

**These Minutes have been edited for Data Protection purposes.
A paper copy of the unedited Minutes is available on request.**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE,
ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 18 MEITHEAMH 2012**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 18 JUNE 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	B. O'Connell
P O'Donoghue	M. O'Shea	L. Purtill
J. Sheahan	G. Wharton - Slattery	

IN ATTENDANCE/I LÁTHAIR

Mr. T Curran County Manager	Mr. J.D. Flynn, Dir. of Corp. Servs.
Mr. O. Ring, Dir. Water & Env. Servs.	Mr. C. O'Sullivan, Dir. of Roads
Mr. J. Breen, Dir. Hsg. & Comm&Ent	Ms. A McAllen A/Head of Finance
Mr. M McMahon Dir of Planning	Mr. G. O'Brien, Meetings Administrator
Mr. T. Sheehy, SE Environment	Mr. P. Stack, SE Planning
Mr. D. O'Malley, Sen. Exec Planner	Ms. J. McCarthy, SEO Planning
Mr. P. Corkery, Press & Comm.	Mr. L. Brosnan AO Planning
Ms B Reidy SSO Corp. Affairs	Ms. C Fitzgerald ASO Corp. Affairs
Ms. M Galvin CO Corporate Affairs	

The meeting commenced at 10.45am

The Mayor Cllr. T Buckley took the Chair.

12.06.18.01 Mayor's Report on CPG Meeting held on 12 June 2012

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

“Item 1 Agenda for the June Council Meeting

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

In relation to Item No. 9 – Update on the Ballybunion Health and Leisure Centre – Mr. T. Curran said he had to withdraw this item. He met with the Councillors from the Listowel Electoral Area on Friday 1st June, 2012 and he

outlined what was required from the Company and also the date by which the documentation should be submitted to allow a report to be prepared and presented to the Council for consideration. A set of documents were deposited late on Friday 8th June, 2012 which incorporated two sets of accounts that did not match. A further set of accounts was received on Monday 11th June, 2012 at 4pm and he was not aware if the Company has a Tax Clearance Certificate. He was concerned for the ratepayers of Ballybunion and North Kerry as this is a facility for tourists. He hoped the facility could be opened for July and August provided the Company has a Tax Clearance Certificate and a proper set of accounts. The pool is empty at present and that maintenance work is being carried out to it. He was not sure what liabilities the Company has. As he was not in receipt of all the information required he was not in a position to put a report before Council. Mr. Curran said he was away for the next two days but he would return on Thursday if the Company representatives would meet him that day. He required additional information for members for the Council Meeting on Monday. The Company had submitted various sets of projected operating costs; however, he was concerned that the figure quoted by the Company will not be sufficient to cover all outstanding bills. It is unfortunate that this item has to be withdrawn but he was willing to work with the Company to keep the facility open for the months of July and August if it is not too costly.

The Mayor thanked the County Manager for meeting with the members for the Listowel Electoral Area and he confirmed that a Business Plan and a Tax Clearance Certificate was to be submitted by the Company. The Manager of the facility was advised of these requirements but the Business Plan was not submitted on time. This facility is needed in North Kerry but there are huge energy costs involved. He attended a meeting of North Kerry Together and an expert was brought in who identified areas where huge savings could be achieved. A long term plan for the survival of this facility is needed. He asked the Manager if a meeting is arranged with representatives of the Company for the following Thursday?

Mr. Curran said he considered the report submitted yesterday and he now has three sets of accounts none of which match. John Breen, Angela McAllen and he spent two hours that morning analysing the accounts but he was still not satisfied with them. No figure is included in the accounts in relation to what is owed to all creditors and how this can be repaid. He said he would try to meet the Company before next weekend.

Cllr. B. Cronin said he wanted to record his serious concern that three sets of accounts were submitted that did not match.

Mr. Curran said he expressed the same concerns and he would like to see a full list of creditors and also if there is a realistic survival plan. We are in very tight economic times and if money is put into this facility it will be at a cost to other services.

Cllr. P. McCarthy supported the approach being taken by the Manager and said the Council cannot be seen to waste tax payers' money. He also expressed concern that three different sets of accounts were submitted.

The Manager said there is a possibility that a Combined Heat and Power Plant will be installed at the facility and it is said this could save €5,000 per month on the energy costs. The Company recently had a meeting with Minister Ring in relation to securing a grant for the Combined Heat and Power Plant, however it is not clear who needs to make this application and what are the implications if Council is obliged to make the application. If the facility could be opened for the months of July and August a root and branch review could then be conducted.

Cllr. B. Moynihan Cronin said the Council must be prudent in the way tax payers money is spent. She understood the facility may open for July and August but after that there should be a complete review of the viability of the facility.

Item 1 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise briefed the meeting on the County Development Board as follows:

- The next meeting of the Board is scheduled for early September.
- A meeting of the Executive of the CDB will take place that afternoon.
- Following the last CDB meeting, a comprehensive submission was prepared on the issue of Broadband provision in the County as invited under the Department of Communications call for submissions to its Next Generation Broadband Task Force Report. This submission took on board the views of members of the CDB along with the education sector in Kerry.
- The following items will be considered by the Executive this afternoon:-
 - The monitoring of the work of the Social Inclusion Measures
 - RAPID
 - Kerry Integrated Traveller Strategy and
 - Integration Implementation subgroups of the County Development Board.
- Presently, Kerry County Council is piloting a community planning initiative in North Kerry in conjunction with North and East Kerry Development and the Executive will receive an update on progress on this project.
- We will review the recent approval process of Local Development Company plans and lessons learned.
- A work plan for the coming year for the Board will also be discussed
- The Executive will consider a submission to the Draft Sustainable Energy Strategy recently published by Kerry County Council.
- The Economic Website of the Kerry Economic Development Unit will be launched later this month.

Item 2 Update from Chairs of SPCs

Cllr. M. Cahill said the Community, Culture & Tourism SPC met on 7th June and the following issues were discussed:

- Formulating Work Plan for 2012 – 2013
- Library Update
- Proposed Festival Policy for Kerry Local Authority
- Fóram Gaeilge Chiarraí Report

A detailed report on this meeting will be considered at the June Council Meeting.

Cllr. B. Moynihan Cronin said the Housing & Social Support SPC met on the 31st May at the Iveragh Park Resource Centre and the following issues were discussed:

- Social Housing Leasing initiative & Rental Accommodation Scheme
- Applications for Single Rural Dwellings – Review of Eligibility criteria
- Prioritisation Scheme for Tenants of a Local Authority rented property applying for a Housing Adaptation Grant
- Housing Adaptation Grants Scheme for Older People and People with a Disability – 2012 Allocation
- Proposed Amendments to current Tenancy Agreement

A detailed report on this meeting will be considered at the June Council Meeting.

Cllr. B. Cronin said the Environment and Water Services SPC held their meeting on 24th May at the Landfill offices. The following issues were discussed:

- Tour of Landfill Facility
- Update on Integrated Constructed Wetland Projects
- Briefing on Dog Fouling Campaign
- Report on Spring Clean 2012
- Update on Recycling Banks
- Water Metering

A detailed report on this meeting will be considered at the June Council Meeting.

Cllr. P. McCarthy requested that any loose metal in areas of the landfill no longer in use would be removed to a location where it can be monitored. He also asked that the perimeter fence next to the windfarm would be repaired as it has fallen into disrepair.

Item 3 Household Charge Update

Ms. A. McAllen confirmed that the amount of properties that paid the Household Charge in Kerry as at 12/6/2012 is 34,669 households in the amount of €3,486,000. This amount does not reflect households applying for a waiver from the charge and the numbers paying are continuing to increase.

The most recent figure available for total countrywide property registrations for the Household Charges is 950,275 properties as at 8th June, this figure includes some remaining postal applications with queries and reflects properties registered for a waiver also.

She was advised that accurate county by county analysis is expected to be made available in the coming days, the amount currently receipted nationally for the charge as at the 8th June is €91.9M. Work continues nationally to build the Household Charge database, work is ongoing re comparison of lists of properties registered for Household Charge versus NPPR/PRTB registered property listings in the first instance, these lists will be issued to each Local Authority to follow up any unpaid Household charges in July, work will continue nationally to update the Household Charge database to ensure all liable properties are listed for follow up by each Local Authority as required.

Waivers for the charge are available for property owners in specified Unfinished Estates and for those in receipt of Mortgage Interest Supplement , it is important that these properties are registered to enable a correct county by county analysis to be provided and of course to enable each Local authority to establish a correct database of properties liable for the charge.

Daily updates reflect that households continue to register on a daily basis, it is important that those in this county who have not registered their property do so to ensure that services in this County being provided by this Council are not adversely affected.

Item 5 Request from the Irish Rural Dwellers Association to address the July Council Meeting

Mr. G. O'Brien informed the meeting that the Irish Rural Dwellers Association requested permission to make a presentation to the July Council Meeting following the launch of 'The Rural Challenge' document.

Following a discussion it was agreed to defer this item to the July CPG meeting as some members had not received a copy of this report. It was agreed that copies of the report would be requested and circulated to all members.

Item 6 Civic/Mayoral Receptions

Mr. G. O'Brien said Cllr. M. Gleeson proposed that a Civic Reception would be held to honour the following groups:

- The Spa GAA Figure Dancing Group on retaining their All Ireland Scór title.
- The Glenflesk Set Dancers who retained their All Ireland title.
- The Rathmore Question Time Team who are legendary for their longevity and their success.

Following a discussion it was agreed that these groups would be honoured at the Killarney Electoral Area Meeting to be held in September.

Item 8 Any other business

Increase in Landfill Levy

Ms. A. McAllen informed the meeting that from 1st July the Landfill Levy will increase from €55 per tonne to €65. The Council absorbed a previous increase and also VAT. However it is felt we have no option but to pass on this increase to Landfill and Transfer Station users. The charge for 6 bags of refuse at the landfill will increase from €17 to €18 while the charge for a single bag will increase from €3 to €3.50 with effect from 1st July.

The Mayor said it was his last CPG meeting as Mayor and he thanked management for their help over the past 12 months.

Cllrs. M. Cahill and B. Cronin also said it was their last CPG meeting and they thanked management and officials for their assistance".

Cllr. M. Gleeson said it is regrettable that the cost per bag of refuse is to increase as he believes it will result in an increase in illegal dumping. He asked that the rubbish dumped illegally at Minish would be collected as soon as possible. He added that he invited (Name withheld for Data Protection purposed – paper copy of unedited Minutes available on request) to write to Kerry County Council in relation to the recent media reports about a recommendation to reduce or eliminate the teaching of religious education in Primary Schools. There was no recommendation and the media reports were incorrect as is evident from the letter circulated from (Name withheld for Data Protection purposed – paper copy of unedited Minutes available on request).

Cllr. J.J. Culloty welcomed the letter from (Name withheld for Data Protection purposed – paper copy of unedited Minutes available on request). The media reported that it was recommended that the teaching of religion in Primary Schools would be reduced and he was glad this was not the case.

Cllr. T. Ferris welcomed the proposed changes in the Tenancy Agreement and asked when these changes would be implemented. Cllr. Ferris said there is a Bill before the Oireachtas which will ensure that where a tenant vacates a local authority house for safety reasons they can be re-housed. She understood there were two such cases in Kerry. She called on the County Manager to deal with these cases particularly as legislators see the need for this change.

Cllr. D. Healy-Rae referred to the Ballybunion Health and Leisure Centre and asked where the Council gives a guarantee do they monitor the project annually. Do the Company supply annual reports to Council?

In response Mr. Curran said there is a Board of Management for the project and also a Finance Committee. The Council has two representatives on these and was aware of the situation. The issue now appears to be down to the cost of energy and this made trading very difficult. The solution would be to install a Combined Heat and Power Plant but it is unclear if a grant would be given for it. It may not be possible to keep the facility open all year but work is ongoing on a short term solution. He added that the facility is being operated well.

Cllr. D. Healy-Rae asked if there are plans to close the landfill.

In response Mr. Curran said there is no question of the landfill being closed. If it was to happen it would be on the basis of a report to Council.

Cllr. R. Beasley thanked the Manager for his involvement with Ballybunion Health and Leisure and said the people of Ballybunion look forward to the facility being re-opened for July and August.

12.06.18.02 Confirmation of Minutes

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. J. Finucane it was resolved that the minutes of the May Ordinary meeting of Kerry County Council would be confirmed.

12.06.18.03 Disposal of Property

Mr. J. Breen, Director of Housing referred members to his report dated 5 June, 2012 on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. A. McEllistrim it was agreed to dispose of a plot of land measuring 0.024 acres approximately in the townland of Kilcolman in the DED of Milltown to (Name withheld for Data Protection purposed – paper copy of unedited Minutes available on request) in accordance with the terms of notice issued 5th June, 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act, 2000 and Article 206 of the Planning and Development Regulations, 2001.

12.06.18.04 Material Contravention of the Kerry County Development Plan

Cllr. J.J. Culloty declared in accordance with Section 177 of the Local Government Act, 2011 that he is on the Board of North and East Kerry Development Ltd. and for this reason he would withdraw from the meeting while this item was being considered.

Cllr. Culloty then left the meeting.

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

“Development Description

(1) Retain the existing building and surrounding external works where constructed within revised site boundaries (2) Retain the use of part of the building for the refurbishment of furniture and its assembly and display and for the use of a multipurpose space for youth activities and for offices, meeting rooms and training rooms, instead of its use for light industry and for permission for (3) to carry out alterations and extensions to the building and (4) To alter the external layout and increase the number of car parking spaces at Knockananlig, Castleisland, Co. Kerry.

The Material Contravention Procedure in this case was initiated with publication of the prescribed notice in the Irish Examiner newspaper on 27th April, 2012, pursuant to Section 34 of the Planning and Development Act, 2000 as amended by Section 23 of the Planning and Development (Amendment) Act 2010.

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

The attached report and recommendation, dated 11th June, 2012, has been prepared to facilitate your consideration of this matter.

In accordance with the terms of this report and recommendation, it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area, is in compliance with Ministerial Guidelines and in accordance with the Regional Planning Guidelines, and **a grant of permission is, therefore recommended, subject to the conditions listed therein** (7 no.)

Michael McMahon
Director of Planning

11th June, 2012.

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

- (1) Retention permission to retain the existing building and surrounding external works where constructed within revised site boundaries,
- (2) Retention permission to retain the use of part of the building for the refurbishment of furniture and its assembly and display and for the use of a multi-purpose space for youth activities and for offices, meeting rooms and training rooms, instead of its use for light industry,
- (3) Permission to carry out alterations and extensions to the building and
- (4) Permission to alter the external layout and increase the number of car parking spaces at Knockananlig, Castleisland.

Planning Register No. 12/149

Name of Applicant: Sliabh na gCaiseal Limited

Address of Applicant: c/o McSweeney and Co., Killeagh, Farranfore

Agent: MRG Consulting Engineers Ltd., No. 4 Day Place, Tralee.

Date application lodged: 06/03/2012
Material Contravention Procedure initiated with publication of prescribed notice in Irish Examiner newspaper on 27/04/2012.

Date further information received: None

Decision due date: 21/06/2012.

Description of Site and Surroundings

The site is located in Castleisland town centre to the south of Main Street adjoining the access road which leads to Riocht Athletics Grounds. There is an existing industrial-type structure and associated car parking on site. The site is bounded to the west by Castleisland Livestock Mart, to the north by properties on southern side of Main Street, to the east by Castleisland Rugby Club Grounds and to the south by undeveloped land. The site area is 0.794 ha.

The existing structure on the site was constructed pursuant to the grant of planning permission in 1993 for an advance factory. The structure was set out as an open plan factory floor with ancillary offices on two levels along the front (eastern) elevation. Until 2011, only the northern half of the factory floor was in use as a storage depot for furniture while the southern half of the factory floor and all the ancillary office accommodation lay unused. In late 2011, the previously unused part of the building was converted for use as office accommodation, for the refurbishment, assembly and display of furniture and for community youth activities.

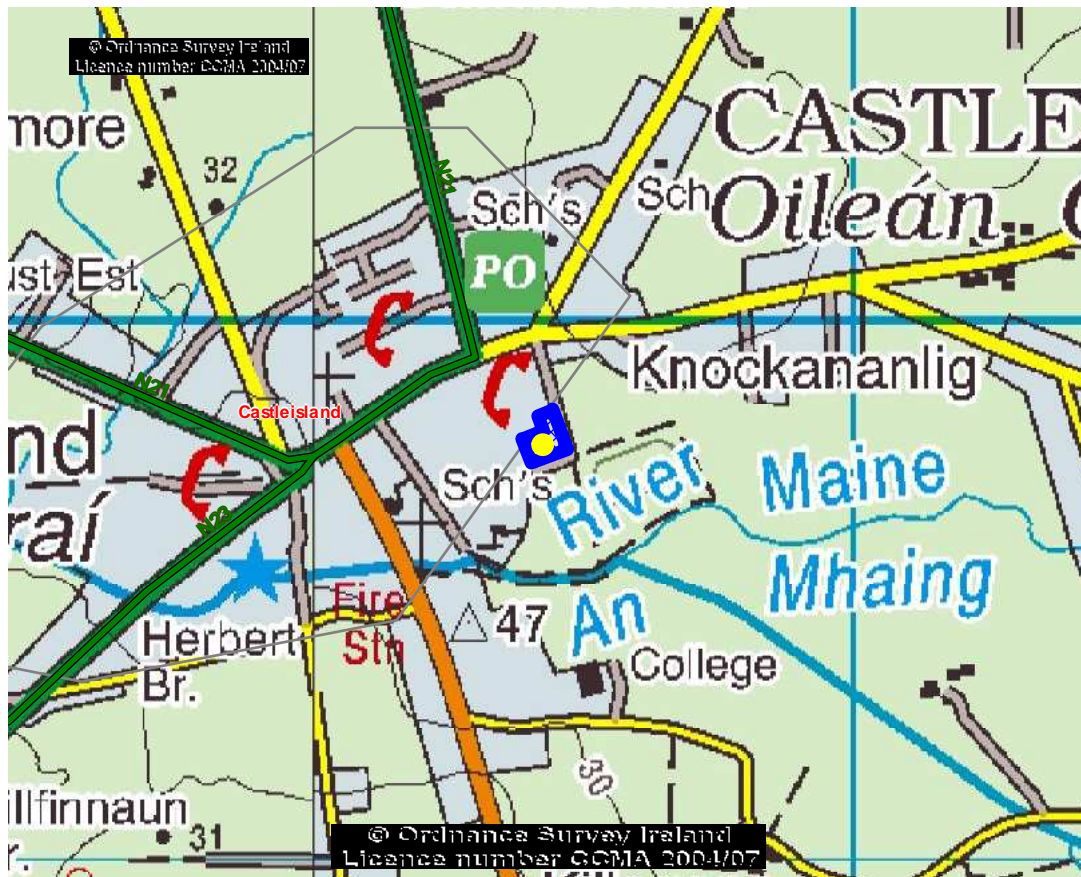
Proposal

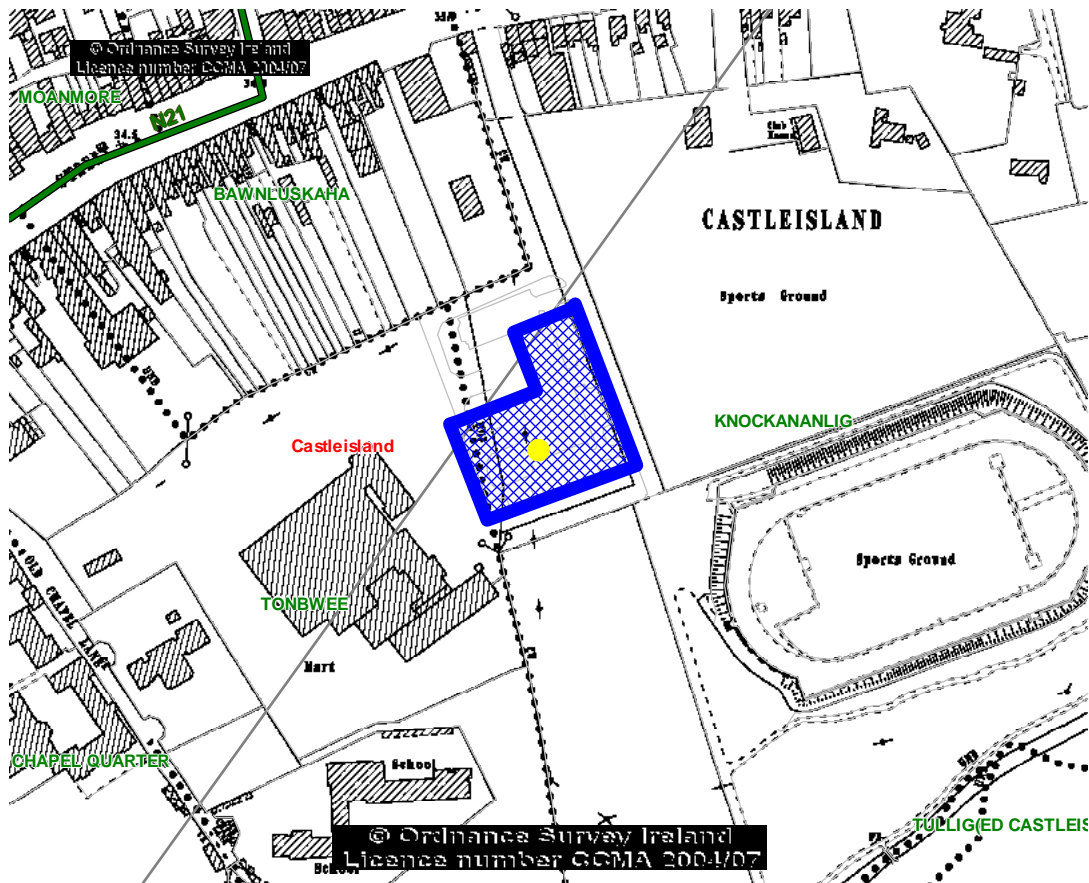
The proposal is divided into four elements as follows:

- (1) *Retention permission to retain the existing building and surrounding external works where constructed within revised site boundaries.* Minor design changes were made to the advance factory when it was built and it is proposed to regularise these changes. It is also proposed to sub-divide the structure to facilitate different uses and users and to sub-divide the overall site accordingly so as to suit the allocation of on-site car parking.
- (2) *Retention permission to retain the use of part of the building for the refurbishment of furniture and its assembly and display and for the use of a multi-purpose space for youth activities and for offices, meeting rooms and training rooms, instead of its use for light industry.* The southern half of the original advance factory floor at ground floor level and the two levels of offices developed as ancillary to the advance factory have been put into use for the refurbishment, assembly and display of furniture, for youth activities and for use as offices, meeting rooms and training rooms. It is now proposed to regularise the unauthorised changes of use.

- (3) *Permission to carry out alterations and extensions to the building.*
Proposed extensions to the building comprise a single-storey entrance lobby to the front (eastern) elevation and a stairwell to the rear elevation. The proposed alterations comprise the development of offices, meeting rooms, training rooms and ancillary accommodation at first floor level within the existing structure. Some minor elevational changes to the building are also proposed.
- (4) *Permission to alter the external layout and increase the number of car parking spaces.* It is proposed to develop 20 additional car parking spaces to the rear of the building.

Site Location Map





Pre-Planning Consultation

Two formal pre-planning meetings took place between agent and Area Planner on 09/03/2011 and 06/04/2011 prior to previous planning application on the site.

Site notice

The site notice was in place, legible and correctly worded on the day of the site inspection.



Zoning and Designations

Castleisland Functional Area Local Area Plan 2009-2015.

The proposed site is located on lands zoned Light Industry in the Castleisland LAP which is part of the Castleisland Functional Area Local Area Plan 2009-2015.

Policy in relation to lands with Light Industry Zoning

Light Industry

Certain Industries that are not compatible with urban areas by virtue of noxious or dangerous processes, such as noise, or pollution will not be permitted. In order to preserve this land for light industrial use, uses that do not directly relate to industrial activities, such as housing, retail or community uses will not be permitted. Uses shall not be injurious to the residential amenity of the area. Ancillary showrooms associated with the main use on site will be permitted up to a floor area of 100sqm.

The following specific development policies and objectives contained in the Castleisland LAP apply to the proposed development.

3.3.3 Inner Relief Road and Link Road

An inner relief road is also proposed which will run from the eastern end of Main Street, past the Rugby Club and An Ríocht, over the river and join up with the public road to the east of the Community College and eventually onto the Scartaglin road. This will help divert local traffic in the town from the Main Street. A link road is also proposed running west from the inner relief road parallel and to the south of Main St to join up with Old Chapel Lane. It is envisaged that this new road will give the opportunity to create a new street in the town centre.

Relevant Planning History

Planning Register No. 03/593

Application for planning permission by Castleisland Advance Factory Ltd to construct an advance factory building and for associated site development works including an access road and also for permission to retain site preparation works already completed.

Permission was granted by Kerry County Council.

Planning Register No. 11/452

Application for planning permission to retain an existing building and surrounding external works where constructed at Knockananlig, Castleisland and within revised site boundaries and to carry out alterations and extensions to the building and to alter the external layout and increase to number of car parking spaces and also to change the use of the building from light industry to use for the refurbishment of furniture and its assembly and display and for the use of a multi-purpose space for youth activities and for offices, meeting and training rooms.

Application was withdrawn by applicant.

Reports

(1) Kerry National Roads Design Office – received on 12/04/2012

The site boundary should comply with the set-out co-ordinates as show on drawing No. 51-206-001 to ensure the proposed development avoids the proposed Castleisland Inner Relief Road.

Submissions/Observations

None

Assessment

1. Traffic: The Traffic Impact Assessment Report submitted with the application demonstrates that the additional traffic movements generated by the proposed development would not cause traffic congestion. Road Safety Audit Report submitted with the application makes recommendations regarding pedestrian access to the site and the provision of road markings at vehicular accesses. Report submitted to file from Kerry National Roads Design Office includes a map showing setting out details for proposed Castleisland Inner Relief Road. None of the proposed works would impact on the designated setting out area.
2. Effluent disposal: The site is served by public sewerage.
3. Surface water disposal: To existing surface water sewer.
4. Amenity of adjoining properties: It is considered that the proposed development would not cause negative impact on amenities of any property in the vicinity.
5. Visual impact: It is considered that the proposed design changes to the structure would be in keeping with the existing building.
6. Planning History: Planning permission granted in 2003 on the site for an advance factory.
7. Submissions: No third party submissions were made in relation to this application.
8. Ministerial Guidelines: It is considered that the proposed development would not contravene Ministerial Guidelines under Section 28 of the Planning and Development Act.
9. Regional Planning Guidelines: It is considered that the proposed development would not contravene Regional Planning Guidelines.
10. Zoning: The application site is located in an area zoned Light Industry in the Castleisland Functional Area Local Area Plan 2009, hence the need to implement the Material Contravention Procedure in order to grant permission for youth activity uses and for office, meeting and training uses. The following points are noted.
 - (a) Given the low level of planning applications in Castleisland for industries in recent years, it is considered that adequate lands are zoned Light Industry and Industry elsewhere within the development boundary if the current application site in the town centre is developed for office, training and community uses.

- (b) The advance factory unit on site has not been used for any industrial purposes since it was built.
- (c) The proposed office, training and community uses would not be incompatible with the existing commercial and recreational developments on adjacent lands.

11. Development Contributions:

- (a) It is not recommended to impose development levies on the retention elements of the application as they relate to the following:
 - (i) Change of use of offices which were developed as ancillary to the advance factory to general office use,
 - (ii) Change of use of part of ground floor of advance factory to use for refurbishment, assembly and display of furniture as such a use would be authorised in the advance factory and
 - (iii) Change of use of part of ground floor of advance factory to use for community youth activities as such a use would not attract development levies.
- (b) Proposed offices at first floor level and proposed extensions to front and rear of building: Floor area 517 sqm
 Water and sewerage levy 517sqm @ EUR 27.75/sqm = EUR 14,346.75
 Roads levy 517sqm @ EUR 7.75/sqm = EUR 4006.75
 Amenity levy 517sqm @ EUR 4.28/sqm = EUR 2212.76

EIA SCREENING REPORT	
Planning register no. 12/149 – Sliabh na gCaiseal Ltd, Knockananlig, Castleisland	

1. Characteristics of development	
Size	Small scale development – approx 0.8Ha.
Accumulative impacts with other developments / projects	There is an existing advance factory on this urban site Potential for permanent cumulative impacts in relation to road safety.
Use of natural resources	Soil overburden to be removed from part of site for development of additional car parking.
The production of wastes	No large-scale wastes generated. Site is served by public sewerage
Pollution and nuisances	No significant nuisances anticipated
The risk of accidents having regard to substances or technologies used	No hazardous activity on site posing a significant risk to a habitat or human environment.

2. Location of Proposed Development	
Existing land use	Office, light industry and community use.
Previous land use	Unused advance factory
Relative abundance, quality and regenerative capacity of natural resources in the area	Small scale soil overburden to be removed - regenerative capacity minimal. Area affected not considered to be significant
The existing environment and absorption capacity of the natural environment, paying particular attention to the following areas: <ul style="list-style-type: none"> ○ Wetlands ○ Coastal zones ○ Mountain and forest areas ○ Nature reserves and parks ○ Natura 2000 sites ○ Areas in which environmental quality standards laid down by the EU have already been exceeded ○ Densely populated areas ○ Landscape of historical, cultural or archaeological significance 	This proposed project is a small-scale development consistent in character with the existing development on site and in the vicinity. The lands in question are zoned 'Light Industry' in accordance with the Castleisland Local Area Plan 2009-2015. The area is urban in nature and located close to the town centre. A number of environmentally sensitive sites are located in the wider area, including Natura 2000 sites, wetlands, lands designated for landscape and archaeological purposes and mountain / forest areas. It is considered that these are unlikely to be significantly affected by way of a proposal of this nature at this location. It should be noted that a separate AA Screening Report is being prepared in relation to this proposal.
3. Characteristics of Potential Impacts	
The potential significant effects of the proposed development in relation to the criteria set out in 1 & 2 above and having particular regard to:	
Extent of the Impact (geographical area and size of affected population)	Generally limited to the development site itself and its immediate vicinity.
Transfrontier nature of the impact	None.
Magnitude and complexity of the impact	Main impacts include potential for traffic congestion and noise nuisance. The magnitude of impacts is not considered to be overly great or complex.
Probability of the impact	Low. No significant impacts anticipated.
Duration, frequency and reversibility of the Impact	Construction risks (hydrocarbon spillages, sediment loss etc) and nuisances (noise etc) are likely to be temporary in nature. More long term impacts will be associated with the permanent and operational aspects of the project (traffic impact, noise impacts etc). No significant impacts anticipated.
4. Recommendation and conclusion	
Having regard to the above and in particular to the nature, scale and location of the proposed project, It is considered that an EIA is not required in this instance.	

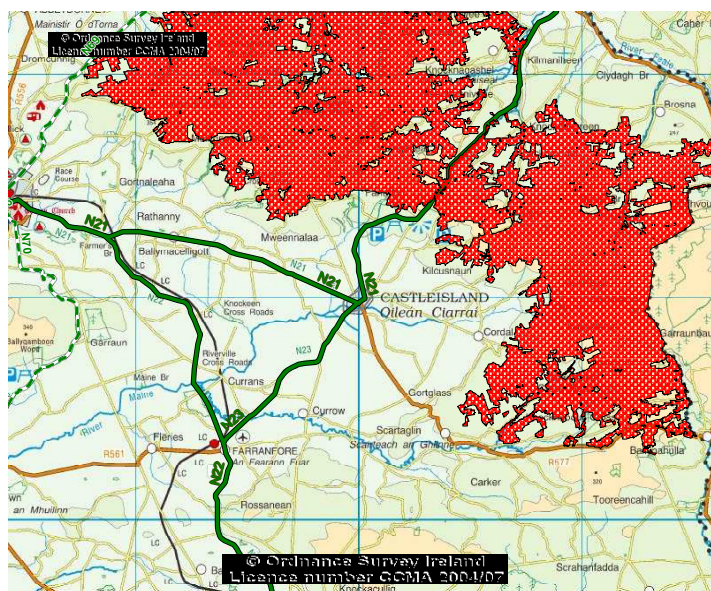
Appropriate Assessment Screening Report

Planning Reference Number:	12/149
Description of the proposed development (including a brief outline of its nature and size):	<ol style="list-style-type: none"> (1) Retention permission to retain the existing building and surrounding external works where constructed within revised site boundaries, (2) Retention permission to retain the use of part of the building for the refurbishment of furniture and its assembly and display and for the use of a multi-purpose space for youth activities and for offices, meeting rooms and training rooms, instead of its use for light industry, (3) Permission to carry out alterations and extensions to the building and (4) Permission to alter the external layout and increase the number of car parking spaces
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

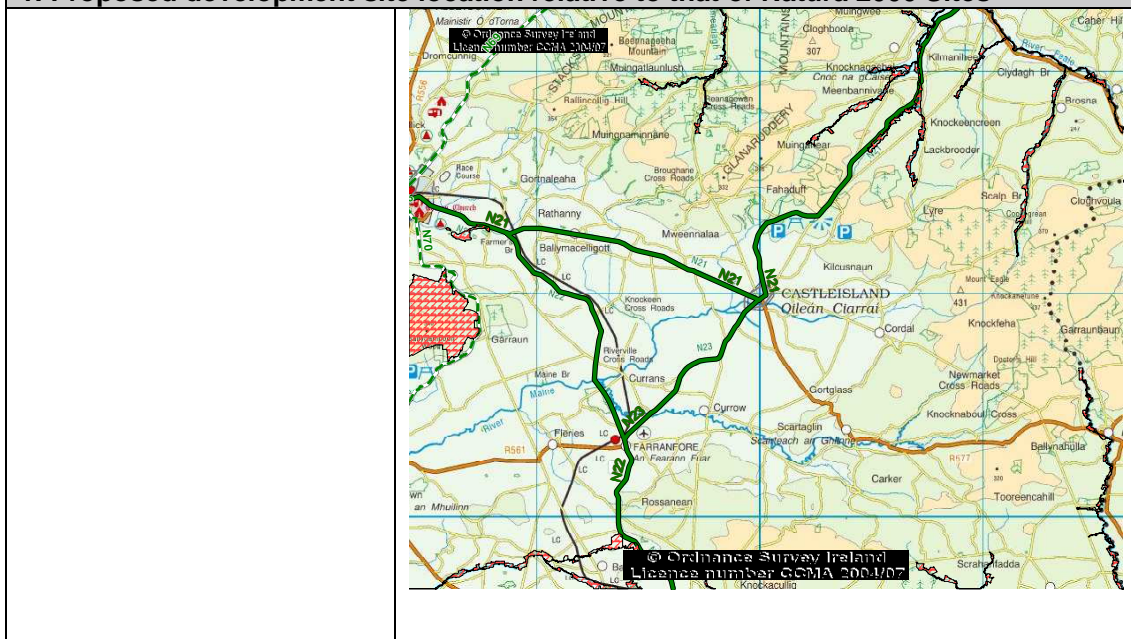
Description of the development site location, relative to Natura 2000 sites, having particular regard to Natura 2000 sites located within 15km of the proposed site or within the same water catchment as the proposed site

Stacks to Mullaghareirk Mts. West Limerick Hills & Mount Eagle SPA located 3.5km NE of site.



Slieve Mish Mts. SAC located 12km west of site.

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



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

Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage Officer / other Specialists (where appropriate)

None received.

3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites. In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant.

Potential significance indicators include:	
<ul style="list-style-type: none"> Reduction / erosion / fragmentation of key habitat(s) 	Not likely
<ul style="list-style-type: none"> Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance) 	Not likely
<ul style="list-style-type: none"> Alteration of key environmental conditions (e.g. water quality, water supply, air quality) 	Not likely
<ul style="list-style-type: none"> Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites 	Not likely
<ul style="list-style-type: none"> Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites 	Not likely

3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites. In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant.	
• Interference with the movement of 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)	
(b) There is no likely potential for significant effects to Natura 2000 sites ¹	AA not required.

Recommendation

Grant retention permission and planning permission for the following reason and subject to the following conditions:

FIRST SCHEDULE

Having regard to the nature, extent and location of the proposed development and the availability of public services, 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 be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area or be otherwise contrary to the proper planning and sustainable development of the area.

SCHEDULE 2A

- (A) Retention permission to retain the existing building and surrounding external works where constructed within revised site boundaries,
- (B) Retention permission to retain the use of part of the building for the refurbishment of furniture and its assembly and display and for the use of a multi-purpose space for youth activities and for offices, meeting rooms and training rooms, instead of its use for light industry,

(1) The development shall be retained entirely in accordance with the plans and particulars received by the Planning Authority on 06/03/2012.

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

SCHEDULE 2B

- (C) Permission to carry out alterations and extensions to the building and
- (D) Permission to alter the external layout and increase the number of car parking spaces

(2) The development shall be carried out entirely in accordance with the plans and particulars received by the Planning Authority on 06/03/2012 except for any alterations or modifications specified in this decision.

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

- (3) The proposed car park extension shall be located as shown on drawings received on 06/03/2012 and shall be finished in bituminous road surfacing material. The car parking spaces shall be delineated with standard road marking material.

Reason: In the interests of orderly development

- (4) Surface runoff from proposed car park extension shall be connected to surface water sewer. No surface water shall be permitted to flow into public foul sewerage system.

Reason: to prevent flooding and pollution.

- (5) Prior to the commencement of development the developer shall pay a contribution of **€14,346.75** to Kerry County Council (Planning Authority) in respect of public water and sewerage infrastructure and facilities benefiting the development.

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

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

- (6) Prior to the commencement of development the developer shall pay a contribution of **€4,006.75** to Kerry County Council (Planning Authority) in respect of roads infrastructure and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st 2013 and annually thereafter (unless previously discharged) in line with the Wholesale Price Index for Capital

Goods, Building and Construction as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

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

(7) Prior to the commencement of development the developer shall pay a contribution of **€2,212.76** to Kerry County Council (Planning Authority) in respect of community infrastructure, environmental amenities and facilities benefiting the development.

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

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

Mr. M. Mahon, Director of Planning said this application refers to a change of use of a property in Castleisland. The use of the property for offices and as a youth space is in contravention of the zoning in the Local Area Plan where it is zoned for light industry. The prescribed notice was published in the Irish Examiner on 27th April, 2012 and no submission was received. It is considered that the additional traffic movements generated by the proposed development will not cause traffic congestion. The site is served by public sewerage and the surface water disposal is to the existing surface water sewer. An EIA Screen Report was undertaken and it was considered that an EIA was not required in this instance. He recommended that permission would be granted subject to the conditions outlined in the report circulated.

Cllr. B. O'Connell 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, we the Members of Kerry County Council hereby resolve to grant permission to Sliabh na gCaiseal Ltd., to (1) retain the existing building and surrounding external works where constructed within revised site boundaries (2) retain the use of part of the building for the refurbishment of furniture and its assembly and display and for the use of a multipurpose space for youth activities and for offices, meeting rooms and training rooms, instead of its use for light industry and for permission for (3) to

carry out alterations and extensions to the building and (4) to alter the external layout and increase the number of car parking spaces at Knockananlig, Castleisland, Co. Kerry in accordance with plans submitted on Planning Register No. 149/12 which development would materially contravene the objectives of the Kerry County Development Plan 2009 - 2015 and in particular the objectives of the Castleisland Functional Area Local Area Plan 2009 - 2015 in which plan the subject site is zoned for Light Industrial use.

Cllr. D. Healy-Rae SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, Donovan, Ferris, Finucane, Fitzgerald, Foley, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistram, Moynihan-Cronin, O'Connell, O'Shea, Purtill, Sheahan, Wharton-Slattery, Buckley **(22)**

Against: None **(0)**

Note Voting: None **(0)**

The Mayor declared the resolution CARRIED.

Cllr. J.J. Culloty then returned to the meeting.

12.06.18.05 Dingle Functional Area Local Area Plan 2012 – 2018

Members' Duties under Ethics Legislation

Mayor T. Buckley said he wished to remind members of their duties under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. He then read the following statement into the record of the meeting.

"Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must

- (1) Disclose the nature of his/her interest or the fact of a connected persons interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it."

(a) County Manager's Report on submission received on the proposed material alterations to the Dingle Functional Area Draft Local Area Plan 2012 - 2018

Mr. M. McMahon, Director of Planning informed the meeting that this is the final stage of the process. The County Manager's Report and Recommendations on Submissions were considered at a Special Meeting held on the 2nd April, 2012. The Elected Members adopted a total of 58

proposed material alterations following this meeting. Adverts appeared in "The Kerryman" newspaper on 18th April, 2012 advising that these proposed material alterations were on public display from 18th April to 17th May 2012. In total, 11 no. submissions on the proposed material alterations were received during the consultation period. These submissions relate to 14 of the proposed material alterations and no submissions were received in relation to the remaining 44. The Manager's Report circulated outlines the persons who made submissions and observations, the issues raised, the recommendations in relation to the issues raised and a list of proposed amendments to the draft plan. Submissions from the DoECLG and the Statutory Bodies regarding policies to deliver an overall strategy for the proper planning and sustainable development are included at the start of the report. Submissions relating to specific settlements are under their relevant heading. He advised members that the Planning and Development Act 2010 requires not less than half of the members (14) must vote in favour of the making of the Plan. Previously a simple majority of those present was sufficient. He then called on Mr. Paul Stack to brief the meeting on the detail of the submissions received.

General Submissions

Mr. Stack informed the meeting that 5 general submissions were received and details are set out on Pages 6 – 10 of the Manager's Report which was circulated:

- G-1 Department of the Environment, Community & Local Government
- G-2 Environmental Protection Agency
- G-3 National Roads Authority
- G-4 The Department of Education and Skills
- G-5 South West Regional Authority

He briefed the meeting on these submissions and the Manager's recommendations on them.

Cllr. S. Fitzgerald referred to Natura Sites and asked if SAC's and SPA's are included.

Mr. Stack confirmed that both SAC's and SPA's are Natura sites.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea it was agreed to adopt the recommendations in the Manager's Report on these submissions.

Daingean Uí Chúis

Mr. Stack informed the meeting that 6 submissions were received on the proposed material alterations that went on public display in relation to Daingean Uí Chúis. He referred members to Pages 11-15 of the Manager's Report for details of these submissions and he briefed them on the submissions and the Manager's response and recommendation on them. The following is a list of these submissions:

- DUC-1 Coakley O'Neill Town Planning Ltd. on behalf of (Name withheld for Data Protection purposed – paper copy of unedited Minutes available on request)

- DUC-2 (Name withheld for Data Protection purposed – paper copy of unedited Minutes available on request)
- DUC-3 (Name withheld for Data Protection purposed – paper copy of unedited Minutes available on request) DUC-4
The Planning Partnership on behalf of Lidl
- DUC-5 An Taisce
- DUC-6 (Name withheld for Data Protection purposed – paper copy of unedited Minutes available on request) ble
Development Group

Mr. Stack briefed members on the issues raised and the Manager's response to them. He said it is recommended that the amendments that went on public display be adopted as proposed.

Cllr. S. Fitzgerald referred to Submission DUC-3 from (Name withheld for Data Protection purposed – paper copy of unedited Minutes available on request) and asked if the indicative access could be dealt with at the planning stage.

Mr. Stack said if the land is zoned the landowner must indicate the proposed access for the Planning Department.

Cllr. Fitzgerald then referred to the Matrix and requested clarification on 'Public/Community'.

Mr. M. McMahon referred members to Page 29 of the Draft Plan and Section 1.7.5 Public/Community/Institutional/Educational which reads as follows:

"Public/Community/Institutional and Educational facilities including schools, churches, day-care centres, childcare facilities, community buildings and health facilities will normally be permitted. Limited residential or business uses will only be permitted where they are functionally related and ancillary to community facilities at the site."

Cllr. M. O'Shea referred to the access to the lands the subject of DUC-3 and asked if Kerry County Council would enter into negotiations with the landowner prior to the planning application being submitted. He pointed out that a precedent was set at Cluan Áirde to Cloon Cille. He called on the Council to look favourably on granting access to the landowner through the Council estate. He pointed out that in the new Dingle Plan there are proposed access points through private property.

In response Mr. P. Stack said it would be advisable for the landowner to enter into pre-planning discussions in relation to the proposed development. These discussions will include access, surface water etc. It is not reasonable to say there is precedent as there are different issues involved in each case.

Cllr. O'Shea asked if the Council would look favourably on his proposal.

Mr. Stack said it is impossible to pre-empt a decision on a proposed development as the Council must also consider the impact on 3rd parties.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Griffin it was agreed to adopt the recommendations in the Manager's Report on these submissions.

Baile an Fheirtearaigh

Mr. Stack informed the meeting that 1 submission was received in relation to Baile an Fheirtearaigh. He referred members to Page 16 of the Manager's Report for details of this submission which is BF-1 from An Taisce. It is recommended that the amendments that went on public display be adopted as proposed.

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. S. Fitzgerald it was agreed to adopt the recommendation in the Manager's Report on this submission.

(b) Making of the Dingle Functional Area Local Area Plan 2012 – 2018

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea, this Council having considered the County Manager's Report on submissions received in relation to the Dingle Functional Area Draft Local Area Plan 2012 – 2018 and the County Manager's Report on the proposed material alterations that went on public display for the Dingle Functional Area Draft Local Area Plan resolves to make the Dingle Functional Area Local Area Plan 2012 – 2018 subject to the material alterations previously agreed.

A vote was taken on this proposal which resulted as follows:

For: Cllrs. Brassil, Cahill, Culloty, Donovan, Ferris, Finucane, Fitzgerald, Foley, Griffin, D. Healy-Rae, J. Healy-Rae, McCarthy, McEllistrim, Moynihan Cronin, O'Shea, Purtill, Sheahan, Wharton Slattery, Buckley **(19)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Connor-Scarteen, Cronin, Gleeson, Leahy, O'Brien, O'Connell, O'Donoghue **(8)**

Mr. G. O'Brien declared the resolution CARRIED as in excess of half of the members voted in favour of the proposal.

12.06.18.06(a) County Manager's Report on Proposed Variation No. 7 to the Kerry County Development Plan 2009 – 2015

Mr. M. McMahon, Director of Planning referred members to report dated June 2012 on this item which was circulated. He informed the meeting that this variation is necessary to give effect to the Dingle Function Area Local Area Plan and to incorporate it into the County Development Plan. Following public notice of this proposed Variation 6 submissions were received but no issues were raised. He recommended the adoption of Variation No. 7 to the Kerry County Development Plan.

It was unanimously agreed to note the Manager's Report.

12.06.18.06(b) Making of Variation No. 7 to the Kerry County Development Plan 2009-2015 to incorporate the provisions of the Dingle Functional Area Local Area Plan 2012-2018

Mr. M. McMahon informed the meeting that the Manager's Report recommends that the Kerry County Development Plan 2009-2015 be varied to incorporate the provisions of the Dingle Functional Area Local Area Plan and to zone lands at and adjacent to Daingean Uí Chúis, Annascaul, Baile an Fheirtéaraigh, Baile na nGall, Ceann Trá, Dún Chaoin, Líos Póil and An Mhuiríoch to reflect the provisions of the Dingle Functional Area Local Area Plan as adopted.

Cllr. S. Fitzgerald PROPOSED that this Council having considered the County Manager's Report on submissions received in relation to the Dingle Functional Area Draft Local Area Plan 2012 – 2018 and the County Manager's Report on the proposed material alterations that went on public display resolves to incorporate the provisions of the Dingle Functional Area Local Area Plan and to zone lands at and adjacent to Daingean Uí Chúis, Annascaul, Baile an Fheirtéaraigh, Baile na nGall, Ceann Trá, Dún Chaoin, Líos Póil and An Mhuiríoch to reflect the provisions of the Dingle Functional Area Local Area Plan as adopted into the Kerry County Development Plan 2009-2015.

Cllr. M. Griffin SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Culloty, Donovan, Ferris, Finucane, Fitzgerald, Foley, Griffin, D. Healy-Rae, J. Healy-Rae, McCarthy, McEllistrim, Moynihan-Cronin, O'Shea, Purtill, Sheahan, Wharton-Slattery, Buckley **(17)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Brassil, Cahill, Connor-Scarteen, Cronin, Gleeson, Leahy, O'Brien, O'Connell, O'Donoghue **(10)**

The Mayor declared the resolution CARRIED.

Landslide at Sauce Creek, Brandon

Cllr. S. Fitzgerald referred to the landslide at Sauce Creek and asked that warning signs would be provided advising members of the general public to keep away from the area.

12.06.18.07 Provision of Traffic Calming Measures

(a) N21 through the townlands of Caherbreagh/Curraghmacdonagh, Tralee, Co. Kerry.

Mr. C. O'Sullivan, Director of Roads referred members to his report dated 11th June, 2012 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. N. Foley it was unanimously agreed to approve the provision of Traffic Calming Measures pursuant to Section 38 of the Road Traffic Act 1994, as amended by Section 46 of the Public Transportation Regulation Act 2009 on the N21 through the townlands of Caherbreagh/Curraghmacdonagh, Tralee, County Kerry. The proposed works will consist of the installation of two new traffic calming gateways, traffic calming island at staggered junction, new kerbed junction, additional cyclelanes, new public lighting, revised road markings, advanced warning signage, any necessary accommodation works and all other associated ancillary works.

(b) Eastern and Western N70 approaches to Caherciveen, Co. Kerry.

Mr. C. O'Sullivan, Director of Roads referred members to his report dated 11th June, 2012 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Healy-Rae it was unanimously agreed to approve the provision of Traffic Calming Measures pursuant to Section 38 of the Road Traffic Act 1994, as amended by Section 46 of the Public Transportation Regulation Act 2009 on the eastern and western N70 approaches to Caherciveen, County Kerry. The proposed works will consist of the installation of two new traffic calming gateways, traffic calming islands incorporating three uncontrolled pedestrian crossings, new kerbed footpaths, new public lighting, appropriate signage, revised road markings, any necessary accommodation works and all other associated ancillary works.

(c) N72 in the vicinity of St. Joseph's Church Rathmore and at Shinnagh, Rathmore, Co. Kerry.

Mr. C. O'Sullivan, Director of Roads referred members to his report dated 11th June, 2012 on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J. Sheahan it was unanimously agreed to approve the provision of Traffic Calming Measures pursuant to Section 38 of the Road Traffic Act 1994, as amended by Section 46 of the Public Transportation Regulation Act 2009 on the N72 in the vicinity of St. Joseph's Church Rathmore and at Shinnagh, Rathmore, County Kerry. The proposed works will consist of the installation of two new traffic calming gateways, traffic calming islands, controlled and uncontrolled pedestrian crossings, new kerbed footpaths, restoration of existing footpaths, new public lighting, revised road markings, appropriate signage, a pavement

overlay, any necessary accommodation works and all other associated ancillary works.

12.06.18.08 Kerry Local Authorities Annual Report 2011

Mr. J.D. Flynn, Director of Corporate Services, said the Draft Annual Report was presented to Council at the April Ordinary Meeting. The final Kerry Local Authorities Annual Report is now presented to members for consideration and adoption.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. S. Fitzgerald, it was unanimously agreed to adopt the Kerry Local Authorities Annual Report 2011 in accordance with Section 221 of the Local Government Act 2001.

Cllr. J. Finucane asked if there would be an official Press launch of the Report.

Mr. Flynn confirmed this would be arranged in the near future.

12.06.18.09 Household Charge Update

Ms. A. McAllen confirmed that the amount of properties that have paid the Household Charge in Kerry as at 18/6/2012 is 35,986 households in the amount of €3,618,849. This amount does not reflect the number of households applying for a waiver.

The most recent figure available for total countrywide property registrations for the Household Charge is 959,103 properties as at 14th June, this figure includes some remaining postal applications with queries and reflects properties registered for a waiver also.

Work continues nationally to build the Household Charge database , a formal group has been established to progress data sharing across the agencies listed in the Household Charge legislation .Work is ongoing between the Project Board and the Local Authorities presently involving comparison of lists of properties registered for Household Charge versus NPPR/PRTB/PRA registered property listings in the first instance, these lists will be issued to each Local Authority to follow up any unpaid Household Charges in July.

Waivers for the charge are available for property owners in specified Unfinished Estates and for those in receipt of Mortgage Interest Supplement, it is important that these properties are registered to enable a correct county by county analysis to be provided and of course to enable each local authority to establish a correct database of properties liable for the charge.

Daily updates reflect that households in Kerry continue to register on a daily basis and she encouraged those homeowners who have not yet registered their properties to do so before additional penalties and interest charges apply. It is also important that those in this county who have not registered their property do so to ensure that services in this County being provided by this Council are not adversely affected.

People who wish to pay the Household charge can do so, in County Buildings at Rathass, or at all Area offices throughout the County. It can also be paid on

line at www.housecharge.ie , or posted to Household Charge PO Box 12168, Dublin using the forms available at all offices of the Council.

Cllr. D. Healy-Rae said a person who went to the NPPR charge at the Town Hall, Killarney was informed they had to pay it at Kerry County Council Offices at County Buildings. When he went to the Cash Office in County Buildings he was advised they could not accept his cash. He asked for an explanation for this.

Cllr. N. Foley said it is important there is clarity on the impact on Kerry County Council services if householders do not pay the Household Charge. She PROPOSED that a report would be presented at the July meeting outlining the implications for services if all households do not pay this charge.

Cllr. A. McEllistrim asked what percentage of households paid to-date in Kerry and will it be necessary to review the Budget in the light of the shortfall.

Cllr. T. Ferris also asked approximately what percentage of households had paid the Household Charge in Kerry. The issue of the national database has not yet been resolved and she asked is this the reason registrations for the septic tank charge had not yet commenced. She requested clarification on the various national lists available to compare against the list of households who have paid the Household Charge.

Cllr. M. Gleeson said initially there was considerable confusion in relation to unfinished estates and the four categories mentioned. He asked where a house is subdivided into a house and a granny flat with a separate meter and two entrances is there a requirement to pay the Household Charge on both properties. It is unfortunate that it should fall to Kerry County Council to write to households who have not paid the charge. He asked what the position is in relation to public representatives who refused to pay the charge and he said there should be an obligation on them to comply.

Cllr. J. Healy-Rae asked for clarification in relation to a commercial business where the family lives overhead. Are they liable for the Household Charge? He asked if the Council will bid for the 14 unfinished houses in Castlemaine that will be up for auction in the near future.

In response Ms. McAllen confirmed that cash is accepted at the Cash Office but said without knowing the facts of the individual case she was not in a position to comment on it. If the person owned the property prior to 31 March they may be liable for additional penalties. The legislation states that the actual amount due on the property must be paid in full and the Council is prohibited from accepting a sum less than the total amount due including penalties. She asked Cllr. D. Healy-Rae to provide her with the details of the case and she would investigate it. It is not yet known what impact the shortfall in income from the Household Charge will have on the Budget but she assumed the allocation from the Local Government Fund for the fourth quarter may be reduced. There is no database nationally with an accurate record of the total number of households liable for the Household Charge therefore it is not possible to accurately state what percentage of households have paid in Kerry. The facts are that 35,986 households paid the charge in Kerry. In the Book of Estimates the Minister factored in a sum of €160m as income from

this charge. The Council will work with the Bureau on the lists available. There are a number of established lists ie Revenue, Social Protection, PRTB, NPPR etc. In July a list of those that paid the charge will be provided to local authorities and this can be compared to the other lists. She added that people continue to pay on a daily basis and 1500 households paid the charge in the past week in Kerry.

Cllr. P. O'Donoghue said he presumed the Local Government Grant is paid quarterly and if the last quarter is targeted there will be a substantial shortfall of up to €1m.

Cllr. B. Cronin asked where a property is rented under RAS is the landlord liable for the Household Charge.

Ms. McAllen confirmed that in that case the landlord is liable for the Household Charge. She confirmed that the list of estates entitled to a waiver is on the Household Charge website and there are no changes to this list in 2012.

Cllr. N. Foley said there is a lack of co-relation by the general public. It would be helpful to set out for the public how the money from the Household Charge is being spent otherwise it is seen as another penal charge.

Ms. McAllen said it was always advertised that income from the charge would be used to fund local services. However this can be done when reminders are sent out to those that have not paid the charge.

Cllr. B. Moynihan Cronin said the implication of the lack of compliance in the payment of the Household Charge and funding of grants was made clear at the recent Housing SPC meeting.

Cllr. P. McCarthy asked if there was any update on the septic tank charge.

The County Manager informed the meeting that the legislation to give effect to the registration process for this charge has not yet been signed into law by the Minister. However, he understood it would be signed in the coming weeks. It will be €5 for anyone that registers in the first three months and €50 there after. The legislation was delayed because of a legal requirement in respect of the inspection regime.

Cllr. M. Cahill asked if the Council will be introducing a waiver for the Household Charge. He said there are genuine cases where they cannot afford to pay.

Ms. McAllen said the Council must be guided by national legislation and there is no provision for a waiver, other than for ghost estates, at present. She then referred to Cllr. Gleeson's query in relation to a granny flat and said it is a separate property and is therefore liable for the charge. She referred to the query regarding commercial premises where the owner resides overhead and said the Valuation Unit normally measures the commercial element of the property and rates are only paid on this element. In that case the householder is liable for the Household Charge.

12.06.18.10 Environment and Water Services SPC Report

Cllr. B. Cronin referred members to his report on the Environment and Water Services SPC meeting held on 24th May at the Landfill office which was circulated. He briefed the meeting on his report as follows:

Tour of Landfill Facility

SPC members were taken on a very informative tour of the landfill. They were given a detailed explanation of the way incoming waste is managed, the use of hessian material for daily cover, insecticide spraying and leachate collection and disposal. The tour also viewed the recently closed and partly capped cells of the previous phase.

Update on Integrated Constructed Wetland Projects

There are two wetlands in operation in Kerry to treat wastewater at Rossbeigh and Brandon. Lough Léin Working Group and Kerry County Council are working together to reactivate the wetland in Killarney as a polishing stage for the final effluent from the Waste Water Plant.

Briefing on Dog Fouling Campaign

For the month of June a public awareness campaign on dog fouling is being undertaken with an emphasis on the following dog fouling hotspots:

South Kerry – Dingle Marina, Rossbeigh Beach, Waterville Waterfront and Kenmare Pier.

North Kerry – Banna Beach, Ballybunion Beach, Castleisland River Walk and Fenit. Dog Wardens and Litter Wardens will police these areas during the campaign distributing leaflets and pooper-scooper bags and issuing fines where necessary.

Report on Spring Clean 2012

The Spring Clean 2012 was a huge success with approx. 70 tonne of waste/refuse being collected.

Update on Recycling Banks

There are 103 Bottle Bank sites in Kerry. Skips for plastic bottles were relocated in early April to the nearest Transfer Station. The Killorglin plastic bottle skip will remain in place until the redevelopment of the Killorglin Bring Bank is ready to commence at which stage it will be removed.

Water Metering

Members were briefed on general figures in relation to water metering. According to Census figures there are at least 53,000 households in Kerry, 40,000 on public water mains will require meters but approx. 4,500 are already on non-billing meters. The current non-domestic charge for water is €1.10 for 1,000 litres. This charge is applied only when the household allowance of 625 litres a day (50,000 gallons a year) is exceeded.

In conclusion Cllr. Cronin said this was his last meeting as Chair of the SPC and he thanked Mr. O. Ring, Mr. T. Sheehy and the staff of the Environment

and Water Services Departments for their assistance and co-operation. He wished the incoming Chair, Cllr. M. Gleeson every success.

Mr. T. Sheehy, SE Environment thanked Cllr. Cronin for his work and dedication over the past three years.

Cllr. T. Ferris said it was brought to her attention that there is disquiet among the 2,700 Water Services workers in the country because of the non-engagement of the new water authority. There is a possibility that this could result in strike action which would have huge implications for hospitals, factories and households. She asked what contingency plans are in place if the Department of Environment does not engage on this issue.

Cllr. A. McEllistrim said she met residents living near the landfill and they had a horrendous experience recently when their property was covered with flies from the landfill. The residents requested that a colouring agent would be added to the spray in future to ensure that all sections of the landfill are sprayed. She requested that the fence at the landfill would be repaired.

Cllr. M. O'Shea referred to the cost of water for commercial premises on the basis of water in and water out and he asked if this would apply to domestic properties when meters are installed.

Cllr. J.J. Culloty thanked Micheál Ó Coilleán for his assistance during the Spring Clean and said he hoped it would be as successful next year.

Cllr. D. Healy-Rae asked if Management are aware that there has been a substantial reduction in the number of maintenance staff in Water Services. There is now only one man per van and he asked if this complies with Health and Safety requirements. This is one of the most important functions of the local authority and he was concerned at the reduction in staff numbers.

Cllr. P. O'Donoghue said there was a very negative response from the public to the removal of the plastic bottle banks. The impression given was that the members of the SPC decided to remove them but this was not the case. Members were informed of the decision but did not have a say in it. He believed this decision resulted in an increase in illegal dumping. The removal of these banks has resulted in additional expense for households and this is causing hardship especially for older people. Members were informed that they were removed because of indiscriminate dumping at the sites but he asked that this would be reviewed. Members should have been part of this decision making process. The plastic bottle banks were removed when the Refuse Service was sold.

The County Manager informed the meeting that it was a Government decision to establish Irish Water. In April they decided Irish Water would be a subsidiary of Bord Gáis and they were tasked with setting it up. There are a number of concerns in relation to what will happen when Irish Water is established including what role local authorities will have in the service into the future. There was no formal dialogue on these issues at a national level and these discussions will not commence until an implementation plan is in place. He was aware there was a preliminary meeting with the Unions at national level at which time it was agreed that when Irish Water is established

and an implementation plan in place they will engage with the Unions. He was also aware that SIPTU conducted a ballot of its members to allow them to take action later if necessary. All these issues are tied into the Croke Park Agreement. It will be a long slow process and the full transfer will not take place until 2017 at the soonest. It is possible there will be local authority involvement through a Service Level Agreement into the future but he was not aware that a decision was taken on it yet. Water and waste water will have to be paid for and in his opinion there will be a charge for both. It will not be possible for Irish Water to borrow unless they have adequate income.

Cllr. T. Ferris PROPOSED that a letter would be sent to the relevant Minister to engage with the Unions representing Water Services staff to ensure there will not be a strike.

Cllr. B. Cronin SECONDED this proposal.

The County Manager said he could not engage with staff as he cannot give them any guarantees. It will be necessary to draw up an implementation plan and to update legislation and he did not believe that would happen until mid 2013 at the soonest. It is anticipated that the implementation plan will be drawn up shortly and this would set out key areas i.e. staffing etc. 21% of the Council's Budget is spent on Water Services and all the assets and liabilities must be transferred. The key issue is what will become of staff – will they transfer to the new water authority or will they remain with the local authority. If they remain with the local authority can the local authority afford to keep them? He accepted the point being made by Cllr. Ferris as the Unions are frustrated.

Cllr. D. Healy-Rae referred to a previous request to seek a meeting with the Taoiseach to discuss members concerns regarding Irish Water and he asked if a positive reply was received.

In response Mr. G. O'Brien said a reply was received from the Taoiseach indicating that the issue was referred to the Minister for Environment for his attention.

Cllr. D. Healy-Rae asked that a letter would issue to the Minister for Environment calling on him to expedite that meeting.

The Mayor stated that a reminder would issue to the Minister.

Mr. O. Ring, Director of Water Services said a number of staff in Water Services retired recently and others are likely to be appointed as caretakers. Forty new schemes will be coming on stream shortly and they must be managed. At present there is 50% more crews than 10 or 11 years ago. Water Services will be re-organised and the maintenance crews will be strengthened. He assured members that having one member of staff per van does not pose a problem under health and safety legislation. Mr. Ring then referred to the plastic bottle banks and said they were introduced when recycling facilities were not good in the county. They were removed from many sites a long time ago and everything other than glass can go into the recycling bin. A refuse service with recycling facilities is available in most parts of the county. The skip used for plastic bottles was being abused by

those who dumped rubbish illegally at them. Those that have a recycling bin should put their plastic bottles into them while people who do not have a service can use the Transfer Stations.

Cllr. P. O'Donoghue pointed out that not everyone has transport and putting plastic bottles into the recycling bin increases the cost for the consumer. He asked were the plastic bottle banks removed on purpose when the Refuse Service was sold to increase the income of the purchaser.

Mr. O. Ring said no deal was done with the purchaser to remove these bottle banks. Most plastic bottle banks were removed a number of years ago as they were causing a nuisance. There are very few plastic bottle banks remaining in the county now. People have an alternative, if they don't have a service they can use to the Transfer Station.

Cllr. P. O'Donoghue said an alternative was available prior to the sale of the service. It would be helpful if a copy of the contract for the sale of the service was made available to members.

Mr. O. Ring said it was too expensive to continue to operative the plastic bottle banks. It is more economical to use the recycling bins.

Cllr. J.J. Culloty welcomed the upcoming review of the staffing on Water Services maintenance vans.

Cllr. P.J. Donovan said in South Kerry the worst problem with illegal dumping is at the Bottle Banks site in Caherciveen. But for Kerry County Council and Acard cleaning it up it would be a disgrace. He asked that a CCTV would be installed at this location and left there for a number of months to address this problem.

Mr. Ring undertook to do this.

Cllr. J. Healy-Rae supported the sentiments expressed by Cllr. O'Donoghue in relation to the plastic bottle banks. He received a lot of calls in relation to it and he felt councillors had no say on this issue.

Cllr. M. Cahill asked if the CCTV in Killorglin was repaired.

Mr. O. Ring pointed out since the plastic bottle banks were removed it is predominantly business people who are using the Bottle Banks.

12.06.18.11 Community, Culture and Tourism SPC Report

Cllr. M. Cahill referred members to his report on the Community, Culture & Tourism SPC meeting held on 7th June. He briefed the meeting on his report as follows:

Formulating Work Plan for 2012 – 2013

It was agreed to develop a work plan for the SPC to cover the period up to the end of 2013. The plan would set out 2 – 3 policy items per work area to be brought to fruition during that period.

Library Update

563,000 items were loaned to the general public in 2011. The libraries continue to see usage increase and 248,000 items have been loaned to-date in 2012. The Caherciveen Library re-opened to the public in March following renovations and a collection of Daniel O'Connell memorabilia which was previously housed in Bol headquarters in Dublin has been donated to the Caherciveen Library. Work will commence shortly on the preparation of a new Kerry Library Development Plan. The draft Library Collection Development Policy was discussed at the meeting and this policy aims to strengthen the collections held by Kerry Library both from the acquisitions and preservation point of view.

Community & Enterprise Department

The meeting was briefed on the Kerry County Development Board meeting held in May and details are in his report.

Pride of Place

The qualifying process for Pride of Place is through the Community Awards Competition. Adjudication for Pride of Place will take place on 28th & 29th August.

Building Community Preparedness & Resilience Update

There is now a National Steering Group looking at this issue who will make recommendations to the Minister in July.

Tourism Update

www.gokerry.ie – the most comprehensive tourism website on the county has just been launched. Various tourism initiatives were outlined for the meeting and the details are in his report.

Proposed Festival Policy for Kerry Local Authorities

A Festival's Policy is to be developed.

Fórum Gaeilge Chiarraí Report

The report outlined the Fóram's submission to Roinn na Gaeltachta on the review by the Department of the Official Languages Act 2003. Two proposals were considered by the SPC and it was agreed these would be referred to the July Council meeting for consideration.

In conclusion Cllr. Cahill said this was his last meeting as Chair of the SPC and he thanked John Breen, Siobhán Griffin, Noreen O'Connor, Tommy O'Connor and all staff for their support over the past three years. He wished Cllr. Johnny Healy-Rae success as Chair of the SPC for the next two years.

12.06.18.12 Transport SPC Report

Cllr. P. Connor –Scarteen, Chair of the Transport SPC referred members to his report on the most recent meeting of the Transport SPC held on 28th May which was circulated. He briefed the meeting on the items discussed at this meeting as follows:

Policy for the taking in Charge of Private Roads

A report was circulated which set out the key issues to be considered by the Committee which can be summarised as follows:

- Financial implications for the authority in taking a road in charge
- Need for a policy on the standard of such roads before such a request can be considered, similar to what is in place for the taking in charge of Housing Estates.
- Reasonable maintenance free level after taking in charge.

A detailed discussion took place on this item and it was decided that a policy would be developed for the next SPC meeting with the following agreed by the Committee:

- A maintenance free period of 20 years minimum should be provided.
- Standard of road to deliver this, to be developed, including an appropriate bituminous surface finish, adequate passing widths, good drainage and adequate safety provisions and signage.
- All land owners to agree to the works being carried out on the road and to allow for drainage off the road onto their lands where necessary, in writing.

Provision of a Hardship & Emergency Scheme similar to the deferred LIS

A report was circulated to the meeting which set out the key issues to be considered by the Committee.

- Funding of such a scheme – possibility of reducing CCA's by €3k per member and having a potential allocation of €81,000 available.
- Determination of how any funding would be applied – allocation to each electoral area or on a countywide needs basis, considering that it may only be possible to fund a very limited number of schemes.
- Level of local contribution (10% to 30%) but this could prevent those most in need of the works being in a position to provide the funding.
- How would the Council determine a hardship and emergency case – given the level of funding there would be need for a clear policy to protect the integrity of the scheme.
- If funding is unspent in any one year could it be reallocated to CCA's.

Following a detailed debate it was agreed to contact other local authorities to examine if there is a similar scheme being operated in the country.

A presentation was given to the meeting by Ms. Carmel Walsh, Kerry Community Transport and details of same are contained in his report.

Cllr. J. Brassil referred to the Hardship Scheme which was discussed at the March County Meeting. At that time it was agreed to refer it to the Transport SPC who would make a proposal to Council. The existing Hardship Scheme works well and it should be possible to come up with an extension of that scheme which should be acceptable to members. He had hoped the scheme would be in operation in 2012. He was disappointed the SPC did not bring forward recommendations to Council. He PROPOSED that the Hardship Scheme would proceed on the same basis as the existing Hardship Scheme operated under the LIS and that it would commence immediately.

Cllr. D. Healy-Rae expressed concern that a road to be taken in charge will be required to have bituminous surface and will have to be a certain width.

These stipulations will ensure that no road will be taken in charge for years. These conditions cannot be applied to the Black Road in Muckross. He added that members are now being asked to fund all types of works from Councillors Allocations i.e. the provision of markers at the side of a road, provision of directional signs etc. all of which were funded by the Council in the past.

Mr. C. O'Sullivan, Director of Roads said these issues were considered by the Transport SPC. It is a matter for the members to decide how the Hardship Scheme will be funded but he did not have funding for it. It was proposed that it would be funded from Councillors Allocations and there was no agreement on this issue by the SPC. He suggested that other local authorities would be contacted to establish if a similar scheme is in place in any other county. It was agreed to commence the process of taking in charge the Black Road and a report was presented to the SPC on this issue. Members must have regard to the legislation and Section 11(i)(a) of the Roads Act 1993 states:

"A road authority may, by order, declare any road over which a public right of way exists to be a public roadand responsibility for its maintenance shall lie on the road authority."

Section 11(i)(b) states: *"Where a road authority proposes to declare a road to be a public road it shall*

- (i) satisfy itself that the road is of general public utility,*
- (ii) consider the financial implications for the authority of the proposed declaration,*
- (iii) publish a notice in a local paper...*
- (iv) consider any objections or representations made to it as a result of the public notice under paragraph (iii) and not withdrawn."*

Mr. O'Sullivan pointed out that a further five or six requests for roads to be taken in charge have also been received. Members must consider the financial implications for the local authority of taking additional roads in charge. If a housing estate is taken in charge there are standards which must be met before the estate can be taken in charge. There are no such standards for taking a road in charge. He pointed out that the Black Road has not been taken in charge and it was only agreed to commence the process.

Cllr. J. Brassil said he proposed that the Hardship Scheme would be set up on the same basis as the one that already exists. Funding for this scheme would be voluntary. He requested that a letter would issue to each councillor asking them if they agree to take a reduction of €3,000 from their Councillors Allocation and he PROPOSED that this would be automatically deducted from 2013.

Cllr. T. Ferris SECONDED this proposal.

Cllr. B. Moynihan Cronin said the residents of the Black Road wrote to the Director of Roads and she asked that he would reply to them.

Cllr. P. McCarthy suggested that a letter should issue to the Minister for Transport calling on him to fund 4 or 5 hardship cases each year.

Cllr. D. Healy-Rae asked what process was in place heretofore for the taking in charge of roads. He suggested that the existing procedure would apply to the Black Road as it is unfair to expect the residents of the Black Road to meet the new criteria.

Cllr. P. Connor-Scarteen undertook to bring Cllr. Brassil's proposal to the Transport SPC for consideration.

Cllr. Brassil said that will not be necessary. He made his proposal that the existing hardship scheme would apply and that it would commence from 2012.

Cllr. P.J. Donovan PROPOSED that the hardship scheme would commence in 2013 as some councillors have already committed their Councillors Allocation for 2012.

Cllr. J. Finucane SECONDED this proposal.

Cllr. B. Moynihan Cronin asked if there would be a balance in the allocation of the hardship fund between electoral areas.

Mr. C. O'Sullivan said if each member contributes €3,000 there will be a total fund of €81,000. The average cost to improve a road under the LIS is €20,000 therefore an average of 4 schemes a year could be undertaken. Under the hardship scheme a few of these could be in one part of the county. It is not possible to allocate per electoral area. If members agree that the hardship scheme used for the LIS would apply to this fund then it is possible to proceed. There is a marking scheme which takes personal circumstances into account and there is an element of discretion also. If members agree they can work off the existing LIS list only on the basis of hardship.

Cllr. J. Brassil said he proposed that the hardship scheme used for the LIS would apply but he understood people could apply to be considered under the scheme.

Cllr. N. Foley asked if members agree to contribute €3,000 each to this fund will Councillors Allocations remain the same in 2013. She would agree to the commencement of the scheme if there is an understanding that it is on a pilot basis only and it will be reviewed at the end of the year.

Cllr. P. O'Donoghue asked if this issue should be deferred to the Budget Meeting.

Following further debate it was agreed that the hardship scheme would not commence until 2013 and in the interim the SPC would continue their deliberations on the scheme.

Cllr. A. McEllistrim said if every councillor does not sign up to the scheme the fund will be very small. She said all councillors should be written to immediately to establish if they will sign up to the scheme.

Cllr. J. Brassil said it was agreed the scheme would commence in 2013 and then the deduction of €3,000 per councillor would be automatic.

Cllr. M. O'Shea PROPOSED that further consideration of this item would be deferred to the Budget Meeting.

Cllr. P. O'Donoghue SECONDED this proposal.

12.06.18.14 Presentation by Mr. Tim O'Donoghue, CEO, KDYS

The Mayor welcomed Mr. Tim O'Donoghue, CEO and Ms. Gemma O'Brien of KDYS to the meeting.

Mr. O'Donoghue then addressed the meeting. He thanked members for the opportunity to make a presentation to them. The purpose of the presentation was to give an update on their services and to explore ways in which they can work with Kerry County Council. KDYS are a youth work organisation and are lead providers of youth services in the South West of Ireland. The value of their paid services to the local economy in 2011 was €5.3m while the value of volunteer services in 2011 was 66,840 hours. Volunteering is vital and makes a huge contribution to the services provided by KDYS. Mr. O'Donoghue then outlined the facilities they provide as follows:

- Killarney - the premises were given by the Franciscan Order and there was a capital investment of €3.25m.
- Tralee - there was a capital investment of over €1.5m.
- Listowel - The Old Carnegie Building where they made a capital investment of €1m.
- Killorglin – there was a capital investment of over €0.5m
- Castleisland - a new centre at Hussey's Corner will open mid summer at a cost of €0.4m.
- Tralee Springboard Project Premises
- 3 Tralee GYDP Project Premises at Rathonane, Spa Road and Boherbue.
- Cahersiveen Outreach Base
- Kenmare Outreach Base
- Mobile Youth Café – Funding for this was received last year and it will allow the services to be brought to rural locations. This is a catalyst to bring communities together and to look at the needs of their own community. The annual running costs will be €200,000.

Mr. O'Donoghue said in 2011, 7,336 young people were availing of KDYS Services. 50% of these were using the youth café etc. and availing of the services at youth clubs. 35% are contacted mostly through schools. 16% engage in the various projects financed by Government including youth reach services in conjunction with KES. This is a specialised category. In 2011 KDYS had 557 volunteers with 89% involved in the Youth Club network. The overall staff compliment in 2011 was 96 with most of these involved in the delivery of specialised services. A sum of €4.76m was received in Government funding in 2011 with €0.263m raised from fundraising in 2011. In conclusion Mr. O'Donoghue said KDYS also runs Comhairle na nÓg on behalf of the Council. In the current cycle of funding cuts the way forward is to promote volunteerism. He hoped KDYS and Kerry County Council can explore ways to work together to ensure communities and youth services are sustained.

All members thanked Mr. O'Donoghue for his presentation.

Cllr. M. Gleeson said the mobile café is an excellent idea and everyone should be aware of the importance of volunteering. All money spent at this level saves society in the long run. Cllr. Gleeson said he knew of people who availed of these services and they are very successful.

Cllr. G. Wharton Slattery welcomed the Youth Centre which will open shortly in Castleisland. She also welcomed the Mobile Café which is an excellent idea and said it should be fully supported. Youth Clubs play a very important role in the lives of young people in many communities throughout the county. She thanked KDYS for the excellent work they do with young people.

Cllr. D. Healy-Rae acknowledged the valuable services provided by KDYS and he welcomed the new Youth Centre in Castleisland and also the Mobile Café. All parents appreciate there is a time when young people need these services.

Cllr. N. Foley endorsed the work of KDYS and said much of their work is unheralded and it is important to highlight their work. She acknowledged how innovative KDYS is with limited funding. The Mobile Café is a tribute to the innovative staff and it will reach out to rural communities that are in decline. While the Council also has had its funding reduced she asked if there was any way the Council could support the work of KDYS. She asked them to identify a specific project that Kerry County Council could work on with them and it could be brought before Council for consideration.

Cllr. J. Finucane said he was concerned there are inadequate facilities for young people between the ages of 15 and 17 years. As Chair of Kerry Education Service he raised this issue while he also discussed it with the Gardaí. Young people need facilities where they can meet so they are not driven into pubs. In Tralee this age group do not have anywhere to go by night. KDYS do a huge amount of work and it is a challenge to provide an outlet where young people can socialise.

Cllr. B. Moynihan Cronin said it is very difficult for KDYS to continue in the current difficult economic times. She asked if they had to cut some of their programmes as a result of the reduction in funding. She said people need KDYS now more than ever.

Cllr. T. Ferris said she developed skills as a result of the services provided by KDYS and she thanked them for this. KDYS should use the names of now successful people who used their service when they were young. Sean Ryan is one of the nominees in the Ernst and Young Awards and he was a junior and senior leader with KDYS. She grew up at a time when all young people looked forward to Friday night at the Youth Club or at the Disco run by them. During the boom the 15 to 18 year olds no longer used this facility. Her experience with Comhairle na nÓg is that the relationship is at management level only. The Council should have a mentoring project where young people could spend time with politicians and see all aspects of their lives as a public representative. She thanked all the volunteers that work with KDYS.

Cllr. M. Cahill said our youth are our future and their issues are our issues. It would be good to strengthen links and to have a better working relationship between Kerry County Council and KDYS.

Cllr. J.J. Culloty supported the sentiments expressed by previous speakers and said it would be fantastic if facilities could be provided for 15 to 17 year olds where they could learn constructively. He would support any joint project between KDYS and Kerry County Council.

In response Mr. T. O'Donoghue said he would welcome a project that would involve co-operation with the Council. KDYS already works closely with some members. The specialised programmes, in particular those in urban based areas has shaped where KDYS is at present. He emphasised the need to support volunteers. He acknowledged and recognised the need for places for young people to go and said young people are diverse and one outlet will not be sufficient to meet all needs. It is important to come up with a solution that is safe and well organised to ensure they can make choices and design what will meet their requirements. As a result of the 30% reduction in funding jobs were lost. Funding of services must change and communities must engage in a different way. The Youth Club model is very successful but the amount of regulation that governs working with children; while it is welcome it is very onerous. A lot of fundraising must be done each year to sustain premises. He welcomed suggestions that KDYS would come up with a project that the Council could work on with them. Mr. O'Donoghue again thanked members for their support and the opportunity to make the presentation to them.

Mayor T. Buckley thanked Mr. O'Donoghue for his presentation and wished KDYS well in the future.

The meeting adjourned for lunch at 1.55pm.

The meeting resumed at 2.35pm.

12.06.18.13 Housing and Social Support SPC Report

Cllr. B. Moynihan-Cronin referred members to her report on the most recent meeting of the Housing and Social Support SPC which was circulated. She briefed them on the items considered at the meeting as follows:

Social Housing Leasing Initiative & Rental Accommodation Scheme

A comprehensive report was circulated on this item. Specifically in relation to the Social Housing Leasing Initiative a wide scale review of the housing list has been initiated with a view to identifying demand, i.e. where long-term leasing is identified as the appropriate solution to meeting social housing need. The review also extends to the identification of applications where RAS is considered an appropriate social housing option. A promotional campaign to generate further interest among landlords has also been implemented. The first two draft leases have now issued and there are a further six properties at an advanced stage.

Applications for Single Rural Dwellings – Review of Eligibility criteria

While there is a decrease in the number of applications received in 2012 there is still a significant number of applications on hands at various stages of

processing. Because of the significant reduction in funding for the construction programme it is unlikely the Council will be able to continue to construct single rural dwellings on the same scale as heretofore. However, in the event of capital funding being insufficient to meet the cost of potential 'starts' in 2013 it is planned to review all applications which are considered to have a realistic chance of proceeding on engineering and planning grounds with a view to examining genuine alternative social housing options which may be available within the locality eg Social Housing Leasing Initiative or RAS. Priority will be given to those applications where these options are not feasible.

Prioritisation Scheme for Tenants of a Local Authority rented property applying for a Housing Adaptation Grant

The Housing Department intends to streamline and simplify the process of applying for adaptation works from Council tenants with disabilities/mobility difficulties and a new application process and prioritisation scheme on the basis of medical need will be introduced with effect from 1st July, 2012.

Housing Adaptation Grants Scheme for Older People and People with a Disability – 2012 Allocation

To date, in 2012, 328 grant applications were received in addition to the 586 applications on hand at the end of 2011. Payments of €0.775m have been made in respect of works that have been completed to the satisfaction of the Council to date this year. The overall 2012 allocation of €3.258m has at this stage been accounted for by way of individual grant allocations made or about to be made as well as commitments carried forward from 2011.

Proposed Amendments to current Tenancy Agreement

A report on the proposed amendments to the current Tenancy Agreement used in respect of all new tenancies to address certain specific matters relating to anti-social behaviour was circulated. The proposed changes are as follows:

- (a) The tenant must not at any time invite or allow to remain on any part of the dwelling or garden any persons in respect of whom the Council has notified the tenant that they should not enter or remain on the property.
- (b) The tenant or tenant's family or any occupant of the dwelling must not knowingly permit a person against whom an exclusion order under Section 3 of the Housing Act 1997 or any interim excluding order under Section 4 of the Act is in force in respect of the dwelling concerned to enter the dwelling in breach of the Exclusion Order or interim Exclusion Order as the case may be.

Cllr. T. Ferris asked when the amendment to the Tenancy Agreement would come into effect. She referred to people who give up their local authority accommodation and said she understood they would find it difficult to be considered for housing again. She heard of a case where a person gave up three houses and was offered another house. Cllr. Ferris then referred to the Registration of Births in Kerry and said in Kenmare, Dingle etc. a birth can be registered any day while in Tralee it can only be done on a Wednesday. This is a ridiculous situation in our capital town.

Cllr. P. Leahy asked when construction would commence on Single Rural Dwellings for 2012.

Cllr. M. O'Shea requested further details on proposed changes to the Single Rural Dwelling building programme.

Cllr. D. Healy-Rae referred to the criteria for a Single Rural Dwelling and said he hoped applicants from very rural areas, where there are not many options to rent a house, will get priority. It is important for some of these applicants to be near the family farm where they help out. It is a pity the Council cannot purchase the houses in Castlemaine. This would be a great opportunity to acquire housing in Mid Kerry where there is significant demand. Cllr. D. Healy-Rae referred to a recent media report that said Minister Joan Burton was annoyed with the Minister for Environment who had not responded to her request that local authorities would manage applications for Rent Allowance. He pointed out in the case of a separated couple, where the spouse living outside the family home still has his/her name on the family home deeds, they will not be considered for Rent Allowance. This is usually the male partner who would like to have his children stay with him for part of the week but he can only afford a 1B apartment without Rent Supplement.

Mr. J. Breen, Director of Housing said once the proposed changes to the Tenancy Agreement are agreed by Council they will be implemented for all new tenancies. He undertook to speak later to Cllr. Ferris in relation to her query regarding the person offered a house having left local authority houses. If a tenant or a family member of a tenant has a conviction they are precluded from residing in the house in accordance with the Anti Social Behaviour Policy. It is anticipated approx. 5 Single Rural Dwellings will commence in 2012 and the list must be reviewed in the light of changing funding allocations. He pointed out that there are many delays because of title issues. In some cases other houses close by that are available for renting maybe more suitable. He referred to Cllr. Healy-Rae's reference to the houses in Castlemaine and said the Council can only purchase houses built to a certain standard and in any event no funding is available. Local authorities are being asked to take over the Housing Assistance Scheme from 1st January 2013 but they will only take it over if there is provision for deduction at source. However the Attorney General has raised questions about this. The issue of Rent Allowance for separated couples is a matter for the Community Welfare Officer.

12.06.18.15 Report on the South West Regional Authority

It was agreed to note Cllr. J. Brassil's written report on the operations and activities of the South West Regional Authority which was circulated in accordance with Section 141 of the Local Government Act 2001.

12.06.18.16 Summary of proceedings at Conferences/Seminars in accordance with Section 142(5)(f) of the Local Government Act 2001

(a) South and Eastern Regional Assembly Annual Conference 2012

It was agreed to note Cllr. S. Fitzgerald's written report on the South and Eastern Regional Assembly Conference 2012 held on 24th May, 2012 which was circulated.

(b) Planning Seminar for Councillors

It was agreed to note Cllr. M. Griffin's written report on behalf of the delegates that attended the Planning Seminar for Councillors held from the 8th to 10th June, 2012 which was circulated.

12.06.18.17 Reception of Deputations

- (a) Cllr. D. Healy-Rae requested that a deputation be received from the Residents of Rathmore in relation to flooding of roads and houses by the Cullowa River.

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

- (b) Cllr. J. Healy-Rae requested that a deputation be received from Residents of Kenmare in relation to reduced opening time of the Library in Kenmare.

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

12.06.18.18 Opening of Tenders

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for Building Contractors for Maintenance and Refurbishment Work for Kerry Local Authorities for appointment to a Multi-Party Framework Agreement – Closing Date: Monday 2nd July, 2012 at 3pm.

12.06.18.19 Notices of Motion

1. Criteria for Rental Accommodation Scheme

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

That Kerry County Council explain the insistence of invoking the minimum period of eighteen months criteria when deciding on eligibility for RAS in view of the fact that the Council had previously stated that exceptions would be made to invoking the criteria dependent on given circumstances. The Council might also explain as to whether or not the eighteen months qualifying criterion is based on Council Policy or a directive from Government.

The following report issued:

The Rental Accommodation Scheme (RAS) was established to meet the accommodation needs of rent supplement recipients with a long-term housing need. There is clear direction from the DECLG that in general a household must be in receipt of rent supplement for 18 months or more in order to qualify for RAS. In accordance with guidance received from the Department, housing authorities can exercise some flexibility where in accepting households on to RAS where they have been less than 18 months on rent supplement. This would occur only where there are

exceptional circumstances and where a long term housing need can be demonstrated. It should also be noted that Kerry County Council has consistently met its annual RAS targets as set out by the DECLG and continues to be one of the best performing Councils in respect of the overall numbers of RAS clients transferred on to the scheme having regard to the number of eligible applicants in the county.

An alternative social housing option is the Social Housing Leasing Initiative which is available to qualified applicants who may not be eligible for RAS. A wide scale review of the housing list has been initiated with a view to identifying demand, i.e. where long-term leasing is identified as the appropriate solution to meeting social housing need. A promotional campaign to generate further interest among landlords has also been implemented. While the SHLI is still at an early stage in Kerry County Council significant progress has been made over the past few months in terms of developing procedures, reviewing older deferred applications, promoting the Scheme, and reviewing the housing lists to establish demand. The sourcing of suitable and available properties in areas of demand is the key to the successful implementation of the Scheme. Presently the first two draft leases have now issued and there are a further six properties at an advanced stage.

Cllr. P. O'Donoghue said it is ridiculous that the criteria requires a person to be in receipt of rent supplement for 18 months before they qualify for RAS. He moved a similar motion approx 18 months ago at which time he was told that flexibility could be applied. However this has not been the case. He called on the Department of Environment to review this criteria. He believed money could be saved if this was amended. He asked the Housing Department to consider each individual case and to be sympathetic. He acknowledged and welcomed the Social Housing Leasing Initiative but said it is not publicised enough.

Mr. J. Breen, Director of Housing, said his Department has embarked on a publicity campaign for the Social Housing Leasing Initiative. If any member has information regarding a suitable property they should submit it to his Department. In 2011 150 people were housed under the RAS Scheme and there is no reason why a similar number cannot be housed under the Leasing Initiative. He added that single properties are eligible for this Scheme.

2. Refund of cost of repair to stair lift

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

That Kerry County Council would pay the cost of repairing the stair lift for the resident of (name with Housing Department) as promised last February.

The following report issued:

We have received the paid invoice from the tenant for the cost of this work and arrangements are being made to recoup this amount to him as soon as possible.

Cllr. J. Brassil asked that payment would be made as soon as possible.

3. Ainmneacha na mBailte Fearainn atá litrithe go mícheart

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

An bhfuair Bainisteoir an Chontae freagra fós ón Eagrais a chur suas ainmneacha na mBailte Fearainn atá litrithe go mícheart? Tá fearg ar na daoine áitiúla faoin mbligeárdaíocht seo agus nílid sásta glacadh léi.

Léigh an tuairisc seo leanas:

Fuair an Comhairle freagra ón Údarás um Bóithre Náisiúnta, ar an 20 Deire Fómhair 2011 mar thoradh ar an rún ar ghlac baill Chomhairle Chontae Chiarraí leis ag a gcruinniú i mí Meán Fómhair 2011, agus a bhí áirithe leis an gClár do chruinniú na Comhairle i Mí na Samhna (cóip faoi iamh).

Tá sé ráite ag an Údarás um Bóithre Náisiúnta in a bhfreagra go dtógadar na hainmneacha atá a úsáid acu ó suíomh idirlín An Coimisiún Logainmneacha agus go gceart dúinn dul i dteagmháil leo siúd maidir le aon cheisteanna a bheadh againn.

Mar thoradh ar an bhfreagra seo, tá An Comhairle taréis na nithe a pléadh ins na rúin a sheoladh ar aghaidh go dtí An Coimisiún Logainmneacha chun athbhreithniú a dhéanamh orthu agus tá giotáí ón Suirbhé Áitainmneacha Chiarraí seolta ar aghaidh chomh maith, tá seo ar fáil i gcartlann sa Leabharlann Contae.

The Council received a reply from the NRA on the 20th October 2011 in response to the resolution passed by the members of Kerry County Council at the September 2011 meeting, which was included with the Agenda to the November 2011 Council meeting (copy of which is attached).

The NRA has stated in their reply that the translation used on the road signage was taken from the Placenames Commission website and we should direct our query to the commission.

Having regard to the response received, the Council has referred the issues raised in the previous resolutions to An Coimisiún Logainmneacha for review and included extracts from the Kerry Placenames survey, which is archived in the County Library.

Léigh Crl. Gleeson an tuairisc se leanas isteach I miontuairiscí na cuinnithe.

“Ceann des na rudaí is fearr a tharla sa tír seo ó thaobh cúsraí chultúrtha le linn na shaoil ná bunú Raidió na Gaeltachta. Do bhunaíodh í ní hamháin chun freastail ar ghaeilgeoirí na tíre ach chun aitheantas a thabhairt do na cainiúintí éagsúil agus chun na canúintí san a chaomhnu ‘s a neartú. Is cuige san a bhíonn nuacht agus cláracha gach lá ó Bhaile na nGall, Casla agus na Doirí Beaga. Tréaslaím leis an staisiún as feabhas a chuid oibre.

Nach ait mar san go bhfuil Eagrais stáit eile ag iarraidh an t-éagsúlacht chultúrtha san a mhilleadh agus tradisiúin áitiúil a loit.

Glacaim go bhfuil gach cead ag muintir Chonnamara Maighnis a thabhairt ar bhaile fearainn I gConnamara. Ní ghlacaim go bhfuil sé de cheart ag an gCoimisiún Logainmneacha teacht go dtí Ciarraí agus an litriú tradisiúnta atá againn a athrú agus litriú Chonnamara a úsáid. Biodh fataí acu ach fanaimid lén ár bprátaí. Is mian liom afach mo bhuíochas a ghabháil leis an t-Uasal Ó Súilleabháin as a iarrachtaí agus a gheallúint na h-ainmneacha tradisiúnta a choimead.”

4. Legislation to allow non-citizens vote in Referenda/Fiscal Treaties

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

That Kerry County Council immediately call on the Government to introduce legislation in respect of non-citizens who are resident in this country, pay taxes here, household charge, etc so as to allow them the right to vote in Referenda/Fiscal Treaties etc that directly impact on their daily lives.

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

Cllr. M. Cahill said there are a number of foreigners living in Ireland for years that are working and paying taxes here. They feel they should be entitled to vote in a Referendum or a Fiscal Treaty as it affects them and he agreed with them. He accepted that this would probably require a Constitutional amendment but it should be considered. He requested that the resolution would be forwarded to the Minister for consideration.

Cllr. G. Wharton Slattery supported the motion and said she believed the issue of citizenship would be a factor.

5. Publication of the Energy Regulator's report on Shannon LNG Project

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

That this Council calls on the Energy Regulator to publish his report and bring certainty to the LNG Project in Tarbert/Ballylongford. This project has the capacity to begin to rejuvenate not alone Kerry but the Mid-West Region.

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

Cllr. J. Finucane said when he submitted this motion he and other members had gone on three deputations in relation to this project. This process has been ongoing for the past six years and an applicant is entitled to a decision after that length of time, be it positive or negative. He stated on Radio Kerry that the impatience of the people in this area is palpable. His concern is to rejuvenate the area and this is being delayed. When the delegation met Minister Rabbitte he indicated that the Energy Regulator's decision was due on the 18th May but it was then the 18th June and the decision has still not issued. If this project proceeds a significant number of emigrants could return home. It is unacceptable that this project continues to waiver and it is the duty of Government to make a decision on it. If Google or Intel were involved he did not think these delays would occur. He asked that a letter would issue to the Energy Regulator outlining members' frustrations and asking him to finally nominate a date for the publication of his decision.

Cllr. L. Purtill said he understood the matter is being contested by LNG through the EU under competition law. He expressed his surprise that the Government cannot intervene with the Energy Regulator. He called on the Energy Regulator and Minister Rabbitte to address Kerry County Council on the tariff issue. In conclusion he said this project is essential for North Kerry.

Cllr. J. Brassil supported the views expressed by Cllr. Finucane and said he too was frustrated at the lack of progress on this project. He felt there was nothing further the members of Kerry County Council could do to help to progress it. He did not accept Minister Rabbitte's assertion that he can do nothing about the Energy Regulators' indecision.

Cllr. P. Leahy said he understood representatives of LNG met with Bord Gáis and he urged caution while discussions are ongoing.

Mayor T. Buckley supported the motion.

Cllr. D. Healy-Rae also supported the motion.

Cllr. M. O'Shea said he heard Cllr. Finucane on Radio Kerry and he was very fair. It is his right to fight for the people of North Kerry as employment is urgently needed in this area.

Cllr. J. Finucane said he was aware that two meetings took place in the past month. At the meeting with the Taoiseach and Minister Rabbitte he requested that an independent Chair would be appointed but he was informed that would only delay the matter further.

6. Projected cost of installation of domestic water meters in Kerry

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

What are the total projected costs for the Government's proposed installation of the estimated 36,000 domestic water meters in County Kerry and the implications for this Council?

The following report issued:

The proposed installation of domestic water meters is currently being managed by the DoECLG and the overall cost of installing meters and meter boxes has not been determined. This will depend on the type of meter selected and the tender price for the installation works.

It is estimated that there is in excess of 36,000 domestic meters required in Co. Kerry. It is likely that the installation of these meters will be carried out by contract following a tender process. It is likely that a number of contracts will be awarded on this basis.

It is likely that the identification of the locations of these stopcocks will be carried out by Council staff and this cost will be borne by the Department. No decision has yet been taken by the Department on the award and management of the installation contracts.

Cllr. B. Cronin said his primary concern relates to the possible financial burden the Council could be forced to undertake. When Kerry County Council installed the non domestic water meters it involved a substantial cost. He estimated if a meter costs €250 and the installation costs a further €250 the overall cost could be as high as €18m to install the meters in Kerry. He was concerned in relation to the funding of this work and he hoped those already paying water charges and rates would not have to pay this cost through increased charges. At present water costs €1.10 per 1000 litres and this is good value. However when Irish Water is established under Bord Gáis he believed water will be much more costly.

7. Re-establishment of Castlegregory Fire Service

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

That Kerry County Council re-establish immediately the Castlegregory Fire Service in view of the recent tragic accident at the Maherees in Castlegregory. The 35/40 minutes time lapse for the Tralee Fire Brigade to arrive at the scene demonstrates the need for the local Fire Service which would have reached the scene, if active, in a maximum of 10 minutes.

The following report issued:

When requests are made for emergency assistance through the 999/112 system, the Munster Regional Control Centre (MRCC) mobilises the most appropriately located Retained Fire Brigade unit(s) to respond and deal with an incident (call out).

The MRCC has never called or mobilised any volunteer squad such as Castlegregory to deal with an incident in Kerry.

As a volunteer squad, Castlegregory were not part of the Kerry Fire Service command structure. They were not accountable to any organisation and were never part of the 999 emergency call-out system. It follows that there would not have been any guarantee or certainty whatsoever that volunteers would respond to an incident in the first instance.

In addition, the volunteer squads were not trained to modern requirements and there had been concerns regarding competency and meeting Health & Safety requirements.

The desire of local volunteers to serve their community is to be commended and it is suggested that this could be achieved through the Civil Defence organisation. Joining Civil Defence would have many advantages for the volunteers, including;

- they would be part of a proper command and control structure and would be the responsibility of Kerry County Council**
- they would receive structured quality fire training (more than double the hours they formerly trained) – 30 existing C.D. members are trained to a high standard in dealing with fires.**
- they would be covered by insurances etc. and would have upgraded equipment**

- they could be trained in a variety of other roles and disciplines, including advanced first aid, rescue, flooding control, etc.
- they would be part of a county wide (140 members) and country wide organisation of like-minded volunteers who also give freely of their time in the service of their communities. The Civil Defence offers opportunities to take part in regional and national exercises and competitions.

Cllr. M. O'Shea extended a vote of sympathy to the family of the later Niamh McCarthy who lost her life a few weeks ago following an accident on the sand dunes in the Maharees. The Fire Service in Castlegregory was part of the community and a call out system was in place. The Ambulance arrived at the scene within approx. 18 minutes and the Fire Brigade arrived within 30 minutes. If the local Fire Service was still in place they could have responded within 8 minutes. There is a large area in Brandon, Cloghane and Castlegregory with approx. 500 holiday units in this area. The reason they have not joined the Civil Defence is they believe they would not be called out often. He called on the Council to enter into discussions with the members of the former Castlegregory Fire Service.

Cllr. N. Foley seconded the motion and also asked that the Council would consider entering into discussions with them.

8. Zoning of land in Local Area Plans

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

That we the members of Kerry County Council ask the Forward Planning Section to notify landowners of the intention by the local authority to zone their lands for whatever category in any future Local Area or Environs Plan as many landowners were unaware of these happenings in the past.

The following report issued:

The Planning & Development Act 2000 and the Planning & Development Regulations 2001 set out the procedures to be followed and the extent and method of public consultation required in the preparation of Local Area Plans. There is no requirement to notify individual landowners of proposals to zone land. Indeed such a requirement would be impractical and impossible to comply with as it would require the Planning Authority to establish the ownership of all lands within the Plan area much of which could be unregistered.

Furthermore ownership of land does not and should not influence the preparation of a Local Area Plan which is prepared in accordance with the proper planning and sustainable development of the area. To base zoning decisions on land ownership would lead to a totally fragmented and irrational planning framework.

Finally it should be pointed out that having regard to the large number of submissions received in relation to each Plan from landowners, whose land was not being rezoned, it seems that there is no difficulty by the general public in establishing what lands are being rezoned in any area.

Cllr. D. Healy-Rae said he was informed that land was zoned against the wishes of elderly land owners. The land was then more valuable and family members who inherited the land had to pay more in Capital Gains Tax. He asked that an advertisement would be placed in the local paper indicating the townlands where it is proposed to rezone land. He also requested where it is proposed to zone land for a car park or for amenity that the landowner would first be consulted.

Cllr. J. Healy-Rae supported the motion and said it is unfair to zone land without first consulting with the land owner.

9. Hedge cutting in the Caherciveen area.

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

That Kerry County Council give an up to-date account on hedge cutting along roads in the Caherciveen area as they are a hazard to road users.

The following report issued:

This Notice of Motion was moved at the Killorglin Electoral Area Meeting of the 17th February 2012, in relation to 4 named routes in the Cahersiveen area, to which the following reply was given:- “The landowners are responsible for the maintenance of roadside hedges. We will identify the landowners and serve notices on those that have hedges that are a hazard for road users”.

The Roads Enforcement Officer has recently inspected the routes and identified limited sections that are a hazard to road users and require cutting. He is currently trying to establish the ownership of these lands. Should there be difficulties in establishing ownership or the landowners fail to comply with the statutory notice that will be issued to them, directing that they cut the hedge, the Council will arrange to carry out the works and seek recovery of our costs.

Since September 2011, on foot of representations from elected members and reports from the public, the Roads Department carried out inspections and conducted land searches on problem areas throughout the county, as a result of which, we issued 166 notices to landowners instructing them to cut their hedges as they were an immediate hazard to road users. We also informed these landowners that Kerry Co. Council would cut the hedges if they had not done so within a specified period and that the Council would seek to recover all costs involved from them. All but two of these landowners complied with the notices. In the case of the other two landowners, the Council arranged to have the hedges cut (in the Dingle Engineering area and the Tralee East Engineering area) and legal proceedings have been instigated for the recovery of our costs.

Cllr. P.J. Donovan said he last raised this issue at the Killorglin Electoral Area Meeting last February. He noted from the report that 166 landowners were issued with Hedge Cutting notices and two of these failed to comply yet nothing happened in his area. The Gurranebawn Road, Rocky Road, Reenrusheen Road and the Renard Road to the Valentia Ferry are completely

overgrown with hedges growing out onto the centre of the road and that is a matter for Kerry County Council. A lot of pedestrians and cyclists use these roads and it is very dangerous for them. He first raised this issue two years ago and no action has been taken since then. The road to Cuas Crom leading to the beach is also very over grown and a lot of young people walk this road to the beach. He called on the Manager to take urgent action to make this road safe immediately. On these roads some of the landowners are deceased while another is in a nursing home. He called on the Council to cut the hedges along these roads and to recover the cost from the landowners. He also asked that councillors would be permitted to use their Councillors Allocations to cut hedges on these roads.

Cllr. M. Cahill supported the motion and said over grown hedges are becoming a huge problem. Some landowners died without a will, others emigrated and others are in geriatric hospitals. The road at Cromane Lower is over grown and he was informed it was a matter for the landowner but no one knows who owns the land. In conclusion he said the issuing of Hedge Cutting notices is not working.

Mr. G. O'Brien said Cllr. J.J. Culloty also has a motion on this topic and it would then be moved.

17. Cutting of trees and roadside hedges

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

That this Council would use all measures at its disposal, to seek to have landowners whose lands adjoin public roads to control trees and hedges. At present, there are very serious safety issues on many roads due to a lack of maintenance. A concerted effort must be undertaken to rectify this matter as soon as possible.

The following report issued:

In accordance with the statutory provisions of Section 70 of the Roads Act, 1993, it is the responsibility of the landowner or occupier of any land adjoining a public road to maintain the hedgerow. However it is acknowledged that a limited number of landowners fail to maintain their hedges and there have been difficulties where there is no known or registered landowner. A revised policy in relation to hedgecutting was considered by the Transport SPC in late 2009 / early 2010 and the Chair of the committee presented a report to Council in June 2010.

Following the adoption of this report it is now the Council's policy where a landowner fails to comply with a statutory notice, in accordance with the provisions of Section 70 of the Roads Act, 1993, and the hedgerow is considered to be a hazard to road users by the Roads Enforcement Officer, the Council will arrange for the cutting of the hedge and seek to recover the costs, including all administration costs, if necessary through the court system.

The Council published notices in the local press and issued letters to 5345 known landowners & occupiers, informing them of their

responsibilities regarding the cutting of roadside hedges, in September 2011.

On foot of representations from elected members and reports from the public, the Roads Department carried out inspections and conducted land searches on problem areas since September 2011, as a result of which, we issued 166 notices to landowners instructing them to cut their hedges as they were an immediate hazard to road users. We also informed these landowners that Kerry Co. Council would cut the hedges if they had not done so within a specified period and that the Council would seek to recover all costs involved from them. All but two of these landowners complied with the notices. In the case of the other two landowners, the Council arranged to have the hedges cut (one in the Dingle Engineering area and one in the Tralee East Engineering area) and legal proceedings have been instigated for the recovery of our costs.

Cllr. J.J. Culloty said since he submitted this motion a truck driver contacted him as the wing mirror in his truck was damaged by trees and branches for the third time. Pedestrians must keep out from the side of the road because of over grown hedges and this is dangerous. It is a very slow process where notice is issued to land owners to cut hedges and he was concerned that over grown hedges would be the cause of accidents where the view is impeded.

Cllr. D. Healy-Rae said Kerry County Council acquired land for road improvements but the work was not carried out and hedges are not being cut on this land. This is a very serious issue. Waiting until September to cut hedges is too late. If a landowner undertakes work on the grass margin he is stopped.

Mr. C. O'Sullivan, Director of Roads undertook to ask the Enforcement Officer to look at the Cuas Crom road immediately. It is the statutory duty of a landowner to cut road side hedges. The Council does not have funding for hedge cutting. If councillors are aware of land in the ownership of the Council where hedges are not cut they should let him have the details. The two cases where the landowners did not cut hedges in response to a Hedge Cutting notice have been referred to the County Solicitor for legal proceedings. In conclusion Mr. O'Sullivan said he would welcome the support of councillors in identifying roads where hedges have not been cut and are a danger to the public. He pointed out that it is more expensive for the landowner if the Council cuts the hedge and then recovers the cost as they may be liable for the Council's legal costs.

The Manager pointed out that the landowner owns to the middle of the road.

10. Entitlements of co-habiting couple

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

That this Council call on the Minister for Social Protection to give the same entitlements as a married couple to the surviving partner of a long standing co-habiting couple, in the case of a bereavement. At present, the surviving partner of a co-habiting couple is not entitled to the widowed parent grant or widows contributory pension.

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

Cllr. J.J. Culloty said under the Civil Partnership Act 2010 he understood co-habiting couples had the same rights as married couples. However, he was aware of a case where the male died and his partner does not appear to be entitled to the widowed parent grant. He asked that the resolution would be forwarded to the Minister for Social Protection for consideration.

Cllr. N. Foley seconded the motion.

11. Credit for small business

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

That Kerry County Council would write to the Minister for Finance to ask him to do something about the horrific situation of small businesses, farmers and many others not being able to access money from our banking institutions.

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

Cllr. J. Healy-Rae said many small businesses are in serious trouble. 2012 is worse than previous years and small businesses that never failed to repay loans are now being refused credit by the Banks. He was aware of two businesses, whose turnover and profits remain the same, had their overdraft cut in half and this is hindering their cash flow. VAT returns must be made by the end of the first week of every month and if not penalties apply. He requested that the resolution would be forwarded to the Minister for Finance and the Government who promised help for small businesses but they are not delivering on this promise.

Cllr. M. O'Shea supported the motion.

Cllr. D. Healy-Rae also supported the motion and said that overdraft facilities are being reduced each year and some businesses are not being given any overdraft. If these businesses don't survive there will be an increase in the numbers unemployed.

12. Collection of Green Bags left at the roadside by community groups

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

As the Council has ceased its involvement in refuse collection, I request that it would clarify, for local communities who are committed to a clean environment, who will collect the Green Bags left at the roadside following a clean up.

The following report issued:

The Council is committed to supporting groups which are involved in clean-ups of their local community, such as Tidy Towns committees and groups involved in "Adopt a Bottle Bank" and "Adopt a Road" schemes. We will agree with the groups on the most appropriate method of disposal of collected waste. This may involve a group bringing the

waste to a transfer station or, by prior agreement, collection by the council. Such agreements will involve specifying a location, date and estimate of quantity.

Due to the number of community groups involved in this activity, and the need to provide greater co-ordination, it is intended in the coming months to set up a more formal registration system requiring contact details, pick-up locations, activity, area covered etc

Cllr. M. Gleeson said the Spring clean was an outstanding success. What is equally outstanding is the continuous commitment of many communities to upholding that standard of tidiness in their area. Such endeavours are vital to the future economic well being of our community as tourism is the principal hope of our county's recovery. It is therefore vital that these people are facilitated and encouraged. He welcomed the final paragraph of the reply stating that a more formal registration system for community groups will be established. He asked that this procedure would be undertaken immediately.

13. Funding for improvements to Heffernan's Bend

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

To ask the Director of Roads & Transportation to apply to the National Roads Authority for immediate funding under the High Cost Accident Remedial Measures to align the bend on the N70 outside Milltown Village known as Heffernan's Bend as Kerry County Council owns the land required.

The following report issued:

This was the subject of a Notice of Motion moved, and a presentation made by a deputation, at the Dingle Electoral Area Meeting on the 30th May 2012, to which the following response was given:- "The initial pavement improvement works on this section of the N70 National Secondary Road between Castlemaine and Milltown were completed in November 2010. Since the pavement works were completed and in response to a number of material damage and minor injury accidents that have occurred, safety lining and signing comprising bar markings, advance warning signage and chevrons were implemented at the location last year and the material on the road verge has been replaced within the past month to implement a revised construction detail that the National Roads Authority issued in 2011.

The location will continue to be actively monitored in consultation with the National Roads Authority and if further appropriate measures can be identified then a request for funding to implement these measures will be submitted to the NRA under the Authority's Safety Measures Scheme".

Following the receipt of the deputation and having regard to the submission made to the members at the meeting, the locus is being examined by the Roads Department and there will be further consultation with An Garda Síochana, in relation to the nature of any accidents reported, and the NRA, on funding for any measures identified.

Cllr. M. O'Shea welcomed the report and said this is a dangerous bend where there were a number of serious accidents. He commended Mr. C. O'Sullivan, Mr. B. Hickey and the NRA who have reviewed the skid resistance of the road and provided new signage. He pointed out that Killorglin Golf Club has offered to make land available to widen and realign the road at this location.

14. Taxing cars monthly

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

That Kerry County Council would call on the Minister for the Environment, Community & Local Government to accommodate motorists in County Kerry who are experiencing exceptional financial hardship by allowing them to pay their motor tax on a monthly basis rather than the current minimum period of three months.

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

Cllr. M. Cahill said a number of families cannot afford to tax their car for three months and are driving without tax. He called on the Minister to consider facilitating people by allowing them to tax their cars monthly in these very difficult economic circumstances.

Cllr. D. Healy-Rae seconded the motion and said it is very relevant as many people are in dire financial circumstances.

15. Cut in Home Help hours

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

To condemn the on-going HSE policy of cutting Home Help hours to elderly people who are trying to live out their lives in their own homes, this is a further attack on the most vulnerable in our society.

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

Cllr. B. Cronin said he wanted to speak on behalf of the elderly and most vulnerable who are most affected by cuts in Home Help hours. There are approx. 10,000 people providing Home Help and they are mainly women. Their hours are being cut and the work is being outsourced. This is a most important service which is constantly under attack. Those who are lucky enough to receive this service will have some light housework done but there is also a very important social side to this service. The elderly and disabled love to see the Home Help coming as they have a chat and this is critically important in their daily lives. This service also allows elderly people to stay at home for as long as possible. The HSE agenda is clear and that is to cut hours and to reduce the cost. Last January the Minister for Health announced that €100m would be saved by closing 850 public nursing home beds and this also targeted the elderly. There was a cut of 0.5million Home Help hours and again this affected the elderly living on their own. He was aware of a number of cases where people applied for Home Help but were refused. He called on the HSE and the Minister for Health to stop cutting Home Help hours.

Cllr. M. Cahill supported the motion and said it is HSE policy to keep people at home but cuts in Home Help hours is contrary to this policy. This is all about achieving savings and is not longer about the care of the elderly and disabled.

Cllr. M. O'Shea also supported the motion and said he moved a similar motion in February and he asked if a reply was received. Cuts to Home Help hours are detrimental for the elderly and hospitals cannot cope with the number of admissions. Many elderly living in rural areas depend on their Home Help for social contact as well as the work they do.

16. Cost of private health insurance

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

That we the members of Kerry County Council ask the Minister for Health, Mr. James O'Reilly, to take urgent action to reduce the cost of private health insurance as many families cannot afford the increased charges.

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

Cllr. D. Healy-Rae said many families had to cancel their private health insurance as they can no longer afford it. This is a very serious issue for Minister Reilly as these people will now be dependant on the public health system. The cost of insurance for a family of six children has increased from €5,000 to €9,500 in the past twelve months. He called on the Minister for Health to take urgent action to address this issue. This is the reason there is such an increase in the number of applications for medical cards.

18. Poor mobile phone coverage in the county

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

That Kerry County Council would write to the Minister for Telecommunications with regard to the shambolic mobile phone coverage that has become seriously worse since Christmas.

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

Cllr. J. Healy-Re said he wanted to highlight how bad mobile phone coverage has become since Christmas. He understood the licence is up for renewal and on the last occasion the Regulator asked that coverage would be provided to 80% of the country. The coverage now will be 70% and rural Ireland will loose out while cities and towns will have good coverage.

19. Reduction in the number of rural Garda Stations

Pursuant to notice duly given Cllrs. P. O'Donoghue & M. O'Shea PROPOSED:

That Kerry County Council writes to the Minister for Justice and Defence regarding the recent Government decision to close some rural Garda Stations and to reduce the number of Gardaí available, particularly in rural areas. The number of knife attacks and fatalities resulting, the increase of burglaries and assaults that are occurring can't possibly justify a reduction in security.

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

Cllr. M. O'Shea said the closure of rural Garda Stations and the reduction in the number of Gardaí is having a detrimental effect on rural Ireland. Milltown and back to Inch are covered by the Garda Station in Caherciveen which is 45 miles away. The Garda Station in Killorglin is only open for 8 hour shifts by day. The Household Charge was introduced to protect local services and this is a local service. Cities and large towns have CCTV cameras making it more difficult for gangs to operate and this is driving them into rural areas. It was comforting for people in rural areas to know the Garda Station was only 8 miles away and even if the Garda was not on duty he lived there. Minister Shatter agreed there is a lack of Garda recruits yet he asked the Garda Commissioner to identify further Garda Stations to be closed.

Cllr. P. O'Donoghue seconded the motion and said this is an extremely serious issue. There is huge concern that the Caherciveen Garda District will be down graded to a sub-station. This covers a huge area from Ballygamboon to Milltown to Caherciveen and Caherdaniel. It is one of the largest districts in the country. If this happens there will be no Superintendent or Inspector in the District and the highest ranking member will be a Sergeant. This is an unacceptable attack on rural Ireland. Charges are being increased and new charges introduced yet less services are provided. If further Garda Stations are closed criminals will exploit the situation. The Government should be told that there is total bias against rural areas and this is unacceptable. He called on the Minister to reverse the closure of rural Garda Stations. The morale of Gardaí is low and they deserve better. He called on all Oireachtas members to take this issue up at national level.

Cllr. D. Healy-Rae said the Caherciveen Garda District is surrounded by the Atlantic and it will leave the area very open to bring in drugs.

20. Farm inspections

Pursuant to notice duly given Cllrs. J. Healy-Rae & D. Healy-Rae PROPOSED:

That we the members of Kerry County Council ask the Minister for Agriculture to apply fairness to farmers with farm inspections especially sheep farms.

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

Cllr. D. Healy-Rae said farmers are given very short notice of farm inspections and many farmers do not receive their post until 4pm. Sheep farmers in particular have difficulty bringing their sheep down from the mountain at short notice and the timing of these inspections is unacceptable. There is no recognition of these issues for farmers. Inspections should be carried out before lambing or when lambs are stronger.

Cllr. N. Foley seconded the motion.

21. Survey of sand dunes

Pursuant to notice duly given Cllrs. M. Cahill & B. Cronin PROPOSED:

That Kerry County Council and the Office of Public Works immediately carry out a survey of all sand dunes in the county so as to ensure that any danger areas are either sign posted, fenced off and/or that protection works are carried out so that any possibility of a repeat of the tragedy in the Maharees is eliminated.

The following report issued:

It is estimated that there are in excess of 80 kilometers of dunes scattered around the coast. The vast area of sand dunes are stable and not prone to sudden movements. However sand dunes by their nature are fluid and as a result of the forces of nature they can sometime shift and are subject to wind & coastal erosion.

It is not feasible to undertake a study of this extent of sand dunes to determine where a potential danger, if any, may arise.

Whereby, our sympathy goes out to the family and friends of the young lady who lost her life in this tragic accident, one must balance what happened with the countless hours of enjoyment that is derived by tourists and locals alike from the use of our wonderful seaside amenities in pursuit of their leisure activities.

Cllr. M. Cahill said all members sympathise with the family of the young lady who lost her life in the Maharees recently. This was a very tragic accident and he hoped it was a once off. Many sand dunes in Kerry are not travelled by locals or visitors and he only wanted those frequented by locals and visitors to be surveyed. He accepted that many sand dunes are stable but added that others are not. He asked that areas where there is wind and sea erosion which are frequented by locals and visitors would be surveyed. Where necessary the dunes could be fenced off and warning signs erected.

Mayor T. Buckley supported the motion and agreed that signs should be erected especially to warn those not familiar with the area.

Mr. C. O'Sullivan said he did not want to prejudice the ongoing investigation but said the Council would be guided by the outcome of the Coroner's Court.

22. Updating Planning Website

Pursuant to notice duly given Cllrs. J.J. Culloty & N. Foley PROPOSED:

That this Council would update it's current website in the Planning Department to include information such as, details of levies for water and sewer, information on planning exemptions, answers to frequently asked questions etc. Such information is currently available on other County Council web-sites. This would be of great benefit to the Public, Architects, Engineers, Building Contractors etc. and would also assist staff in the Planning Department.

The following report issued:

Kerry County Council provides an extensive web-site which provides up-to-date information on all our services. It is recognised as a very important part of our customer service, throughout the organisation.

Members of the public seeking information specifically on planning can access it directly or through the Kerry County Council site.

The Planning site is well-populated with details and information on all our business units. Planning forms, planning guides, plans and policies and planning legislation are all available. Details on the Development Contribution Scheme, the Housing Estates Unit and Quarries are also readily available.

In particular, the online planning enquiry system is an invaluable service to private citizens, agents and prescribed bodies, whereby current planning applications can be viewed on-line, including all drawings and submissions. The web-site has greatly increased the speed and efficiency of the entire planning process. Information is available on a 24 hour basis to all our customers and business conducted without the necessity of attending in person at the Authority's offices.

The availability of Local Area Plans and County Development Plan Variations including maps, facilitates private citizens to interact more easily and conveniently with the Planning Department. A member of staff in Planning works alongside staff in our I.T. Department to continuously update the information available and to ensure the most up-to-date technology is used in the provision of data, document imaging and geographic information systems.

The Minister of State for Housing & Planning recently launched www.myplan.ie which is a web browser information service on Local Authority Development and Local Area Plans. This allows members of the public and interested bodies to access information about approx. 400 development and Local Area Plans made by the 88 Planning Authorities in Ireland.

Each Local Authority has responsibility for updating information and uploading up-to-date zoning maps. This system provides for a National Planning Information service which further enhances information flow and allows for a seamless, co-ordinated approach to planning information generation.

Cllr. J.J. Culloty accepted that the Planning Department has a comprehensive website. He said he was approached by two architects who informed him there is more user friendly information on other websites. He asked Mr. McMahon to review the websites of neighbouring authorities to establish if additional information should be provided.

Cllr. N. Foley seconded the motion and asked that basic information would also be provided on the website.

12.06.18.20 Conferences and Seminars

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P.J. Donovan it was agreed to authorise the attendance of Cllrs. McEllistrim, Cronin, O'Donoghue, Sheahan and Foley at the 10th National Tourism Conference on the theme "Pride in our Country, Pride in our Place – exploring the community's role in tourism development" to be held in the Dolman Hotel, Kilkenny Road, Carlow from 21st to 23rd June, 2012.

Cllr. J. Sheahan was nominated to report back to Council on this Conference.

- (b) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. Foley, McEllistrim, Purtill, O'Connell, Sheahan, Buckley, Connor-Scarteen, McCarthy, Brassil, Cronin, Fitzgerald, Finucane, O'Shea, Wharton-Slattery and Donovan at the MacGill Summer School 2012 on the theme "Reforming and rebuilding our State" to be held in Glenties, Co. Donegal from 22nd to 27th July, 2012.

Cllr. McCarthy was nominated to report back to Council on this Summer School.

- (c) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. P. O'Donoghue it was agreed to authorise the attendance of Cllr. McEllistrim, Purtill, O'Connell, Cronin, Sheahan, Culloty, Wharton Slattery and Leahy at the LAMA Autumn Seminar 2012 to be held in the Mount Errigal Hotel, Letterkenny, Co. Donegal on the 28th and 29th September, 2012.

Cllr. Purtill was nominated to report back to Council on this Seminar.

12.06.18.21 Correspondence General

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

1.	Letter dated 23 rd May, 2012 from the Office of the Taoiseach regarding a request from Kerry County Council for a meeting to discuss the establishment of Irish Water.
2.	Letter dated 23 rd May, 2012 from Postfone in relation to network coverage issues.
3.	E-mail dated 24 th May, 2012 from the Office of the Minister for Education and Skills in relation to guidance counselling allocation at second level.
4.	E-mail dated 24 th May, 2012 from the Office of the Minister for Education and Skills in relation to the means test for student grants.
5.	Letter dated 29 th May, 2012 from the Office of the Minister for Transport, Tourism and Sport in relation to the recognition of Mallow Search and Rescue as a resource of the Coast Guard.
6.	Letter dated 5 th June, 2012 from the Road Safety Authority in relation to signage advising visitors to drive on the left hand side of the road.

7.	Letter dated 6 th June, 2012 from Meteor in relation to mobile phone coverage in Kerry.
8.	Letter dated 6 th June, 2012 from the Office of the Minister for Transport, Tourism and Sport in relation to funding for the N70 Ring of Kerry Road.
9.	Email dated 7 th June, 2012 from the Office of the Minister for Environment, Community and Local Government in relation to smart meters.
10.	Letter dated 9 June, 2012 from (Name withheld for Data Protection purposes – paper copy of the unedited Minutes available on request) in relation to Cllr. J.J. Culloty's Notice of Motion calling on the Minister for Education not to implement changes recommended by the Advisory Group to remove Holy Communion and Confirmation preparation from the school day.
11.	Fáilte Ireland's Report on 'Overseas Holidaymaker Attitudes to Kerry' June – October 2011.
12.	Letter dated 15 th May, 2012 from Fingal County Council in relation to a resolution adopted by that authority calling for the handover of the historic Bank of Ireland building on College Green to the Department of Heritage and Tourism.
13.	Letter dated 28 th May, 2012 from Waterford City Council in relation to resolutions adopted by that authority in relation to the following: (a) National Ad Campaign to highlight the anti social nature and health risks of dog fouling on public paths, parks and beaches etc. (b) Calling for a review of the Long-Term Illness scheme to include Lupus as a Long-Term chronic illness. (c) Support for the abolition of the Sugar Quota in 2015.
14.	Letter dated 1 st June, 2012 from Donegal County Council in relation to a resolution adopted by that authority calling on the Minister to instruct the HSE to carry out a review of the Long Term Illness Scheme with a view to including Long Term Debilitating Illnesses which are not presently recognised by the present Scheme.

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 be extended to the family of the late Paudie Fitzmaurice.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Cremin.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Willie B. Reen.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Kerins Snr.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Danny Lynch.

- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jimmy Sheehan.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Joe Kearney.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Sean Brennan.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Denis Riney.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary (Moll) Doyle.
- (k) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Pattie Foley.
- (l) Cllrs. M. Gleeson and B. Cronin proposed that a vote of sympathy be extended to the family of the late Eddie Nagle.
- (m) Cllrs. P. Leahy, M. Gleeson, T. Buckley and L. Purtill proposed that a vote of sympathy be extended to the family of the late John Lynch.

12.06.18.23 Any other business

Cllr. P.J. Donovan said it was agreed to defer the adoption of the Piers and Harbours Bye-Laws but it has been brought to his attention that the following signs were erected at Kells beach earlier that morning: 'Danger High Water', 'Waves breaking' and 'No Swimming'. This is a very popular and safe beach for swimming and he proposed that the signs would be removed immediately.

Cllr. M. Cahill said following the deferral of the Piers and Harbours Bye-Laws he submitted a Notice of Motion in relation to Kells beach. At that time he was given a commitment that nothing would be done at the beach until after the summer.

Cllr. P. O'Donoghue said this development is very worrying and deeply disturbing. This action by the Council is undermining elected members. Members pointed out that Kells beach is a safe beach and has been used for many years by locals and visitors. To the best of his knowledge there has never been an accident there. Prior to erecting signs the issue should have been discussed at an Electoral Area Meeting to inform members that this was being considered. He called for the removal of the new signs at Kells beach by 12 noon the following day. He seconded Cllr. Donovan's proposal that the signs would be removed immediately.

In response Mr. O. Ring said he presumed the signs were erected by the Environment Department in the interest of beach safety. He undertook to revert to members the following day when he established the facts. If the signs were erected by the Environment Department it was under existing Beach Bye-Laws.

Cllr. P.J. Donovan asked whoever was responsible for the signs would attend the next Killorglin Electoral Area Meeting.

The meeting concluded at 4.55pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry