the communities in Muckross and Glenflesk have experienced the harsh realities of gorse fires in recent years. Coillte were cutting hedges last week and this is very welcome as it is important to maintain fire breaks. He called on the public to ensure when they are burning gorse that they have plenty help to keep the fire under control. It is critical from a health and safety point of view to protect local communities and wild life.

Cllr. M. Gleeson SECONDED the motion.

24. Display of Calorie Count on all food

Pursuant to notice duly given Cllr. J. Brassil PROPOSED:

In light of the continuing awareness of the adverse affects of obesity in both adults and children, that Kerry County Council call on the Minister for Agriculture and Food to make it compulsory for all food and fast food outlets to indicate the calorie count on each of its products as is the case in the UK and Northern Ireland.

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

Cllr. J. Brassil said there is increasing awareness of calorie intake and people are encouraged to be aware of their calorie intake from food purchased from fast food outlets. He called for the support of members and of the Minister for Health to make people more conscious of what they eat. He requested that the motion would be forwarded to the Minister for Agriculture and the Minister for Health for consideration.

Cllr. J.J. Culloty supported the motion.

27. Amount paid to outside consultants in 2010 and 2011

Pursuant to notice duly given Cllr. J. Healy-Rae PROPOSED:

To ask Kerry County Council how much has been paid to outside consultants in the year 2010 and 2011.

The following reply issued:

Reply to NoM No 27

The attached schedule gives the details of the sums paid to Consultants engaged by Kerry County Council on County Council projects and the jobs for which the Consultants were retained for the period 2010 and 2011. Details of Consultants paid in excess of €5,000 in the period are included.

Before engaging or hiring any external services or support, the Council's first step in all sections is to review our internal capacity and determine whether or not the project can be delivered in-house. It is only after a decision that the project/service cannot be delivered in-house that the engagement of external assistance or support arises. In the case of Consulting Firms they are engaged normally only where the County Council does not have the diverse range of disciplines needed or the particular expertise necessary for the specific job or where we are instructed to do so in accordance with grant conditions. Generally, they are engaged in connection with major infrastructural projects, such as, water schemes, waste water schemes, structural design, quantity surveying and, otherwise, where specialist input is required beyond the normal activities of the Council. In most of the major projects, the appointment of Consultants is subject to the approval of the National Grant-Aiding Body. E.U. Public Procurement Directives apply to the major contracts, as well. The National Public Procurement Guidelines apply to the award of all public sector contracts. The policy is that in all cases, both major and otherwise, the fee proposal is agreed in advance of any appointment.

As is evident from the Tables, the vast majority of the expenditure incurred is in relation to the major investment programmes. Approx. 94% of the overall sum spent in 2011 was on support to the Roads Programme and Water Services where we are advancing a very substantial investment programme, as the Councillors are aware.

The Tables also show that expenditure by the Council on Consultancy Services shows a reduction from €4,001,568 in 2010 to €3,916,871 in 2011.

Of the €3.916m paid to Consultants during 2011, approx. 91% is recoupable from various Government Departments and State Agencies, in respect of grant-aided projects and also from other sources, where possible. The recoupment of Consultancy fees has increased from 85.6% in 2010 to 91% in 2011.

As every effort is made to undertake the maximum amount of work from within our own staffing resources, the Council engages Consultants on an exceptional basis only in the circumstances, or as we are instructed to do so, as mentioned earlier. Consequently, then, the possibility of the Council undertaking the work through internal means had been exhausted before engaging the Consultants in the first instance.

Angela McAllen
A/Head of Finance

14 February 2012

Breakdown by Major Service 2010

| Service | Total | Recoupable |
|---|------------------|-------------------|
| Roads | 2,478,136 | 2,373,960 |
| • Tralee By-Pass - Bealagrellagh | 1,046,943 | 1,046,943 |
| • N21 Castleisland Bypass | 580,771 | 580,771 |
| • Tralee Traffic & Transportation Study | 208,350 | 104,175 |
| • N86 Tralee - An Daingean KY/09/4743 | 178,321 | 178,321 |
| • N72 Barraduff Bridge 2010 | 107,563 | 107,563 |
| • Tarbert Ballylongford Road Imp Sch(Shannon LNG) | 84,025 | 84,025 |
| • N69 Cahirdown Listowel | 54,291 | 54,291 |
| • Roads - Other | 217,872 | 217,871 |
| Water | 1,136,317 | 849,261 |
| • Co Kerry WW & Sludge Strategy for Delivery | 118,731 | 118,731 |
| • Fries Scartaglin Sth Sect. | 103,032 | 72,123 |
| • Listowel RWS Stg 4 | 101,184 | 70,829 |
| • Ardfert Sewerage Scheme | 88,843 | 62,190 |
| • Fenit Sewerage Scheme | 87,337 | 61,136 |
| • Abbeydorney Sewerage Scheme | 76,766 | 76,766 |
| • Milltown Sewerage Scheme | 73,129 | 48,997 |
| • Kenmare WS Improvement | 68,639 | 38,438 |
| • Barraduff Sew Sch | 58,287 | 24,480 |
| • Caherciveen Ws | 54,613 | 38,229 |
| • Ballylongford Sewerage Scheme | 53,560 | 37,492 |
| • KY CRWS Treatment | 49,769 | 32,350 |
| • Fries Sewerage Scheme | 27,910 | 21,491 |
| • Caherdaniel Sew | 26,301 | 26,301 |
| • Glenbeigh Sewerage Scheme | 26,301 | 18,410 |
| • Kilgarvan Sew Sch | 26,301 | 26,301 |
| • Water - Other | 95,614 | 74,997 |
| Piers | 85,741 | 80,659 |
| • Knightstown Pier Construction Works 2007/Piers and Harbours General | 85,741 | 80,659 |
| Environment | 91,458 | 0 |
| • Muingnaminnane Phase 9 | 78,830 | 0 |
| • Lough Leane Project | 8,901 | 0 |
| • Environment - Other | 3,727 | 0 |
| Other | 209,916 | 122,410 |
| Finance | 34,036 | 23,864 |
| Heritage | 60,069 | 30,035 |
| E Procurement (Including Bitumen) | 4,238 | 4,238 |
| Miscellaneous | 111,573 | 64,273 |
| Total | 4,001,568 | 3,426,290 |

Breakdown by Major Service 2011

| Service | Total | Recoupable |
|---|------------------|-------------------|
| Housing | 36,248 | 36,248 |
| • Castleisland Moanmore Phase 3 | 24,118 | 24,118 |
| • Spunkane Waterville Phase 15 | 6,564 | 6,564 |
| • Housing - Other | 5,566 | 5,566 |
| Roads | 2,541,750 | 2,541,750 |
| • Tralee By-Pass - Bealagrellagh | 1,370,359 | 1,370,359 |
| • N86 Tralee - An Daingean | 388,479 | 388,479 |
| • N69 Rea to Tullig Realignment Sch | 377,317 | 377,317 |
| • N21 Castleisland Bypass | 119,188 | 119,188 |
| • N72 Barraduff Bridge 2010 | 56,643 | 56,643 |
| • N70 | 90,749 | 90,749 |
| • Roads - Other | 139,016 | 139,016 |
| Water | 1,131,134 | 808,455 |
| • Waterville Ws | 153,344 | 114,496 |
| • Waterville Sew | 153,345 | 107,341 |
| • Kenmare WS Improvement | 127,712 | 71,519 |
| • Castlegregory Sewerage Scheme | 122,915 | 122,915 |
| • Barraduff Sew Sch | 65,026 | 27,311 |
| • Castlemaine Sewerage Scheme | 62,415 | 43,691 |
| • KY CRWS Treatment | 58,897 | 38,283 |
| • Co Kerry WW & Sludge Strategy for Delivery | 53,045 | 53,045 |
| • Listowel RWS Stg 4 | 44,055 | 30,839 |
| • Kilcummin Sew Sch | 40,000 | 29,200 |
| • Caherciveen Ws | 30,695 | 21,487 |
| • Crws Cont 9 Sheheree | 28,959 | 28,959 |
| • Lissardboola Farmers Bridge Reservoir Cent Reg | 25,854 | 25,854 |
| • Brandon Sew Sch | 25,373 | 1,915 |
| • Water - Other | 139,499 | 91,600 |
| Piers | 35,145 | 35,145 |
| • Knightstown Harbour/Fenit Harbour | 35,145 | 35,145 |
| Other | 172,593 | 145,695 |
| Library (Caherciveen Refurbishment) | 26,620 | 26,620 |
| Heritage | 53,797 | 26,899 |
| E Procurement (Including Bitumen) | 7,623 | 7,623 |
| Miscellaneous | 84,553 | 84,553 |
| Total | 3,916,871 | 3,567,293 |

Cllr. J. Healy-Rae said the amount spent on employing consultants is huge when Council staff could do the work. Almost €4m was spent on consultants in the past two years. He felt this was not right or necessary.

Ms. A. McAllen said 90% of the expenditure on consultants in 2011 was recoupable through grants. It is a condition of many grants that outside consultants are employed. The vast majority of the money was spent on consultant archaeologist, engineers, quantity surveyors, geophysical testing etc. We are endeavouring to upskill our staff to do this work. Most of the design work on the RAL Scheme is done by Council staff. Staff from the Environment Department produced an Oil Pollution Plan which is a blue print for other local authorities. The report circulated indicates the amount that is recoupable in each case.

28. School transport to Intermediate School Killorglin

**Pursuant to notice duly given Cllrs. J.J. Culloty/M. O'Shea
PROPOSED:**

That this Council call on the Minister for Education to instruct Bus Éireann to transport the post-primary school students to the gates of both the Intermediate School and the Community College in Killorglin. It is totally unacceptable that these students have to endure walking for almost half a kilometre twice daily to and from the Fair Field Carpark to their respective schools, at times in severe weather conditions, and carrying their very heavy school bags.

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

Cllr. J.J. Culloty said he was approached by a number of parents whose school children must walk from the Fair Field to the Intermediate School with a heavy school bag. One parent has two children attending the school and they pay €650 for school transport that is not satisfactory. He called on the Minister for Education to instruct Bus Éireann to transport the children to the school gate.

Cllr. J. Sheahan SECONDED the motion.

30. 2011 Tenant Purchase Scheme

Pursuant to notice duly given Cllrs. M. Cahill/B. Cronin PROPOSED:
How many applications have been received under the 2011 Tenant Purchase Scheme, how many have been approved, how many are currently being processed and how many disallowed and the reasons for same.

The following reply issued:

162 tenant purchase applications have been received since 1st January 2011, the majority of which would be eligible for consideration under the 2011 Fixed Term Tenant Purchase Scheme for long-standing tenants. Approximately 100 valuations have been carried out to date and the net sale price notified to qualifying tenants. The only reasons that we would not proceed to issue a purchase price would be if the application was for an exempted property under the scheme such as a 1 or 2 bedroomed house or if arrears on the customers rent account was due (in this instance the customer would be informed that the price has been calculated and that same would issue when the account is brought up to date) or if the valuation fee of €200 had not been paid. In exceptional circumstances we may also refuse to proceed with a sale on anti-social behaviour grounds.

A total of 32 houses were sold in 2011, i.e. 27 houses under the 2011 Scheme and 5 under the 1995 Tenant Purchase Scheme. 2 houses have been sold to date in 2012 under each scheme.

The 2011 scheme provided for a maximum discount of 45% on market price, based on 3% discount for each year of tenancy up to 15 years. Applications from eligible tenants were required to have been made by 31st December 2011 in accordance with the relevant regulations. Therefore, no further applications are currently being accepted under this scheme. However existing qualifying applicants who have not as yet proceeded with the purchase have until the end of this year to complete the sale based on the net purchase price offered in accordance with the terms of the 2011 Scheme. The most recent advice being given by the DECLG is that the 1995 Tenant Purchase Scheme will remain in operation until such time as regulations are introduced to replace it with a proposed new discounted scheme later in 2012.

The present lack of credit facilities has impacted on the number of applicants proceeding to purchase under the Scheme. Notwithstanding this, the 32 sales in 2011 is significantly up on recent years where only minimal sales were made. While not hugely significant in overall numbers, take up is much higher than in other Counties. All income from tenant purchase sales is ringfenced for housing improvements works.

Cllr. M. Cahill welcomed the reply.

31. Reduction in Development Levy Contributions

Pursuant to notice duly given Cllrs. J. Healy-Rae/D. Healy-Rae

PROPOSED:

That we ask Kerry County Council to reduce the charges being applied to planning permissions currently as the present economic climate dictates that people simply cannot afford the present rates being charged.

The following reply issued:

REPLY No. 31

The current Development Contribution Scheme was adopted less than twelve months ago on the 21st March, 2011 following extensive consultation with outside Bodies and the general public and also an input from the Planning SPC. As the members are aware, the levies raised from this Scheme, contribute towards the costs of public water and wastewater schemes, car parks, road infrastructure, community infrastructure, environmental amenities and recreational facilities.

In February, 2011 the Director of Services for Planning issued a comprehensive report to members on the Programme of Works to be undertaken which require a local contribution. Kerry County Council is required to raise loans to fund the local contribution elements of some capital projects and the resultant loan charges are sourced from proceeds of the Development Contribution Scheme. Schemes such as the Water Services Investment Programme and the Remedial Action List require significant local investment.

Members will be aware that Barraduff, Furies and Milltown sewerage schemes have recently been completed and the Waterville scheme is currently under construction.

All of these schemes were part funded from the Scheme

A number of relief roads, which are of strategic importance for the development of the County also require funding through Development Contributions received. Progress will not be made on such schemes as the Cahersiveen Inner Relief Road, Milltown Eastern Relief Road, Ballybunion Inner Relief Road and Kenmare Eastern Relief Road, without local funding.

The members are also well aware of the progress made in the provision of playgrounds in our towns throughout the County. They are a very valuable amenity for both residents and visitors. There is a constant demand from local communities for financial assistance towards the significant costs involved in the provision of these facilities. Communities have worked extremely hard to fundraise locally and it is very important that Kerry County Council can continue to play their part in allocating financial contributions to these projects.

In the interest of fairness, levies imposed on developments under the present scheme take account of the size of developments with larger developments attracting a greater charge. Also, at the request of the members, reduced contributions are levied on businesses grant aided or supported by the Kerry County Enterprise Board and other recognised local development agencies as well as manufacturing or financial services supported by the IDA or Enterprise Ireland. Also, in recognition of the valuable contribution provided by community initiatives and voluntary organisations, Kerry County Council do not seek to recover development contributions for developments not used mainly for profit or gain and are intended to be used for social, recreational, educational or religious purposes.

The adoption of a scheme with reduced charges would not be a wise or prudent decision at this time, with the wide-scale projects on hand across the organisation dependent on local financial contribution. Reduced contributions would be insufficient to deliver the infrastructure within a reasonable timeframe and the level of funding required cannot be provided from the Councils revenue budget.

It is the intention to adopt a new scheme prior to 31st December, 2013.

Cllr. D. Healy-Rae said that development levies charged are out of proportion with people's financial circumstances. When members voted to increase the levies they were informed it was necessary to provide for the upgrade of sewerage treatment plants. The present scale of levies is too severe. He called for a review of the charges under the Development Contribution Scheme.

Cllr. J. Brassil supported the motion and said the concept of levies should be reviewed. If responsibility for water transfers to Irish Water we should not be funding it.

Cllr. D. Healy-Rae pointed out that householders are now also liable for the Household Charge.

12.02.20.19 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. J. Sheahan, J. Brassil, M. Griffin, P. McCarthy, D. Healy-Rae, J. Healy-Rae, M. Gleeson and T. Buckley at the Seminar on the theme "Building Community Preparedness and Resilience" which will be held in the Malton Hotel, Killarney on the 9th March, 2012.

Cllr. M. Griffin was nominated to report back to Council on this Seminar.

- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. P. Leahy and R. Beasley at the Eures Cross Border Partnership Tourism Conference to be held in Ballymacscanlon House Hotel, Dundalk, Co. Louth on 28 March, 2012.

Cllr. P. Leahy was nominated to report back to Council on this Conference.

- (c) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. S. Fitzgerald, L. Purtill, A. McEllistram, J. Sheahan, B. Cronin, M. Griffin, N. Foley, B. O'Connell, P. Leahy, R. Beasley, G. Wharton Slattery, B. Moynihan-Cronin, P. McCarthy, J.J. Culloty and M. Cahill at the LAMA Spring Seminar to be held in the Tower Hotel, Waterford on the 13 and 14 April, 2012.

Cllr. G. Wharton Slattery was nominated to report back to Council on this Seminar.

- (d) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. B. O'Connell, L. Purtill, D. Healy-Rae and J. Healy-Rae at the Destination Creation Conference to be held in the Royal Marine Hotel & Spa, Dún Laoghaire on 6 and 7 March, 2012.

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

- (e) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. G. Wharton Slattery it was agreed to authorise the attendance of Cllrs. M. Griffin and R. Beasley at the Colmcille Winter School to be held in Gartan, Churchill, Letterkenny, Co. Donegal from 24 to 26 February, 2012.

12.02.20.20 Correspondence General

| | |
|-----|--|
| 1. | Letter dated 11 January 2012 from the OPW regarding works to Killarney House. |
| 2. | Note dated 13 January 2012 from Deputy Michael Healy-Rae attaching a reply to a Parliamentary Question in relation to the review of EU Aid Grants. |
| 3. | Letter dated 13 January 2012 from the Central Bank of Ireland in relation to request to introduce negative equity mortgages. |
| 4. | Letter dated 19 January 2012 from the Office of the Minister for Jobs, Enterprise and Innovation regarding the designation of Kerry for EU Regional Grant Aid. |
| 5. | Letter dated 24 January 2012 from Bus Éireann in relation to the provision of a bus shelter in Killorglin. |
| 6. | Letter dated 25 January 2012 from Senator Paul Coghlan attaching a reply from Minister Bruton in relation to the designation of Kerry for EU Regional Grant Aid. |
| 7. | Letter dated 25 January 2012 from Deputy Brendan Griffin attaching a reply from Minister Bruton in relation to a review of Regional Aid designations. |
| 8. | Letter dated 25 January 2012 from Kerry Airport plc in relation to the rescheduling of flights to and from London. |
| 9. | Note dated 26 January 2012 from Deputy Michael Healy-Rae attaching a reply to a Parliamentary Question in relation to a review of the decision to discontinue funding LIS. |
| 10. | Note from Senator Mark Daly attaching a reply from Minister Bruton in relation to the designation of Kerry for EU Regional Grant Aid. |
| 11. | Letter dated 1 February 2012 from the Office of the Minister for Transport regarding funding for the Mangerton Road. |

| | |
|-----|--|
| 12. | Letter dated 3 February 2012 from the Office of the Minister for Housing and Planning |
| 13. | Letter dated 3 February 2012 from the Office of the Tánaiste in relation to Irish immigration to the US. |
| 14. | Email dated 7 February 2012 from the Office of the Minister for Environment, Community and Local Government in relation to new planning laws affecting farmers who want to carry out improvements to their land. |
| 15. | Letter dated 14 February, 2012 from the HSE regarding a Sexual Assault Unit at Kerry General Hospital. |
| 16. | Letter dated 10 January 2012 from Fingal County Council concerning a resolution adopted by that authority calling for clarity in relation to pensioner tax liability. |
| 17. | Letter dated 17 January 2012 from Monaghan Town Council concerning a resolution adopted by that authority calling on the Government to reverse the cuts in the Home Insulation Grants. |
| 18. | Letter dated 19 January 2012 from Killarney Town Council indicating their support for the resolution adopted by Kerry County Council calling for a review of designations for EU Grant Aid. |
| 19. | Letter dated 8 February 2012 from Wicklow County Council concerning a resolution adopted by that authority calling on the Minister for Environment, Community and Local Government to provide 100% funding to local authorities for Housing Adaptation Grants. |

Votes of Sympathy

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

- (a) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late John Harrington.
- (b) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Mary O'Shea.
- (c) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Adrian Rhiney.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Peggy Mahony.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Sheila O'Shea.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Pat Buckley.
- (g) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Paddy Cronin.

- (h) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Paddy Daly.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Maura Riordan.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Batty Fleming.
- (k) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Jim Dwyer.
- (l) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Michael O'Sullivan.
- (m) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Tom Bambury .
- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Denis Dero O'Sullivan.
- (o) Cllrs. B. Cronin and S. Fitzgerald proposed that a vote of sympathy would be extended to the family of the late Catherine Daly.
- (p) Cllr. P. Leahy and B. Moynihan-Cronin proposed that a vote of sympathy would be extended to the family of the late James Fitzmaurice.
- (q) Cllrs. M. Gleeson and R. Beasley proposed that a vote of sympathy would be extended to the family of the late Anne Reilly.
- (r) Cllrs. M. Gleeson and B. Cronin proposed that a vote of sympathy would be extended to the family of the late Maura O'Riordan.

The meeting concluded at 6.40pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry