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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 21 BEALTAINÉ 2012**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 21 MAY, 2012**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

IN ATTENDANCE/I LÁTHAIR

Mr. T Curran County Manager	Ms. A McAllen A/Head of Finance
Mr. J.D. Flynn, Director of Corp. Servs.	Mr. O. Ring, Dir. Water & Env. Servs.
Mr. C. O'Sullivan, Dir. of Roads	Mr. J. Breen, Dir. Hsg. & Comm&Ent
Mr. M McMahon Dir of Planning	Mr. G. O'Brien, Meetings Administrator
Mr. P. Corkery, Press & Comm.	Ms. M Enright SEP
Mr. L Brosnan AO Planning	Ms. J McCarthy SEO Planning
Ms B Reidy SSO Corp. Affairs	Ms. S Broderick SO Corporate 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.

At the outset the Mayor, Cllr. T Buckley congratulated Cllr. T Ferris and her husband on the recent birth of their baby boy.

All the members wished to be associated with Cllr. Buckley's remarks.

Cllr. M Gleeson congratulated the set dancers of Glenflesk GAA Club and the figure dancers of Spa, GAA Club on claiming All-Ireland victories at this year's national Scór

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Sinsear finals. Spa's Figure Dance troupe won their sixth All Ireland title while the Glenflesk Set dancers took their second title. He also congratulated Rathmore GAA Club on recently winning Trá na gCeist. He asked that Kerry County Council would agree to host a Civic Reception to honour the achievements of the three groups collectively. The Mayor, Cllr. T Buckley said that this matter would be considered at the next meeting of the Corporate Policy Group (CPG).

Cllr. D Healy Rae proposed a vote of sympathy to Cllr. S Fitzgerald on the death of his father.

Cllr. P. McCarthy seconded this proposal.

All the members said they wished to be associated with the sentiments expressed by Cllr. Healy-Rae.

21.05.12.01 Mayor's Report on CPG Meeting held on 15th May 2012

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

“Item 1 Agenda for the May Council Meeting

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

In relation to Item No. 11 – Renewable Energy Strategy – Mr. M. McMahon briefed the meeting on this item and said it would be dealt with at the full Council Meeting.

Item 2 County Development Board Update

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

- CDB meeting scheduled for Friday 18th May, 2012.
- Presentation on the Kerry Forum Integrated Transport.
- Clarification of County Tourism Structures.
 - Much good work is being done in the promotion and marketing of our beautiful County, but we need to ensure there is not duplication or areas of no coverage.
- Resourcing of CDB Actions.
 - Agencies need to step up to the plate in providing resources from within their organisations if the objectives of the Board are to be realised. The Board has no budget and each agency needs to contribute.
- Update on the recent approval process for LDC plans where the CDB was required to consider and approve the local development companies proposals for the year

- Consideration of the development of a new 2 year CDB Strategy in accordance with direction from DOECLG.
- Notification and consideration of Draft Dingle Functional Area Plan.
- Presentation on Sustainable Energy Regeneration and District Heating Project in Tralee and site visit.
- Update to CDB on next Generation Broadband Taskforce Report and consideration of role of Economic Sub-Committee of CDB in advancing future broadband provision in Kerry. A 4 week consultation process has now commenced.
- Request from DOECLG regarding completion of an economic template by Local Authorities relative to the objectives of the Governments Action Plan on Jobs Policy Document

Cllr. P. McCarthy said he attended a presentation by the Minister on job creation the previous day. In some counties the County Council are very involved with the agencies in job creation and they offer incentives i.e. in the start up year the business would be exempt from rates. He asked that this would be considered in Kerry.

Mr. J. Breen pointed out that the biggest difficulty for a business is the failure of rents to reduce and not the cost of rates. In one town in Kerry the rental value is higher than rents in Dundalk and Drogheda both of which are just 30 minutes from a major international airport.

Cllr. McCarthy said that would not prevent the local authority from offering some incentive to new businesses. He asked that a review would be undertaken of what other local authorities are doing in this area.

Ms. A. McAllen, Acting Head of Finance said the Council is restricted by legislation in that area. The scheme in Cork relates to protected structures only and is a Scheme specially designed for that purpose. This Council deals with our rate payers on a case by case basis where the need arises.

Item 3 Update from Chairs of SPCs

Cllr. P. McCarthy informed the meeting that the Planning SPC met on the 11th May and the following main issues were considered:

- Housing Estates Unit
- Presentation on Draft Renewable Energy Strategy
- Forward Planning Unit

Cllr. P. Connor-Scarteen informed the meeting that the next Roads and Transport SPC meeting will be held on 28th May and the main topic for discussion will be the taking in charge of roads.

Cllr. B. Moynihan Cronin informed the meeting that a Housing SPC meeting will be held on 31st May and she wanted the Leasing Scheme to be included on the Agenda.

Cllr. B. Cronin said the next Environment and Water Services SPC meeting would be held on the 24th May in the Landfill.

Item 4 Financial Update

Ms. A. McAllen informed the meeting that all income streams are performing to target. There is an increase in the number of customers on payment plans and also an increase in the number of businesses in severe financial difficulty in relation to the payment of rates. It is anticipated there will be a shortfall in income from water charges as consumption is increasing from the sinking of wells by farmers, the repair of leaks etc. As a result it will be necessary to reduce expenditure in line with the reduction in income. The due date for the NPPR is 31st March and people have until the 1st July to pay the charge otherwise penalties will be incurred. A lot of resources are being focussed on income and in particular the NPPR. Revenue are targeting particular areas and with the help of a planner they are identifying properties that have not paid.

Ms. McAllen referred to the Household Charge and people are continuing to pay locally since the 31st March deadline. Nationally there is a huge backlog of post and the Board are reluctant to release county by county figures until these registrations are updated on the system. She anticipated that these figures should be available by the end of May. As of last week nationally 58% of properties have registered. 58,792 properties have been identified in Kerry as being liable for the charge. The Board are in the process of comparing data from different sources and they will come up with a list of properties that are liable for the charge. Ms. McAllen said she believed that the list will then be given to each local authority to pursue those who have not registered. The data is being tested in a number of counties presently. As a result of a shortfall in the projected income it is realistic to anticipate a cut in the Local Government Fund as indicated by Minister Hogan. Expenditure in all sections is being monitored closely and sections have been told to hold off on large expenditure items until clarification is received. It is hoped to be able to react quickly and effectively to achieve a balanced budget at the end of the year.

Item 5 An Taisce Planning Report

Mr. M. McMahon, Director of Planning said this item will also be on the Agenda for the May Meeting. His Department compiled a report which will be circulated with the Agenda. This report is critical of the parameters used as it is biased towards urban authorities. They are also critical of having a league table based on the parameters used. While Kerry is fourth from the bottom of the table it is 3rd in the country in terms of our wastewater systems. There are certain issues that must be accepted as fair comment i.e. the over zoning of land. He said that the parameters don't account for the work done in the past 18 months in dezoning land.

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Cllr. P. McCarthy asked if the An Taisce Report factored in the County Development Plan as this would affect the outcome. In Kerry because of the 1km rule most applications for masts are refused and are subsequently granted by An Bord Pleanala. This would impact on our position in the league table.

In response Mr. McMahon said if you exclude telecommunication masts of the last 14 appeals to An Bord Pleanala 13 were upheld. Since the County Development Plan was adopted 40 to 45 applications for telecommunication masts were received and 37 or 38 of these refusals were overturned by the Bord.

Cllr. P. McCarthy said the problems arose because of the National Spatial Strategy which did not set out any rules in relation to zoning and the link with projected population figures. Zoning is now based on the last Census figures.

Item 6 Update from the JPC Chair

Cllr. P. Connor Scarteen said the Mayors from the three Town Councils were invited to the last Kerry County Council JPC meeting. Concern was expressed regarding under age drinking and it was agreed that the four JPCs should be aligned strategically in terms of delivering a clear message on this topic. It was agreed that the four JPCs should focus on alcohol misuse at their meetings for the next 6 months. It was further agreed to set up a forum that would meet twice yearly comprising of chairs of each of the four JPCs and an official from each.

Item 7 Holding of JPC Meetings on the day of Council Meetings

The CPG agreed that JPC Meetings would be held at 6.00pm on the day of a Council Meeting. It was also agreed to consult with outside representatives on this issue at the next JPC meeting.

Item 8 Request from KDYS to make a presentation to Council

Mr. G. O'Brien informed the meeting that KDYS have written to councillors requesting permission to make a presentation to Council on their work.

The CPG agreed that this presentation would be made at the June Council Meeting.

Item 9 Civic/Mayoral Receptions

Mr. G. O'Brien informed the meeting that there were no requests for Civic Receptions.

Item 10 Any other business

Review of Regulations in relation to the ban on Smoky Coal

Mr. O. Ring informed the meeting that the Department of Environment are issuing a lot of Circular Letters and putting out a number of consultation papers. These should be considered by the relevant SPC but the Department is only allowing 4 weeks public consultation which is not adequate. For this reason he circulated a Circular on

the review of the Regulations relating to the ban on the use of Smoky Coal as it is possible the ban could be extended to possibly Killarney and Listowel.

Draft Building Regulations

Mr. Ring said he also circulated the Circular on the Draft Buildings Regulations which sets out what is required in relation to self certification. If members have any views on any of these Circulars they should inform him after the meeting and he will submit them to the Department.

Response from the Forum on Fluoridation

At the April Council Meeting there was a lot of discussion on the fluoridation of water and he received a response from the Forum on Fluoridation on the views expressed by Mr. Waugh and he undertook to circulate this letter to members.

Cllr. B. Moynihan-Cronin informed the meeting that the HSE are setting up an Advisory Board to consider the issue of fluoridation as the World Health Organisation have expressed concern on it.

Construction of Single Rural Dwellings

Cllr. B. Moynihan Cronin asked for an update on the number of single rural dwellings that would be commenced in 2012.

Mr. J. Breen said it is intended to commence six or seven single rural dwellings in 2012 and priority will be given to those on the housing list the longest.

New Burial Ground for Killarney

Cllr. B. Cronin asked what the consequences are for Kerry County Council in light of the vote taken by the members of Killarney Town Council in relation to the provision of a burial ground at Aghadoe, Killarney.

Mr. J. Breen said the Notice of Motion moved at the meeting of Killarney Town Council the previous night called on the relevant authority to proceed with the Part VIII for the provision of a burial ground in Aghadoe. The community in Aghadoe have no objection to a burial ground in Aghadoe but say the land identified is the wrong location as it is next to the viewing area. A vote was taken which resulted in 4 votes for and 4 votes against the proposal. It was decided on the casting vote of the Mayor who voted for it. He assured members that he would not be advocating that the Council would proceed with Part VIII in respect of that site as it could be in the High Court for a number of years. A Part VIII cannot be considered by the members of Kerry County Council unless it is put before them. Negotiations had taken place with a landowner and he met with the local community representatives and he is satisfied that their concerns are genuine. Mr. Breen pointed out, however, that there is a need for a burial ground for Killarney town.

Cllr. B. Cronin asked if Kerry County Council has ruled out using this land for a burial ground.

Mr. J. Breen confirmed that it was no longer considering this land as a suitable site for a burial ground.

Mr. O. Ring said from Kerry County Council's point of view there is not an urgent need for a burial ground in the Killarney area. The problem is in Killarney town. Kerry County Council will enter into agreement with Killarney Town Council on the provision of a new burial ground if the site is suitable."

Cllr. D Healy Rae referred to the provision of a burial ground for Killarney and said that there was an urgent need for a public burial ground in Killarney. There were a number of sites other than the site in Aghadoe referred to in the report from the CPG, which in his opinion should be considered.

Cllr. J Brassil referred to the County Development Board Update on next Generation Broadband Taskforce Report and consideration of role of Economic Sub-Committee of CDB in advancing future broadband provision in Kerry and to his joint notice of motion with Cllr. N Foley, No. 32. Cllr. Brassil asked that the submission would be made in conjunction with all interested parties.

Cllr. D Healy Rae said that he wished to raise the matter of the review off the regulations on the ban on the use of Smoky Coal.

The Mayor, Cllr. T Buckley said that Cllr. Healy Rae had the option to make a submission on the matter.

Cllr. R Beasley congratulated the turf cutters in North Kerry on taking a stand by cutting turf at Moanveanlagh bog the previous weekend. Under the European Habitats Directive, turf cutting is now prohibited on certain bogs listed as Special Areas of Conservation.

21.05.12.02 Confirmation of Minutes

On the PROPOSAL of Cllr. J Finucane, SECONDED by Cllr. N Foley, it was resolved that the Minutes of the April Ordinary Meeting of Kerry County Council held on 23 April 2012 be confirmed.

21.05.12.03 Lease of commercial unit in Killorglin Area Services Building

On the PROPOSAL of Cllr. J Finucane, SECONDED by Cllr. P McCarthy it was agreed to dispose of, by way of a lease to Library Place Killorglin Ltd a Commercial Unit consisting of a Café measuring approximately 155.85m² and office space with a gross floor area measuring approximately 292.09m² on the first floor and second floors (183.37m² on the first floor and 108.7m² on the second floor) situated in the townland of Laharn in the DED of Killorglin (Part of the Killorglin Area Services Centre Building), for a period not exceeding 20 years and subject to the provision of a deed of renunciation by the lessee in accordance with the terms of notice issued 1st May 2012 pursuant to Section 183 of the Local Government Act 2001.

21.05.12.04 Tuairiscí an Bhainisteora de réir Mír 179(3) den Acht um Pleanáil and Forbairt 2000 agus Cuid VIII de na Rialacháin Rialtais Áitiúil 2001 (Pleanáil agus Forbairt) agus Airteagail 17 go 19 de na Rialacháin um Pleanáil agus Forbairt 2006.

(a) Molta ag an gCllr. J Finucane agus cuidithe ag an gCllr M Griffin, glacadh le Tuairiscí an Bhainisteora a nótáil de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin um Pleanáil agus Forbairt 2001 agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006 maidir le hIonad Cóireála Uisce, oibreacha gaolmhara agus bothar rochtana le tógáil i Cé Bhréanainn, Trá Lí Co Chiarrai.

On the PROPOSAL of Cllr. J Finucane, SECONDED by Cllr. M Griffin it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the construction of a Water Treatment Plant, associated site works and an access road in Cé Bhréanainn, Trá Lí Co Chiarrai.

(b) On the PROPOSAL of Cllr. T O'Brien, SECONDED by Cllr. PJ Donovan it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the construction of a Water Treatment Plant, associated site works and an access road in the townland of Lateeve, Portmagee.

21.05.12.05 Filing of vacancy on the Local Traveller Consultative Committee following the resignation of Cllr. M Griffin.

On the PROPOSAL of Cllr. J Finucane SECONDED by Cllr. PJ Donovan it was agreed that the vacancy on the Local Traveller Consultative Committee following the resignation of Cllr. M Griffin, would be filled by Cllr. T Buckley.

21.05.12.06 Changes to the Chairs of SPC's

(a) On the PROPOSAL of Cllr. D. Healy-Rae SECONDED by Cllr. J Finucane it was agreed that Cllr. J Healy Rae would replace Cllr. M. Cahill as Chair of the Community, Culture and Tourism SPC with effect from 19th June, 2012.

Mr. G O'Brien Meetings Administrator said that this would only be possible if Cllr. D Healy Rae who was a member of the Community, Culture and Tourism SPC and Cllr. J Healy Rae who was a member of the Transport SPC were to exchange committees to allow for Cllr. J Healy Rae to be a member of the Community, Culture and Tourism SPC.

Cllr. D Healy Rae agreed that this exchange of positions would take place.

- (b) The members agreed to note that Cllr. M. Gleeson would replace Cllr. B. Cronin as Chair of the Environment and Water Services SPC with effect from 19th June, 2012.

21.05.12.07 Filling of vacancy on the County Enterprise Board following the resignation of Cllr. M Griffin

On the PROPOSAL of Cllr. PJ Donovan, SECONDED by Cllr. M Gleeson, it was agreed that Cllr. J Finucane would be nominated to fill the vacancy on the County Enterprise Board following the resignation of Cllr. M Griffin

21.05.12.08 Change in the membership of the Association of County and City Councils.

The members agreed to note the change in membership of the Association of County and City Councils as follows: Cllr. M O'Shea to replace Cllr. P O'Donoghue with effect from 19th June, 2012.

21.05.12.09. Change in membership of the Regional Health Forum – South

The members agreed to note the change in membership of the Regional Health Forum - South as follows: Cllr. B Cronin to replace Cllr. G Wharton Slattery with effect from 19th June, 2012.

21.05.12.10. Change in the membership of the South West Regional Authority

Cllr. J Brassil said that it had been agreed that Cllr. M O'Shea would remain as a member of the South West Regional Authority.

21.05.12.11 Proposed Variation No. 8 to the Kerry County Development Plan 2009-2015- Renewable Energy Strategy.

Volume 1: Written Statement and Maps and **Volume 2:** Appendices to Strategy Document of the report on the Proposed Variation No. 8 to the Kerry County Development Plan 2009-2015- Renewable Energy Strategy 2012 were circulated to the members prior to the meeting. Mr. M McMahon Director of Planning & Sustainable Development introduced the presentation which was made by Ms. M Enright Senior Executive Planner.

Mr. McMahon said that the Planning Authority recognises the importance of exploiting renewable energy sources in order to contribute to achieving national targets in relation to the reductions in fossil fuel dependency and greenhouse gas emissions. Kerry County Council recognises that it has a role to play in the delivery of a society based on sustainable energy structures, technologies and practices and has developed the strategy to ensure that the Council as a Planning Authority facilitates and where possible drives the development of renewable energy within its functional area. The strategy puts in place a framework within which objectives and policies will maximise the harvesting of renewable energy resources in a manner which is consistent with proper planning and sustainable development. To this end the

strategy strikes a balance between the provision of renewable energy developments and the preservation and conservation of the natural and built environment.

Mr. McMahon said that the purpose of the Strategy was to set out a planning framework to guide developers and direct them to areas which are more appropriate to renewable energy development.

Ms. M Enright SEP made a presentation to the meeting highlighting the methodology undertaken in preparing the plan and the key elements of the strategy.

- **Definition**

Renewable energy sources are defined as inexhaustible natural resources which occur naturally and repeatedly in the environment including the sun, wind, oceans, plant life and falling water.

- **Policy Context**

The context for the Renewable Energy Strategy is set in a hierarchy of international, European and national legislation which together provide the statutory basis for the preparation of plans and strategies and for the protection of the environment.

- **Current Renewable Energy Generation**

The maximum amount of electricity generated when all installed wind developments are operating at full capacity is 215.86mw. County Kerry consumes on average 96mw per annum and is a net exporter of wind generated electricity when installed wind development is operating above 44.47% of its actual capacity. County Kerry produces 13.65% of the national installed wind capacity on a land area of 6.75% of the national total. (Dec 2011). An additional 1.9mw is produced from other renewables.

- **Renewable Energy Resource Appraisal**

Ms. Enright gave an overview of renewable energy resources present within the county, their theoretical capacity and the potential to exploit them, i.e. offshore wind, ocean, hydropower, bio-energy, geothermal, onshore wind energy.

There is significant potential for wind, bio-energy and to a lesser extent hydro power and a continued commitment to wind energy in areas which have the environmental capacity in the county. There is extensive grid capacity and excellent access to the grid and potential for the development of offshore wind, solar and ocean energies in the longer term.

- **Infrastructural Appraisal**

The Commission for Energy Regulation (CER) is responsible for issuing wind connections to the transmission network.

Connection offers have been made under 4 tranches-Gate 1,2,3 and Post Gate 3. 195.5mw is contracted under Gate 2.

Under Gate 3 a total of 296.4mw has been assigned to the County.

The total for connected windfarms and Gate 3 Node Assignments is 714.54mw.

Under Post Gate 3 there are plans for a further 324.15mw.

Together this would result in potentially over 1000mw of wind generated power.

The transmission Grid is being significantly upgraded to provide additional capacity.

The majority of North Kerry and Mid Kerry is within 10km of the 110/220kV transmission network.

No existing or planned capacity in significant parts of South West Kerry. 110kV line from Tralee to Caherciveen operating at 38kV.

The Dingle peninsula served by a 38kV line with no plans for an upgrade.

Tralee to Caherciveen line will have to be upgraded for South West Kerry to harness any export wind generated energy.

- **Methodology for the identification of wind development zones.**

Wind Deployment Zones will be identified as follows:

Wind Energy Guidelines 2006.

A GIS to map the environmental, landscape, technical and economic criteria needed for the analysis of data and the development of wind deployment zones.

Capacity mapping – wind speeds – infrastructure.

Sensitivity Mapping – identify areas which are sensitive to wind development.

Capacity and Sensitivity maps are overlaid.

Capacity and Constraints in any one area can be identified and analysed.

Two landscape assessment exercises carried out, i.e. public consultation and landscape character assessment and wind development capacity study.

Preparation of Draft Landscape Sensitivity Map

- All the marked up maps prepared by the consulted parties were mapped using GIS.
- A broad classification of sensitivity was attempted by overlaying consultation map layers.
- Insufficient consensus to construct a definitive consensus map but trends did emerge.
- The outcome was used to inform the landscape assessment process and the identification of the areas suitable for wind development.

North Kerry - Consultation Outcomes

- Consensus that the coast from Banna to Ballyheigue is a High Quality Landscape where wind development would be unacceptable.
- Northern side of Stacks Mountains acceptable for wind development and along parts of Limerick Border.
- Ordinary landscape in the central part of the are
- Dingle Peninsula considered to be high quality landscape on all summary maps.

South Kerry – Consultation Outcomes

- Consensus that the area along both sides of Kenmare River and West Iveragh is a high quality landscape with wind development unacceptable.
- MacGillycuddy Reeks and Killarney National Park are a high quality landscape with wind development unacceptable.
- Wind development unacceptable in Derrynasaggart Mountains and area east of Kilgarvan.

- Area where wind development acceptable from Kilcummin area eastwards to Gneeveguilla/Rathmore.

Landscape Character Assessment

- A Landscape Character Assessment has three distinct elements:
Identification and classification of Landscape Types
Identification of Landscape Character Areas
Value Judgements

Strategic Site Search Areas

- Wind development can be developed, installed and operational quickly.
- Economically feasible wind speeds
- Within 10km transmission network.
- Relatively low ecological sensitivity.
- Landscapes have the capacity to host wind.
- The capacity is not infinite and the cumulative impact will be monitored.

Sites Open to Consideration

- Sites with economic wind speeds
- Environmental and infrastructural capacity.
- They differ from Strategic areas in that there are fewer suitable sites.
- Scale of development likely to be smaller
- The capacity of these areas has limits and the cumulative impact in these areas will be monitored.

Unsuitable for Wind Development

- Areas are not considered suitable due to their overall sensitivity.
- Arising from the landscape
- Ecological and recreational
- And/or cultural and built heritage resources.
- The HAD and SEA process has informed the identification of these areas.

Strategic Objectives

<i>Objective SO 1</i>	<i>To maximise the development of all renewable energies in a manner consistent with the proper planning and sustainable development of the county</i>
<i>Objective SO 2</i>	<i>To promote the development of renewable energy types and technologies with the capacity to store energy which can be released at times of peak demand.</i>
<i>Objective SO 3</i>	<i>To promote renewable energy sources and technologies for the generation of heat and transport energy in a manner which is consistent with the proper planning and sustainable development of the county.</i>

Objective SO 4	<i>To secure the maximum potential for the generation of electricity from wind energy resources that is consistent with proper planning and sustainable development of the county</i>
Objective SO 5	<i>All renewable energy developments will be subject to Ireland obligations under the Habitat's Directive (92/43/EEC) the EU (Bird Directive (79/409/EEC) and the Environmental Impact Assessment Directive (85/337/EEC)</i>

Cllr. P McCarthy thanked Mr. McMahon and Ms. Enright for their excellent presentation and complimented Kerry County Council on producing the Draft Renewable Energy Strategy 2012, in house. He said that if the potential 1000mw of wind generated power was achieved, it may be possible to export a considerable amount of electricity.

Cllr. D Healy Rae thanked Mr. McMahon and Ms. Enright for the excellent presentation and acknowledged the volume of work that the preparation of the report had entailed. He said that he was disappointed that wind development was unacceptable in the area along both sides of the Kenmare River and also in the Clydagh Valley and the area north of Kilgarvan. He asked that clarification would be given regarding the areas which were not mentioned in the report. He said that it would be necessary to study the report in detail before voting on it at the July meeting of the Full Council. He said that the potential of hydro electric power should be explored if economically possible and if it did not impact on the environment.

Cllr. J Healy Rae welcomed the report and presentation. However he said that he was concerned that c. 40% of the county would be excluded due to ecological sensitivities. If the renewable energy strategy was approved as presented, in his opinion development would be very restricted.

Cllr. M Gleeson thanked Mr. McMahon and Ms. Enright for the report and presentation. He said that he had always been a supporter of wind energy but now felt that the county was moving close to attaining saturation point in this regard. He said that if energy storage could be advanced, ocean energy must be examined.

Cllr. J Finucane welcomed the report and presentation. He said that having this type of strategy for the county was very welcome and he would like to see a long term benefit for Kerry County Council e.g. a licensing process for turbines etc.. He requested that when the public consultation has been completed that Kerry County Council would host a conference to promote the strategy and any employment potential it may generate for the county.

Cllr. J Brassil complimented Mr. McMahon and Ms. Enright on their report and presentation and complimented Kerry County Council on the preparation of the strategy ahead of most other Local Authorities. He expressed concern regarding potential damage to bird habitats and asked that developers would be required to construct turbines etc. outside of the nesting season. He welcomed that the strategy would provide clear guidance for developers which would allow them to apply for

planning permission with a degree of certainty as the cost of an Environmental Impact Statement (EIS) was considerable.

Cllr. M Cahill congratulated Mr. McMahon and Ms. Enright on their excellent report and presentation and said that the Renewable Energy Strategy was a very important document for the county. He said that an examination should be carried out into the renewable energy developments for which permission was granted and have not yet been developed to ascertain if this was due to the economic downturn. He said that a renewable energy strategy was very important for the future of the county and there were opportunities to get involved in the development of hydro-electric schemes which should be considered.

Cllr. T Ferris thanked Mr. McMahon and Ms. Enright for their report and presentation and complimented Kerry County Council on producing the draft strategy ahead of most other Local Authorities. She said that she would be very interested in the submissions made during the period of public consultation as if the public gave the draft strategy the attention it required, it would be one of the most controversial documents to come before the members. Cllr. Ferris proposed that schools located in the vicinity of wind turbines would be granted free electricity. She said that she could understand why renewable energy development would not be allowed in Special Areas of Conservation (SAC) but pointed out that SAC's are not populated and areas indicated on the maps as appropriate for wind energy development were densely populated.

Cllr. B Cronin welcomed the report and presentation and complimented Mr. McMahon, Ms. Enright and all the staff of the Planning Department who were involved in the preparation of the draft strategy. He said that the natural beauty of the county must be protected. He commented on the 172 developments constructed out of the 375 which were granted planning permission and asked if the permission was close to expiry date on many of these applications.

Cllr. M O'Shea thanked Mr. McMahon and Ms. Enright for their comprehensive report and presentation.

Mr. M McMahon thanked the members for their kind remarks and said that he appreciated that they did not have adequate time to study the document in detail. He said that 70, 000 hectares of land in the county had been identified as suitable for the development of renewable energy. A chapter in the report had been dedicated to each type of potential renewable energy and outlined strategic areas and areas open to consideration. He said that the Planning Authority was not anti hydro power but its potential in the county was limited, notwithstanding that, a hydro power scheme was developed by Kerry County Council at Lough Guitane in Killarney with a view to reducing its energy costs. Mr. McMahon said that the draft strategy was a plan to create a balance between competing interests and a whole series of different considerations had been taken into account. He said that West Kerry did not have the infrastructure to export energy to the grid. Much of South West Kerry including the Dingle Peninsula had been identified as having a transmission infrastructure deficit. In order for South West Kerry to harness and export wind generated energy

the Tralee – Caherciveen line would have to be upgraded and there was no plan for this to take place. The Dingle Peninsula was considered to be a High Quality Landscape on all summary maps, with wind energy unacceptable.

Mr. McMahon said that the Planning Authority would encourage the development of in a pump storage project in the county as excess energy can be used to lift water which could be released at times of low wind capacity which would back up wind energy.

With regard to applications for planning permission for renewable energy projects which have not yet been developed, Mr. McMahon said that all planning permissions for wind energy development were granted for the duration of 10 years. A number of developers to whom permission was granted in the early 2000's were currently making applications for the extension of the duration of the planning permission.

With regard to the Clydagh Valley mentioned by Cllr. D Healy Rae, Mr. McMahon said that this area was considered unsuitable for wind development due to its proximity to the Lough Leane catchment area. He referred to a previous application for planning permission for a wind energy project in this area which had been refused by Kerry County Council, This decision was subsequently upheld by An Bord Pleanála

Cllr. N Foley asked that a campaign would be put in place to increase public participation in the public consultation process for the renewable energy strategy.

Cllr. P McCarthy asked how far advanced Kerry County Council was in terms of other Local Authorities, with regard to the production of a renewable energy strategy.

Mr. McMahon said that apart from Mayo County Council which had produced an extensive Renewable Energy Strategy in 2011, Kerry County Council was the first Local Authority to proceed with the preparation of a renewable energy strategy.

21.05.12.12. An Taisce Review of Planning Authorities Report

Mr. M McMahon Director of Planning & Sustainable Development read the following report, which had been circulated to the members prior to the meeting, into the minutes.

“The Report titled ‘A Review of Ireland’s Planning System 2000-2011’ prepared by An Taisce was published in April 2012.

It reflects on the excessive construction development that occurred in Ireland over the period and primarily the numerous commercial and residential developments.

The report addresses the role of An Taisce and its activities during the period including its efforts to curtail and limit developments. In this regard it details the number of submissions made to Local Authorities, the number of appeals to An Bord Pleanala, appeals upheld etc.

The Report is critical of the Department of the Environment, Central Government, Local Councillors and Planning Authorities and recommends the introduction of a Site Value Tax on all zoned land and the appointment of a Planning Regulator as proposed in the Mahon Tribunal Report.

The Report also lists significant 'out of town' Retail Developments overturned on appeal by An Taisce to An Bord Pleanála and consequently contends that in doing so it has reduced the value of impaired loans by 'at least €505m'.

The Report is critical of Planning Authorities in relation to the following:-

- (1) Inadequate Environmental Assessment of proposed developments.
- (2) Insufficient emphasis on Flood Risk Assessment.
- (3) Inadequate Public Wastewater Treatment Plants.
- (4) Ignoring NRA Guidance in relation to Traffic movements generated by developments.
- (5) The amount of one-off houses in the countryside.
- (6) Inadequate waste water site suitability assessments for one-off houses.
- (7) Inappropriate Nursing Home Developments.
- (8) Lack of effective Enforcement particularly Quarries.

Finally the Report includes a League Table of all Local Authorities in the country and rates each on the basis of the following indicators:-

- (1) Over Zoning – the amount of zoned land as a percentage of population
- (2) Decisions Reversed and Confirmed by An Bord Pleanála
- (3) Amount of Vacant Housing Stock in the county.
- (4) Water Quality – Urban areas with Secondary Treatment meeting EPA Standards 2011
- (5) Percentage of one-off houses permitted as a percentage of all Residential Planning Permissions (2001-2011).
- (6) Legal proceedings commenced following non-compliance with Enforcement Notice.

Kerry is ranked 4th from last in this 'League Table' and given an F- rating along with the three other counties below it in the table.

The Planning Department of Kerry County Council would like however to take issue with a number of points raised in the Report and particularly the inappropriateness of some of the indicators used which could be considered unbalanced, ambiguous and biased.

In general, the indicators used, strongly favour 'Urban' local authorities such as the Dublin local authorities and by their nature and wording inevitably rank Rural authorities poorly. For example Kerry County Council takes issue with the indicators as they relate to Kerry as follows:-

Zoning

- It is significantly more difficult to over-zone residential land in a city.
- Kerry County Council has identified an excess of 4000 ac of Residential zoned land and over the last two years has reduced this figure by approximately 1200 ac. This process will be completed within the next year. This is not considered in the report.

Decisions Overturned

- The figures used in the report do not take account of the Telecommunication Mast applications which are almost all refused by the Planning Authority (on the basis of the 1km rule) and subsequently granted by An Bord Pleanala. Of the last 13 applications appealed to An Bord Pleanala on which decisions have been issued only one has been reversed outside of Mast applications.

Vacant Stock

- It is inevitable that on the night of the Census there would be a high level of vacant stock in a rural tourist county like Kerry with a high percentage of holiday homes which are vacant in early spring.

Wastewater Infrastructure

- It is accepted in the report that instances of non-compliance with EPA standards relating to municipal wastewater treatment plants is low in relation to Kerry. In fact Kerry is ranked in the top 4 Local Authorities in this regard.

One-off Houses

- Inevitably in a rural county the percentage of one-off houses permitted in relation to overall numbers of houses permitted will be high as a significant portion of the population of the county were born and reared in the countryside and comply with the Sustainable Rural Housing Guidelines Policy (2005) issued by the Department of the Environment.

Enforcement

- The indicator used does not reflect the number of cases resolved through means other than prosecution nor does it reflect the high level of activity in this area in Kerry or the high level of staff and resources committed to Enforcement.

The Planning Authority also strongly contents that in making its decisions all relevant statutory legislation, Guidelines and directives are adhered to particularly those relating to Traffic Safety, Flood Risk Management, Environmental Assessment and on-site effluent disposal.

For example within the Planning Department of Kerry County Council there is a dedicated team who prepare and review Environmental Assessment Reports (AA,EIS,NIS etc) in accordance with the Habitats Directive and all planning applications are screened for AA and EIS in accordance with current legislation.

For the last four years Kerry County Council has a dedicated Site Assessment Unit ensuring compliance with the EPA Code of Practice for on-site effluent disposal.

Other dedicated teams within the Planning Department include the Housing Estates Unit and the Quarries Unit which will oversee the implementation of the recent Quarry legislation.

It is accepted that there is some merit in the Report and lessons need to be learned from the experiences of the last 10 years but it is considered that the substance and

quality of the Report is undermined by the highlighting of a League Table which is substantially flawed by its choice of inappropriate and biased indicators”.

Cllr. D Healy Rae moved Notice of Motion No. 12 as follows:

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

That we the Members of Kerry County Council reject the recent report presented by An Taisce condemning KCC and suggesting that KCC was rated 4th worst for planning decisions taken over recent years and that at this meeting we ask the Department to impose some sanction or financial impediment or otherwise on members of An Taisce who continuously object to planning applications causing so much torture and pain to so many applicants.

Cllr. D Healy Rae said that he was very disappointed with the report prepared by An Taisce, in particular with regard to the zoning of land as all land zoned in Kerry was as a result of a majority vote of the Council. With regard to the use of Section 140 of the Local Government Act 2001, Cllr. Healy Rae said that he would make no apology to An Taisce for the Section 140 resolutions which he had supported and if some of the young people who have been forced to emigrate due to the economic downturn were to return and be in a position to build their own houses he would be in favour of using Section 140 again if necessary. He asked who An Taisce was and if it represented serial objectors who lived in fine houses themselves and were not concerned about applicants for planning permission. He said that he was aware of an application for planning permission in Lauragh, Kenmare on which submissions/observations were made by someone who lived 73 miles away from the location of the development. He PROPOSED that the Minister for the Environment, Community & Local Government would be requested to consider increasing the fees for submissions and observations from serial objectors.

Cllr. B Cronin said that reckless over zoning which took place should be condemned and in his opinion it was a poor reflection on the members that an excess of 4000 acres of residential zoned land had been identified by Kerry County Council. He added that it was time a more common sense approach was adopted.

Cllr. P McCarthy said that that population targets should have been included in the National Spatial Strategy 2002-2020.

Cllr. J Healy Rae said that he failed to understand the concept of zoning in a county such as Kerry as in his opinion every application for planning permission should be accessed on its individual circumstances. There was a policy in place to address applications for planning permission from son/daughter of a landowner. The zoning of land resulted in increased stamp duty and inheritance tax. He considered this to be a ridiculous situation.

Cllr. J Brassil said that the review by An Taisce exposed Local Authorities for bad practice and unfortunately Kerry County Council was guilty of bad practice in this regard. He recalled that Management had advised that there was no good reason to

rezone particular lands but the members had ignored the advice and voted in favour of rezoning. It was now necessary to move forward and put right the wrong.

Cllr. M Gleeson said that he had with him the agendas for the Council meetings of April and May, 2004 which respectively had 61 and 36 Section 140 Notices of Motion which he said represented a mere sample of similar type motions that were occurring month after month. It was an undoubted fact that some of these Motions and some of the re-zoning proposals were for electoral purposes and had little to do with proper planning. He said that it was a terrible reality that our country is absolutely financially broke and that we are depending on regular bail-outs to ensure that services continue and people are paid. It is universally agreed that a false building boom has led to this terrible state of affairs. That false boom was facilitated by bad government, reckless banking practice and phenomenal greed. There was a frenzy abroad that led to people wanting to build, build, build even for their pre school children. That frenzy led to Cllr. Gleeson's name being added to a Section 140 motion without his permission. As a result Kerry has 9,660 empty houses, 1, 657 empty Flats and over 8,000 holiday homes as identified in the recent census.

Cllr. Gleeson said that now we are being told that no one is to blame for this sad situation. Yet, it was regularly said by some that: *It is impossible to get planning permission for one off house in rural Kerry.* We cannot avoid future catastrophe in this or any other area of government unless we are prepared to learn from our terrible mistakes, mistakes at government, local government, planning and individual levels.

Unfettered greed leads inevitably to great disaster. That disaster for Ireland is finding public expression through high unemployment and massive emigration

Cllr. M O'Shea said that Kerry County Council was one of the first Local Authorities to introduce a Rural Settlement policy. The problem now was with urban planning, i.e. unfinished estates in towns and villages, many of which were built prior to the rezoning of land.

Cllr. P Connor Scarteen said that the report acknowledges bad decisions made nationally and locally. He said that the statistics outlined by Cllr. Gleeson were interesting to note and he welcomed that a more sustainable approach was now being taken.

Cllr. M Cahill said that unfortunately Kerry County Council has to accept that rezoning did take place. With regard to Section 140 motions he said that he could stand over all of those which he voted in favour of and if a survey was carried out on the one off houses which were granted planning permission on foot of Section 140 motions, it would most likely reveal that all the houses were occupied.

Cllr. D Healy Rae PROPOSED that some action should be taken to address the issue of serial objectors.

Cllr. J Healy Rae SECONDED the proposal.

Cllr. B Cronin asked if there was provision for the Council to increase the fee for making a submission/observation on a planning application in the case of serial objectors to e.g. €1,000.

Mr. M McMahon Director of Planning & Sustainable Development said that fees in respect of submissions/observations on planning applications were fixed by the Minister.

Cllr. J Finucane said that it was unacceptable that vexatious/serial objectors are allowed to make submissions/observations on planning applications for developments which may be located several miles away. He said that in the Court system a Judge can make an order against a vexatious litigant, therefore, vexatious objections to planning permission should be recognised and penalised.

It was agreed on the PROPOSAL of Cllr. D Healy Rae **SECONDED** by Cllr. J Healy Rae that the Minister for the Environment, Community & Local Government would be requested to consider Schedule 10 of the Planning & Development Regulations 2001, Miscellaneous Fees, Submissions & Observations on a Planning Application with a view to including increased fees for submissions and observations from serial objectors who are not affiliated to any prescribed body.

21.05.12.13 Dates for the next round of Electoral Area Meetings.

(a) Rescheduled Dingle Electoral Area Meeting

On the PROPOSAL of Cllr. S Cosai Fitzgerald **SECONDED** by Cllr. M Griffin, it was agreed that the rescheduled Dingle Electoral Area Meeting would be held in Killorglin Golf Club on Wednesday 30th May 2012, commencing at 9.45 am.

(b) Tralee Electoral Area Meeting

On the PROPOSAL of Cllr. J Finucane **SECONDED** by Cllr. N Foley, it was agreed that the next Tralee Electoral Area Meeting would be held in the County Buildings Tralee on Monday 18th June 2012 commencing at 9.00am

(c) Killarney Electoral Area Meeting

On the PROPOSAL of Cllr M Gleeson **SECONDED** by Cllr. B Cronin it was agreed that the next Killarney Electoral Area Meeting would be held in the Council Chamber, Town Hall, Killarney on Thursday June 21st 2012 commencing at 10.00am

(d) Listowel Electoral Area Meeting

On the PROPOSAL of Cllr R Beasley **SECONDED** by Cllr. T Buckley it was agreed that the next Listowel Electoral Area Meeting would be held in the Council Chamber Áras an Phiarsaigh, Listowel on Monday 25th June 2012 commencing at 10.00 am

(e) Killorglin Electoral Area Meeting

On the PROPOSAL of Cllr. P O'Donoghue **SECONDED** by Cllr. JJ Culloty, it was agreed that the next Killorglin Electoral Area Meeting would be held in the Carnegie Arts Centre, Kenmare on Friday 6th July 2012, commencing at 10.30 am.

21.05.12.14. Presentation by Ms. Orla Nolan, ConnectIreland

Ms. Orla Nolan Business Development & Communications Manager of ConnectIreland made a presentation to the meeting outlining ConnectIreland's "Delivering the Succeed in Ireland Initiative"

She said that ConnectIreland was appointed by the IDA to promote, market and deliver *the succeed* in Ireland initiative with a view to creating new jobs in Ireland by harnessing the power of global connections. There is a financial reward which is open to everyone if new jobs are created in Ireland.

The aim is to create 5,000 sustainable new jobs over 5 years by attracting Foreign Direct Investment (FDI) from small to medium sized companies. ConnectIreland wants people to speak with their contacts about who is expanding internationally, log on to Connectireland.com and register their details or set up an appointment with a decision maker within that company. Their team will take over from there. If a company locates in Ireland you receive a €1,500 reward per job created. Also, when a company invests in Ireland there is a reward for being the registered connector. The connector receives €1,500 for every job created subject to a minimum of 3 jobs and a maximum of 100 jobs. The reward increases to €3,000 if minimum of 30 jobs are created within a 12 month period.

Ms. Nolan said that the role of Local Authorities in Ireland has been fundamental in attracting Foreign Direct Investment. ConnectIreland will compliment & enhance this work extending to Small & Medium Sized Enterprises (SMEs). She said that ConnectIreland is an opportunity for everybody to work smart to drive economic recovery and job creation.

She asked that the members would spread the word locally and internationally invite overseas organisations or groups to Ireland and also to have links from their website to the ConnectIreland website.

Cllr. J Finucane complimented Ms. Noonan on her presentation and said that ConnectIreland was a very innovative concept.

Cllr. N Foley complimented Ms. Nolan on her presentation and said that ConnectIreland was a superb initiative. She suggested that the Mayor, Cllr. T Buckley may be in a position to facilitate the making of a presentation to the global Rose of Tralee Festival centres as this would be an excellent opportunity to access connections. She also recommended that a presentation would be made to Tralee Town Council.

Cllr. P Connor Scarteen said that he would like to see more connection with the Chinese market. He agreed that the International Rose of Tralee centres and the Kerry London Association should be made aware of ConnectIreland. Also, advantage should be taken of the Gathering 2013 when it is hoped that in excess of 300,000 visitors with Irish connections will visit the country.

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Ms. Nolan said that ConnectIreland was using social media to connect with Irish groups abroad and was in touch with key organisations in the country with a view to advertising at e.g. airports in anticipation of the Gathering 2013.

Cllr. M O'Shea welcomed Ms. Nolan's presentation and asked if a connector was successful in attracting an investment to Ireland would the jobs created in his/her local area.

Ms. Nolan said that the location of a business was always driven by the company. However, if a lead came from e.g. Kerry, ConnectIreland would work with the company to try to locate the business in Kerry.

Cllr. G Wharton Slattery complimented Ms. Nolan on her presentation and wished ConnectIreland success.

The Mayor, Cllr. T Buckley complimented Ms. Nolan on her excellent presentation and said that this was a great initiative in the current economic climate.

The meeting adjourned at 13.35 pm for a Civic Reception

The meeting resumed at 14.50 pm

21.05.12.15. Report on Planning SPC

Cllr. McCarthy briefed the meeting on the issues considered at the Planning & Economic Development SPC on 11th May 2012 as follows:

Housing Estates Unit.

The Committee considered a report on the activity of the unit from Mr. D Murphy SEE as follows:

- 728 estates inspected to date (out of total of 1024
- 195 estates have reached the standard that Bonds can be released.
- 58 applications received to take estates in charge (20 taken in charge to date
- 13 Bonds paid to value of €371,381

Draft Renewable Energy Strategy

A presentation was given by Ms. M Enright SEP on the Draft Renewable Energy Strategy: proposed variation to the County Development Plan to incorporate a new Strategy

Forward Planning Unit

A report on the Work Programme for the Forward Planning Unit was discussed.

21.05.12.16 Report on the operations and activities of the Regional Health Forum-South.

It was agreed to note Cllr. Griffin's written report on this item which was circulated.

(a) Kerry Promotional visit to the US by Deputy Mayor, Cllr. J Finucane.

Cllr. J Finucane read the following report into the minutes.

“Kerry County Council demonstrated its commitment to promoting Kerry as the premier tourist destination by leading a tourism trade delegation to Washington DC and New York from 25 April to 2 May. The visit was in support of the International Rose of Tralee Festival and to highlight Kerry as a base for the year long Gathering of people of Irish heritage due to take place in 2013.

The Council is a major sponsor of the Rose of Tralee and is committed to raising the profile and standing of the event internationally. As well as attending the Washington DC Rose selection on April 29th, meetings were held with the Irish Ambassador to the US, Mr. Michael Collins, and the first secretaries in the Culture and Trade Divisions at the Embassy.

An official visit was paid to Fredericksburg Battlefield site in Virginia where the Irish Brigade won the admiration of both Confederate and Union leaders for their bravery during the American Civil War. General Lee observed at the time that “these people have ennobled their race”. Their sacrifice for the Union cause led to a mindset change of how America would henceforth view the Irish. It opened new opportunities for the new wave of Irish immigrants in the political, social and educational fields. 2012 marks the 150th anniversary of the Battle and discussions took place with the National Park Service and officers of the 69th Regiment about a travelling exhibition on the 69th Regiment and battle re-enacting events at various locations in the county during the Gathering Year.

Proceeding to New York, the delegation met with Tourism Ireland and, with them, jointly hosted a briefing on the Gathering in Kerry for US Tour Operators, Media, leaders of the main Irish-American organisations and friends of Kerry on Ellis Island in New York Harbour. Ellis Island was the gateway for 3 million plus Irish emigrants to the US, including many from Co. Kerry. Such was the interest in the event that tour operators, airline representatives and leaders of Irish organisations travelled from Kansas, Philadelphia, Boston, Ohio, Connecticut, New Jersey as well as New York to attend. The Kerry Association in New York was led by Chairman Billy O’Sullivan from Kenmare. 35 people had originally been expected but 83 people attended including Press and TV. A tour of the Island had been organised with particular emphasis on Irish immigration. The New York Rose of Tralee Centre provided traditional Irish entertainment at the event.

Kerry is the first county to host a Gathering briefing in the US and in doing so has positioned itself as a prime location for family reunions and the expected influx of some 300,000 people of Irish ancestry next year. Of the estimated 71 million who claim Irish ancestry, some 40 million live in North America. A presentation was made by the Council’s Tourism Officer, John Griffin, and a specially prepared video on Kerry was screened. There was an extremely positive reaction from those present.

In all, the visit was an outstanding success and has done much to strengthen links with those who already do business with Kerry and to widen the county's appeal to those programming activity, literary and cultural tours."

Cllr. J Finucane said that that this was the first time ever that such an event was held on Ellis Island. Kerry County Council was the first Local Authority in the country to have contacted Tourism Ireland regarding the hosting of a Gathering 2013 briefing in the US which hopefully will be a huge advantage to the county's tourism industry.

Cllr. Finucane moved his Notice of Motion No. 13 as follows

13. Council recognise the 150th anniversary of the Battle of Fredericksburg

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

That this Council recognise the 150th anniversary of the Battle of Fredericksburg during the American Civil War in which the "Fighting 69th" New York Regiment as part of the Irish Brigade changed the course of history for Irish emigrants by their outstanding courage and bravery.

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

Cllr. Finucane said that the term "Fighting Irish" came from the New York Regiment's Irish Brigade (the Fighting 69th) which was decimated at the Battle of Fredericksburg on 13th December 1862. Because of the actions of these Irish soldiers in battle at Fredericksburg, earning a reputation for dependability and bravery the opinion and attitude towards Irish immigrants in America changed for the better. Cllr. Finucane called on Kerry County Council to recognise the 150th anniversary of the battle and said that he wanted Ireland to be represented at Fredericksburg, Virginia on December 7th to 9th 2012, when the Battle of Fredericksburg Commemoration Committee will be hosting a commemoration of the Battle of Fredericksburg on its 150th Anniversary.

All the members complimented Cllr. Finucane on the success of the visit to the US and agreed that a scroll acknowledging the achievements of the "69th" would be forwarded to LTC James C Gonyo II Battalion Commander.

(b) Visit to London by Mayor, Cllr. Tim Buckley

The Mayor, Cllr. Tim Buckley read the following report into the minutes.

"The County Manager and I attended the London "Rose" Selection in the Crown Moran Hotel on 28th April, 2012, at the invitation of the London "Rose" Committee. Over 250 people attended the function and I, as Mayor of Kerry, was invited to address the gathering. I thanked them for their support of the Festival of Kerry Event and I stressed the importance of the Festival of Kerry not only to Tralee but to Kerry.

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I also acknowledged the great work being done by the Kerry Association in London in relation to young Kerry immigrants, by providing them with jobs and creating a network of contacts for them to overcome isolation and loneliness.

On the afternoon of the 28th April, 2012, we launched an advertising campaign around GOKERRY.ie, a website developed by Kerry tourist operators to promote tourism in the County. This initiative has its origins from the Kerry Association Dinner Event in Dublin on 2nd March, 2012, where Minister Jimmy Deenihan was awarded Kerryman of the Year. Minister Deenihan developed the concept that evening with a number of the Kerry Diaspora from London.

Noel O'Sullivan, Dan Tim O'Sullivan and Denis Nolan have agreed to place advertisements, highlighting Kerry, on all their vehicles in London and it is hoped that other Kerry originated firms in London will follow suit and embrace the concept.

The launch was followed with a business meeting with a number of Kerry Diaspora. The County Manager briefed the group on a number of initiatives such as the advertising campaign, the Gathering 2013 and the Kerry Business Pack and sought the support of those present to these initiatives. There was very strong support from those present and they commended and thanked the Mayor and Manager for coming over to address them. They agreed to set-up a working committee in London to liaise with and support us.

A number of additional proposals were discussed:-

1. That a meeting be arranged in London on eve of the Annual Kerryman's Dinner on 26th October, 2012 between businesses in Kerry and other business people in London to forge links and business opportunities.
2. The working committee in London have agreed to rent a large hoarding on the M1 approaching London and erect a Go Kerry sign on same, at their own expense.
3. They offered to pay for all the advertising signage for the vehicles in London.
4. A number of other suggestions are being considered further.

All in all it was a very worthwhile visit and it highlighted for both myself and the County Manager the importance of keeping in touch with the Kerry Diaspora abroad and to visit them where appropriate."

21.05.12.18. Reception of Deputation

Cllr. B Cronin requested that a deputation would be received from Killarney Access Group regarding the upgrading of the pedestrian crossing at O'Shea's Funeral Home, Killarney.

On the PROPOSAL of Cllr. D Healy Rae **SECONDED** by Cllr. B Moynihan Cronin it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

21.05.12.19. Opening of Tenders

- (a) On the PROPOSAL of Cllr. M Griffin **SECONDED** by Cllr. J Finucane it was agreed to approve the opening of tenders for the construction of a Single Rural Dwellinghouse at Ballywiheen, Ventry, Dingle
- (b) On the PROPOSAL of Cllr. JJ Culloty **SECONDED** by Cllr. M Griffin it was agreed to approve the opening of a tender for the appointment to a Multi-Party Framework Agreement for Energy Utility Companies and ESCO Companies to complete Energy Efficiency Public Lighting Projects
- (c) On the PROPOSAL of Cllr. D Healy Rae **SECONDED** by Cllr. N Foley it was agreed to approve the opening of a tender for County Kerry Water Conservation Project – Mains Rehabilitation – Contract No. 1 – Site Investigation (Tralee)
- (d) On the PROPOSAL of Cllr. D Healy Rae **SECONDED** by Cllr. JJ Culloty it was agreed to approve the opening of a tender for the transportation, treatment and disposal of sewage sludge from Tralee WWTP closing date was 18th May 2012 at 4.00pm
- (e) On the PROPOSAL of Cllr. R Beasley **SECONDED** by Cllr. G Whaton Slattery it was agreed to approve the opening of a tender for the construction of a Single Rural Dwellinghouse at Rossalia, Glenflesk, Killarney

21.05.12.20 Notices of Motion

1. Commitment given by the HSE to develop a fully equipped Stroke Unit AT Kerry General Hospital.

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

In view of the commitment given by the HSE to develop in Kerry General Hospital a fully equipped Stroke Unit with thrombolytic clot bursting capability and of the impression conveyed that the Unit would be in place by the end of 2011, that this Council now calls on the HSE to urgently give complete clarity regarding the progress being made in regard to the provision of the Unit and to inform of the definite date of its commencement.

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

Cllr. Gleeson said that that the development of such a unit at Kerry General Hospital would ensure that many more lives were saved and greatly reduce the incidences of the harmful effects of suffering a stroke. He had previously written to the HSE himself

and had been advised that progress was being made but would like a definite date for the commencement of work on the unit.

Cllr. B O'Connell complimented Cllr. Gleeson on raising this very important matter and said that a recent meeting of the Health Forum South had been advised that this unit would be operational by September 2012.

2. Pre-election promises not to increase third level fees

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

That Kerry County Council asks the Minister for Education & Skills to explain and justify the reneging of pre-election promises not to increase third level fees and further to explain and justify the discrimination AGAIN against rural Ireland by assessing farm assets for third level grants from 2013.

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

Cllr. O'Shea said that he had been in contact with Mr. Michael McGrath TD who had undertaken to put a motion to the Dáil regarding the matter. He said that the assessment of farm assets for third level grants would cause hardship for the children of farmers on small holdings in rural Ireland and in his opinion farm accounts certified by an approved accountant should suffice. He said that only a select few students would be able to afford to avail of third level education in the future.

Cllr. JJ Culloty SECONDED the notice of motion.

Notices of Motion No's 3, 5 & 30 were moved simultaneously

3. Report as to the total amount received in the County under the Household Charge

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

That Kerry County Council furnish a report as to the total amount received in the County under the Household Charge and to outline what immediate plans the Council has in relation to the utilisation of these funds for local services. The Council should also outline as to whether or not the Household Charge is to be deemed as additional revenue for the Local Authority or as to whether or not the amount received through the charge will be deducted from the block grant received from Central Government.

5. Item on the Agenda at each monthly meeting giving the up-to-date numbers of those who have paid.

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

That Kerry County Council provide up-to-date figures on the number of householders in Kerry who have paid the Household Charge and that the Council place an item on the Agenda at each monthly meeting giving the up-to-date numbers of those who have paid.

30. The total number of properties in Kerry eligible for the Household Charge

Pursuant to Notice duly given, Cllrs. P Connor Scarteen & B Cronin PROPOSED:-

To request details of the total number of properties in Kerry eligible for the Household Charge and the total number that have paid the charge to date.

The following report issued:

The most recent figure available for total estimated countrywide registrations for the Household Charge is 937,691 registrations as at Friday 11th May, this is out of total estimated properties liable countrywide of 1,620,814 - ie 58%. This figure includes a large amount of postal applications on hand by the Household Charge Bureau which require updating on the Household Charge Bureau IT system.

I am advised that an accurate county by county analysis of Household Charges registrations is to be available shortly, following input of this data. The amount of properties identified as eligible for payment in Kerry is currently 58,792.

The Local Government Fund (LGF) is a special central fund which was established in 1999 under the Local Government Act 1998. It is financed by the full proceeds of Motor Tax and an Exchequer contribution. The Fund provides Kerry County Council with the finance for general discretionary funding of their day-to-day activities totalling €19m in 2012 which forms 15.7% of the overall budgeted income for 2012 for Kerry County Council.

The Household Charge is intended to replace the exchequer allocation to the Local Government Fund for 2012 and we believe that this figure for 2012 was €160m. Presently only approx. €94m of this €160m has been collected through the €100 Household Charge. However, it should be noted that properties are being registered on an ongoing basis so the shortfall, presently outlined, is reducing. It appears unlikely that the full €160m will be realised in 2012 and this may impact on the final LGF allocation to this County. We are awaiting information from our parent Department, DEC&LG on this matter.

It is important that those in this County who have not registered their property and paid the Household Charge would do so to ensure that services in this County being provided by the Council are not adversely affected.

We will inform Members on the number of properties registered in Kerry when this information is available.

Cllr. O'Donoghue said that he considered the reply to be alarming and that previously he had understood that this funding would go towards the enhancement of the services provided by the Local Authority now it appeared that this funding would replace the Council's block grant and be used to maintain services.

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County Manager, Mr. T Curran said that Kerry County Council received an allocation of €9000,000 from the Local Government Fund last year and had adjusted the budget 2012 accordingly. He advised that he was in the process of seeking clarity from Central Government as to the allocation for this year and hoped that an indicative figure would be available within the coming weeks. He undertook to update the members when this information became available.

Cllr. B Moynihan Cronin said that the people of Kerry were entitled to be made aware of the amount accruing from payment of the Household Charge in the county. She said that it will be more difficult to collect the charge next year as householders who paid this year would feel aggrieved that non-registration was not being pursued. She asked if any information was available on a campaign to pursue failure to register for the Household Charge and if Kerry Council had the resources to put such a campaign in place. She asked that an update on registration for payment of the Household Charge would be included on the agenda for meetings of the full council henceforth.

Cllr. B Cronin expressed concern that a shortfall in the target figure would result in reduced Local Government Fund allocation which may impact adversely on the provision of core services. He said that it was very important that the Local Authority was aware of its financial situation as early as possible this year.

Cllr. P Connor Scarteen said that he agreed with the previous speakers and also requested that the members would be updated monthly on the number of properties registered for payment of the Household Charge.

Cllr. J Finucane said that he had raised this matter with the Minister for the Environment, Mr. Phil Hogan TD recently and understood that if a shortfall in the targeted figure occurs, it will have to be made up by Central Government.

County Manager, Mr. Tom Curran said that he was awaiting direction from the DEC&LG regarding the matter and undertook to include a standing item on the agendas for the meetings of the Full Council of the coming months and to update the members accordingly.

Ms. A McAllen A/Head of Finance said that the Local Government Fund was paid four times a year. Kerry County Council had received two tranches to date.

Cllr. B Moynihan Cronin PROPOSED that if an indication of the allocation from the Local Government Fund was not forthcoming in the very near future, a motion from Kerry County Council, outlining the concerns of the members, should be forwarded to the Minister

4. Prohibit smoking in children's playgrounds in the County.

Pursuant to Notice duly given, Cllr. N Foley PROPOSED:-

That Kerry County Council would introduce measures to prohibit smoking in children's playgrounds in the County.

The following report issued:

All playgrounds in Kerry carry signage indicating that smoking is not permitted in the playground. However, in order to ban smoking altogether, it would require an amendment to the Bye-laws through the Statutory Public Notice. Should it be the wish of the Council, this Bye-law amendment can be pursued subject to legal advice on the legislative provisions governing the ability to ban smoking in open areas and also on the penalties applicable should the prohibition not be observed. The matter of policing such a proposal would need detailed consideration also.

Cllr. Foley read the following into the minutes:

Ban Smoking in Playgrounds

Smoking is harmful.

Passive smoking is particularly harmful to children.

The purpose of this motion is to help to de-normalise smoking in our county and protect the health and well-being of children.

World Health Organisation Report 09

- 30% of Irish people still smoke.
- At least, 1 million a day is lost in productivity.
- Smoking related illnesses cost the state €2bn a year.

We must be mindful:

- Smoking harms nearly every organ in the body.
- Studies indicate that more deaths are caused by tobacco use than death from illegal drug use, misuse of alcohol, motor vehicle injuries, murders and death by suicide.
- Smoking is estimated to increase the risk of coronary heart disease 4 fold.
- Men who smoke are 23 times more likely to develop lung cancer than those who don't.
- Women who smoke are 13 times more likely to develop lung cancer than those who don't.
- Children face a higher risk than adults of the negative effects of second hand smoke. Not only is a child's body still developing physically, but their breathing rate is faster than that of adults. Up until age 5 or so the respiratory rate is quite fast, usually between 20-60 breaths a min. When the air is tainted with cigarette smoke young developing lungs receive a higher concentration of inhaled toxins than do older lungs.

- **It is estimated that between 200,000 – 1million children with asthma have their condition worsened by second hand smoke. Passive smoke may also result in thousands of new cases of asthma every year.**
- **U.S. studies show that in children under 18 months, second-hand smoke is associated with as many as 300,000 cases of bronchitis or pneumonia each year.**
- **Children exposed to smoke also show huge increases in middle-ear infections.**
- **Adults can choose to leave a smoke-filled environment, often children cannot. Lets protect them!**

Cllr. B O'Connell supported the notice of motion and said that it was very important that playgrounds were smoke free areas. He said that an amendment to the Bye-law should be pursued in order to protect the health and well being of children.

6. Address the findings and recommendations of the recent report "Firies, A Growing Community"

Pursuant to Notice duly given, Cllr. B Cronin PROPOSED:-

To request that (a) Kerry County Council take immediate action to address the findings and recommendations of the recent report "Firies, A Growing Community" which stated that between the local primary school and three pre-schools there are 391 children and no playground and (b) give an update on progress following John Breen & Donal Murphy's recent meeting with residents of Greenfields Estate regarding playground proposals and enforcement of planning conditions.

The following report issued:

The report "Firies, A Growing Community", which has been produced by a representative group of local agencies and local residents to research current services in the area provides some very useful factual information on the requirements for the village. The results from the 74 questionnaires returned from the 330 distributed are of assistance in developing a community profile. Kerry County Council will assist the local community in implementing the findings in the report as financial and staffing resources permit. Following from a meeting with residents in Firies to determine if they would be willing to have the area within Greenfields Development (which was earmarked by the developer for a playground but never provided) utilised as a play area for the entire village, the update is as follows:- The estates unit have been engaging with the bondsman on the resolution of outstanding matters of planning permission requirements. The bondsman has been co-operative and has recently been carrying out CCTV surveys of the services on site. This work is due to be completed in the coming week. Thereafter a schedule of works required will be prepared in conjunction with the bondsman. Once these planning matters have been attended to and should the land owner be willing to do so and should the residents of Greenfields be supportive, then the development of a playground on the open area as a community facility for the village could be advanced. The group which produced the recent report will be

requested to elicit the views of the residents of Greenfields to ensure that there is unanimous support for this proposal. The site described is presently in private ownership being owned by the developer of the housing estate. Any proposed development of a playground will require the owners consent also.

Cllr. B Cronin complimented all who were involved in compiling the report "Firies, A Growing Community", also Mr. J Breen Director Of Housing & Community & Enterprise and Mr. D Murphy SEE Planning for their work in connection with Greenfields estate. He said that he was concerned that there were 391 children attending the schools in Firies but no playground was available to them. He appealed to Kerry County Council to make every possible effort to progress the provision of a playground, on the site which he described as ideal. He also welcomed that the bondsman was co-operating with Kerry County Council in the case of Greenfields and asked if the residents could apply for the estate to be taken in charge by Kerry County Council if the works are completed to the required standard. He said that the residents were hoping that the green area in the estate would be developed in the near future.

Cllr. D Healy Rae supported the notice of motion and agreed that it was very important that a playground would be provided when there were 391 children attending the schools.

Cllr. R Beasley also supported the notice of motion as ex-chairperson of the Arts, Heritage & Culture SPC which promoted the provision of playgrounds.

Mr. J Breen Director of Housing & Community & Enterprise said that when planning matters have been attended and issues regarding the site have been addressed, the development of a playground on the open area as a community facility for the village could be advanced.

7. Purchase of lands for a Graveyard in Scartaglin

Pursuant to Notice duly given, Cllr. JJ Culloty PROPOSED:-

That Kerry County Council would finalise the purchase of lands with the landowner for a graveyard in Scartaglin as a matter of urgency.

The following report issued:

The purchase of land for an extension to Scartaglin Cemetery was finalised in April 2012.

Cllr. Culloty thanked Kerry County Council and said that he was delighted with this response. He said that he had helped in negotiating the deal with the landowner. He thanked the Burial Ground Committee in Scartaglin and also Mr. C Mangan SEE Water Services and Mr. J Sugrue, Burial Ground Caretaker for their help and co-operation in finalising this matter.

Notice of Motion No. 8 was moved by Cllr. R Beasley on behalf of Cllr. T Ferris

8. Letter of support to the IWSA and the Coast Guard

Pursuant to Notice duly given, Cllr. T Ferris PROPOSED:-

That this Council sends a letter of support to the IWSA and the Coast Guard for the Mallow Search and Rescue application to be recognised as a resource of the Coast Guard.

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

9. Installation of SMART Meters

Pursuant to Notice duly given, Cllr. B O'Connell PROPOSED:-

That Kerry County Council would call on the Government to install SMART meters to include water, electricity and gas when introducing metering in this country.

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

Cllr. O'Connell said that smart meters can track overall energy use and can distinguish the appliances and all of the various power loads in a user's house from one another therefore a culpable appliance could be identified with a view to reducing energy costs.

Cllr. T Buckley SECONDED the notice of motion

10. Legislation to reduce the price of petrol and diesel by 5 cents.

Pursuant to Notice duly given, Cllr. A McEllistrim PROPOSED:-

That Kerry County Council call on the Government to support legislation which would reduce the price of petrol and diesel by 5 cents and support measures which would allow the Minister for Finance to review prices every three months allowing the Government to respond quickly to developing situations in the market place.

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

Cllr. A McEllistrim read the following into the minutes;

"This is an extremely important measure that would bring immediate relief to thousands of motorists in Kerry and across the country. The rapidly rising cost of fuel is putting people to the pin of their collars in terms of their household budgets. Drivers are stretched every week when they go to fill up their cars. This price cut is timely and will be extremely important to people, particularly families finding it very difficult to stretch their money after paying essential bills.

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The instant dismissal of this proposal by the Government shows how out-of-touch the Government has become with the daily lives of people in Kerry and Ireland. The Government has already said that people adjust their spending patterns in other sectors of the economy depending on the price of fuel. We agree with that and we believe a modest reduction in the cost of fuel would result in a €145 million stimulus to other more productive sectors of the domestic economy.

As well as immediately cutting the cost of a litre of petrol and diesel at the pumps by 5c, Fianna Fáil is proposing that the Finance Minister would be given the power to review prices every three months. This allows the Government to respond quickly to developing situations in the market place. It doesn't make any sense to only have a review of fuel prices once a year at budget time.

Kerry County Council can send a strong signal to the Government at the council meeting today. Drivers are already contributors to the state paying over 10% (close to €4bn) of all revenue between excise duty, Vat, VRT and €1bn in motor tax. Families, businesses and commuters need some relief from the burden of high fuel prices at the moment. Prices are at a record high, as is the cost of oil."

Mayor Buckley then moved Notice of Motion No. 11 on behalf of Cllr. J Brassil.

11. Exposures to Kerry County Council from the closure of the Ballybunion Leisure Centre.

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

What are the potential exposures to Kerry County Council from the closure of the Ballybunion Leisure Centre.

The following report issued:

At its meeting on 17th October, 2005, Kerry County Council resolved to agree to a request from the Department of Arts, Sports and Tourism in relation to the Ballybunion Swimming Pool and Leisure Centre. The Council was requested by the Department to agree to a condition in the Deed of Covenant for the grant of €3.782m to the promoters of the project which required the Council to either:-

- Undertake to repay the grant aid to the Department in the event of the facility not continuing to be used as a Swimming Pool/Leisure Centre during the period of its 15 years, dating from the payment of the grant and the promoters not being in a position to repay the grant which may involve the Council advertising for an operator.
- Alternatively, the Council would be required to take possession of the facility and operate it for the remainder of the charge period.

A detailed report was laid before the council by the Finance Officer, Mr. John O'Connor, at the time which set out the detail of the request from the

Department of Arts, Sports and Tourism and stated “it is disappointing that this Council should, again, be asked by a grant aiding body to guarantee the operation of a project initiated and being promoted by an outside company”.

The current status of the pool is that it closed unexpectedly on 23rd April last. A draft rescue plan outlining how the Leisure Centre can continue to operate has been prepared by Bevely Ltd and was submitted to the Council last week. This is presently being considered. Following this review and discussing same with the Company Directors and the relevant Department Officials, we will be in a position to advise the Council on the long-term implications for this Council.

Cllr. R. Beasley said that Ballybunion Health & Leisure Centre had opened four years ago following a twenty year campaign, with a membership of approximately 400. Unfortunately the economic situation in the country has changed and it was forced to close on 23/04/12 when electricity supplies were cut off. He emphasised that there were 12 jobs at stake and appealed to Kerry County Council to make every effort to re-open the centre and keep it open throughout the coming summer season. He said that that an allocation of funding from Kerry County Council may result in assistance from the government.

Cllr. L Purtil SECONDED the notice of motion and said that it was imperative that the Leisure Centre is re-opened immediately as the town of Ballybunion benefited hugely when the centre was operational. It was well supported by the local community and it kept families in the town when the weather was not suitable for the beach. He said that it was also used by many schools from the surrounding area. He said that it was a state of the art building and with support it could be a viable business. Also, there were twelve jobs at the centre which must be protected as Ballybunion has very little all year round employment and every single job is important particularly in the current economic climate. He said that the possibility of the maximum use of Community Employment schemes to reduce running costs could be considered. Membership costs which were low in comparison with those of other sports and leisure centres, could be re-examined.

Cllr. B O’Connell asked what level of funding would be required from Kerry County Council.

Cllr B Cronin complimented the previous speakers on making a good case for the Leisure Centre in Ballybunion. However, he said that when the Department of Arts, Sports and Tourism agreed to grant aid the project it put a milestone around the neck of Kerry County Council by requiring it to guarantee the operation of a project initiated by an outside company. He said that the Council should have been cautious in getting involved in such projects in light of its experience with the Jeannie Johnston. He said that lengthy consideration would have to be given to the allocation of funding by the Council to the rescue plan.

Cllr. P Leahy supported the proposals of Cllrs. Beasley and Purtil and asked that Kerry County Council would support a rescue plan for the centre.

Cllr. J Finucane also supported the notice of motion and said that any investment in infrastructure does not go astray. He said that this was a major facility of huge benefit to locals, visitors and schools. He recommended that contact be made with the Manager of Tralee Sports and Leisure Centre with a view to exploring an appropriate rescue plan for the centre in Ballybunion.

The Mayor, Cllr. T Buckley supported the notice of motion and said that previously there were two leisure centres in North Kerry and it was essential that a solution would be found.

Cllr. P O'Donoghue said that the project was co-funded through the Structural Cohesion Fund. He had voted in favour of the request from the Department of Arts, Sports and Tourism at the time because he felt that the project was in the best interest of North Kerry. He said that the facility was being used by approximately 35 primary schools therefore Kerry County Council should support a rescue plan if possible.

County Manager, Mr. T Curran emphasised that irrespective of how valuable the facility was to Ballybunion, Kerry County Council did not have unlimited funding. He said that the draft rescue plan which was received from the company last week was being considered. Following this review and discussing same with the Company Directors and the relevant Department Officials, he would advise the members on the outcome.

14. Simplify the housing application process for separated applicants

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

That Kerry County Council would simplify the housing application process for separated applicants and be sympathetic to their particular circumstances.

The following report issued:

The Social Housing Assessment Regulations 2011 require Housing Authorities to carry out their housing needs assessments in accordance with standard criteria in order to determine applicants' eligibility and need for social housing support. These regulations state that "a household shall be ineligible for social housing support if it has alternative accommodation that the household could reasonably be expected to use to meet its housing need, either by occupying it or by selling the accommodation and using the proceeds to secure suitable accommodation suitable for the household's adequate housing".

In respect of separated applicants who are joint owners of property the regulations clearly state that in assessing their need for social housing support, an order of a court of competent jurisdiction or a deed of separation is required to be in place in order to determine that they do have a long term housing need in that they do not have alternative accommodation available to them.

While we are obliged to comply with these regulations we are acutely aware of the difficulties faced by separated applicants and will always endeavour to deal with their circumstances as sympathetically as possible.

Cllr. Cahill asked that the housing application process would be simplified for separated applicants as many are not legally separated and in his opinion a letter from a solicitor confirming the separation should suffice.

Cllr. D Healy Rae supported the notice of motion and said that he had raised this matter previously. He said he was aware of fathers who were living in accommodation which was unsuitable for having their children with them for e.g. weekends and were not in a position to apply for rent allowance because they were still registered as the joint owner of the family home.

15. Infringement of public rights of way

Pursuant to Notice duly given, Cllr P Connor Scarteen PROPOSED:-

Where public rights-of-way have been infringed throughout the County, that Kerry County Council investigates complaints and takes proceedings to ensure public rights-of-way are reinstated and protected throughout the County.

The following report issued:

All complaints in relation to alleged infringements of public rights-of-way are investigated by either the Planning Department or the Roads Department of Kerry County Council.

The statutory duty of Kerry County Council to protect the public right to use public rights of way can only be exercised by the Council in accordance with its advice as to the existence of a public right of way. Where that advice is uncertain, the Council has to consider all of the available information before any consideration can be given to exercising our discretion to act pursuant to our statutory powers. These factors are similar to those which apply in any planning enforcement issues and include matters such as the strength of the case, the likely costs of action, the resources available and the relative importance of the issue from the Council as the planning authority.

There has been a number of recent high profile High Court challenges in relation to this issue, including most recently “Walsh v Sligo County Council” (the Lisadell case - which I understand is under appeal to the Supreme Court) and “Walker v Leonach & Barry”. Any court before delivering a judgement will consider the legal principles, the non-expert and expert evidence, and the application of those legal principles to all the facts, as found on the evidence.

The costs in relation to the above cases are estimated to be very significant and there was substantial publicity recently in relation to Justice MacMenamins judgement on the application for costs on the “Walker v Leonach & Barry”

case, where the Judge had previously ruled against the defendants and stated that the way was not of right nor dedication but one of tolerance.

Therefore, in dealing with complaints of alleged infringements of public rights of way, the Council will always seek all available evidence from the complainants as to the existence of the alleged public right of way and furthermore seek legal advice on the strength of such evidence before considering whether or not to instigate legal proceedings.

Cllr. P Connor Scarteen said that he appreciated the comprehensive response and said that he was aware of a number of individual cases for which he would later supply details.

Cllr. B Cronin asked that the response would be circulated to all the members.

Mr. C O'Sullivan Director of Roads & Transportation said that the Council has to endeavour to ascertain if an alleged right of way is a public right of way or one of tolerance before any consideration can be given as to whether or not to instigate legal proceedings.

16. License for modified vehicles.

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

That Kerry County Council write to the Minister for Transport, Mr Leo Varadkar requesting that modified vehicles require a licence for vehicle modifications (a) which will require a six monthly NCT examination, (b) which will require additional roadworthy tests and (c) which will require an engine test to determine that the vehicle is not exceeding its CC rating.

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

Cllr. J Sheahan asked for the support of the Council in pursuing this matter.

Cllr. M Gleeson SECONDED the Notice of Motion

The following Notice of Motion was moved by Cllr. D Healy Rae on behalf of Cllr. J Healy Rae.

17. Arts grant to Tech Amergin, Waterville.

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

To ask Kerry County Council Arts Department why they are not giving any grant to Tech Amergin this year.

The following report issued:

Kerry County Council has supported the Arts Facility at Tech Amergin through financial support for a number of years. This is similar to the support which the Council provides to many arts and cultural facilities in our County in recognition of the tourism, economic and cultural importance of these facilities. Funds have been provisionally allocated to Tech Amergin in the current year and pending the provision of audited accounts and a detailed Arts Programme in line with our revised audit requirements, these will be considered and if found suitable, funding will be provided if our criteria are met. It is most important that the funds provided by Kerry County Council fit with our Arts Strategy and also deliver excellent value for money for the investment.

18. Completion of unfinished estates

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

In view of the deplorable infrastructure deficit in some 'Ghost Estates', that the Council would detail how it proposes to ensure that the conditions of planning in regard to those estates are realised.

The following report issued;

Housing Estates Unit

The term Ghost Estates is one which doesn't have a clear definition, however, the Housing Estates Unit was established with a view to inspecting all unfinished estates in the county in order to secure their full completion. Kerry County Council has a range of powers available to it under planning enforcement, building control, environmental protection and derelict sites, legislation.

Significant resources (4 technical and 4 admin staff) have been allocated to the Unit. Substantial progress has been made with regard to inspecting housing estates in the county. To date, 728 housing estates (out of a total of 1024 on the HEU list) have been inspected (on one or more occasions). These inspections have identified un-finished estates and estates where works need to be carried out.

It is the aim of the unit to work proactively with developers, financial institutions and local communities, in securing the satisfactory completion of services and infrastructure on estates.

However, where a developer is not willing or able to carry out the necessary outstanding works, and where a bond is in place, this bond will be claimed before the bond expires.

It should be noted that compliance with planning conditions issued can be pursued through calling in the bond and/or the commencement of enforcement action. Calling in a bond does not preclude pursuing enforcement action or vice-versa.

Bonds:

The purpose of a bond is to secure the provision and satisfactory completion and maintenance of roads, footpaths, landscaping, lighting, foul and water supply and drainage required in connection with the proposed development. It does not relate to the construction of houses etc.

There are two types of bond – a cash bond which the council have on deposit and an insurance bond where the council have to submit a valid claim to the bondsman on the bond.

Cash bonds can be utilised without any delay, as the money is available to Kerry County Council. Insurance bonds are the prevalent type of bond with some years.

There can be difficulties in calling in insurance bonds, as claims can be disputed and/or not paid up.

Often there can be difficulties in calling in the bond. There can be significant delays in the bondsman (Bank or Insurance Company) paying the amount due and in some cases they do not pay up. Cases where bonds are not paid are referred to Law Agents.

It should be noted that the only funds available where a bond is called in, is the amount of the bond received. There are no other sources of funding. Thus in some cases doing works to the value of the bond received will not result in all works required being undertaken. In such cases, priority will be given to the provision of all the required services and the completion of the estate road. It should also be noted that in assessing bond release/reduction applications, it is HEU policy to require a portion of a development to be to their satisfaction, before a corresponding portion of the bond will be recommended for release.

Spending of bonds which have been paid up.

The proceeds of all bonds received are transferred to the Roads and Transportation Department. They will undertake works to the value of the bond. This work will be undertaken as part of their overall works programme. Numerous bonds have been claimed to date. However, only 13 no bonds have been paid up to date with a cumulative value of c €371,381.40. This is probably due to the fact that we have referred any claim not paid up within four weeks to law agents for pursuing. This will take some time to yield results. The scale of developments in default, developers in financial distress and the no of bonds claimed on, is unprecedented in this country.

Enforcement:

A no of Enforcement Notices have been served on developers of housing estates, which state the conditions not in compliance, what is required for compliance and the timeframe for doing so. If the developer does not comply

with the enforcement notice in the timeframe given, it is referred to law agents with a view to seeking compliance with planning conditions in the courts. As a satisfactory response has not been received in a no. of cases, we are now proceeding to court action in some cases. Some successes have been achieved by going down the legal route, of enforcement action.

The enforcement process however takes time and resources and there is no guarantee of the eventual outcome.

Concluding Remarks:

It should be noted that 195 no. housing estate developments have reached the required standard for the bond to be released to date.

However, due to the current adverse economic conditions, many developers do not have access to funds to undertake works. Banks/Insurance companies are also delaying or not paying up on bonds claimed. In addition, many developers are applying to extend the duration of the planning permissions on their housing estate developments. This will push back enforcement and/or calling in the bonds and will delay the resolution of these housing estates. Overall there is a lot of inertia in terms of resolving unfinished housing estates and, in reality, it may take several years for some estates to be resolved.

Cllr. M Gleeson said that henceforth he would substitute the term “ghost estate” with “unfinished estate” He said that the response was not of much consolation to the residents of unfinished estates who had paid high prices for their houses, urgent action must be taken at local and national level.

Mr. Michael McMahon Director of Planning & Sustainable Development said 195 no. housing estate developments have reached the required standard for the bond to be released to date. He said that there was no provision in legislation for a Local Authority to fund works in an estate which effectively is privately owned. He referred to the response above and said that the current inertia was due to some extent to many developers having made applications to extend the duration of the planning permissions on their housing estate developments as allowed in accordance with Section 28 of the Planning & Development (Amendment) Act 2010. Last year €1.5 million was allocated by the Government to address the public safety issues associated with unfinished estates but no estates in Kerry came within the prescribed category.

Cllr. Gleeson reiterated that he was very concerned for the residents of unfinished estates who had paid high prices for their houses.

19. Review the proposed 66% reduction in CES

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

That Kerry County Council write to the Minister for Social Protection to review the proposed 66% reduction in Community Employment Schemes countrywide.

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

Cllr. M O'Shea asked for the support of the Council regarding this matter.

Cllr. A McEllistrim **SECONDED** the Notice of Motion and said that this was a very important issue.

20. Recognition of the excellent work being done by Farranfore Development Association

Pursuant to Notice duly given, Cllr. B Cronin PROPOSED:-

To ask that Kerry County Council recognise the excellent work being done by Farranfore Development Association and include the village for footpath extensions on the Currow and Firies roads entering Farranfore.

The following report issued:

This Notice of Motion was moved at the Killarney Electoral Area April meeting at which the following response was given:

“Considering the reduced funding available from the Council's own resources, it has been decided that repairs and short extensions to existing footpaths are the only works which are feasible this year on Regional and Local Roads. Unfortunately, the construction of new footpaths on the R561 Regional Road and the L-3002 Local Primary Road is beyond the scope of the Roads Department’s budget at the present time”.

Cllr. B Cronin said that a Development Association had been formed in Farranfore with a view to carrying out improvements to the village. He said that there was a very sustainable GP practice on the Firies road therefore an extension to the footpath in that direction was essential. He also asked that the “Drive Slowly” signage at the entrance to the school and the GAA grounds be replaced, the traffic islands needed to be tidied up and that the high footpath at the airport to be made accessible for wheelchair users and baby buggies.

23. Provision of signage to alert drivers from other countries of the requirement to drive on the left hand side

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

That we the Members ask Kerry County Council and the NRA to erect signage depicting drive on the left hand side to advise people and visitors from other countries of our driving regime. This proposal should also be sent to the RSA.

The following report issued:

This Notice of Motion was moved by Cllr John Sheehan at the March 2012 Council Meeting, where the following response was given:

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

The motion was referred to the Minister for Transport and his response is attached and also included in Correspondence General for this meeting.

The proposal to write to the RSA is a matter for resolution.

Cllr. D Healy Rae welcomed the reply and said that he had witnessed a head on collision between two vehicles due to one of the vehicles having been driven on the wrong side of the road.

24. Assistance to groups in Local Authority estates with grass cutting.

Pursuant to Notice duly given, Cllr. B O’Connell PROPOSED:-

That Kerry County Council would clarify for residential groups in Local Authority estates the position regarding grass cutting and how the Council can be of assistance to these groups.

The following report issued:

Due to financial constraints, the Roads Department are no longer in a position to cut grass in public green areas of our estates. Through the limited resources of our Estate Management Fund, there is grant aid available to residents associations that are properly constituted to assist with maintenance and upkeep of green areas. Many residents associations have availed of this assistance and are carrying out tremendous work in the upkeep of their estates. We are working with those estates where this has not been taken up to date and are working to encourage them to become involved. In some areas we may have to provide a first grass cut and the residents may maintain the area thereafter.

Cllr. B O’Connell said that as it was the policy of the Council to encourage the setting up of residents associations in Local Authority estates they should be given as much assistance as possible. He asked if a Residents Association has to pay insurance costs and if a lawnmower is provided by the Council.

Mr. C O’Sullivan Director of Roads & Transportation said that the Residents Association should contact the Tenant Liaison Officer with regard to funding for the provision of a lawnmower. Low cost insurance for Residents Associations was available through the Council’s Community & Enterprise Department, Community & Voluntary Forum.

Cllr. J J Culloty welcomed this response.

25. Water charges and the meter charge in relation to lands that are not being farmed.

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

That Kerry County Council would clarify the position in relation to water charges and the meter charge in relation to lands that are not being farmed.

The following report issued:

The Council incurs considerable costs in maintaining a network for the reliable supply of water. For the purposes of recovering some contribution towards that expenditure, the Council imposes a network management charge on any connection that is not wholly a domestic connection in accordance with the National Water Pricing Policy Framework. In addition to this, water consumption is charged on a metered usage basis. Water charges on farms are levied based on metered usage with a domestic allowance if applicable. In the case of lands not farmed, the charge will in general be limited to the Network Management Charge ie. €26.25 per quarter. The Council will review the status of a connection given the individual circumstances/merits of the case. Customers with 'land only' who do not require the Council supply of water, may avoid any charges by requesting the disconnection of their supply.

26. Tourism statistics from Fáilte Ireland Kerry and Go Kerry

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

That Kerry County Council obtains tourism statistics from Fáilte Ireland Kerry and Go Kerry in the County in recent years and obtains information on how they propose to increase tourism.

The following report issued:

Fáilte Ireland carried out an extensive market research survey of visitors to Kerry in 2011, the results of which have recently been published. Go Kerry have also carried out surveys of the tourism sector in Kerry as part of their work in setting up a new tourism website for Kerry. This work was undertaken through surveys carried out by their tourism co-ordinators throughout Kerry last year. The results of these surveys will be requested and forwarded to members. We will request both organisations to provide details of their current and projected work in enhancing the tourism product in Kerry and in increasing the number of visitors to our beautiful County.

Cllr. P Connor Scarteen welcomed this response.

27. Changes recommended by the Advisory Group to remove Holy Communion and Confirmation preparations from the school day.

Pursuant to Notice duly given, Cllr. JJ Culloty PROPOSED:-

That Kerry County Council would call on the Minister for Education, Ruairi Quinn not to implement the changes recommended by the Advisory Group to remove Holy Communion and Confirmation preparations from the school day.

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

Cllr. JJ Culloty said that in his opinion this was another step in the wrong direction and it was becoming acceptable to knock the Church and the Catholic Religion. He asked that management would consider placing a religious artefact such as a crucifix in the Council Chamber.

Cllr. M Gleeson supported the Notice of Motion and said that when he was appointed as a teacher, teaching religious instruction for half an hour every day was included in his contract and as far as he was aware this requirement was still enshrined in law.

Mr. J D Flynn Director of Corporate Services pointed out that the Council Chamber was non-denominational and that all religions were respected in the Council, therefore it would not be appropriate to place any religious symbol in the Chamber.

Cllr. D Healy Rae moved Notice of Motion No. 28 on behalf of Cllr. J Healy Rae.

28. Delay in dealing with applicants for the Carers Allowance

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

I ask Kerry County Council to again ask the Minister to do something about the delay in dealing with applicants for the Carers Allowance as this seems to be taking a ridiculous amount of time.

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

29. Career Guidance for students in the 700 secondary schools in the Country

Pursuant to Notice duly given, Cllrs. P O' Donoghue / M O'Shea PROPOSED:-

That Kerry County Council ask the Minister for Education & Skills to explain where the supports and advice in subject choice, career choice, study support and the wide range of personal concerns of our young people are to be provided for in the 700 secondary schools in the Country. What is the rationale of the Minister that this vital support, often around substance misuse, self harm, suicidal tendencies, eating disorders, depression, exam stress, family dysfunction has now become irrelevant and unnecessary?

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

Cllr. M O'Shea asked for the support of the Council in requesting that the Minister would reverse this decision and emphasised the importance of the availability of Career Guidance Counsellors in secondary schools.

Cllr. A McEllistrim supported the Notice of Motion and agreed that the role of a Career Guidance Counsellor was very important as they may be the only person in the school with whom the student has one to one contact.

31. Provision of wheelchair access at the medical centre in Milltown.

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

That we the Members of Kerry County Council ask the HSE to make the medical centre in Milltown wheelchair accessible to facilitate incapacitated patients.

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

Cllr. M O'Shea said that as far as he was aware the Medical Centre in Milltown already had disability access.

Mr. G O'Brien Meetings Administrator asked that the Cllrs. Healy Rae or O'Shea would revert to him with clarification regarding this matter.

33. Provision of a bus shelter in Killorglin Town

Pursuant to Notice duly given, Cllrs T Buckley /M Cahill PROPOSED:-

That Kerry County Council request Bus Éireann to immediately provide a bus shelter in Killorglin Town as a matter of urgency.

The following report issued:

This Notice of Motion was previously moved by Cllr. Cahill at the ordinary meeting of Kerry County Council on the 16th January 2012 where it was resolved that the Council would write to Bus Éireann. It was moved again at the most recent Killorglin Electoral Area meeting where the members were advised that the Council had been informed by Bus Éireann that "the company still considers the provision of a bus shelter in Killorglin as a priority should the appropriate funding mechanism become available".

Cllr. M Cahill requested that Kerry County Council would write to Bus Eireann regarding this matter.

34. Reduction in the levies charged to householders who build extensions in excess of 60 sq. m.

Pursuant to Notice duly given, Cllrs JJ Culloty /A McEllistrim PROPOSED:-

That Kerry County Council would reduce the levies charged to householders who need to build extensions in excess of 60 sq. mtrs. At present, these charges are prohibiting some homeowners from doing so.

The following report issued:

The current Development Levies Scheme was adopted in March 2011. This Scheme introduced the levy for domestic extensions greater than 60mtr. sq. The current rate for a domestic extension on serviced lands is €12 per mtr. sq. for water, €38 per mtr. sq. for sewerage and €10 per mtr. sq. for roads.

This charge was introduced due to the size of domestic extensions applied for. It must be acknowledged that a 60mtr. sq. extension is a very significant development. It is felt that in the interest of fairness to those paying levies on regular size houses, the levy for domestic extension greater than or equal to 60mtr. sq. should remain in place.

Cllr. JJ Culloty asked that the cost of the levy for sewerage would be reviewed.

Cllr. A McEllistrim supported the Notice of Motion and said that it was important that the levy on domestic extensions would be reviewed as it may be prohibiting this type of development.

Cllr. D Healy Rae also supported the Notice of motion

22.05.12.21 Conferences and Seminars

(a) On the PROPOSAL of Cllr. D Healy Rae SECONDED by Cllr. JJ Culloty it was agreed to authorise the attendance of Cllrs. R Beasley, T Ferris, M Griffin, D. Healy Rae, J Healy Rae, & P Leahy at the Planning Seminar for Councillors TJK Conferences to be held in Patrick Punch Hotel, Limerick from 08/06/2012 – 10/06/2012.

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

(b) On the PROPOSAL of Cllr. P Leahy SECONDED by Cllr. P Connor Scarteen it was agreed to authorise the attendance of Cllrs. R Beasley, T Ferris, P Connor Scarteen, N Foley at the Resilience During Times of Regeneration Emergency Planning Society (NI Branch) Annual Conference and Annual General Meeting to be held in City Hotel, Derry, BT48 7AS Derry on 11/06/2012 .

Cllr. N Foley was nominated to report back to the Council on this conference.

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(c) On the PROPOSAL of Cllr. P Connor Scarteen **SECONDED** by Cllr. P Leahy it was agreed to authorise the attendance of Cllr. P Connor Scarteen at the Justice Conference 2012 Towards Affordable and Efficient Justice to be held in Chartered Accountants House, Dublin on 19/06/2012.

Cllr. P Connor Scarteen was nominated to report back to the Council on this conference.

(d) On the PROPOSAL of Cllr. P Leahy **SECONDED** by Cllr. JJ Culloty it was agreed to authorise the attendance of Cllrs. P McCarthy, R Beasley, J Brassil, A McEllistrim, M Griffin, P O 'Donoghue, M O'Shea, G Wharton Slattery, & P Leahy at the Building Control (Amendment) Regulations 2012 Draft Elected Members Training Seminar to be held in Westport Plaza Hotel, Castlebar Street, Westport, Mayo from 29/06/2012 to 30/06/2012

Cllr. M O'Shea was nominated to report back to the Council on this conference.

(e) On the PROPOSAL of Cllr. JJ Culloty **SECONDED** by Cllr. P Leahy it was agreed to authorise the attendance of Cllr. S Cosaí Fitzgerald at the Southern & Eastern Regional Authority annual conference to be held in Newpark Hotel, Kilkenny on 24th May 2012.

21.05.12.22 Correspondence General

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

1.	Letter dated 20 th April 2012 from the Minister for Transport, Tourism and Sport regarding the provision of warning signs regarding driving on the left hand side of the road.
2.	Letter sent to Deputy Michael Healy-Rae dated 30 th March 2012 from the Minister for Transport, Tourism and Sport regarding funding for Local Improvement Schemes.
3.	Email dated 1 st May 2012 from the Office of the Minister for Finance regarding the giving of instructions to financial institutions to release financial bonds obtained as part of approved planning applications for housing projects not completed.
4.	Email dated 3 rd May 2012 from Office of the Minister at the Department of Jobs, Enterprise and Innovation concerning Kerry County Council's request for a meeting with Minister Richard Bruton to discuss County Enterprise Boards/Local Enterprise Offices.
5.	Letter dated 11 th May, 2012 from the Office of the Minister of State at the Department of Transport regarding the National Integrated Rural Transport Committee.
6.	Letter dated 16 th May, 2012 from the EPA regarding the fluoridation of water supplies.
7.	Letter dated 16 th May, 2012 from the Social Welfare Services regarding in processing of social welfare claims.

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8.	Letter dated 17 th April 2012 from Offaly County Council regarding a resolution adopted by that authority calling on the Government not to allow the banks and semi-state companies to pay huge salaries and pension to Managers and Directors.
9.	Letter dated 17 th April 2012 from Offaly County Council regarding a resolution adopted by that authority calling on the Government to reform the pension scheme for Ministers and TDs to bring it into line with public sector workers regardless of age, qualification, length of service etc.
10.	Letter dated 19 th April 2012 from Galway City Council regarding a resolution adopted by that authority calling on the Government to abandon its plan for the introduction of a National Water Company which would see control of local water services transferred from Local Authorities to Central Government.
11.	Letter dated 2 nd May 2012 from Donegal County Council regarding a resolution adopted by that authority requesting the Department to allocate the necessary funding to meet the demand for pensions and redundancy caused by implementation of Government policy.
12.	Letter dated 2 nd May 2012 from Donegal County Council regarding a resolution adopted by that authority calling on the Minister for Social Protection to allow for unemployed self-employed individuals to gain social welfare payments from the date of non-employment thus helping stop the unemployed entrepreneur brain drain from our county and country.
13.	Letter dated 2 nd May 2012 from Donegal County Council regarding a resolution adopted by that authority calling on the FG/LAB Government to reduce tax on fuel immediately and to introduce a fuel stabiliser which would reduce duty as oil prices rise into the future.

Votes of Sympathy

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

- (a) Cllrs D Healy Rae and J Healy Rae proposed that a vote of sympathy would be extended to the family of the late John Sweeney.
- (b) Cllrs D Healy Rae and J Healy Rae proposed that a vote of sympathy would be extended to the family of the late Denis Dineen.
- (c) Cllrs D Healy Rae and J Healy Rae proposed that a vote of sympathy would be extended to the family of the late Mary O'Sullivan.
- (d) Cllrs D Healy Rae and J Healy Rae proposed that a vote of sympathy would be extended to the family of the late Ann Healy.
- (e) Cllrs B Cronin and M Gleeson proposed that a vote of sympathy would be extended to the family of the late Steve Kennedy.

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(f) Cllrs B Cronin and M Gleeson proposed that a vote of sympathy would be extended to the family of the Frank Clifford.

21.05.12.24 Any Other Business

1. Cllr. G Wharton Slattery reminded the Council that the launch of Go Kerry website would be held in I.T. Tralee on Friday 25/05/2012 at 12.00 noon.
2. Cllr. D Healy Rae referred to Item 2 in Correspondence General and asked that the Councillors who are members of the Fine Gael Party would advise the Minister for Transport & Sport that approximately 500 applications for Local Improvement Schemes were on hold with Kerry County Council.
3. Cllr. D Healy Rae asked that the Mayor, Cllr. T Buckley would arrange a meeting with the Minister for the Environment, Community & Local Government to discuss the setting up of a Public Water Utility, before Cllr. Buckley's year as Mayor of Kerry expires.

Gerard O'Brien

Meetings Administrator

Mayor of Kerry