

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 12 MÁRTA 2012**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 12 MARCH 2012**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

ABSENT/AS LÁTHAIR

Councillor/Comhairleoir

P O'Donoghue

IN ATTENDANCE/I LÁTHAIR

Mr. T Curran County Manager	Ms. A McAllen A/Head of Finance
Mr. J.D. Flynn, Director of Corp. Servs.	Mr. O. Ring, Dir. Water & Env. Servs.
Mr. C. O'Sullivan, Dir. of Roads	Mr. J. Breen, Dir. Hsg. & Comm&Ent
Mr. G. O'Brien, Meetings Administrator	Mr. P. Corkery, Press & Comm.
Mr. P. Stack SE Planning	Mr. T Sheehy SE Environment
Mr. M. Boyce SEE Environment	Ms. E O'Donnell AO Environment
Ms. J Brosnan AO Housing	Ms. H Switzer AO Housing
Mr. L Brosnan AO Planning	Ms. J McCarthy SEO Planning
Ms B Reidy SSO Corp. Affairs	Mr. A Kennelly EE Planning
Ms. S Broderick SO Corporate Affairs	Ms. C Fitzgerald ASO Corp. Affairs
Ms. O O'Shea CO Corporate Affairs	

The meeting commenced at 10.40am

The Mayor Cllr. T Buckley took the Chair.

12.03.12.01 Mayor's Report on CPG Meeting held on 6th March 2012

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

Item 1 Agenda for the March Council Meeting

Mr. G. O'Brien, Meetings Administrator, briefed members on the Agenda for the March Council Meeting.

Item 2 County Development Board Update

Mr. J. Breen outlined that the focus is now on the approval process for Local Development Plans. He will meet with the CEO's of North and East Kerry Development and South Kerry Development Partnership the following day to discuss the plans. A Social Inclusion Measures Meeting is scheduled for next week at which plans are to be presented. A meeting of Directors in Tullamore on Thursday may clarify these issues.

Guidance on the process from the Department and Pobal is very limited particularly with regard to the conflict of interest. Mr. Breen said he will advise all members of the CDB, who are members of the Boards, as soon as he has final direction.

The Agriculture Sub Group last week hosted Minister of State Shane McEntee at a meeting in Tralee Library. Items discussed included agriculture and food production and marketing. Minister McEntee also visited the biomass energy plant at Tobar Naofa.

A CDB meeting was held on 17th February last at IT Tralee and a presentation was given on the Kerry Technology Park by Marie Lynch.

The CDB Inter Agency Forum on the prevention of gorse fires has recently published guidance towards the prevention of fires in Kerry this year. Burning is illegal between 1st March and 31st August and there were substantial costs to our Fire Services last year.

CDB 10 year strategies are coming to an end at the end of 2012. Direction was received last week to prepare an Interim Strategy to 2014.

Item 3 Update from Chairs of SPCs

Cllr. B. Moynihan-Cronin said the main item considered at the last meeting of the Housing SPC was the Land Aggregation Scheme and this is included as an item on the Agenda.

Cllr. B. Cronin asked if there was any information available on the closing date for submissions on the Department's Consultation Document on septic tanks.

The County Manager informed members that the Consultation Document would be circulated to members at the March Meeting.

Cllr. P. McCarthy asked if the process of registration had begun.

The County Manager said it will commence on 31 March and people can register up to 30 June for a fee of €5. After that the fee will be €50.

Cllr. B. Moynihan Cronin asked who will carry out the inspections.

The County Manager said those doing inspections will have to undergo specific training and it is at the discretion of the local authority who does the inspections. Council staff will carry out inspections. The EPA will draw up the Guidelines and the training will be delivered through the EPA and the Water Services National Training Group.

Cllr. P. Connor-Scarteen informed the meeting that the Roads and Transportation SPC would meet next month and among the items to be considered is the formulation of a policy on the carrying out of works on private roads and the Draft Harbour Bye-Laws.

Mr. G. MacNamara informed members that Mr. E. Scanlon is meeting with community groups if requested in relation to the Draft Harbour Bye-Laws.

Mr. J.D. Flynn emphasised to members that when the Draft Harbour Bye-Laws are put out on public consultation these groups, even though they met with Mr. Scanlon, must make a formal submission if their views are to be taken into account.

The County Manager said he contacted the Department for clarification on the spending of public money on private roads and when clarification is received he will circulate it to members.

Cllr. M. Cahill asked that rather than repairing just a few roads each year consideration would be given to patching a greater number of roads in order to make an impact.

Mr. J. D. Flynn informed the meeting that any works undertaken can only be done through a Scheme. The works would cater for hardship and emergency cases only and would not include patching.

It was noted that the Planning SPC would meet at the end of March and a report on the Environment and Water Services SPC would be presented at the April Meeting.

Item 4 Civic/Mayoral Receptions

CPG members agreed to host a Civic Reception to honour the Milltown/Castlemaine Football Team on winning the All Ireland Intermediate Football Championship.

It was further agreed that the Ballydonoghue Scór na nÓg team who won All Ireland medals in the Instrumental Group Music category would be honoured at the next Listowel Electoral Area meeting.

Mr. T. Curran informed the meeting that the Institute of Technology in Tralee has a very close relationship with the Royal College of Surgeons and Saudi Arabia. He suggested that it would be beneficial if Kerry County Council hosted a Mayoral Reception for the Saudi Arabian Ambassador to Ireland, Mr. Abdulaziz Aldriss and the Kuwaiti Ambassador in London Mr. Khaled Al-Duwaisan.

CPG members agreed to host this Reception.

Cllr. P. McCarthy said he was asked by members of the Kerry Ploughing Association to thank the Council for hosting a Civic Reception in their honour. It was very much appreciated.

Item 5 Any Other Business

Household Charge

Ms. A. McAllen said she wanted to emphasise again the importance of everyone in the County supporting the Household Charge payment deadline of 31st March. It forms part of the Local Government Fund and provides funding for the provision of services by this Council, this year and into the future. It will fund essential local services such as public parks, libraries, open spaces, planning and development, beaches, fire and emergency services, maintenance and cleaning of streets, public lighting, housing maintenance and roads own resources. The deadline for payment is 31st March, 2012 and it is the law of the land. Penalties will apply after that date and we will, as we do for all sums due to this Council, pursue non payment vigorously. We will continue our publicity campaign for payment of the Household Charge during the month of March. We will continue to receipt payments at all Council Area Offices throughout the County.

Cllr. B. Cronin asked how many households in Kerry are liable for this charge.

Ms. McAllen said approx. 60,000 households are liable for the charge in Kerry.

Cllr. Cronin asked how much of the payments made through the Internet would the Council receive.

Ms. McAllen said the income will be divided out using the equalisation model.

Mr. Curran said an anticipated income from the Household Charge was included in the Local Government Fund allocation for 2012. If this level of anticipated Household Charge income is not realised it may result in a reduction in the Local Government Fund allocation for 2012.

Cllr. B. Moynihan-Cronin said Kerry would expect an income of approx. €6m and how much of this will we actually get.

Ms. McAllen said historically Kerry did very well from the Local Government Fund. At this point in time it is not possible to say what percentage we will receive. We provide

the Department with a lot of information and this impacts on our allocation. Major factors are our coastline, the amount of non-national roads, the percentage of our population living in rural areas etc.

Pádraig Pearse Award 2012

Mr. G. O'Brien informed the meeting that he was in contact with Micheál Ó Muircheartaigh who agreed to be nominated for the Pádraig Pearse Award 2012 by Kerry County Council.

CPG members endorsed the proposal and recommended that it be put to the full Council for decision.

Cllr. M O'Shea thanked Kerry County Council and in particular the Corporate Policy Group (CPG) for agreeing to host a Civic Reception to honour the Milltown/Castlemaine Football Team on winning the All Ireland Intermediate Football Championship.

Cllr T Ferris said that she had requested that an item on Planning Policy with reference to a residency clause would be included for discussion on the agenda for this meeting and asked why it had not been included.

County Manager, Mr. T Curran said that this item was not included on the March agenda as Mr. M McMahon Director of Planning & Sustainable Development was unavailable on the day of the meeting.

Cllr. Ferris said that the closing date for submissions on the consultation document on the Regulations for Operation and Maintenance of Domestic Waste Water Treatment Systems was 30th March 2012. She PROPOSED that Kerry County Council would make a submission to include the following:

1. That any remedial work required to septic tanks would be exempt from Planning Permission.
2. That all remedial works are grant aided
3. That the standards by which septic tanks would be assessed, should be those that applied at the time that the original planning permission was granted.

Cllr. R Beasley SECONDED the proposal.

Cllr. John Brassil supported the proposal.

Mr. G O'Brien, Meetings Administrator referred to Item 10 on the agenda and said that that Mr. M Boyce SEE Environment would be making a presentation to the members on site effluent disposal.

Cllr. J Brassil said that he was concerned that approximately 85% of households had not yet paid the household charge ahead of the 31st March 2012 deadline. As the proceeds of the household charge would be paid into the Local Government Fund, Cllr. Brassil said that he feared that lack of payment would result in a shortfall in the allocation from the Local Government Fund to the Local Authority next year. He asked that Ms. A McAllen A/Head of Finance would update the members bimonthly regarding this matter.

Cllr. P McCarthy said that he did not agree with groups that were encouraging householders not to pay the household charge as the charge would eventually have

Minutes March Ordinary Meeting

to be paid and that late payment penalties and interest would apply. He said that the members of the Local Authority should be encouraging the payment of the household charge.

Cllr. D Healy Rae asked if a charge would be registered on a property in respect of the non payment of the household charge.

Ms. A McAllen A/Head of Finances said that she wanted to reassert and reaffirm the need for payment of the household charge to ensure delivery of local services to the level currently maintained by this Council. She advised that the Local Government Fund was a combination of tax receipts and a contribution from the exchequer. The proceeds of the household charge will be paid directly into the Local Government Fund and at this stage we can only assume that like the Local Government Fund, the Minister for the Environment, Community and Local Government will disburse the moneys back to Local Authorities based on the equalisation model. Ms. McAllen said that if there was a low level of payment of the charge in the county, there will be no choice but to readjust the Council's budget for 2012 accordingly.

She said that the Local Government Household Charge Bill 2011 refers to penalties which will accrue for late payment of the charge. Furthermore, both the €100 charge and any accumulated late payment fee will be a charge against the property concerned and will have to be discharged, in full, before a transfer or sale of the property can be completed.

Ms. McAllen stressed the importance of payment of the Household Charge by citizens of the county and reiterated that if the amount of money is not collected in the county as predicted, an adjustment of the budget would be required and the provision of services may be affected.

County Manager, Mr. T Curran said that the Government had not advised as yet as to how the proceeds of the household charge would be distributed. It may be pooled nationally and redistributed on a pro rata basis. Local Authorities will be dependant on it to fund local government and a shortfall on the amount collected will impact on the provision of local services

Cllr. J Brassil said that he believed that Kerry has a very strong record of compliance with the law and anticipated that only a very small minority of people from Kerry would sign up to the campaign for non payment.

Cllr. M Gleeson agreed with Cllr. Brassil regarding this matter.

Cllr. J Finucane said that it was desirable that the Local Authority should have as much control of its finance as possible. He said that it should be emphasised that the money collected through the household charge would be spent locally on local services. With regard to the campaign against payment, he said that it was very easy to be against everything.

Cllr. M Cahill asked if there was an appeal system for householders who felt that they had a genuine reason for an exemption from payment.

Cllr. M O'Shea asked if Local Authorities would be responsible for the collection of unpaid charges and penalties.

Ms. A McAllen A/Head of Finance said that the Household Charge was being collected centrally (on line payments) and locally at Local Authority offices. She said that outstanding debts would be pursued locally in accordance with guidance from the

Minutes March Ordinary Meeting

Department of the Environment, Community & Local Government and relevant legislation.

Cllr. D Healy Rae said that people living in rural areas may not know the location of their Local Authority area office.

Ms. McAllen said that the Household Charge registration forms were now available at all post offices and the members were welcome to take the forms from the Council offices for distribution to their constituents.

In reply to a question from Cllr.J Sheahan, Ms. McAllen said that the owner of a residential property who does not pay a Household Charge or an installment of same will be subject to late payment fees and late payment interest.

The late payment fee is calculated as follows:

1. Late payment not later than 6 months after the due date, is 10% of the amount outstanding.
2. Late payment later than 6 months and not later than 12 months after the due date, is 20 % of the amount outstanding.
3. Late payment later than 12 months after the due date, is 30 % of the amount outstanding.

Late payment interest of 1% per month will apply to unpaid amounts.

Cllr. N Foley welcomed that the registration forms were available in post offices and said that a greater effort should be made to make people aware that the money would be used locally.

Cllr. M Gleeson asked if Local Authorities would be compensated for the collection of the charge.

Cllr. R Beasley said that he was opposed to the payment of the Household Charge on behalf of the many people who were trying to live on the minimum wage. He acknowledged that a household charge or its equivalent was in place in other EU countries but said that the cost of living was greater in Ireland than in the EU in general. He said that when the Poll Tax was introduced in England, many homeowners lost their homes and were forced into rented accommodation due to inability to pay the tax.

Cllr. T Ferris said that she could understand the stance taken by management with regard to the payment of the Household Charge as they did not have a choice but was disappointed that the elected members, who were representatives of the people were accepting and encouraging the payment of the charge when to date 1.6 million people had not paid. She referred to Cllr. Foley's point regarding the money being spent locally and said that she understood that there would be no benefits locally from the proceeds of the charge. She said that she would not advise anyone with regard to payment or non-payment of the charge but would support any householder who was unable to pay due to their financial circumstances.

Cllr. P McCarthy said that no Government wants to impose extra charges on people who are already suffering in trying to meet day to day living costs but agreed that

public representatives should be encouraging householders to comply with the legislation.

Cllr. N Foley said that it was the responsibility of the elected members to encourage the payment of the charge and people were free to make their own choices.

Cllr. T Ferris referred to Item 4 of the Mayors Report on the Corporate Policy Group concerning the hosting of a Mayoral Reception for the Saudi Arabian Ambassador to Ireland, Mr. Abdulaziz Aldriss and the Kuwaiti Ambassador in London Mr. Khaled Al-Duwaisan due to the Institute of Technology in Tralee having a very close relationship with the Royal College of Surgeons and Saudi Arabia. She said that she was concerned that it would become a political discussion on human rights and asked if there was a better way to honour the Ambassadors.

Cllr. T O'Brien said that as a member of the Governing Body of Tralee Institute of Technology which was extremely grateful for its relationship with Saudi Arabia he agreed that appreciation should be shown by the hosting of a Mayoral Reception for the Ambassadors by Kerry County Council and he would not like this to be distracted from by any group.

12.03.12.02 Confirmation of Minutes

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A McEllistrim, it was resolved that the Minutes of the Budget Meeting of Kerry County Council held on 9th January 2012 be confirmed.

12.03.12.03 Lease of office accommodation in the Caherciveen Library Building

On the PROPOSAL of Cllr. T O'Brien SECONDED by Cllr. J Finucane it was agreed to dispose of, by way of a lease, 32.5m² of office accommodation located in the Cahersiveen Library Buiding in the Townland of Cahersiveen to Kerry Citizens Information Service Ltd., 4 Bridge Lane, Tralee in accordance with the terms of notice issued 29 February 2012 pursuant to Section 183 of the Local Government Act 2001.

12.03.12.04 Grant of planning permission for development would materially contravene the objectives Kerry County Development Plan 2009 - 2015 and in particular the objectives of the Tralee/Killarney Hubs.

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

(a) permission to create a new entrance, access road and boundary enclosure to existing presbytery and out buildings, (b) permission for a 12 classroom primary school, new access road, entrance and all associated services and site works, (c) outline permission for a new parish centre with new entrance, parking and associated services and site works, (d) outline permission for a new parish house, new access road network (including temporary entrance roadway) 2 entrances and all associated services and site works at the presbytery site, (please note the existing presbytery is a protected structure and the site also contains a national monument, ref. no. KE 047-

Minutes March Ordinary Meeting

056. No works are proposed to the protected structures or national monument) at Ballyoughtragh North, Milltown, Co Kerry.

Planning Register No. 11/141

Name of Applicant: St Brendan's Trust

Address of Applicant: Bishop's House, Killarney

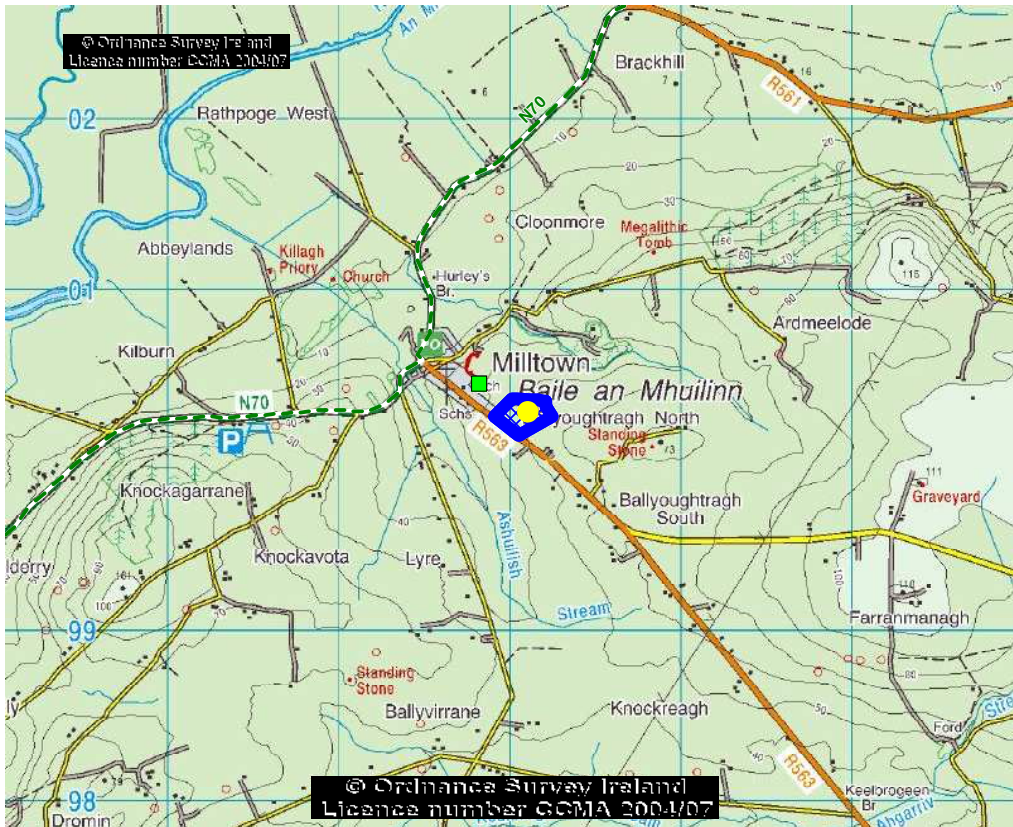
Agent: John Phelan Architects, No. 1 The Mews, 55 Moyderwell, Tralee.

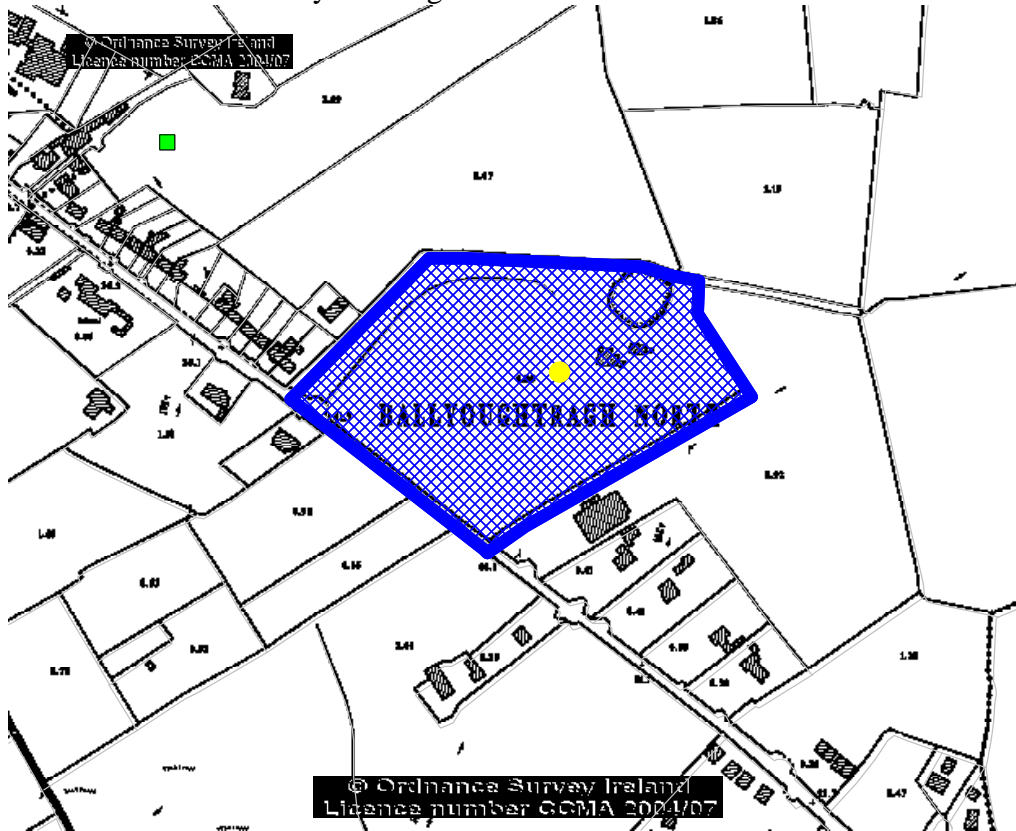
Date application lodged: 01/03/2011

Date further information received: 23/12/2011

Decision due date: 16/03/2012

Site Location Maps





Pre-Planning Consultation

A formal pre-planning meeting was held in Sept 2008 which was attended by (names withheld for data protection purposes, hard copy available on request) and the then Area Planner, Alan Kennelly, Record reference 2008/PP 0008. Subsequently, a number of informal meetings were held which were attended by the school and parish representatives from Milltown and senior management of Kerry County Council.

Proposal

The proposed development may be summarised as follows:

- (a) Permission to develop an access road to serve existing presbytery from the service road to Ballyoughtragh Heights Housing Development to the south-east of the site and to establish site boundaries to existing presbytery which is a Protected Structure and which abuts a Recorded Monument.
- (b) Permission to construct a 2-storey primary school (2160 sqm) with associated car parking, playing facilities and new access from the R563 Milltown to Killarney Regional Road to the south-west of the site. The new primary school would facilitate the amalgamation of the existing Girls and Boys National Schools in Milltown.
- (c) Outline permission to construct a Parish Centre (260 sqm) with associated car park and new access from the R563 Milltown to Killarney Regional Road.
- (d) Outline permission to construct a new Parish House (130 sqm) with associated car park and with vehicular access from the proposed access road to serve the existing presbytery.

Description of Site and Surroundings

The proposed development site is located fronting onto the Milltown to Killarney Regional Road, R563 circa 400m south east of Milltown village core. Milltown Presbytery, a protected structure, RPSKY-047-012 and associated outbuildings are located at the northern end of the site abutting a Recorded Monument Ref Ke047 056 – an Enclosure. The presbytery and out-buildings are surrounded by a shelter-belt of mature evergreen trees and a long entrance driveway connects the presbytery to the public road. A large green area lies between the presbytery and the public roadside boundary with the land rising in ground level towards the presbytery. A stone wall forms the south-western boundary of the site with the R563 Regional Road. There is a line of mature trees behind the roadside wall and a number of further mature trees located within the overall site. An access road serving Ballyoughtragh Heights housing development is located along the south-east boundary of the site. The overall site area of the site is 4.29ha.



View over application site from adjoining public road R563. Presbytery is shown in background, surrounded by a shelter-belt of evergreen trees.



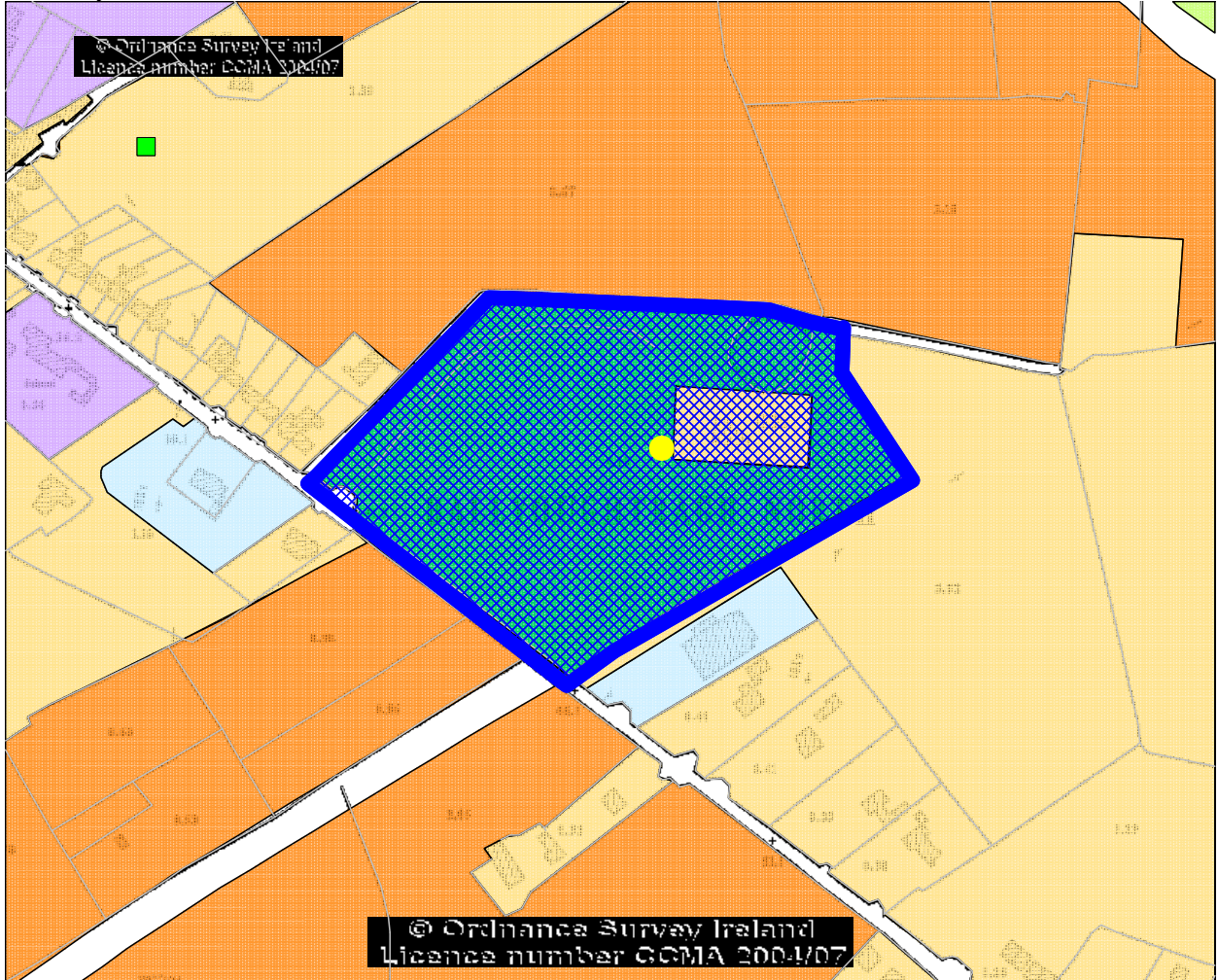
Presbytery on site, a Protected Structure RPSKY-047-012



Existing roadside stone wall boundary with R563 Milltown to Killarney Regional Road.
Note: no public footpath fronting the site.

Zoning and Designations

The site is located on lands mainly zoned Recreational in accordance with the Tralee/Killarney Hub Settlements Local Area Plan for Milltown, 2006-2012. A small section of the site, where the presbytery stands, is zoned Residential (existing). The site contains a Protected Structure, The Presbytery RPSKY-047-012 and a National Monument, KE047-056 – an Enclosure. There is an objective to develop an amenity walk along the existing laneway to the west and north of the site.



Zoning Map

Relevant Planning History

No recent planning history on site.

Development Plan and Other Policy

The site is located within the development boundary of Milltown which is one of two towns designated in the Tralee / Killarney Hub Settlements Local Area Plan 2006-2012 (LAP). In the LAP, the site is mostly zoned Recreational with the part of the site occupied by the presbytery zoned Residential (existing).

The following policies and objectives of the LAP are relevant to the assessment of this planning application.

- (1) New development shall contribute towards a compact settlement structure through making effective use of backland, brownfield and infill sites and

Minutes March Ordinary Meeting

- preventing unnecessary ribbon development.
- (2) Upgrade and extend existing footpaths.
- (3) Protect existing trees and promote additional planting.
- (4) Require the expansion of mixed use and community facilities.
- (5) Identify and develop a Town Park.
- (6) Objective ZNA-4: Protect existing mature trees and promote additional planting in the vicinity of the Old Presbytery....
- (7) Objective ZNA-9: Provide for the development of a Town Park at the Presbytery adjoining the R563 as indicated in the Zoning Map.
- (8) Objective T-3: To extend footpaths throughout the plan area.....

Reports

- (1) Water Services Dept., Kerry County Council – dated 06/04/2011
Connection available to public water supply. Connection available to public foul sewer but extension of approx 70 metres will be required to be provided at expense of developer.
- (2) Conservation Officer, Kerry County Council.
Initial report states that an Architectural Heritage Impact Assessment (AHIA) should be requested. Follow-up report following consideration of further information submission states that the AHIA is acceptable.
- (3) Biodiversity Officer, Kerry County Council
Initial report states that a Bat Survey should be undertaken. Follow-up report following consideration of further information submission states that the Bat Survey is satisfactory and recommends that mitigation measures contained in the Bat Survey Report should be implemented.
- (4) County Archaeologist.
Initial report states that an Archaeological Impact Assessment (AIA) should be requested including pre-development archaeological testing. Follow-up report recommends conditions to be attached to any grant of permission in relation to maintaining a buffer zone around the Recorded Monument on the site.
- (5) Roads, Transportation and Safety Dept, Kerry County Council – dated 20/01/2012
Report recommends conditions to be attached to any grant of permission.

Submissions/Observations received following publication of planning notices by applicant

- (1) An Taisce – received on 31/03/2011
Proposed school would be located within the curtilage of a Protected Structure and would have a significant effect on views towards the old presbytery and on residential amenity of the presbytery. Mature trees on site are worth retaining.
Planning Dept Response: Proposed development would not impact on views towards and the residential amenity of the existing presbytery as it is well screened by existing shelter-belt of trees, most of which will be retained.
- (2) Dept of Environment, Heritage and Local Government – 31/03/2011.
Archaeological Impact Assessment (AIA) should be requested as further information.
Planning Dept Response: AIA was submitted as further information and considered by Co Archaeologist.

Submissions/Observations received following publication of Material Contravention Notice by Kerry County Council on 25/01/2012

(1) An Taisce – received on 21/02/2012

- (a) Site is zoned in the Milltown LAP for the development of a Town Park.
- (b) Concerns raised in relation to impact of proposed development on the setting of the Protected Structure
- (c) Application lacks detail as to the need for the new school, Priests House and Parish Centre.

Planning Dept Response:

- (a) *It is considered that the proposed development would compromise the development of an extensive Town Park. However, it is noted that the proposed development includes for the provision of Amenity Open Space of 0.934 Hectares (2.34 Acres) which would be of considerable benefit on the eastern side of Milltown, particularly if co-located with the new primary school.*
 - (b) *Impact of proposed development on setting of existing presbytery would be minimal as the existing structure is not particularly prominent due to existing screen planting.*
 - (c) *The case for the need for a new primary school for Milltown is made in the supporting documentation submitted with the planning application. Given the location and existing use on the site, the provision of a new Priests House and Parish Centre on the site could be considered appropriate.*
- (2) (name withheld for data protection purposes-hard copy available on request)– received on 16/02/2012

Proposed development may lead to traffic congestion on Ballyoughtragh Heights Road.

Planning Dept Response: Only the existing presbytery and proposed Priests House are to be accessed from the Ballyoughtragh Heights Road and it is considered that the vehicular traffic generated would not be significant.

Appropriate Assessment Screening Report

Planning Reference Number:	11/141
Description of the proposed development (including a brief outline of its nature and size):	<p>Full planning permission and outline planning permission is sought for the following works:</p> <p>(A) PERMISSION SOUGHT TO CREATE NEW ENTRANCE, ACCESS ROAD AND BOUNDARY ENCLOSURE TO EXISTING PRESBYTERY AND OUT BUILDINGS (PLEASE NOTE THE EXISTING PRESBYTERY IS A PROTECTED STRUCTURE AND THE SITE ALSO CONTAINS A NATIONAL MONUMENT, REF. NO. KE 047-056. NO WORKS ARE PROPOSED TO THE PROTECTED STRUCTURES OR NATIONAL MONUMENT)</p> <p>(B) PERMISSION FOR A 12 CLASSROOM PRIMARY SCHOOL, NEW ACCESS ROAD, ENTRANCE AND ALL ASSOCIATED SERVICES AND SITE WORKS. New school – 2160sqm</p> <p>(C) OUTLINE PERMISSION FOR A NEW PARISH CENTRE WITH NEW ENTRANCE, PARKING AND ASSOCIATED SERVICES AND SITE WORKS & (D) OUTLINE PERMISSION FOR A NEW PARISH HOUSE, NEW ACCESS ROAD NETWORK (INCLUDING TEMPORARY ENTRANCE ROADWAY) 2 ENTRANCES AND</p>

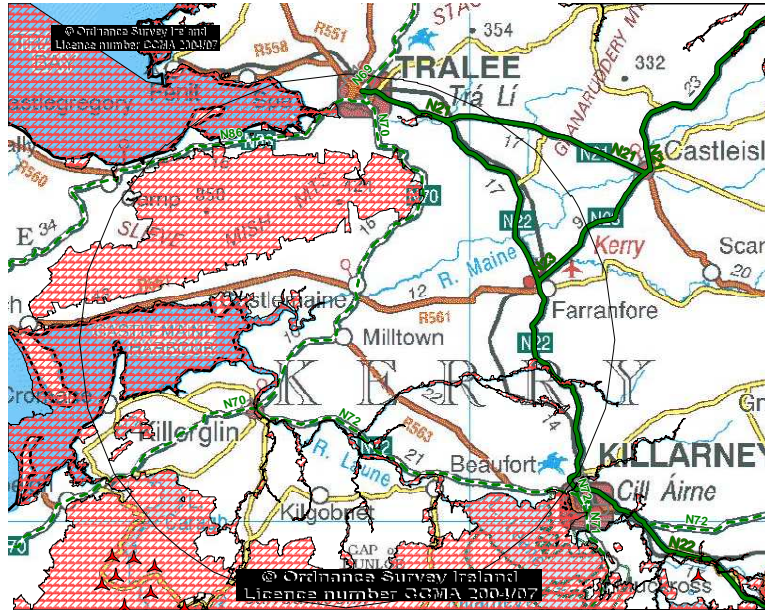
Minutes March Ordinary Meeting

	ALL ASSOCIATED SERVICES AND SITE WORKS AT THE PRESBYTERY SITE Overall Site area- 4.29ha.
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

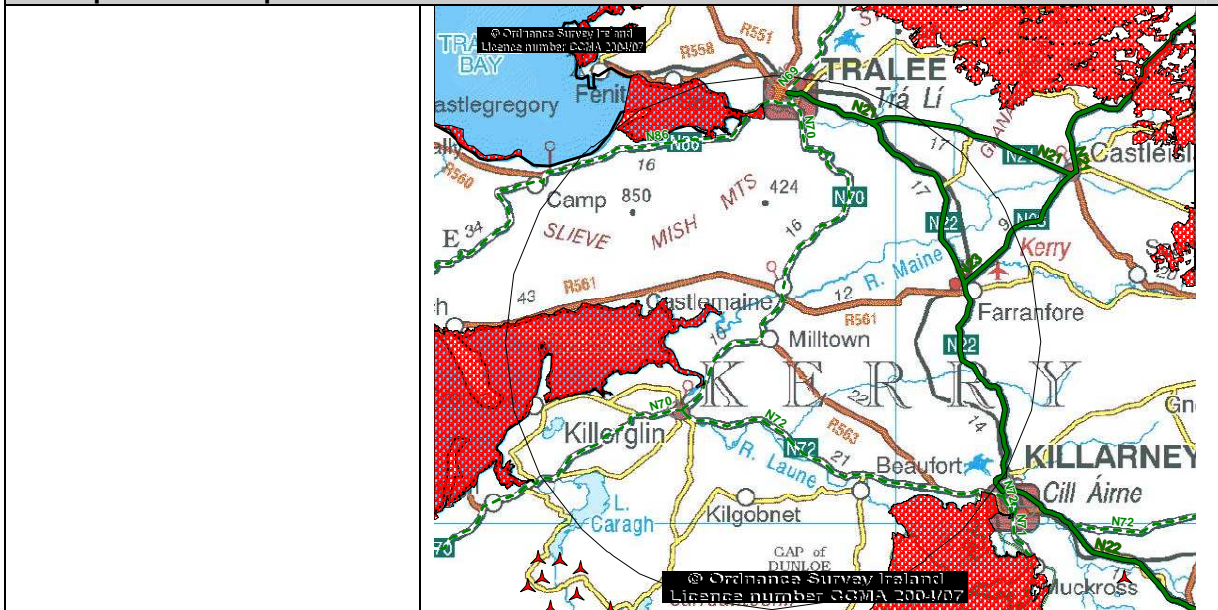
Description of the development site location, relative to Natura 2000 sites, having particular regard to Natura 2000 sites located within 15Km of the proposed site or within the same water catchment as the proposed site

Slieve Mish Mts. SAC – located circa 6.4km north of site
Castlemaine Harbour SAC – located circa 5.8km west of site
Killarney National Park, Macgillicuddy Reeks & Caragh River Catchment SAC – located circa 11.3km SW of site
Tralee Bay & Magharees Peninsula West to Cloghane SAC– located circa 12.3km SW of site



Castlemaine Harbour SPA – located circa 4.3km west of site
Killarney National Park SPA – located circa 11.6km SE of site
Tralee Bay Complex SPA – located circa 12.2km NW of site

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



2. Specialist reports, advice and recommendations received (if any)

<p>Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage Officer / other Specialists (where appropriate)</p>	<p>Heritage Officer - The proposed development is within a few hundred metres of a sizeable (40+) lesser horseshoe bat maternity roost and a pipistrelle summer colony. It is therefore required that a bat survey is undertaken of the existing site including the rectory and associated outbuildings to determine if bats are present. The survey should also investigate the current use of the proposed development area by bats. On-site vegetation, boundary features such as walls, hedgerows and/or tree lines may be in use as commuting or foraging features by bats residing on- or off-site. Pending the results of the survey</p> <ul style="list-style-type: none"> • mitigation measures may be needed to ensure the retention of such features for continued use by bats or replacement by suitable alternatives, and • potential impacts from proposed artificial lighting will need to be assessed.
--	--

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

Minutes March Ordinary Meeting

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.	
• Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites	Not likely
• 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	
• 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) There is no potential for significant effects to Natura 2000 sites ¹ AA not required
(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. Tralee / Killarney Hub Settlements Local Area Plan 2006-2012 (LAP).

The proposed development would materially contravene the zoning objective for the site Objective ZNA-9: Provide for the development of a Town Park at the Presbytery adjoining the R563 as indicated in the Zoning Map. While the proposed development would hinder the development of an extensive Town Park, it must be noted that the proposed development includes for the provision of almost 1 Hectare of Open Space abutting the proposed new primary school in a part of Milltown where there is a relatively high level of new residential development. In addition to providing community facilities, the proposed development would comply with policies of the LAP in relation to development of infill sites, protection of mature trees and extending public footpaths.

2. Traffic

The proposed development includes for the provision of two new vehicular entrances to the R563 Regional Road to serve the proposed primary school and parish centre in an area where the urban speed limit applies and the provision of a new entrance to serve the Old Presbytery and new Priests House on to the estate road serving Ballyoughtragh Heights. The proposal was assessed by the Roads, Transportation and Safety Dept, Kerry County Council and their report recommends a number of conditions to be attached to any grant of permission.

The proposed development would result in the development of a new public footpath along site fronting the R563 Regional Road. It is considered that this new footpath would contribute to pedestrian safety in the vicinity.

3. Visual Impact

It is considered that the proposed development would integrate into the village setting.

4. Impacts on adjoining properties

It is considered that the proposed development would not cause any negative impacts on the amenities of properties in the vicinity of the site.

5. Ecological impacts

At the request of the KCC Biodiversity Officer, the applicant commissioned a Bat Survey. The report on the Bat Survey is deemed satisfactory and the mitigation measures specified are recommended to be attached as conditions of planning permission.

6. Water pollution

Proposed development can be connected to the public foul sewerage network.

7. Impact on Architectural Heritage

KCC Conservation Officer's final report concludes that the Architectural Heritage Impact Assessment is acceptable and the revised layout of the proposed Priests House received on 23/12/2011 would ameliorate the impact of the development on the Protected Structure.

8. Archaeology

An Archaeological Impact Assessment of the site with pre-development testing was carried out on foot of request for further information. Final report from County Archaeologist recommends a condition requiring the maintenance of a 20 metres buffer zone around the Recorded Monument during construction works.

9. Planning History

There is no relevant planning history relating to the site.

10. Calculation of development contributions:

Minutes March Ordinary Meeting

At application validation stage, it was deemed that the application was exempt from the requirement of planning fees. Consequently, no development contributions may be levied.

11. Application for a 10 year permission.

Having regard to the nature and extent of the proposed development and to the provisions of the Planning and Development Act, 2010 in relation to extending the duration of grants of permission, it is considered that the granting of a 10 year permission would not be warranted in this case.

Recommendation

Grant planning permission for 5 years only and outline planning permission for 3 years subject to the following conditions:

FIRST SCHEDULE

Having regard to the nature, extent and location of the proposed development 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 on the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Schedule 2(a) – Permission to create a new entrance, access road and boundary enclosure to the existing Presbytery and Outbuildings.

The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 01/03/2011 and revised on 23/12/2011.

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

The recommendations of the Tree Survey and Plan of Preservation received 23/12/2011 shall be implemented in full.

Reason: To ensure the preservation of trees in the area and to integrate the development into the surrounding area.

All mitigation measures outlined in the Bat Fauna Study shall be undertaken in full. Any works to stables will require a licence from NPWS.

Reason: To ensure the preservation of bat fauna in the area.

A 20m buffer zone around the recorded enclosure Ke047 056 shall be provided. This zone shall be 20m in extent and shall be measured from the outermost, surviving

element of the monument. No works or storage of material shall be permitted within this buffer zone which shall be securely fenced off during construction.

Reason: To ensure the preservation of the archaeological heritage of the area.

The new vehicular access to the Presbytery shall be located as shown on the Site Layout Map received on 23/12/2011 and shall be recessed from the centre of existing boundary fence with the Ballyoughtragh Heights Service Road.

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

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

Development of the new access to the Presbytery shall not affect the surface water drainage regime of the Ballyoughtragh Heights Service Road and no surface water from the development shall be allowed to flow onto this access road.

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

Schedule 2(b) – Permission for a 12 Classroom Primary School, new access road, entrance and all associated services and site works.

The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 01/03/2011 and revised on 23/12/2011 except for any alterations or modifications specified in this decision.

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

All mitigation measures outlined in the Bat Fauna Study shall be undertaken in full.

Reason: To ensure the preservation of bat fauna in the area.

A 20m buffer zone around the recorded enclosure Ke047 056 shall be provided. This zone shall be 20m in extent and shall be measured from the outermost, surviving element of the monument. No works or storage of material shall be permitted within this buffer zone which shall be securely fenced off during construction.

Reason: To ensure the preservation of the archaeological heritage of the area.

The recommendations of the Tree Survey and Plan of Preservation received 23/12/2011 shall be implemented in full.

Reason: To ensure the preservation of trees in the area and to integrate the development into the surrounding area.

Proposed school shall be in accordance with the design drawing received on 23/12/2011.

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

The school shall be connected to the public water supply network. A meter box shall be provided to the satisfaction of the Water Services Authority.

The proposed development shall be connected to the public sewer to the satisfaction of the Water Services Authority. Any extension to the public sewerage network necessary in order to provide connection to the proposed primary school shall be carried out at the applicants expense.

Full details of the sewer and water connections shall be submitted for the written approval of the Water Services Authority, Kerry County Council prior to the commencement of any development works on site.

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

A junction with appropriate corner radii in compliance with the NRA Design Manual for Roads and Bridges shall be constructed on the R563 Regional Road at the access to the proposed new Primary School. This junction shall be signed and lined in accordance with the DOT Traffic Signs Manual. 2m wide footpaths shall be provided on both sides of the proposed access road, which shall have a carriageway width of 6m

A dedicated vehicle set-down area for the proposed new Primary School shall be constructed to replace the turning circle. This set-down area shall incorporate a minimum of 15 car parking spaces and shall also incorporate adequate provision for bus set-down. Clearly defined pedestrian facilities shall also be detailed to link the access road footpaths and the set down area, with the school. A detailed layout plan shall be submitted for the written approval of the Roads, Transportation and Safety Department, Kerry County Council at least 3 months prior to the commencement of the development.

Prior to occupation of the new primary school, a 2m wide public footpath, measured from the edge of the existing public road, shall be constructed along the R563 Regional Road for the full length of the site. The footpath shall be constructed using a minimum of 150mm of concrete. Dropped kerbs and tactile paving shall be provided at the access road entrances to the proposed school and proposed Parish Centre in accordance with current Department of Transport Design Guidelines. A kerb and gully drainage system shall be provided along the R563 which shall be piped to the nearest storm water sewer. These works shall be agreed on site with the Killorglin Area Engineer.

A new stone boundary wall with iron railings in accordance with design detail received on 23/12/2011 shall be constructed 8.5m from the edge of the new kerb. Stonework shall be constructed with natural stone which shall be sourced locally.

A Stage 1/2 Road Safety Audit shall be undertaken on the revised Site Layout by Auditors approved by the Roads, Transportation and Safety Department. A

Minutes March Ordinary Meeting

subsequent Stage 3 Road Safety Audit shall be undertaken upon the substantial completion of the development. The recommendations of the Road Safety Audit shall be acted upon by the developer. The extent and scope of the Audits shall be agreed with the Roads, Transportation and Safety Department.

The existing drainage characteristics of the site shall be assessed and the storm water generated by this development shall be fully attenuated on site. A drainage design shall be submitted for the written approval of the Roads, Transportation and Safety Department at least 3 months prior to the commencement of the development.

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

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

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 shall produce a company safety statement along with a site specific safety plan. The site specific safety plan shall include site specific risk assessment, a traffic management plan.

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

Prior to the commencement of development, the developer shall pay a contribution of **EUR 20,000** 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:

Item	Cost
Provision of pedestrian facilities on the R563 Regional Road to serve the development.	€15,000
Contribution towards improvements to public lighting on the R563 Regional Road.	€5,000
Total	€20,000

The amount of this contribution will be increased from January 1st 2013 and annually thereafter (unless previously discharged) in line with the Wholesale Price

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.

Schedule 2(c) – Outline Planning Permission for a New Parish Centre with new entrance, parking and associated services and site works

The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 01/03/2011 and revised on 23/12/2011 except for any alterations or modifications specified in this decision.

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

All mitigation measures outlined in the Bat Fauna Study shall be undertaken in full.

Reason: To ensure the preservation of bat fauna in the area.

The recommendations of the Tree Survey and Plan of Preservation received 23/12/2011 shall be implemented in full.

Reason: To ensure the preservation of trees in the area and to integrate the development into the surrounding area.

The footprint of the Parish Centre shall be in keeping with that outlined on Site Layout Map received 23/12/2011.

The design of the Parish Centre shall be appropriate to the location and setting of the site to the satisfaction of the Planning Authority.

Reason: To integrate the structure into the surrounding area.

Vehicular access to the Parish Centre shall be located as shown on the Site Layout Map received on 23/12/2011. Appropriate junction radii in accordance with the design standards shall be provided at the entrance to the Parish Centre.

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

The Parish Centre shall be connected to the public water supply network. A meter box shall be provided to the satisfaction of the Water Services Authority.

The proposed development shall be connected to the public sewer to the satisfaction of the Water Services Authority. Any extension to the public sewerage network necessary in order to provide connection to the proposed Parish Centre shall be carried out at the applicant's expense.

Full details of the sewer and water connections shall be submitted with application for permission consequent.

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

A detailed landscaping plan paying particular attention to the public roadside screening of the parking area shall be submitted at permission consequent stage.

Reason: To integrate the development into the surrounding area.

Schedule 2(d) – Outline Planning Permission for a New Parish House, access road and all associated services and site works

The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 01/03/2011 and revised on 23/12/2011 except for the alterations and modifications specified in this decision.

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

The recommendations of the Tree Survey and Plan of Preservation received 23/12/2011 shall be implemented in full.

Reason: To ensure the preservation of trees in the area and to integrate the development into the surrounding area.

All mitigation measures outlined in the Bat Fauna Study shall be undertaken in full.

Reason: To ensure the preservation of bat fauna in the area.

A 20m buffer zone around the recorded enclosure Ke047 056 shall be provided. This zone shall be 20m in extent and shall be measured from the outermost, surviving element of the monument. No works or storage of material shall be permitted within this buffer zone which shall be securely fenced off during construction.

Reason: To ensure the preservation of archaeology in the area.

The footprint of the Parish House shall be in keeping with that outlined on Site Layout Map received 23/12/2011.

The design of the Parish House shall be appropriate to the location and setting of the site to the satisfaction of the Planning Authority.

Reason: To integrate the structure into the surrounding area.

Vehicular access to the Parish House shall be solely from the new access road permitted to serve the Old Presbytery.

The new access road to serve the Old Presbytery shall be completed to the satisfaction of the Planning Authority prior to the occupation of the new Parish House.

The proposal for a footpath / cycle way to the south of the Parish House off the Ballyoughtragh Heights access road is not permitted.

Minutes March Ordinary Meeting

The access road to the Parish House from the new access road to the Old Presbytery shall end at the private entrance to the Parish House. Revised Site Layout Map in compliance shall be submitted for the written approval of the Planning Authority within 4 weeks of receipt of this decision.

Reason: In the interest of traffic safety.

The Parish House shall be connected to the public water supply network. A meter box shall be provided to the satisfaction of the Water Services Authority.

The proposed development shall be connected to the public sewer to the satisfaction of the Water Services Authority.

Full details of the sewer and water connections shall be submitted at the time of submission of the permission consequent application on site.

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

Mr. P Stack SE Planning Department referred to the report above dated 06/03/2012 which was previously circulated. He briefed them in detail on the report.

Cllr. M O'Shea welcomed the report and also welcomed that funding would be made available for the construction of a new secondary school in Milltown in 2014-2015.

Cllr. M O'Shea PROPOSED in accordance with the provisions of Section 34(6) of the Planning and Development Act 2000, as amended by Section 23 of the Planning and Development Act 2010, the grant of permission to St. Brendan's Trust (a) to create a new entrance, access road and boundary enclosure to existing presbytery and out buildings, (b) permission for a 12 classroom primary school, new access road, entrance and all associated services and site works, (c) outline permission for a new parish centre with new entrance, parking and associated services and site works, (d) outline permission for a new parish house, new access road network (including temporary entrance roadway) 2 entrances and all associated services and site works at the presbytery site, (please note the existing presbytery is a protected structure and the site also contains a National Monument, Ref. No. KE 047-056. No works are proposed to the protected structures or national monument) at Ballyoughtragh North, Milltown, Co. Kerry in accordance with plans submitted on Planning Register No. 141/11 which development would materially contravene the objectives Kerry County Development Plan 2009 - 2015 and in particular the objectives of the Tralee/Killarney Hubs Settlements Local Area Plan 2006 - 2012 (in respect of the Town of Milltown).

Cllr. M. Griffin SECONDED this proposal.

Cllr. J Brassil said that Kerry County Council had sought the support of St. Brendan's Trust in the past and it had not been forthcoming and it was important to point out that the members had agreed to this material contravention for the good of the community.

A vote was then taken on Cllr. O'Shea's proposal. It resulted as follows:

Minutes March Ordinary Meeting

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

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the resolution carried.

12.03.12.05 Holding of the April Ordinary Meeting in Clounmacon.

Mr. G O'Brien Meetings Administrator suggested that due to Easter break falling this year between 6th and 9th April that the April meeting of the Full Council which was due to take place in Clounmacon on Monday 16th April would be deferred until Monday 23rd and the Listowel Electoral Area Meeting which was due to be held on Monday 23rd April would be brought forward to Monday 16th.

On the PROPOSAL of Cllr. P Leahy SECONDED by Cllr. J Finucane it was agreed that the April Ordinary Meeting of Kerry County Council would be held in the Community Hall, Clounmacon, Listowel on Monday 23rd April 2012 at 11.30am and that the Listowel Electoral Area Meeting which was due to be held on Monday 23rd April 2012 would be held in Áras an Phiarsaigh, Listowel on Monday 16th April 2012 at 10.00 am.

12.03.12.06 Dates agreed for the following meetings

(a) Special Planning Meeting

On the PROPOSAL of Cllr. M Griffin SECONDED by Cllr. S Cosai Fitzgerald it was agreed that a Special Planning Meeting of Kerry County Council to consider the County Manager's Report on submissions received on the Draft Dingle Functional Area Local Area Plan 2012-2018 would be held on Monday 2nd April 2012 at 10.30am

(b) Killarney Electoral Area Meeting

On the PROPOSAL of Cllr M Gleeson SECONDED by Cllr. B Cronin it was agreed that the next Killarney Electoral Area Meeting would be held in the Council Chamber, Town Hall, Killarney on Tuesday 3rd April 2012 commencing at 10.00am

(c) Listowel Electoral Area Meeting

On the PROPOSAL of Cllr J Brassil SECONDED by Cllr. P Leahy it was agreed that the next Listowel Electoral Area Meeting would be held in the Council Chamber Áras an Phiarsaigh, Listowel on Monday 16th April 2012 commencing at 10.00 am

(d) Killorglin Electoral Area Meeting

Cllr. J Healy Rae PROPOSED that the next meeting of the Killorglin Electoral Area Committee would commence at 2.00pm

Minutes March Ordinary Meeting

On the PROPOSAL of Cllr. PJ Donovan SECONDED by Cllr. M Cahill, it was agreed that the next Killorglin Electoral Area Meeting would be held in Caherciveen on Friday 27th April 2012, commencing at 10.30 am.

(e) Tralee Electoral Area Meeting

On the PROPOSAL of Cllr. N Foley SECONDED by Cllr. A McEllistrim, it was agreed that the next Tralee Electoral Area Meeting would be held in the County Buildings Tralee on Monday 30th April 2012 commencing at 11.30am.

(f) Dingle Electoral Area Meeting

On the PROPOSAL of Cllr. S Cosai Fitzgerald SECONDED by Cllr. M Griffin, it was agreed that the next Dingle Electoral Area Meeting would be held in Killorglin Golf Club on Wednesday 2nd May 2012, commencing at 9.45 am.

12.03.12.07 Report on Operation of Litter Pollution Acts, 1997 - 2009

Mr. O Ring Director of Environment & Water Services referred to his report dated 06/03/2012 which was circulated prior to the meeting and briefed the members as follows:

Mr. Ring said that the following litter prevention and control programmes are in place.

1. National Spring Clean Campaign,
2. Adopt a road Scheme
3. Adopt a Bring Bank Scheme.

Enforcement Action

Mr. Ring said that 511 cases of littering/illegal dumping had been addressed as follows:

357 clean ups has been carried out by litter wardens and evidence of identity had been recovered in 47 cases. 20 significant clean ups had been carried out by Kerry County Council's area offices. 70 sites had been cleaned by the landowners. 1 Section 16 Notice had been issued. 53 cases had been resolves.

With regard to abandoned cars, Mr. Ring said that 18 cases had been dealt with. Section 71 Notices had been issued in 4 of those cases.

Enforcement Action had resulted in 4 successful prosecutions with €1,420 being collected in fines and costs. 133 on the spot fines issued yielded €7,935 in income

CCTV

Mr. Ring said that 7 identified remote litter black spots had been monitored by covert CCTV cameras. One successful prosecution had been completed with costs awarded to Kerry County Council. Signage advising of periodic covert surveillance had been erected at known litter black-spots and a second camera system had been purchased for use at bring banks.

Education Programmes

Schools in Kerry have achieved 81 green flags .

13 beaches in Kerry have been awarded blue flag status.

Dog fouling bins and "pooper scoopers" have been provided, however, dog fouling remains a significant problem.

Environmental Awareness

Environmental Awareness Officer, Mr. M Ó Coilean liaises with schools, community groups, active retirement groups and Tidy Towns Committees to promote environmental awareness. He also oversees the transition town movements in Tralee and on the Dingle Peninsula and publishes a weekly article in the Kerryman on environmental issues. A "Master Composter" course has been completed by 35 people from community groups and over 350 native tree saplings were distributed to schools and communities during tree week in 2011.

Other Anti-Litter Initiatives

Mr. Ring said that anti-litter advertisements had been erected at Kerry General Hospital and at Supervalu in Killarney. Anti-litter awareness signage aimed at dog owners has been provided and "personalised pouches" for cigarette and gum litter are available. Also, car stickers with anti-litter messages and tidi bags geared towards preventing roadside litter. An advertising campaign is being run in conjunction with Radio Kerry and local print media.

Conclusions

Mr. Ring said that illegal dumping continues to be a problem in Kerry, however, the general public are now more vigilant in reporting littered areas. Local groups are an invaluable resource in the clean up of littered areas. A multi-focused approach has yielded some positive results. Mr. Ring said that 154 surveys were carried out by the Litter Wardens in 2011 which indicated that slightly/moderately polluted sites fell from 98% in 2010 to 32% in 2011. Unpolluted sites had risen to 69% in 2011 from 1.3% in 2010

Cllr. B O'Connell thanked Mr. Ring for the presentation and compliment the management and staff of the Environment Department, Tidy Towns Committees community groups and schools on the work carried out by them in endeavouring to keep the county litter free. He said that every household should be accountable for the disposal of its refuse and homeowners/occupiers should be required to produce evidence of their waste collection/disposal service.

Cllr. M Gleeson thanked Mr. Ring for the report and said that the improvements in environmental awareness were important for the physical well being of the county and the report from the Environment Department gives grounds for optimism year on year. He said that a very successful clean up had been carried out in Lissivigeen, Killarney in the past week as unfortunately, illegal dumping is still prolific. He pleaded with management of Kerry County Council to retain ownership the transfer stations which he said were of vital importance and the environment would suffer if this service was no longer available free of charge.

He complimented Mr. M Ó Coileán Environmental Awareness Officer on his work with the schools in the county and said *"Is iontach an obair atá déanta aige"*

Cllr. Gleeson predicted that Listowel would be the next Kerry town to win an award in Ireland's Best kept Town competition and said that he would like to see more towns in the county becoming involved in the competition.

Cllr. Gleeson asked if arrangements were in place for the collection of green bags of litter left on the roadside by community groups now that Kerry County Council had

Minutes March Ordinary Meeting

exited the refuse collection service. With regard to dog fouling, Cllr. Gleeson said that a litter warden should have the authority to ask a person walking a dog in a public place if they were carrying equipment to clean up after their dog. He said that chewing gum being discarded on footpaths was also an issue of concern.

Cllr. Gleeson referred to the sale of the refuse collection service by Kerry County Council to KWD Recycling and asked how customers who previously qualified for the waiver scheme operated by the Council would be accommodated into the future.

Cllr. D Healy Rae complimented management and staff of the Environment Department on their work and acknowledged the contribution of people working on Rural Social Schemes. He asked that illegal dumping at Poulgorm Bridge, at the top of the County Bounds and at Rossacruie on the road to Kilgarvan would be investigated. He also asked that the bottle bank at Gneeveguilla would be emptied on a regular basis.

Cllr. M Cahill thanked Director of Environment & Water Services, Mr. O Ring and the staff of the Environment Department and paid tribute to the voluntary groups who work in co-operation with Kerry County Council. He asked that the Environment Department would examine and address the problem with graffiti on the long wall on the Killorglin/Caragh Lake road.

Cllr. T O'Brien welcomed Mr. Ring's presentation and commended the work being done by the Environment Department. He agreed with Cllr. Gleeson that litter wardens should be empowered to question dog walkers with a view to addressing the problem with dog fouling. He also expressed concern about illegal dumping and welcomed CCTV covert surveillance.

Cllr. B Cronin welcome the presentation and complimented Mr. O Ring and the staff of the Environment Department, in particular Mr. M O Coileán Environmental Awareness Officer and the Litter Wardens for their work in protecting the environment throughout the county. He also acknowledged the work of voluntary community groups and the staff of Kerry County Council's local area offices. He welcomed the provision of covert CCTV cameras and if funding was available would encourage the purchase of additional CCTV systems. He agreed with Cllr. Gleeson that Kerry County Council should retain ownership of the transfer stations as they provide a very important service to local communities. He asked that the following illegal dumping black spots in Kilcummin would continue to be monitored: Cockhill to Bawnaglanna road, the Ardagh link road, the Barleymount to Kilbrean road.

Cllr. J Brassil welcomed the presentation and said that he too wanted to be associated with the compliments of the members to Mr. O Ring DOS and the staff of the Environment Department in particular Mr. M O Coileán for his work on promoting environmental awareness. Cllr. Brassil said that participation in the Tidy Towns Tree Project Award should be encouraged this year as towns and villages would benefit from having the right tree in the right place. With regard to dog fouling Cllr. Brassil agreed with previous speakers and said that litter wardens should be empowered to remind dog walkers of their responsibility to clean up. He also agreed that householders should be required to produce evidence of their waste

collection/disposal arrangements. Cllr. Brassil request that an application form for the "Adopt a Road Scheme" would be forwarded to him and asked that management of the Environment Department would arrange for the collection of bags of rubbish which are left on the roadside following clean ups by community and voluntary groups.

Cllr. G Wharton Slattery complimented Mr. Ring and the staff of the Environment Department on their work and said that she had been involved with Tralee Tidy Towns Committee for many years. She referred to a recent clean up which had been organised but which had not gone ahead due to issues with regard to insurance cover and asked if a group of people carrying out a clean up were included in the insurance cover of the Tidy Towns Committee. Cllr. Wharton Slattery agreed with previous speakers regarding the issue of dog fouling and said that the provision of covert surveillance had helped to reduce the amount of illegal dumping in Garvey's car park in Tralee. She said that members should be allowed to allocate a portion of County Councillor's Allocation (CCA) towards works in connection with participation in tidy towns competitions.

Cllr. S Fitzgerald welcomed the presentation and commended the work of Mr. Oliver Ring DOS and the staff of the Environment Department on their work. He too agreed that dog fouling was a major problem at present and welcomed that dog fouling bins and "pooper scoopers" will be provided.

Cllr. R Beasley welcomed the presentation and commended the work of the Environment Department, tidy towns committees, community groups and schools on their work in promoting environmental awareness. He said that he had raised the issue of dog fouling at several previous meetings and said that dog owners must be made aware of their responsibility to clean up when walking their dogs. Cllr. Beasley praised Ms. E Daly, Litter Warden for her consistent rapid response when contacted. He asked that the Council would continue to employ seasonal staff to carry out the additional duties which may arise during the summer season.

Cllr. A McEllistrim welcomed the presentation and complimented Mr. O Ring and the staff of the Environment Department, in particular Ms. E Daly, Litter Warden for their commitment to the environment throughout the county. She welcomed the provision of signage and covert surveillance at illegal dumping black spots and said that the signage advertising periodic surveillance was in itself a deterrent to potential illegal dumping. She referred to the sale of the refuse collection service by Kerry County Council and said that a facility to cater for former waiver customers of Kerry County Council should be put in place.

Cllr. PJ Donovan welcomed the presentation and thanked Mr. O Ring and the staff of the Environment Department, the staff of Kerry County Council's area office in Caherciveen, ACARD (Caherciveen Development Association) participants in the Rural Social Scheme in Caherciveen and local businesses who supply materials and support the clean ups in the town. He added that illegal dumping in the vicinity of the bottle banks in the car park was still occurring.

Minutes March Ordinary Meeting

Cllr. M O'Shea welcomed the presentation and complimented Mr. Ring and the staff of the Environment Department on their work. He expressed concern that Kerry County Council may not be in a position to retain ownership of the transfer stations into the future and should this happen he asked that the County Manager would make the members aware of the situation prior to exercising his executive function. Cllr. O'Shea also agreed with previous speakers that the issue of dog fouling in public places should be addressed as a matter of urgency.

Cllr. L Purtill welcomed the presentation and complimented Mr. Ring and the staff of the Environment Department on their work. He too agreed that dog fouling on footpaths in towns and villages was a widespread problem and dog owners must acknowledge that they have a responsibility to other users of the footpaths and roads, particularly children.

Cllr. N Foley thanked Mr. Ring for his presentation and complimented the Environment Department on the work being done in particular with regard to education programmes. She agreed that dog fouling was a significant issue in towns and villages and said that best practice in other EU countries should be examined with a view to addressing this problem. Cllr. Foley also expressed concern about graffiti on buildings and said that a pro-active campaign should be initiated to address this issue.

Mr. O Ring Director of Environment & Water Services thanked the members for their complimentary remarks. With regard to the members queries concerning a waiver scheme for low income households, Mr. Ring said that the Minister for the Environment Community & Local Government was expected to release a policy statement on the waste collection market in the near future which would address matters such as waiver of waste collection charges for households on low income and the requirement of proof that a householder is using a refuse collection service.

Mr. Ring said that a review of the transfer station service was currently being carried out and Kerry County Council was very much aware of the importance of the facilities provided and the high level of use by the public. He said that the areas mentioned by the members as illegal dumping sites would be examined and acknowledged the concerns of the members with regard to the issue of dog fouling and undertook to raise the matter at the next meeting of the Environment APC.

Mr. J Breen Director of Housing & Community & Enterprise referred to Cllr. Wharton Slattery's query concerning insurance cover for groups of people taking part in a clean up of their local area and said that the Community & Voluntary Forum had a national insurance scheme designed to protect the specific risks of community and voluntary groups. He added that a common sense approach should be taken and nothing should hold people back from keeping their local area clean and tidy.

12.03.12.08 Report and approval of lands for submission to the Land Aggregation Scheme

Ethics Declaration

Minutes March Ordinary Meeting

Cllr. P. Connor Scarteen declared in accordance with Section 177 of the Local Government Act 2001 that his family were involved in business dealings in respect of the lands in Kenmare and Sneem and he would leave the meeting while this item was being discussed.

Cllr. P. Connor-Scarteen then left the meeting.

Cllr. M. O'Shea declared in accordance with Section 177 of the Local Government Act 2011 that his Company sold the land in Milltown to the Council and for this reason he would leave the meeting while the item was being discussed.

Cllr. M. O'Shea then left the meeting.

Mr. J Breen Director of Housing & Community & Enterprise read his report dated 6th March 2012 into the record of the meeting.

"I refer to a previous discussion at the December Monthly Meeting and also at the Budget Meeting in early January with regard to proposals for submission of lands in the ownership of Kerry County Council under the Land Aggregation Scheme as operated by the Department of the Environment, Community & Local Government. As you will recall when the matter was discussed at the Budget Meeting in early January it was agreed that the matter would be referred to the Housing SPC for consideration and recommendation. As you will recall the chair of the Housing Strategic Policy Committee, Cllr. Breeda Moynihan Cronin requested at the Budget Meeting that any Councillor who wished to make representations or make submissions in respect of the consideration of lands by the Housing SPC should contact the Director of Services, Mr. John Breen. A meeting of the Housing SPC was scheduled for the 2nd February last and in advance of that meeting two Councillors made contact with me and made submissions which I brought to the attention of the Housing SPC.

On 2nd February last the Housing SPC met and amongst other matters considered the Land Aggregation Scheme. In the course of a very extensive discussion I briefed the Members of the Committee on the representations that had been made by the councillors to the extent that no lands in the Killorglin or the Killarney electoral areas would be included in the Land Aggregation Scheme and the request that full details of the lands when they were purchased, value of same etc. be brought before the Members of the Housing SPC. For your information the reports which were presented to the Housing SPC which comprised of:

1. Report to the SPC itself
2. Report presented to Council on 19th December 2011
3. Relevant maps pertaining to the lands in question
4. Financial projections which are contained in the sheet at the rear of the documents.

All of these reports were submitted to the Housing SPC in advance and in the course of the discussion at the Housing SPC I briefed the Members of the Strategic Policy Committee on the process in the Land Aggregation Scheme. It is important that I set

out again the process which pertains to any lands which the Council is considering to submit to the Land Aggregation Scheme. The process is as follows:

- The Local Authority Members decide to make an application to have lands included in the Scheme.
- Application is made to the Department of the Environment, Community & Local Government at loan maturity date.
- If the lands are accepted, the Council will subsequently be required to consider and adopt a resolution under Section 183 of the Local Government Act to give effect to the transfer of the lands.
- The land is then transferred to the Housing Agency.
- The Housing Agency will revert to the Local Authority before utilising the land for any purpose.

With regard to this latter point the matter was raised at the Housing Strategic Policy Committee as to what input the Local Authority would have in the future use of the land. I outlined that having been in touch with the Housing Agency they have confirmed that they would consult with the Local Authority before any land, which is accepted by them into the Land Aggregation Scheme, would be put to any use. The Housing Agency have confirmed that they would consult with the Local Authority in advance of utilising the land for any particular purpose.

The Members of the Housing SPC considered the options available to Kerry County Council and considered the request that had been made to them to make a recommendation to Council. They unanimously agreed that management should be requested to place before the Members a strategic report setting out those lands which should be included in the Scheme subject to the qualifications on how the Scheme would operate and particularly with regard to the assurances given by the Housing Agency regarding consultation with the Local Authority in advance of use of the lands.

Having considered the views of the Housing SPC, and taking on board their recommendation that management would place before the Members a strategic report setting out the options available, I have reconsidered the situation with regard to the Land Aggregation Scheme and in particular the financial imperatives which must be faced up to and which were brought to the attention of the Strategic Policy Committee particularly with regard to the financial imperative that without action in respect of the lands that the annual repayments from 2016 onwards would be in the order of €1.2m. This money would have to be met from the Revenue Budget of Kerry County Council and in the context of reduced capital allocations and a policy move in terms of housing towards Rental Accommodation Scheme and Social Housing Leasing that there was little or no prospect of much of the land being considered for housing in the short to medium term.

Request have been made to provide the original cost of all the lands and this has been provided in the attached tables. Normally such information would be considered

Minutes March Ordinary Meeting

as commercially sensitive but given the time that has elapsed since the purchases were completed at the prevailing market rates and given the change in the land market situation locally, I consider that on this occasion that release of the purchase price could no longer be considered as commercially sensitive and thus the original costs have been provided and apportioned where required.

Recommendation

Having taken on board the discussion which pertained at the Housing SPC meeting and the unanimous recommendation of the Housing SPC, requesting that a strategic report be placed before the Members of the Council, and further to the assurances which have been given by the Housing Agency which were outlined to the Housing SPC regarding consultation with the Local Authority prior to any future use of land I set out the strategic view regarding each portion of land as follows:

Commentary

Ballylongford
0.72 acres

Given the impending Shannon LNG project. These lands may prove strategically important from an economic and community development perspective.

Tarbert
3.65 acres

Given the impending Shannon LNG project and the lands close proximity to this major infrastructural development it is prudent to retain these lands from an economic development perspective similar to the Ballylongford lands

Knocknagoshel
0.44 acres

Given the reduced cost of servicing these lands it is prudent that these would be retained by the Local Authority.

Bridewell Lane, Milltown
0.64 acres

These lands are a substantial site in the heart of the town centre and accordingly have development potential and are strategically located.

Miles Lane, Milltown
1.8 acres.

These lands are located on the edge of the town and thus their development potential is limited by the reduction in the development of the town generally. It is appropriate that these lands be included in the scheme.

Rathmore
2.5 acres

This holding of lands in the town of Rathmore should be included in the LAS as there are many houses available in the town thus severely limiting the development potential of this site.

Carhan Rd.,
Caherciveen
3.5 acres

This land holding should be retained given the proportionate cost of servicing the land loan into the future relative to the amount of land.

Ardfert

The substantial land holding is situated in the centre of

Minutes March Ordinary Meeting

8.99 acres	Ardfert and given the commitment to developing a sewerage scheme for the village allied to its close proximity to Tralee this area will experience growth and should be retained.
Ballyferriter 2.98 acres	It is proposed to retain 1 acre of this site to facilitate an access road for development on an adjacent site by Udaras na Gaeltachta and for the provision of a playground and parking for the village.
Kenmare 8.32 acres	One acre of land to be retained as a future strategic site for a Fire Station in a suitable location to the front of the remaining lands having road access.
Waterville 3.85 acres	There is no potential for development of these lands presently and given the annual cost of maintaining them it is appropriate to include them in the LAS.
Sneem 3.81 acres	Similar to the situation that pertains in Rathmore there are many vacant properties presently in Sneem and thus there is no strategic need to retain these lands and they should be included in the LAS.

As set out above, and following on from the recommendation of the Housing SPC, the Council is requested to approve the inclusion of the lands on the attached **Appendix 1** in the Land Aggregation Scheme and should they be so approved the lands will be forwarded to the Department of the Environment, Community & Local Government for redemption once the maturity date on each loan has arisen. As previously advised it is then a matter for the Department to consider acceptance of the proposals and redemption of the loans".

Cllr. B Moynihan Cronin thanked Mr Breen for his report. As Chairperson of the Housing & Social Support SPC she paid tribute to the work done by the members of the SPC in considering the Land Aggregation Scheme. She said that there were three issues to be considered by the members:

1. How much the Council had paid for the lands
2. The members would have to make a decision to submit the lands for inclusion in the Land Aggregation Scheme notwithstanding that the Local Authority will not have a say in the subsequent disposal of the lands by the Housing Agency.
3. If the lands are accepted the members will be required to adopt a resolution under Section 183 to give effect to the transfer of the lands.

Cllr. Moynihan Cronin said that the overall view of the members of the SPC was that Kerry County Council could not afford to continue to make the annual loan repayments which from 2016 onwards would be in the order of €1.2 million. She said that she hoped that the members acknowledged the work of the SPC in considering the inclusion of lands in the scheme.

She PROPOSED that the members of Kerry County Council resolve to submit the lands included in Appendix 1 to the DoECLG for inclusion in the Land Aggregation Scheme..

Cllr. B O'Connell SECONDED the proposal.

Cllr. J Healy Rae then moved Notice of Motion No. 19.

Rejection of lands to be included in the Land Aggregation Scheme

19. Pursuant to Notice duly given Cllr. Johnny Healy Rae PROPOSED

"I am again asking when the lands that are being suggested to hand over to the Land Aggregation Scheme were purchased and how much each plot cost. I would like to add that I totally reject any suggestion that Rathmore, Kenmare, Sneem and Waterville would be put into this scheme".

Cllr. J Healy Rae said that he did not agree that the lands in Rathmore, Kenmare and Sneem should be included in the scheme. He said that the lands in Sneem should be retained in the ownership of Kerry County Council as a new sewerage scheme had been constructed in the village and houses currently available may not be in compliance with the planning permission granted. With regard to the lands owned by the Council in Kenmare, Cllr. Healy Rae said that land may be valuable in the future and Kerry County Council will regret having disposed of it. He referred to the Rental Accommodation Scheme (RAS) and said that the disadvantage of this scheme was that a tenant could not aspire to owning the house. He said that he would like to see Kerry County Council taking over the unfinished estate in Sneem and allocating the finished houses to applicants for social housing. He agreed that the lands in Ballylongford and Tarbert should be retained by Kerry County Council and reiterated that Kerry County Council would regret disposing of the lands in Kenmare and Sneem. He said that he would not be voting for the adoption of the scheme if the lands in Kenmare, Sneem and Rathmore were accepted.

Cllr. D Healy Rae SECONDED the proposal and said that he was opposed to the inclusion in the scheme of the lands in Rathmore, Kenmare, Sneem and Waterville. He said that Rathmore was an expanding town which was close to Gneeveguilla where no land was owned by Kerry County Council.

Cllr. PJ Donovan said that he was delighted that Kerry County Council would be retaining the lands at Carhan Road, Caherciveen and acknowledged that the Council would not be in a position to continue with the repayments. He said that he would prefer to have the lands in Waterville accepted into the scheme and the repayment funding being allocated towards Teach Amergin Community Arts & Education Centre in Waterville.

Cllr. J Brassil said that he had made a submission regarding the Land Aggregation Scheme to the Housing SPC and was disappointed that it was not included in Mr. Breen's report. He referred to Appendix 2 and asked for clarification regarding the fourth entry in Column 9 (Original Loan) in respect of Ballyferriter land. Mr. John Breen Director of Housing & Community & Enterprise apologised for the error and said that the figure should have read €504,865

Cllr. Brassil said that he would like a response to the following three questions.

1. How will the accommodation of applicants on the Housing List be dealt with in the areas where lands are accepted into the Land Aggregation Scheme/
2. Why was so much money paid for lands in Listowel and Ballylongford
3. He referred to Appendix 1 of the report and asked for clarification with regard to the three land holdings (two in Listowel) listed under *Approved Submission to Land Aggregation Scheme on Maturity*

Minutes March Ordinary Meeting

He said that Kerry County Council could not afford to continue to make the repayments therefore it was important that the proposal would be supported.

Cllr. N Foley referred to the report and said that while the Housing Agency had given assurances that it would consult with the Local Authority prior to any future use of the lands, the Local Authority would not have the power to veto any proposal for the land or be given first option with regard to use of the land.

Cllr. S Fitzgerald thanked Mr. Breen for the report and agreed that Kerry County Council could not afford to make the repayments into the future given the current economic situation and reduced capital allocations from the Department of the Environment, Community & Local Government.

Cllr. J Finucane thanked Mr. Breen for the report and said that the members should be thankful that such a scheme is available otherwise Kerry County Council may be facing a financial crisis. He welcomed that the lands in Ballylongford would be retained by Kerry County Council as it was important that the Council was seen to be pro-active in anticipation of the progressing of the LNG project. Cllr. Finucane said that he would like if representatives of NAMA (National Assets Management Agency) to be invited to attend a meeting of the Housing SPC as he felt that a scheme should be in place whereby the Local Authority would benefit from the sale of properties in its area.

Cllr. T Ferris said that NAMA (National Assets Management Agency) was in place to facilitate developers, the Land Aggregation Scheme was in place to facilitate Local Authorities but there was nothing for the ordinary people who paid exorbitant prices for sites in some of the areas mentioned in the report, due to having to compete with developers and the Local Authority. She referred to the report and said that while the Housing Agency had given an undertaking to consult with the Local Authority prior to deciding on future use of the land, the Local Authority would not have the option of first refusal and notwithstanding the current economic situation, Local Authorities may be in a position to build social housing again. She said that she was concerned that Kerry County Council had purchased land that was not suitable for housing and that during the course of the adoption of the Killorglin Local Area Plan when the de-zoning of land acquired under Part V of the Planning & Development Act 2000 was being discussed, she had pointed out that the land had never been suitable for the construction of housing. She said that she had not yet decided if she would support the application but would have no difficulty surrendering land which should never have been purchased in the first place but felt that the Local Authority should have an opportunity of first refusal when future use of the land was being decided by the Housing Agency.

Suspension of Standing Orders

The Mayor informed that meeting that as it was now 1.30pm he would suspend Standing Orders to allow for the meeting to continue.

On the PROPOSAL of Cllr. S Fitzgerald SECONDED by Cllr. N Foley, it was agreed to suspend Standing Orders.

Cllr. B Cronin said that he did not agree with the surrendering of lands which the Council had in its ownership but acknowledged that the level of repayments could not be sustained. He expressed concern that there were so many unfinished housing estates and vacant houses in the country while many people were living in very poor

conditions. He said that he would like to get clarification with regard to Kerry County Council's funding for housing and how many Single Rural Dwellings were likely to be started this year.

Cllr. M Cahill thanked Mr. Breen for the report and agreed that it would be very difficult for Kerry County Council to meet the loan repayments. He said that currently there were 30 applicants on the Housing List in Glenbeigh and it was unfortunate that the Long Term Leasing Scheme had not been more successful.

Cllr. J J Culloty also agreed that it would be very difficult for Kerry County Council to maintain the loan repayments into the future and said that the Local Authority should have an opportunity of first refusal when future use of the land was being decided by the Housing Agency

Cllr. P McCarthy said that the Local Authority was obliged to deal with the financial situation of the present and if the Kerry County Council had to continue the loan repayments as outlined in the report the provision of services would be greatly effected.

Cllr. M Gleeson said that we are now reaping the very bitter harvest of the frenzy which destroyed the country. He said that his views on the Long Term Leasing Scheme, about which he had serious reservations, were well known at this stage. He said that Kerry County Council cannot continue to make loan repayments on lands which it does not require and hoped that there would be a social element to the future use of the lands accepted into the Land Aggregation Scheme.

Cllr. A McEllistrim said that she would recommend the proposal as a decision must be made based on what is in the best interest of Kerry County Council.

Cllr. D Healy Rae asked if any of the lenders had been approached with a request to negotiate the repayments.

Mr. J Breen Director of Housing & Community & Enterprise acknowledged that this would be a very difficult decision for the members but reiterated that only the application process was being considered today and the Council would be required to consider and adopt a resolution under Section 183 of the Local Government Act to give effect to the transfer of the lands. Mr. Breen said that the total Housing Capital allocation to the four Kerry Local Authorities for last year was €2.5 million and as Director of Housing, he was responsible for overseeing many difficult decisions in the context of a changed world. Mr. Breen acknowledged that many of the purchase prices would seem excessive in the now depressed property market.

Mr. Breen said that was no housing crisis in Kerry as the majority of applicants for housing are accommodated in rented properties. He said that while no group housing was constructed last year 147 applicants for housing were accommodated under the Rental Accommodation Scheme (RAS), 100 casual vacancies were reallocated and 50 applicants were accommodated by Voluntary Housing Associations. A number of Single Rural Dwellings have been progressed to construction stage and a response

to an application for funding is awaited from the Department of the Environment, Community & Local Government.

Mr. Breen referred to the report which was circulated and said that the Housing Agency had confirmed that it would consult with the Local Authority in advance of utilising the land for any particular purpose but the Local Authority would not have a first option or veto on the use of the land. Following the adoption of a resolution under Section 183 of the Local Government Act, the Housing Agency will be the owners of the land

In reply to Cllr. Brassil's query in connection with Appendix 1 of the report, Mr. Breen said that the three entries under the heading "*Approved for submission to Land Aggregation Scheme on Maturity*" could not be submitted until the loan had reached its maturity date.

Cllr. Brassil said that the land at Castleinch, Listowel was landlocked and on a flood plane and in his opinion not suitable for housing development.

Mr. Breen responded that the land was not landlocked but acknowledged that the entrance would require to be enhanced to facilitate development. Mr. Breen also stated that the issue of flooding would be considered in the context of the newly issued flood guidelines from the Department.

A vote was then taken on Cllr. B Moynihan Cronin's PROPOSAL that the land mentioned in Appendix 1 would be submitted for inclusion in the Land Aggregation Scheme.

The vote resulted as follows:

For: Cllrs. Brassil, Cahill, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Foley, Gleeson, Leahy, McCarthy, McEllistrim, Moynihan-Cronin, O'Connell, Purtill, Sheahan, Wharton Slattery, Buckley **(18)**

Against: Cllrs. Cronin, D. Healy-Rae and J. Healy-Rae **(3)**

Not Voting: None **(0)**

The Mayor declared the resolution carried.

12.03.12.11. Agree a nominee to attend the Eighty –Sixth Ordinary General Meeting of Irish Public Bodies on Wednesday 6th June 2012.

On the PROPOSAL of Cllr. J Finucane SECONDED by Cllr. J Sheahan it was agreed to nominate Cllr. B O'Connell to attend.

Delegation from Kerry County Council to meet with AnTaoiseach, Mr. Enda Kenny TD on 4th April 2012.

On the PROPOSAL of Cllr. N Foley SECONDED by Cllr. JJ Culloty it was agreed that a delegation from Kerry County Council would meet with the Taoiseach, Mr. Enda Kenny TD to discussed the Shannon LNG project.

Cllr. Toireasa Ferris asked that Cllr. R Beasley would be given the option to join the delegation to allow for all party representation.

This was agreed.

The delegation to meet with An Taoiseach is as follows:

Cllrs. T Buckley, P Leahy, J Brassil, L Purtill, R Beasley, J Finucane.

The meeting then adjourned for lunch at 2.05 pm.

The meeting resumed at 2.45 pm

12.03.12.09. Report on the Efficiencies and Savings achieved by Kerry County Council.

Mr. John Flynn Director of Corporate Services read his report dated 12th March 2012 into the minutes as follows:

1. Background

“Members will be aware of the exceptionally difficult economic and financial conditions that are putting increasing pressure on public finances. It is acknowledged that significant adjustments are required within all parts of the public sector to reach a more sustainable service base and output levels.

The Irish economy is currently experiencing an unprecedented contraction in demand which reflects weakness across most components of expenditure as a result of declining personal consumption and further contraction in government expenditure and investment. Further declining activity is evident in the building and construction sector. The economic indicators show GDP and GNP decreasing by 0.1% and 2.2% respectively in the 3rd Quarter 2011, following expansion in the first half of 2011.

The Local Government Sector with an estimated revenue spend of €4.48bn in 2012 has experienced a substantial change in economic and financial circumstances resulting from external financial pressures, which have significantly impacted on both exchequer and non-exchequer funding sources. The accelerated reduction in funding and associated timescale has presented real pressures and challenges to the Sector in endeavouring to maintain services and output levels to the best degree possible.

2. Results

Local Government in the period 2008-2012 achieved a total revenue expenditure reduction across the sector of **€738m close on €³/₄ billion.**

Kerry County Council did an analysis of the savings and efficiencies achieved by this Council over this period and in particular the period 2010-2011.

I attach for the information of the members, the savings achieved through our Procurement Initiative and Efficiencies drives which formed part of the achievement of the National reduction of **€³/₄ of a billion.**

Minutes March Ordinary Meeting

Although only the top 5 areas in Procurement and Efficiencies were sought, I have expanded our return to show top 6 Procurement Initiatives and the top 8 Efficiency drives.

These represent in 2011, a total saving of **€2.4m**.

Kerry County Council will continue to drive Procurement Initiatives and Efficiencies as outlined in the Budget 2012 report.

12.03.12.10 Site Assessment Unit and Site Effluent Disposal

A full report on this matter was circulated at the meeting. Mr. M Boyce SEE made a presentation to the members as follows;

Proposed Content of Regulations for Operation and Maintenance of Domestic Waste Water Treatment Systems – Consultation Document

“The Minister for the Environment, Community and Local Government, Mr. Phil Hogan T.D., is issuing this consultation document which sets out in full the details of what he proposes to include in standards for the operation and maintenance of septic tanks and other domestic waste water treatment systems. This document has been drafted in consultation with officials from the Environmental Protection Agency and local authorities. The Minister is inviting submissions on the document and the standards before he gives them legal effect. It is the Minister’s intention, subject to the outcome of this consultation process, to include the requirements set out in paragraphs 1-4 below in regulations to be made under the Water Services (Amendment) Act 2012.

Submissions can be made by email to watersp@environ.ie or in writing to the address below.

Domestic Waste Water Systems – Consultations

Water Services Policy Section

Department of the Environment, Community and Local Government

Newtown Road

Wexford

The closing date for receipt of submissions is 4.00pm on Friday, 30 March 2012.

1. General responsibility

Owners of houses served by a septic tank or other domestic waste water treatment system should be aware of the location of their system and its component parts and should carry out an examination of their system at least once a year to ensure there is no visual evidence that it is causing pollution or that it is in need of maintenance. The percolation area should also be examined to ensure it is not damaged. Owners should take care that the percolation area is kept free from disturbance from vehicles, heavy animals, sports activities or other activities likely to break the sod on the surface.

By carrying out such examinations and ensuring the system is operated and maintained correctly, the householder will reduce the likelihood of the system causing any risk to human health or the environment.

This will enable the householder to take the first step to fulfilling his or her obligation under the Act to ensure that the treatment system is not a risk to public health or the environment.

The regulations will require that only the domestic waste waters from the premises should be allowed to enter the treatment system. Domestic waste water – which is defined in the Water Services Act 2007 – means waste water of a composition and concentration (biological and chemical) normally discharged by a household, and which originates from the human metabolism or from day to day domestic type human activities, including sanitation and washing (which includes grey water).

As part of the inspection system to be introduced, where a treatment system is found to be operating in a manner which contravenes the operation and maintenance regulations, practical and pragmatic solutions will be identified to bring the treatment system into compliance in the most efficient manner, having regard to the circumstances and to the level of the risk to human health and the environment.

It is also important to note that if a system is inspected and there is no evidence of a risk to human health or the environment, no remedial action will be required for the treatment system (including the percolation area), irrespective of the type or age of the system.

2. Discharges from the treatment system

The regulations will address discharges from the treatment system in three ways.

First, the regulations will provide that a domestic waste water treatment system should be operated and maintained by the owner so as to ensure that it is not discharging (e.g. seeping, leaking or otherwise escaping) from a place or part of the system where it is not designed or intended to discharge.

Second, the regulations will require that the effluent discharge pipe from the treatment system should not discharge directly to the surface of the ground or result in domestic waste water or other effluent from the system rising to the surface of the ground (this is known as “ponding” and is clear evidence that a system requires maintenance or remediation).

Third, the regulations will provide that a treatment system should also not directly discharge domestic waste water from the system into surface waters, such as streams or ditches, except where this is licensed under Section 4 of the Local Government (Water Pollution) Act 1977.

3. Sludge Removal

The frequency of emptying of sewage sludge from a treatment system will vary depending on a variety of factors – these would include the number of persons occupying the house(s) discharging to the system, the capacity of the system and the treatment process within the system, etc. The carrying out of an examination of the system (at least once a year), including dipping the tank, is the most practical method of determining if sludge needs to be removed from the system. Attached for information purposes at Appendix 1 is a schedule prepared by Cavan County Council setting out recommended periods, based on occupancy levels and tank capacities, for sludge removal from treatment systems. This schedule is included for indicative purposes only; it will not be included in the Regulations.

The regulations will provide that the owner of the treatment system should have the system de-sludged as required to avoid causing a risk to public health or the environment and for the efficient operation of the treatment system. Because the minimum frequency for de-sludging will depend on a variety of different factors, the

Minutes March Ordinary Meeting

regulations will not specify a standard minimum period for de-sludging. However, owners should be aware that all treatment systems require periodic desludging for efficient operation. If sludge is left to accumulate in the system indefinitely, the performance of the system will deteriorate.

The collection and transport of sludge from domestic waste water treatment systems is controlled by local authorities under the Waste Management (Collection Permit) (Amendment) Regulations 2008. Only waste collectors permitted under the collection permit regulations are authorised to transport domestic waste water treatment plant sludges. A list of permitted collectors is available from individual local authorities. When having the system deslugged, the owner should get a written receipt from the authorised person and should keep the receipt so it can be presented if the system is subsequently inspected.

All domestic waste water sludges should be disposed of in accordance with existing legislation. The existing arrangements for the disposal of sludge in agriculture will continue to apply.

4. General Operational Requirements

The regulations will provide that:

- (a) the tank capacity and configuration should be sufficient to allow for settlement and retention of solids, in accordance with general occupancy levels;
- (b) Roof water and surface water runoff is not allowed to enter the waste water treatment system;
- (c) Inlets/outlets/pipework are clear of any adverse material or blockages;
- (d) Man-hole covers, manholes, distribution box, T-pieces, pipes, tanks are of good working order are not damaged and are sealed where appropriate;
- (e) Any distribution-box/pump chamber should be watertight and the distribution box should be level and allow for even distribution;
- (f) Any mechanical or electrical equipment (e.g. pumps, aerators, alarms etc.) are fit for purpose and are operational;
- (g) Aeration vent pipes should be dry and free from obstructions, and
- (h) Such operation and maintenance is in compliance with manufacturer's Operation and Maintenance Manual, as appropriate".

Cllr. P Leahy thanked Mr. Boyce for his presentation and said that he was concerned about the high level of Site Assessment Unit (SAU) refusal rate in 2011.

Cllr. D Healy Rae welcomed the presentation. He asked if the presence shallow bedrock on a site was an insurmountable problem and if there was any way around this problem

Cllr. Healy Rae referred to "grey water" and said that previously it was his understanding that the wastewater from domestic appliances should not go into septic

tanks now the requirement is that this water must be directed to the waste water treatment system.

Cllr. J Finucane thanked Mr. Boyce for his presentation, in particular the visual aspect which he said was very beneficial. He referred to the criteria to become a member of the panel of site assessors and said that there should be a similar system in place for planning agents as some agents tended to advise clients to apply for planning on unsuitable sites, on the proviso that something can be done. He said that people should be and are entitled to be given the correct information. He said that a pre-planning seminar should be held quarterly for the benefit of agents.

With regard to site effluent disposal Cllr. Finucane said that the risks to public health and water quality should be emphasised.

Cllr. J Brassil thanked Mr. Boyce for his presentation. He referred to the site assessment statistics for 2011 and asked if the majority of the 45 SAU refusals were as a result of assessments carried out by particular assessors as in his opinion assessors whose work is not up to the required standard should be removed from the panel of assessors. Cllr. Brassil said that some of the Single Rural Cottages owned by the Local Authority may not have adequate waste water treatment systems and while he accepted that these houses were built many years ago, there would be an onus on the Local Authority to address the matter.

Cllr. M O'Shea complimented Mr. Boyce on his excellent presentation. He asked that decisions on applications for an extension of the duration planning permission in accordance with Section 42 of the Planning & Development Act 2010 would be made based on the site assessment of the original application. He said that in his opinion inadequate sewerage systems in villages were causing considerable damage to the environment and this should first of all be addressed.

Cllr. J J Culloty thanked Mr. Boyce for his very informative presentation and said that he was concerned that many householders would not be able to afford the cost of bringing their septic tanks up to standard should they fail the inspection process. He said that an information leaflet should be available for householders advising on best practice with regard to the maintenance of septic tanks & wastewater treatment systems.

Cllr. P McCarthy thanked Mr. Boyce for his excellent presentation. He said that some older houses may have been built on totally unsuitable sites. He said that the Minister for the Environment, Community & Local Government should consider writing to the IFA to assure rural dwellers that a commonsense approach would be taken by the assessors, ie. if a system is inspected and there is no evidence of a risk to human health or the environment, no remedial action will be required for the treatment system irrespective of the type or age of the system and that there will be no charge for second or subsequent inspections. He also suggested that the importation of suitable soil may help to solve issues in connection with shallow bedrock.

Cllr. M Cahill thanked Mr. Boyce for his presentation and said that financial assistance should be made available to householders where waste water treatment

systems needed upgrade works. He agreed with Cllr. M O'Shea that applicants for an extension of the duration of planning permission should be considered in the context of the site assessment requirements which were in place at the time of the original application for planning permission.

Mr. M Boyce SEE thanked the members for their complimentary remarks. He said that with regard to the issue of grey water, i.e. the waste water from sinks baths showers dishwashers washing machines etc, the legislation on this dates back to SR6: 1975 and states that grey water should be disposed of through the waste water treatment system. He referred to the concerns expressed by the members with regard to presence of bedrock on a site and said that as bedrock is permeable there are options which can be considered. Mr. Boyce said that the most important issue was to reduce the likelihood of the system causing any risk to human health or the environment. With regard to the members on the panel of assessors, Mr. Boyce said that all of the 51 members were not active at present, he clarified that the 45 SAU refusals for 2011 were, to his knowledge, considered to be evenly distributed between assessors and not as a result of assessments carried out by any individual or small group. He said that they had signed up to a code of conduct which would be used by Kerry County Council if necessary. Mr. Boyce said that he did not consider the SAU refusal rate in 2011 to be exceptionally high given that there were areas in the county where ground conditions were challenging and marginal.

Mr. O Ring Director of Environment & Water Services referred to the concerns expressed by the members regarding septic tanks which were constructed several years ago and said that Guidelines from the DoCLG were awaited but as outlined in Mr. Boyce's report, if a system is inspected and there is no evidence of a risk to human health or the environment, no remedial action will be required for the treatment system (including the percolation area), irrespective of the type or age of the system. He undertook to examine the publicizing of information leaflets for householders advising on best practice for the ongoing maintenance of a waste water treatment system as suggested by Cllr. Culloty.

12 03.02.12. Report by Cllr. B Moynihan Cronin, Chair of the Housing & Social Support SPC

Cllr. B Moynihan Cronin said that meeting of the Housing SPC was held on Thursday 2nd February at which a number of significant reports were considered.

Land Aggregation scheme

It was agreed that management would prepare a strategic report of lands to be retained by Kerry County Council and lands which could be included in an application under the Land Aggregation Scheme.

Social Housing Leasing Initiative & the Rental Accommodation Scheme

The SPC was advised that 147 new transfers onto RAS accommodation in 2011 and in total there were 636 clients on RAS at year end 2011. IKerry County Council remains one of the highest performing local authorities in the provision of RAS accommodation having regard to the number of eligible clients residing in the county.

In relation to the Social Housing Leasing Initiative while only 4 properties transferred in 2011 it is anticipated that additional units will be approved for transfer within the next 3 months as further details are awaited from a number of landlords in order to finalise leasing arrangements. A number of initiatives to attract further interest in the scheme are planned for 2012 and the Housing SPC will be kept advised of developments in this area.

Loan Arrears Management Policy

The SPC was advised that further guidance is awaited from the DECLG on the development of a single Mortgage Arrears Resolution Process for all local authorities to follow along with a detailed step-by-step guide for all of the stages in the arrears process..

National Housing Strategy for People with a Disability

The SPC was advised that A National Disability Strategy Implementation Group has been established and it is understood that the Housing Minister has undertaken to produce an Implementation Plan within six months. The Housing Department intends to carry out a full review of all applicants who are qualified on a disability and medical basis in order to determine the current number of applicants with a physical, mental, intellectual or sensory disability and to determine how best their housing needs can be met having regard to available funding. Kerry County Council will continue to act in a pro-active nature in meeting the accommodation needs of existing tenants who have or develop a disability through the making of necessary adaptations or through the provision of alternative accommodation. In 2011 Housing Adaptation & Mobility Aids grants to a total value of €2.023m were paid to 302 households throughout Kerry.

Update on Per Cent for Art Scheme

Kerry County Council commissioned 14 public art projects throughout the county in 2011 with a focus on community engagement. Artists in residence have been working with communities in a diverse range of projects. These arts projects are linked to public housing and water supply projects throughout the county with funding provided in full by the DECLG Percent for Art Scheme.

2011 Social Housing Assessment Regulations

The SPC was also updated on the 2011 Social Housing Assessment Regulations and of the plans to review all applicants qualified prior to the implementation of the regulations in April 2011.

Radon Awareness Week

Cllr. Moynihan Cronin said that Kerry has among the highest incidence of radon in homes in the country. An intensive awareness campaign is being rolled out in the week beginning 12th March 2012. She said that she would encourage people to attend the information events which were being held on Thursday 15th March 2012 in the Meadowlands Hotel, Tralee and the River Island Hotel, Castleisland

12.03.12.13 Report on the operations and activities of the Tralee Regional Sports & Leisure Company Ltd by Cllr. Terry O'Brien

It was agreed to note the report circulated by Cllr. Terry O'Brien

12.03.12.14. Summary of proceedings at Conferences.

AMAI Spring Seminar - 10th & 11th February 2012

(a) It was agreed to note Cllr. J Brassil's written report on behalf of the delegates who attended the AMAI Spring Seminar held on 10th & 11th February 2012.

Colmcille Winter School - 24th to 26th February 2012.

(b) It was agreed to note Cllr. L Purtill's written report on behalf of the delegates who attended the 23rd Colmcille Winter School held from 24th to 26th February 2012.

Mental Health & Suicide Awareness Conference - 24th to 26th February 2012.

(c) It was agreed to note Cllr. G Wharton Slattery's written report on behalf of the delegates who attended the Mental Health & Suicide Awareness Conference held from 24th to 26th February 2012.

21st Annual Kerry Environment Conference - 23rd to 26th February 2012

(d) It was agreed to note Cllr. M Cahill's written report on behalf of the delegates who attended the 21st Annual Kerry Environment Conference held from 23rd to 26th February 2012.

A-Z of Irish Local Government – Local Government Funding & Financial Management - 23rd February 2012.

(e) It was agreed to note Cllr. J J Culloty's written report on behalf of the delegates who attended the A-Z of Irish Local Government – Local Government Funding & Financial Management held on 23rd February 2012.

12.03.12.15. Opening of Tenders

(a) To approve the opening of a tender for the for the Dingle/Daingean Uí Chúis relief road pavement overlay: Closing Date Friday 9th March 2012 at 4:00pm.

On the PROPOSAL of Cllr. J Finucane SECONDED by Cllr. D Healy Rae it was agreed to approve the opening of a tender for the Dingle/Daingean Uí Chúis relief road pavement overlay

(b) To approve the opening of a tender for the contract to supply and lay stonework for the Dingle/Daingean Uí Chúis relief road: Closing Date Friday 23rd March 2012 at 2:00pm.

On the PROPOSAL of Cllr. M Gleeson SECONDED by Cllr. B Moynihan Cronin it was agreed to approve the opening of a tender for the contract to supply and lay stonework for the Dingle/Daingean Uí Chúis relief road.

(c) To approve the opening of a tender for the Provision of Transport, Treatment and Recovery of Untreated Sewage Sludge: Closing date 30th March 2012 at 1.00 pm.

On the PROPOSAL of Cllr. J J Culloty SECONDED by Cllr. J Sheahan, it was agreed to approve the opening of a tender for the for the Provision of Transport, Treatment and Recovery of Untreated Sewage Sludge

12.03.12.16 Notices of Motion

1. Safety concerns in connection with walkers and cyclists sharing the one path.

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

“In view of the most welcome increase in walking and cycling as healthy pursuits and of the growing practice of both sharing the one path, that this Council, in the interest of safety of both cyclists and walkers, asks that each bicycle would have a bell as an essential attachment”.

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

Cllr. M Gleeson said that this matter had been brought to his attention by walkers who share the same paths as cyclists and who feel that there is a safety issue for pedestrians due to the speed at which bicycles travel. He asked that Kerry County Council would consider putting a campaign in place to advise cyclists that a bell was an essential attachment to their bicycles.

2. Contradiction to the Minister's policy of improving community health.

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

“That Kerry County Council ask the Minister for Health to explain how the reduction of up to 900 nursing home/community hospital beds will help to reduce the numbers of ill elderly patients who will now have to be cared for in acute hospital beds and to explain how the reduction of 527,120 home help hours will not contradict the Minister's policy of improving community health”.

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

Cllr. M O'Shea asked that this matter would be referred to the Minister for Health for consideration. He expressed concern about the reduction in home help hours as many elderly people were living alone and were very dependant on this service. The Notice of Motion was SECONDED by Cllr. D Healy Rae.

The following Notice of Motion was moved by Cllr. J Brassil on behalf of Cllr. P O'Donoghue.

3. Car parking charges in the towns of Caherciveen, Killorglin, Kenmare, Castleisland and Dingle.

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

"That Kerry County Council gives an assurance that it does not propose to progress further any plan to impose car parking charges in the towns of Caherciveen, Killorglin, Kenmare, Castleisland and Dingle".

The following report issued:

The subject of On-Street Parking Regulations and Funding was discussed at the September meeting of the Transport SPC. The items discussed in detail were legislation, the result of parking studies in the above mentioned Towns, the statutory process required for the introduction of paid on-street parking and the benefits of paid on-street parking.

The primary benefits are to encourage increased turnover of parking spaces for shoppers and visitors, ease of regulation, increased usage of existing paid parking facilities in An Daingean, Ballybunion and Killorglin and the provision of an alternative source of income to fund local activities such as street cleaning, maintenance of facilities, provision of street furniture, support for tidy towns etc.

The report to the SPC outlined that the introduction of paid parking could potentially generate €900,000 income annually.

In the current economic climate of diminishing resources this order of potential income would enable the Roads Department carry out substantial works on an already under resourced roads network.

The members of the SPC expressed their strong reservations regarding the introduction of pay parking. A report on the dealings of the SPC was presented to the Council by the Chairperson of the SPC.

Any proposal to introduce pay parking is a reserved function in accordance with the provisions of Section 36 of the Road Traffic Act, 1994.

Having regard to the recommendations of the Transport SPC, management will not be progressing any proposals for the introduction of paid parking, at present. However, in an economic climate where National Grants are diminishing yearly and where the Local Authority is experiencing difficulty in maintaining a necessary level of own resources to carry out it's basic functions, the Council should reserve the right to review all potential options for the funding of its services, in the future.

4. Make the National Lottery available online.

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

"That Kerry County Council write to the Minister for Public Expenditure to look at the prospect of making the National Lottery available online to enable Irish people living abroad to contribute"

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

Cllr. J Finucane said that if the National Lottery was available it would generate a significant contribution world wide due to the current increase in emigration. He said that the additional money raised should be allocated to education and health projects. It was agreed that this matter would be referred to the Minister for Finance and the Minister for Public Reform.

The following Notice of Motion was moved by the Mayor, Cllr. T Buckley on behalf of Cllr. R Beasley

5. The implications of fracking in the County

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

“That Kerry County Council investigate the implications of fracking in the County and if so what is their attitude to such exploration.”

The following report issued:

The exploration and development of hydro-carbons (oil, gas etc) are subject to National Regulations and licensing. In relation to fracking, it's understood that the Minister for Communications, Energy and Natural Resources is setting up an expert group to look at the implications of this technology and it would be premature at this stage for Kerry County Council to comment further on this matter.

6. Maintain the current pupil/teacher ratio in small schools

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

“That Kerry County Council would strongly support the case being made by small 2 ,3 & 4 teacher schools in the County by requesting the Minister for Education & Skills Ruairi Quinn,TD to maintain the current pupil/teacher ratio. If the proposed changes are carried through it will lead to many small schools loosing a teacher or possibly having to close and this would be to the detriment of many communities throughout the County”.

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

Cllr. M Cahill said that it was important that the current pupil/teacher ratio is maintained in small 2 3 & 4 teacher schools.

Cllr. M Gleeson moved Notice of Motion No. 15 and said that it is unfortunate that pupil/teacher ratio is determined by the number on the role on the 30th of September of the previous year even though in reality the school would have adequate numbers

Minutes March Ordinary Meeting

on the current 1st September. He said that this rule should be amended to reflect the date that would be most beneficial for a school.

Cllr. JJ Culloty SECONDED Notices of Motion No. 6 and 15.

The following Notice of Motion was moved by Cllr. PJ Donovan on behalf of Cllr. M Griffin.

7. Parking policies in Kerry towns

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

“That Kerry County Council would review it's parking policies in Kerry towns, given the huge losses incurred by the Council in relation to parking in 20112”.

The following report issued:

A detailed report on the Council's current parking policy in Kerry towns was considered by the Transport SPC in September 2011, which was subsequently presented by the Chair of the SPC to Council at it's meeting of the 17th October 2011.

The cost of providing parking enforcement in 6 towns was also highlighted in the Managers Report on the 2012 Budget, which was adopted by Council on the 9th January 2012 and is estimated to be €411,000 this year. The main cost associated with this service is for the provision of traffic wardens, for the enforcement of the Council's Parking Bye-Laws in these towns. The Traffic Wardens are also designated as Litter Wardens within the towns.

The implementation of parking enforcement is primarily a parking management tool used to encourage an efficient turnover of car parking spaces on the main commercial streets. The time limit for parking on most streets is 2 hours, allowing visitors adequate time to carry out business in the town. Without such controls, experience has shown that parking spaces tend to be occupied by workers and property owners for longer periods, which discourages shoppers. At present the only income from parking enforcement is for the payment of traffic fines

The provision of this service is similar to many other services provided by the Council, such as public lighting, street cleaning, beach cleaning, planning enforcement, libraries etc., for the benefit the local community and visitors to our county. None of these services generate specific income to pay for the cost of the service and are primarily funded from our income through rates, the Local Government fund and the NPPR. A limited amount of income is received for breaches of the parking regulations, estimated to be €72,000 this year.

The funding of Council services is a serious concern for the county, particularly given our reliance on declining state grant aids and the challenges in realising rateable income, with the current economic difficulties.

The report considered by the Transport SPC also indicated a potential income of over €900,000 from pay parking, which would provide an additional source of funding for council services. The provision of pay parking is a reserved function, in accordance with the provisions of Section 36 of the Road Traffic Act, 1994, and management will require direction from the members if they wish the Council to proceed with this proposal.

8. Provision of public lighting

Pursuant to Notice duly given, Cllr. PJ Donovan PROPOSED:-

“That Councillors Allocations be allowed for the provision of public lighting at schools, hospitals, churches and funeral homes in the interest of safety”.

The following report issued:

County Councillors Allocation can be used for the provision of public lights subject to the Public Lighting Policy adopted in 1998. However the policy specifically recommends that in the case of schools, hospitals, churches and funeral homes, consideration would be given to the provision of a light provided that the light is connected to the meter of the premises and controlled by a switch in the premises.

Since the policy was adopted there has been changes relating to the requirement to minimise energy consumption and associated green house gas emissions. National and European legislation now place a requirement on all Local Authorities to reduce total energy consumption by 33% by 2020. SI 542 of 2009, as well as requiring Local Authorities to keep to reduced energy consumption, requires Local Authorities to be ‘Exemplars in energy Management’. There is a necessity to provide a sustainable approach for future public lighting requirements. Against this legislative background we will have to be far more selective about introducing new public lighting and what limited resources there are available for public lighting will need to be directed towards upgrading the energy efficiency of the existing public lighting infrastructure.

As the members will know, the provision of funding for public lighting comes from Kerry County Council's own resources. In the current economic climate with diminishing funding there is greater pressure on the provision of basic services.

Having regard to the increased demand for infrastructure, as identified in the adopted Local Area Plans, increasing energy costs, implications of Climate Change, new technologies, the need to provide value for money and deregulation of the electricity supply market, there is a need to review the Public Lighting Policy overall, and this is maybe a body of work that the Transport SPC should consider.

Cllr. PJ Donovan asked if it was necessary to wait for the work to be carried out by the ESB when the light was being provided at a school and also that an estimate would be provided for the provision of a public light at Aughatubrid national school.

Mr. Charlie O'Sullivan Director of Roads, Transportation & Safety said that he did not have specific details regarding this location and undertook to investigate the matter and revert to Cllr. Donovan.

Cllr. J Finucane **SECONDED** the Notice of Motion and asked that consideration would be given to allowing private companies to carry out this type of work on a pilot programme.

9. Carry out checks on unfinished estates.

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

“That Kerry County Council carry out checks on unfinished estates in the County in light of the recent tragedy, where a 2 year old child lost his life as a consequence of entering an unfinished estate”.

The following report issued:

As the Members are aware, the technical staff in the Housing Estates Unit are currently working their way through the housing estates in the County and compiling a report on the condition of each.

Any serious health and safety issues which are noted during investigations are brought to the attention of the Developer.

The Planning Authority wrote in November, 2011 to Developers of Category 3 estates which are, “developments with significant building works, services and amenities to be completed where the developer is present, but no site works are ongoing with regard to estates”, outlining to them their statutory obligations with regard to preventing unauthorised access to uncompleted parts of housing developments and the requirement that these sites should not be allowed to become dangerous places / structures. We have also pointed out that it is their duty to monitor their developments and steps should be taken, if necessary, to cover open trenches and manholes, foundations and basement areas. Exposed gable walls were also specifically mentioned as being a possible safety risk.

Until an estate is taken in charge by the Local Authority, housing estates are private property and are the full responsibility of the owner / developer. The legal responsibility is not on the Local Authority to remedy sites / structures which have become dangerous. responsibility lies with the developers/owners.

Where Kerry County Council, on the basis of its own information or complaints from the public believe that a site has become a dangerous place and/or contains dangerous structures within the meaning of the Local Government (Sanitary Services) Act, 1964, the Council may, as it considers appropriate, require the owners of the property concerned to take such steps as are necessary to make that place and/or structures safe.

Where the developer or site owner is not readily identifiable or responsive to the issuing of notices under the Local Government (Sanitary Services) Act, 1964, Kerry County Council may, as it thinks fit, go onto land, carry out any necessary works and recover the costs of such works as a charge on the relevant property.

It is the policy of the Estates Unit to work with Developers to have estates completed to a high standard and where safety issues are highlighted developers are advised to prioritise the works required.

Cllr. J Sheahan said that a two year old child had recently lost his life when he drowned in a pool of water on an unfinished estate in Athlone, Co. Westmeath. He PROPOSED that a letter of sympathy would issue to the bereaved family.

10. Highlight dissatisfaction of the members with the removal of the Water Services Section from the remit of Kerry County Council

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

“That we the members of Kerry County Council again highlight our dissatisfaction with the removal of the Water Services Section from the remit of Kerry County Council and to ensure the full support of Management in this regard”.

A copy of submission made on behalf of the members of Kerry County Council following the discussion on same at the February Council Meeting was circulated.

Cllr. Danny Healy Rae said that this was a very serious matter and that he had also asked that a submission would be made by the Roads Department. He felt that Local Authorities were being isolated and Management was doing what the Department was telling them to do.

Cllr. J Healy Rae said that a resolution of the Council should have been adopted at the February meeting of the Full Council.

County Manager, Mr. Tom Curran said that the Government Policy to set up a Public Water Utility had been in the public domain for approximately twelve months and it was the prerogative of the members to resolve to condemn this policy but this had not been done. Mr. Curran said that as Chairperson of the CCMA Water Committee he would not criticise government policy. It was his job to implement government and council policy.

Cllr. D Healy Rae said that he was not condemning management. He PROPOSED that the members of Kerry County Council would strictly oppose the policy of the Government to set up a Public Water Utility.

Cllr. J Healy Rae SECONDED the proposal.

Cllr. J Finucane said that this matter had been dealt with at the February meeting of the Council.

Mr. J D Flynn Director of Corporate Services said that this item had been included on the agenda for the February meeting of the Council and it had been agreed that a submission would be made to the DoCLG on behalf of the members. He said that as there were only 9 members present in the Council Chamber, it would not be appropriate to pass a resolution without a specific item having been included on the agenda for the meeting today.

Cllr. J Healy Rae said that a mistake was made at the February meeting when a resolution was not passed.

Mr. Flynn cautioned the members that it was not appropriate to make a decision on policy at 5.00pm when there were only 9 members present and the item was not included on the agenda.

The Mayor, Cllr. Tim Buckley agreed that it was not appropriate to proceed to the taking of a vote with only 9 members present.

11. Parking charges in small villages and towns

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

“To ask Kerry County Council to give a guarantee that they will not be introducing car parking charges in small villages and towns”.

The following report issued:

“The subject of On-Street Parking Regulations and Funding was discussed at the September meeting of the Transport SPC. The items discussed in detail were legislation, the result of parking studies in the above mentioned Towns, the statutory process required for the introduction of paid on-street parking and the benefits of paid on-street parking.

The primary benefits are to encourage increased turnover of parking spaces for shoppers and visitors, ease of regulation, increased usage of existing paid parking facilities in An Daingean, Ballybunion and Killorglin and the provision of an alternative source of income to fund local activities such as street cleaning, maintenance of facilities, provision of street furniture, support for tidy towns etc.

The report to the SPC outlined that the introduction of paid parking could potentially generate €900,000 income annually.

In the current economic climate of diminishing resources this order of potential income would enable the Roads Department carry out substantial works on an already under resourced roads network.

The members of the SPC expressed their strong reservations regarding the introduction of pay parking. A report on the dealings of the SPC was presented to the Council by the Chairperson of the SPC.

Any proposal to introduce pay parking is a reserved function in accordance with the provisions of Section 36 of the Road Traffic Act, 1994.

Having regard to the recommendations of the Transport SPC, management will not be progressing any proposals for the introduction of paid parking, at present. However, in an economic climate where National Grants are diminishing yearly and where the Local Authority is experiencing difficulty in maintaining a necessary level of own resources to carry out it's basic functions, the Council should reserve the right to review all potential options for the funding of its services, in the future”

Cllr. J Healy Rae welcomed the report.

The Notice of Motion was **SECONDED** by Cllr. D Healy Rae and supported by Cllr. PJ Donovan.

12. Release of bonds which were obtained as part of approved planning applications for housing projects not completed.

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

"That we the Members of Kerry County Council pass a resolution to write to the Minister for Finance and demand that he instruct all financial institutions, and especially those that the State has funded, to release the financial bonds obtained as part of approved planning applications for housing projects not completed".

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

Cllr. M O'Shea said that many unfinished housing estates had been left in very bad condition and did not have proper footpaths, safety barriers or green areas. The residents of such estates were extremely worried that a serious accident would occur. The financial institutions were ignoring requests for the payment of Bonds by Local Authorities.

The following Notice of Motion was moved by The Mayor, Cllr. T Buckley on behalf of Cllr. R Beasley.

13. Road from Ballinclogher Cross to Abbeydorney

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

"That Kerry County Council immediately seek funding to carry put Phase 2 of the road works on the road from Ballinclogher Cross to Abbeydorney which has become very dangerous and is a health and safety issue."

The following report issued:

Funding for the Dale Road has been received over the years under the Specific Improvement Grant. In 2011 Kerry County Council received an allocation of €319,000 and levelling, resurfacing and signing and lining were carried out. Inspectors from the NRA visited the site in October last year and Kerry County Council made strong representations for additional funding to further improve the location.

The overall Specific Improvement Grant has been reduced in 2012 and an allocation of €50,000 has been earmarked for the Dale Road. This is to progress land acquisition to allow further improvements. Once the land acquisition has been complete, Kerry County Council will make further representations for additional funding.

14. Review the decision to restrict swimming in the proposed new Bye Laws

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

"That Kerry County Council would review the decision to restrict swimming in the proposed new Bye Laws, within 30 meters of the pier in areas that have been historically renowned for bathing as this is most unreasonable".

The Draft Harbour Bye-laws were discussed at the January Council Meeting and it was agreed that the public consultation process be recommenced, as well as further

consultation with the fishermen representatives at the piers affected by the proposed draft Bye-Laws .

The consultation process with the fishermen's representatives is on-going at the moment. When this is complete any revisions to the draft bye-laws will be presented to the Transport SPC, in advance of recommencing the statutory procedures. The subject of this notice of motion will be considered with the Transport SPC at that time.

Cllr. M Cahill welcomed that consultation was on-going.

He said that he was particularly concerned about the pier at Kells as historically swimming was very popular in this area and he would not like to see local people and visitors being deprived of something which was traditional in the area for many years.

Cllr. PJ Donovan SECONDED the Notice of Motion and said that he had understood that different bye-laws would not apply in different areas.

Mr. C O'Sullivan Director of Roads, Transportation & Safety said that consultation with the fishermen's representatives was on-going. Any revisions to the draft bye-laws will be presented to the Transport SPC, in advance of being presented to the members at a meeting of the Full Council. He said that the adoption of the bye-laws was a reserved function of the members.

15. Fairer system for determination of teacher retention numbers in primary schools.

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

"In view of the present inequitable system whereby teacher retention numbers in a primary school for the actual school year are determined by reference to the number of children enrolled on the 30th of September of the previous year, that this Council, calls on the Department of Education to introduce a fairer system that will take cognisance of the number of children enrolled on September 1st of the actual school year as the figure determining teacher numbers for that year".

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

Cllr. JJ Culloty SECONDED the Notice of Motion. Please refer to Notice of Motion No. 6.

16. Provide warning signs for visitors to Ireland advising that they must drive on the left hand side of the road.

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

"That Kerry County Council provide warning signs for the benefit of tourists visiting our Country that they must drive on the left and also write to the Department of Transport that a reminder is fitted to Hire & Drive cars alerting the motorist of this fact".

The following report issued:

There a number of such signs provided throughout the county. The Roads Department will review the location of such signs and the need to erect any additional such warning signs, particularly at key tourist locations on tourist routes.

The proposal to write to the Department of Transport, Tourism and Sport is a matter for resolution.

Cllr. J Sheahan said that an American visitor had been fatally injured at Brennan's Glen on the Tralee – Killarney road due to a car being driven on the wrong side of the road.

It was agreed that this matter would be referred to the Department of Transport.

Cllr. J Finucane SECONDED the Notice of Motion.

17. All countries in the European Union to have the same rate of minimum wage

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

"That we the members of Kerry County Council ask the Government and the Irish members of the European Parliament to request that all countries in the European Union have the same rate of minimum wage. This would stop the exodus of industry & companies leaving Ireland for cheaper labour".

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

Cllr. D Healy Rae said that he was very concerned that Ireland was losing its manufacturing industries to other countries and the standardisation of the minimum wage would provide a level playing pitch for all EU countries to attract investment.

Cllr. J Finucane said that while he sympathised with views expressed by Cllr. Healy Rae, it was the function of individual governments to set taxes and wages and he would be concerned that standardisation of the minimum wage would impact on Irelands current rate of corporate tax.

19. Land Aggregation Scheme

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

"I am again asking when the lands that are being suggested to hand over to the Land Aggregation Scheme were purchased and how much each plot cost. I would like to add that I totally reject any suggestion that Rathmore, Kenmare, Sneem and Waterville would be put into this scheme".

A full report on this matter was circulated to the members for consideration. Please refer to item 12.03.12.08 above.

20. Ensure that any designation in the Shannon Estuary would not impact on the LNG Project

Pursuant to Notice duly given, Cllrs J Finucane / L Purtill PROPOSED:-

"That this Council write to the relevant bodies to ensure that any designation in the Shannon Estuary would not impact on the LNG Project"

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

Cllr. J Finucane said that there was a proposal that the entire land bank would be designated a Special Area of Conservation and this includes the site of the proposed LNG.

The Mayor Cllr. Tim Buckley SECONDED the Notice of Motion.

21. Request the OPW to provide funding so that emergency strengthening works would be carried out to the embankment at Incharee, Glenbeigh

Pursuant to Notice duly given, Cllrs m Cahill/J J Culloty PROPOSED:-

"That Kerry County Council would request the OPW to provide funding so that emergency strengthening works would be carried out to the embankment at Incharee, Glenbeigh which is now under serious threat due to the breach at Rossbeigh Spit."

The following report issued:

The Council received a grant allocation of €60,000 from the OPW under the Coastal Protection Programme (Minor Works) for strengthening works to the embankment at this location.

Cllr. M Cahill said that he had received confirmation that the grant allocation received from the OPW was €80,000. He said that the allocation of this funding during the current economic climate was very welcome and he hoped that value for money would be achieved. He requested that a submission for funding would be made to the OPW for strengthening works to be carried out on the embankment at Glosha, Cromane. He acknowledged that this would be a second request for funding in the same area and said that the work done by Mr. Eamon Scanlan SEE in progressing the submissions was very much appreciated.

Cllr. J J Culloty SECONDED the Notice of Motion.

22. Members requests to Eircom and ESB.

Pursuant to Notice duly given, Cllrs J Healy Rae/D Healy Rae PROPOSED:-

"That we the members of Kerry County Council demand fair play from Eircom and the ESB especially with regards to the requests where members ask that poles be removed in the interest of safety for the motoring public and to ask that the ESB provide a reasonable service in the maintenance of street lighting".

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

Minutes March Ordinary Meeting

Cllr. D Healy Rae said that he had made numerous requests at meetings of the Killarney Electoral Area Committee that Eircom would remove poles at Bealnadeega and Loo Bridge.

Mr. C O'Sullivan Director of Roads, Transportation & Safety said that he did not have specific details regarding the areas mentioned by Cllr. Healy Rae. He undertook to pursue the matter with Eircom and the ESB.

12.03.12.17. Correspondence – Conferences and Seminars.

- (a) On the PROPOSAL of Cllr. J. Healy Rae, SECONDED by Cllr. P.J. Donovan, it was agreed to authorise the attendance of Cllrs. PJ Donovan and M Cahill at the Elected Members Training Seminar on the theme of "Disability Access Certificate" to be held in the Kingsvalley Hotel, Merlin Park, Dublin Road, Galway from 6th – 7th April 2012.

12.03.12.18. Correspondence General

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

Email dated 23 February 2012 from the Minister for Transport, Tourism and Sport regarding the centralisation of driver licensing.
Letter dated 10 February, 2012 from Limerick County Council regarding a resolution adopted by that authority calling on the Minister for Environment to ensure local authorities bring their Sewerage treatment Plants up to standard prior to enforcing the proposed septic tank legislation.
Letter dated 22 nd February, 2012 from South Tipperary County Council regarding a resolution adopted by that authority calling on the Minister for Education not to down grade schools.
Letter dated 22 nd February, 2012 from Shannon Town Council regarding a resolution adopted by that authority calling on the Government to (a) abolish the Household Charge and (b) reduce excessive tax on fuel etc.
Letter dated 23 rd February, 2012 from Roscommon County Council regarding a resolution adopted by that authority rejecting proposals to establish 'Irish Water'.
Letter dated 1 st March, 2012 from Cavan County Council regarding a resolution adopted by that authority concerning the undocumented Irish in America.
Letter dated 2 nd March, 2012 from South Dublin County Council regarding resolutions adopted by that authority as follows: (a) retention of funding for Community Safety Fora (b) cuts to funding for Community Employment Schemes.

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 Con O'Sullivan.
- (b) Cllrs. D Healy Rae and J Healy Rae proposed that a vote of sympathy would be extended to the family of the late Denis Moriarty.

Minutes March Ordinary Meeting

- (c) Cllrs. D Healy Rae and J Healy Rae proposed that a vote of sympathy would be extended to the family of the late Stephen Buckley
- (d) Cllrs. D Healy Rae and J Healy Rae proposed a vote of sympathy to the family of the late Michael O'Donoghue.
- (e) Cllrs. D Healy Rae and J Healy Rae proposed a vote of sympathy to the family of the late Norann Murphy.
- (f) Cllrs. D Healy Rae and J Healy Rae proposed a vote of sympathy to the family of the late Deborah O'Sullivan.
- (g) Cllrs. D Healy Rae/J Healy Rae and B Cronin/M Gleeson proposed that a vote of sympathy would be extended to the family of the late Timmy Riordan.
- (h) Cllrs. D Healy Rae and J Healy Rae proposed a vote of sympathy to be extended to the family of the late Donie Dineen.
- (i) Cllrs. D Healy Rae and J Healy Rae proposed a vote of sympathy to be extended to the family of the late Norah Howard.
- (j) Cllrs. D Healy Rae and J Healy Rae proposed a vote of sympathy to be extended to the family of the late Kathleen O'Leary.
- (k) Cllrs. M Gleeson and B Cronin proposed a vote of sympathy to the family of the late Sean and Sheila Daly.
- (l) Cllrs. P Leahy and M Gleeson proposed a vote of sympathy to the family of the late Bridie Flavin.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry