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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 , 16 IÚIL 2012**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY, 16 JULY 2012**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

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

**ABSENT/AS LÁTHAIR**

**Councillor/Comhairleoir**

**S Cosai Fitzgerald**

**IN ATTENDANCE/I LÁTHAIR**

Mr. M McMahon Deputy Co. Mgr.	Ms. A McAllen A/Head of Finance
Mr. J.D. Flynn, Director of Corp. Servs.	Mr. O. Ring, Dir. Water & Env. Servs.
Mr. G MacNamara A/Dir. of Roads	Mr. J. Breen, Dir. Hsg. & Comm&Ent
Mr. M O'Donoghue SEO HR	Mr. P. Corkery, Press & Comm. Off.
Mr. P. Stack SE Planning	Ms. A. Moriarty Planning Tech.
Mr. M. Boyce SEE Environment	Ms. M Enright SEP, Planning
Mr. D O'Malley Sen. Exec. Planner	Mr. D Lenihan, Sen. Exec. Chemist
Ms. J McCarthy SEO Planning	Ms B Reidy SSO Corp. Affairs
Mr. R Ó Heartáin Oifigeach Gaeilge	Ms. D Reidy CO, Planning
Ms. N O'Connor CO , Comm. & Ent.	Mr. E Kelliher Assist. Planner
Ms. O O'Shea CO Corporate Affairs	Ms. S Broderick SO Corporate Aff.
Ms. C Fitzgerald ASO Corp. Affairs	

The meeting commenced at 10.40am

The Mayor Cllr. T O'Brien took the Chair and welcomed all present to the meeting.

**Vote of Sympathy**

Cllr. D Healy Rae paid tribute to the late Gerry Collins who was a Clerk of Works in the Housing Department up until his retirement in September 2011. He proposed a vote of sympathy to Gerry's wife and family.

All the members wished to be associated with this vote of sympathy.

**16.07.12.01 Mayor's Report on CPG Meeting held on 10<sup>th</sup> July 2012**

**"Item 1      Agenda for the July Council Meeting**

Ms. B Reidy, A/Meetings Administrator, briefed members on the Agenda for the July Council Meeting.

In relation to Item 5, Mr. M McMahon Director of Planning & Sustainable Development said that 38 submissions had been received and a report was being prepared for circulation to members. A second public consultation on the Renewable Energy Strategy 2012 is likely to be held as in accordance with the Planning & Development (Amendment) Act 2010 an SEA on the material amendments will probably be required. Mr. McMahon said it was anticipated that the SEA would go ahead in August, public consultation would take place in September and the Strategy would come before the members for adoption probably at the October 2012 Council meeting.

In relation to Item 5, Mr. J Flynn Director of Corporate Services said the local authority would have no role in the processing of first time applications for student grants this year however, we will continue to deal with ongoing students until they complete their current course in college.

In relation to Item 10, Mr. J Flynn Director of Corporate Services said that a report on the Domestic Wastewater Treatment System Registration giving details of registration and payment details of the charge would be circulated for the July meeting. Application forms would be available for members on the day.

In relation to Item 11, Mr. J Breen Director of Housing & Community & Enterprise said that arising from the Forum Gaelige Chiarrai report, the Community, Culture & Tourism SPC had recommended that two proposals would be brought to the full Council for consideration. The proposals are set out in his report.

**Item 1      County Development Board Update**

Mr. J Breen Director of Housing & Community & Enterprise advised the CPG that the following items were presently the priorities of the County Development Board.

1.      The development of a focused and specific new two year County Development Strategy to replace the present Strategy which expires at the end of this year.
2.      Consideration of the future role and direction of the County Development Boards in the context of the imminent announcement of Local Government reform expected from Minister Hogan.

3. The Board has also recently considered and made submissions to the National Childrens Strategy and to the Road Safety Strategy as requested by the RSA.
4. The Board will give consideration to the recently released census data on household broadband penetration in Kerry. The figures show that 53,088 households in Kerry have internet access. The Boards concerns with the quality of that access will continue to be pursued with the Department of Communications.

## **Item 2 Update from Chairs of SPCs**

Members advised the CPG that no SPC meetings were held in the past month.

## **Item 3 Household Charge Update**

Ms. K Moriarty A/Head of Finance updated the CPG as follows:

“The amount of properties that have paid the Household Charge in Kerry as at 10/7/2012 is 38,090 households in the amount of €3,837,474. This amount does not reflect households applying for a waiver from the charge. It should be noted that people are continuing to pay at the various Council offices.

The most recent National figure available for total countrywide property registrations for the Household Charges is 981,744 properties as at 6<sup>th</sup> July, this figure includes some remaining postal applications on hand with queries and also reflects properties registered for a waiver.

The amount currently receipted nationally for the charge as at the 10<sup>th</sup> July is €96.447M.

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

Work continues nationally to build the Household Charge database. In accordance with Household Charge Legislation, data sharing and exchange between local authorities and other relevant bodies has been carried out as part of a National Data Exchange Project. These bodies include ESB Networks, Private Residential Tenancies Board, Revenue Commissioners, Department of Social Protection, also with data from the Non-Principal Private Residencies Board and the Property Registration Authority.

Phase 1 of the Data Matching exercise will result in the issue of reminder letters to property owners based on the data set provided to date to Kerry County Council. Follow-up letters are to be issued to property owners who have not paid the Household Charge. The letters are to be issued over a two week period and commenced for some local authorities on 2<sup>nd</sup> July. The reminders letter for Kerry County Council are to commence issue on 10<sup>th</sup> July. With the addition of penalties and interest, in accordance with legislation, the amount due is now €114, if paid by the end of July. The amount due will increase on a monthly basis, if it remains unpaid.

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It is intended that further follow-up action will be undertaken by the local authority to ensure payment is maximised.

Work will continue to nationally to update the Household Charge database to ensure all liable properties are listed for follow up by each Local Authority as required.

Waivers for the charge are available for property owners in specified Unfinished Estates and for those in receipt of Mortgage Interest Supplement , it is important that these properties are registered to enable a correct county by county analysis to be provided and of course to enable each Local authority to establish a correct database of properties liable for the charge. Payment can continue to be made in Co. Buildings, Ashe Hall, all the Area Offices in the County, on-line at [www.householdcharge.ie](http://www.householdcharge.ie) or by post".

Cllr. M Gleeson asked that the reminder letters would include an apology to those receiving them that have already paid the charge.

### **Item 5 Update on the current position in relation to septic tank registration**

Mr. J Flynn Director of Corporate Services informed the CPG that the Domestic Waste Water Treatment System (Septic Tank) Registration & Charge was launched by the Minister on Tuesday 26<sup>th</sup> June. A once-off registration fee will apply - a reduced fee of €5 can be paid until 28 September 2012. It will then increase to €50. A website has been set up [www.protectourwater.ie](http://www.protectourwater.ie) to facilitate people to register their systems and make payment online.

Cllr. P McCarthy said that the deadline for the payment of the reduced fee should be advertised in the local media.

Mr. Flynn said that an information booklet was being prepared by the Department and would be circulated nationally.

### **Item 6 Update on signs at Kells Beach**

Mr. J Flynn Director of Corporate Services said that this matter was discussed and fully resolved at the Killorglin Electoral Area meeting on 6<sup>th</sup> July 2012.

### **Item 7 Request from the Irish Rural Dwellers Association to address the members of Kerry County Council**

The CPG supported the right of the IRDA to make a presentation to the members at the September meeting and recommended that the matter be brought before Council for consideration.

### **Item 8 Civic/Mayoral Receptions**

Ms. B Reidy Meetings Administrator said that Cllr. R Beasley had proposed that a Civic Reception would be held to honour (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request) and his trainer (Name and address withheld for Data Protection purposes – a paper copy of the

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unedited Minutes is available on request) on winning a silver medal at the European Championships recently.

It was agreed that they would be honoured at a Civic Reception to be held on the day of the September Meeting.

### **Item 9 Any Other Business**

Mr. J Breen Director of Housing & Community & Enterprise informed the meeting of the death of Gerry Collins former Clerk of Works in the Housing Department who retired in September 2011. On behalf of the CPG he extended sincere sympathy to Gerry's wife and family.

Mr. Breen also informed the meeting that Mr. Roy Guerin, A/Assistant Staff Officer, Housing Department has qualified for the Paralympic Games which take place in London from 29<sup>th</sup> August to the 9<sup>th</sup> September 2012. Roy will represent Ireland in the Power Lifting event and would be the first ever Irish power lifter to compete in the Games.

### **Update on Shannon Development**

The Manager briefed the members on the decision of the Government that Shannon Development and its property portfolio will be subsumed into the new Shannon Airport Company. While he welcomed the development of the airport at Shannon, he would be concerned regarding the priority or interest it would give to job creation and sustainability through their property portfolio in Kerry.

The Mayor, Cllr. T O'Brien proposed that approval would be sought for a delegation from Kerry County Council to meet with the relevant Minister to discuss this matter.

The CPG recommended this proposal to Council and that the delegation would be representative of the entire county and would include the Mayors of Tralee, Killarney and Listowel.

### **Electoral Area Boundary Changes**

Cllr. P Connor Scarteen asked if a decision had yet been made by the Government regarding the proposed changes to electoral area boundaries.

Mr. J Flynn Director of Corporate Services said that it was expected that there would be a decision on this matter before the adjournment of the Dáil for summer recess later this month.

### **Ballybunion Swimming Pool**

Mr. J Breen Director of Housing & Community & Enterprise said that Ballybunion swimming pool had reopened for business. The ESB had agreed to connect a power supply for three months with a guarantee from Kerry County Council that it would meet the charge in the event of non payment.

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Mr. Breen said that an application had been made to the Minister for Transport, Tourism & Sport for funding for the provision of a combined heat and power plant at the facility with a view to reducing energy costs.

### **Tarbert and Ballylongford Sewerage Schemes.**

Mr. J Kennelly circulated detailed reports on the Tarbert and Ballylongford Sewerage Schemes.

**Tarbert Sewerage Scheme:** Mr. Kennelly said that the Preliminary report was approved by the Minister for the Environment, Community and Local Government on 9<sup>th</sup> July 2012. The procurement/construction budget requested by Kerry County Council for the project was €2.2 m of which €1.7m has now been approved. Kerry County Council had taken the initiative and already invited tenders for the Advance Pipelines and is now in a position to request approval from the Department to proceed to award a contract for these works. The indications are that these works may commence early in 2013. The approval of the Preliminary Report would enable Kerry County Council to proceed to finalise contract documents for the Wastewater Treatment Plant. It is anticipated that the contract documents will be submitted for approval before the end of 2012 and if all goes well construction may commence by mid 2014.

**Ballylongford Sewerage Scheme:** Mr. Kennelly said that the Preliminary report was approved by the Minister for the Environment, Community and Local Government on 9<sup>th</sup> July 2012. The procurement/construction budget requested by Kerry County Council for the project was €1.9 m of which €1.65m has now been approved. Kerry County Council had taken the initiative and proceeded to try to acquire a site for the treatment plant which is now the subject of a CPO. The approval of the Preliminary Report would enable Kerry County Council to proceed to finalise contract documents for the Wastewater Treatment Plant. (subject to CPO). Ideally, the Treatment Plants for Tarbert and Ballylongford would proceed as one contract, circumstances permitting. Contract documents will be submitted for approval before the end of 2012 and if all goes well construction may commence by mid 2014.

### **Update on Tralee Bye-Pass**

Cllr. P McCarthy asked if an update on the Tralee Bye-Pass was available.

Mr. G MacNamara SE undertook to prepare an update for the meeting of the Full Council on 16<sup>th</sup> July 2012.

The Mayor, Cllr. T O'Brien informed the meeting that Item No. 9 on the agenda (Household Charge Update) would be dealt with at this stage."

Cllr. J Healy Rae PROPOSED that the Irish Rural Dwellers Association would be permitted to make a presentation to the members at the September meeting.

Cllr. J J Culloty SECONDED this proposal.

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Cllr. J Brassil said that to allow the IRDA to make a presentation during the meeting would be setting a precedent and he PROPOSED that the IRDA would make their presentation before the meeting at 10.00 am.

Cllr. M O'Shea SECONDED this proposal.

Cllr. J Healy Rae said that he fully supported the right of the IRDA to make a presentation to the Council as members had agreed previously to requests from other groups.

The Mayor, Cllr. T O'Brien said that there was now a proposal and a counter proposal concerning this matter. He PROPOSED that that approval would be granted to the IRDA to make a presentation to the members at the September meeting.

All the members agreed with the Mayor's proposal.

Members agreed that a Civic Reception would be held on the day of the September meeting to honour (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request) and his trainer (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request) on winning a Silver medal at the European Championships recently.

It was agreed that the Minister for Transport, Tourism & Sport would be requested to meet with a delegation from the Kerry local authorities to discuss the impact of the decision of the Government on Kerry, that Shannon Development and its property portfolio would be subsumed into the new Shannon Airport Company.

It was agreed that the delegation would comprise of the following members:

The Mayors of the four Kerry Local Authorities, Cllr. P Connor Scarteen, Cllr. J Finucane, Cllr. G Wharton Slattery & Cllr. J Healy Rae.

Cllr. J Brassil Chairperson of Shannon Development thanked the CPG for considering this very important issue. He said that the issue of concern for Kerry and other regions was that lands owned by Shannon Development would be in the ownership of the new company. Shannon Development have been very successful in Kerry and he acknowledged their work in partnership with the Institute of Technology Tralee.

Cllr. J Finucane said that he was concerned that Kerry Technology Park, which is owned and managed by Shannon Development in partnership with the Institute of Technology Tralee, would become part of the new company and may be sold off. He said that the park should be in the ownership of a company which is committed to the area.

Cllr. R Beasley referred to the re-opening of Ballybunion swimming pool for the summer months and said that for the facility to be sustainable it would have to be open for eleven months of the year and a subvention from Kerry County Council would be required.

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Cllr. T Ferris said that she was concerned about the uncertainty surrounding the jobs of the people employed at the swimming pool. She said that subventions had been granted by other local authorities on the west coast, for similar projects.

Cllr. L Purtill agreed that a subvention should be granted to this project.

Mr. J Breen Director of Housing & Community & Enterprise said that the ESB had agreed to connect a power supply for three months with a guarantee from Kerry County Council that it would meet the charge in the event of non payment. Negotiations were ongoing and he undertook to keep the members informed of progress.

Cllr. L Purtill welcomed the updates on Tarbert and Ballylongford Sewerage Schemes which was v

Cllr. P Leahy welcomed the update and said that he hoped that construction would commence in 2014.

Cllr. D Healy Rae said that sewerage schemes for Tarbert and Ballylongford were long overdue. However he would query the wisdom of the two schemes proceeding as one contract as he was concerned there may be a reoccurrence of the situation in South Kerry a number of years ago which resulted in the sewerage scheme for Kilcummin not going ahead.

Mr G MacNamara SE Roads & Transportation said that the contractors for the Tralee By-Pass had indicated that the project was running an estimated 12 weeks behind schedule. However, as they have not sought or been granted an extension of time the By-Pass is still expected to open as planned in March 2013.

## **Shannon LNG**

Cllr. J Finucane referred to the Shannon LNG project and said that the Commissioner for Energy Regulation had indicated that a meeting of the liaison committee would be held in September/October. This is a last ditch effort to save the project and he PROPOSED that Kerry County Council would write to the Commissioner for Energy Regulation to request that an independent Chairperson would be selected to chair this meeting and to ask for the support of the Commission in ensuring that every possible effort is made to resolve the outstanding issues in order that an agreement can be reached as soon as possible.

The Mayor, Cllr. T O'Brien supported Cllr. Finucane's proposal.

## **16.07.12.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. J Finucane, SECONDED by Cllr. M Griffin it was resolved that the Minutes of the June Ordinary Meeting of Kerry County Council held on 18<sup>th</sup> June 2012 be confirmed.



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- (b) On the PROPOSAL of Cllr. N Foley SECONDED by Cllr. JJ Culloty it was resolved that the Minutes of the Annual Meeting of Kerry County Council held on 29<sup>th</sup> June 2012 be confirmed.

**16.07.12.03 Disposal of a plot of land at Lisnakealwee, Brandon**

On the PROPOSAL of Cllr. M Griffin, SECONDED by Cllr. D Healy Rae it was agreed to dispose of a plot of land measuring 0.0116 acres situated in the townland of Lisnakealwee, in the DED of Brandon, Co. Kerry to (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request) in accordance with the terms of notice issued 2nd July, 2012 pursuant to Section 183 of the Local Government Act 2011, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning and Development Regulations 2001.

**16.07.12.04 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 Cllr. J Healy Rae agus cuidithe ag an Cllr. P McCarthy, 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 Rialtais Áitiúil 2001 (Pleanáil agus Forbairt) agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006 maidir le hlonad Coireála Uisce, oibreacha gaolmhara agus bóthar rochtana le togáil i Mhálainn, Cathair Saídhbhín, Co. Chiarraí.

On the PROPOSAL of Cllr. J Healy Rae SECONDED by Cllr. P McCarthy 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 Local Government (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 at Mhálainn, Caherciveen.

(b) On the PROPOSAL of Cllr. D Healy Rae SECONDED by Cllr. P Connor Scarteen 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 Local Government (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 at Castlecove, Co. Kerry.

(c) On the PROPOSAL of Cllr. A McEllistrim SECONDED by Cllr. N Foley 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 Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the construction of a Single Rural Dwelling with appropriate effluent treatment facilities at Carrigcannon, Tralee Co. Kerry.

**16.07.12.05 County Manager's Report on submissions received on proposed Variation No. 8 to the Kerry County Development Plan 2009-2015 (Renewable Energy Strategy 2012)**

**Members' Duties under Ethics Legislation**

Mayor T. O'Brien said he wished to remind members of their duties under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. He then read the following statement into the record of the meeting.

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

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

The Mayor informed the meeting that he and the County Manager received letters from Cllrs. D Healy Rae and J Healy Rae declaring that they had connections with the Derrinacullig Windfarm Group. As this Group made a submission they would not partake in any debate or promotion of this submission and would leave the meeting while this item was being discussed.

Mr. J D Flynn Director of Corporate Services reminded members that there must be no interaction with people in the public gallery during the course of this item.

Cllrs. D Healy Rae and J Healy Rae informed the meeting that they wished to withdraw Submission No.12. as it may be construed to include Kilgarvan.

This was agreed.

Cllr. N Foley referred to Submission No. 27 and declared that in accordance with Section 177 of the Local Government Act, 2011 her extended family owned land in the north east of Ballyheigue. As she did not know who owned the land the subject of Submission No. 27 she would withdraw from the meeting while this Submission was being considered.

Mr. M McMahon Director of Planning & Sustainable Development referred members to the report circulated and said that in accordance with the provisions of the Planning and Development Act 2000 (as amended) Kerry County Council intends to make an 8<sup>th</sup> Variation to the Kerry County Development Plan 2009-2015 in accordance with the provisions of Section 13 of the Planning and Development Act 2000 (as amended).

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Notice of the proposed variation was published in the local papers inviting observations and submissions. Copies of the variation, draft RES, Environmental Report (here after referred to as ER) of the Strategic Environmental Assessment (here after referred to as SEA) and Habitats Directive Assessment (here after referred to as HDA) were put on display from the 31<sup>st</sup> May to the 28<sup>th</sup> June 2012. In all 38 submissions were received and the County Managers report lists the persons who made submissions and observations and summarises the issues raised and includes recommendations.

Mr. McMahon said that a number of the submissions received recommended amendments to objectives to the County Development Plan. Chapter 3.4 of the Manager's Report summarises the Proposed Material Alterations arising from non-statutory submissions while Chapter 3.5 summarises the Proposed Material Alterations arising from the SEA/HAD process and statutory submissions received.

It was recommended that an additional chapter be included to demonstrate how the SEA/HDA had informed the Renewable Energy Strategy and mitigation measures proposed. This has been included at Chapter 12 at the end of the County Managers report. The Planning & Development Act 2010 requires that the County Manager assess the total amount of material amendments after the meeting and to decide within two weeks of the meeting if a further SEA and Appropriate Assessment will be necessary in relation to the proposed amendments. If a decision is made that a further SEA and Appropriate Assessment are to be carried out the Manager must fix a period to allow the SEA and Appropriate Assessment to be carried out. Mr. McMahon said that this process would take four weeks at a minimum, i.e. the end of August. The SEA, Appropriate Assessment and amendments must then be published and would be coming back before the members at the October Council having been on public display for a period of 4 weeks.

Cllr. B Moynihan Cronin asked if the public would have another opportunity to make submissions on the Strategy.

Mr. McMahon said that submissions from the public would be invited on the amendments to the Draft Strategy when it goes on public display. He referred to an error in the report, on Page 87, **4. Manager's Recommendations**, and said the second line should read *pages 54-60*.

Mr. McMahon said that if the members agree with the proposals in the Manager's Report, a proposer and seconder would be required. If the members wish to make alternative proposals a vote would be taken

Mr. P Stack SE summarised the content of the report for members as follows:

**SUBMISSIONS FROM STATUTORY BODIES**

**SUBMISSION NO.1**

***THE DEPARTMENT OF THE ENVIRONMENT, COMMUNITY & LOCAL GOVERNMENT  
(DOECLG)***

Mr. Stack briefed the members on the submission as follows:

- The Department acknowledges that this is a very detailed and welcome renewable energy strategy. There are some issues that require further clarification, and which will require liaison and further discussion with both the NPWS and the EPA.

***The following is the response:***

*Kerry County Council (KCC) is satisfied that it has complied with both the SEA and Habitats Directive*

- There appears to be an adjacency or an overlap between designated Natura sites and areas that are indicated as *strategic site search areas* e.g. around Duagh. Using the precautionary principle and as there does not appear to be any substantial buffer areas to allow for ex situ impacts the planning authority would need to screen and consider if a full appropriate assessment is required. It is strongly recommended that the planning authority contact the NPWS in this regard, to discuss the way forward, on this issue as it appears that either Appropriate Assessment will need to be undertaken or consideration given to amending the boundary of the area indicated as *strategic site search*, and changing the wind deployment zoning to ‘*open to consideration*’ or ‘*unsuitable for wind development*’.

***The following is the response:***

*All Natura 2000 sites are screened out as Strategic Site Search Areas (hereafter referred to as SA) and areas Open to Consideration (hereafter referred to as OTC). There is no overlapping of designated sites with wind deployment areas. Some wind deployment areas are adjacent to Natura 2000 sites. This is addressed in Chapter 5 of the HDA that accompanied the RES and also in Section 11.2.3 of the RES. As a result a buffer zone is recommended where wind deployment areas are adjacent to Natura 2000 sites. This buffer zone is to be decided in consultation with NPWS and other relevant stakeholders at a project level. Where the designated area extends across county boundaries the relevant planning authority shall be consulted.*

- Consideration would need to be given, by the Council, to the implications of the new policies and objectives contained in this variation regarding any requests for the extension of duration of planning permission, particularly for those developments located in Natura 2000 sites or which may have ex situ effects on Natura 2000 sites.

***The following is the response:***

*In relation to future extensions to existing wind farm permissions KCC will have regard to the provisions of Section 42 of the Planning and Development Act 2010, as amended.*

- It is noted that there is an area indicated in the text and policy as ‘*unsuitable for wind development*’. This area is not indicated on map 6 while the two other areas are clearly indicated. While it could be presumed that the area indicated as ‘*unsuitable for wind development*’ is all remaining areas, this is ambiguous and for clarity and to inform third parties this would need to be confirmed in the text with appropriate wording attached to the policy, or consider clearly indicating these areas on map 6.

***The following is the response:***

*Areas indicated unsuitable for wind development will be confirmed in the text of Objective WE11 which will be amended as follows: “Wind energy will not normally be considered in areas outside those indicated on Map 6 as Strategic Site Search Areas and areas Open to Consideration”. Mr. Stack said that it was not proposed to amend the map which is attached to the RES.*

Cllr. D Healy Rae referred to part 3 of the submission and asked how much of a buffer zone was required and if it would be the decision of the planner. He said that he was also concerned for developers who had been granted planning permission for wind farms and spent considerable amounts of money who may now be refused an extension of the duration of planning permission, due to substantial works not being carried out. He said that he would like all applications for an extension of the duration of planning permissions for wind development to be granted.

Cllr. JJ Culloty asked that favourable consideration be given to developers who wish to extend existing wind farms.

Cllr. J Brassil asked for a definition of the term *Natura 2000 sites*.

Mr. Stack said that Natura 2000 sites comprised of areas known as Special Protection Areas (SPA) and Special Areas of Conservations (SAC). With regard to buffer zones Mr. Stack said that it was not possible to give a definite specification as each site would be assessed on an individual basis.

Mr. M. McMahon then referred to Cllr. Culloty’s query concerning extensions to wind farms and said that an application for an extension to a wind farm would be assessed and granted or refused on its merits.

Mr. McMahon said that Section 42 of the Planning and Development (Amendment Act 2010 sets out the criteria on which the extension of the duration of a planning permission can be granted therefore, to make a proposal that a blanket extension of planning permission would be granted for wind energy developments, would not make sense.

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Mr. P Stack SE said that it was very important that the members acknowledge that in Kerry 172 wind turbines have been erected and a further 203 have been granted permission i.e. less than half of the number which have been granted permission have been erected. Kerry contributes more wind energy to the national grid than any other county with 224 megawatts connected. On a land mass of 6.75% it is producing 13.6% of the wind energy of the whole country.

## **SUBMISSION NO.2 SOUTH WEST REGIONAL AUTHORITY (SWRA)**

Mr. Stack briefed the members on this submission which states that the south west region has a key role to play in the attainment of the national renewable energy target of 40% supplied via renewable sources by 2020.

The Regional Authority considers that the proposed variation is consistent with the SWRPG 2010-22.

### ***The following is the response:***

Submission noted.

## **SUBMISSION NO.3 THE DEPARTMENT OF ARTS, HERITAGE & THE GAELTACHT.**

Mr. Stack said that that the Department of Arts, Heritage & The Gaeltacht welcomes the inclusion of objectives protecting Natura 2000 sites.

The Department goes on to make the following points:

### **Freshwater Pearl Mussel (FWPM) catchments**

Notes that the Munster Blackwater is designated for FWPM and that an area within the catchment is included as a Strategic Site Search Area (SA). Disagrees with the logic for including this catchment as a SA as there is an absence of assessment. Notes it would be preferable for this area to be "Open to Consideration" (OTC) or alternatively to specify in detail the type of development management standards and measures required of wind farms in this catchment.

### ***The following is the response:***

*In relation to the Munster Blackwater FWPM catchment the Strategic Site Search Area in the vicinity of the Munster Blackwater will be re-designated as "Open to Consideration" See Map 1 that forms part of the County Managers report.*

### **Open to Consideration Zoning**

Department recommends that an area within 250m of the boundary of the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA is zoned "Open to Consideration" rather the Strategic Site Search Area.

### ***The following is the response***

Mr. Stack referred the members to the recommendation to Submission 1 DoECLG.

**Otters: Hydro-Power, PHES developments and wind farm bridge replacement**

The Department suggests that the following wording be included:

“In the case of hydro-power developments, pumped hydro-energy schemes affecting rivers, lakes or streams, and bridge replacement or major bridge repair works for access roads to energy developments, an otter survey report will be required to accompany the planning application.

***The following is the response:***

*The text to be amended as requested.*

**Whales & dolphins and offshore energy developments**

Recommends that after the subsection on bats (p. 11-3), a section on cetaceans (whales, dolphins & porpoises), which are also strictly protected species should be included.

***The following is the response:***

*Comments in relation to whales and dolphins and sound emissions are noted. However under current legislation any offshore development will be outside the remit of KCC and will be beyond the control of the RES. Any future offshore development applications will not be determined by KCC and the inclusion of text in relation to offshore energy seems inappropriate in this context. No change will be made to the RES.*

**Significant adverse effects**

Notes that ‘significant effects’ in the meaning of Article 6 of the EU Habitats Directive includes the precautionary principle and in the absence of sufficient information or uncertainty of effects, trips the requirement for an Appropriate Assessment. However, adverse effects on the integrity of a SAC or SPA is the clause which means that projects cannot proceed unless they comply with the requirements of Article 6(4) of the above Directive. It is important that the wording is correct; otherwise projects only requiring an Appropriate Assessment may be interpreted as not being permitted under the objectives of the Variation.

Mr. Stack said that this submission relates to the protection of Natura 2000 sites.

***The following is the response:***

*The wording will be corrected.*

*The recommendations in relation to changes to Objectives will all be made. This will include a new objective SO6 to be added as set out in page 56 of the County Managers report.*

### **Zonings**

The exact overlap between the strategic search areas for wind development and the SPA boundary near the Duagh area should be checked (with the small scale map it is not clear if one or more 'islands' of designated SPA are included in this zone. Also, the issue of buffers between this zone and the SPA being 'Open to Consideration' (see above) needs to be addressed.

#### ***The following is the response:***

*Mr. Stack said that he was confident that no overlap had occurred and previously addressed in the response and recommendation to Submission 1 DoECLG, previously addressed.*

### **Pre-Planning Consultation**

In Section 11.1, developers are advised to consult with, amongst others, the National Parks and Wildlife Service (NPWS). For the following reasons, it is recommended that this be changed to the Development Applications Unit (DAU) of the Department of Arts, Heritage and the Gaeltacht: (a) This is the initial contact point for pre-planning consultation that will be advised by NPWS; (b) the DAU is administratively set-up to deal with pre-planning consultations which are then forwarded to NPWS staff; (c) the DAU will also respond on archaeological issues (e.g. relevant for wind farm development) and architectural issues (e.g. relevant for solar panels); (d) the Minister for Arts, Heritage and the Gaeltacht is the statutory consultee to the planning authority, and the NPWS is not an agency separate to the Minister.

#### ***The following is the response:***

*The text will be amended.*

### **Disturbance to Breeding Birds**

Section 11.2.1: 1st sentence: While in general this is supported (to avoid disturbing breeding birds, it is not a statutory requirement for construction works under the Wildlife Act, and an exception should be made as in the following clause: *"except where construction during the breeding season is a conditioned requirement to avoid likely water quality deterioration or landslide risk if construction was to proceed during winter."*

#### ***The following is the response:***

*The text will be amended.*

## **SUBMISSION NO.4 DEPARTMENT OF EDUCATION & SKILLS**

Mr. Stack said that the receipt of the RES had been noted by the Department and it had no further comment to make.

## **SUBMISSION NO.5 ENVIRONMENTAL PROTECTION AGENCY (EPA)**

Mr. Stack said that the EPA had made approximately 56 recommendations and had provided their comments in a letter and attachment. The attachment is divided into three sections, Section 1 comments on the RES; Section 2 Integration of the environmental considerations into the Strategy and Section 3 the Environment Report.



Mr. Stack summarised the issues raised in the submission as follows:

**Letter**

- It considers the policies and restrictions imposed in the RES objectives provide a framework which will facilitate reducing significant environmental effects.
- Notes the systemic and comprehensive SEA/HDA process undertaken in the development of the RES. Notes aspects of the SEA reflect best practice and both reports provide the basis for mainstreaming environmental considerations into implementing the RES. In addition the GIS information will facilitate monitoring of the plan over time. This can be used to address cumulative effects.
- Notes it is evident the SEA and HDA process informed the RES and commends same.
- Recommends that the RES be given a specific timeframe for implementation.
- In relation to future amendments to the draft strategy, it is noted that any amendments will require screening for likely significant effects to the same method of assessment as undertaken in the “environmental assessment” of the draft strategy.

***The following was the response to the letter from the EPA:***

- *RES states that there is commitment to implement the outcomes of the SEA/HDA process. The mitigations measures of both processes will form a stand alone chapter in the RES as detailed in this County Managers Report.*
- *RES timeframe will run from 2012 to 2015. The RES will be reviewed during the drafting of the new Kerry County Development Plan in 2015.*
- *Any alterations to the draft RES will be screened and a SEA Statement will be produced and forwarded to the SEA.*

**Section 1 Comments on Draft RES**

- Recommends monitoring of the plan.

Mr. Stack said that monitoring of the plan will be undertaken.

- Recommends including a map that shows RE areas in adjoining counties. Notes the need for a hierarchy of RE plans setting out a framework for medium to long term RE development. Recommends considering a RE strategy for the region, in consultation with other planning authorities.

***The following was the response:***

*Kerry County Council requested GIS information from adjoining counties during the drafting of the RES. This GIS information was not available at the time of writing. KCC welcomes a regional approach to RE development and would be available for consultation on same.*

***Chapter 1***

Recommends considering a subsection on each RE that details how the SEA/HDA/FRA informed specific RE objectives.

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***The following was the response:***

*The SEA/HDA/Flood Risk Assessment (FRA) informed the development of the RES and is detailed in the ER of the SEA and HDA.*

Add Our Sustainable Future- Irelands Framework for the Sustainable Development of Ireland DECLG 2012, to National Policy Section of the RES

***The following was the response:***

*The recently published Our Sustainable Future- Irelands Framework for the Sustainable Development of Ireland DECLG 2012, will be added to the Section 1.3 of the RES.*

Consider adding key environmental constraints/vulnerability maps into the RES.

***The following is the response***

*The RES contains Map 3 which shows the key environmental constraints/vulnerability in the county of relevance to the RES.*

**Chapter 2**

Include objective to carrying out specific feasibility study of PHES (Pumped Hydro Electric Storage) in the county/region to identify potential locations where such proposals might be sustainably developed.

***The following is the response:***

*KCC would welcome a feasibility study of PHES in the county/region but does not have the resources to undertake same. This position will be reviewed during the drafting of the new Kerry County Development Plan in 2015.*

**Chapter 3**

Recommends amending Objective SO1 as follows: "To maximise the development of all renewable energies "at appropriate locations" in a manner with the proper planning and sustainable development of the county". Objective SO2 should be modified as follows: to promote the "sustainable" development of renewable energy types and technologies.

***The following is the response:***

*Objective SO1 to SO2 noted and to be amended.*

**Chapter 5**

Section 5.1 should be amended to include the text "at appropriate locations" in relation to KCC's commitment to maximise potential for electricity generation from on-shore wind.

***The following is the response:***

*Section 5.1 to be amended as follows: To secure the maximum potential for the generation of electricity "at appropriate locations" from wind energy resources that is consistent with proper planning and sustainable development of the county.*

Section 5.11 Recommends ensuring the FWPM Sub Basin Management Plan are fully integrated into the RES and specific commitment be made to same.

***The following is the response:***

*Section 5.11 All RE developments will need to be in accordance with Section 8 of the SEA, Chapter 11 of the RES and the provisions of the Kerry County Development Plan 2009-2015. Therefore compliance with the WFD and FWPM Sub Basin Management Plans are already provided for and it is felt that no additional objectives are required.*

Section 5.14 recommends that a commitment to include the Landscape Character Assessment of the county, once complete, be included into the RES with a specified time frame.

***The following is the response:***

*Section 5.14 the undertaking of a Landscape Character Assessment of the county will be considered as part of the review of the Kerry County Development Plan.*

**Chapter 7**

Notes restrictions to PHES and notes a typo error in Objective HP5 National Heritage Area should read “Natural” heritage areas.

***The following is the response:***

Error in Objective HP5 will be corrected.

**Chapter 10**

*Recommends to including a subsection on EIRGRIDS GRID 25 implementation plan.*

***The following is the response:***

*EIRGRIDS GRID 25 implementation plan will be included in Section 3 of the RES. See also response and recommendations to submission 17 (EirGrid)*

Recommends amending the OE1 objective as follows: “The Planning Authority will support the appropriate development of ocean energies.”

***The following is the response:***

*OE1 objective to be amended as follows: The Planning Authority will support the appropriate development of ocean energies.*

**Chapter 11**

Section 11.2.6 Recommends that the Heritage Councils *Best Practice Guidance for Habitat Survey and Mapping* be mentioned in this section.

***The following is the response:***

Section 11.2.6 will refer to Heritage Councils *Best Practice Guidance for Habitat Survey and Mapping*

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Recommends including an objective in this section that gives a commitment to developing specific Guidance Notes for developers which expands on the recommendations included in this chapter. The guidance should be informed by the SEA/AA process.

***The following is the response:***

*Reference to AA guidance from DoEHLG's and other EU guidance on implementing the Habitats Directive will be provided.*

*It is felt that the SEA/HDA process provides detailed mitigation measures, this along with Chapter 11 of the RES will provide detailed information for developers in relation to all RE technologies.*

**Section 2 Comments on the Integration of Environmental considerations in the strategy**

The EPA notes the ER was comprehensive in its description of environmental vulnerabilities/sensitivities and provision of mitigation measures for all RE described in the RES. The SEA RE and HDA process were noted as being thorough; comprehensive and were commended for same.

Mr. Stack said that this was a very significant acknowledgement by the EPA of the work done by the staff of the Planning Department, who were involved in the preparation of the Draft Renewable Energy Strategy.

**Water:**

The EPA acknowledges the promotion of water protection in the RES in particular in relation to WFD; Groundwater Protection and Flood Prevention and Management.

Recommends that reference to Hydrometric information be incorporated into the Strategy.

***The following was the response:***

*Reference to hydrometric information will be incorporated into the Strategy.*

**Biodiversity**

EU Protected Species: Recommends that *Wind Energy Developments and Natura 2000 sites* (October 2010) be incorporated into the Strategy.

WFD Register of Protected Sites: Recommends the Strategy should recognize the need for the protection of sites listed on same. Recommends that Freshwater Pearl Mussel Sub Basin Management Plans are taken into account where relevant.

***The following was the response:***

*All RE developments will need to be in accordance with Section 8 of the SEA, Chapter 11 of the RES and the provisions of the Kerry County Development Plan 2009-2015. Therefore compliance with the WFD and FWPM Sub Basin Management Plans are already provided for and it is felt that no additional objectives are required.*

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**Landscape Character Assessment**

Acknowledges promotion of landscape protection in the RES. Recommends RES also take into account landscape character, landscape features and designations adjoining the RES area.

***The following is the response:***

*Cross county landscape designations were considered and incorporated into the Landscape Character Assessment.*

**Kerry County Council's Obligations:**

Recommends the Strategy refers to KCC responsibilities and obligations in accordance with all National and EU environmental legislation and that KCC are compliant with the requirements of same.

***The following is the response:***

Kerry County Council is aware of its obligations under various National plans, policies and EU legislation and will fully meet its requirements in relation to same.

**Section 3 Comments on the Environment Report**

Mr. Stack said that the EPA welcomed the level of detail in the SEA.

**Non-technical Summary**

NTS should provide a summary of the key information from the SEA, under relevant headings and should include tables and maps, as appropriate.

***The following was the response:***

*The NTS will be undated as recommended*

**Existing Baseline Environment**

Section 5.2.9: recommends in relation to Flood Risk Assessment and Management amending wording from "promoting" to "requiring" that FRA is carried out. Reference also made in the RES and SEA to the on-going national programme of Catchment Flood Risk Assessment Studies (CFRAMS).

***The following is the response:***

*All recommendations requested will be undertaken.*

**Assessment of Environment Effects**

In assessing for potential effects, consideration should be given to assessing onshore RE such as pumped hydro for potential effects on biodiversity; groundwater and surface water interactions. PHES schemes have significant engineering works and the RES needs to ensure that mitigation measures are robust enough to cater for both construction and post-construction aspects.

***The following is the response:***

*It is felt that compliance with Chapter 11 of the RES, the County Development Plan and mitigation measures outlined in HDA and Section 8 of the SEA will ensure no adverse effects in relation to each RE, including pumped hydro.*

### **Mitigation Measures**

Acknowledges that Chapter 8 sets out in detail the key proposed mitigation measures.

Sections 8.3 – 8.11 are welcomed as mitigation measures. Recommends summarizing the measures in tabular form in the non-technical summary.

#### ***The following is the response:***

*Sections 8.3 – 8.11 will be tabulated in the non-technical summary and commitment to these measures will be made in the RES, as detailed in this Managers Report.*

### **Monitoring Measure**

Recommends monitoring of both positive and negative affects where they occur and the inclusion of the on-going review of EPOs/targets/indicators in the monitoring programme. Recommends clarifying roles for same.

Asks for clarification on how the Monitoring Programme has provided *for intervention in the event of an unforeseen occurrence.*

#### ***The following was the response:***

*Monitoring of the RES will be undertaken in accordance with the SEA and AA.*

*In the case of intervention in the event of an unforeseen occurrence the SEA determines that an environmental manager be employed by the developer to monitor and maintain all proposed construction environmental management plans. In the case of any pollution event, this person is required to contact the relevant competent authority.*

## **SUBMISSION NO.6      NATIONAL ROADS AUTHORITY (NRA)**

Mr. Stack briefed the members on the submission which states that the DOECLG published the Spatial Planning and National Roads Guidelines in January 2012. These guidelines supersede the NRA Policy Statement included in Section 11.1 of the draft RES. The Council may consider it appropriate to review the strategy to comply with these guidelines.

The NRA requests that a policy / objective in relation to a safety set back distance from National and Regional roads and railways of an equal distance to height of the turbine and blade, (section 5.8 of the Wind energy development Guidelines, 2006) be explicitly incorporated into the draft RES.

#### ***The following is the response:***

*In Section 11.1 of the RES one of the documents that an application should have regard to is stated to be the “Policy Statement on Development Management and Access to National Roads, issued by the National Roads Authority”. This document as outlined in the NRA submission was superseded by the “Spatial Planning and National Roads Guidelines (2012)”.*

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*Section 5.21 of the RES states that “at a minimum, turbines shall be set-back a distance equalling the blade tip height of the turbine plus 10% from roads”. This would comply with the NRA request that turbines are set back from national roads by a distance equal to the height of the turbines and blades. In order to allow a more flexible approach to the disposition of turbines on sites, this text will be changed.*

Mr. Stack said that the text would be amended to remove “plus 10%”

#### **SUBMISSION NO.7 FROM AN TAISCE (DUBLIN)**

Mr. Stack briefed the members on this submission which states that it is considered that the locations for the proposed renewable energy sites within The Ring of Kerry could, if permitted, be incapable of assimilating into the landscape and would detract from the visual amenity of the area.

##### ***The following is the response:***

*The areas referred to in this submission were zoned in accordance with the methodology as outlined in the RES. A Landscape Character Assessment (LCA) was carried out on the county which is included as Appendix A to the RES. This outlined the planning authority’s justification for zoning these areas. The scale of the areas in question are small in nature and all of them have a mountain backdrop. They are all located on the landward side of the N71 (Ring of Kerry) Road. Most parts of these areas could not be considered to be pristine landscape as they have been altered through the planting of coniferous forestry, human settlement and the cutting of peat from bogs in these areas.*

**Mr. Stack displayed a map of the Ring of Kerry indicating the sites designated to Open to Consideration (OTC) in the Iveragh Peninsula.**

#### **SUBMISSION NO.8 AN TAISCE (KERRY ASSOCIATION)**

Mr. Stack said that the submission acknowledges the draft RES is comprehensive. He briefed the members on the submission as follows:

##### **Hydro**

Notes that hydro schemes have the potential to impact local water sources and recommends any method of producing RE needs to be extensively tested. Recommends a developer should provide a bond to cover any unexpected damage that might occur. Notes the opportunity for further hydro schemes in Kerry is very limited. Pumped hydro would compliment the output from wind farms but no suitable sites have been found in the county.

##### ***The following was the response:***

*SEA/HDA process acknowledges the potential for hydro schemes to potentially affect the environment and recommends detailed mitigation measures in relation to same*

**Wave**

Wave power has the best potential for large scale development in the future. Notes a possible and undesirable effect in scenic areas and impacts on recreational use, recommends testing in areas not designated for amenity/tourism/recreation.

***The following is the response:***

*The RES has no remit over offshore renewable energy development.*

**Wind Power**

Notes that by 2020, Kerry will be a net exporter notes the Strategy should include information on how this surplus will be utilised. It is stated that the Strategy is planned, not target driven. Targets do need to be considered, not to drive the process but to control it, and to ensure that we do not end up with 'Ghost Wind Farms'.

Notes that Objective SO-4 *to secure the maximum potential for the generation of electricity from wind energy resources that is consistent with the proper planning and sustainable development of the county* seems to indicate that there will be a rush to develop every site identified as suitable for wind farms. It would be more logical to develop the most suitable areas first as this would give an opportunity to assess the impact of wind farms in more detail before proceeding into other, more sensitive areas.

Suggest that development should be phased in the same way as with residential development, to ensure too much does not come on the market at the same time.

Many of the areas designated as 'Strategic' and 'Open to Consideration' contain significant numbers of single rural houses and there will be some negative impact on residential amenity and house value. Other areas are scenic and may have some tourist trade. There is a need to monitor these areas.

***The following was the response:***

*The RES notes two forms of wind development areas Strategic Site Search Areas and areas Open to Consideration. These areas are deemed the most suitable and likely areas for development. Issues in relation to the potential for wind developments to impact on rural housing and/or human health will always be addressed in Environmental Impact Statements.*

The Wind Energy Planning Guidelines 2007 state that the results of survey work indicate that tourism and wind energy can co-exist happily. Notes this information may now be out of date. Refers to 2007 survey by Failte Ireland on tourist perceptions of wind farms.

Concludes tourism is a major industry in Kerry the best protection is to ensure that wind farms are not permitted in the prime scenic areas of the county.

Notes wind farms in the vicinity of walking routes could be a problem because of the size of the turbines. Recommends that Killarney, Dingle, Iveragh and Beara are not open for wind development and be designated as "no go".



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In relation to Volume 2 of the RES (Landscape Character Areas) notes that parts of the Iveragh Peninsula are designated as 'open to consideration'. All are in areas frequented by tourists and notes the following as of concern:

- **Area no. 16. Caherciveen Valley.**

Three areas are 'open to consideration' as follows:

- a) The most northerly appears to be the valley to the east of Mount Foley. One of the most popular and highly scenic sections of the Kerry Way, with strong archaeological and historic associations, runs through it. Wind turbines would introduce an industrial type installation and be totally inappropriate.
- b) R. Fearta valley. Overlooked from the Ring of Kerry, wind speeds are marginal and adjoins an Archaeological Landscape. Conflict with tourism and overlooked from Knocknabobar, a popular mountain walk with religious and historic associations.
- c) Laharn South is also overlooked from the Ring of Kerry, conflict with tourism, overlooked from Been Hill, where a looped walking route has been developed.

- **Area no. 18. the Inny Valley,**

There are proposals for a large wind farm in the area and many of the turbines would be high on the hillside where they would impact on views from the top as well as from below.

- **Area no. 19. Sneem area.**

The area 'open to consideration' is close to a range of mountains which provide a scenic backdrop to views from Sneem northwards. The mountains themselves are popular hill walking area as indicated by an attached map.

The submission Notes all of the above areas are in areas best protected for tourism and recreation, not for wind farms. The infrastructure is deficient and would need to be upgraded.

***The following is the response:***

*Volume 2 of the RES (Landscape Character Areas) Areas designated OTC in the Iveragh Peninsula, these have been assessed as part of the Landscape Character Assessment undertaken as part of the RES. They are deemed to be able to accommodate wind development. Issues in relation to impacts on landscapes; ecology and other environmental sensitivities have been addressed in the SEA/HDA process with detailed mitigation measures provided.*

The submission also notes the following:

**Single Use Turbines**

Sect. 5.17 (p. 5-12) lists criteria to be met. Visual impact should also be considered in scenic and tourist areas. They are often sited near main roads and can have a significant visual impact. (e.g. Munster Joinery, Astellas)

***The following was the response:***

*Include consideration of visual impacts in Section 5.17 (p. 5-12) of the Draft RES.*

**Miscellaneous**

- Natural Environment Areas are sometimes referred to incorrectly as 'National Environment Areas'
- Table 5-1, p. 5-2. Windfarm is Pallas, substation is Clahane.
- Solar Energy, p. 8-1. 'magnify the sun's energy' is not technically correct. The device captures the sun's energy and converts it to a form which can be utilised e.g. to generate electricity or heat water.

***The following is the response:***

*All points noted and to be amended except for comments in relation to Table 5.1. The table is referenced directly from EirGrid.*

**Conclusion and Recommendations**

Wind farms

Areas identified as most suitable for wind farming should be designated and developed first, the more sensitive areas should be developed last, or not at all. Wind farms may have negative impacts on local residents and a planning condition should require the developer to produce a report after the new wind farm has been fully commissioned, giving actual noise measurements at all noise sensitive locations, under a variety of weather conditions. This report should be made available to the planning authority and local residents and should be updated regularly.

All wind farm developers should be prepared to contribute to a study by an independent researcher, to be carried out regularly on the following matters:

- Public attitudes to wind farms and their perceptions of the visual impact. This should include a study of similar upland areas in Britain and the continent.
- Any health matters which local residents believe may be caused by the wind farms in the area

***The following was the response:***

Wind farms

*The designation of Strategic Site Search Areas and areas Open to Consideration (OTC) aims to develop wind farms in suitable locations. All impacts associated with wind farms will be covered in the EIA including potential impacts to populations from noise.*

*In addition planning applications are dealt with on a case-by-case basis and the Planning Authority has hitherto applied appropriate conditions as required. These decisions have been upheld in the past by An Bord Pleanála.*

The submission stated that the three peninsulas, Dingle, Iveragh, Beara and the Killarney area should be kept free of wind farms.

***The following was the response;***

*There are no wind development areas designated in on the Dingle or Beara Peninsula or near Killarney. In relation to the Iveragh Peninsula see earlier comments under wind power.*

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Cllr. D Healy Rae asked if there was a required distance for wind turbines from residential properties.

Mr. Stack said that no distance from residential properties has been specified in the RES.

Cllr. J Brassil said that he found it difficult to understand how areas in the Iveragh Peninsula such as Sneem could be deemed to be able to accommodate wind development in the RES analysis and areas such as Ballyheigue and Kilgarvan are deemed to be unsuitable.

Cllr. T Ferris agreed with Cllr. Brassil and said that that this was an inherent contradiction which must be resolved. She said that Submissions 29-38 should be considered prior to the taking of a vote.

Cllr. J Healy Rae asked if a minimum distance from a private residence was required and said that residential properties should be shown on the map which was attached to the RES.

Cllr. P McCarthy said that he understood that a distance of 500m from neighbouring houses was required.

Cllr. PJ Donovan said that the residents of the Inny Valley were not in favour of the area being "Open to Consideration" as it was a very scenic area.

Mr. P Stack SE said that in carrying out the landscape character assessment, the county was divided into blocks and a methodology was used to analyse each section. With regard to the Iveragh Peninsula there is a 38KV upgradable grid in the Caherciveen area. There are no Natura 2000 sites and the area is not in a river basin catchment. There is a backdrop of mountain on the landward side of the Ring of Kerry road. Mr. Stack emphasised that "Open to Consideration" did not mean that there was a blanket guarantee that all applications for planning permission for wind farms would be granted in these areas.

Cllr. N Foley said that Kerry was a county which was greatly dependant on tourism and large wind turbines would impact on the view from walking routes. She asked if the guidelines required that cognisance be taken of the impact of wind farms in a county where tourism was vital. She asked if renewable energy policy was being reviewed nationally and in this regard was Kerry County Council being pre-emptive.

Mr. P Stack SE said that in preparing the RES, the importance of tourism in Kerry was taken into consideration.

Cllr. J Finucane said that the social fabric of an area must be recognised when planning permission was being granted for wind farms as there were two distinctions: 1. local communities opposed to wind turbines and 2. farmers who see them as the way forward.

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Cllr. T Ferris thanked Mr. Stack for his clarification with regard to the Iveragh Peninsula and said that she did not agree with Cllr. Finucane as the cost of energy will increase into the future. She hoped there would be a more convincing response to Submission no's 29-38.

Cllr. B Moynihan Cronin said that people were concerned about health issues in relation to the proximity of their houses to wind farms. Also, homeowners have not seen any advantage as energy costs are still increasing.

Cllr. D Healy Rae asked what the requirements were for the construction of wind turbines along a National Primary Road.

Mr. Stack said that impact on passing traffic and the National Roads Authority (NRA) guidelines would be taken into consideration if the development was located near a National Primary route. Planning permission is not required for wind turbines for domestic use which do not exceed 13m in height and for commercial or farm use which do not exceed 20m in height.

Mr. Stack said that while a national Renewable Energy Strategy was being developed, it was not yet in place and has been at the development stage for a number of years. However, Kerry County Council is aware of the main issues to be addressed in the National Strategy and those issues were incorporated into the Draft Renewable Energy Strategy prepared for Kerry.

#### **SUBMISSION NO.9 INLAND FISHERIES IRELAND (IFI)**

Mr. Stack said that receipt of proposed Variation to the Kerry County Development Plan 2009-2015 was acknowledged and it was stated that the IFI had no further comment to make other than to support the proposal as presented.

#### **SUBMISSION NO.10 CLARE COUNTY COUNCIL**

Mr. Stack said that the submission from Clare County Council complimented Kerry County Council on the plan-led and environmental-led approach to Renewable Energy development. It is noted that Kerry County Council had regard to 'Methodology for Local Authority Renewable Energy Strategies' SEAI Draft Dec 2011. Clare County Council is currently preparing a draft renewable energy strategy for the County and requests that Kerry County Council have regard to the cumulative impact of the plans and strategies of adjoining authorities

#### **SUBMISSION NO.11 OFFICE OF PUBLIC WORKS (OPW)**

Mr. Stack briefed the members on this submission which states that the OPW also welcomes reference to the Guidelines approach to flood risk assessment through the application of the Sequential approach and Justification Test.

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It is suggested the current Flood Risk Assessment be updated, and include the use of this data and any other updated flood data so to help complete and update the County Wide Flood Risk assessment.

***The following is the response:***

*The Flood Risk Assessment will be updated in the Environmental Report of the SEA as requested. It is not necessary to amend the Renewable Energy Strategy document.*

**SUBMISSIONS FROM NON-STATUTORY BODIES**

**SUBMISSION NO 12      CLLRS. DANNY & JOHNNY HEALY RAE**

The meeting noted that Cllrs. D and J Healy Rae had withdrawn this submission as outlined at the start of this item.

**SUBMISSION NO.13      IRISH PEATLAND CONSERVATION COUNCIL (IPCC)**

Mr. Stack briefed the members on the submission as follows:

The IPCC recognise the importance of increasing the renewable energy sector but cannot support any proposed development that would result in the destruction of rare peatland habitats. The submission notes that 29 peatland sites are located in County Kerry from their own database. These are summarised in a table that accompanies the submission. They note that incorporation of these sites in the production of the final strategy is crucial to ensure proper planning guidelines are put in place to adequately protect the peatland habitat.

IPCC stress that all sites designated SACs/NHAs/pNHAs must be classed as “No Go Areas”. It goes on to describe issues related to Bog Bursts and gives an overview of cases in Ireland and Kerry. IPCC recommend consultation with the Bogland Project.

***The following is the response:***

*IPCC made a similar submission as part of the Scoping Phase of the SEA of the Draft RES. The IPCC comments at the time in relation to Kerry's Peatlands, Blanket Bog Habitat, Bog Bursts and the Bogland Project were accordingly incorporated into the SEA/HDA and draft RES.*

IPCC finally notes that they are aware of local opposition to Variation 8. Much of this is focused on the area of the Inny Valley, Mastergeehy, Dromid. IPCC have made aware of deep peat which is found in the area and are concerned that these have not been properly surveyed.

***The following is the response:***

*In relation to issues mentioned around local opposition to Variation 8, the RES through the SEA/HDA process provides for considerable project level assessment of any area likely to be developed for on-shore wind with the Strategic Site Search Areas and areas Open to Consideration. This includes an assessment of any peat habitat. Detailed mitigation measures proposed as part of the SEA/HDA process will form part of the RES. It will be a requirement of the Planning Authority that any proposed project in areas with peatland undergo all relevant ecological and hydrological impact assessments and slope stability/geotechnical assessments.*

**SUBMISSION NO.14**

**KILLARNEY TOWN COUNCIL**

Mr. Stack briefed the members on this submission and said that Killarney Town Council welcomes the Draft Renewable Energy Strategy for the county. It states that no guidance is given regarding how to assess the long term sustainability of bringing materials such as wood chip long distances from their sources. This haulage of materials may eventually lead to a change in materials required for incineration. Does Kerry County Council intend to promote the development of biomass crops?

The submission also queries the ownership of the pipeline networks from the CHP plants and requests that further guidance is given to developers of such projects.

***The following is the response:***

There is a need to ensure that the distances involved are not so great that carbon dioxide emissions from transportation significantly reduce any carbon benefit derived from the use of biomass.

Issues related to the generation of traffic and the protection of the carrying capacity of roads will be a material consideration in the assessment of an application. The SEA/HDA and RES also acknowledges that bioenergy plants do require transport of materials. Objective B4 acknowledges same. In relation to biomass, the SEA process has determined that a new objective B12 is required in which KCC supports the production of biomass with various stakeholders in a sustainable manner and in accordance with best practices and environmental guidelines.

In relation to pipeline ownership, the planning authority investigated this issue prior to the publication of the RES. There appears to be a limited amount of information available on this particular subject. The construction of a pipeline by a private company requires planning permission. The Water Services Act allows for the taking in charge by the Water Authority of a water or waste water pipe. There is no such legislation that would allow a heating pipe to be taken over in the same manner. Because of a lack of legislation on the matter, this issue needs to be dealt with at Department Level with Guidelines/Legislation published.

Cllr. D Healy Rae said that he would be very concerned about the ownership of underground pipelines in Killarney town and adequate legislation would be required.

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Mr. Stack said that the pipeline remains in the ownership of the developer and there is no facility for the local authority to take control of or make connections to the pipeline in that instance. It is a matter for national legislation to address this issue.

#### **SUBMISSION NO.15 THE ENERGY OFFICE, KERRY COUNTY COUNCIL**

Mr. Stack summarised the submission as follows:

In relation to Section 5.17 Single User Turbines on page 5-12 of the Draft Strategy, it is requested that this be modified to accommodate export of electricity to the national electricity grid. Revenues generated by exporting electricity will serve to support the generator and improve the financial viability of the proposal and exporting to the national grid will also serve to reduce the carbon emissions arising from electricity consumption in Kerry.

It is requested that Section 5.17 Single User Turbines on page 5-12 be changed to facilitate export of electricity and the proposed change of wording is shown below –

It is the objective of the Council to facilitate, where appropriate, small scale wind energy development to serve a single use development such as a manufacturing plant or other commercial use subject to the following criteria being met: The energy will be primarily generated for use on the site *with facility for export of excess generation to the National Electricity grid.*

#### ***The following is the response:***

*The principle of allowing excess electricity generated by a single user to be exported onto the grid would be in accordance with sustainable development. Section 5.17 will be amended as recommended.*

Cllr. T Ferris expressed concern that excess production of wind energy could be open to abuse as all wind farms would be in private ownership. She suggested that excess wind energy would be gifted to local schools and community centres. She said that she was disappointed that the local authority did not have the foresight to develop wind energy when resources were available a number of years ago.

Mr. P Stack SSE said that such matters would have to be considered at the application for planning permission stage of the project. National policy is supportive of the development of wind energy projects and the local authority must be supportive of this.

**SUBMISSION NO.16 IRISH WIND ENERGY ASSOCIATION (IWEA)**

Mr. Stack briefed the members on this submission as follows:

IWEA commends Kerry County Council's overall objectives to maximise renewable energy development potential within County Kerry and recognise the potential progress the application of same may offer towards meeting National targets.

IWEA would have concerns that a number of areas zoned as 'Open to Consideration' under the existing KCC CDP 2009-2015, have been omitted from the development zones under this proposed variation. Removal of zoned areas from this is likely to impact on the ability to achieve national targets for the consumption of electricity from renewable energy.

IWEA believes that there should be no blanket prohibition of development in Natura 2000 sites. The exclusion of these areas in the draft plan runs contrary to specific EU Commission advice on the implementation of Natura 2000 regulations.

The IWEA believes that projects should be considered on a case by case basis. It is noted that these sites are often the most suitable for wind farm development because of their wind resource potential.

Looking at constraints such as distances from towns and villages, a separation figure of 500m from houses, designated areas and wind energy resource, analysis of the implementation of the proposed variation shows that the potential for wind energy projects is significantly reduced.

The IWEA is also concerned at the exclusion of large parts of the county in the north and east. IWEA believes this exclusion is not warranted and should be reviewed.

***The response is as follows:***

*The removal of areas designated on Map's 6.1a and 6.1b for wind development is not likely to impact on the ability to achieve national targets for renewable energy. It is outlined in Chapter 2 of the RES the amounts of electricity generating potential there is in County Kerry, both existing and permitted. As of December 2011 Kerry contributes 13.65% of the national total of installed wind capacity on a land area that is 6.75%<sup>4</sup> of the national total.*

*Approximately 60% of all wind turbines permitted in County Kerry are located in the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA. There are additional turbines granted/constructed in Limerick and Cork.*

Mr. Stack said that planning permission had been granted for 225 wing turbines in the Stacks to Mullaghareirk Mountains, West Limerick and Mount Eagle SPA.

*The need for an independent Appropriate Assessment of the Stacks SPA is now essential in order to address the above issues and guide all stakeholders as to the future capacity of the Stack SPA to accommodate wind developments.*



*Not specifying a set distance from dwellings or towns and villages will give prospective applicants more potential to find suitable sites subject to appropriate shadow flicker and noise surveys, etc.*

#### **SUBMISSION NO.17**

#### **EIRGRID**

Mr. Stack said that EIRGRID had suggested that the Draft Renewable Energy Strategy is reviewed in light of the information provided in this submission and above as listed recent publications.

#### ***The following is the response:***

*The submission received from EirGrid includes some publications that were not available when the Draft RES was finalised. These documents have now been examined and relevant information from these documents will be included in the RES.*

#### **SUBMISSION NO.18**

#### **ESB**

Mr. Stack said ESB Wind Development Limited (ESBWD) welcomes the publication of the Variation to the Kerry County Development Plan 2009-2015. See it as an opportune time to re-evaluate the relevant development issues surrounding renewable energy projects within the County.

#### **Comments on the Draft RES:**

- The main basis of this submission relates to Section 5.4 Methodology for the Identification of Key Areas for Wind Development. ESBWD supports the GIS based methodology used in deriving the 'strategic site search areas' and 'open to consideration' areas as set out Map 6 Wind Deployment Zones.
- One of the fundamental under-lying principles of this approach is that all cSACs, SPAs, NHAs and pNHAs were excluded from potential Strategic Search Areas and Open for Consideration Areas. ESBWD believes that a superior approach would be to designate all such conservation areas (with low-medium landscape sensitivity) as "Open for Consideration" and then let the Appropriate Assessment process filter through suitable projects.
- There are situations where the designation of some of these sites with proper controls in place, would not be negatively impacted upon by the development of a wind farm near or on the site. In particular wind farms may have little or no impact on sites if the construction process is managed in a manner sensitive to the key reason for the designation.
- Part of the site in question is designated as Sillahertane Bog pNHA. This area is directly contiguous to the permitted Grousemount Windfarm. In this case it makes sense to extend the 'open for consideration' designation given that the infrastructure required to build this project (public road improvements, internal access tracks and grid connection) would be in place and furthermore given the topography in this area, no turbines would be visible here.

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- ESBWD conclude that the subject site identified in this submission is eminently suitable for windfarm development and has the capacity to make a valuable contribution towards meeting Ireland's binding international climate change agreements. Having regard to the foregoing we seek that the proposed change set out above is reflected in the Kerry Renewable Energy Strategy.

### ***The following is the response:***

*The lands highlighted in the submission are Ballagh Bog a proposed NHA. To include these lands as "Open To Consideration" would not be in accordance with Section 5.7 of the draft RES.*

Mr. Stack said that permission has been granted for 24 wind turbines west of this site but the site referred to in South Kerry in this submission is in a proposed National Heritage Area.

## **SUBMISSION NO.19**

## **SAORGUS**

Mr. Stack briefed the members on the submission which stated that it does not appear that a prudent separation distance from houses was included in the analysis that led to the selection of preferred areas for wind farm development or areas open to consideration for such development. Saorgus Energy uses a separation figure of 500m (unless agreed otherwise with landowners) in accordance with Department of Environment planning guidelines for wind energy development

The submission states that the proposed variation excludes upland areas which are designated as Natura 2000 sites. These sites are the most suitable for wind farm development because of their wind resource potential, their remote location and their proximity to the large grid infrastructure projects which are currently being built under the national Grid25 programme being run by Eirgrid to take the power generated from wind farms for 2020 mandatory EU targets under the Renewable Energy Directive. The exclusion of these areas in the draft plan runs contrary to these plans and to specific EU Commission advice on the implementation of Natura 2000 regulations which states that Natura 2000 designations do not "*a priori, exclude wind farm developments in or adjacent to Natura 2000 sites. These need to be judged on a case by case basis*"–

It is clear that EU Regulations in this matter are designed so that Natura 2000 sites are not turned into "no go" areas – this is to ensure that planning policy does not exclude Natura 2000 sites as potential sites for renewable energy.

The upland area between Tralee and the Cork border is uniquely suited to wind energy development in terms of habitation, proximity to electrical grid and wind resource. The very significant expenditure is now unjustifiably and unnecessarily jeopardised by the local authority's proposed blanket ban on wind energy development in the area, in opposition to stated EU policy in the matter.

It is stated that the proposed variation would effectively stop future planning of wind farms in Kerry as wind farms in low lying areas will not materialise because of the spread of housing, while viable projects on upland Natura 2000 sites will not be open to consideration.

The submission states that Annex 2 demonstrates that there is no correlation between the wind energy resource in Kerry and the areas proposed to be strategic or open to consideration. This is an unrealistic approach to planning for wind energy and gives the clear impression of an unplanned approach to the location of wind farms in Kerry.

***The following is the response:***

*The EU's Wind Energy Developments and Natura 2000<sup>1</sup> guidelines provide detailed guidance on the importance of strategic planning in wind farm development. It states that planning wind farms in a strategic manner over a broad geographical area is one of the most effective means of minimising the impacts of wind farms on natural heritage. It goes on to say that appropriate siting of wind farms is critical and recommends identifying development areas which are at varying degrees of risk of impacting on ecological sites of significance. The RES has identified such areas as SA and areas OTC as shown in Map 6.*

*In relation to the Stacks to Mullaghareirk Mountains, West Limerick and Mount Eagle SPA, a 2010 national survey of Hen Harrier populations indicates a notable population decline since 2005. Approximately 60% of all wind turbines permitted in County Kerry are located in the Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA. There are additional turbines granted/constructed in Limerick and Cork. This cannot be considered to be a small number of turbines. Further to the Habitats Directive Assessment that accompanied this RES it was determined that the cumulative effects of present land use, particularly afforestation, the existing numbers of constructed and permitted wind turbines, the lack of clear scientific evidence as to the decline in Hen Harrier populations and their ability to breed/forage close to operational windfarms, the Stacks SPA has to presently be ruled out as a future wind development area within the county. The need for an independent Appropriate Assessment of the Stacks SPA is now essential in order to address the above issues and guide all stakeholders as to the future capacity of the Stack SPA to accommodate wind developments. Not specifying a set distance from dwellings or towns and villages will give prospective applicants more potential to find suitable sites subject to appropriate shadow flicker and noise surveys, etc.*

Mr. Stack said that this submission on the draft RES proposes a revision to parts of the boundaries of the area zoned as Open to Consideration in the Inny Valley on the Iveragh Peninsula. As Submission Nos 29 to 38 refer to the same site it was agreed that they would be considered in conjunction with Submission No. 20.

A detailed assessment was conducted using a series of wire frame views at a number of locations along the ring of Kerry and to the east of the same. A detailed methodology was followed and results of the assessment concluded that the area, centred on the Inny valley of the Iveragh Peninsula, has a range of attributes that make it an appropriate location for wind energy development.

Mr. Stack displayed a map indicating the lands referred to in the Submission.

***The following is the response:***

*From the Development Capacity Summary for Landscape Character Area (LCA) 18, windfarm development on the valley sides would be visually prominent, and if the ridgeline was broken it could potentially degrade views from the Ring of Kerry in LCA 16 as viewed from Foilmore to the north. The wireframe models submitted with the submission clearly show how the proposed turbines break the said ridgeline. Having turbines located at a higher elevation would increase their potential dominance over this landscape. The additional area that is proposed to be zoned in the submission also contains an SAC, the zoning of which would not be in accordance with Section 5.7 of the Draft RES.*

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**Submission No.29** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

**Submission No.30** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

**Submission No.31** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

**Submission No.32** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

**Submission No.33** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

**Submission No.34** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

**Submission No.35** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

**Submission No.36** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

**Submission No.37** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

**Submission No.38** (Name and address withheld for Data Protection purposes – a paper copy of the unedited Minutes is available on request)

Mr. Stack briefed the members on Submission Nos 29 to 38 as follows:

These submissions either specifically mention a proposed Strategic Infrastructure windfarm application (Ref. PL. 08. PC 0117) which is located in the Inny Valley or are against wind farm development in general in the Inny Valley. The individuals listed are opposed to the erection of wind farms in the locality. Submissions state that there should be a required distance between turbines and adjacent dwellings/NHAs and other windfarms.

***The following is the response:***

*There is low population in the area. This is proven by looking at the 2011 Census Results where the Cloon/Daoire Ianna DED has a population density of 2.24 person per km<sup>2</sup>. Other DEDs in the Tralee/Killarney area would have a population density 10-20 times greater. The valley floor is marginal land. The higher parts of the valley are the more scenic while the flat marginal valley floor is a landscape that does not exhibit any particular qualities. Part of this area would also contain a windfarm development*

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*permitted under Planning Reg. No. 08/2714. Windfarm development on the valley sides would be visually prominent, and if the ridgeline was broken it could potentially degrade views from the Ring of Kerry in LCA 16 to the north (near Foilmore), and LCA's 45 and 19 to the south (Waterville/Sneem). There would also be concern regarding the visibility of wind energy development from LCA 43 (west of Glencar) to the east which is a very scenic area. There is therefore some capacity in this area for wind energy development on landscape grounds. There is a lack of infrastructure in the area which is a constraint for wind energy development. There would be issues in the valley regarding wind speeds at lower heights. It is therefore the view of the Planning Authority that there is capacity for wind energy in the area identified as Open to Consideration on Map 6 of the RES. Health and safety, visual, environmental and social impacts are all issues that will be addressed should a planning application be received by the planning authority.*

Mr. M McMahon Director of Planning & Sustainable Development said that Kerry County Council would not recommend extending the boundaries of the area zoned as Open To Consideration in the Inny Valley as proposed in Submission No. 20 as wind turbines constructed in the extended area may be visible from the Ring of Kerry road.

Cllr Jim Finucane asked if visibility from the Ring of Kerry Road was the deciding factor with regard to the zoning in this case.

Mr. McMahon said that a number of factors including impact on the landscape have been taken into consideration. The submission states that higher wind speeds are available on higher locations while Kerry County Council does not want wind turbines to be visible from the Ring of Kerry road.

Cllr T Ferris asked if the members propose an amendment in line with Submissions 29 to 38 would it be possible to revisit the matter when the RES comes back before the Council.

Mr. McMahon said that any proposal to amend the draft RES would have to include specific planning reasons for the amendment. He added that in accordance with the Planning and Development (Strategic Infrastructure) Act 2006, developers of major infrastructure projects such as wind farms apply directly to the Strategic Infrastructure Division of An Bord Pleanála for planning permission. Pre Planning discussion with the Board is mandatory, notwithstanding that, the application goes on public display, the local authority has a major input into the process but does not make the final decision.

Cllr D.Healy Rae asked if a condition could be included in the grant of planning permission for wind farms in the Inny Valley that a 500m distance from residential properties would be required.

#### Ethics Declaration

Cllr P O' Donoghue declared in accordance with Section 177 of the Local Government Act 2001 he had a number clients in this area and in order to avoid a

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possible conflict of interest he would leave the meeting while these submissions were being discussed. He pointed out that he had not been contacted by anybody concerning the submissions.

Cllr. P O'Donoghue then left the meeting.

Cllr B Cronin said that he was very concerned for the residents of this area and in his opinion it did not make sense that otters, snails, fresh water mussels and other life forms must be protected and there was no required distance for turbines from residential dwellings. He said that he found it difficult to understand why other much more remote areas were deemed to be unsuitable for wind energy development.

Cllr P Connor Scarteen said that he too would not be in favour of wind energy development in this area and that there were far more suitable locations with connections to the grid.

Cllr T Ferris PROPOSED that the site designated in the Inny Valley as "open to consideration be designated "not suitable "for the reason given in the final paragraph on Page 26 and the first two lines on page 27 of the draft RES as follows:

*The area 'open to consideration' is overlooked from a considerable number of mountains which are popular with walkers. There are proposals for a large wind farm in the area and many of the turbines would be high on the hillside where they would impact on views from the top as well as from below.*

*The area is also highly scenic, with three very attractive lakes nestling into the mountains. The Inny river is a popular angling river, as is the adjoining Currane catchment.*

Cllr. B Cronin SECONDED this proposal.

Cllr D. Healy Rae asked if a requirement of 500m distance from residential dwellings could be included as a condition of planning permission.

Cllr J Healy Rae said that houses in the Inny Valley were not shown in the map attached to the draft RES therefore it was not possible to make an informed decision.

Mr. M McMahon said he did not anticipate that there would be any difficulty with regard to inserting a condition that "no turbine to be located within a specific distance of a dwelling"

Cllr. J Brassil asked if the proposal put forward by Cllr. Ferris was passed could the site be re-designated when the RES comes before the members later this year.

Mr. McMahon said that the site could be returned to "open to consideration" with a stipulation in relation to distance of turbines from dwelling houses.

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***Suspension of Standing Orders***

At this stage the Mayor, Cllr. T O'Brien informed the meeting that as it was 1.30pm, it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. N Foley, SECONDED by Cllr. P McCarthy, it was agreed to suspend Standing Orders to allow the meeting to continue.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. B. Cronin, this Council having considered the County Manager's Report and recommendations on the submissions received on Proposed Variation No. 8 to the Kerry County Development Plan 2009 – 2015 regarding the incorporation of a Draft Renewable Energy Strategy 2012 hereby resolves having regard to Submission Nos. 8, 20, 29 – 38 to remove the site designated in the Inny Valley from 'open to consideration' to 'not suitable for consideration' for on shore wind energy generation for the following reasons:

The area 'open to consideration' is overlooked from a considerable number of mountains which are popular with walkers. There are proposals for a large wind farm in the area and many of the turbines would be high on the hillside where they would impact on views from the top as well as from below. The area is also highly scenic, with three very attractive lakes nestling into the mountains. The Inny river is a popular angling river, as is the adjoining Currane catchment.

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

**For:** Cllrs. Beasley, Brassil, Buckley, Connor-Scarteen, Cronin, Culloty, Donovan, Ferris, Finucane, Foley, Griffin, J. Healy-Rae, Leahy, McCarthy, McEllistrim, Moynihan-Cronin, O'Shea, Sheahan, Wharton Slattery, O'Brien **(20)**

**Against:** Cllrs. Cahill, D. Healy-Rae **(2)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Fitzgerald, Gleeson, O'Connell, O'Donoghue, Purtill **(5)**

The Mayor declared the proposal CARRIED.

Cllr. O'Donoghue then returned to the meeting.

**SUBMISSION NO.21                      OES CONSULTING**

Mr. Stack briefed the members on the submission as follows:

The submission relates to the proposed prohibition on the development of PHES (pumped hydroelectric) schemes within areas designated under the Habitats Directive and Birds Directives. It is considered that objective HP5 in Hydroelectric power is unnecessary and restrictive and takes neither account of the sites nor project



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specified which actually determine the potential likely significant effects. The submission requests that objective HP 5 of the RES be removed.

It is also noted that neither the NPWS nor any other Council has proposed a blanket ban on PHES projects.

***The response is as follows:***

*There is no blanket ban on PHES in the draft RES, Objective HP 6 allows for the development of a PHES in the County subject to due consideration of potential ecological impacts as detailed in the SEA/HDA.*

The submission questions the proposed prohibition of PHES within Natura 2000 sites when EU Environmental Directive has established PHES as a project type which will require EIA and AA as part of the consent process.

***The response is as follows:***

*Rather the entire HDA process by assessing the potential of PHES sites to significantly affect Natura 2000 sites determined that Natura 2000 sites be screened out for PHES projects. Having considered this assessment, the objectives of Natura sites and the Planning Authority's obligation to ensure compliance with the Birds and Habitats directives, Natura sites are considered to be unsuitable for PHES development.*

**SUBMISSION NO 22**

**SSE RENEWABLES**

Mr. Stack said that Submission No 25 also referred to the Clydagh Valley and would be dealt with in conjunction with Submission No. 22.

Mr. Stack summarized Submission No. 22 and said that it states that significant progress made in Kerry to date, with over 200MW of wind farms in operation and welcomes that KCC recognises the significant environmental and economic benefits associated with energy production from renewable resources.

The new Strategy should be cognisant of the relative strength of the grid system in the East and North of the County as significant infrastructure already exists or is in planning in these areas.

The submission welcomes that North Kerry is a suitable area for future wind farm development, while it is very disappointed that East Kerry and in particular the Clydagh Valley and the Derrynasaggart Mountains region has not been designated Strategically Suitable, or Open to consideration. It requests that the Clydagh Valley be designated as a Strategically Suitable area and that the issue relating to the previous application and the Lough Leane catchment can be solved.

**SUBMISSION NO.25**

**JOHN P CREEDON**

Mr. Stack briefed the members on the submission relates to lands in the Clydaghroe area. It states that it is a suitable area for wind energy development as has been demonstrated by the previously constructed windfarm in the area and the planning

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permission granted for a further one wind turbine. It states that the effects on visibility and Lough Leane would be minimal or non-existent. It is requested that the area be maintained as open-for-consideration for future wind energy development.

### **The response is as follows:**

*The Lough Leane Catchment is of significant importance to the county's tourism industry and to tourism angling in particular. Water quality in this catchment was subject to an algae bloom in the late 1990's on foot of which a study of the catchment and of phosphorus loadings to the lake was undertaken.*

*This study highlighted the need to reduce the annual total phosphorus load entering the lake. Given the potential for the release of sedimentary phosphorus arising from wind development this catchment is considered to be unsuitable for wind development.*

*The northern half of the Clydagh Valley is also identified on Map 5 as being a Landscape Sensitive Area and also as an Archaeological Landscape. The Paps are an important landscape and should be afforded protection. These mountains are visually striking and wind energy development on them would impact on this. The details of the Archaeological Landscape are included in Appendix B of the Draft RES. In summary there are a significant number of monuments recorded in this area.*

Where a wind farm developer submits a new planning application for a development to replace an existing permitted wind farm, and where the new proposal can be demonstrated to provide a reduced impact on the SPA relative to the permitted windfarm, the proposal should be considered in a favourable manner.

### **The response is as follows:**

*Applications within existing wind farm sites to change layouts/heights/etc. will be assessed on their merits. In relation to wind farm applications that have been granted and any future extensions to planning permissions, KCC will have regard to the provisions of Section 42 of the Planning and Development Act 2000 (as amended).*

### Ethics Declaration

Cllr. D Healy Rae declared in accordance with Section 177 of the Local Government Act 2001 that his son Cllr. J Healy Rae and his brother Deputy M Healy Rae own land in The Derranicullig Windfarm Group and he would leave the meeting while Submission Nos 23 & 24 were being discussed.

Cllr. D Healy Rae then left the meeting.

Cllr. J Healy Rae declared in accordance with Section 177 of the Local Government Act 2001 that he was a member of the Derrinacullig Windfarm Group and he would leave the meeting while Submission Nos 23 & 24 were being discussed.

Cllr. J Healy Rae then left the meeting.

Mr. Stack informed the meeting that Submission N's 23 & 24 would be taken together. He briefed the members on Submission No. 23 which stated that Bord Gais Energy (BGE) welcomes the comprehensive and proactive approach that Kerry County Council has taken with regard to the future planning and development of wind within County Kerry, culminating in the Draft Renewable Energy Strategy.

The submission notes that an area within the townlands of Derrincullig, Cappalivane, Curraglass South and Redtrench North, which is zoned as 'Open to Consideration' under the existing KCC CDP 2009-2015, has been omitted from the development zones. BGE has conducted a pre-planning assessment of the proposed Derrincullig Windfarm development, which was submitted to Kerry County Council as part of pre-planning consultation.

Mr. Stack said that the Submission No. 24 relates to lands in the townland of Derrnacullig which is northeast of Kilgarvan. These lands were designated "Open to consideration" in the current KCC Development Plan, it is now proposed to omit them. It is felt that the development of a windfarm would be of great benefit to the local community and in line with the National Policy on renewable energies.

***The following is the response;***

*The development capacity summary of the Landscape Character Assessment carried out on the county for this area was that development on these higher grounds would be sensitive to views, and would have a negative impact, especially when combined with existing turbines further east. A significant amount of wind development has taken place or is permitted to the south, southeast and east of the area. Cumulative impact on the area is therefore being considered. Development north/west of the R569 (a significantly improved Regional Road which is an important tourist route between Killarney/Cork and Kenmare) would result in this busy road being surrounded by turbines. If these lands were developed motorists driving through the area would be surrounded by turbines due to the R569 being on the eastern and southern side of this area. Lands to the west/north of the R569 are also more sensitive to development with Mangerton Mountain dominating the landscape. Views towards this mountain from the R569 should therefore be protected.*

Mr. Stack said that Kerry County Council was not in favour of wind turbines being constructed on both sides of this road.

Cllr. JJ Culloty asked what impact the wind energy development would have on the Lough Leane.

Mr. M Boyce SEE Environment said that a wind farm development would have the potential to cause major difficulty with regard to water quality in the lake particularly during the construction period as sediment may be released into the lake. Sediment can cause increased levels of phosphate and this has been a particular problem in Lough Leane in the past.

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Cllr. JJ Culloty asked that applications for planning permission for the extension of existing wind farms would be looked on favourably by Kerry County Council.

Cllr. G Wharton Slattery expressed concern regarding wind turbines which may not assimilate into the landscape and would detract from the visual amenity of walking routes.

Mr. Stack said that there are a significant number of wind turbines in the Kilgarvan area which detract from the landscape as they break the skyline. He was concerned that this would be the case from walking routes on Mangerton Mountain if the area was designated as “open to consideration”.

Cllr. P Connor Scarteen PROPOSED that the lands in the townlands of Cappalivane, Curraglass South and Redtrench North and Derrinacullig identified in the Draft RES as unsuitable for wind energy development should be re-designated as “open to consideration” for wind energy development for the following reasons:

- In line with national policy
- Due to the remoteness of the area, any development will have little impact.
- No buildings locally
- The tourist route is at the other side of Kilgarvan.
- Wind monitoring is in place.
- This is not a SAC or SPA.

Cllr. J Sheahan SECONDED this proposal.

Cllr. J Brassil PROPOSED that a vote would first be taken on Submission No. 24.

Cllr. T Ferris SECONDED this proposal.

Cllr. P Connor Scarteen agreed with this.

### **Vote on Submission No. 24**

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Sheahan, this Council having considered the County Manager's Report and recommendations on the submissions received on Proposed Variation No. 8 to the Kerry County Development Plan 2009 – 2015 regarding the incorporation of a Draft Renewable Energy Strategy 2012 hereby resolves having regard to Submission No. 24 that the lands in the townland of Derrinacullig identified in the Draft RES as unsuitable for wind energy development should be designated now as ‘open to consideration’ for wind energy development for the following reasons:

1. In line with national policy
2. Due to the remoteness of the area, any development will have little impact.
3. No buildings locally

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4. The tourist route is at the other side of Kilgarvan.
5. Wind monitoring is in place.
6. This is not a SAC or SPA.

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

**For:** Cllrs. Beasley, Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Foley, Griffin, Leahy, McCarthy, McEllistram, Moynihan-Cronin, O'Shea, Sheahan, Wharton Slattery, O'Brien **(19)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Culloty, Fitzgerald, Gleeson, D. Healy-Rae, J. Healy-Rae, O'Connell, O'Donoghue, Purtill **(8)**

The Mayor declared the proposal CARRIED.

The Mayor informed the meeting that a vote would be taken on Submission No. 23

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Sheahan, this Council having considered the County Manager's Report and recommendations on the submissions received on Proposed Variation No. 8 to the Kerry County Development Plan 2009 – 2015 regarding the incorporation of a Draft Renewable Energy Strategy 2012 hereby resolves having regard to Submission No. 23 that the lands in the townlands of Cappalivane, Curraglass South and Redtrench North identified in the Draft RES as unsuitable for wind energy development should be designated now as 'open to consideration' for wind energy development for the following reasons:

1. In line with national policy
2. Due to the remoteness of the area, any development will have little impact.
3. No buildings locally
4. The tourist route is at the other side of Kilgarvan.
5. Wind monitoring is in place.
6. This is not a SAC or SPA.

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

**For:** Cllrs. Buckley, Cahill, Connor-Scarteen, Donovan, Finucane, Foley, Griffin, McCarthy, McEllistram, O'Shea, Sheahan **(11)**

**Against:** Cllrs. Beasley, Brassil, Cronin, Ferris, Leahy, Moynihan-Cronin, Wharton Slattery, O'Brien **(8)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Culloty, Fitzgerald, Gleeson, D. Healy-Rae, J. Healy-Rae, O'Connell, O'Donoghue, Purtill **(8)**

The Mayor declared the proposal CARRIED.

**SUBMISSION NO. 26 WILLIAM MOYLES**

Mr. Stack summarised the submission as follows:

It was suggested that it should be the policy that where two or more turbines are being proposed, all commercial windfarm applicants should be required to use the tallest and largest available wind turbines which can be transported onto the site.

***The following is the response:***

*The scale and height of turbines is site specific and is therefore assessed at planning application stage.*

Ethics Declaration

Cllr. N Foley declared in accordance with Section 177 of the Local Government Act 2001 that her extended family own land at this location and as she did not know who owned this land, as a connected person she would leave the meeting while Submission No. 27 was being discussed.

**SUBMISSION NO.27 WILLIAM MOYLES**

Mr. Stack briefed the members on the submission as follows:

The submission relates to land located to the north east of Ballyheigue. It requests that these lands are zoned "open to consideration". It is suggested that the development of a windfarm at this location would not impinge on any views and prospects.

***The response is as follows:***

*This area is located in LCA 23 which is an open landscape. It is devoid of trees. Wind turbines would therefore be prominent when viewed from the villages of Ballyheigue and Causeway, and also from areas further away such as Ardfert. Lands rise up to the north from a flat plain to the south of Ballyheigue-Causeway. These lands are therefore higher than surrounding areas, thereby increasing the impact of turbines on the landscape and reducing their ability to integrate into the landscape. It is an attractive landscape which should be protected as there is a limited amount of it in the county. Tourist signs direct people along the coast road. To the north there are views towards Loop Head across the mouth of the Shannon Estuary. It is considered that there is no capacity for windfarm development in this part of the area due to the impact that turbines would have on this open and scenic coastal landscape.*

Cllrs. D Healy Rae and J Healy Rae then returned to the meeting.

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Cllr P McCarthy said that he was familiar with this area which was approximately four miles from Ballyheigue and wind development would not have an impact on the village.

Cllr J Brassil said that he had not been approached by any interested parties regarding this submission and he would not be proposing the submission. He would consider wind development on this site to have less impact on the landscape than in the Inny Valley which had been designated as “open to consideration” in the draft RES.

Cllr T Ferris said that Cllr. R Beasley has proposed at a Council meeting last year that a Ring of North Kerry would be developed. In light of the possibility of this being developed in the future she would favour protecting the landscape.

Cllr P. McCarthy PROPOSED that land located to the north east of Ballyheigue, the subject of Submission No. 27, indicated in the draft RES as unsuitable would be changed to “open to consideration”

Cllr T Buckley SECONDED this proposal.

Mr. J D Flynn Director of Corporate Services said that the members must clearly state the planning reasons for the proposal.

Cllr. McCarthy said that permission was granted for wind turbines in other areas at a higher elevation.

Mr. Stack said that the height of the land was not an issue. Kerry County Council was concerned about the impact of the wind turbines on the surrounding landscape as there were no mountains to provide a back drop.

Cllr T Ferris referred to Submission No. 10 from Clare County Council which requested that Kerry County Council have regard to the cumulative impact of the plans and strategies on adjoining Authorities. She said that the RES should also consider the development in the future of a Ring of North Kerry.

Cllr R Beasley said that he opposed Cllr. McCarthy’s proposal as tourism must be protected.

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. T. Buckley, this Council having considered the County Manager’s Report and recommendations on the submissions received on Proposed Variation No. 8 to the Kerry County Development Plan 2009 – 2015 regarding the incorporation of a Draft Renewable Energy Strategy 2012 hereby resolves having regard to Submission No. 27 that the area identified on the map associated with Submission No. 27 which the Draft RES indicates as unsuitable for wind energy development be identified as an area open to consideration for such development for the following reason:

The elevation of this land is lower than the elevation of other lands where wind farms were permitted.

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

**For:** Cllrs. Buckley, Connor-Scarteen, Griffin, McCarthy, McEllistrim, O'Brien **(6)**

**Against:** Cllrs. Beasley, Cronin, Donovan, Ferris **(4)**

**Not Voting:** Cllrs. Brassil, Cahill, Culloty, Finucane, D. Healy-Rae, J. Healy-Rae, Leahy, Moynihan Cronin, Sheahan, Wharton Slattery **(10)**

**Absent:** Cllrs. Fitzgerald, Foley, Gleeson, O'Connell, O'Donoghue, O'Shea, Purtill **(7)**

The Mayor declared the proposal CARRIED.

Cllr. N Foley then returned to the meeting.

### **SUBMISSION NO. 28                      HARRY HARBISON & ASSOCIATES**

Mr. Stack briefed the members on the submission as follows:

The submission relates to developments that have been permitted under the current development Plan and are located in areas "open to consideration". Many of these sites are encompassed by SPA and are now redesignated as unsuitable for development.

"Areas classified as unsuitable in the Renewable Energy Strategy 2012 will be open to consideration in circumstances where a proposed wind farm development will replace an existing permitted windfarm and where it is demonstrated that a few proposed wind farms will provide a reduction in the impact in the layout on the SPA conservation area"

#### ***The response is as follows***

*Applications within existing wind farm sites to change layouts/heights/etc. will be assessed on their merits. In relation to wind farm applications that have been granted and any future extensions to planning permissions, KCC will have regard to the provisions of Section 42 of the Planning and Development Act 2000 (as amended).*

*Cllr. D Healy Rae referred to height of wind turbines and asked if it was correct to state that one or two large turbines created as much wind energy as several smaller turbines that would have less impact on the landscape.*

*Mr. Stack said that this was a site specific matter as some areas where there is a back drop of mountains, larger turbines can be accommodated.*

### **County Managers Recommendations**

On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. T. Buckley it was agreed to amend the Draft Renewable Energy Strategy 2012 as set out in summary



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on Pages 31 – 34 and Pages 54 – 60 of the Manager's Report with the exception of those varied by resolution passed by members in previous votes and that an additional Chapter 12 be incorporated into the Strategy as set out in Pages 61 – 86 of the Manager's Report.

#### **16.07.12.06 Student Grant Scheme 2012**

The Student Grant Scheme 2012 was circulated to the members in advance of the meeting.

Mr. J D Flynn Director of Corporate Services said that the City of Dublin VEC had taken over the administration of all new applications for Higher Education Grants and as a consequence, Kerry County Council would not be processing applications from first year students for 2012/2013 and thereafter. All new applicants would be required to use the online application system on [www.studentfinance.ie](http://www.studentfinance.ie). The local authority would continue to deal with ongoing students until they have completed their current course in college.

Cllr. N Foley asked if the removal from the Council of the processing of first year grant applications would have an impact on staff in the Higher Education Grants section.

Mr. Flynn said that there were a considerable number of grant applications already in the system and staff would be redeployed where necessary.

Cllr. Foley said that she regretted that students and their parents/guardians would no longer be able to avail of the personal service which was provided at local level.

Cllr. G Wharton Slattery said that she had found the website to be very user friendly.

#### **16.07.12.07 2011 Service Indicators Results Report.**

Mr. J D Flynn Director of Corporate Services referred members to his report dated July 2012 which was circulated and he briefed them in detail on the report. The report sets out the performance of Kerry County Council for 2011 in the 46 areas which it is required to report on. All the data is compiled in accordance with the Guidelines for the compilation of the data.

Cllr. M Gleeson referred to report on unaccounted for water and asked what volume of unaccounted for water the Council would accept responsibility for.

Cllr. J Brassil said that it was unacceptable for the Council to request payment from consumers for water in and water out when there was so much water accounted for by the local authority.

**16.07.12.08 Dates for the next round of Electoral Area Meetings.**

**(a) Tralee Electoral Area Meeting**

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim it was agreed that the next Tralee Electoral Area Meeting would be held in the Council Chamber, County Buildings on Monday 3<sup>rd</sup> September, 2012 at 10.45am.

**(b) Listowel Electoral Area Meeting**

On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. J. Brassil it was agreed that the next, Listowel Electoral Area Meeting would be held in the Council Chamber, Áras an Phiarsaigh on Monday 17<sup>th</sup> September, 2012 at 10.00am.

**(c) Dingle Electoral Area Meeting**

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. P. Connor-Scarteen it was agreed that the next Dingle Electoral Area Meeting would be held in Farranakilla House, Dingle on Wednesday 26<sup>th</sup> September, 2012 at 9.45am.

**(d) Killarney Electoral Area Meeting**

On the PROPOSAL of Cllr. M. Gleeson, SECONDED BY Cllr. B. Moynihan Cronin it was agreed that the next Killarney Electoral Area Meeting would be held in the Council Chamber, Town Hall, Killarney on Thursday 27<sup>th</sup> September, 2012 at 10.00am.

**(e) Killorglin Electoral Area Meeting**

On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Healy-Rae it was agreed that the next Killorglin Electoral Area Meeting would be held in the Killorglin Area Services Centre on Friday 28<sup>th</sup> September, 2012 at 9.45am.

**Reception of Deputations**

It was agreed that the following deputations would be received at the next round of Electoral Area Meetings.

- (a) Cllr. B. Moynihan Cronin requested that a deputation would be received from the Residents of Mountain View Estate, Kilcummin regarding ongoing problems in the Estate.

On the PROPOSAL of Cllr. B. Moynihan Cronin, SECONDED by Cllr. M. Gleeson it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

- (b) Cllr. J. Healy-Rae requested that a deputation would be received from the Residents of Knocknaboula, Killorglin regarding the state of the road.

On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. D. Healy-Rae it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

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- (c) Cllr. P. O'Donoghue requested that a deputation would be received from Cumannscéine regarding Waterville Arts Centre.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P.J. Donovan it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

**16.07.12.09 Household Charge Update**

This item was dealt with in conjunction with Item 1

**16.07.12.10 Domestic Wastewater Treatment Registrations**

Mr. J.D. Flynn referred members to his report dated 9<sup>th</sup> July, 2012 on this item which was circulated. He briefed the members on his report. He said there is a statutory obligation on all owners of domestic waste water systems to register their system before 1<sup>st</sup> February 2013.

The registration fee is €5 if paid before 28<sup>th</sup> September 2012, it then increases to €50. Following payment of the required fee, the owner will be issued with a Certificate of Registration valid for 5 years. There is no fee required for the renewal of this Certificate.

Mr. Flynn said that in order to allow for the processing of the registration forms, it was important that the majority of owners would not wait until the 28<sup>th</sup> September to register.

Mr. J Breen Director of Housing & Community & Enterprise said that Kerry County Council would register septic tanks in respect of Single Rural Dwellings in its ownership.

**16.07.12.11 Proposals from Community, Culture & Tourism SPC**

On the PROPOSAL of Cllr. M Gleeson SECONDED by Cllr. T Ferris it was agreed that the following two proposals recommended by the Community, Culture & Tourism SPC arising from the Fóram Gaeilge Chiarrai be referred to Government.

1. That the Government cancel all cuts in Gaeltacht funding until such time as the 20 year Government Strategy is put in place.
2. That the office of the Irish Language Commissioner be kept independent and based in the Gaeltacht and its status and power not be reduced.

Dúirt Cllr. M Gleeson go moladh sé na rúin agus go n-aontaíonn sé le gach rud atá ann. Tá súil aige go n-éisteacht Aire Stáit na Gaeltachta leis na moltaí atá á dhéanamh ag daoine atá buartha mar gheall ar chuid den acht.

**16.07.12.12 Request from Road Safety Authority, for submissions on the Road Safety Authority Strategy 2013 – 2020.**

Mr. G McNamara A/Director of Roads & Transportation referred members to his report dated 9<sup>th</sup> July, 2012 on this item which was circulated. He informed them that the Road Safety Authority (RSA) is seeking the views of the public on how to improve safety on Irish roads. Submissions from the public, as part of the public consultation process, will form an important part of the fourth Government Road Safety Strategy which is currently being co-ordinated and drafted by the RSA.

The new Strategy will cover the period 2013 to 2020 and will replace the current strategy. The current Road Safety Strategy, which will end this year, was the most successful yet. When it was drafted, a target was set to reduce road deaths to no more than 21 per month, or 252 per year, by 2012. This was achieved three years ahead of schedule in 2009. Many factors contributed to the success of the current strategy but a critical part of achieving the target was the changed behaviour of road users.

As part of the public consultation process, the RSA is inviting members of the public to play an important role in shaping road safety policy by submitting their views on what should be included in the next Road Safety Strategy.

**Road Safety (County Kerry)**

Kerry County Council launched their Road Safety Strategy 2008-2012 in December 2008. The Strategy represents an effective Action Plan within Kerry by all the agencies involved (Kerry County Council, the Road Safety Authority, An Garda Síochána, National Roads Authority and the Health Service Executive). Through working together, sharing our knowledge, expertise and experience, we aim to develop a safer environment for all road users, through educating drivers and other road users, improving road standards and enforcing legislation, with the primary objective of reducing the carnage on our roads.

The Council has a dedicated Risk Control officer, who investigates all fatal and serious road traffic accidents, primarily to defend any potential civil proceedings that may subsequently be initiated against the local authority. An Garda Síochána also carry out an investigation into the possible causes of such accidents, under the statutory provisions of the Road Traffic Acts. The outcome of their investigation is presented in evidence to the Coroners Court, who will ultimately determine the cause of death and, arising out of this ruling, an RTA fatality may be reclassified.

**County Kerry road fatality statistics 2009-2012 (to date)**

Year	2007	2008	2009	2010	2011	2012 (to date)
No. of fatalities	15	19	13	11	7	5

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In the period 2007 to 2011, inclusive there were 57 road traffic accidents resulting in 65 lost lives on the roads in County Kerry. Of these 45 were vehicle occupants, 10 were pedestrians, 2 were cyclists and 8 were motorcyclists.

The breakdown of accidents by road network indicate that 49% were on the National Road network, 28% on the Regional Road network and 23% on local roads. This would reflect the volumes of traffic using the road network in the county.

The breakdown of accidents in each of the electoral areas is as follows:-

	<u>Dingle</u>		<u>Killarney</u>		<u>Killorglin</u>		<u>Listowel</u>		<u>Tralee</u>		<u>County</u>	
	<i>RTA</i>	<i>Fatalit y</i>	<i>RTA</i>	<i>Fatalit y</i>	<i>RTA</i>	<i>Fatalit y</i>	<i>RTA</i>	<i>Fatalit y</i>	<i>RTA</i>	<i>Fatalit y</i>	<i>RTA</i>	<i>Fatalit y</i>
<b>2007</b>	<i>1</i>	<i>1</i>	<i>6</i>	<i>8</i>	<i>2</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>1</i>	<i>1</i>	<b>13</b>	<b>15</b>
<b>2008</b>	<i>1</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>4</i>	<i>4</i>	<i>8</i>	<i>9</i>	<i>1</i>	<i>1</i>	<b>17</b>	<b>19</b>
<b>2009</b>	<i>1</i>	<i>1</i>	<i>3</i>	<i>4</i>	<i>2</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>3</i>	<i>3</i>	<b>12</b>	<b>13</b>
<b>2010</b>	<i>0</i>	<i>0</i>	<i>2</i>	<i>5</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>2</i>	<i>3</i>	<i>3</i>	<b>8</b>	<b>11</b>
<b>2011</b>	<i>2</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>0</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<b>7</b>	<b>7</b>
<b>2012</b>			<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>1</i>	<b>5</b>	<b>5</b>

All of the data collected is used to identify sections of the road network to be improved under the National Primary & National Secondary Safety measures and the Low Cost Safety Improvement programme for non-national roads. In the 5 year period, 2007 – 2011, €5m has been spend on specific road safety improvement works on the national road network with a further €1.15m spent on local & regional roads under the low cost safety measures programme and the collision prevention programme.

## Recommendations

Driving at an inappropriate speed is the primary contributory factor. In the vast majority of such accidents, investigations concluded, that the speeds being travelled were in excess of the speed limit or not appropriate for the driving conditions at the time. Alcohol and driver inattention continue to be major contributory factors, despite the increase in hard hitting advertising campaigns on local and national media. The issue of driving at inappropriate speeds, driving under the influence of alcohol and undue care whilst driving can only be addressed through continued enforcement.

It is acknowledged that the level of public funding to support the ambitious programme of works identified in the previous strategy, has declined significantly. The provision of a dedicated Road Safety Officer in each local authority as previously envisaged is no longer feasible given the reduction in resources. Educational programmes need to target the high risk age group of 17 – 34 year olds. From our experience this is a difficult target audience to reach and programmes should be developed by the RSA, in conjunction with third level training agencies (Universities, IT's, Solas) to promote road safety.

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Ten of the fatalities on Kerry roads between 2007 and 2011, were vulnerable road users (pedestrians/cyclists). In more recent years there has been an increase in the number of persons walking and cycling either to work/school or as a form of recreation. The need for appropriate high visibility clothing by vulnerable road users and personal safety equipment (lights / helmets etc.) should be promoted further.

Increasingly, “Boy Racers” continue to be a danger for other users on Irish roads and particularly during special events such as car rallies. There is a need for the RSA to be more proactive, with the support of An Garda Síochana and motor sport promoters, on implementing measures to discourage such activities. The legislation should be amended to allow enforcement agencies to confiscate vehicles and provide for rigorous vehicle testing at such events, with the promoters of on-road rallies being liable for the cost of providing such facilities.

Cllr. D Healy Rae said that he was very concerned about road safety and had made many requests for reductions in speed limits over the years. Most recently at a Killarney Electoral Area Meeting, he requested that Kerry County Council would ask the NRA to consider a reduction to the speed limit at Glenflesk Church. He had been advised that it would not be appropriate to make this request to the NRA until a speed limit review takes place. Cllr. Healy Rae referred to the danger for drivers at a junction near Coolcaslagh in Killarney and the junction for Kenmare at Poulgorm Bridge and said that these locations should be made safer.

Cllr. J Finucane said that he agreed with some of the sentiments expressed by Cllr. Healy Rae and suggested that the Council in conjunction with the Gardai would carry out an audit of accident locations on roads in the county. He said that it was unacceptable that young people can purchase alcohol in supermarkets and off licences at very low prices while pubs where there was at least some supervision, are closing down. He said that he would like the Roads Safety Authority (RSA) to write to third level colleges with a view to promoting the control of the availability of alcohol to young people.

Cllr. P Connor Scarteen welcomed the report and in particular that the road fatality statistics for Kerry had fallen between 2008 and 2011. He asked that road lining on a bend on the road from Sneem to Waterville would be examined

Cllr. JJ Culloty welcomed the report and said that he had highlighted the issue of danger for drivers at junctions at a number of locations but so far no action had been taken. He said that the wearing of hi-visibility clothing should be made compulsory for cyclists and pedestrians.

Cllr. T Ferris said that since 2007 the majority of fatal traffic accidents had occurred in 2 electoral areas.

Cllr. P McCarthy suggested that the RSA would enter into discussions with the Vintners Association and the Irish Hotels Federation with a view to putting an advertising campaign in place from young people to young people to highlight the danger of drinking alcohol and driving.

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Cllr. B Cronin said that he fully supported the sentiments expressed by Cllr. Healy Rae as he too had submitted notices of motion requesting a reduction in speed limit at a number of locations. He said that there was also an issue of driver safety where road markings were obliterated by people doing doughnuts in their cars.

Cllr. M O'Shea welcomed the report and said that speed kills. He felt that the RSA should liaise with insurance companies to introduce a system whereby the owners of vehicles fitted with a speed limiter would qualify for cheaper insurance.

Cllr. G Wharton Slattery said that parental control was an important factor in making young people aware of the potential outcome of drinking alcohol and driving. She referred to a sign for Brandon which is located at a bend on the road and said that it should be moved.

Mr. G MacNamara SE said that the RSA was seeking the views of the public on how to improve safety on Irish roads and it did not have any control over changes to the speed limits. He pointed out that the Road Traffic Act 2004 requires that a vehicle shall not be driven at a speed exceeding that which will enable its driver to bring it to a halt within a distance the driver can see to be clear. The RSA has advised that speed limits are limits, not targets.

Mr. McNamara said that the road lining at the bend on the Sneem to Waterville road would be examined as requested by Cllr. Connor Scarteen. He undertook to convey the concerns expressed by members to the RSA. However, he said that legislation must be enforced to be effective.

### **16.07.12.13 Presentation on the Council's Laboratory Service**

It was agreed that this presentation would be deferred until the next meeting.

### **16.07.12.14 Summary of proceedings at Conferences**

(a) It was agreed to note Cllr. N Foley's written report on behalf of the delegates that attended the Emergency Planning Conference held from the 11<sup>th</sup> & 12<sup>th</sup> June, 2012 which was circulated.

(b) It was agreed to note Cllr. P Connor Scarteen's written report on behalf of the delegates that attended the Justice Conference 2012 held from the 19<sup>th</sup> June, 2012 which was circulated.

(c) It was agreed to note Cllr. J Sheahan's written report on behalf of the delegates that attended the 10<sup>th</sup> National Tourism Conference held from the 21<sup>st</sup> – 23<sup>rd</sup> June, 2012 which was circulated.

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**16.07.12.15 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. PJ Donovan **SECONDED** by Cllr. B Cronin it was agreed to approve the opening of tenders for the N70 Kells to Kells Station Pavement Overlay: Closing Date – Friday 13<sup>th</sup> July 2012 at 4pm.
- (b) On the PROPOSAL of Cllr. J Healy Rae **SECONDED** by Cllr. J Finucane it was agreed to approve the opening of tenders for Design, Build and Manage the Portmagee Seasonal Visitor Pontoon: Closing date –Wednesday 18<sup>th</sup> July 2012 at 4pm.
- (c) On the PROPOSAL of Cllr. D Healy Rae **SECONDED** by Cllr. B Cronin it was agreed to approve the opening of tenders for the N23 Farranfore to Crag pavement overlay: closing date: Tuesday 24<sup>th</sup> July 2012 at 4pm.
- (d) On the PROPOSAL of Cllr. T O'Brien **SECONDED** by Cllr. P Leahy it was agreed to approve the opening of any tender that may arise up to the September meeting.

**16.07.12.16 Notices of Motion**

- 1. Develop overall plan to maximise potential of the summit of Glounsharoon.**

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

As the summit of Glounsharoon provides a magnificent panorama of much of Kerry's majestic beauty, that the Council would develop an overall plan to maximise the wonderful potential of this location, including the provision of a landscaped lay – by, a tourist information centre and the elimination of the inappropriately located stone chip storage yard.

**The following report issued:**

**A similar Notice of Motion was passed at the Killarney Electoral Area Meeting of June 2011.**

**The existing viewing park on the N-21 at Ahaneboy is a regular stopping place for traffic entering the County for the first time. On a clear day it provides a panoramic view over an extensive area of hundreds of square miles. The adjoining green area is mown regularly and litter is dealt with as resources permit. Tourists only park for a brief visit as the weather is seldom warm even in Summertime. There is parking for 20 cars. There is no scope for further investments at this location in the current financial climate.**

**Kerry County Council has had a material storage area at this location for approximately 40 years. The location is ideal for the delivery and distribution of surface dressing chips and more importantly for the delivery and distribution of**



**road de-icing salt. Kerry County Council has no plans to relocate this storage yard.**

Cllr. M Gleeson said that the potential of this area was not even 25% realised. Kerry County Council should do everything possible to develop the existing viewing park into an attractive area for tourists and visitors to the county.

Cllr. B O'Connell **SECONDED** the proposal and said that the area had huge potential for the development of the viewing park.

**2. Inclusion of provision of sewerage schemes for Currow, Scartaglin and Kilgarvan in Water Services Investment Programme.**

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

That Kerry County Council would request the Department of Environment, Community & Local Government to include the provision of sewerage schemes for Currow, Scartaglin and Kilgarvan in the Water Services Investment Programme.

**Ms. B Reidy said this is a matter for consideration by the members.**

Cllr. J Sheahan said that he had recently attended a public meeting in Currow in connection with the provision of a sewerage treatment plant in Currow and at the meeting he was approached regarding the provision of a sewerage scheme in Kilgarvan. He asked that the Department would be requested to include the provision of sewerage schemes for Currow and Scartaglin in the Water Services Investment Programme.

Cllr. D Healy Rae said that he welcomed that Kerry County Council had allocated €60, 000 towards a minor upgrade of the sewerage scheme in Kilgarvan.

The Mayor informed the meeting that Notices of Motion Nos. 3 and 9 would then be taken together.

**3. Formation of a volunteer core for The Gathering in 2013.**

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

That this Council would consider the formation of a volunteer core, for The Gathering in 2013. This would allow young people to participate in a public service i.e. as guides and organisers etc and would be recognised with a certificate of public service.

**9. Support from Kerry County Council for The Gathering in 2013.**

**Pursuant to notice duly given Cllr. P Connor Scarteen PROPOSED**

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The Gathering 2013 should have a huge positive impact on Tourism and the Economy especially here in Kerry. What steps will Kerry County Council take to assist The Gathering in 2013.

**The following report issued.**

**Kerry County Council has already made contact with Community and Voluntary Groups throughout the County and invited them to attend the Community Meeting on the Gathering which was held in Tralee on 4th July last. We will give consideration to the request to establish a volunteer corps for the year long event next year as requested.**

**Kerry is ahead of other counties with its preparations and hosted a briefing for the US travel trade and representatives of Kerry and Irish American Associations in Ellis Island, New York on May 2. The County Manager chairs the County Steering Committee which includes representatives of the development partnerships, community and voluntary forum, GAA, NPWS and tourism industry. This will be expanded following the community meeting and discussions with various interest groups. The Tourism Officer is the County Co-Ordinator. There is an opportunity for every local community, parish, sporting, voluntary and business organisation in the county to play its part - to reach out to its extended family at home and abroad and optimise the benefits of The Gathering to Kerry and attract visitors into local communities who would not normally visit with its attendant economic benefits.**

**The recent Kerry Community Gathering meeting in Tralee on July 4th was a great success with upwards on 200 people attending from across the County representing tourism, community, sporting and voluntary groups. Over 220 suggestions/ ideas came forward and these are being processed and will be circulated back to the attendees.**

**The Gathering 2013 presents a great opportunity, particularly for the tourism industry. Already the Steering Committee has highlighted a number of events around its landmark festivals - Listowel Writers Week, Killarney Summerfest, Puck Fair and the Internatioanl Rose of Tralee. Rather than have new festivals, the intention is to develop the existing network of community festivals and invite communities to incorporate Gathering events into these. Kerry has one of the best collections of genealogical data in Ireland, all indexed and available free-of-charge online. The major effort will be concentrated in the shoulder months - May, June, September, October - when there is ample accommodation availability and cheaper air travel. The most populous Kerry families have been identified and they will have particular weeks assigned to them - O'Sullivans, O'Connells, O'Donoghues in May, O'Sheas in June and O'Connors and McCarthys in September. Other families will also be encouraged to have reunions in Kerry, that Kerry has much to offer in terms of its tourism infrastructure and can provide an Irish Welcome second to none. The major towns have or are setting up their own Committees led by the Town Councils. Listowel has plans for a Stack Reunion, Tralee a Fitzgerald Reunion and**

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**Killarney is planning a reunion of sister cities and the Kerry Associations. Other towns like Sneem and Valentia Island are also setting up community Gathering Committees.**

**Kerry County Council is working closely with Failte Ireland at a national level, Tourism Ireland internationally and the development partnerships - in North & East Kerry, South Kerry and IRD Duhallow. The plan is to set up a Kerry Gathering Office with the support of the development partnership and to recruit interns under the FAS Job Bridge Scheme. The advertisement for these positions will appear shortly.**

**However, the success of the Gathering is very dependent on the willingness of local communities throughout the county to embrace it, set up working groups, reach out to friends and relatives abroad, encourage them to visit Kerry next year, organise events and make their visit a most memorable experience. The hope is that they will return home having such a great experience that they become ambassadors for Kerry and encourage others to visit.**

Cllr. J Finucane said that the meeting on the Gathering held on 4<sup>th</sup> July was very well attended. He PROPOSED that a training programme would be put in place for local communities who may be interested in getting involved.

Cllr. M Gleeson SECONDED this proposal.

The following Notice of Motion was moved by Cllr. J Finucane on behalf of Cllr. S Cosáí Fitzgerald.

#### **4. Liability for the Household Charge for those living abroad**

**Pursuant to notice duly given Cllr. S Fitzgerald PROPOSED:**

Can Kerry County Council clarify if people living abroad and who have just one dwelling only in this country are exempt from the N.P.P.R. charge and are only eligible for the Household Charge.

**The following report issued.**

**The existing legislation requires that the owners of residential property in Ireland, who do not live here as their sole or main residence are liable for the €200 NPPR charge. The onus is on owners to prove their main place of residence and furnish documentation in this regard, if required, to verify the exempt status of a property. This documentation may include letters from Revenue Commissioners regarding tax liability, social welfare or employment address as per claim records / payroll records, inclusion on the register of electors etc. Residential properties, including NPPR properties, are liable for the household charge. There are some exemptions to both charges such as uninhabitable property, local authority or voluntary housing, property owned by**

**people in nursing homes etc. The full list of exemptions can be viewed on the relevant websites.**

The Mayor informed the meeting that Notices of Motion Nos. 5 and 11 would then be taken together.

**5. Removal of signs at Kells beach**

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

That Kerry County Council immediately remove the sign at Kells indicating amongst other things that swimming is prohibited.

**11. Removal of new signs at Kells Beach**

**Pursuant to notice duly given Cllr. PJ Donovan PROPOSED**

That Kerry County Council remove the new signs that were erected on Kells Beach immediately.

**The following report issued:**

The signs in question were erected on the recommendation of a water safety audit carried out at Kells which is connected with the Blue-Flag requirements. In particular, the “no swimming” sign was recommended on the basis that there are submerged rocks to the eastern side of the pier which render this particular location potentially unsafe for swimming. All signs were erected at the locations recommended by the water safety auditor. It should be noted that they are advisory and, therefore, there is no legal prohibition on swimming off the pier at Kells. We subsequently made contact with the individual who carried out the water safety audit and agreed a revised location for the “no swimming” sign, in an effort to limit any possible confusion. The sign in question has now been re-located. In addition, we are also preparing to erect an additional explanatory sign which should further clarify the issue. Finally, it should be noted that erection of the sign was in no way connected to the proposed Harbour Bye-Laws, but was purely related to a water-safety issue.

Cllr. P O'Donoghue said that the local people were outraged when they became aware that “no swimming” signs had been erected. He acknowledged that the matter had now been resolved and an apology had been made. He asked that management would advise the members of any impending changes to policy in the future.

Cllr. PJ Donovan welcomed the response and asked that the additional explanatory sign would be erected as soon as possible.

**6. Removal of those on RAS Scheme from the housing waiting list.**

**Pursuant to notice duly given Cllr. T Ferris PROPOSED:**

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Given that the Tánaiste Eamon Gilmore said in Leaders questions in the Dáil on Thursday June 21st that those who avail of the RAS can remain on Local Authority waiting lists, why have Kerry County Council been informing them that they will no longer be on the waiting list once they avail of the scheme.

**The following report issued:**

**The Housing Miscellaneous Provisions Act 2009 gives legislative recognition to rental accommodation availability agreements as a form of social housing support. Consequently, since 1 April 2011, RAS tenants are now considered to be in receipt of social housing support and should not generally remain on housing waiting lists for new applicants for social housing. In recognition that RAS tenants may have had reasonable expectations in regard to retaining access to traditional local authority rented accommodation, guidance issued by the Department recommended that there should be a special transfer pathway for RAS tenants to other forms of social housing support. Kerry County Councils Allocation Scheme sets out a transfer path in section 7.4 of the scheme for those RAS tenants who took up tenancy prior to 1st April 2011. The transfer priority is determined by reference to the position on the waiting list that a tenant would have occupied. RAS tenants obtain significant benefits through being in receipt of social housing support compared to remaining on rent supplement. It allows such tenants to take up full-time employment following their move to RAS.**

Cllr. Ferris requested that this resolution and response would be referred to the Tánaiste for clarification.

## **7. Negotiation with any Family Resource Centres regarding land transfer**

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

Are Kerry County Council in negotiation with any Family Resource Centres in the County regarding land transfer and if so what is the current status of these negotiations.

**The following report issued:**

**Kerry County Council has a long and proud history of working with the Family Resource Centres in the County to provide and improve facilities. Most recently we provided 3 houses for conversion into the Family Resource Centre in Iveragh Park, Killorglin and included the building of the new Family Resource Centre in Ballyheigue in our new housing scheme at Sráid Thaidhg.**

**We are presently in discussions with a number of Family Resource Centres in the County who are seeking sites for the consolidation and expansion of their services.**

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Cllr. J Brassil asked who had prepared this response as it did not contain the information he requested, i.e. "is Kerry County Council in negotiation with any Family Resource Centres in the County regarding land transfer".

Mr. J Breen Director of Housing & Community & Enterprise said that he prepared the response and as Cllr. Brassil had not mentioned specific Resource Centres, he had given a general response.

Cllr. Brassil said that the response did not contain the information which he needed and asked that Mr. Breen would send him a list of the Resource Centres in the county where negotiations regarding land transfer are taking place.

Mr. Breen undertook to forward this information to Cllr. Brassil after the meeting.

## **8. Signage along new By-Pass routes for businesses**

### **Pursuant to notice duly given Cllr. D Healy Rae PROPOSED**

That Kerry County Council ask the NRA to adopt a fairer response to traders in by-passed towns in our County who request signage along new by-pass routes to advertise their products. The traders of Castleisland town are now asking for signage to help sustain their livelihoods - soon it will be Tralee's turn, recognition should also be given to traders where one way systems are put into operation in towns resulting in loss of business to same.

### **The following report issued:**

**The National Roads Authority's "Tourist and Leisure Signage Policy 2010" sets out the Authority's position with regard to allowable signage for Bypassed Towns and Villages. Where as standard white-on-brown tourist signs are permitted, there is no provision for signage advertising individual retail premises or products for sale. Advertising signs can reduce the effectiveness of essential road traffic signage, they can create visual clutter and reduce visibility at junctions/interchanges and bends. They can be a danger to road users. As one can appreciate the NRA adhere strictly to this policy and do not deviate from the standards set out therein. Equally this Council would not want a proliferation of advertising signs along our roads despoiling what all agree is a beautiful County, which we all try to preserve.**

Cllr. D Healy Rae said that the residents of Castleisland had expressed concern that traders had lost business due to the town having been bypassed. He asked that they be allowed to erect advertising signage at the roundabouts and junctions on the by-pass.

Cllr. J Brassil said that this was a very serious matter which should be considered at a meeting of the Transport SPC. He said that at the moment there was a proliferation of advertising signage at the entrance to every town, while he acknowledged that this was an effective way of advertising it was detracting from the countryside and a policy should be put in place to address the matter.

Mr. G McNamara said that the National Roads Authority (NRA) had a very definitive policy with regard to allowable signage for towns which have been bypassed. Kerry County Council's Roads Enforcement Officer monitors the erection of unauthorised signage and is amenable to the temporary erection of signs which advertise occasions for the common good.

Cllr. Healy asked that a letter would be written to the NRA regarding this matter.

**10. Charge for 'water out' for domestic households**

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

That Kerry County Council asks the Minister for the Environment not to pursue a charge for *water out* in urban and rural areas to households that are connected to mains sewage.

**Ms. B Reidy said this is a matter for consideration by the members**

Cllr. M O'Shea said that it was an insult to ask householders to pay for water out when so much water is unaccounted for due to issues such as leakage. He said that it was an additional charge on people, many who were already in negative equity and in his opinion this charge should be deferred for many year.

Cllr. P O'Donoghue SECONDED the motion.

**12. New rules involving VAT returns.**

**Pursuant to notice duly given Cllr. J Healy Rae PROPOSED**

That Kerry County Council write to the Minister for Finance to ask why he has introduced new rules involving VAT returns as this is crippling small subcontractors, builders and the like.

**Ms. B Reidy said this is a matter for consideration by the members**

Cllr. D Healy Rae said that the requirement to file VAT returns to the Revenue Commissioners every two months was having a negative impact on small businesses.

Cllr. JJ Culloty supported the motion and said that small businesses were having huge difficulties in the current economic situation.

**13. Single Rural Dwellings/group houses constructed in County Kerry**

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

To ask the Housing Department how many single rural cottages/group houses were constructed in County Kerry in 2008/2009/2010/2011 and to date. How many

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properties were purchased during the same period to accommodate local authority tenants.

**The following report issued:**

The following table sets out the requested information.

	Number of Houses				
	2008	2009	2010	2011	2012 to date
Group Scheme Completions	93	45	52	0	0
Single Rural Dwellings Completed	6	4	8	4	0
House Purchases Completed	10	8	10	0	0
Part V Social Housing Purchases Completed	11	4	0	0	0
Unsold Affordable Housing transferred to Social Housing					10

Notice of Motion No. 32 was moved then by Cllr. B Cronin at this stage.

**14. Cutting of green areas in St. Stephens Park, An Cáisleán Mór and St. Johns Park, Castleisland.**

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

To ask for an update regarding the cutting of green areas in St. Stephens Park, An Cáisleán Mór and St. Johns Park, Castleisland. Has any progress been made with discussions held with the Residents Association and if not will Kerry County Council maintain and cut the green areas that they own.

**The following report issued:**

**Given the current financial climate we are not in a position to cut the green areas in housing estates. Our Estate Management Unit has worked diligently over the past number of years to encourage residents of Council Housing Estates to get involved in the general upkeep and appearance of public areas including green areas. The Council assists Residents' Associations with the provision of lawnmowers and storage facilities from the Estate Management Fund agreed as part of the budget process. Privately owned households in Local Authority estates are also encouraged to get involved in their community and work with the Residents' Association for the betterment of their area.**

**A meeting took place with the Residents' Association in St. Stephen's Park on Tuesday, 26th June last attended by the Director of Housing and the Tenancy**



**Liaison Officer. The Housing Department remains confident that the estates in Castleisland will work with us to improve the upkeep and maintenance of public areas as is the case in the majority of our housing estates.**

Cllr. B Cronin said that he raised this matter previously at a meeting of the Killarney Electoral Area Committee. He said that there was approximately 2.3 acres of green area in St. Stephens Park which is the property of Kerry County Council and while some residents maintain a section of the green area in front of their houses it was not acceptable that residents are expected to maintain in excess of 4 acres in the three estates. He PROPOSED that Kerry County Council take full responsibility for the green areas in St. Stephens Park, An Cáisleán Mór and St. Johns Park, Castleisland until the matter is resolved otherwise a deputation from the residents would be seeking approval to be received at the next meeting of the Killarney Electoral Area Committee.

Cllr. JJ Culloty SECONDED this proposal.

Cllr. D Healy Rae then moved Notice of Motion No. 21.

**21. Maintenance of the public green areas in estates by Local Authority Tenants and private residents.**

**Pursuant to notice duly given Cllr. D Healy Rae PROPOSED**

To ask Kerry County Council to explain how it could be fair to ask (a) Kerry County Council tenants in housing estates and (b) householders in the same estates who own their houses to mow and maintain the public green areas.

**Ms. B. Reidy informed the meeting that the reply to Notice of Motion No. 21 is the same as Notice of Motion No. 14.**

Cllr. D. Healy-Rae supported Cllr. Cronin's proposal and agreed that Kerry County Council should take responsibility for the maintenance of the green areas in the three estates until an acceptable solution is identified.

Mr. J Breen acknowledged the concerns of the members. He said that the Housing Department works very well with many residents groups and there is evidence that more is achieved in estates where residents take an interest and work with the Council on the upkeep of their estates.

Cllr. Cronin welcomed Kerry County Council's commitment and hoped that the matter would be resolved very soon.

**15. Reduction of excessive pensions paid to politicians & senior civil servants.**

**Pursuant to notice duly given Cllr. JJ Culloty PROPOSED**

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As a Referendum on Children's Rights is to be held in the Autumn, I ask this Council to call on the Government to, on the same date, hold a Referendum seeking to reduce the excessive pensions which are currently paid to politicians & senior civil servants.

### **Ms. B Reidy said this is a matter for consideration by the members**

Cllr. JJ Culloty said that it was unsustainable for the Government to continue paying the current rate of pensions. Many small business owners have not taken a wage out of the business in six months and people who are in receipt of exorbitant pensions should take cognisance of this.

Cllr. M O'Shea **SECONDED** the motion and said that this was an excellent motion. The Government should take serious steps to address this matter in the 2013 Budget.

The Mayor, Cllr. T O'Brien said that he would like "bankers" to be included in the Motion.

Cllr. M Gleeson asked that "Government Advisors" would also be included in the Motion as some of the people who contributed to the current economic problems in the country are in receipt of excessive pensions and the state has shown inability to deal with the matter.

## **16. Elimination of human trafficking**

### **Pursuant to notice duly given Cllr. M Gleeson PROPOSED**

That at Irish and European levels a concerted effort would be pursued seeking the elimination of the deplorable horror that is human trafficking and that any individuals arrested for such activity would be sentenced to severe and lengthy prison terms.

### **Ms. B Reidy said this is a matter for consideration by the members**

Cllr. Gleeson read the following statement into the record of the meeting.

"This Notice of Motion has been given an especially immediate relevance by the guilty verdicts in the enslavement court case in England last week. The case detailed how terrible cruelty can be ongoing under the guise of normality.

If a report from an international commission was to issue with findings that contained evidence of slavery in our country I believe that most of us would be both incredulous and horrified.

I know however of a business that closed by order because the foreign national employees had had their passports taken by the owner and they were trapped into a world of slave labour and great fear. Rest assured that other such examples exist sometimes behind the veneer of great sophistication.

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The most despicable type of human trafficking however must be that of the kidnapping of men and women, boys and girls for the purpose of sexual exploitations.

The E.U. have stated that every year tens of thousands of people are kidnapped and trafficked in the European Union. Some are used in organised begging and shoplifting but they are principally sold into the terrible and degrading subhuman life of prostitution, both male and female.

There is a story quietly told, a story most likely not apocryphal, of a cargo ship on the high seas that came under suspicion of carrying contraband. As the law enforcement ship approached a container was dumped overboard. It is believed that it contained huge cache of drugs. It also contained 17 ladies bound for enslavement as prostitutes.

Such is the savagery and endless cruelty of this most vile business.

It is indeed most sad that there are in Ireland seemingly respectable men, sometimes family men and respected citizens, who exploit degrade and humiliate these most vulnerable of people.

Last year there were 57 alleged victims of human trafficking reported to the Gardai. 13 of these were legally children. That you can rest assured is but a percentage of the real number.

It is time that any person found involved at any level in this most vile crime should be most severely punished.

It is incumbent upon the State to treat rescued victims with great fairness and not have them cruelly deported as undesirable aliens or asylum seekers.

It is imperative that Ireland would at the EU vigorously pressure and promote efforts to eradicate a great evil."

Cllr. G Wharton Slattery SECONDED the motion.

#### **17. Provision of a footpath from Holy Family Primary School to St. Josephs Church, Rathmore.**

#### **Pursuant to notice duly given Cllr. J Sheahan PROPOSED**

That Kerry County Council provide a footpath from Holy Family Primary School to St. Josephs Church, Rathmore in conjunction with the road overlaying being carried out by the NRA. Holy Family has a large number of young pupils and their safety is paramount.

**The following report issued:**

**This Notice of Motion was dealt with at the Killarney Electoral Area Meeting of April 2012.**

**Currently there is no funding available to provide a footpath along the Local Road L-7056 from Holy Family Primary School to its junction with the N72 National Secondary Road. However, the provision of a footpath along the N72 from the Local Road Junction to St. Joseph's Church is being examined as part of the design of traffic calming measures on the N72 National Secondary Route through the village.**

Cllr. J Sheahan said a footpath is required at this busy location. He hoped that it would be provided in conjunction with the proposed traffic calming measures.

**18. Utilisation of library buildings after hours for the benefit of adult education and youth services.**

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

That this Council consider in conjunction with Kerry Education Service the utilisation of library buildings after hours for the benefit of adult education and youth services. This to include for example personal career guidance and also a safe environment for young people to meet.

**The following report issued:**

**Kerry Library has liaised and worked with the Kerry Education Service on an ongoing basis over the past number of years. The library has facilitated writing master classes in Tralee and Killarney libraries and also supports KES student forums and various adult learning initiatives. Kerry Library has provided the Junior Cycle English reading list together with a wide range of stock in each library for the support of all students**

**Kerry County Council Library Service will explore the possibilities, in collaboration with KES of how library buildings could be used more productively after hours. The Kerry Library Service has libraries located in 9 towns around our county and are being utilised more than ever presently with over a half a million items loaned from our libraries last year. Our libraries are places of discovery, of insight, of learning, of relaxation and of lots of useful information. We are now beyond books and embrace all forms of publications from newspapers to DVDs and internet. Any opportunity to further enhance these services, within available resource constraints, will be explored.**

Notice of Motion No. 19 was moved by Cllr. J Finucane on behalf of Cllr. S Fitzgerald.

**19. Re-opening of the AEO Scheme**

**Pursuant to notice duly given Cllr. S Fitzgerald PROPOSED**

That Kerry County Council calls on the Minister for Agriculture to re-open the A.E.O. Scheme.

**Ms. B Reidy said this is a matter for consideration by the members.**

**20. Availability of school transport to the nearest available school.**

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

That Kerry County Council call on Bus Eireann and the Department of Education to reorganise the current school transport system in Kerry and ensure every child looking for school transport to their nearest available school is facilitated.

**Ms. B Reidy said this is a matter for consideration by the members.**

Cllr. Brassil said that he was aware of at least 20 students from the Ardfert and Abbeydorney areas who will be attending Causeway Comprehensive School in September as first time students and will not be facilitated with school transport while in some cases their siblings can avail of the school bus. He said that proper planning of routes would ensure that the existing system could cope with the situation. Cllr. Brassil said that when he contacted Bus Eireann he was advised that the issue should be referred to the Department of Education. The students have been told that they were in the catchment area of schools in Tralee but the schools in Tralee were over capacity and were not in a position to accept them. Cllr. Brassil said that he wanted this matter to be highlighted in advance of the beginning of the school year in September.

Cllr. D Healy Rae supported the motion.

Cllr. B. Cronin then moved Notice of Motion No. 22 on behalf of Cllr. Connor-Scarteen.

**22. Promotion of website [www.countykerry.ie](http://www.countykerry.ie)**

**Pursuant to notice duly given Cllr. P Connor Scarteen PROPOSED**

The web site [www.countykerry.ie](http://www.countykerry.ie) recently launched by the Kerry Economic Development Unit, a sub committee of Kerry County Development Board should be of great benefit to people wishing to move or visit Kerry and in attracting potential investors to the County. It is essential that it is promoted in as many locations as possible.

**Ms. B Reidy said this is a matter for consideration by the members**

**23. Funding to support a fully trained and equipped Fire Service in Castlegregory**

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

That Kerry County Council asks the Minister for the Environment to provide the necessary funding to support a fully trained and equipped Fire Service in

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Castlegregory. This area is some 30 to 40 minutes away from any emergency service. It has a widely dispersed rural population that is greatly augmented on weekends and through year round tourism.

**The following report issued:**

**Emergency calls (999/112 calls) in Kerry are routed to the Munster Regional Control Centre (MRCC) which mobilises the most appropriate located Retained Fire Brigade unit to deal with the incident (call out).**

**The Control Centre has never called or mobilised any volunteer squad to deal with an incident in the Castlegregory area.**

**Kerry County Fire Service has detailed records of all incidents they attended throughout the County. In 2010, the Fire Service in Kerry attended 1578 callouts. On average, Kerry County Fire Service is called to the Castlegregory, Maharees, Cloghane, Brandon area about 3 times a year. It should be noted that even one of our least busy Brigades (Cahersiveen) attended 57 callouts in 2010 alone, an area which has a widely dispersed rural population that is greatly augmented on weekends and through year round tourism. So the level of callouts based on historical data for the Castlegregory area would therefore not tend to support a call for a retained fire station.**

**It is clearly very desirable that the volunteerism and community spirit of the Volunteer Units be retained for the benefit of their communities. It has been suggested that one way to do this would be to set up a retained brigade in Castlegregory. However this is not feasible in present circumstances, given the financial requirements to upgrade equipment and to pay training and wage costs. Department funding for the capital elements would also be required and this would not be considered in the current financial climate.**

**Kerry County Fire Service would also like to reiterate the Minister's message on the matter that the most effective measure in protecting lives is having proper smoke alarms in every dwelling. National & international experience says "working smoke alarms save lives". The Department of Environment & Northern Ireland Fire Service have worked hard over the past number of years to promote this message which has also been supported for many years by building regulations which require that every premises is fitted with a smoke alarm.**

**In this regard, Kerry County Council, in conjunction with the Department of Environment have operated a free smoke alarm installation scheme through the Community Enterprise Section for a number of years.**

**Cllr. M. O'Shea said if the Castlegregory Fire Service only save one life it would be worth it. He requested that the motion would be referred to the Department for consideration.**

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Cllr. G Wharton Slattery supported the motion and said there is a considerable number of mobile homes in the Castlegregory area and because of the distance from the emergency services, the retention of a Fire Station was important for the area.

## **24. Introduction of Saorview**

### **Pursuant to notice duly given Cllr. J Healy Rae PROPOSED**

Can Kerry County Council write to the Minister for Communications, Energy and Natural Resources and RTE regarding the introduction of Saorview. It is my understanding that areas in Kerry that currently have poor television reception will fair out worse when Saorview is fully introduced and it will cost these people an extra €400 to get any reception. The full introduction of Saorview should be delayed until this is sorted out.

### **Ms. B Reidy said this is a matter for consideration by the members**

Cllr. J Healy Rae said that 2% of the country will not be covered by Saorview. Areas in Kerry such as the Inny Valley and parts of Kenmare will not be covered. He said that householders had two choices:

(option 1) pay €400 for to install SAORSAT satellite television service put in place to deliver Irish television services to the 2% of homes that are not covered by the SAORVIEW. Cllr. Healy Rae said that this would be impossible to keep in focus and TV 3 will not be available.

(Option 2) Connect to Sky, which costs approximately €22 per month. He asked that the matter would be referred to the Minister Communications, Energy and Natural Resources and that it would be pointed out that County Kerry is one of the areas worst affected and that the Minister be requested to consider that his Department would agree to pay the initial €400 subscription for Saorsat.

Cllr. D Healy Rae SECONDED the motion.

## **25. Update on 2011 Tenant Purchase Scheme.**

### **Pursuant to notice duly given Cllr. M Cahill PROPOSED**

To ask Kerry County Council how many applications were received under the 2011 Tenant Purchase Scheme, how many have been approved to date, refused, withdrawn and are ongoing and what is the average processing time for each application.

### **The following report issued:**

**From 1st January, 2011 to date, 174 tenant purchase applications have been received. 151 of these applications were received in 2011, the majority of which**

would be eligible for consideration under the 2011 Fixed Term Tenant Purchase Scheme for long-standing tenants.

Approximately 155 valuations have been carried out to date and the net sale price notified to qualifying tenants. The only reasons that we would not proceed to issue a purchase price would be if the application was for an exempted property under the scheme such as a 1 or 2 bedroomed house or if arrears were due on the customers rent account (in this instance the customer would be informed that the price has been calculated and that same would issue when the account is brought up to date) or if the valuation fee of €200 had not been paid. In exceptional circumstances we may also refuse to proceed with a sale on estate management grounds.

A total of 32 houses were sold in 2011, i.e. 27 houses under the 2011 Scheme and 5 under the 1995 Tenant Purchase Scheme. 6 houses have been sold to date in 2012 – 2 under the 1995 scheme and 4 under the 2011 scheme.

The 2011 scheme provided for a maximum discount of 45% on market price, based on 3% discount for each year of tenancy up to 15 years. Applications from eligible tenants were required to have been made by 31st December 2011 in accordance with the relevant regulations. Therefore, no further applications are currently being accepted under this scheme. However existing qualifying applicants who have not as yet proceeded with the purchase have until the end of this year to complete the sale based on the net purchase price offered in accordance with the terms of the 2011 Scheme.

The DECLG has informed all Local Authorities of its intention to terminate the 1995 Tenant Purchase Scheme and to replace it with an alternative discounted scheme for the sale of dwellings to existing tenants. It is envisaged that this new scheme will be in place from 1st July 2013 and is subject to the necessary legislation being in place. Tenants have recently been advised that the closing date for receipt of applications under the 1995 Tenant Purchase Scheme has been extended to 31st December 2012 and all sales under the scheme must be finalized by 30th June 2013.

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

26. Provision of proper traffic calming measures and a pedestrian crossing in Firies village.

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



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To request that proper traffic calming measures be put in place on the Farranfore approach to Firies Village, to incorporate a proper pedestrian crossing and to slow down traffic, particularly at the junction to the school/Church and to Gowlane, as we previously requested in deputation.

**The following report issued:**

**This matter was the subject of a Notice of Motion at the September 2011 Killarney Electoral Area Meeting and also a deputation was received at the same meeting on this.**

**Additional works requested at that meeting such as the erection of additional signage and the removal of a tree to improve visibility have been carried out. The pedestrian crossing as constructed at this location has been examined in conjunction with the National Roads Authority's Regional Safety Engineer. Consideration has been taken of it's location at the outskirts of Firies, it's proximity to the school, Church and housing development which it is serving, the volume of traffic on the road and the number of pedestrians served. The crossing as provided is deemed to be the best and safest for the purpose served. The issue of speeding through the village, which is a matter for the Gardaí, will be discussed with them at our next collision prevention meeting, as well as a review of the general concerns that are being raised about this location.**

Cllr. B Cronin said that a deputation received at the September meeting of the Killarney Electoral Area Committee had understood that a review of the traffic calming measures in the village would be carried out. The location of the pedestrian crossing should be examined due to the number of children attending the school and elderly people who attend the Community Centre.

Cllr. D Healy Rae supported the motion.

Cllr. J Sheahan also supported the motion and said that traffic calming on both sides of the village was needed as there was a problem with vehicles being driven at speed through the village.

Mr. G McNamara said that the issue of speeding traffic through the village would be referred to the Gardaí.

## **27. Recognition of the work done by the Registers/Caretakers in cemeteries**

**Pursuant to notice duly given Cllr. JJ Culloty PROPOSED**

That this Council recognise the work done by the Registers/Caretakers in our cemeteries who are on 24 hour call and only receive a part-time salary.

**The following report issued:**

**Kerry County Council recognises and is highly appreciative of the work done by Burial Ground Registrars and Caretakers. Their ongoing outstanding service**

**in this sensitive area is invaluable as, in many cases; they provide the vital information link from one generation to another.**

**The Council is bound by the national agreements in place which prohibit any variation in the level of remuneration currently payable.**

Cllr. JJ Culloty welcomed this reply.

**28. Maintenance and preservation of Ballybunion Castle**

**Pursuant to notice duly given Cllrs. R Beasley & T Ferris PROPOSED**

That Kerry County Council writes to the Department of Arts, Heritage and Gaeltacht asking them to take over responsibility for the maintenance and preservation of Ballybunion Castle under the National Monument Act 1930 and Amended National Monument Act 1950.

**Ms. B Reidy said this is a matter for consideration by the members.**

**29. Distinction between customers whose water supply is cut off for non payment and those who request a temporary disconnection when applying the Network Management Charge and reconnection fee.**

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

To ask Kerry County Council to stop pressurising customers who ask for their water meter to be temporarily disconnected into paying the infrastructural quarterly charge - stating that they will have to pay the full reconnection charge, surely there should be a distinction between those who are cut off for non payment and those who have always always paid up and just want to be temporarily cut off.

**The following report issued:**

**A small fixed charge applies on any Water or Waste Water connection that is not solely a domestic connection. This is for the purpose of recovering some contribution towards expenditure on the network and is in accordance with the National Water Pricing Policy Framework. This charge is known as a “Network Management Charge” and amounts to €26.25 per quarter for Water and €22.00 per quarter for Waste Water. These charges are fixed as part of the budgetary process.**

**A water reconnection charge arises where a customer who has had a connection previously, requested that it be disconnected and wishes that it be connected again or where a non-domestic customer has failed to pay his/her water charges and the supply was disconnected. So, in effect a reconnection is a customer driven event. A reconnection involves two interventions by our maintenance staff viz the disconnection and the reconnection. These actions incur such expenditure as labour costs, travel costs, parts, equipment, and**

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**machine hire in many instances. The level of charge is reasonable given all the costs involved. The reconnection fee will always need to be paid in full prior to a reconnection of a water supply. The Water reconnection fee for 2012 is € 1,100.00. This charge has not increased in the past 3 years. Any consideration of revision of procedure in this area will be reviewed as part of the Budget 2013 process.**

Cllr. D Healy Rae said that customers who always paid water charges should not be charged €1,100 for a temporary disconnection.

Cllr. B Cronin **SECONDED** the motion and said that the charge for a disconnection of service with the ESB was approximately €80 - €90 and if the charge was not reduced by Kerry County Council immediately, the members would seek to reduce it when considering the 2013 budget.

Ms. A McAllen A/Head of Finance said that there were 10, 000 commercial customers on Kerry Council's water charges data base. 47 disconnections were carried out last year at properties where the customer refused to pay or engage with the Revenue Department.

She said that if a decision is made by the owner of a commercial property that the water should be cut off in order to save the Network Management Charge and subsequently finds a tenant and applies for a reconnection of the water supply, the Council must try to recover the costs.

Ms. McAllen said that this issue would be examined in Budget 2013 in the context of long term vacant properties.

Cllr. PJ Donovan said that he was aware of a property where a water meter had been installed where the owner has his own well and had received a bill for €26 Network Management Charges.

Mr. McAllen invited Cllr. Donovan to contact her regarding this case.

Cllr.D Healy Rae said that he considered €1,100 reconnection fee to be excessive.

Cllr. J. Finucane moved Notice of Motion No. 30 on behalf of Cllrs. Connor-Scarteen and Fitzgerald.

**30. Assistance for Rural Alliance in their endeavours to empower Rural Communities to achieve growth and Sustainability.**

**Pursuant to notice duly given Cllrs. P Connor Scarteen/S Fitzgerald PROPOSED**

That Kerry County Council do their utmost to assist the Rural Alliance in their endeavours to empower Rural Communities to achieve growth and Sustainability.

**Ms. B Reidy said this is a matter for consideration by the members.**

### **32. Update on the Long-Term Lease Scheme**

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

That Kerry County Council give an update on the Long-Term Lease Scheme and how many properties have been secured under this Scheme to date

#### **The following report issued:**

**The Social Housing Leasing Initiative is still at a very early stage in Kerry County Council. However, significant progress has been made over the past few months in terms of developing procedures, reviewing older deferred applications, promoting the Scheme and reviewing the housing lists to establish demand.**

**The first two leases have been executed in respect of 2 no. apartment units at Killeen, Killorglin and a draft lease has issued in respect of 3 other units as follows: 3 bed semidetached houses in (i) Abbeydorney Village (The Cloisters); (ii) Firies Village (Cúil An Bharaigh) & (iii) Kenmare Town, (Oakwood Manor).**

**The total number of further applications currently on hand is 14 no. Eight of these applications are at an advanced stage with planning compliance and demand confirmed inspection of the property and technical surveys completed and the agreed rent negotiated. Certain improvement works have been identified during the course of the technical surveys undertaken and on completion of these works a further and final inspection of the properties will be undertaken, following which the draft leases will issue. The remaining six applications on-hand has been received in the past week and the relevant procedures to progress the applications have been initiated.**

**In addition to the 19 no applications being proceeded with, i.e. 2 no leases signed, 3 no draft leases issued and 14 no applications on-hand, a further 17 no applications (i.e. new applications as distinct from the older applications) have also been received. However, because of such issues as : planning compliance; no demand in the area; properties not in accordance with the prescribed standards for private rented accommodation (minimum C3 BER required); leases cannot be pursued in relation to 16 of these applications. These applications have now been closed and the property owners notified accordingly. The 17th application is currently deferred pending the receipt of further information.**

**The breakdown of the 14 no open applications and the deferred application on an area basis is as follows:**

**Tralee Electoral Area: 2 no units (Abbeydorney Village)**

**Killorglin Electoral Area: 3 no units: (Killorglin Town: 1 no. unit; Kenmare Town 1 no. unit; Valentia Island: 1 no. unit)**

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**Killarney Electoral Area: 3 no units (Firies Village: 2 units & Rathmore Village; 1 unit – deferred application)**

**Dingle Electoral Area: 4 no units (1 no in Dingle Town; 1 no. in Ballyferriter; 1 no. In Minard; 1 no. in Castlemaine Village).**

**Tralee Electoral Area: 1 no unit (Tralee Rural)**

**Listowel Electoral Area: 1 no unit (Lixnaw Village)**

**Kerry County Council is committed to promoting this very important social housing initiative and would very much welcome any assistance the Councillors may be in a position to provide in terms of sourcing suitable and available properties particularly in the larger towns.**

**Properties in the rural areas may also be suitable, particularly as an alternative to single rural house applications on hand where difficulties with planning and other issues have/are being experienced.**

**We are also presently liaising with the Kerry Branch of the Construction Industry Federation with a view to jointly identifying suitable properties for leasing in areas where we have a housing demand.**

**33. Request funding for hardship and emergency cases in Kerry.**

**Pursuant to notice duly given Cllrs. J Finucane/J Sheahan PROPOSED**

That Kerry County Council write to the Minister for Transport, Mr. Leo Varadkar requesting that funding be made available for hardship and emergency cases in County Kerry.

**Ms. B Reidy said this is a matter for consideration by the members**

Cllr. J Sheahan asked if a reply was received from the Minister for Transport to a previous letter requesting a meeting with him to discuss the discontinuation of funding for Local Improvement Scheme (LIS). If no reply had been received Cllr. Sheahan asked that reference would be made to this request.

#### **16.07.12.17 Conferences and Seminars**

(a) On the PROPOSAL of Cllr. B Cronin SECONDED by Cllr. G Wharton Slattery it was agreed to authorise the attendance of Cllrs. B O'Connell, M Griffin, N Foley, & P O'Donoghue at the Elected Members Training Seminar on the theme "Local Government Auditing" to be held in the Kingsvalley Hotel, Merlin Park, Dublin Road, Galway from 03/08/2012 – 04/08/2012.

(b) On the PROPOSAL of Cllr. B Cronin SECONDED by Cllr. PJ Donovan it was agreed to authorise the attendance of M Griffin & P O'Donoghue at the Elected

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Members Training Seminar on the theme of “Personal Insolvency Bill 2012” to be held in Manor West Hotel, Killarney Road , Tralee from 10/08/2012 – 11/08/2012 .

- (c) On the PROPOSAL of Cllr. PJ Donovan SECONDED by Cllr. J Sheahan it was agreed to authorise the attendance of Cllrs. B O’Connell, J Sheahan, M Griffin, J Brassil & D Healy Rae at the Elected Members Training Seminar on the theme of “Freedom of Information” to be held in The Kingsvalley Hotel, Merlin Park, Dublin Road, Galway from 17/08/2012 – 18/08/2012.
- (d) On the PROPOSAL of Cllr. G Wharton Slattery SECONDED by Cllr. B Cronin it was agreed to authorise the attendance of Cllrs. B O’Connell & P McCarthy at the Regional Economic Conference on the theme of “Framing the Technological University” – what it can be, do, deliver and command” to be held in the Department of the Environment, Community & Local Government Carricklawn, Wexford on 31/08/2012.
- (e) On the PROPOSAL of Cllr. PJ Donovan SECONDED by Cllr. G Wharton Slattery it was agreed to authorise the attendance of Cllrs. B O’Connell, J Sheahan, J Brassil, P O’Donoghue, B Cronin, JJ Culloty, G Wharton Slattery & M O’Shea at the AMAI Conference on the theme of “AMAI Centenary Annual Conference” to be held in the Shearwater Hotel, Ballinasloe, Galway on 12/09/2012.
- (f) On the PROPOSAL of Cllr. JJ Culloty SECONDED by Cllr. T O’Brien it was agreed to authorise the attendance of Cllrs. M Gleeson, M Griffin & P McCarthy at the 8<sup>th</sup> Annual Environment Ireland Conference 2012 on the theme “The Environment and the Economy” to be held in Croke Park, Dublin on 13/09/2012.
- (g) On the PROPOSAL of Cllr. B Cronin SECONDED by Cllr. JJ Culloty it was agreed to authorise the attendance of Cllrs. B O’Connell, B Moynihan Cronin, N Foley, P McCarthy, J Finucane at the LAMA Autumn Seminar 2012 to be held in the Mount Errigal Hotel, Letterkenny, Donegal from 28/09/2012 – 29/09/2012.

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

### **16.07.12.18 Correspondence General**

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

1.	Letter dated 14 <sup>th</sup> June, 2012 from Deputy Michael Healy-Rae in relation to the development of a dedicated stroke unit for Kerry.
2.	Email dated 15 <sup>th</sup> June, 2012 on behalf of the Minister for Jobs, Enterprise and Innovation regarding a Europe wide minimum wage.
3.	Letter dated 18 <sup>th</sup> June, 2012 from the Minister for Health in relation to water fluoridation.
4.	Letter dated 20 <sup>th</sup> June, 2012 from the Department of Arts, Heritage and the Gaeltacht regarding a number of alleged mis-spelt place names in Irish on signage in Kerry.

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5.	Email dated 21 <sup>st</sup> June, 2012 on behalf of the Minister for Education and Skills in relation to the Report of the Advisory Group to the Forum on Patronage and Pluralism in the Primary Sector.
6.	Email dated 28 <sup>th</sup> June, 2012 from the Office of the Minister for State for Housing and Planning in relation to the Rental Accommodation Scheme.
7.	Letter dated 29 <sup>th</sup> June, 2012 from the Department of Arts, Heritage and the Gaeltacht in relation to the control of deer.
8.	Letter dated 4 <sup>th</sup> July, 2012 from the NRA regarding funding for the Ring of Kerry.
9.	Letter dated 9 <sup>th</sup> July, 2012 from the Office of the Minister for Transport regarding modified vehicles.
10.	Letter dated 9 <sup>th</sup> July, 2012 from the Office of the Minister for Health in relation to private health insurance.
11.	Email dated 11 <sup>th</sup> July, 2012 from the Office of the Minister for Justice, Equality and Defence in relation to the closure of rural Garda Stations.
12.	Letter dated 13 <sup>th</sup> June, 2012 from Galway City Council in relation to resolutions adopted by that authority in relation to (1) the charging of households for the cost of fitting water meters and (2) condemning the decision to establish Irish Water without proper consultation.
13.	Letter dated 14 <sup>th</sup> June, 2012 from Mayo County Council in relation to a resolution adopted by that authority in relation to the introduction of legislation prohibiting the receipt of a second state, semi-state or EU pension by one individual.
14.	Letter dated 29 <sup>th</sup> June, 2012 from Leitrim County Council in relation to a resolution adopted by that authority regarding travel passes for children under 16 with disabilities.
15.	Letter dated 29 <sup>th</sup> June, 2012 from Leitrim County Council in relation to a resolution adopted by that authority calling on the Government to introduce legislation criminalising the purchase of sex in Ireland.
16.	Letter dated 2 <sup>nd</sup> July, 2012 from Galway County Council in relation to a resolution adopted by that authority calling on the Government to disband the NPWS and to replace it with a new Environmental Body.
17.	Copy of letter issued by Clare County Council to Minister Hogan T.D. regarding a resolution adopted by that authority calling on the Minister to make a special allowance for the non-commercial sporting and voluntary sector in relation to water rates.
18.	Letter dated 5 <sup>th</sup> July, 2012 from South Tipperary County Council in relation to a resolution adopted by that authority calling on the Government to publish the National Positive Ageing Strategy.
19.	Letter dated 5 <sup>th</sup> July, 2012 from Limerick County Council in relation to a resolution adopted by that authority calling on the Minister for Justice and Equality not to close any more rural Garda Stations.

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20.	Letter dated 5 <sup>th</sup> July, 2012 from Dublin City Council regarding a resolution adopted by that authority calling for the release of Marian Price.
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### **Votes of Sympathy**

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

- (a) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Paudie O'Leary.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Hannie Hegarty.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Neil Daly.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Roddy O'Donoghue.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jeremiah O'Leary.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Gerry Collins.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael Wynne.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kathleen Lucey.

**Beth Reidy**  
**A/Meetings Administrator**

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**Mayor of Kerry**